



# City of Milwaukee

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## Meeting Agenda JUDICIARY & LEGISLATION COMMITTEE

*ALD. ASHANTI HAMILTON, CHAIR*  
*Ald. Terry Witkowski, Vice-Chair*  
*Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert*  
*Donovan*

*Staff Assistant, Linda Elmer, (414) 286-2232*  
*Fax: (414) 286-3456, E-mail: [lelmer@milwaukee.gov](mailto:lelmer@milwaukee.gov)*

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Monday, February 1, 2010

1:30 PM

Room 301-B, City Hall

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1.     [091228](#)     Substitute resolution authorizing the return of real estate located at 8847D N. Swan Rd., in the 9th Aldermanic District to its former owner. (CitiFinancial, Inc.)  
  
      **Sponsors:**     THE CHAIR  
  
      **Attachments:**   [Fiscal Note](#)  
                          [Application](#)  
                          [Treasurer's Office](#)  
                          [Dept of Neighborhood Services](#)  
                          [Hearing Notice List](#)
  
2.     [091312](#)     An ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.  
  
      **Sponsors:**     THE CHAIR  
  
      **Attachments:**   [Fiscal Note](#)  
                          [Proposed Substitute A](#)  
                          [Hearing Notice List](#)
  
3.     [091091](#)     Substitute resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in matters pending before the Board of Zoning Appeals.  
  
      **Sponsors:**     Ald. Bauman  
  
      **Attachments:**   [Fiscal Note](#)  
                          [Hearing Notice List](#)

4. [091224](#) Resolution appropriating \$50,000 from the 2009 Common Council Contingent Fund account to the Assessor's Office to pay for legal consulting fees related to remissions cases.

**Sponsors:** THE CHAIR

**Attachments:** [Cover Letter](#)  
[Fiscal Note](#)  
[Contingent Fund Request](#)  
[Hearing Notice List](#)

*--- May be referred to the Finance and Personnel Committee.*

5. [091270](#) Resolution authorizing payment of an Arbitration award in the cases of Metropolitan Associates v. City, Granville Holding v. City, Servite Village Apartments v. City, Rainbow Terrace Apartments v. City, Riverwood Apartments Assn. v. City and Northland Apartments v. City for the years 2006, 2007 and 2008 for the total amount of \$58,976.74 plus statutory interest.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Assessment Reduction Table](#)  
[Arbitration Spreadsheet](#)  
[Cover Letter](#)  
[Hearing Notice List](#)

6. [091223](#) Communication from the Comptroller's Office relating to the Audit of City Assessments for Commercial Property.

**Sponsors:** THE CHAIR

**Attachments:** [Audit](#)  
[Hearing Notice List](#)

2:00 P.M.

7. [091285](#) Communication relating to the 2010 Census.

**Sponsors:** THE CHAIR

**Attachments:** [Action Plan](#)  
[Chairs](#)  
[Partner Organizations](#)  
[Web Site](#)  
[Hearing Notice List](#)

Items below will be heard no earlier than 2:30 P.M.:

8. [091276](#) Substitute Resolution to settle claims of Gimbel, Reilly Guerin & Brown for defense of various police officers.  
**Sponsors:** THE CHAIR  
**Attachments:** [Fiscal Note](#)  
[City Attorney Letter](#)  
  
*---This file includes payment of legal fees for Sgt. Kimberlee Foster.*
9. [091122](#) Resolution relating to the appeal of Joseph Hren for property damage.  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter](#)  
[Appeal](#)  
[Estimates of the Damages](#)  
[Hearing Notice List](#)  
  
*---\$2,930.17*
10. [091221](#) Resolution relating to an appeal from Albert and Diane Taylor for property damage. (1st Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter](#)  
[Appeal](#)  
[Hearing Notice List](#)  
  
*---\$384.38*
11. [091222](#) Resolution relating to an appeal from Godfrey Wicks, Sr. for property damage. (7th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter](#)  
[Appeal](#)  
[Hearing Notice List](#)  
  
*---\$7,436.88*
12. [091267](#) Resolution relating to the claim of Atty. David Blau on behalf of Kewanee Allen for personal injuries. (7th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Hearing Notice List](#)  
  
*---\$174,174.16*

13. [091250](#) Resolution relating to the claim of Cassandra Page-Kemp for property damage. (7th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Hearing Notice List](#)  
---\$5,847.05
14. [091226](#) Resolution relating to the claim of Kathryn Haller for personal injuries. (4th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Hearing Notice List](#)  
---\$50,000.00
15. [091225](#) Resolution relating to the appeal of Julie Silbaugh, Agent for State Auto Insurance Companies on behalf of Thomas Ballinger for property damage. (3rd Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter](#)  
[Appeal](#)  
[Hearing Notice List](#)  
---\$1,792.56
16. [090998](#) Resolution relating to an appeal from Mary Kargol for property damage. (12th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter](#)  
[Appeal](#)  
[Hearing Notice List](#)  
---\$2,080.32
17. [091227](#) Resolution relating to the claim of Tielisha Hodges for property damage. (1st Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Hearing Notice List](#)  
---\$5,800.00

18. [091104](#) Resolution relating to the claim of Jeff Dybul for property damage. (10th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Letter from the Dept of Public Works re Sanitary Bypass Pumps](#)  
[Hearing Notice List](#)

---\$15,000.00

19. [091103](#) Resolution relating to the claim of John and Gayle Eckland for property damage. (10th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Letter from the Dept of Public Works re Sanitary Bypass Pumps](#)  
[Hearing Notice List](#)

---\$11,111.41

3:15 P.M.

20. [091316](#) Resolution relative to legislative bills.

**Sponsors:** THE CHAIR

**Attachments:** [Agenda](#)  
[SB-458.pdf](#)  
[AB-656.pdf](#)  
[AB-661.pdf](#)  
[E-Mail from Dept of Administration re Jobs for Main Street Act](#)  
[Jobs for Main Street Summary](#)  
[Jobs for Main Street Act of 2010](#)  
[Regional Transit Authority Summary](#)  
[Regiona Transit Authority Summary](#)  
[Hearing Notice List](#)

---SB-458 /AB 656 *The local regulation of ticket selling and providing a penalty.*

---AB-66 *County and municipal expenditures for emergency services.*

---LRB-3451/7 *Regional Transit Authority*

---H.R. 2847 *Jobs for Main Street Act of 2010 (federal act)*

21. [091296](#) Reappointment of Joanne Barndt to the Ethics Board by the Mayor. (3rd Aldermanic District)  
**Sponsors:** THE CHAIR  
**Attachments:** [Reappointment Letter](#)  
[Attendance Record](#)
22. [091192](#) Resolution appropriating funds of not more than \$10,000 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.  
**Sponsors:** Ald. Bauman  
*---May be placed on file as no longer needed.*
23. [090478](#) Communication related to the 2009 activities of the Ethics Board.  
**Sponsors:** THE CHAIR  
**Attachments:** [Recording of the 11/18/09 Meeting](#)  
[Minutes of the 10/21/09 Meeting](#)  
[Recording of the 10/21/09 Meeting](#)  
[Minutes of the 9/16/09 Meeting](#)  
[Recording of the 9/16/09 Meeting part 1](#)  
[Recording of the 9/16/09 Meeting part 2](#)  
[Minutes of the 7/15/09 Meeting](#)  
[Recording of the 7/15/09 Meeting part 1](#)  
[Recording of the 7/15/09 Meeting part 2](#)  
[Minutes of the 6/17/09 Meeting](#)  
[Recording of the 6/17/09 Meeting part 1](#)  
[Recording of the 6/17/09 Meeting part 2](#)  
[Minutes of the 5/20/09 Meeting](#)  
[Recording of the 5/20/09 Meeting](#)  
[Minutes of the 4/22/09 Meeting](#)  
[Recording of the 4/22/09 Meeting](#)  
[Minutes of the 3/18/09 Meeting](#)  
[Recording of the 3/18/09 Meeting](#)  
[Minutes of the 2/18/09 Meeting](#)  
[Recording of the 2/18/09 Meeting Part 1](#)  
[Recording of the 2/18/09 Meeting Part 2](#)  
[Minutes of the 1/21/09 Meeting](#)  
[Recording of the 1/21/09 Meeting](#)  
  
*---May be placed on file as no longer needed.*

**This meeting will be webcast live at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25).**



## Legislation Details (With Text)

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**File #:** 091228      **Version:** 1  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Substitute resolution authorizing the return of real estate located at 8847D N. Swan Rd., in the 9th Aldermanic District to its former owner. (CitiFinancial, Inc.)  
**Sponsors:** THE CHAIR  
**Indexes:** IN REM JUDGMENTS  
**Attachments:** Fiscal Note, Application, Treasurer's Office, Dept of Neighborhood Services, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

091228

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 8847D N. Swan Rd., in the 9th Aldermanic District to its former owner. (CitiFinancial, Inc.)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 8847D N. Swan Rd., previously owned by CitiFinancial, Inc., has delinquent taxes for 2006-2009 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated November 23, 2009; and

Whereas, CitiFinancial, Inc. would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since November 23, 2009; and

Whereas, CitiFinancial, Inc. has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 8847D N. Swan Rd., a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 09CV012716, known as the 2009-02 In Rem Parcel 1, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

lme

1/22/10



# CITY OF MILWAUKEE FISCAL NOTE

A) DATE 1/22/10

FILE NUMBER: 091228

Original Fiscal Note  Substitute

SUBJECT: Substitute resolution authorizing the return of real estate to its former owner.

B) SUBMITTED BY (Name/title/dept./ext.): Linda Elmer/Staff Assistant/City Clerk/2232

C) CHECK ONE:  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
 NOT APPLICABLE/NO FISCAL IMPACT.

(Please see enclosed reports from Departments)

D) CHARGE TO:  DEPARTMENT ACCOUNT(DA)  CONTINGENT FUND (CF)  
 CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  
 PERM. IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
<b>TOTALS</b>					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**WAYNE F. WHITTOW**  
City Treasurer




**James L. Hanna**  
Deputy City Treasurer

**James F. Klajbor**  
Special Deputy City Treasurer

**OFFICE OF THE CITY TREASURER**  
Milwaukee, Wisconsin

January 5, 2010

To: Milwaukee Common Council  
City Hall, Room 205

From: Wayne F. Whittow   
City Treasurer

Re: Request for Vacation of Inrem Judgment  
Tax Key No.: 034-0512-000-2  
Address: 8847 D N SWAN RD  
Applicant/Requester: CITIFINANCIAL INC  
2009-02 Inrem File  
Parcel: 1  
Case: 09-CV012716

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 11/23/2009.

WFW/slk

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 45 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. **Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.**
5. Complete boxes a, b c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 8847 N. 91<sup>st</sup> St, aka 8847 N. Swan Road, Unit D, Milwaukee, WI 53224  
 TAXKEY NUMBER 034-0512-2  
 NAME OF APPLICANT Cit Financial, Inc. do Blommer Peterman, S.C.  
 MAILING ADDRESS 13700 W. Greenfield Avenue, Brookfield, WI 53005  
(262) 790-5719  
 CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES \_\_\_\_\_ NO X

If no, describe interest in this property Mortgage holder of interest.

MILWAUKEE CITY TREASURER  
RECEIVED ON  
2010 JAN -5 PM 2:43

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

N/A

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES X NO \_\_\_\_\_

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES \_\_\_\_\_ NO X

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. **Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.**

APPLICANT'S SIGNATURE [Signature] DATE 1-4-10

Partners  
Deborah A. Blommer  
James M. Peterman  
Benjamin J. Pliskie



Associates  
Shannon K. Cummings  
Thomas C. Dill  
Christina E. Demakopoulos  
Chaz Rodriguez  
J. Timothy Lovett  
Scott D. Nabke

13700 West Greenfield Avenue Brookfield, Wisconsin 53005  
(262) 790-5719 Fax (262) 790-5721  
[www.blommerpeterman.com](http://www.blommerpeterman.com)

January 4, 2010

City Treasurer  
200 East Wells Street  
Room 103  
Milwaukee, WI 53202

RE: 8847 N. 91<sup>st</sup> Street a/k/a 8847 N. Swan Road, Unit D, Milwaukee, WI 53224  
Tax Key Number: 034-0512-2  
Request for Vacation of In Rem Judgment

Dear Sir or Madam:

Please find enclosed for submission the completed Request for Vacation of In Rem Judgment in regards to the above referenced property. Also enclosed is a check in the amount of \$1,370.00 for administrative costs.

