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**ROSE SIMON-SILVA**  
Assistant City Attorneys

January 9, 2018

Alderman Tony Zielinski  
14<sup>th</sup> Aldermanic District  
Room 205 – City Hall

Re: Legality and Enforceability of File No. 171135 – a Proposed Substitute Resolution Authorizing the Police Department and Fire Department to Accept and Expend Donations for Funding Police Officer and Firefighter Salaries

Dear Ald. Zielinski:

We have been asked to comment on the legality and enforceability of the above-referenced proposed substitute ordinance. On November 15, 2017, we issued an opinion with respect to the original version of this proposed ordinance, a copy of which is attached for your convenience and review.

The proposed substitute ordinance is identical to the original version, save for the imposition of two additional conditions: (1) that the use of donations for police and firefighter salaries would be restricted to increase the “average daily sworn strength” of the Police and Fire departments in 2018 and subsequent years beyond that provided for in the City’s 2018 budget; and (2) that any donated funds not used for these purposes within three years of their receipt by the City shall be returned to the donor.

We do not believe that these changes alter our opinion of November 15, 2017 concerning the legality and enforceability of the original version of this proposed ordinance, and would therefore conclude that that opinion applies equally to the proposed substitute version of which you inquire.



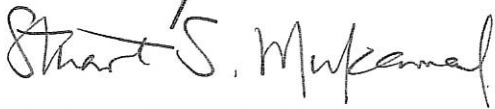
Alderman Tony Zielinski  
January 9, 2018  
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Please contact this office if you have any further questions concerning this matter.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



STUART S. MUKAMAL  
Assistant City Attorney

SSM:lmb  
enclosure  
c: Dana J. Zelazny, Legislative Fiscal Analyst-Lead  
• Jim Owczarski, City Clerk  
1033-2018-22:246075

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November 15, 2017

La Keisha Butler, Director  
Office of Intergovernmental Relations  
6<sup>th</sup> Floor – City Hall


Re: Legality and Enforceability of File No. 171135 – A Resolution  
Authorizing the Police Department and Fire Department to Accept  
Accept and Expend Donations for Funding of Police Officers  
and Firefighter Salaries


Dear Ms. Butler:

In response to your request for this office's review of the above-referenced resolution, we have performed that review and find the proposed resolution to be legal and enforceable as long as the requirements of § 304-24 of the Milwaukee Code of Ordinances ("MCO") entitled "Contributions Received by the City" are strictly complied with. We note that the resolution text specifically references this provision in the first "Whereas" clause. We would particularly direct your attention to subsecs. 304-24-4 entitled "Deposit of Contributions" and 304-24-5 entitled "Appropriation and Expenditure of Contribution Funds," which specifies the accounts into which donated fund may be deposited and the accounts from which such funds may be expended. The "Further Resolved" clauses of the resolution specifying the transfers, appropriations and expenditures applicable to donated fund within its parameters appear to comply with subsecs. 304-24-4 and 304-24-5, MCO, although we would advise that this item be strictly monitored to assure that this is the case in practice.

Please contact this office if you have any further questions concerning this matter.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney



STUART S. MUKAMAL

Assistant City Attorney

SSM:lmb

1192-2017-2294:244896

c: Alderman Tony Zielinski

Jim Owczarski, City Clerk

