



Legislation Text

File #: 001082, **Version:** 1

001082
SUBSTITUTE 1
000586
THE CHAIR

Substitute resolution authorizing an appropriation of \$300,000 from the Common Council Contingent Fund to the Outside Counsel/Expert Witness Fund and transferring \$50,000 from within the Fund from Dillingham Construction N.A., for the purpose of retaining outside legal counsel with regard to the global pension settlement litigation.

This resolution authorizes an appropriation of \$300,000 from the Common Council Contingent Fund to the Outside Counsel/Expert Witness Fund and transfers \$50,000 from within the Fund from Dillingham Construction N.A., for outside counsel Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. (Firm), to participate in the global pension settlement litigation to implement the global settlement.

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

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

Whereas, Common Council File No. (CCFN) 971183 authorized the City Attorney to enter into an agreement with the Firm to provide the city with representation in the case of *MPA, et al. v. City of Milwaukee, et al.*, Case No. 97-CV-007996, as outside counsel in defense of Common Council File No. 970387; and

Whereas, The parties have entered into an agreement 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

Whereas, The parties have agreed that the Firm will participate in the global pension settlement litigation to implement the global settlement; and

Whereas, CCFN 991902 adopted on 4/11/00 expanded the scope of the engagement of the Firm to provide the city with representation in Case No. 00-CV-003439 and allocated \$100,000 for this purpose; and CCFN 000182 allocated an additional \$89,000 for this purpose; and CCFN 000586 allocated an additional \$175,000 for this purpose; and

Whereas, Of this amount, there is a remaining balance of \$23,228.06 and there are existing bills in the amount of \$154,578.37 which will result in a shortage of \$131,350.31 and \$350,000 of additional funding is necessary; now, therefore, be it

Resolved, That the sum of \$300,000 be and hereby is appropriated from the Common Council Contingent Fund No. 0001-9990-0001-C001-006300 to the Outside Counsel/Expert Witness Fund Special Purpose Account Fund No. 0001-1490-0001-S157-634001 and \$50,000 be transferred from within the Fund from Dillingham Construction N.A., for the purpose of funding the Firm to provide the city with representation in pension settlement litigation to implement the global settlement; and, be it

Further Resolved, That the Office of the City Attorney is hereby authorized and directed to engage outside counsel and 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 proper city officers be and are hereby authorized and directed to make whatever fund transfers are necessary or appropriate to carry out the provisions of this resolution; and that the application of the funds directed herein shall be subject to the further direction of the Common Council.

CITY Attorney

TEH:bgw

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