Please contact our office at your earliest convenience and advise of the date of the Milwaukee Judiciary and Legislative Committee meeting which our office will appear at in regards to this request.

If you have any questions, please feel free to contact our office.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Pliskie', written over a horizontal line.

Benjamin J. Pliskie

Enclosures

**Blommer Peterman S. C. is the creditor's attorney and is attempting to collect a debt on its behalf. Any information obtained will be used for that purpose.**

Office of the City Treasurer - Milwaukee, Wisconsin  
 Customer Services Unit  
 Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	<b>1,370.00</b>

Date 1/5/2010

**Comments for Treasurer's Use Only**

Administrative Costs - Request for Vacation of Judgment

File Number: 2009 - 02  
 Taxkey Number: 034-0512-000 - 2  
 Property Address: 8847 8847 D N SWAN RD  
 Applicant: CITIFINANCIAL INC

Parcel Number: 1  
 CaseNumber: 09-CV012716

**Teller Validation**

\*\*\*\* DUPLICATE \*\*\*\*

**City of Milwaukee**  
**PAYMENT RECEIPT**  
 Office of the City Treasurer  
 City Hall, Room 103

Batch Date: 01/06/10 Receipt # 00746808  
 Teller ID: shills2210004

Payment Tendered: 1/5/2010 2:58 PM  
 1910 Delinquent Tax Cost Recovery  
 Document No. City Treasurer  
 Transaction Total: \$1,370.00

1911 City Treasurer-Cost Recovery  
 987016 0001 2210 1840 \$220.00  
 Allocation Total:

1912 DCO-Cost Recovery  
 987016 0001 1911 1840 \$450.00  
 Allocation Total:

1913 City Clerk-Cost Recovery  
 987016 0001 1310 1840 \$200.00  
 Allocation Total:

1914 City Attorney-Cost Recovery  
 987016 0001 1490 1840 \$500.00  
 Allocation Total:

CK 81525 \$1,370.00

**WAYNE F. WHITTOW**  
 City Treasurer

\*\*\*\* DUPLICATE \*\*\*\*



## OFFICE OF THE CITY TREASURER

CITY HALL - ROOM 103 • 200 EAST WELLS STREET • MILWAUKEE, WISCONSIN 53202  
 TELEPHONE: (414) 286-2240 • FAX: (414) 286-3186 • TTY: (414) 286-2025

**Wayne F. Whittow**  
 CITY TREASURER

January 21, 2010

To: Milwaukee Common Council  
 Room 205, City Hall

From: Wayne F. Whittow, City Treasurer  
 Office of the City Treasurer

Re: 091228 Reopening and Vacating InRem Judgment  
 Tax Key No.: 034-0512-000-2  
 Address: 8847 8847 D N SWAN RD  
 Applicant/Requester: CITIFINANCIAL INC  
 2009-02 in rem, Parcel: 1  
 Case: 09-CV012716, Acquired: 11/23/2009

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Listed below are the outstanding taxes on the above parcel. Since interest and penalties accrue monthly, figures are listed for two months. The administrative costs in the amount of \$1,370.00 have been paid.

<b>TAX YEARS</b>	<b>IF PAID IN FEB</b>	<b>IF PAID IN MAR</b>
2006-2009	\$7,139.72	\$7,139.72
Interest	\$1,159.10	\$1,229.14
Penalty	\$579.55	\$614.57
<b>TOTAL*</b>	<b>\$8,878.37</b>	<b>\$8,983.43</b>

\*The above figures may change prior to payment due to possible additional costs and/or rental reimbursement.

WFW/slk



**Department of Neighborhood Services**  
Inspectional services for health, safety and neighborhood improvement

**Art Dahlberg**  
Commissioner

**Thomas G. Mishefske**  
Operations Manager

January 19, 2010

Alderman Ashanti Hamilton, Chair  
Judiciary and Legislation Committee  
Office of the City Clerk  
Room 205, City Hall

Re: File No.           091228  
      Address           8847D N Swan Rd

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request, provided the applicant files a property recording application.

Sincerely,

Lynne Steffen  
Business Operations Manager



Department of City Development

City Plan Commission  
Historic Preservation Commission  
Neighborhood Improvement  
Development Corporation  
Redevelopment Authority

**Rocky Marcoux**  
Commissioner

**Martha L. Brown**  
Deputy Commissioner

January 27, 2010

Ms. Linda Elmer, Staff Assistant  
Judiciary & Legislation Committee  
Room 205, City Hall  
City of Milwaukee

Dear Ms. Elmer:

Re: File Number 091228  
8847-D North Swan Road

The Department of City Development reports that the tax foreclosed property located at 8847-D North Swan Road, Tax Key No. 034-0512-000-2, is not suitable for use by a public agency or community based organization. The property is located in the Northwest planning area.

This condominium unit is occupied; \$200.00 rent has been collected. Administrative costs incurred by our Department total \$525.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,

Elaine M. Miller  
Manager, Real Estate Services

c: K. Urban, City Treasurer/Customer Service  
M. Crump, City Attorney's Office







## Legislation Details (With Text)

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**File #:** 091312      **Version:** 0  
**Type:** Ordinance      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** An ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

**Sponsors:** THE CHAIR

**Indexes:** REVISORS BILL

**Attachments:** Fiscal Note, Proposed Substitute A, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091312

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

An ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

**Sections**

102-13 am  
102-21-2 am  
105-57-2 am  
320-15-1 rc  
320-33-1 am

**Analysis**

This ordinance revises various provisions of the code for purposes of revising errors, clarifying language and eliminating obsolete provisions.

**Body**

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 102-13 of the code is amended to read:

102-13. Penalties. Any person violating any of the provisions of s. 102-1 may upon conviction thereof be subject to forfeiture within the range of forfeitures provided by statute for violation of the section. For a conviction for violating any of the provisions of s. 102-7-1 to ~~[[14]]~~ >>6<<, a person may be subject to a forfeiture of not less than \$10 nor more than \$20. Any person violating the provisions of s. ~~[[102-7-13]]~~ >>102-7-7>> may upon conviction thereof be subject to a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2<sup>nd</sup> or subsequent conviction within a year.

Part 2. 102-21-2 of the code is amended to read:

2. Any person who violates any provision of this subchapter may be fined not more than \$250, except that any person violating s. ~~[[102-25-9-c]]~~ >>102-25-5-c<< may be fined not more than \$200.

Part 3. Section 105-57-2 of the code is amended to read:

105-57. Sales on Public Right of Way (Special Events).

2. SPECIAL EVENTS: DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, ~~[[Riversplash]]~~, the Westtown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

Part 4. Section 320-15-1 of the code is repealed and recreated to read:

320-15. City Plan Commission.

1. CREATED. There is created, pursuant to s. 27.11, Wis. Stats., a board of public land commissioners, which for convenience of identification, shall be known and referred to as the city plan commission, consisting of 7 citizen members, with the same purposes, powers, functions and terms as boards of public land commissioners created under s. 27.11, Wis. Stats. The board shall exercise all the powers conferred on city plan commissioners under s. 62.33, Wis. Stats.

Part 5. Section 320-33-1 of the code is amended to read:  
320-33. Skywalk Design Committee.

1. CREATION. There is created a skywalk design committee consisting of 9 members: the chair of the common council's zoning and development committee or alternate, who shall serve as chair of the committee; the chair of the historical preservation committee or a designee; the chair of the city plan commission or a designee; a member of the city plan commission appointed by the common council president; the ~~[[urban-development coordinator]]~~ >>planning manager<< in the department of city development; the superintendent of buildings and fleet services or a designee; the chair of the space, air and subterranean space structures lease committee or a designee; a representative of the downtown business improvement district (#21), appointed by the president of the common council; and the chair of the building owners management association or a designee. The city clerk's office shall staff the committee. The terms of the member of the city plan commission and the representative of the downtown business improvement district shall expire at the end of the common council term in which those members were appointed.

**LRB**

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

**Attorney**

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date: \_\_\_\_\_

**Requestor**

**Drafter**

LRB 10027-1  
BJZ:sd  
1/20/2010

# CITY OF MILWAUKEE FISCAL NOTE

A) DATE 1/21/10

FILE NUMBER: 091312

Original Fiscal Note  Substitute

SUBJECT: An ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

B) SUBMITTED BY (Name/title/dept./ext.): Linda Elmer – City Clerk’s Office

C) CHECK ONE:  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:  DEPARTMENT ACCOUNT(DA)  CONTINGENT FUND (CF)  
 CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  
 PERM. IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
<b>TOTALS</b>					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

..Number

091312

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

THE CHAIR

..Title

A substitute ordinance relating to revision of various provisions for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

..Sections

81-38.5-2 am

102-13 am

102-21-2 am

105-57-2 am

320-15-1 rc

320-33-1 am

..Analysis

This ordinance revises various provisions of the code for purposes of revising errors, clarifying language and eliminating obsolete provisions.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-38.5-2 of the code is amended to read:

**81-38.5. Copies of Records and Record Searches.**

2. The fee imposed by all departments for black and white photocopies of paper records not exceeding 8.5 inches by 14 inches shall be 25 cents ~~[[ including sales tax]]~~ or 50 cents ~~[[including sales tax]]~~ per double-sided copy.

Part 2. Section 102-13 of the code is amended to read:

**102-13. Penalties.** Any person violating any of the provisions of s. 102-1 may upon conviction thereof be subject to forfeiture within the range of forfeitures provided by statute for violation of the section. For a conviction for violating any of the provisions of s. 102-7-1 to ~~[[44]]~~ > > 6< < , a person may be subject to a forfeiture of not less than \$10 nor more than \$20. Any person violating the provisions of s. ~~[[102-7-13]]~~ > > 102-7-7> > may upon conviction thereof be subject to a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2<sup>nd</sup> or subsequent conviction within a year.

Part 3. 102-21-2 of the code is amended to read:

2. Any person who violates any provision of this subchapter may be fined not more than \$250, except that any person violating s. ~~[[102-25-9-c]]~~ > > 102-25-5-c< < may be fined not more than \$200.

Part 4. Section 105-57-2 of the code is amended to read:

**105-57. Sales on Public Right of Way (Special Events).**

2. SPECIAL EVENTS: DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, ~~[[Riversplash]]~~, the Westtown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

Part 5. Section 320-15-1 of the code is repealed and recreated to read:

**320-15. City Plan Commission.**

1. CREATED. There is created, pursuant to s. 27.11, Wis. Stats., a board of public land commissioners, which for convenience of identification, shall be known and referred to as the city plan commission, consisting of 7 citizen members, with the same purposes, powers, functions and terms as boards of public land commissioners created under s. 27.11, Wis. Stats. The board shall exercise all the powers conferred on city plan commissioners under s. 62.33, Wis. Stats.

Part 6. Section 320-33-1 of the code is amended to read:

**320-33. Skywalk Design Committee.**

1. CREATION. There is created a skywalk design committee consisting of 9 members: the chair of the common council's zoning and development committee or alternate, who shall serve as chair of the committee; the chair of the historical preservation committee or a designee; the chair of the city plan commission or a designee; a member of the city plan commission appointed by the common council president; the ~~[[urban development coordinator]]~~ > > planning manager< < in the department of city development; the superintendent of buildings and fleet services or a designee; the chair of the space, air and subterranean space structures lease committee or a designee; a representative of the downtown business improvement district (#21), appointed by the president of the common council; and the chair of the building owners management association or a designee. The city clerk's office shall staff the committee. The terms of the member of the city plan commission and the representative of the downtown business improvement district shall expire at the end of the common council term in which those members were appointed.

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

..Requestor

..Drafter

LRB 10027-2

BJZ:sd

1/22/2010







## Legislation Details (With Text)

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**File #:** 091091      **Version:** 1

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Substitute resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in matters pending before the Board of Zoning Appeals.

