



Legislation Text

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001684
ORIGINAL

THE CHAIR

Resolution authorizing the City Attorney to participate on the City's behalf in Forest County Potawatomi Community of Wisconsin v. Bruce Babbitt. (City Attorney)

This resolution authorizes the City Attorney to participate on the City's behalf in the case of Forest County Potawatomi Community of Wisconsin v. Bruce Babbitt (DDC filed January 11, 2001) (the "Litigation"). That participation would include joinder in the Litigation as a party plaintiff. The Litigation is an action in the United States District Court for the District of Columbia to reverse the Finding of No Significant Impact (the "FONSI") issued by the Bureau of Indian Affairs (the "BIA") on December 29, 2000 under the National Environmental Protection Act. The BIA found that the massive Indian casino project proposed for Kenosha, Wisconsin would have no significant impact on the human environment. The FONSI was based upon an Environmental Assessment which the Potawatomi Tribe believes was both procedurally and substantively flawed. The Mayor of Milwaukee, the President of the Milwaukee Common Council, the Milwaukee County Executive and Lake County, Illinois all requested that the BIA require the preparation of a complete Environmental Impact Statement ("EIS") before taking final action on the Kenosha proposal. The Litigation seeks the same relief, preparation of a full EIS. It is anticipated that the cost for the City's participation in the Litigation will be minimal. The Potawatomi Tribe has agreed to pay for all costs and expenses of the Litigation including the retention of a law firm with national expertise in environmental law.

Whereas, The Forest County Potawatomi Community of Wisconsin (the "Potawatomi Tribe") has filed an action in the United States District Court for the District of Columbia (the "Litigation") to reverse the Finding of No Significant Impact ("FONSI") issued by the Bureau of Indian Affairs (the "BIA") on December 29, 2000 under the National Environmental Protection Act; and

Whereas, The BIA found that the massive Indian casino project proposed for Kenosha, Wisconsin would have no significant impact on the human environment; and

Whereas, The FONSI was based upon an Environmental Assessment which the Potawatomi Tribe believes was both procedurally and substantively flawed; and

Whereas, The Mayor of Milwaukee, the President of the Milwaukee Common Council, the Milwaukee County Executive and Lake County, Illinois all requested that the BIA require the preparation of a complete Environmental Impact Statement ("EIS") before taking final action on the Kenosha proposal; and

Whereas, The Litigation seeks the same relief, preparation of a full EIS; and

Whereas, The Potawatomi Tribe has requested the City to join with the Tribe as a party plaintiff in the Litigation, and the Potawatomi Tribe has committed to pay for all costs and expenses of the Litigation including the retention of environmental legal experts to represent the plaintiffs; and

Whereas, In order to protect the environmental interest of the citizens of the City of Milwaukee, as expressed in the communications from Mayor John O. Norquist and Common Council President Marvin E. Pratt, attached to this file, the City Attorney requests permission to represent the City, as a party plaintiff, in the Litigation under the terms and conditions proposed by the Tribe; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby authorizes and directs the City Attorney to participate, including moving the court for permission to join the City as a party plaintiff, in the case of Forest County Potawatomi Community of Wisconsin v. Bruce Babbitt, Case No. 1:01CV00058 (the "Litigation"); and be it

Further Resolved, That as a condition of the City's participation in the Litigation, the City Attorney is directed to obtain an appropriate legal commitment from the Potawatomi Tribe memorializing the Tribe's offer to pay for all costs and expenses of the Litigation, including the cost of retaining expert legal counsel to represent the interest of all plaintiffs, including the City. The City Attorney is authorized to enter into any agreements or memoranda necessary to memorialize these commitments by the Potawatomi Tribe.

City Atty.
PBMcD:dms
February 15, 2001
1109-2001-541
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