



## Legislation Text

---

**File #:** 70915, **Version:** 1

---

### Fiscal Note

The proposed resolution amends the 2022 Operating Budget for the Assessor and Direct Appropriations and authorizes the City to retain special outside counsel on a non-competitive basis to assist in representing the City of Madison in property tax litigation for tax year 2020. Specifically, Lots 2 and 3, LLC, Madison on Broadway, LLC, 301 South Ingersoll, LLC, City Row Apartments, LLC, 1000 Mifflin Street, LLC and 709 Segoe, LLC have filed suit for excessive assessment for tax year 2020 for their Section 42 properties. The proposed resolution authorizes \$35,000 for these legal services from Boardman & Clark, LLP. These legal services will be funded by the City's Contingent Reserve, which will have an available budget of \$1.78m following the adoption of this Resolution.

### Title

Amending the 2022 Adopted Operating Budget for the Assessor to transfer \$35,000 from Direct Appropriation's Contingent Reserve in the General Fund to Assessor's purchased services budget and authorizing the City to retain Outside Counsel on a non-competitive basis to assist the City Attorney in representing the City's interests in property tax litigation with Section 42 housing developments which are challenging their 2020 real property tax assessments.

### Body

WHEREAS, City staff is currently negotiating a letter of engagement with Boardman & Clark, LLP to assist in representing the City's interests in the excessive assessment lawsuits commenced by Section 42 properties; and

WHEREAS, WWMIC has asserted policy exclusions which it claims exclude any coverage for any damages that might ultimately be awarded in the litigations; and

WHEREAS, the City will be proceeding with all litigations; and

WHEREAS, under MGO § 4.26(4)(a)(3), the City may retain legal services of an attorney without competitive bids.

NOW, THEREFORE, BE IT RESOLVED that the 2022 Adopted Operating Budget is amended to transfer \$35,000 from the Contingent Reserve in Direct Appropriations to the Assessor's purchased services budget; and

BE IT FURTHER RESOLVED that the City hereby agrees to retain the firm of Boardman & Clark, LLP to assist the City Attorney's Office in representing the City's interests in the 2020 excessive assessment property tax litigations with Section 42 developments; and

BE IT FURTHER RESOLVED the City is authorized to pay for legal services up to \$35,000 out of the general fund budget(s); and

BE IT FURTHER RESOLVED that the appropriation may also be used for other experts or the payment of mediation services necessary to resolve the disputes and if any amount is not used it shall lapse to the general fund; and

BE IT FINALLY RESOLVED that the City Attorney shall review and execute a retainer agreement with Boardman & Clark, LLP on the terms approved by the City Attorney and the City Assessor.