**Sponsors:** ALD. BAUMAN

**Indexes:** BOARD OF ZONING APPEALS, CONSULTANTS, LITIGATION

**Attachments:** Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/12/2010	1	CITY CLERK	DRAFT SUBMITTED		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number  
091091  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
ALD. BAUMAN  
Title

Substitute resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in matters pending before the Board of Zoning Appeals.

Analysis

This resolution appropriates \$10,000 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of paying outside legal counsel (Attorney Dan Callahan is proposed) to represent City and public interests in matters involving the request of Kashmir Multani to the Board of Zoning Appeals for a use variance to allow continued operation of a gas station at 1530 W. State Street (BOZA Case No. 28710).

Body

Whereas, In 1995, when the operator of the existing gas station located at 1530 W. State Street sought permission from the City to construct a fuel pump canopy, the Board of Zoning Appeals approved a special use permit for a period of 10 years to allow a gas station on the premises (a gas station was a special use under zoning in effect at that time); and

Whereas, This special use permit was not renewed upon its expiration on April 5, 2005; and

Whereas, On November 14, 2006, the Common Council approved File Number 060733, an ordinance that changed the zoning of this property from LB2 (Local Business) to RT4 (Two-Family Residential); and

Whereas, Under RT4 zoning, a gas station is a prohibited non-conforming use; and

Whereas, Because its special use permit was not renewed before the 2006 zoning change, the gas station at 1530 W. State Street lacks nonconforming special use status; and

Whereas, On February 15, 2007, the Board of Zoning Appeals denied a request from Bulk Petroleum Corp. for a use variance that would allow the existing gas station structure to be razed and a new gas station/convenience store to be constructed on the site; and

Whereas, The current lessee of the gas station, Kashmir Multani, has applied to the Board of Zoning Appeals for a use variance to continue occupancy of the premises as a filling station (BOZA Case No. 28710); and

Whereas, On May 22, 2008, the Board of Zoning Appeals adjourned Case No. 28710 for the purpose of collecting additional information from the petitioner and from City staff; and

Whereas, The appeal before the Board of Zoning Appeals has been returned to the board for further proceedings that might include the briefing of issues of law and fact; and

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Whereas, Over the past several years, the neighborhood surrounding the gas station at 1530 W. State Street has become increasingly residential, with the gas station becoming more and more out of character with the neighborhood; and

Whereas, The 2006 rezoning of several blocks in this area to RT4 (Two-Family Residential) formalized the goal of the City and neighborhood residents and property owners to support and expand residential uses and development in this neighborhood; and

Whereas, Because the City Attorney's Office has already provided legal representation and advice to the board on the pending use-variance application, and has opined on this matter to the Commissioner of Neighborhood Services, the City Attorney's Office may have a conflict of interest representing the City of Milwaukee as an interested party in this case; and

Whereas, Because of this potential conflict of interest, it is in the best interests of the City and the public to hire outside legal counsel if it wishes to proceed in opposition to the use-variance application of Kashmir Multani; and

Whereas, It would be in the best interest of the City in general and residents of the surrounding neighborhood in particular to retain outside experts and legal counsel to represent the public interest by arguing that operation of a gas station at 1530 W. State Street would not be beneficial to the City or its residents; and

Whereas, The Outside Counsel/Expert Witness Fund Special Purpose Account is to be used by the City Attorney's Office for the purpose of retaining experts and outside legal counsel; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is directed to retain the services of Attorney Dan Callahan, subject to terms and conditions established by the City Attorney, to represent the City and the public interest in briefing issues returned to the Board of Zoning Appeals from the Milwaukee Circuit Court related to the use variance requested in board of Zoning Appeals Case No. 28710 and to represent the City and the public interest in any appropriate related proceeding before the Board; and, be it

Further Resolved, That, if Attorney Dan Callahan declines or is otherwise unable to represent the City and the public interest in this matter, then the City Attorney, in consultation with the Alderman representing the district in which the relevant property is located, shall seek to retain alternate counsel to fulfill the purposes of this resolution; and, be it

Further Resolved, That the sum of up to \$10,000 shall be reserved, appropriated and expended within the 2010 Special Purpose Account - Outside Counsel/Expert Witness Fund (006300-0001-9990-S157-2010) for retaining and engaging Attorney Dan Callahan for these purposes.

Requestor

Drafter  
LRB09472-2  
RLW  
1/7/2009

# CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** January 12, 2010

**FILE NUMBER:** 091091

Original Fiscal Note  Substitute

**SUBJECT:** Res. appropriating up to \$10,000 from the OutsideCounsel/Expert Witness SPA to retain Outside Counsel in the matter of 1530 W. State St. (BOZA Case No. 28710)

B) **SUBMITTED BY (Name/title/dept./ext.):** Barbara Woldt, Spec. Asst. to City Attorney, City Attorney's Office, Ext. 8822

C) **CHECK ONE:**  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:**  DEPARTMENT ACCOUNT(DA)  CONTINGENT FUND (CF)  
 CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  
 PERM. IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
<b>SALARIES/WAGES:</b>					
<b>SUPPLIES:</b>					
<b>MATERIALS:</b>					
<b>NEW EQUIPMENT:</b>					
<b>EQUIPMENT REPAIR:</b>					
<b>OTHER:</b>	Outside Counsel/Expert Witness SPA	0001-1490-0001-S157-006300	\$10,000		
<b>TOTALS</b>			\$10,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

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H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

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PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE





## Legislation Details (With Text)

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**File #:** 091224      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution appropriating \$50,000 from the 2009 Common Council Contingent Fund account to the Assessor's Office to pay for legal consulting fees related to remissions cases.

**Sponsors:** THE CHAIR

**Indexes:** CONSULTANTS, CONTINGENT FUND, TAX DEPARTMENT

**Attachments:** Cover Letter, Fiscal Note, Contingent Fund Request, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091224

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution appropriating \$50,000 from the 2009 Common Council Contingent Fund account to the Assessor's Office to pay for legal consulting fees related to remissions cases.

**Analysis**

Resolution appropriates \$50,000 from the 2009 Common Council Contingent Fund account to the Assessor Office's 2009 Operating Expenditures account to cover funds related to expenses to legal consultants giving assistance to the City in remissions cases.

**Body**

Whereas, To pay expenses to legal consultants giving assistance to the City in remissions cases, appropriating \$50,000 from the 2009 Common Council Contingent Fund account to the Assessor Office's 2009 Operating Expenditures account is necessary; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an appropriation of \$50,000 from the 2009 Common Council Contingent Fund to the Assessor Office's 2009 Operating Expenditures account (#0001-2300-0001-R999-006300) be performed by the Comptroller.

**Requestor**

Budget and Management Division

**Drafter**

DOA Budget and Management Division

File Ref:09007 - finance/resolutions/contingent fund transfer to assessor

JEM:dmr

1/6/10



January 7, 2010

Ref: 09007

Common Council  
City of Milwaukee

Subject: Introduction of Resolution Appropriating \$50,000 from the Common  
Council Contingent Fund Account to the Assessor's Office

Dear Honorable Members:

We are submitting the attached resolution for introduction at the January 20, 2010, Common Council meeting. We are requesting this file to be introduced at this time and have attached the detailed resolution and fiscal note for this purpose.

Respectfully submitted,

Mark Nicolini  
Budget and Management Director

JM:dmr  
Attachment

Finance/resolution/contingent fund transfer to assessor ltr

# CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** January 6, 2010

**FILE NUMBER:** \_\_\_\_\_

Original Fiscal Note  Substitute

**SUBJECT:** Appropriate \$50,000 from Common Council Contingent Fund to Assessor Office's Operating Expenditures.

B) **SUBMITTED BY (Name/title/dept./ext.):** Jacob Miller, Budget and Management Analyst, DOA- Budget and Management Div. 286-5588

C) **CHECK ONE:**  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:**  DEPARTMENT ACCOUNT(DA)  CONTINGENT FUND (CF)  
 CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  
 PERM. IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
<b>SALARIES/WAGES:</b>					
<b>SUPPLIES:</b>					
<b>MATERIALS:</b>					
<b>NEW EQUIPMENT:</b>					
<b>EQUIPMENT REPAIR:</b>					
<b>OTHER:</b>	Legal consulting expenses related to remissions cases.	0001-2300-R999-006300	\$50,000		
<b>TOTALS</b>					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

# FINANCE & PERSONNEL COMMITTEE CONTINGENT FUND REQUEST INFORMATION FORM

DEPT.: Assessor CONTACT PERSON & PHONE NO.: Jacob Miller, 286-5588

**A. REASON FOR REQUEST** (Refer to File 921360 for definitions)

CHECK ONE:     EMERGENCY CIRCUMSTANCES  
                    OBLIGATORY CIRCUMSTANCES  
                    FISCAL ADVANTAGE/COMPLIANCE WITH FISCAL MANAGEMENT PRINCIPALS

## B. SUPPORTING INFORMATION

1. State the action requested, including the dollar amount and specific departmental accounts(s) to which the Contingent Fund appropriation would be made.

Request \$50,000 from the Common Council Contingent Fund to the Operating Expenses account (class 006300) for the Office of Assessor (Department 2300).

2. State the purpose of the action requested which includes the program, service or activity to be supported by the funding, as well as the objective(s) to be accomplished.

The purpose is reimbursement for legal expenses related to litigation in remissions cases. This legal assistance was instrumental in victories for the Assessor's Office which resulted in significantly reduced remissions expenses in 2009. It also complements a recommended course of action from the Common Council regarding litigation actions by the City in remissions cases.

3. Describe the circumstances which prompt the request.

The charge for legal services is approximately \$89,000, above the expected amount in the 2009 budget, and above the remaining amount in the Assessor Office's Operating Expenditures account.

4. What are the consequences of not providing the program, service, or activity which is funded by this request?

The lawyers providing the legal services for the Assessor's Office will not be paid, and will go against the Common Council's stated directive.

5. Explain why funds authorized in the Budget are insufficient to provide for the program, service, or activity in question.

There are \$44,000 remaining in Operating Expenditures for the Assessor's Office as of early December, and reductions in the 2009 budget in Assessor Operating Expenditures combined with the increased needs for litigation expenses have led to there not being enough funds in this account to fully pay for the services provided.

5a. Are there any unexpended funds in the departmental control account for which this appropriation is requested, that could be used to fund this request?

Part of the remaining Operating Expenditures balance will be used to pay for these expenses, and it is anticipated that a small transfer will be made from the Assessor's Office's Salary Account will also be utilized to help pay for this.

5b. What are the consequences of using budgeted operating funds for this request?

Using all remaining Operating Expenditures for this account will mean that the provider of legal services will not receive timely compensation for services rendered, and will hinder the ability of the Assessor's Office to pay regular, end-of-year expenses.

6. State why funding was not included in the Budget.

\$100,000 in funding was included in the Professional Services sub-account for 2009. However, there were more cases with high remissions potential litigated than anticipated in Fall 2008, when the 2009 budget was developed. This, along with the directive of the Common Council to fight for more favorable terms in these cases, led to increased litigation expenses.

7. Will the conditions prompting the request be limited to the current year, or will they continue into the following year?

It will be limited to this year, as the Professional Services sub-account was increased by \$180,000 in the 2010 Budget, and the Remission of Taxes Special Purpose Account decreased by \$250,000, to reflect the new emphasis on litigating remissions cases.

8. Has your department made a similar Contingent Fund request in previous years?  YES  NO

\*If yes, what is the most recent year the request was made?

9. Will this funding be used to implement provisions of a collective bargaining agreement?  YES  NO

10. Will the funding being requested provide a level of service authorized by the Budget?  YES  NO

\*If yes, why can't your department accomplish the authorized service level with the authorized funding level?

11. Will the requested funding provide a level of service higher than that authorized by the Budget?  YES  NO

\*If yes, why is a higher service level necessary?

Increased dedication to combating remissions cases than anticipated at the start of 2009, based on needs and wishes of members of the Common Council.

\*What is the estimated amount of additional service units to be provided if the entire Contingent Fund request is approved?

Increased Professional Services payments of approximately \$70,000 compared to budgeted figures.

