Resolution 2012-105

Resolution Approving the Settlement of All Remaining Claims in the Amount of $47,500 Including All Claims for Damages, Costs and Attorney's Fees for Injuries Sustained in an Incident with the Minneapolis Park Police on May 20, 2009

Whereas, The Minneapolis Park & Recreation Board ("MPRB") has been provided the authority by Minnesota Statute 471.981 to self insure against its tort liability;

Whereas, The MPRB by Resolution 1986-101 authorized the establishment of a self insurance fund to cover said tort liabilities;

Whereas, The MPRB maintains and manages a general liability self insurance program to fund liabilities related to general, motor vehicle and police professional liabilities handling claims internally when possible and by hiring legal counsel when necessary;

Whereas, A claim was filed on behalf of a minor child (K.W.) for injuries sustained in an incident with the Minneapolis Park Police on May 20, 2009;

Whereas, A court ordered settlement conference was held before Magistrate Judge Jeanne Graham on November 29, 2011 and a proposed settlement of all remaining claims was reached in the amount of $ 47,500.00, including all claims for damages, costs and attorney's fees; and

Whereas, The officers involved and the MPRB were represented at the settlement conference by Assistant Superintendent for Administrative Services Karen Robinson and Attorney Ann E. Walther and said representatives believe that the proposed settlement is in the best interests of the MPRB and therefore recommend approval of said settlement by the Board;

RESOLVED, That the Board of Commissioners approve the settlement of all remaining claims in the amount of $47,500.00, including all claims for damages, costs and attorney's fees; and

RESOLVED, That the Secretary of the Board is authorized to take all necessary administrative actions to implement this resolution.

Adopted by the Minneapolis Park and Recreation Board
In formal meeting assembled on January 4, 2012

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John Erwin, President

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Karen Robinson, Secretary

Approved:

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R.T. Rybak, Mayor

TO: Minneapolis Park and Recreation Board

FROM: Karen Robinson, Secretary of the Board

DATE: January 4, 2012

SUBJECT: Resolution Approving the Settlement of All Remaining Claims in the Amount of $47,500 Including All Claims for Damages, Costs and Attorney's Fees for Injuries Sustained in an Incident with the Minneapolis Park Police on May 20, 2009

BACKGROUND

On May 20, 2009, two Park Police Officers responded to a call at Creekview Park about a minor who was allegedly causing problems. The officers removed the minor, K.W., from the park and in the course of doing so, K.W. suffered a broken arm. K.W.'s mother, Tahisha Williams-Brewer, commenced a federal lawsuit on behalf of herself and her son against the two officers and the MPRB. She asserted claims of excessive force, battery, race discrimination and negligence against the two Park Police officers, and claims of medical expenses and loss of services and vicarious liability against the MPRB. The officers and the MPRB denied that the officers' actions violated any state, federal or constitutional laws. Williams-Brewer later dismissed her medical expenses claim, and the federal court dismissed the race discrimination and negligence claims.

A court ordered settlement conference was held before Magistrate Judge Jeanne Graham on November 29, 2011. The officers and the Park Board were represented at the settlement conference by Assistant Superintendent of Administrative Services Karen Robinson and Attorney Ann E. Walther. A proposed settlement of all remaining claims was reached in the amount of $47,500.00, including all claims for damages, costs and attorney's fees. The Park Board representatives involved believe that the proposed settlement is in the best interests of the City and recommend approval by the Park Board.

FUNDING/COST SUMMARY

The $47,500 settlement would be paid from the Self-Insurance Fund for Police Professional Liability.

RECOMMENDATION

The Superintendent recommends the Board approve the settlement of all remaining claims in the amount of $47,500.00, including all claims for damages, costs and attorney's fees.

Prepared By: Julia Wiseman, Finance Manager, Finance

Review:

Karen Robinson	Completed
Jayne Miller	Completed
Minneapolis Park and Recreation Board	Pending