

May 23, 2002

To the Honorable
The Common Council of the
City of Milwaukee
Room 205 – City Hall

**Re: Substitute Resolution Appropriating \$5,000 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**

Dear Council Members:

A resolution has been introduced by Alderman Michael Murphy to retain outside legal counsel to represent the interests of the City of Milwaukee as an interested party in a proceeding before the Board of Zoning Appeals relating to a request for an accommodation in the zoning code by Wisconsin Correctional Services, Inc. This correspondence is submitted in explanation of this proposal.

There is presently pending before the Board of Zoning Appeals of the City of Milwaukee a request for an accommodation under the Americans With Disabilities Act by Wisconsin Correctional Service so that it may operate a mental health clinic in a building located at 3716 West Wisconsin Avenue. This matter has already been the subject of a lawsuit pending in the United States District Court for the Eastern District of Wisconsin and our office has represented the interests of the Board in that litigation.

The federal district court remanded the matter to the Board of Zoning Appeals for a hearing specifically on the accommodation requested by the Wisconsin Correctional Service. Our office presently represents the interests of the Board and has advised the Board as to the conduct and scope of this hearing.

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As a result, our office cannot represent the City as an interested party to the extent that it may oppose the requested accommodation in proceedings before the Board. It is our understanding that the City may make such a presentation before the Board.

As a consequence, it is necessary to retain counsel to represent the separate interests of the City before the Board.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

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