

CITY OF MILWAUKEE

Form CA-43

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February 3, 2005

Mr. W. Martin Morics
Comptroller
Room 404 – City Hall

Attention: Mr. Richard Li

Re: Common Council File No. 031616 – a Substitute Ordinance Relating
to Authorization of Expenditures for Tax Incremental Districts

Dear Mr. Morics:

In your February 2, 2005 communication, you forwarded a proposed ordinance relating to authorization of expenditures for tax incremental districts. That ordinance will be considered under the above-captioned Common Council file.

You asked for our review to determine if the ordinance accomplishes the following:

1. While the budget controls the overall amount authorized for TID expenditures, each current and new TID requires an explicit authorized amount in order for expenditures to occur;
2. Absent an expenditure authorization for a TID, the authorized amount is assumed to be \$0; and
3. Departments are not authorized to spend on, and the Comptroller is not authorized to release funds for, expenditures for a specific TID in excess of the amount authorized by the Council for that TID.

We are of the opinion that the proposed ordinance accomplishes the above objectives and if enacted would be legal and enforceable.

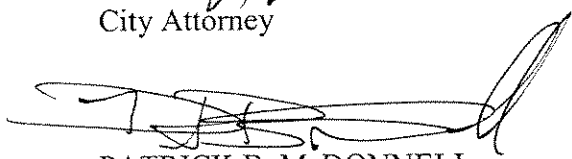
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We note that we have commented upon the subject matter of the proposed ordinance in a number of opinions going back to 1985, the most recent of which was a January 21, 2005 opinion to you. In all of those opinions, we have noted that the issue of controlling tax incremental district expenditures "must be left to the Common Council." The proposed ordinance provides the Common Council with the vehicle to accomplish such tax incremental district expenditure control.

Very truly yours,



GRANT E. LANGLEY
City Attorney



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c: Ald. Michael Murphy
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