

CITY OF MILWAUKEE

Form CA-43

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November 21, 2002

VIA HAND DELIVERY

Alderman Michael D'Amato
Third Aldermanic District
Common Council
Room 205, City Hall

RE: Payment of Judgment in the Lawsuit Entitled
Oconomowoc Residential Programs, Inc., et. al. v. City of Milwaukee
Case No.: 97-C-251; City Attorney No.: 97-C-116

Dear Alderman D'Amato:

During the course of the hearing before the Committee on Judiciary and Legislation on Monday, a request was made of our office to provide a copy of the map of the metropolitan area that we have and which shows the location of various community living arrangements. The map which we have was made as an exhibit to the original hearing on the request by Oconomowoc Residential Programs, Inc. before the Board of Zoning Appeals and is therefore about six years old. Nonetheless, I have made a copy of that map and it accompanies this letter to you.

Alderman Murphy, during the course of the hearing, also expressed his concern that the City of Milwaukee bears an unfair burden with respect to community living arrangements and that only the City, and not the suburbs have been the object of lawsuits regarding the location and placement of such facilities. I indicated that in general I recalled that several other lawsuits have been brought against other communities or have been threatened against other communities. I have obtained further information which you may wish to provide, if appropriate, with respect to that litigation.

In particular, as you may recall, Oconomowoc Residential Programs and the Wisconsin Coalition for Advocacy sued both Greendale and Greenfield at about the same time as they sued the City of Milwaukee in this case. The lawsuits against Greendale and Greenfield resulted in adverse decisions by the Federal District Court on the substantive issues of the case, and ultimately led to monetary settlements, the details of which I do not have in my possession.

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It is also my understanding that the Village of Bayside was sued several years ago with respect to the placement of the community living arrangements and settled that lawsuit. I have also been informed that the Village of River Falls was sued in the Western District of Wisconsin with respect to a community living arrangement and that lawsuit was also settled. It is also my understanding that the community of Burlington was threatened with suit before agreeing to make an accommodation of a community living arrangement, and that the Wisconsin Coalition for Advocacy, following a practice in this case in which they had demanded a reasonable accommodation or threatened suit in correspondence with the Board of Zoning Appeals, had sent similar letters to the communities of Cudahy, Franklin and West Allis. In each of those instances, those communities have simply granted the accommodation rather than engage in litigation.

I am also informed, lastly, that with respect to the community of Oconomowoc itself there are a number of community based residential facilities in that city.

I hope that this information will be of assistance to you and the other members of the council in your further consideration of the payment of the judgment in this case. Should you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,



JAN A. SMOKOWICZ
Assistant City Attorney

Enclosure

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