



## Legislation Text

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**File #:** 14235, **Version:** 1

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### **Fiscal Note**

Funds are available in the Contingent Reserve. The current balance is \$1,144,682. There is no impact on the tax levy or State Expenditure Restraint Program eligibility limits.

### **Title**

Authorizing a payment of legal fees for the defense of police officers and appropriating \$11,202 from the contingent reserve to the miscellaneous litigation account.

### **Body**

WHEREAS, a citizen complaint was filed with the Police & Fire Commission (PFC) against Madison Police Officers Christopher J. Kobinsky and Dao T. Xiong; and

WHEREAS, a separate citizen complaint was filed with the PFC against Madison Police Officers Nick Eull and Daniel Borth; and

WHEREAS, the officers in both matters were defended before the PFC by Attorney Gordon E. McQuillen; and

WHEREAS, the defense of the officers in both cases was successful and the charges in both cases were dismissed, with prejudice; and

WHEREAS, the collective bargaining agreement between the City of Madison and the Madison Professional Police Officers Association provides in Article XVII, A., 2., that the City agrees to pay the reasonable attorney's fees for any police officers who are exonerated in a complaint filed with the Police & Fire Commission by dismissal or withdrawal of all the charges; and

WHEREAS, in the first matter, Attorney McQuillen's legal fees total \$8,145.00, and out of pocket costs of \$104.57, for a total billing of \$8,249.57; and in the second matter, Attorney McQuillen's legal fees total \$2,902.50, and out of pocket costs of \$49.90, for a total billing of \$2,952.40; the total for both cases is \$11,201.97; and

WHEREAS, the City Attorney has reviewed the time, hourly rate, and expenses of Attorney McQuillen and finds them to be reasonable for the services provided.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison will reimburse Attorney Gordon E. McQuillen in the amount of \$11,201.97; and

BE IT FURTHER RESOLVED, that a corresponding appropriation of \$11,202 is made from the contingent reserve to the miscellaneous litigation account to make such payment of legal fees.