12. What performance measures and sub-measures are affected by this request, and what are the anticipated changes if the entire Contingent Fund request is approved?

Expected payments from the Remission of Taxes Fund will decrease in future years based on exhibition of willingness to litigate remissions cases.

13. What reductions to performance measures are expected if the request is not approved?

Possible increased usage of the Remission of Taxes fund and reduced ability to hire outside counsel in specialized cases.

14. Is any grant funding associated with the program service, or activity pertaining to the request?  YES  NO

\*If yes, name the grant and current year amount.

15. Will the program, service, or activity affect any electronic data processing system?  YES  NO

**The following questions only apply to Contingent Fund requests which transfer appropriations into capital purpose accounts:**

16. Does this request transfer an appropriation into a capital purpose subaccount?  YES  NO

\*If yes, are similar projects planned and funding available in a capital purpose (parent) account for the current year?

17. Why is the project for which Contingent Funds are requested more important than other similar projects?

18. Does this request fund a project outside the normal order of planned projects of a kind which are funded through a capital purpose (parent) account for the current year?  YES  NO

\*If yes, what is the consequence of deferring the lowest priority planned project until next year?

19. Was this project included in the Department's Budget request?  YES  NO

\*If not, why not?

**If you have any questions about the completion of this form, you may call the  
Fiscal Research Manager at extension 8686.**

**C. THANK YOU FOR YOUR COOPERATION. PLEASE SEND COPIES OF YOUR RESPONSE  
TO:**

Staff Assistant, Finance & Personnel Committee, Room 205, City Hall (6 COPIES)  
Special Assistant, Finance & Personnel Committee, Room 205, City Hall (1 COPY)  
Fiscal Research Manager, LRB-Common Council, Room B-11, City Hall (2 COPIES)  
Budget & Management Director, DOA, Room 307, City Hall (2 COPIES)







Legislation Details (With Text)

**File #:** 091270      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution authorizing payment of an Arbitration award in the cases of Metropolitan Associates v. City, Granville Holding v. City, Servite Village Apartments v. City, Rainbow Terrace Apartments v. City, Riverwood Apartments Assn. v. City and Northland Apartments v. City for the years 2006, 2007 and 2008 for the total amount of \$58,976.74 plus statutory interest.

**Sponsors:** THE CHAIR

**Indexes:** LITIGATION, SUITS SETTLEMENT, TAX CANCELLATIONS

**Attachments:** Fiscal Note, Assessment Reduction Table, Arbitration Spreadsheet, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091270

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution authorizing payment of an Arbitration award in the cases of Metropolitan Associates v. City, Granville Holding v. City, Servite Village Apartments v. City, Rainbow Terrace Apartments v. City, Riverwood Apartments Assn. v. City and Northland Apartments v. City for the years 2006, 2007 and 2008 for the total amount of \$58,976.74 plus statutory interest.

**Analysis**

This resolution authorizes payment of an Arbitration award in the cases of Metropolitan Associates v. City, Granville Holding v. City, Servite Village Apartments v. City, Rainbow Terrace Apartments v. City, Riverwood Apartments Assn. v. City and Northland Apartments v. City, in the total amount of \$58,976.74 plus interest, if applicable.

**Body**

Whereas, The cases of Metropolitan Associates v. City (07CV14475), Granville Holding v. City (07CV14477), Servite Village Apartments v. City (07CV14473), Rainbow Terrace Apartments v. City (07CV14474), Riverwood Apartments Assn. v. City (08CV7044) and Northland Apartments v. City (07CV14471) are Wis. State Statute. 74.37 claims for Excessive Assessment for years 2006, 2007 and 2008 and have claimed property tax refunds; and

Whereas, The parties have submitted this issue to Arbitration and an award has been granted; and

Whereas, The Assessor's Office has calculated the net property refund amount to be as shown in this file for each owner; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, to be refunded to the taxpayer, plus interest at the average annual discount rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the time when the tax was due and the date that the claim was paid pursuant to Section 74.37(5) of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of objection to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That interest for Key No. 031-0101-110-X shall be applicable from date of payment to January 31, 2007 for the year 2006, and, that interest for Key No. 183-9956-112-0 shall be applicable from date of payment to January 31, 2007 for the year 2006, that interest for Key No. 316-1015-100-3 shall be applicable from date of payment to January 31, 2007 for the year 2006, and that interest for Key No. 031-0101-110-X shall be applicable from date of payment to January 31, 2008 for the year 2007, and that interest for Key No. 031-0101-110-X shall be applicable from date of payment to January 31, 2009 for the year 2008, and that interest for Key No. 043-0721-000-8 shall be applicable from date of payment to January 31, 2009 for the year 2008, and be it

Further Resolved, That for and in consideration of the above-referenced payment, plaintiff and its

attorneys will provide to the City a release of any and all claims arising out of or in any way related to this incident and a stipulation and order for dismissal of the pending court action.

**Requestor**

Assessor's Office

**Drafter**

PW/kat

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

**A) DATE:** January 13, 2010

**FILE NUMBER:** \_\_\_\_\_

**Original Fiscal Note**  **Substitute**

**SUBJECT:** Resolution to cancel real estate taxes levied against certain parcels bearing various Key Numbers on the 2006, 2007 & 2008 tax rolls, plus interest applicable to date of repayment

**B) SUBMITTED BY** (name/title/dept./ext.): Mary P. Reavey, Assessment Commissioner, Assessor's Office, Ext. 3101.

**C) CHECK ONE:**  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
 LIST ANTICIPATED COSTS IN SECTION G BELOW.  
 NOT APPLICABLE/NO FISCAL IMPACT.

**D) CHARGE TO:**  DEPARTMENTAL ACCOUNT (DA)  CONTINGENT FUND (CF)  
 CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  
 PERM. IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  
 OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
<b>SALARIES/WAGES:</b>					
<b>SUPPLIES:</b>					
<b>MATERIALS:</b>					
<b>NEW EQUIPMENT:</b>					
<b>EQUIPMENT REPAIR:</b>					
<b>OTHER</b> 0001 Org 9990	Remission of Taxes Fund		\$58,976.74		
Prog 0001 Sub-cl S163					
Acct 006300					
<b>TOTALS:</b>			\$58,976.74		

**F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.**

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

**G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

---



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**H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

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PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

Key Number and Address <u>Date of Objection</u>	<u>Name of Taxpayer</u>	<u>Net Refund</u>
<u>2006</u>		
031-0101-110-X 7342 W. Marine Dr. May 22, 2006	Granville Holding LLC	\$ 18,762.11
183-9956-112-0 5166 N. Lovers Lane Rd May 22, 2006	Metropolitan Associates	\$ 7,407.18
316-1015-100-3 2020 E. Park Pl. May 22, 2006	Northland Apartments Co LLC	\$ 89.66
<u>2007</u>		
031-0101-110-X 7342 W. Marine Dr. May 21, 2007	Granville Holding LLC	\$ 11,427.71
<u>2008</u>		
031-0101-110-X 7342 W. Marine Dr. May 19, 2008	Granville Holding LLC	\$ 3,604.82
043-0721-000-8 8411 N. Servite Dr. May 19, 2008	Servite Village Apartments	\$ 17,685.26
Total		\$ 58,976.74

Assessor's Office  
January 14, 2010  
PW/kat

Property	Year	Date of Obj	Orig Value	New Value	Change	Approx Orig Tax	Approx New Tax	Approx refund	Approx due
Northland Apartments									
1 Co LLC	2006	5/22/2006	\$ 2,504,000	\$ 2,500,000	(4,000)	\$ 56,129.41	\$ 56,039.75	(89.66)	
<b>2007 Omit*</b>	2007	5/21/2007	\$ 2,506,000	\$ 2,550,000	44,000	\$ 57,971.30	\$ 58,989.15		<b>1,017.85</b>
316-1015-100-3	2008	5/19/2008	\$ 2,350,000	\$ 2,350,000	0	\$ 56,475.48	\$ 56,475.48	0.00	
Case #07cv14471	<b>*2007 taxes owed will be billed as prior year omitted taxes for 2009</b>						Refund	(89.66)	

Property	Year	Date of Obj	Orig Value	New Value	Change	Approx Orig Tax	Approx New Tax	Approx refund	Approx due
2 Granville Holding LLC	2006	5/22/2006	\$ 29,937,000	\$ 29,100,000	(837,000)	\$ 671,064.80	\$ 652,302.69	(18,762.11)	
	2007	5/21/2007	\$ 30,594,000	\$ 30,100,000	(494,000)	\$ 707,731.01	\$ 696,303.30	(11,427.71)	
031-0101-110-X	2008	5/19/2008	\$ 30,250,000	\$ 30,100,000	(150,000)	\$ 726,971.63	\$ 723,366.81	(3,604.82)	
Case #07cv14477							Refund	(33,794.64)	

Property	Year	Date of Obj	Orig Value	New Value	Change	Approx Orig Tax	Approx New Tax	Approx refund	Approx due
5 Oklahoma Gardens	2006	5/22/2006	\$ 3,381,000	\$ 3,381,000	0	\$ 75,788.16	\$ 75,788.16	0.00	
	2007	5/21/2007	\$ 3,243,000	\$ 3,381,000	138,000	\$ 75,020.31	\$ 78,212.68		3,192.37
532-0222-110-2	2008	5/19/2008	\$ 3,050,000	\$ 3,050,000	0	\$ 73,297.96	\$ 73,297.96	0.00	
7 Oklahoma Manor	2006	5/22/2006	\$ 7,179,000	\$ 7,179,000	0	\$ 160,923.75	\$ 160,923.75	0.00	
513-9948-100-0 @ \$160,000	2007	5/21/2007	\$ 6,866,000	\$ 7,179,000	313,000	\$ 158,831.18	\$ 166,071.80		7,240.62
513-9952-112-6 @ \$153,000	2008	5/19/2008	\$ 6,630,000	\$ 6,630,000	0	\$ 159,332.94	\$ 159,332.94	0.00	
9 Parkview	2006	5/22/2006	\$ 12,698,000	\$ 12,027,000	(671,000)	\$ 284,637.09	\$ 269,596.03	(15,041.06)	
	2007	5/21/2007	\$ 12,552,000	\$ 12,277,000	(275,000)	\$ 290,365.42	\$ 284,003.84	(6,361.58)	
183-9956-112-0	2008	5/19/2008	\$ 11,750,000	\$ 11,750,000	0	\$ 282,377.42	\$ 282,377.42	0.00	
10 St Gregory	2006	5/22/2006	\$ 3,782,000	\$ 3,782,000	0	\$ 84,776.94	\$ 84,776.94	0.00	
	2007	5/21/2007	\$ 3,628,000	\$ 3,782,000	154,000	\$ 83,926.53	\$ 87,489.00		3,562.47
529-9983-110-9	2008	5/19/2008	\$ 3,600,000	\$ 3,600,000	0	\$ 86,515.63	\$ 86,515.63	0.00	

Metropolitan Associates (21,402.64) 13,995.46  
Case #07cv14475 Net Refund 7,407.18

Property	Year	Date of Obj	Orig Value	New Value	Change	Approx Orig Tax	Approx New Tax	Approx refund	Approx due
11 Riverwood	2006	5/22/2006	\$ 4,143,000	\$ 4,143,000	0	\$ 92,869.07	\$ 92,869.07	0.00	
Case 08cv7044	2007	5/21/2007	\$ 4,163,000	\$ 4,243,000	80,000	\$ 96,302.68	\$ 98,153.32		1,850.64
121-0041-100-6	2008	5/19/2008	\$ 4,000,000	\$ 4,000,000	0	\$ 96,128.48	\$ 96,128.48	0.00	
12 Rainbow	2006	5/22/2006	\$ 1,741,000	\$ 1,741,000	0	\$ 39,026.09	\$ 39,026.09	0.00	
Case 07cv14474	2007	5/21/2007	\$ 1,743,000	\$ 1,791,000	48,000	\$ 40,320.82	\$ 41,431.21		1,110.39
121-0371-100-0	2008	5/19/2008	\$ 2,021,000	\$ 1,811,000	(210,000)	\$ 48,568.92	\$ 43,522.17	(5,046.75)	
13 Servite	2006	5/22/2006	\$ 5,265,000	\$ 5,265,000	0	\$ 118,019.72	\$ 118,019.72	0.00	
Case 07cv14473	2007	5/21/2007	\$ 5,292,000	\$ 5,295,000	3,000	\$ 122,419.83	\$ 122,489.24		69.41
043-0721-000-8	2008	5/19/2008	\$ 6,007,000	\$ 5,355,000	(652,000)	\$ 144,360.95	\$ 128,692.00	(15,668.95)	

(20,715.70) 3,030.44  
Net Refund 17,685.26

January 13, 2010

The Honorable, The Common Council  
City of Milwaukee

Dear Members of the Common Council:

Attached is a resolution to refund real estate property taxes levied against various owners on the 2006, 2007 and 2008 tax rolls, plus interest applicable to date of repayment.

