



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 46571

File ID: 46571

File Type: Resolution

Status: Unfinished
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

File Created Date : 03/16/2017

File Name:

Final Action:

Title: Authorizing the City to reimburse legal fees to Chief Michael C. Koval, as allowed under Sec 62.09(7)(e), Wis. Stats., and, amending the 2017 Adopted Operating Budget to appropriate \$21,953 from the Contingent Reserve to Direct Appropriations.

Notes:

Sponsors: Paul R. Soglin and Paul E. Skidmore

Effective Date:

Attachments: CA May Memo on Reimbursement of Chief Koval's PFC fees 03222017.pdf, 4/13/17 City Attorney: Supplemental Memo on Koval Fees.pdf, Attachments to CA May memo on reimbursement of costs 03222017 .pdf, Koval Billing Summary.pdf, Decision and Order.final.conformed.pdf, 4/20/17 PFC_Letter_CCPresident.pdf, 4/25/17 PFC Response to Common Council.pdf, 4/28/17 CA May Second Supplemental Memo: Koval Fees with Calculations.pdf

Enactment Number:

Author:

Hearing Date:

Entered by: tgenin@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1	03/16/2017	Laura Larsen	Approve

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Police Department	03/16/2017	Referred for Introduction				
	Action Text:	This Resolution was Referred for Introduction					
	Notes:	Board of Estimates					

1	COMMON COUNCIL	03/21/2017	Refer	BOARD OF ESTIMATES	03/27/2017	Pass
	Action Text:	A motion was made by Verveer, seconded by Rummel, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.				
	Notes:					
1	BOARD OF ESTIMATES	03/27/2017	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER			Pass
	Action Text:	A motion was made by Rummel, seconded by Harrington-McKinney, to RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER. The motion passed by the following vote:				
		Absent: 2 Sara Eskrich and Paul R. Soglin				
		Ayes: 4 Michael E. Verveer; Zach Wood; Barbara Harrington-McKinney and Maurice S. Cheeks				
		Noes: 1 Marsha A. Rummel				
1	COMMON COUNCIL	04/18/2017	Adopt - 15 Votes Required			
	Action Text:	A motion was made by Baldeh, seconded by Bidar-Sielaff, to Adopt - 15 Votes Required.				
1	COMMON COUNCIL	04/18/2017	Refer to a future Meeting to Adopt	COMMON COUNCIL		Pass
	Action Text:	A motion was made by Kemble, seconded by Baldeh, to Refer to a future Meeting to Adopt with instruction to the President of the Common Council to send a letter to the President of the Police and Fire Commission to clarify their decision with a deadline of 04/28/2017 for a response. The motion passed by voice vote/other.				
	Notes:	Adopt 5/2/2017 - 15 Votes Required				
1	COMMON COUNCIL	05/02/2017				

Text of Legislative File 46571

Fiscal Note

The proposed resolution provides authorization to reimburse Chief Michael C. Koval for legal fees associated with a complaint before the Police and Fire commission. The cost of Chief Koval's legal fees was \$21,953. The funds will be appropriated from the 2017 Contingent Reserve. If adopted, the remaining balance in the 2017 Contingent Reserve will be \$1,387,428.

Title

Authorizing the City to reimburse legal fees to Chief Michael C. Koval, as allowed under Sec 62.09(7)(e), Wis. Stats., and, amending the 2017 Adopted Operating Budget to appropriate \$21,953 from the Contingent Reserve to Direct Appropriations.

Body

WHEREAS, Madison Police Chief Koval was named in his official capacity, in a complaint filed with the Police and Fire Commission; and,

WHEREAS, the City Attorney cannot represent Chief Koval before the Police and Fire Commission; and,

WHEREAS, 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., Chief Koval chose to retain his own attorney, and the Common Council was given the discretion to reimburse the reasonable costs of the defense of Chief Koval, if Chief Koval prevailed in the proceedings; and,

WHEREAS, Chief Koval engaged Pines Bach LLP to represent him in this matter; and,

WHEREAS, on March 14, 2017 the Police and Fire Commission dismissed the complaint with no discipline imposed; and,

WHEREAS, because Chief Koval prevailed in the proceedings before the Police and Fire Commission, he is now seeking reimbursement of his costs and fees for the legal representation; and,

WHEREAS, Chief Koval has paid \$21,953 to Pines Bach LLP 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 Chief Michael C. Koval in the amount of \$21,953, for his costs and attorney fees in this matter.

BE IT NOW FURTHER RESOLVED, that \$21,953 is appropriated from the Contingent Reserve to Direct Appropriations-Legal Services.