



## Legislation Details (With Text)

**File #:** 211407 **Version:** 1

**Type:** Resolution **Status:** In Committee

**File created:** 12/14/2021 **In control:** PUBLIC SAFETY AND HEALTH COMMITTEE

**On agenda:** **Final action:**

**Effective date:**

**Title:** Substitute resolution authorizing the City Clerk's Office to retain outside counsel to prepare and pursue civil litigation against certain reckless drivers.

**Sponsors:** ALD. MURPHY

**Indexes:**

**Attachments:** 1. Ald. Johnson's request, 2. Legal Opinion

Date	Ver.	Action By	Action	Result	Tally
12/14/2021	0	COMMON COUNCIL	ASSIGNED TO		
1/7/2022	0	PUBLIC SAFETY AND HEALTH COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0

211407  
SUBSTITUTE 1

ALD. MURPHY

Substitute resolution authorizing the City Clerk's Office to retain outside counsel to prepare and pursue civil litigation against certain reckless drivers.

This resolution authorizes the City Clerk's Office to retain outside counsel to prepare and pursue civil litigation against certain reckless drivers. In addition, the resolution appropriates \$45,000 from the City Attorney's Office Counsel Expert Witness Special Purpose Account for the purpose of retaining outside counsel and directs the City Attorney to expend this amount for this purpose.

Whereas, Section 823.02, Wis. Stats, provides that a city may pursue injunctive relief against reckless drivers through a nuisance *per se* theory; and

Whereas, The Police Department has requested assistance from the Office of the City Attorney to pursue injunctive relief against the public nuisance of reckless driving via civil litigation against certain reckless drivers; and

Whereas, The Office of the City Attorney has stated its official position is to hold off on civil litigation at this point in time; now, therefore, be it

Resolved, By the Common Council of the City Milwaukee, that the City Clerk's Office is authorized to retain outside counsel to prepare and pursue civil litigation against certain reckless drivers; and, be it

Further Resolved, That an amount not to exceed \$45,000 is appropriated from the City Attorney's Office Counsel Expert Witness Special Purpose Account Number 0001-1490-S157-06300 for the purpose of retaining outside counsel; and, be it

Further Resolved, That the City Attorney is directed to expend up to \$45,000 from this account for this purpose upon identification of outside counsel.

LRB177151-2  
Tea B. Norfolk  
12/16/2021