

CITY OF MILWAUKEE

Form CA-43

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April 18, 2002

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Mr. Anthony Zielinski
Special Deputy City Clerk
Office of the City Clerk
Room 205 – City Hall

Dear Mr. Zielinski:

**Re: Amendment No. 1 to Contract Between
the City of Milwaukee and MMSD for
the Provision of Tunnel Rescue Services**

In your April 11, 2002 communication, you requested our opinion on whether another Common Council resolution was needed in order to execute an amendment to the above-captioned agreement. The original agreement with the Milwaukee Metropolitan Sewerage District ("MMSD") was authorized via Common Council File No. 000192 adopted September 22, 2000. That agreement was for a term of one-year commencing upon the date of execution. The agreement further provided that it was renewable "for additional one year terms subject to renegotiation of terms and conditions." Section 6 of the agreement.

It is our opinion, based upon the above quoted provision of the agreement, that another Common Council action is necessary in order to extend the agreement. We base this opinion on the language in the current agreement that provides that the renewable additional one year terms are "subject to renegotiation of the terms and conditions." This clearly contemplates a further action by the parties and, in the City's case, a further approval by the Common Council.

Mr. Anthony Zielinski

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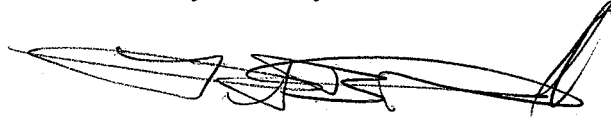
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If you have any further questions regarding this matter, please feel free to contact Mr. McDonnell.

Very truly yours,



GRANT F. LANGLEY
City Attorney



PATRICK B. McDONNELL
Special Deputy City Attorney

PBMcD:dms

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