



Legislation Details (With Text)

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**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.

**Sponsors:** ALD. MURPHY

**Indexes:** CONSULTANTS, FEES, LITIGATION

**Attachments:** 1. City Atty Cover Letter.pdf, 2. Fiscal Note.pdf, 3. Corrected Cover Letter.pdf, 4. corrected Fiscal Note.pdf, 5. Fiscal Review Analysis.pdf

Date	Ver.	Action By	Action	Result	Tally
5/14/2002	0	COMMON COUNCIL	ASSIGNED TO		
5/16/2002		JUDICIARY & LEGISLATION COMMITTEE	REFERRED TO		
5/17/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
5/20/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
5/23/2002	1	CITY CLERK	DRAFT SUBMITTED		
5/29/2002	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/4/2002	1	COMMON COUNCIL	ADOPTED	Pass	16:0
6/13/2002	1	MAYOR	SIGNED		

020242  
SUBSTITUTE 1

ALD. MURPHY

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.

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 Wisconsin Correctional Services to the Board of Zoning Appeals for special use approval to allow operation of a mental health clinic at 3716 West Wisconsin Avenue.

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, In May, 2001, the Board of Zoning Appeals denied the request of Wisconsin Correctional Services for special use approval to operate a mental

health clinic at 3716 West Wisconsin Avenue (Board of Zoning Appeals case no. 23322); and

Whereas, Wisconsin Correctional Services appealed the Board's decision to Federal District Court; and

Whereas, The Federal District Court remanded this matter back to the Board for further consideration based on the "reasonable accommodation" criterion favored by the appellant; and

Whereas, Since it has already provided legal representation and advice to the Board on this matter, the City Attorney's Office cannot represent the City of Milwaukee as an interested party in this case; and

Whereas, Because of this conflict of interest, it is necessary for the City to hire outside legal counsel if it wishes to oppose the special use approval request of Wisconsin Correctional Services; and

Whereas, It would be in the City's best interest to retain outside experts and legal counsel to argue that operation of a mental health clinic at the location in question would not be beneficial to the City or its residents; 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 paying of outside experts and legal counsel to oppose the special use approval requested in Board of Zoning Appeals Case No. 23322; 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 City Attorney is authorized to pay the fees and expenses for outside experts and legal counsel after review and approval of invoices from Attorney Bruce O'Neill; 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.

LRB02242-2  
JDO  
5/22/02