



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: September 24, 2014  
To: Ways and Means Committee  
Referral to:

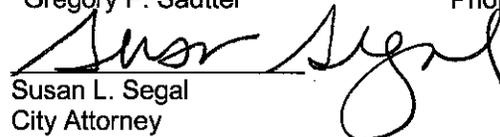
**Subject:** *James A. Dolphy vs. City of Minneapolis*  
Court File No: 27-CV-11-18314

**Recommendation:** That the City Council approves the settlement of this case by non-monetary relief as defined below and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Gregory P. Sautter Phone: 612-673-2683

Approved by:

  
Susan L. Segal  
City Attorney

Presenter in Committee: Erik Nilsson, Assistant City Attorney

**Financial Impact** (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_ Capital Budget or \_\_\_ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_ Action is within the plan. \_\_\_ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact: Other**

**Background/Supporting Information**

In September, 2011, James Dolphy, a formerly licensed tree servicer, sued the City challenging the constitutionality of the M.C.O. Ch. 347.35, which requires that all licensed tree servicers have one arborist certified by the International Society of Arboriculture or a professional with equivalent professional education on staff.

Through negotiation the parties reached a proposed settlement by proposing to amend the ordinance to reduce its burden on small tree servicers by allowing one certified arborist or professional to consult with up to four small firms with an aggregate number of tree workers no greater than twenty. In return, Mr. Dolphy has agreed to dismiss all of his claims.

The proposed ordinance amendment was subject to a public hearing held on September 23, 2014 before the Community Development and Regulatory Services Committee. The Committee members unanimously recommended approval of the proposed changes. The Business Licensing Division of CPED, and the City Attorney's Office believe that settlement on the proposed terms is in the best interests of the City and recommend approval.