



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master With Text

File Number: 050294

File ID: 050294

Type: Resolution

Status: Passed

Version: 1

Reference:

Controlling Body: JUDICIARY &
LEGISLATION
COMMITTEE

File Created: 06/14/2005

File Name:

Final Action: 07/06/2005

Title: Substitute resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

Notes:

Agenda Date:

Agenda Number:

Sponsors: Ald. Bauman

Enactment Date:

Attachments: Fiscal note.DOC

Enactment Number:

Drafter: jdo

Effective Date:

Contact:

Extra Date 2:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	06/14/2005	ASSIGNED TO	JUDICIARY & LEGISLATION COMMITTEE			
0	JUDICIARY & LEGISLATION COMMITTEE	06/20/2005	HEARING NOTICES SENT		06/27/2005		
0	JUDICIARY & LEGISLATION COMMITTEE	06/20/2005	HEARING NOTICES SENT		06/27/2005		
0	JUDICIARY & LEGISLATION COMMITTEE	06/20/2005	HEARING NOTICES SENT		06/27/2005		
1	JUDICIARY & LEGISLATION COMMITTEE	06/20/2005	HEARING NOTICES SENT		06/27/2005		
1	JUDICIARY & LEGISLATION COMMITTEE	06/27/2005	RECOMMENDED FOR ADOPTION				Pass

Action Text: A motion was made by Ald. Bauman that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Mover:	ALD. BAUMAN	Aye:5 - D'Amato, Hamilton, Bauman, Murphy, and Bohl No:0	5-0
1	COMMON COUNCIL	07/06/2005 ADOPTED	Pass
	Action Text:	A motion was made by Ald. D'Amato that this matter be ADOPTED. The motion carried by the following vote:	
Mover:	ALD. D'AMATO	Aye:15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski, and Hines Jr. No:0	15-0
1	MAYOR	07/15/2005 SIGNED	

Text of Legislative File 050294

..Number

050294

..Version

SUBSTITUTE 1

..Reference

..Sponsor

ALD. BAUMAN

..Title

Substitute resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

..Analysis

This resolution appropriates \$10,000 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of paying outside legal counsel to oppose the request of Tri-Corp Housing, Inc., for a special use permit from the Board of Zoning Appeals to allow operation of a transitional living facility at 2713 West Richardson Place.

..Body

Whereas, Tri-Corp Housing, Inc., has sought renewal of a special use permit that would allow Tri-Corp to operate a 92-bed transitional living facility, Samaria House West, at 2713 West Richardson Place (Board of Zoning Appeals Case No. 26203); and

Whereas, On June 9, 2005, the Board of Zoning Appeals denied Tri-Corp's special use permit request on the grounds, among others, that the facility is a danger to the health, safety and welfare of both its residents and the surrounding neighborhood; and

Whereas, Tri-Corp Housing, Inc., is now seeking from the Board of Zoning Appeals a special use permit to operate a 92-bed transitional living facility at 2713 West Richardson Place on the basis of "reasonable accommodation" pursuant to the federal Fair Housing Act and Americans with Disabilities Act; and

Whereas, Since the City Attorney represents the Board of Zoning Appeals, he is unable to represent the interests of the public in further proceedings before the Board; and

Whereas, It may be necessary to retain the services of expert witnesses in order to adequately represent the interests of the public; and

Whereas, The Outside Counsel/Expert Witness Fund Special Purpose Account is to be used by the City Attorney's Office for the purpose of retaining experts and outside legal counsel; and

Whereas, It would be in the City's best interest to retain outside experts and legal counsel to represent the public interest at further proceedings before the Board of Zoning Appeals on the issue of whether Tri-Corp Housing, Inc., is entitled to a reasonable accommodation for a special use permit to operate a 92-bed transitional living facility at 2713 West Richardson Place; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$10,000 is appropriated from the Outside Counsel/Expert Witness Fund Special Purpose Account (fund 0001 9990 S157 006300) to the City Attorney's Office for the purpose of paying outside experts and legal counsel to oppose the reasonable accommodation for a special use permit requested in Board of Zoning Appeals Case No. 26203; and, be it

Further Resolved, That the City Attorney's Office is authorized to retain outside experts and legal counsel and expend the appropriation for the stated purposes; and, be it

Further Resolved, That application of these appropriated funds to a case other than the one referred to herein shall be subject to the further direction of the Common Council; and, be it

Further Resolved, That the proper City officers are authorized and directed to make whatever fund transfers are necessary or appropriate to carry out the provisions of this resolution.

..Requestor

..Drafter

LRB05254-2

JDO

06/17/05