



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

Date: June 17, 2005
To: Ways & Means/Budget Committee
Referral to: None

Subject: Connie Boland v. One Ford 1998 Contour, Plate No. DDJ761
Hennepin County Conciliation Court File No.: 041004027

Recommendation: That the City Council approve settlement of the complaint filed by Connie Boland, Conciliation Court file no. 041004027, in the amount of \$2,500.00, payable to Connie Boland and Martins S. Azarian, her attorney, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

This case arises from the seizure of Ms. Boland's vehicle on September 11, 2004, for forfeiture pursuant to Minn. Stat. § 169A.63. As permitted by statute, Ms. Boland contested the forfeiture in conciliation court, seeking either the return of the vehicle or \$7,555.00 in damages. A hearing was held on February 9, 2005, at which time the City agreed that the vehicle should be returned to Ms. Boland and judgment was entered in Ms. Boland's favor. Ms. Boland prevailed because she was not the driver of the vehicle and submitted evidence that her son, who does not live with her, had sneaked into her house, taken the car keys and used the vehicle without her permission.

The vehicle had been seized by the Minnesota State Patrol. The City voluntarily processes forfeitures for the State Patrol and receives 30% of the proceeds after the sale of the vehicle.

When the Minnesota State Patrol was contacted to authorize the release of the vehicle to Ms. Boland, the City learned that the State Patrol had sold the vehicle for \$1,700.00. Through negotiations between the State, the City and Ms. Boland, an agreement was reached to compensate Ms. Boland in the total amount of \$4,500.00, of which \$2,500.00 would be payable by the City. Ms. Boland submitted 'blue book' information regarding the value of her vehicle in excess of the sale proceeds obtained by the State Patrol.

The City is partially responsible for the course of conduct that resulted in the sale of the vehicle. An individual has 30 days from the date of the seizure to contest the forfeiture in court. The State Patrol routinely requests a certification from the City that a hearing has not been demanded within the time period. The request usually comes shortly after the 30 day period has expired. The City often does not receive timely notification of court filings. In Ms. Boland's case, the certification by the City was returned to the State Patrol while the conciliation court summons was still working its way through City offices. Ms. Boland had filed for a hearing and the City was on notice of the hearing, but staff returning the certification was not aware of the court filing.

Steps have been taken to eliminate the problem in the future. The State Patrol has been notified that the clerk of court is the only reliable source for current and accurate information regarding case filings. In the future the State Patrol will confirm with the clerk of court that there has not been a demand for a hearing. City staff will certify when a filing has been received, but not that there has been no court filing.

We believe that the proposed settlement is favorable to and in the best interests of the City of Minneapolis and recommend its approval.