An Arbitration award has been made in the real estate assessment of these properties by authority of Section 74.37, Wisconsin Statutes. It is now necessary to accomplish the refund of taxes by means of the attached resolution.

Your favorable approval of the attached resolution is respectfully requested.

Yours very truly,

Mary P. Reavey  
Assessment Commissioner

pcw/kat







## Legislation Details (With Text)

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**File #:** 091223      **Version:** 0  
**Type:** Communication-Report      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Communication from the Comptroller's Office relating to the Audit of City Assessments for Commercial Property.  
**Sponsors:** THE CHAIR  
**Indexes:** ASSESSMENTS, AUDITS, TAXATION  
**Attachments:** Audit, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091223

**Version**

Original

**Reference**

**Sponsor**

The Chair

**Title**

Communication from the Comptroller's Office relating to the Audit of City Assessments for Commercial Property.

**Drafter**

CC-CC

dkf

1/6/10



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**Audit of City  
Assessments for  
Commercial Property**

---

**W. MARTIN MORICS**  
City Comptroller  
City of Milwaukee, Wisconsin

**January 2010**

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Office of the Comptroller

W. Martin Morics, C.P.A.  
Comptroller

Michael J. Daun  
Deputy Comptroller

John M. Egan, C.P.A.  
Special Deputy Comptroller

Craig D. Kammholz  
Special Deputy Comptroller

January 4, 2010

To the Honorable  
the Common Council  
City of Milwaukee

Dear Council Members:

The attached report summarizes the results of our Audit of City Assessments for Commercial Property. To assist in this audit, we engaged the firm Landretti & Company, LLC, experts in Wisconsin property assessment and appraisal practices.

The audit concludes that the valuation methods followed by the City Assessor's Office adhere to professional appraisal practices and are in full compliance with Wisconsin law. The audit further concludes the total assessed value for commercial property that the City Assessor calculates is a more accurate estimate of fair market value than the equalized value that the Wisconsin Department of Revenue calculates.

Audit findings and recommendations are discussed in the Audit Conclusions and Recommendations section of the report. The audit consultant's report is in Appendix 1, and Appendixes 2 through 6 provide additional information regarding assessments, taxpayer appeal rights, responsibilities of the Board of Assessors and the Board of Review, how the State and the City calculate property values and fair market value, as well as a glossary of terms. The response from the City Assessor follows Appendix 6.

Appreciation is expressed to the staff in Milwaukee's City Assessor's Office for the full cooperation extended to the auditors.

Sincerely,

W. MARTIN MORICS  
Comptroller

## **I. Scope and Objectives**

This Audit of City Assessments for Commercial Property covers the assessments for commercial real estate in the City of Milwaukee by the City Assessor's Office for 2007 and 2008.

This audit was conducted in accordance with generally accepted government auditing standards. Those standards require that the audit obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. The Office of the Comptroller believes that the evidence obtained provides a reasonable basis for the audit's findings and conclusions based on the audit objectives.

The objectives of the audit were to:

- Determine the degree to which commercial property assessments comply with Wisconsin statutes.
- Evaluate how commercial assessments compare with market values at the time of sale.
- Determine whether the assessment process for commercial properties within TIDs is consistent with other commercial properties within the City.
- Identify and evaluate the effect that alternative values of equalized value for commercial property as determined by DOR would have on the City, including the effect on levy limits.

The audit also discusses the equalization practices of the Wisconsin Department of Revenue (DOR) and describes the methods used by DOR to determine equalized values for the City of Milwaukee. It then compares the differences between assessment methods used by the City and equalization methods used by DOR.

The audit utilized the services of Landretti & Company, LLC (referred to as the audit consultant), experts in Wisconsin property assessment and appraisal practices, to analyze City assessments and State equalized value. Audit analyses performed by auditors in the Office of the Comptroller are identified as performed by "audit staff."

## **II. Background**

### **A. Wisconsin Constitution and Statutes**

Article 8 of the State Constitution states that each Wisconsin taxpayer should pay a uniform and fair share of taxes, neither more nor less, regardless of where in the State the taxpayer owns real estate. State law uses the process of “equalization” to provide assurances that local assessments and the distribution of property tax levies meet Wisconsin’s “fair share” standard. The equalized values determined by the Wisconsin Department of Revenue (DOR) form the basis for the assurances that the process of equalization provides.

Wisconsin law also requires local assessors to value each property at fair market value. As property values change in the market place, those changes must be reflected on the succeeding year’s assessment roll. Fair market value is the price a typical, well-informed buyer would pay for a property in its present condition to a willing seller who is not under pressure to sell. Fair market value is discussed further in Appendix 5.

### **B. City Commercial Assessments**

The City of Milwaukee has three classes of taxable real property as defined by Wisconsin Statutes – residential, commercial and manufacturing. DOR determines assessed values for manufacturing properties. The City Assessor determines assessed values for commercial and residential properties.

Milwaukee’s City Assessor values each individual property in the City of Milwaukee in an effort to fairly allocate local property taxes among taxable real estate parcels. Each year, the City Assessor revalues more than 153,000 real estate parcels in the City (approximately 139,200 residential properties and 14,000 commercial properties) to keep pace with changes in the market and to assure that property taxes are distributed fairly and uniformly. The purpose of assessed value is to insure the owner of each taxable property in the City pays his/her fair share of property taxes. This audit only examined commercial property assessments.

The City Assessor uses the Income Approach to value commercial properties because rental income typically drives commercial real estate values. The assessment values

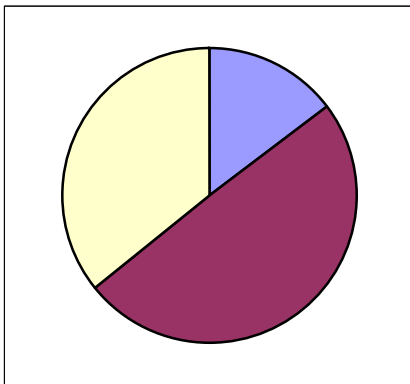
generated by this approach reflect the rental income that a specific commercial property is capable of generating. The City Assessor also uses recent commercial property sales to further refine the commercial property assessments. To clarify that the Income Approach is based on rental income, this audit uses the phrase “Rental Income Approach” rather than the phrase “Income Approach” that assessors use.

Historically, the City Assessor has used three categories of commercial property to report assessed values – *Special Mercantile*, *Local Mercantile*, and *Commercial Apartments*. These commercial property categories are historic classifications from previous assessment practices. The City Assessor uses these three types only to classify and report commercial property valuations, not to calculate assessed values.

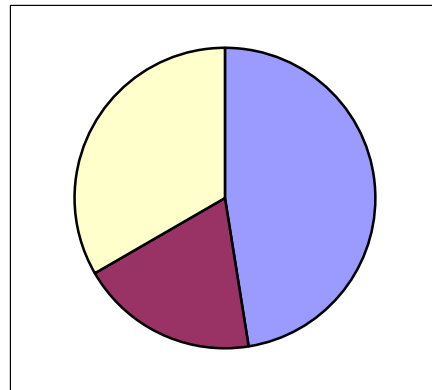
As of January 1, 2008, there were a total of 14,043 commercial real estate parcels in the City of Milwaukee with total assessed real estate value of \$9.59 billion. The average assessed value of a commercial property was \$682,460. However, as the charts and discussion below indicate, the average assessed values for the three types of commercial real estate vary substantially.

**Chart 1: Number and Value of Commercial Properties**

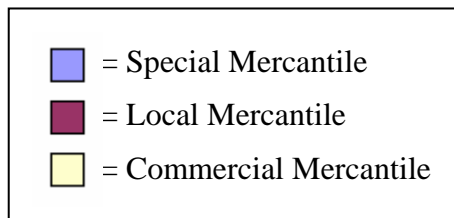
**Number of Total Commercial Properties**



**Value of Total Commercial Properties**



**Pie Chart Key**





The *Special Mercantile* type of commercial property had a total property value of \$4.51 billion and 2,081 real estate parcels as of January 1, 2008. This represents about 47 percent of the total assessed value of commercial property in the City and 15 percent of the number of commercial parcels. The average value of a *Special Mercantile* parcel is \$2.17 million. The classification of *Special Mercantile* properties is based on business function and business or building size. These properties are assessed citywide rather than at the neighborhood level. Examples include hotels, motels, funeral homes, fast food franchises, office buildings, and shopping centers.

The *Local Mercantile* type had a total property value of \$2.04 billion and 6,925 real estate parcels as of January 1, 2008. This represents about 21 percent of the total assessed value of commercial property in the City and 49 percent of the number of commercial real estate parcels. The average value of a *Local Mercantile* parcel is \$295,000. *Local Mercantile* properties are small commercial properties throughout the City with values that are strongly influenced by the property's neighborhood location. Examples include store front properties, neighborhood restaurants, and taverns.

The *Commercial Apartments* type had a total property value of \$3.03 billion and 5,041 real estate parcels as of January 1, 2008. This represents about 32 percent of the total assessed value of commercial property in the City and 36 percent of the number of commercial real estate parcels. The average value of a *Commercial Apartment* property is \$601,000. *Commercial Apartments* include all apartment buildings with four or more units.

Real estate property taxes for the next year are allocated based on assessed values as of the previous January 1. For example, the November 2009 property tax levy is due January 31, 2010 and is based on January 1, 2009 assessed values.

Property owners have the right to appeal the assessed value of their property to the Board of Assessors, the Board of Review, and the Circuit Court. Some appeals continue to the Court of Appeals and ultimately can go to the Supreme Court. Appeal deadlines, rights and responsibilities are discussed in Appendices 2 and 3.

### **C. State Equalized Value**

Equalized value is “the estimated value of all taxable property in each taxation district, by class” (*Guide for Property Owners*, WI 2008). The Wisconsin Department of Revenue (DOR) determines an equalized value for each of eight classes of real property for more than 1,800 local governments in the State of Wisconsin. The City of Milwaukee has only three of these property classes – residential, commercial and manufacturing. The purposes of equalized value are to provide equity and uniformity among Wisconsin municipalities and counties, and to ensure that the local tax burden is fairly distributed across local Wisconsin governments.

Equalized value is the State’s estimation of fair market value of a class as a whole, regardless of property type or location. Wisconsin Statutes state that equalized value represents the market value or most probable selling price for all taxable property in the entire state. In the City of Milwaukee DOR determines equalized values for the residential, commercial and manufacturing properties. Fair market value and estimated fair market value are discussed in Appendix 5.

Equalized value is used to distribute State shared revenues and to apportion local tax levies such as county and technical college levies among municipalities. The local assessor, on the other hand, assesses each property to make sure that each individual property owner within the local government pays his/her fair share of property taxes.

In the early 1980's, the Wisconsin legislature passed a law that required the estimated fair market value to be included on all property tax bills. This estimated fair market value is based on the equalized value that DOR calculates. As a "truth in taxation" measure, the legislature thought it was important for property owners to have a relative measure of their assessment.

Under truth in taxation, local governments now are required to assess within 10 percent of equalized value once every 4 years, that is, between 90 percent and 110 percent. State law allows the 10 percent leeway both because appraisal is not an exact science and because DOR uses different appraisal methods to calculate equalized value than local governments use to calculate assessed values for individual properties.

