



Legislation Text

File #: 151340, Version: 0

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THE CHAIR

Resolution to authorize up to \$5 million dollars of contingent borrowing to fund settlement of the claims raised by the plaintiffs in litigation entitled *Ashford, et al. v. City of Milwaukee, et al.* and related lawsuits, and the related claims of claimants in certain matter not filed in court referred to herein as the Strip Search and Body Cavity Search cases.

Common Council Resolution File Number 151339, adopted January _____, 2016 authorizes settlement of claims raised by the plaintiffs in lawsuits entitled *Ashford, et al. v. City of Milwaukee, et al.*; *R.M. v. City of Milwaukee, et al.*; *D.J.B., et al. v. City of Milwaukee, et al.*; *Biarni, et al. v. City of Milwaukee, et al.*; *Caine v. City of Milwaukee, et al.*; *Collier v. City of Milwaukee, et al.*; *Dotson v. City of Milwaukee, et al.*; *Freeman v. City of Milwaukee, et al.*; *Gibson v. City of Milwaukee, et al.*; *Hoskin v. City of Milwaukee, et al.*; *Lawrence v. City of Milwaukee, et al.*; *Mann v. City of Milwaukee, et al.*; *Mukes v. City of Milwaukee, et al.*; *Phillips v. City of Milwaukee, et al.*; *R.S., et al. v. City of Milwaukee, et al.*; *Ragland v. City of Milwaukee, et al.*; *Wright v. City of Milwaukee, et al.*; and unfiled claims asserted by: Jeremiah Chappel; Daniel Corder; Damon Evans; Rodney Grandberry; Cortland Love; Christian McGinnis Justin Mosby; and, Brian Patterson, referred to herein as the Strip Search and Body Cavity Search cases. This resolution authorizes contingent borrowing up to \$5 million to fund this settlement.

Whereas, Common Council File Number 151339 adopted on January __, 2016, authorized settlement of the Strip Search and Body Cavity Search Cases referenced above; and

Whereas, The agreed \$5 million dollar settlement amount exceeds the available balance in the Damages and Claims Fund Special Purpose Account (001-1490-S118-006300); and

Whereas, The 2015 Budget of the City of Milwaukee authorized \$200,000,000 of Contingent Borrowing for purposes not contemplated at the time the budget was adopted; and

Whereas, Resolution File Number 141362 authorized the issuance of general obligation promissory notes for various public purposes, including Contingent Borrowing as may be authorized from time to time; and

Whereas, The City desires to use \$5 million dollars of Contingent Borrowing to fund settlement of the above-noted claims raised by plaintiffs/claimants; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that up to \$5,000,000.00 of Contingent Borrowing for Damages and Claims is authorized to be issued and the proceeds used to fund settlement of the claims raised by the plaintiffs/claimants in the lawsuits; and, be it

Further Resolved, That the debt may be issued as Notes pursuant to Resolution Number 141362 (including commercial paper notes), and that such debt shall be a purpose of Contingent Borrowing - Unallocated in Exhibit A of the resolution, including refunding of commercial paper if the debt is temporarily issued as

commercial paper; and, be it

Further Resolved, That the proper City officers are authorized to make necessary transfers to the appropriate accounts or fund to dispense the settlement amount.

Budget and Management Division

.Drafter

MRH:mrh

December 15, 2015

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