



## Legislation Details (With Text)

<b>File #:</b>	45098	<b>Version:</b>	1	<b>Name:</b>	City to Reimburse legal fees to Gregg McManners, as Allowed Under Sec. 62.09(7)(e), Wis. Stats.
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	11/10/2016	<b>In control:</b>			BOARD OF ESTIMATES (ended 4/2017)
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>			12/6/2016
<b>Enactment date:</b>	12/9/2016	<b>Enactment #:</b>			RES-16-00892
<b>Title:</b>	A Resolution Authorizing the City to Reimburse legal fees to Gregg McManners, as Allowed Under Sec. 62.09(7)(e), Wis. Stats; and, appropriate \$13,080 from the Contingent Reserve to Direct Appropriations.				
<b>Sponsors:</b>	Paul R. Soglin				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
12/6/2016	1	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
11/28/2016	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
11/22/2016	1	COMMON COUNCIL	Refer	Pass
11/10/2016	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

The proposed resolution provides authorization to reimburse Gregg McManners for legal fees associated with a complaint before the City of Madison Ethics Board. The estimated cost is \$13,080. The funds will be appropriated from the 2016 Contingent Reserve. If adopted, the remaining balance in the 2016 Contingent Reserve will be \$495,357.

### Title

A Resolution Authorizing the City to Reimburse legal fees to Gregg McManners, as Allowed Under Sec. 62.09 (7)(e), Wis. Stats; and, appropriate \$13,080 from the Contingent Reserve to Direct Appropriations.

### Body

WHEREAS, Monona Terrace Executive Director Gregg McManners was named in his official capacity, in a complaint filed with the City of Madison Ethics Board; and,

WHEREAS, the City Attorney could not represent Mr. McManners before the Ethics Board; and

WHEREAS, sec. 62.09(7)(e), Wis. Stats., provides as follows:

Whenever a city official in that official's official capacity is proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his or her official position, or because of some act arising out of the performance of that official's official duties, and that official has prevailed in such proceeding, or the council has ordered the proceeding discontinued, the council may provide for payment to such official such sum as it sees fit, to reimburse the official for the expenses reasonably incurred for costs and attorney fees.

WHEREAS, pursuant to sec. 62.09(7)(e), Wis. Stats, Mr. McManners is to retain his own attorney, and the Common Council is given the discretion to reimburse the reasonable costs of the defense of Mr. McManners, if Mr. McManners has prevailed in the proceedings; and

WHEREAS, Mr. McManners engaged Quarles and Brady to represent him in this matter; and

WHEREAS, on October 25 the Ethics Board dismissed the complaint for lack of jurisdiction; and

WHEREAS, because Mr. McManners has prevailed in the proceedings before the Ethics Board, he is now seeking reimbursement of his costs and fees for the legal representation; and

WHEREAS, Mr. McManners has paid \$13,080 to Quarles and Brady for costs and attorney fees related to this matter

NOW THEREFORE be it Resolved, that pursuant to sec. 62.09(7)(e), Wis. Stats, the Common Council authorizes the Mayor and Finance Director to reimburse Mr. McManners in the amount of \$13,080, for his costs and attorney fees in this matter.

BE IT NOW FURTHER RESOLVED, that \$13,080 is appropriated from the Contingent Reserve to Direct Appropriation-Legal Services.