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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORADUM (ABM)

COMMITTEE: Finance and Personnel Committee **LEGISLATION ITEM #:** 0200-18

AGENDA DATE: February 26, 2018

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By:

SUBJECT: Authorization to represent employees in the case of *Harmon, et al v. City of Racine, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 18-CV-209-JPS.

EXECUTIVE SUMMARY: The City and four employees were sued in the case of *Harmon, et al v. City of Racine, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 18-CV-209-JPS. The City Attorney's Office requests authorization to represent the employees.

BACKGROUND & ANALYSIS: Pursuant to Wis. Stat. § 895.46, a municipal government is required to pay for the defense costs of, and to indemnify, employees and officials who are sued based upon activities occurring pursuant to their official duties. Pursuant to Wis. Stat. § 62.115, the City Attorney's Office is required to seek permission of the Common Council to provide representation to municipal employees and officials who are sued based upon activities occurring pursuant to their official duties. The City Attorney's Office routinely seeks such permission.

BUDGETARY IMPACT: The City Attorney's Office will defend the City of Racine in this matter. There will be no additional cost to defend the employees.

28 **OPTIONS/ALTERNATIVES:** Decline to permit the City Attorney's Office to represent the employees, in
29 which case the employees will seek private representation and submit the bills to the City for payment.

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31 **RECOMMENDED ACTION:** Authorize the City Attorney's Office to represent City employees in the case
32 of *Harmon, et al v. City of Racine, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 18-CV-
33 209-JPS.

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35 **ATTACHMENT(S):** None

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