

**LRB-RESEARCH AND ANALYSIS SECTION**

**JUDICIARY & LEGISLATION COMMITTEE**

**ITEM 15, FILE # 070748**

**SEPTEMBER 17, 2007**

**RICHARD L. WITHERS**

Resolution reserving and appropriating up to \$10,000 from the Outside Counsel Expert Witness Fund for the purpose of retaining the law firm of Attorney David R. Halbrooks in nuisance property proceedings relating to parcels at 822, 832 and 845 N. 25<sup>th</sup> St. and 2408 W. Kilbourn Ave.

**Background**

1. The 2007 Budget includes a footnote reserving \$40,000 of the amount in the Outside Counsel/Expert Witness Fund Special Purpose Account "...to assist the City Attorney, Common Council, and the Police Department in abating public nuisance activities. No expenditure of this \$40,000 shall occur without Common Council approval."
2. Records of the City show that properties located at 822, 832 and 845 N. 25<sup>th</sup> St. and 2408 W. Kilbourn Ave. have been associated with numerous calls for service and complaints of building code and other violations under current ownership.
3. Former Assistant City Attorney David Halbrooks has extensive experience with nuisance abatement activities.

**Discussion**

1. None of the \$40,000 reserved funds in the 2007 Budget has been authorized for expenditure in nuisance abatement to the present time.
2. A separate resolution at File # 070713 has been referred to the Finance and Personnel Committee seeking a transfer of \$100,000 from the Contingent Fund to the Outside Counsel/Expert Witness Fund primarily due to unanticipated costs associated with the AT&T Agreement and litigation. The City Attorney advised the committee by letter of July 3, 2007 that outside counsel Miller & Van Eaton had been paid \$256,881.03 in these matters from a combination of funds from the Claims and Damages Fund SPA and the Outside Counsel/Expert Witness Fund SPA.
3. It can be assumed that, if the problems associated with these properties are abated, the City will likely save funds that would otherwise be spent on service and enforcement.

**Summary of Fiscal Impact**

1. This resolution authorizes expenditure of up to \$10,000 of the \$40,000 reserved in the Outside Counsel/Expert Witness Fund SPA for purposes relating to nuisance abatement.

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