## D. Stratification

Stratification is the process of grouping similar properties together to analyze market changes to property value. Identifying key attributes and their contribution to value are essential to a fair assessment process. According to the *Wisconsin Property Assessment Manual*, assessors should divide properties into groups with similar attributes to facilitate comparison for valuation purposes.

Both DOR and the City Assessor use stratification to estimate property values, but they stratify in different ways. *DOR stratifies property in the City of Milwaukee into three statutory classes – commercial, residential and manufacturing.* DOR uses sales to calculate an economic adjustment and equalized value for each class. The equalized values of each class are added together to determine the equalized value of all the taxable real estate in the City. The process used by DOR is consistent with the following statement from *Property Appraisal and Assessment Administration (PAAA)*, an assessment manual published by International Association of Assessing Officers (Chicago, IL, 1990, page 517), “Equalization agencies [such as DOR] usually stratify properties by jurisdiction and classification.”

In calculating equalized value for Milwaukee, DOR analyzes an entire class of property within a municipality, but does not analyze individual properties within each class. As a result of this macro-view of property values, DOR does not consider attributes of individual properties, property inspections, adjustments for neighborhoods within the municipality, or improvements to individual properties.

According to *PAAA* [pages 518 and 542], the process used by DOR provides a reasonably accurate estimate of value for an *entire property class*. While the estimated fair market value of an individual property as reported on the tax bill (which is based on equalized value) may not accurately reflect market value, the value that DOR calculates for a class as a whole is close to 100 percent because over-appraisals are balanced by under-appraisals. However, the estimated fair market value that is listed on a property tax bill presumes equalized value accurately reflects market value for individual properties. *PAAA* states that perhaps the most frequent and serious obstacle to effectively calculating the value of a large class of property such as the equalized value calculated by DOR is the scarcity of sales data for certain types of property, particularly commercial properties.

PAAA also states that insufficient sales or over-representation of sales from one type of property within a class or one locale can distort results.

*In contrast to DOR, the City Assessor uses a wide array of property characteristics to stratify commercial property, including age, size, use, building type, neighborhood, and location.* The value of any individual commercial property within the class generally moves independently of the value of the total class. Recognizing this, the City Assessor has 113 unique commercial building types, 129 city neighborhoods for commercial property, and a wide array of property sizes, uses, and locations. Unlike DOR, which uses property sales to determine changes in economic value for an entire class of property, the City Assessor reviews property sales to identify key attributes that are important to buyers and sellers and to verify the accuracy of individual property values.

### **III. Audit Conclusions and Recommendations**

#### **A. Summary Conclusions**

The audit found that in the conduct of its commercial property assessments, the City Assessor's Office is in compliance with both professional standards and statutory requirements. The City Assessor's staff collects the necessary information, analyzes and verifies sales and correctly applies professional valuation methods, consistent with current laws and rules. **Procedures used by the City Assessor yield dependable and high quality commercial property assessments.**

State Statutes require that local assessed values be within 10 percent of estimated market (equalized) value at least once every four years. **The audit found that assessed values for commercial property in the City of Milwaukee exceed State standards, and have done so since these standards were introduced.**

**Audit staff evaluated the processes used to assess commercial property located within Tax Incremental Districts (TID) and found them consistent with the processes used for other commercial properties within the City.** In spite of this consistent process, the audit found that owners of TID commercial properties appear to be more likely to appeal the assessed value of their property to the Board of Assessors (BOA) than owners of non-TID commercial properties (14 percent of TID properties

were appealed versus 8 percent of non-TID properties). In contrast, property owners in TIDs are less likely to bring a BOA decision to the Board of Review (8 percent of TID BOA decisions filed appeals with the BOR, compared with 19 percent of non-TID BOA decisions). The audit staff reviewed changes to value made by both the BOA and BOR, and concluded that **BOA and BOR decisions regarding TID commercial properties appear to be consistent with decisions regarding non-TID commercial properties.**

The audit found that the City Assessor uses a variety of record formats and computer applications to produce assessments that meet Wisconsin statutory requirements. While not all of the necessary legacy data is available through the assessment software, it is available in other formats, including paper files and other City software systems. **The audit recommends that the Assessor's Office evaluate the costs and benefits of obtaining and implementing software that would calculate the three approaches to assessed value that Wisconsin Statutes identify. The audit further recommends they continue to improve the integration and record-keeping capabilities of the assessment software.** Improving the integration of the assessment software with the assessment process would increase staff efficiency, reduce data entry errors, and eliminate redundancy.

The audit verified that DOR uses property sales to estimate market changes to equalized value. However, during the period audited, commercial property sales in the City of Milwaukee were dominated by apartment sales, but the DOR process did not consider or adjust for statistical differences within the class of commercial property. Consequently, during the period audited **DOR sales based estimates of market value change applied to the entire commercial property class in the City of Milwaukee were skewed by commercial apartment sales.**

The audit concludes that because the property values calculated by DOR and the City Assessor have different purposes and use different methods, it is unlikely the two figures would be identical. Given the demonstrated accuracy of commercial assessments performed by the Milwaukee City Assessor, **the audit recommends that DOR redirect its due process away from determining equalized value and instead focus on auditing the accuracy of the City Assessor's assessment figures. If commercial assessments are accurate, the audit further recommends that DOR accept the City's total assessed commercial values as the most accurate basis for establishing the**

**equalized value of commercial property.** The audit determined that these changes to equalized value would not materially affect City Revenues.

## **B. City Commercial Assessments**

### *City Assessor Complies with Professional & State Regulatory Standards*

The audit found the valuation methods used by the City Assessor follow professionally acceptable appraisal practice and comply with Wisconsin Constitutional provisions, Wisconsin Statute Sec. 70.32 (Fair Market Value Assessments), and the *Wisconsin Property Assessment Manual*. The City Assessor collects the necessary information, analyzes and verifies sales, understands and applies professional valuation methods, and stays current with changing laws and rules. **The audit concludes that the staff in the City Assessor's Office follow professional standards and practices, and the procedures used by the Assessor yield dependable and high quality commercial assessments.**

The audit also compared the assessment practices of selected cities with the City of Milwaukee. For example, the overall performance of assessments for commercial properties in the City of Milwaukee as measured by appraisal/assessment statistical tools was similar to Minneapolis and St. Paul, which are Midwest cities of comparable size.

### *Sales Ratio Study of City Commercial Assessments*

The audit consultant conducted a *Sales Ratio* study to analyze the City's assessments of commercial property. This analysis calculated the Sales Ratio for each of 456 improved commercial properties that sold in 2007 by dividing the assessed value by the sales price for each sold property. Appraisal/assessment statistical tools were critical to evaluate the assessment performance of commercial properties as a whole, including the *Average Sales Ratio*, the *Variation of the Ratios*, and the *Price-Related Differential*. The Average Sales Ratio is calculated by adding the sales ratios together and dividing by the total number of ratios; it measures the tendency of assessments to be at, above or below market value. The Variation of the Ratios measures the uniformity of the assessed values within a group. Finally, the Price-Related Differential measures the uniformity between high and low value properties.

The analysis performed by the audit consultant found that the statistical measures for the City's commercial property assessment as a class fell within acceptable ranges, indicating the **procedures that the City Assessor uses yield dependable and high quality commercial assessments**. For example, the citywide Assessment-to-Sales Ratio in 2007 for commercial property was 91.3 percent, which was within the standard. Details of this analysis are in Appendix 1.

### ***Commercial Property Valuations***

By necessity, the City Assessor utilizes *Mass Appraisal* techniques and concepts to value its commercial property. *Mass Appraisal* is the systematic appraisal of groups of properties, as of a given date, using standardized procedures and statistical testing. According to the *Wisconsin Property Assessment Manual*, "*Mass appraisal* is the underlying principle that Wisconsin assessors should be using to value properties in their respective jurisdictions" (page 7-32, italics added).

The Manual goes on to say that "Wisconsin Assessors must also consider Section 70.32, Stats" (page 7-32). WI Statute §70.32 defines the *Assessment Hierarchy* that assessors should use to determine the market value of property. The *Assessment Hierarchy* states the best indication of the value of a property is the price paid for *that* property in a recent arm's-length transaction. The "next best" indicators of value are recent arm's length sale prices of properties that are reasonably comparable to the property being assessed. After sale of the subject or sales of reasonably comparable properties, the assessor may consider all other factors that, according to professionally acceptable appraisal practices, affect the value of the property, such as a cost or an income approach to value.

The City Assessor uses the *Rental Income Approach* (described on page 3 of this report) to calculate assessed values for the City's commercial property. Rental income typically drives commercial property values, and rental income varies depending on the use of the property, such as gas stations, local restaurants, taverns, super markets, fast food chains, hotels, office buildings, apartments, and shopping centers. In contrast, residential properties are more homogeneous because each residential property is used as a domicile. **The Rental Income Approach as applied by the City Assessor's Office to assess commercial property complies with Wisconsin statutory requirements and is consistent with generally accepted professional assessment practices.**

The audit consultant determined that the City Assessor uses several generally accepted methods of applying the Rental Income Approach. Two methods the City Assessor most often uses are (1) *Gross Income Multiplier*, which is usually used for smaller apartment type structures and local commercial property, and (2) *Direct Capitalization*, which is usually used for all other commercial property and larger apartment property. The City Assessor then uses recent sales to fine tune the mass appraisal income approaches to value. According to the audit consultant, these approaches were appropriately applied by the City Assessor.

The audit also found that the City Assessor often uses all three appraisal approaches when responding to assessment appeals – the Rental Income, Cost, and Sales Comparison Approaches. While Cost and Sales Comparison approaches are prepared for appeals, these alternative approaches to value are not calculated by the assessment software.

Preparing for the appeal process is very time-consuming because assessors cannot use the existing assessment software to calculate the cost and sales comparison approaches that are required for appeals. The existing commercial assessment software is only able to calculate assessments based on the Rental Income Approach; it is not able to incorporate or utilize sales and cost data to calculate cost or sales assessment values.

**Recommendation 1: The City Assessor evaluate the costs and benefits of obtaining and implementing assessment software that would incorporate the use of the cost and sales approaches to assessment as well as the rental income approach.**

The audit recommends that the City Assessor evaluate options that are available to update the assessment software to incorporate and implement each of the three recommended appraisal approaches to commercial property valuation, namely, the Rental Income Approach, Cost Approach, and Sales Comparison Approach. The audit recommends that this assessment document the costs and benefits of acquiring and installing software options that would calculate the three assessment approaches.

The audit consultant indicated that software is available that incorporates sales and cost data as well as data for the Rental Income model. New software would then calculate all three approaches to value, which cannot be done with the current software. New assessment software would reduce the effort necessary for an appeal



because this information would already be captured in the software. It would automatically generate the three approaches to value that are required when responding to appeals and would produce appeal information more efficiently than the current manual system.

### ***Assessment Records and the Assessment Software***

The automated and manual assessment records maintained in the City Assessor's Office meet Wisconsin statutory requirements. A variety of formats (e.g. electronic and paper files) and automated computer systems (e.g. the City Assessor's assessment software and the City's Pictometry system) provide staff in the Assessor's Office with access to the legacy data they need to calculate accurate assessments. The City Assessor is progressing toward a fully integrated system, but not all of the necessary legacy data is available through the assessment software.

*Paper Records and Narratives* – The audit found in some cases, alternative approaches to property value that were prepared by the City Assessor were captured on paper. While the assessment software indicates these alternative approaches to value are available, these paper records were not incorporated into the assessment software.

*Pictometry System* – The audit found the City's automated mapping system is not linked to parcel-level data within the assessment software. To access the City's automated mapping system, the City Assessor must invoke a separate program (the Pictometry System) and then switch between software system windows to compare data.

*Building Sketches* – Sketches are top-view diagrams showing the number of stories and the spatial relationships of buildings. Often, other data are also shown on a sketch that give an assessor additional information upon which to base a judgment. While the audit found many paper files contained sketches, there were no sketches in the assessment software. Further, some paper sketches were found to be old and fragile.

*Supervisory Review and Approval* – The audit found that supervisors discuss property values with the assessors before finalization. However, these supervisory reviews were not documented in the assessment software.

