



Legislation Details (With Text)

File #: 44195 **Version:** 1 **Name:** Committing to the same treatment for expenses incurred by Police and Fire Chiefs in Defending Complaints before the Police and Fire Commission as the City provides to Police Officer and Firefighters

Type: Resolution **Status:** Passed

File created: 8/23/2016 **In control:** BOARD OF ESTIMATES (ended 4/2017)

On agenda: 9/20/2016 **Final action:** 9/20/2016

Enactment date: 9/22/2016 **Enactment #:** RES-16-00697

Title: A Resolution committing the City to provide the same treatment for expenses incurred by the Police and Fire Chiefs in defending complaints before the Police and Fire Commission as the City provides to other Police Officers and Firefighters.

Sponsors: Paul R. Soglin

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/20/2016	1	COMMON COUNCIL	Adopt	Pass
9/12/2016	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/6/2016	1	COMMON COUNCIL	Refer	Pass
8/23/2016	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed resolution provides that the City will reimburse the Police and Fire Chiefs for any reasonable attorney fees and costs of defense for actions before the PFC, provided the Chief prevailed in such action. Costs for reimbursement will depend on each situation. A separate resolution will be presented should the situation arise. No appropriation is necessary at this time.

Title

A Resolution committing the City to provide the same treatment for expenses incurred by the Police and Fire Chiefs in defending complaints before the Police and Fire Commission as the City provides to other Police Officers and Firefighters.

Body

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, the City Attorney cannot represent the Police or Fire Chiefs or any officers or firefighters named as respondents in complaints before the Police and Fire Commission (PFC), as set forth in Formal Opinion

2016-001; and

WHEREAS, the City has for many years provided in agreements with police officers and firefighters that the City will pay the attorneys fees and costs of defense in actions before the PFC, provided the respondent prevailed in such action (see, for example, Art. XVII. A. 2. of the Collective Bargaining Agreement with the MPPOA); and

WHEREAS, the Common Council finds that it is necessary and appropriate to provide the same protection to the Police and Fire Chiefs of the City, as permitted under sec. 62.09(7)(e), Stats.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council commits to providing the police chief and the fire chief the same protections provided to other police officers and firefighters facing complaints at the PFC, and to exercise its discretion under sec. 62.09(7)(e), Wis. Stats., to reimburse the chiefs for the reasonable costs and fees incurred, if the chief prevails in the proceedings; and

BE IT FURTHER RESOLVED, that upon conclusion of any such proceedings, an additional resolution will be presented to the Council with the chief's request for reimbursement and proposing payment of such reasonable costs and fees, if the chief prevails in the proceedings.