

RESOLUTION NO. 2005-2021

**CITY OF KEWAUNEE
COUNTY OF KEWAUNEE
STATE OF WISCONSIN**

**RESOLUTION BY THE CITY OF KEWAUNEE COMMON COUNCIL TO RETAIN SPECIAL
OUTSIDE LEGAL COUNSEL TO ADVISE THE MEMBERS OF THE COMMON COUNCIL
ON ISSUES RELATED TO CITY OPERATIONS.**

WHEREAS, the Kewaunee Common Council under sec. 62.11(5), Wis. Stats., “shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.”, and,

WHEREAS, the Kewaunee Common Council in order to carry out these statutory duties, the members of the Council need to seek advice and legal opinions from the Kewaunee City Attorney, and,

WHEREAS, Wisconsin law explicitly provides that the City Attorney “shall when requested by city officers give written legal opinions, which shall be filed with the City Clerk”, Wis. Stat. sec. 62.09(12), and,

WHEREAS, the City Mayor, the City Administrator and the City Attorney have advised Council members that they may not seek legal advice and opinions from the City Attorney unless approved by the City Administrator, which limitations have been made in writing, and,

WHEREAS, such a policy is contrary to law and improperly restricts the authority of the legislative body in carrying out its duties.

WHEREAS, although the City (which includes the Common Council) is the client of the City Attorney, many members of the Common Council are concerned that the City Attorney is only focused on representing the interests of the City Mayor and the City Administrator and has shown little interest or resolve in representing the interests of the Common Council and its members, and,

WHEREAS, many members of the Common Council do not have confidence in the City Attorney.

THEREFORE, BE IT RESOLVED:

1. That the City of Kewaunee shall retain outside special counsel with municipal law experience to advise the Common Council on issues determined by the Council to be matters deserving of advice; and,
2. That attorney Michael P. May and the firm of Boardman & Clark of Madison Wisconsin, be retained for such purposes, and,
3. That legal fees for such services be at a rate not to exceed \$300 per hour, and,

4. That an agreement may be entered into on behalf of the City by John Blaha, Council President for such services, and,
5. That an amount not to exceed \$10,000 be appropriated from the 101 General Fund, Department 51310 Legal, item number 51310-213 Legal Fees for the purposes outlined in this resolution.
6. That Alderpersons John Blaha and/or Wendy Shelton shall be the officer in regular contact with outside special counsel to obtain any legal opinions needed by the Common Council.

Adopted by order of Common Council of the City of Kewaunee, Wisconsin at a regular meeting thereof on the 13th day of September, 2021, by a vote of 6 for and 2 opposed.

Approved: _____
Jason Jelinek,
Mayor of the City of Kewaunee

Attest: _____
Terri S. Decur
Clerk for the City of Kewaunee