



Legislation Details (With Text)

**File #:** 200851      **Version:** 0  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/13/2020      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 11/4/2020  
**Effective date:**

**Title:** Resolution to authorize up to \$4,000,000.00 of contingent borrowing to fund settlement of the claims raised by the plaintiff Estate of Sylville K. Smith, Mildred Haynes, and Patrick Smith, in the lawsuit entitled Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al., Case No. 17-CV-862-LA.

**Sponsors:** THE CHAIR

**Indexes:** POLICE DEPARTMENT, SUITS SETTLEMENT

**Attachments:** 1. Letter to Common Council, 2. Fiscal Impact Statement, 3. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/13/2020	0	COMMON COUNCIL	ASSIGNED TO		
10/28/2020	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/4/2020	0	COMMON COUNCIL	ADOPTED	Pass	14:1
11/6/2020	0	MAYOR	SIGNED		

200851  
ORIGINAL

THE CHAIR

Resolution to authorize up to \$4,000,000.00 of contingent borrowing to fund settlement of the claims raised by the plaintiff Estate of Sylville K. Smith, Mildred Haynes, and Patrick Smith, in the lawsuit entitled *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case No. 17-CV-862-LA.

Common Council File Number 200850 authorizes the settlement of claims against the City of Milwaukee and its police officer in the lawsuit entitled *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case No. 17-CV-862-LA. The City will fund the settlement using Contingent Borrowing.

Whereas, Common Council File Number 200850 authorizes the settlement of claims against the City of Milwaukee and its police officer in the lawsuit entitled *Estate of Sylville K. Smith, et al. v. City of Milwaukee, et al.*, Case No. 17-CV-862-LA; and

Whereas, the agreed-upon \$4,000,000.00 settlement amount exceeds the available balance in the Damages and Claims Fund Special Purpose Account (001-1490-S118-006300); and

Whereas, the 2020 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 191403 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 up to \$4,000,000.00 dollars of Contingent Borrowing to fund settlement of the above-noted lawsuit; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that up to \$4,000,000.00 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 plaintiff in the lawsuit; and be it

Further Resolved, That the debt may be issued as Notes pursuant to Resolution Number 191403 (including direct loan notes), and that such debt shall be a purpose of Contingent Borrowing - Unallocated in Exhibit A of the resolution, including refunding of direct loan notes if the debt is temporarily issued as direct loan notes; and be it

Further Resolved, That the direct loan notes may be issued by the Comptroller without approval of the Public Debt Commission; and be it

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

Budget and Management Division

City Attorney

NEG

October 9, 2020

1032-2017-1371/271550