



Legislation Text

File #: 990623, Version: 1

990623

SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing an amendment to the agreement with outside counsel Friebert, Finerty & St. John, S.C., to assist the City in pursuing public nuisance building code actions.

-Analysis-

This resolution provides for an amendment to the agreement with outside counsel Friebert, Finerty & St. John, S.C., to assist the City in pursuing public nuisance building code actions.

Whereas, The Mayor and the Common Council of the City of Milwaukee have directed the City Attorney to commence public nuisance and human health hazard lawsuits for the elimination of building code violations where municipal court has not been a successful remedy for the violations; and

Whereas, There are approximately 30 building code public nuisance and human health hazard cases ready to file in court or already filed by Friebert, Finerty & St. John, S.C.; and

Whereas, The law firm of Friebert, Finerty & St. John, S.C. has developed a significant amount of experience in the prosecution of building code cases through their representation of the City in the current legal matters; and

Whereas, The municipal court has not proved an acceptable alternative for the filing and refiling of building code cases for the same buildings in which the amount of the forfeiture has not been a deterrent in eliminating the nuisances; and

Whereas, The Razing and Vacant Building Protection Fund is designated for the purpose of rehabilitating housing which falls into the public nuisance category to avoid the cost of demolition for a condemned property; and

Whereas, The law firm of Friebert, Finerty & St. John, S.C., has agreed to a \$110.00 per hour fee with an original maximum of \$50,000, the provisions of which are attached as File 981382 as Exhibit A; and

Whereas, The law firm of Friebert, Finerty & St. John, S.C. has satisfactorily completed the legal work transferred at this time and yet while reaching the contract maximum has not yet completed all of the assigned work; and

Whereas, No new legal work is currently anticipated to be referred under this contract; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials including the City Attorney and the Commissioner of the Department of Neighborhood Services are directed to amend the present Contract For Services with the law firm of Friebert, Finerty & St. John, S.C. at a rate of \$110.00 per hour with a \$50,000 additional amendment to the original total limit on the Contract of \$50,000 with the money to be paid directly to the law firm from the Razing and Vacant Building Protection Fund Special Purpose Account (S162). The Contract shall be for the purposes of representing the City of Milwaukee in cases where building code violations arise to the level of a public nuisance or a human health hazard.

City Atty.

DRH/enm

July 26, 1999

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