

September 25, 2002

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

Re: Resolution Authorizing Additional Expenditure for Outside Counsel 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 the previous resolution, the Council approved \$10,000 for this purpose, based upon the best available estimate of the amount that would be required to provide these legal services. Our office has now received invoices from the outside counsel totaling approximately \$14,000. This billing does not include the attorneys fees for participated in the hearing before Board which was just recently completed.

The Board has yet to announce its decision. Under the circumstances, it is certain that the City will receive additional billing for services rendered and is likely to receive some additional billing for some services that are likely to follow the conclusion of the hearing.

Given the conflict, and the City's prior determination, we have prepared the accompanying resolution authorizing an expenditure of an additional \$10,000 for payment of services rendered and likely to be rendered.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney
JAS 58109