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City of Racine, Wisconsin  
COMMON COUNCIL

**AGENDA BRIEFING MEMORADUM (ABM)**

**COMMITTEE:** Finance and Personnel Committee    **LEGISLATION ITEM #:** 1321-18

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**AGENDA DATE:** January 7, 2019

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**DEPARTMENT:** City Attorney's Office

**Prepared By:** Assistant City Attorney Marisa L. Roubik

**Reviewed By:** N/A

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**SUBJECT:** Communication from the City Attorney requesting authorization to represent police officers Seeger and Melby in an action filed in U.S. District Court under case # 18-C-1498, *Roy Anderson v. Off. Seeger et al.*

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**EXECUTIVE SUMMARY:** The City Attorney seeks Common Council authorization to represent City of Racine Police Officers Seeger and Melby in the case of *Roy Anderson v. Off. Seeger et al.*, U.S. District Court Eastern District of Wisconsin Case No. 2018-C-1498.

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**BACKGROUND & ANALYSIS:** Two City of Racine Police Officers, Michael Seeger and Chad Melby, are named as defendants in this action arising from the arrest of plaintiff Roy Anderson in 2012.

Pursuant to Wis. Stat. § 895.46, a municipality is required to defend or pay for the defense of any official or employee sued for acts taken in the conduct of official business and to indemnify such employee or official if any judgment is ordered. Pursuant to Wis. Stat. § 62.115, the common council of any city may by ordinance or resolution authorize the city attorney to defend actions brought against official or employee sued for acts taken in the conduct of official business.

It is more efficient and easier to control costs if the City Attorney's Office simply defends, or manages the defense of, lawsuits against City employees than to have an employee pay for her/his own defense and seek reimbursement.

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30 **BUDGETARY IMPACT:** The City Attorney's Office will handle this matter internally.

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32 **OPTIONS/ALTERNATIVES:** Require the employee to pay for his own defense and seek reimbursement  
33 from the City.

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35 **RECOMMENDED ACTION:** To authorize the City Attorney to represent the employees in the case of  
36 *Anderson v. Seeger, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 2018-C-1498.

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38 **ATTACHMENT(S):** None