

TEARMAN SPENCER
City Attorney

CELIA M. JACKSON
Special Deputy City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
YOLANDA Y. MCGOWAN
TODD FARRIS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
GREGG C. HAGOPIAN
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
ALLISON N. FLANAGAN
ANDREA J. FOWLER
PATRICK J. MCCLAIN
ELLENY B. CHRISTOPOULOS
HANNAH R. JAHN
JULIE P. WILSON
JAMES M. CARROLL
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
ANTHONY JACKSON
JOHN D. MCNALLY
STACY J. MILLER
Assistant City Attorneys

April 18, 2022
Honorable Common Council
City of Milwaukee
200 E. Wells Street, Room 205
Milwaukee, WI 53202

Re: City Attorney's Office Special Purpose Accounts

Dear Common Council Members,

I respectfully ask that you consider this request in consideration with Common Council Proposed Substitute A Resolution 211872 that addresses the City Attorney's Special Purpose Accounts. The substitute resolves that there will not be any additional funds transferred from the Common Council Contingent Fund to the Outside Counsel/Expert Witness Fund and the Damages and Claims Special Purpose Accounts that have not been previously authorized prior to adoption which took place on April 13, 2022 for the remainder of the fiscal year.

Pursuant to Common Council File 211949, all appropriations from the Office of the City Attorney's Outside Counsel/Expert Witness Special Purpose Account are to be reported and approved by the Common Council prior to expenditure.

The Special Purpose Account provides authority for the City Attorney's office to expend money to seek outside counsel and expert witnesses. To require a resolution for each occasion that these type of funds are needed would be quite time consuming and costly building in a considerable delay to move legal matters forward in an expeditious manner. A review of the last several years shows that we have been able to successfully work within budget for this particular account. (See addendum 1)

Regarding the Damages and Claims Account under Substitute A Resolution 211872, there are substantial payments that are expected to be made from this account during this fiscal year. Failure to make payments during this fiscal year is likely to result in withdrawal from some agreements if there can be no further payments this fiscal year. The purpose of the resolution is not clear to this office, but if the purpose and result of



this resolution is to prevent any further funding of the Damages and Claims Account at all, the Common Council will be frustrating its own purposes, as it well knows there are numerous other agreements pending and making their way through the approval process that will require further funding this fiscal year.

Pursuant to the City of Milwaukee Charter, Ord. 304-7 (1), The City Attorney's Office has the responsibility to investigate and settle claims not in excess of \$5000. There are numerous claims that come in each year. These smaller claims may be matters in any of our City Departments including Water Works, Department of Public Works, Forestry and others. Surely, the Common Council does not want our office to seek approval for each of these small cases. It would require many emergency meetings of the Common Council Committees and substantial time of all personnel to ensure they these matters are proceeding expeditiously. Otherwise, there will be many constituents complaining of the extended timeline to receive payment after a matter is settled. In 2021 alone, there were 631 claims filed.

The City Attorney's Office currently seeks approval for cases that have more significant costs associated with settlement. For example, in 2021 we sought approval and payment was made out of the Damages and Claim Fund for the Morales case (\$630,000.00, file # 210563)), Remission of Taxes (\$1,200,000.00, file # 211148) and miscellaneous claims (\$900,000.00, file #210873).

In 2020, there was authorization for the Harris case (1,945,291.77, file #191920) and the Smith case (4,000,000.00, file #200851)

A look at Damages and Claims account highlights that there has been a standing beginning balance of \$1,225,000.00 for the last several years, despite the actual amount that has had to be transferred each year. (See addendum1). The request for an additional \$1,150,000.00 in the first quarter is in line with previous years in this account.

Therefore, we request that the Common Council not further restrict our use of the Special Purpose Account. There are already sufficient checks to ensure the Council is apprised of large claim matters and the needs for Outside Counsel and Expert Witnesses if the need arises.

We thank you in advance for your consideration.

Very truly yours,

Electronic Signature

TEARMAN SPENCER
City Attorney

Attachment