



Legislation Text

File #: 021337, **Version:** 1

021337
SUBSTITUTE

THE CHAIR

Substitute resolution appropriating additional funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of payment of continuing services of outside legal counsel and for the payment of an expert witness in a case involving the Board of Zoning Appeals.

This resolution appropriates an additional \$15,555.56 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of paying outside legal counsel and for paying an expert witness 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 became necessary for the City to hire outside legal counsel to oppose the special use approval request of Wisconsin Correctional Services; and

Whereas, The matter has proceeding to hearing before the Board, however, outside counsel for the City has had to spend more time and has incurred more expenses than initially estimated and may have to provide some additional services through the time of any decision by the Board; and

Whereas, The outside counsel previously retained by the City found it necessary to retain the services of an expert witness from the James T. Barry, Inc. firm to provide testimony before the Board of Zoning Appeals; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an additional \$15,555.56 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 pay the fees and expenses for outside experts and legal counsel after review and approval of invoices from Attorney Bruce O'Neill and the James T. Barry, Inc. company, 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.

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