*Changes to Property Records* – The audit found the assessment software does not include documentation on how changes to property records are made (when and by whom changes were made, what changes were made, the original information). While there is an effective review process that compares current and prior year assessed values for each property, these changes are not documented in the assessment software.

**Recommendation 2: Consider integrating other assessment tools and documentation within the Assessor’s Office assessment software.**

The audit recommends that the City Assessor integrate the assessment software with other assessment tools. While it is not necessary for compliance with Wisconsin assessment requirements, it would be helpful to have building sketches, paper records, and other automated systems available through the assessment software. Improving the integration of the assessment software with the assessment process would increase staff efficiency, reduce data entry errors, and eliminate redundancy.

The audit recommends that the City Assessor consider integrating the following functions into the software:

1. The Pictometry or mapping system should be accessible from within the parcel record in the assessment software.
2. Paper records showing the approaches to value should be scanned, incorporated, and referenced in the assessment software.
3. Narrative appraisals, such as for appeals, should be digitized and linked within the assessment software.
4. Building sketches should be completed for every commercial parcel, digitized, and made part of the automated record in the assessment software.
5. Supervisory reviews and approvals should be documented in the assessment software.
6. Changes made to property records should be documented in the assessment software, including who made each change, when the change was made, the changed and original values, who approved the change, and when it was approved.

***Commercial Assessments in Tax Incremental Districts***

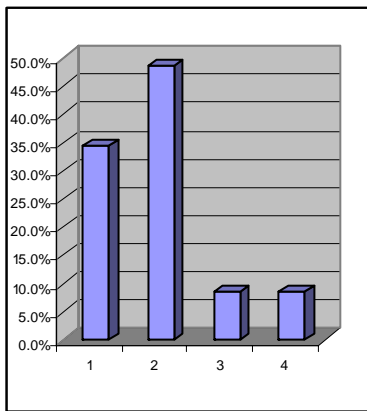
**The audit found the assessment process for commercial properties within Tax Incremental Districts (TIDs) is consistent with other commercial properties within**

**the City.** Assessment histories for commercial property were similar for both TID and non-TID properties, and results of Board of Assessors (BOA) and Board of Review (BOR) commercial property appeals to 2008 assessed values were similar for TID and non-TID properties.

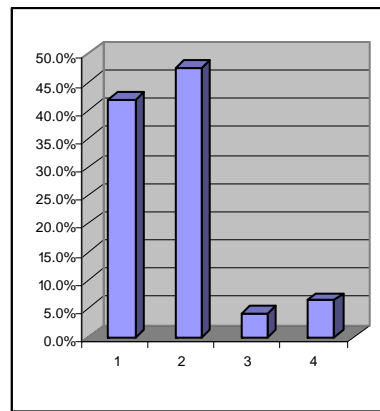
The audit staff reviewed annual assessed values from 2001 through 2008 for 30 sample properties in TIDs, with 10 properties from each of the three commercial types (*Special Mercantile, Local Mercantile and Commercial Apartments*). The audit also reviewed assessment files to compare the assessment process applied to the sample TID properties with the assessment process applied to a sample of non-TID properties. **The audit found no differences between TID and non-TID assessment practices.**

**BOA Decisions – Commercial Property Appeals**

**Chart 2 – TID Appeals**



**Chart 3 – Non-TID Appeals**



**Key to Charts 2 & 3 – BOA Decisions – Commercial Property Appeals**

	<u>TID Properties</u>		<u>Non-TID Properties</u>	
	<u>#</u>	<u>Percent</u>	<u>#</u>	<u>Percent</u>
1 BOA Did Not Change Property Value	44	34%	449	42%
2 BOA Decreased Property Value	62	48%	509	48%
3 BOA Increased Property Value	11	9%	45	4%
4 BOA Correction/Other	11	9%	69	6%
<b>Column Totals</b>	<b>128</b>	<b>100%</b>	<b>1072</b>	<b>100%</b>

The audit staff also reviewed the appeal decisions made by both BOA and BOR regarding TID and non-TID properties. Of the 14,047 commercial properties in the City of Milwaukee on January 1, 2008, 916 were TID commercial properties. Of the total TID commercial properties, 14 percent filed appeals with BOA. Of the total 13,131 non-

TID commercial properties, 8 percent filed appeals with BOA. **Owners of TID properties appear to be more likely to file BOA appeals than owners of non-TID properties.**

As Charts 2 and 3 on the previous page indicate, of the 128 TID appeals heard by the BOA, approximately 9 percent were increased in value, 34 percent were not changed, 9 percent were corrected, and 48 percent were reduced in value. Of the 1,072 non-TID properties that were appealed, approximately 4 percent were increased in value, 42 percent were not changed, 6 percent were corrected, and 48 percent were reduced in value. **Nothing in these results would indicate a material difference in the BOA appeals process for TID versus non-TID appeals.**

Of the TID properties that filed appeals with the BOA, approximately 14 percent went on to file appeals with the BOR (18 TID appeals filed with BOR). Of the non-TID properties that filed BOA appeals, approximately 24 percent filed appeals with the BOR (255 appeals filed with BOR). While the BOA receives a greater percentage of appeals from TID property owners than from non-TID property owners, at the next level of appeal, the BOR hears a slightly smaller percentage of appeals from TID properties than from non-TID properties. Approximately 12 percent of TID properties and 30 percent of non-TID properties received no change in assessed value, and approximately 13 percent of TID properties and 3 percent of non-TID properties received increases in assessed value from the BOR. **BOR appeal decisions also appear to not favor TID properties.**

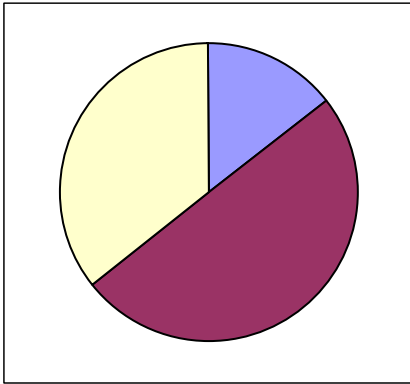
### **C. City Assessments Versus State Equalized Values**

#### *Analysis of Commercial Property Assessments by City's Reporting Types*

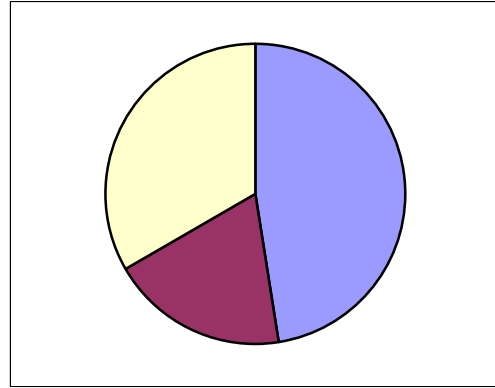
Chart 4 on the next page identifies the number and value of commercial properties in each of the three property types that the City Assessor uses to report commercial property values – *Special Mercantile*, *Local Mercantile*, and *Commercial Apartments*. The chart shows that *Special Mercantile* property is only 15 percent of the *number* of commercial properties but almost 50 percent of the *assessed value* of commercial properties. *Local Mercantile* is 50 percent of the *number* of properties but only 20 percent of commercial *assessed value*. *Commercial Apartments* are 35 and 30 percent of the *number* and *value* of commercial properties.

**Chart 4: Number and Value of Total Commercial Properties**

**Number of Total Commercial Properties**

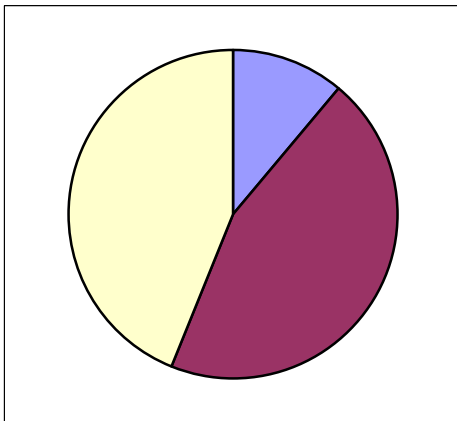


**Value of Total Commercial Properties**

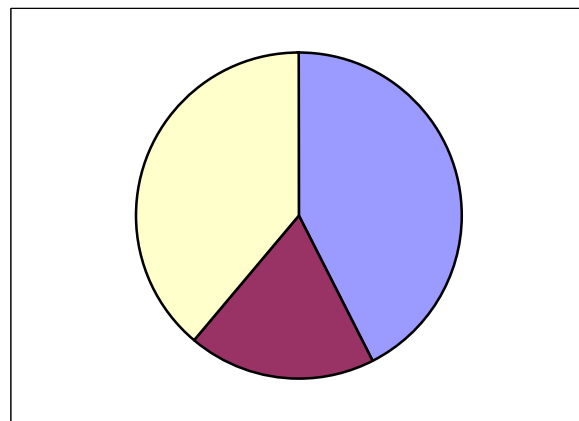


**Chart 5: Number and Value of Sales of Commercial Property**

**Number of Sales**



**Value of Sales**



**Chart Key**

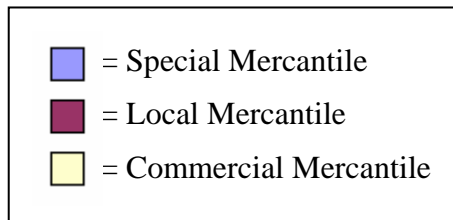


Chart 5 above shows the number and value of commercial property sales for each property type. (The actual number and value of total sales for each property type are presented in Table 1 on page 20, with the discussion of assessment analyses performed

by the audit consultant.) The *Special Mercantile* type of commercial property was only 11 percent of the properties sold in 2007, but it represented 43 percent of the total sales value of commercial property. The average sales price of a *Special Mercantile* property that sold was \$3 million.

The *Local Mercantile* type of property was 45 percent of the City's commercial property sales in 2007, but it represented only 18 percent of the total sales value. The average *Local Mercantile* property sold for \$323,000, a much lower price than *Special* properties or *Apartments*.

The *Commercial Apartments* type was 44 percent of the number of commercial property sales in 2007, and 39 percent of the total sales value. The average sales price of a *Commercial Apartment* property in 2007 was \$699,000.

A greater percentage of the number and total value of *Commercial Apartments* sold in 2007 than either *Special* or *Local Mercantile* properties. Approximately 3.5 percent of the total number and 4 percent of the total value of *Commercial Apartments* sold in 2007. Approximately 2 percent of the total number and 3 percent of the total value of *Special* properties sold in 2007. Approximately 2.5 percent of the total number and slightly less than 3 percent of the total value of *Local Mercantile* properties sold in 2007. The above analysis of the City's three commercial property reporting types indicate that commercial property sales were disproportionately weighted by *Commercial Apartment* sales during the period audited.

The three major groupings of commercial property that the City Assessor uses to report commercial property, *Special Mercantile*, *Local Mercantile*, and *Commercial Apartments*, are historic traditions from previous assessment practices; they are not used to analyze property or produce assessments. The audit indicated that continued reporting by these three types confuses the reader and may limit valuation consensus with DOR (discussed on page 22, in Recommendation 4).

**Recommendation 3: Replace historic Special Mercantile, Local Mercantile and Commercial Apartment types with more refined groups.**

The audit recommends that the City Assessor replace the three commercial types of property with more comprehensive and useful categories that better reflect assessment

values. Property categories that reflect actual assessment practice would help readers better understand Assessment Reports, and they would make the report results more meaningful.

### ***State Equalized Value***

While the local assessor determines the value of *individual* properties *within* a municipality, DOR determines the full value of *entire* municipalities. An important distinction is that municipal assessors use the sales, cost and income approaches to value, while DOR uses sales ratio studies. The reason that equalization is necessary is because levels of assessment of the more than 1,800 municipalities in Wisconsin vary as a percent of full value. As discussed in the background section of this report, the purpose of the State's equalization function is to estimate the 100 percent, or full value, of each of these municipalities. These full value estimates level the playing field for the distribution of shared revenues and state aids.

