

LRB-RESEARCH AND ANALYSIS SECTION

LICENSES COMMITTEE

ITEM 1, FILE # 980848

JANUARY 2, 2007

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File 980848 is a substitute ordinance relating to approval by the city attorney of certain bonds and insurance.

Background

1. Section 3-03-1-b, d and f of the charter provides that the duties of the City Attorney include furnishing written opinions when requested, drafting of ordinances, contracts and bonds as may be required by the business of the city and to “perform such other duties as may be prescribed by the charter and ordinances of the city.”
2. Section 62.09(12), Wis. Stats., provides that the duties of the attorney of a city include conducting “all of the law business in which the city is interested” and to provide written legal opinions “when requested by city officers.”
3. Neither state law nor the city charter requires the City Attorney to review and approve bonds or insurance secured by applicants for certain permits and licenses absent a request for written legal opinion.
4. The code of ordinances, however, requires that bonds or insurance be obtained by certain applicants and approved by the city attorney. These applicants include those seeking: authorization to provide ambulance service, home improvement contractor licenses, food distributor permits, building mover licenses, permits for explosives, electrical licenses, and plumbing business registrations.

Discussion

1. The documentation of bond and insurance coverage is initially reviewed by one staff person in the City Attorney’s Office. The documents are then distributed to appropriate assistant city attorneys within 3 working days. If corrections, additions or changes are not required, then the turn-around time is generally one to 2 weeks from receipt of the documents.
2. The proposed substitute ordinance eliminates the requirement of formal approval of bond or license documents by the City Attorney’s Office. No change is made with respect to bond and insurance requirements. The City Attorney’s Office will work with the appropriate agencies and staff to assure that documentation of appropriate coverage remains sufficient. Nothing in the ordinance prevents a city official from seeking a written opinion regarding bond and insurance documentation in specific cases
3. A proposed substitute “A” has been attached to the file. Substitute A makes no substantive change. This legislation first was introduced in 1998. Substitute A

would update the 1998 draft which is currently in the file in order to reflect intervening changes to the affected provisions.

Fiscal Impact

1. The proposed ordinance has no fiscal impact.
2. Staffing levels in the City Attorney's Office will not change. The efficiencies provided by elimination of the required review and approval process will permit staff to attend to other pending matters.

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