# Legislation Details (With Text)

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| **File #:** | 48799 | **Version:** | 1 | **Name:** | Authorizing the City to retain special outside counsel and related experts regarding a dispute with WMMIC |
| **Type:** | Resolution | | | **Status:** | Passed |
| **File created:** | 9/12/2017 | | | **In control:** | FINANCE COMMITTEE |
| **On agenda:** | 10/3/2017 | | | **Final action:** | 10/3/2017 |
| **Enactment date:** | 10/4/2017 | | | **Enactment #:** | RES-17-00810 |

**Title:** Authorizing the City to retain special outside counsel and related experts to represent the City's interests in an insurance coverage dispute with Wisconsin Municipal Mutual Insurance Company, and appropriating $50,000 from the contingent reserve to the City Attorney's office for such services.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:** 1. Crooks Bio 2017

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 10/3/2017 | 1 | COMMON COUNCIL | Adopt Unanimously | Pass |
| 9/25/2017 | 1 | FINANCE COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER | Pass |
| 9/19/2017 | 1 | COMMON COUNCIL | Refer | Pass |
| 9/12/2017 | 1 | Attorney's Office | Referred for Introduction | |

## Fiscal Note

This resolution appropriates $50,000 from the 2017 Contingent Reserve to the Office of the City Attorney for the purposes of retaining outside counsel related to a dispute with the City's liability insurer -- Wisconsin Municipal Mutual Insurance Company related to coverage associated with litigation brought against the City by golf professionals that formerly operated the City's golf courses.

The Contingent Reserve was funded at $1.5 million in the 2017 budget. To date, $292,096 has been appropriated from the Contingent Reserve, if adopted the remaining balance in the Contingent Reserve will be $1,157,904.

## Title

Authorizing the City to retain special outside counsel and related experts to represent the City's interests in an insurance coverage dispute with Wisconsin Municipal Mutual Insurance Company, and appropriating $50,000 from the contingent reserve to the City Attorney's office for such services.

## Body

Whereas, the City of Madison (City) is a member of the Wisconsin Municipal Mutual Insurance Company (WMMIC); and,

Whereas, WMMIC is currently defending the City's interests in the Golf Pros litigation under a reservation of rights; and,

Whereas, WMMIC has asserted policy exclusions which it claims exclude any coverage for any damages that

might ultimately be found in the litigation; and,

Whereas, the City will be proceeding with the litigation; and,

Whereas, the City disagrees with WMMIC's interpretation of its policy and needs to determine if coverage is provided under the insurance policy; and,

Whereas, to challenge WMMIC's determination involves the possibility of an arbitration proceeding; and,

Whereas, insurance coverage disputes involve specialized knowledge and expertise requiring the City to retain outside experts.

NOW, THEREFORE, BE IT RESOLVED, that the City authorizes the Mayor and Clerk to enter into an agreement retaining the firm of Peterson, Johnson and Murray and attorney Michael Crooks as special outside counsel to represent the City's interests in its insurance coverage dispute with WMMIC; and,

BE IT FURTHER RESOLVED, that the amount of $50,000 is appropriated from the contingent reserve to the office of the City Attorney for purposes of retaining outside counsel; and,

BE IT FINALLY RESOLVED, that the appropriation may also be used for other experts or the payment for arbitration services necessary to resolve the dispute and if any amount of the appropriation is not needed, it shall lapse to the general fund.