

City of Lake Elmo
Washington County, Minnesota

Resolution 94- 19

A RESOLUTION DIRECTING THE LMCIT TO COMPLY WITH THE COURT OF
APPEALS DECISION REGARDING AFTON CITY OFFICIALS

WHEREAS, elected City officials from the City of Afton have been in litigation since November, 1991, and

WHEREAS, this litigation has resulted in legal fees of approximately \$60,000, and

WHEREAS, these fees are the result of defending their right to hold public office as elected officials, and

WHEREAS, the District Court states that the defendants did not conspire to meet and the Court of Appeals states that their one violation was "within the reasonable and lawful performance of public duties" and the violation was "unintentional... an unfortunate misstep -- a stumble -- while the appellants went about the performance of legitimate public services", and

WHEREAS, there was no personal benefit to these City officials, and

WHEREAS, Afton is a member of the LMCIT pool, and insurance trust designed so that cities can help each other during times of unanticipated financial trouble, and

WHEREAS, the Court of Appeals has ruled that this pool does offer coverage for defense of these types of minor violations, and

WHEREAS, the LMCIT has now begun to offer insurance, at an additional premium to member cities, which specifically covers those situations already determined to be covered by the Court of Appeals decision, and

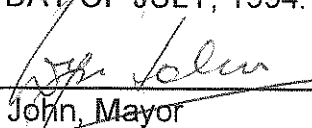
WHEREAS, the LMCIT has appealed this Court of Appeals decision to the Minnesota Supreme Court; and

WHEREAS, this appeal will cost the LMCIT and its member cities, and also the elected officials of Afton, considerable time, resources, and thousands of additional dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO that it direct the LMCIT to dismiss its appeal to the State Supreme Court, and to reimburse the elected officials from the City of Afton for their legal expenses resulting from litigation originating in November of 1991


BE IT FURTHER RESOLVED that copies of this resolution be sent to LMCIT offices in St. Paul and to the City of Afton.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS 5TH DAY OF JULY, 1994.



Wyn John, Mayor

Attest:



Mary Kueffner, City Administrator