



Legislation Details (With Text)

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File created: 12/18/1998 **In control:** FINANCE & PERSONNEL COMMITTEE
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Effective date:

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

Sponsors: ALD. HENNINGSEN, ALD. D'AMATO, ALD. BUTLER, ALD. RICHARDS

Indexes: AGREEMENTS, BUILDING CODE, LITIGATION, NUISANCES

Attachments:

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|---|---------------------------------------|--------|-------|
| 12/18/1998 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 1/6/1999 | 0 | FINANCE & PERSONNEL COMMITTEE | HEARING NOTICES SENT | | |
| 1/11/1999 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 1/12/1999 | 2 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass | 4:0 |
| 1/12/1999 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | AMENDED | Pass | 4:0 |
| 1/13/1999 | 2 | CITY CLERK | DRAFT SUBMITTED | | |
| 1/13/1999 | 2 | FINANCE & PERSONNEL COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:0 |
| 1/19/1999 | 2 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 1/22/1999 | 2 | MAYOR | SIGNED | | |

981382
SUBSTITUTE 2

ALD. HENNINGSEN, D'AMATO, BUTLER AND RICHARDS

Substitute resolution authorizing an 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 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, The City Attorney with the assistance of the former Building Inspection Department and the Department of City Development have recently investigated over 100 public nuisance actions including one case which involves over 62 properties in violation of the building code; and

Whereas, There are approximately 50 building code public nuisance and human health hazard cases ready to file in court and the Department of Neighborhood Services has many more cases which could be referred immediately; 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's receiver, the Neighborhood Improvement Development Corporation, in the previously filed public nuisance cases, and their training and experience on these matters will allow them to immediately take many cases to court to have the

public nuisances abated; 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 a maximum of \$50,000, the provisions of which are attached to File 981382 as Exhibit A; 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 enter into a Contract For Services with the law firm of Friebert, Finerty & St. John, S.C. at a rate of \$110.00 per hour with a total limit on the Contract of \$50,000 with the money to be paid directly to the law firm from the 1998 Razing and Vacant Building Protection Fund Special Purpose Account (01-054-8001). 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/crr

January 12, 1999

Frieb