

December 10, 2002

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall

Re: Resolution Authorizing Additional Expenditure for Outside Counsel and Payment of
Expert Witness Fee in Wisconsin Correctional Services Appeal before the Board of
Zoning Appeals

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be considered by the Committee on
Judiciary and Legislation and provide the following information.

The Common Council previously resolved to pay for an outside counsel to represent the City's
interests before the Board of Zoning Appeals to oppose a request by the Wisconsin Correctional
Services for a reasonable accommodation under the federal disabilities law in order to operate a
mental health clinic at North 37th and West Wisconsin Avenue. Our office has a conflict and
cannot represent the City before the Board as our office has previously represented and continues
to advise the Board with respect to this matter.

In two previous resolutions, the Council approved a total of \$20,000 for this purpose, based upon
the best available estimate of the additional amount that would be required to provide these legal
services. Our office has now received invoices from the outside counsel and an expert witness
retained by that counsel totaling approximately \$14,000. This billing includes all attorneys fees
and expert witness fee through the completion of the hearing before the Board of Zoning
Appeals and subsequent legal submissions to the Board so that it can reach a decision. While the
Board has yet to announce its decision it is anticipated that only an insignificant amount of legal
fees are yet to be incurred once the Board has made its determination.

Common Council
December 10, 2002
Page Two

Given the conflict, and the City's prior determination, we have prepared the accompanying resolution authorizing an expenditure of an additional \$14,000 for payment of services rendered and likely to be rendered.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

GFL:JAS:enm
Enc.

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