



Legislation Text

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ORIGINAL
THE CHAIR

Resolution authorizing the expenditure of \$85,000 from the Outside Counsel - Expert Witness Fund for the purpose of obtaining outside legal counsel. (City Atty.)
- Analysis -

This resolution authorizes the expenditure of \$85,000 from the Outside Counsel - Expert Witness Fund for the purpose of funding outside legal counsel relating to various cases.

Whereas, The Outside Counsel - Expert Witness Fund is to be used by the City Attorney's Office to retain the services of expert witnesses and outside legal counsel; and

Whereas, Any appropriation of funds from this Fund requires approval by the Common Council via resolution; and

Whereas, The City Attorney needs to expend additional monies from the Outside Counsel - Expert Witness Fund for outside counsel for several on-going cases; and

Whereas, Common Council File Number 980849, adopted on October 9, 1998 appropriated \$50,000 from the Contingent Fund for outside counsel, Michael, Best & Freidrich, LLP, to represent the City in Milwaukee Teachers' Education Association, et al. v. Governor Tommy Thompson, et al. Case No., 98-CV-001903 (Charter School Litigation); and Common Council File Number 981208, adopted on December 18, 1998 appropriated an additional \$110,000 from the Contingent Fund; and Common Council File Number 981670 adopted on March 23, 1999 appropriated and additional \$100,000 from the Contingent Fund; and

Whereas, A total of \$260,000 has been appropriated to date and billings by Michael, Best & Freidrich, LLP through March of 1999 total \$249,814 and there is a balance of \$10,186 and additional funding in the amount of \$15,000 is needed; and

Whereas, Common Council File Number 971183, adopted November 25, 1997, authorized the City Attorney to enter into an agreement with the law firm of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. ("Firm") to provide the City representation in the case of MPA, et al. V. City of Milwaukee, et al., Case Number 97-CV-007996, as outside counsel in defense of Common Council File Number 970387, passed October 14, 1997; and Common Council File Number 971183, adopted on November 25, 1997, appropriated \$10,000, and Common Council File Number 971609, adopted on February 10, 1998, appropriated \$50,000, and Common Council File Number 980719, adopted on June 16, 1998 appropriated \$100,000 from the Contingent Fund and Common Council File Number 981209, adopted on December 18, 1999 appropriated \$75,000 from the Contingent Fund; and

Whereas, A total of \$240,000 has been appropriated to date and billings from Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., through March of 1999 total \$238,908.39 and there is a balance of \$1,091.61 and additional funding in the amount \$20,000 is needed; and

Whereas, Common Council File Number 971781 adopted on April 14, 1998, appropriated \$39,000 and authorized the City Attorney to expand the scope of the Firm's engagement to include acting as a consultant in the establishment of a new retirement system for city employees; and as that as part of such amendment the Firm was authorized to sub-contract for the services of a Disadvantaged Business Enterprise contractor in the purchase of professional services; and Common Council File Number 961946, adopted on June 16, 1998, appropriated \$10,000 from the Contingent Fund, and Common Council File Number 980718, adopted on September 23, 1998 appropriated an additional \$30,000 from the Contingent Fund; and Common Council File Number 981209 adopted on 12/18/98 appropriated an additional \$75,000 from the Contingent fund; and

Whereas, A total of \$154,000 has been appropriated to date and billings from Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., and their subcontractor through March total \$184,853.14 and there is a negative balance of -\$30,853.14 and additional funding in the amount of \$50,000 is needed; now therefore be it

Resolved, By the Common Council that the expenditure of \$85,000 is authorized from the Outside Counsel - Expert Witness Fund Number 0001 1490 0001 S157 006300 for the purpose of retaining outside counsel as directed herein; and, be it

Further Resolved, That the Office of the City Attorney is hereby authorized and directed to engage outside counsel and to pay legal fees incurred by outside counsel upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney; and be it

Further Resolved, That the City Comptroller is authorized and directed to appropriate the sum of \$85,000 to the City Attorney's Office budget for

the stated purpose; and that the application of the funds appropriated herein to a case other than that specifically referred to herein shall be subject to the further direction of the Common Council.

City Attorney

(GFL:bgw)

May 6, 1999

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