Legislation Details (With Text)

File #:	071691 **Version:** 0		
Type:	Resolution	**Status:**	Passed
File created:	4/9/2008	**In control:**	FINANCE & PERSONNEL COMMITTEE
On agenda:		**Final action:**	5/20/2008
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Title:	Resolution relating to the expenditure of capital funds to be reimbursed by greater than anticipated Revenue in the amount of $200,000 received from a court settlement by the Department of Public Works, Infrastructure Services Division, Environmental Section.		
Sponsors:	ALD. KOVAC, ALD. COGGS		
Indexes:	LITIGATION, REIMBURSABLE SERVICES, STREET IMPROVEMENTS, SUITS SETTLEMENT		
Attachments:	1. Hearing notice list, 2. Infrastructure Services Division Cover Letter, 3. Comptroller's Signed Resolution		

Date	Ver.	Action By	Action	Result	Tally
4/9/2008	0	COMMON COUNCIL	ASSIGNED TO		
5/5/2008	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
5/15/2008	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/19/2008	0	CITY CLERK	Sponsor added		
5/20/2008	0	COMMON COUNCIL	ADOPTED	Pass	13:0
5/30/2008	0	MAYOR	SIGNED		

071691
ORIGINAL
ALD. KOVAC AND COGGS
Resolution relating to the expenditure of capital funds to be reimbursed by greater than anticipated Revenue in the amount of $200,000 received from a court settlement by the Department of Public Works, Infrastructure Services Division, Environmental Section.
The resolution authorizes supplemental appropriations for Sewer Maintenance Capital with funds of $200,000 received through a settlement with CNA Insurance Company, regarding the City's claims against Terra Engineering and Camp, Dresser & McKee in City of Milwaukee v. Terra Engineering & Construction Corporation, et al, Milwaukee County Circuit Court Case No. 06-CV-001133.
Whereas, Section 34-91 of the Milwaukee Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater that anticipated revenues; and

Whereas, The Department of Public Works, Infrastructure Services Division, Environmental Section received $200,000 in unanticipated revenue from CNA Insurance Company in fiscal year 2008; and

Whereas, The payment resulted from a settlement with CNA Insurance Company regarding City of Milwaukee v. Terra Engineering & Construction Corporation, et al, Milwaukee County Circuit Court Case No. 06-CV-001133; and

Whereas, The settlement from CNA insurance is a compromise of disputed issues regarding alleged failures in the performance of contracts for riverbank stabilization in the Milwaukee River following the partial removal of the North Avenue Dam; and

Whereas, This receipt results in revenue of $200,000 higher than the estimate for Sewer Maintenance Capital revenue included in the adopted 2008 City budget; and

Whereas, The Comptroller has certified below that greater than anticipated revenue has been realized from CNA Insurance Company with respect to the settlement of the City's claims against Terra Engineering and Camp, Dresser & McKee in City of Milwaukee v. Terra Engineering & Construction Corporation, et al, Milwaukee County Circuit Court Case No. 06-CV-001133 in the amount of $200,000, pursuant to s. 304-91,

City Comptroller Certification

Pursuant to s.304-91, I hereby certify that $200,000 from CNA Insurance Company was realized on or before March 5, 2008, and is to be expended only for the purposes specified in this resolution.

_____ ___ _____

W. Martin Morics, Comptroller Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Comptroller is hereby authorized and directed to increase appropriations in the amount of $200,000 in the capital program account (006300-0491-6831-0001-R999-0000-SM498080000) and increase estimated revenues by $200,000 in the revenue account (009870-0491-6831-0001-R999-0000) of the Department of Public Works, Infrastructure Services Division, Environmental Section; and, be it

Further Resolved, That the Department of Public Works, Infrastructure Services Division, Environmental Section is authorized to conduct engineering studies, which are NonAssessable by City Charter, to determine the extent of the remediation necessary in the area of the North Avenue Dam to meet the requirements established by Wisconsin Department of Natural Resources. The costs of the engineering studies are estimated to be $200,000 and are to be accounted for utilizing project SM498080100. The total costs of the project have yet to be determined; and, be it

Further Resolved, That the Comptroller is authorized and directed to establish the necessary accounts and accounting procedures to carry out the intent of this resolution.
Department of Public Works
Infrastructure Services Division
Environmental Section
MWJ:sdp
03/25/08