



Legislation Details (With Text)

**File #:** 47385      **Version:** 1      **Name:** Authorizing the City to Reimburse legal fees to Ald. Sara Eskrich, as Allowed Under Sec. 62.09(7)(e), Wis. Stats; and, appropriate \$8,524 from the Contingent Reserve to Direct Appropriations.

**Type:** Resolution      **Status:** Passed

**File created:** 5/18/2017      **In control:** FINANCE COMMITTEE

**On agenda:** 6/20/2017      **Final action:** 6/20/2017

**Enactment date:** 6/21/2017      **Enactment #:** RES-17-00518

**Title:** Authorizing the City to Reimburse legal fees to Ald. Sara Eskrich, as Allowed Under Sec. 62.09(7)(e), Wis. Stats; and, amend the 2017 Adopted Operating Budget to appropriate \$8,524 from the Contingent Reserve to Direct Appropriations.

**Sponsors:** Shiva Bidar, Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. 4/14/17 Quarles\_Brady\_Invoice\_D13.pdf, 2. 5/3/17 Quarles\_Brady\_Invoice\_D13.pdf

Date	Ver.	Action By	Action	Result
6/20/2017	1	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
6/12/2017	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
6/6/2017	1	COMMON COUNCIL	Refer	Pass
5/18/2017	1	Council Office	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the City to reimburse Sara Eskrich for legal fees associated with a complaint before the City of Madison Ethics Board. The estimated cost is \$8,524. The funds will be appropriated from the 2017 Contingent Reserve. If adopted, the remaining balance in the 2017 Contingent Reserve will be \$1,428,904.

**Title**

Authorizing the City to Reimburse legal fees to Ald. Sara Eskrich, as Allowed Under Sec. 62.09(7)(e), Wis. Stats; and, amend the 2017 Adopted Operating Budget to appropriate \$8,524 from the Contingent Reserve to Direct Appropriations.

**Body**

WHEREAS, Madison Common Council member, Ald. Sara Eskrich, was named in her official capacity, in a complaint filed with the City of Madison Ethics Board; and,

WHEREAS, the City Attorney could not represent Ald. Eskrich 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 her 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; and,

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

WHEREAS, Ald. Eskrich engaged Quarles and Brady to represent her in the matter; and,

WHEREAS, on April 25, 2017 the Ethics Board dismissed the complaint; and,

WHEREAS, because Ald. Eskrich has prevailed in the proceedings before the Ethics Board, she is now seeking reimbursement of her costs and fees for the legal representation; and,

WHEREAS, Ald. Eskrich has paid \$8,524 to Quarles and Brady for costs and attorney fees related to the 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 Ald. Sara Eskrich in the amount of \$8,524, for her costs and attorney fees in the matter; and,

BE IT NOW FURTHER RESOLVED, that the 2017 Adopted Operating Budget is amended to transfer \$8,524 is appropriated from the Contingent Reserve to Direct Appropriation-Legal Services.