

To better inform the question of:

"If the OIM had fully independent legal counsel for all matters, regardless of whether they relate to its core oversight mission, what would be the impact?"

I requested information from City Attorney Haas regarding recent lawsuits tied to the PCOB.

➤ *Summary of Relevant Litigation*

Lawsuit #1 – David B.

Issue: Challenge to ordinance language requiring specific demographic representation on the PCOB

Outcome: Ordinance revised ([Legistar #71016](#))

Defense Costs: \$38,845.50

Other Costs Paid Out: \$46,100

Total: \$84,945.50

Lawsuit #2 – Eric H.

Issue: Allegation of discriminatory hiring practices in the selection of the Independent Monitor

Outcome: City lost the lawsuit

Defense Costs: \$46,537

Other Costs Paid Out: \$5,000

Total: \$51,537

Lawsuit #3 – Joel W.

Issue: Allegation of discriminatory hiring practices in the appointment of the first Independent Monitor

Costs are unavailable at this time, because this is an ongoing lawsuit that the OCA is currently defending the PCOB against.

Absolute Total: \$136,482.5 (*Lawsuit #1 + Lawsuit #2*)

➤ *Policy Implication for Alder Consideration*

If the OIM were to operate with fully independent legal counsel across all functions:

- These types of cases would likely **not be covered by the City's insurance**
- The Common Council would be responsible for funding
 - Legal defense costs
 - Outside counsel rates, rather than in-house
 - Any resulting monetary damages

In practice, **this would shift significant financial risk directly onto the City's operating budget and taxpayers.** If the OIM's independent counsel provides advice that is contrary to city procedures which is acted upon, that could invite additional financial and legal liability for the City, and result in insurance premiums increasing.