



Legislation Text

File #: 020881, **Version:** 0

020881
ORIGINAL

THE CHAIR

Resolution approving stipulations to resolve proposed litigation by the State of Wisconsin against the City of Milwaukee. (City Attorney)

This resolution approves stipulations to resolve proposed litigation by the State of Wisconsin against the City of Milwaukee, and authorizes expenditure of \$100,000.00.

Whereas, The State of Wisconsin will be commencing litigation against the City of Milwaukee alleging that the City has violated various environmental laws and regulations of the State of Wisconsin with respect to construction-site erosion control, sewer clean-out procedures, compliance with the terms of its permits issued under the Wisconsin Pollution Discharge Elimination System, alleged unlawful deposits of materials, and alleged unlawful withdrawal of materials; and

Whereas, The State of Wisconsin will seek from the City forfeitures, penalties, remedial relief, and other forms of relief as may be afforded by the Wisconsin Statutes upon a finding by the court that such violations of State environmental statutes and regulations as alleged by the State of Wisconsin have in fact occurred; and

Whereas, Any finding by a court of a violation on the part of the City of State environmental statutes and regulations as alleged by the State of Wisconsin could result in sizeable monetary liabilities accruing to the City; and

Whereas, A finding of violations on the part of the City may also result in the issuance of an order compelling the City to adopt significant and costly changes to its practices and enforcement procedures; and

Whereas, Because it is difficult to predict the likelihood of success should this matter be litigated, the City Attorney, the Commissioner of Public Works, and the Commissioner of Neighborhood Services have determined that it would be in the best interests of the City to pursue a satisfactory resolution of these issues; and

Whereas, The State and the City have reached a proposed resolution of the matters in dispute, and have drafted Stipulations and Orders for Judgment that will be filed with the court simultaneously with the filing by the State of Wisconsin of complaints against the City; and

Whereas, The Stipulations and Orders for Judgment provide for the payment of a stipulated forfeiture by the City to the State of Wisconsin in the total amount of One Hundred Thousand Dollars (\$100,000.00); and

Whereas, The Stipulations and Orders for Judgment contain additional provisions pertaining to the appointment of a consultant to conduct an evaluation of the City's storm water and construction site

run-off control programs and to provide recommendations in cooperation with the Department of Natural Resources ("WDNR"); and

Whereas, The Stipulations and Orders for Judgment do not constitute an admission of liability on the part of the City to any party or parties other than the State of Wisconsin with respect to any alleged violations of State environmental laws and regulations as set forth in the complaints that the State of Wisconsin will file against the City; and

Whereas, The City Attorney recommends that the Common Council approve the terms of the Stipulation and Order for Judgment attached to this file; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby approves the terms of the Stipulation and Order for Judgment attached to this file; and, be it

Further Resolved, That the Common Council authorizes an expenditure not to exceed One Hundred Thousand Dollars (\$100,000.00) from Fund No. 0490 6830 R682 006300, and authorizes the proper city officials to expend those amounts necessary to effectuate compliance with and implementation of the terms of the Stipulations and Orders for Judgment attached to this file; and, be it

Further Resolved, That the appropriate city officials are hereby authorized and directed to execute all instruments and documents and to take any other actions necessary to implement the provisions of this resolution.

City Attorney

Stuart S. Mukamal

SSM:lmb

9/18/2002

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