Differing statutory requirements mean that DOR and local assessors use different methods. If assessed value and equalized value continue to be calculated using different methods, it is unlikely the two figures would ever be identical. That is one reason that State Statutes permit a 10 percent variance between the aggregate assessed value and equalized value for a class of property when estimating the accuracy of aggregated assessed values. **The City of Milwaukee has met the statutory requirement that assessed value be “within 10 percent of market [equalized] value at least once every 4 years” since the Statute (WI Statute §70.05) was passed in the 1980's.**

DOR calculates equalized value for the City's commercial and residential classes of property by adjusting the prior year's equalized value for changes made in the prior year by the local assessor in accordance with WI Statute §70.57, which identifies how DOR is to update equalized value. This adjusted value is then further modified by an economic value adjustment based on prior year sales, by net new construction, and by a modest “other” adjustments. DOR calculates assessed values for manufacturing properties and uses the aggregate assessed value as full equalized value for the manufacturing class.

The audit consultant stratified the sales data used by DOR to calculate the 2008 economic value adjustment into the City's three reporting types of commercial property (*Special Mercantile, Local Mercantile* and *Commercial Apartments*). As previously noted, the

City Assessor uses these three property types to report assessment results but not to determine individual commercial property assessments. The audit consultant then recalculated the Assessment-to-Sales Ratio for the total commercial class and for each reporting type of commercial property.

The results are provided in Table 1 below, “Assessment-to-Sales Ratio for Each Commercial Type.” The table identifies the number of sales, percent of total sales, total assessed value, total sales price, and the Assessment-to-Sales Ratio for the class of commercial property and for each of the three commercial types – *Special Mercantile*, *Local Mercantile*, and *Commercial Apartments*.

The Assessment-to-Sales Ratio measures how close assessments are to market value. The Assessment-to-Sales Ratio (last column of the table) for the total class of commercial property was approximately 91 percent, and it was 92 percent and 97 percent respectively for the *Special Mercantile* and *Commercial Apartment* types. The ratio for the *Local Mercantile* type was significantly lower at 76 percent. These ratios indicate that within the commercial class of property, *Special Mercantile* and *Commercial Apartment* types were within the  $\pm 10$  percent guideline required by Wisconsin Statutes, but, at only 76 percent, the assessment-to-sales ratio for *Local Mercantile* did not meet this guideline.

**Table 1: Assessment-to-Sales Ratio for Each Commercial Type**

Type	Number of Sales	Percent Of Total Sales	Total Assessed Value	Total Sales Price	Assessment to Sales Ratio
Local	179	45.09%	\$44,166,800	\$57,821,509	76.38%
Special	44	11.08%	\$123,005,600	\$133,046,200	92.45%
Apartments	174	43.83%	\$118,171,900	\$121,647,990	97.14%
<i>Totals</i>	<i>397</i>	<i>100.00%</i>	<i>\$285,344,300.00</i>	<i>\$312,515,699.00</i>	<i>91.31%</i>

As discussed, at 92 percent, the Assessment-to-Sales Ratio for *Special Mercantile* property is within the  $\pm 10$  percent guideline. However, only 44 *Special Mercantile* properties or 2 percent of all properties of this type sold in 2007. While *Special Mercantile* properties sold at high prices (an average of \$3 million per sale), with fewer sales, calculations of the Assessment-to-Sales Ratio for *Special Mercantile* properties



would be more affected by outlier sales (sales prices that are significantly higher or lower than the average) than *Commercial Apartments* would be. Thus, the *Special Mercantile* contribution to the Assessment-to-Sales Ratio for the commercial class could vary significantly from year to year.

At 97 percent, the assessment-to-sales ratio for *Commercial Apartments* indicates *Commercial Apartment* assessments are highly uniform and also are consistent with sales values. Approximately 3.5 percent of all commercial apartments sold in 2007, which is higher than the approximately 3 percent of sales of all commercial properties, and significantly higher than the 2 percent of sales of *Special Mercantile* properties, or 2.5 percent of sales of *Local Mercantile* properties.

In Table 2 below, “Commercial Assessment-to-Sales Ratio for Each Property Type,” the audit consultant recalculated the assessment-to-sales ratio using the three types that the City Assessor uses for reporting commercial property.

**Table 2: Commercial Assessment-to-Sales Ratio for Each Property Type**

Type Name	Type as % of Property Class Values	Assessment To Sales Ratio By Type	Contribution by Type
Local	19.35%	76.38%	14.78%
Special	47.38%	92.45%	43.80%
Apartments	33.27%	97.14%	32.32%
<i>Totals</i>	<i>100.00%</i>		<i>90.90%</i>

The audit consultant also measured variance and possible assessment bias in the commercial class and in each of the three commercial property types. **The measurements of variance and assessment bias in the Assessor’s Office commercial class as a whole and in its *Commercial Apartments* assessments were within acceptable ranges. However, the variance and measures of price related differentials for both the *Special* and *Local Mercantile* groups fell slightly outside acceptable ranges.** The audit consultant determined that the results for *Special* and *Local Mercantile* were caused by the extent of dissimilar properties within each type rather than by valuation weaknesses. For example, the *Special Mercantile* type includes hotels, nursing homes, theaters, super markets, service (gas) stations and car washes.

As the above analyses indicate, during the period audited the market for *Commercial Apartment* properties was more active than either *Special* or *Local Mercantile* properties. Sales of commercial property in the City of Milwaukee were dominated by *Commercial Apartment* sales. Consequently, **estimates of market changes based on unadjusted total commercial sales were skewed by the large portion of apartment sales and were not likely to yield accurate changes to commercial property market value.**

**Recommendation 4: DOR should redirect its due process away from determining equalized value of commercial property and instead focus on auditing the accuracy of the City's commercial assessments. If commercial assessments are accurate, DOR should accept the City of Milwaukee's total assessed commercial values as equalized value.**

The audit recommends that DOR redirect its statutorily required due process for commercial property valuation from determination to verification and validation of City of Milwaukee's procedures – an audit of assessment procedures – for such property in the City. Rather than determine equalized value for Milwaukee's commercial properties, the audit recommends that DOR verify that the standards and practices used for commercial assessments are of high quality and are professionally applied. DOR would then accept the City's aggregate assessed values of commercial property as equalized value, upon DOR's successful audit of procedure and documentation.

To provide due process and assure that City assessments remain high quality and professionally conducted, the audit suggests that DOR develop a methodology to audit the Milwaukee City Assessor's procedures, standards and practices. This methodology might include a checklist of data and/or items about the assessment process that DOR would require the City Assessor to provide.

Accepting the sum of the individual assessments as equalized values is not unprecedented as two statutory assessment regimes in Wisconsin – the County Assessment System and the State Assessment of Manufacturing Property – already allow acceptance of these aggregated or total assessments as estimated fair market value.

This would:

- Eliminate the variability between State equalized and City assessed values.
- Eliminate the potential confusion that results from the comparison of DOR estimate of fair market (equalized) value to the City's assessed value of a commercial property when both appear on the property tax bill.

#### **D. Effect of Changes to Equalized Value on City Revenue**

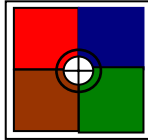
According to DOR, there are over 100 statutory uses of equalized values, including calculating the base value of Tax Incremental Districts (TID), allocating several State revenues to local governments, limiting increases to local budgeted expenditures (e.g. Expenditure Restraint Aid), and calculating allowable increases to local property tax levies. Equalized values also are used to distribute each county's property taxes among the municipalities in that county, to apportion public and vocational school taxes, and to distribute certain State aid.

Audit staff evaluated the following seven City revenue sources and statutory limits that include equalized value in the calculation:

1. Parking Fund payments in lieu of taxes (PILOT)
2. Water Services PILOT
3. State payments for municipal services
4. Expenditure Restraint Aid
5. Property tax levy limits
6. Total or aggregate value of property in each TID (calculated by DOR)
7. Total debt the State permits the City to carry (not more than 5 percent of equalized value)

**The audit determined that changes to equalized value would not materially affect City Revenues.** While changes to equalized value would have a small effect on these calculations, changes to the individual amounts and the total of all changes would be immaterial to both the City's revenues and the revenue limits defined by State Statutes.

Consultant's Final Report



**Landretti & Company, LLC**

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www.landretti.com Email: appraisal@landretti.com

August 25, 2009

W. Martin Morics, CPA  
City Comptroller  
City of Milwaukee  
200 East Wells Street, Room 404  
Milwaukee, WI 53202

Dear Mr. Morics:

Attached you will find the final report that complies with the audit contract to review the commercial assessments of the City of Milwaukee. The report summarizes the major findings, conclusions, and recommendations of each of the four individual sections of the contract. The individual sections contain detail explanations, computational analysis, and graphic presentations that support the conclusion in this document.

Thank you for the opportunity to work with the City on this project.

We look forward to discussing our recommendations with you.

Respectfully submitted,

*G. Landretti*

Greg Landretti, CAE SRPA  
Partner, Landretti &  
Company, LLC

*Dominic Landretti*

Dominic Landretti  
Partner, Landretti &  
Company, LLC

attachment

cc (via email): Craig Kammholz  
James Michalski

## Consultant's Final Report

### AUDIT OF THE CITY OF MILWAUKEE COMMERCIAL PROPERTY ASSESSMENTS

#### FINAL REPORT

#### INTRODUCTION

The report summarizes the major findings, conclusions, and recommendations of each of the four individual sections of the contract. The individual sections contain detail explanations, computational analysis, and graphic presentations that support the conclusion in this document. The audit took place between June 2008 and January 2009. The audit followed the sections defined in the audit plan.

Section 1 analyzed the accuracy of commercial assessments by measuring the relationship between sales price and assessed value. The section studied the internal quality of assessments and determined if the assessments complied with regulatory standards.

Section 2 analyzed the degree to which the individual assessments complied with the Wisconsin Statutes and professionally acceptable standards and practices. This part of the analysis studied a sample of 30 commercial properties selected at random.

Section 3 documented the equalization methods used by the Wisconsin Department of Revenue for the City of Milwaukee and identified differences between State and City methodology.

Section 4 calculated and presented the differences in computations focusing on the effects of stratification, that is, the grouping of parcels by categories.

This document summarizes detailed reports which were written for each of the sections of the audit. Those reports are available as separate documents.

#### OVERALL CONCLUSION

Following our audit of the commercial assessments, we conclude that the City Assessor's Office follows Wisconsin Statutory Law and professionally accepted standards and practices. The Assessor collects the necessary information, carefully analyzes and verifies sales, understands and correctly applies professional valuation methods, stays current with changing laws and rules, and is progressing toward a fully integrated system. It is our opinion that these findings yield dependable and high quality assessments.

#### FINDINGS & CONCLUSIONS

##### Accuracy and Quality of Assessments

##### Procedures

The analytical basis of Section 1 was of a sale-ratio study of the City's commercial property. The audit considered 456 improved commercial sales that occurred during 2007. For each property, two values were collected: (a) the assessment and (b) the sale price. The assessed value is divided by the sale price to obtain each property's assessment/sale ratio. The entire sample of ratios is then analyzed statistically to evaluate assessment performance. The ratio study was

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applied to all commercial property as a single group and to each property type as defined by the City: (1) Local Mercantile, (2) Special Mercantile, and (3) Commercial Apartments.

#### Findings

The main statistics used in the analysis measure the average and the variation of the ratios. Averages close to 100% and low variation figures indicate better quality assessment. Further, to comply with State Statute, the overall average must be within 10% of 100%. The analysis showed that the averages for all commercial property within the City complied with that legal level.

While the measurements of variance of Commercial Apartments were within acceptable ranges, the variance for Local and Special Mercantile fell slightly outside acceptable ranges. The reason is likely due to the way that these properties are stratified rather to assessment practices per se.

Another test statistic—the Price-Related Differential—measures assessment bias such as if low-valued properties are overassessed. It was determined that there was no bias in the assessment of commercial property as a whole. However, the price-related differential for the specific groups of Local Mercantile and Special Mercantile indicated that high-value properties tend to be assessed lower than low-valued properties.

Currently, the Local Mercantile group contains 19 diverse uses. The Special Mercantile group contains 16 diverse uses. Grouping these uses so broadly may result in lower performance statistics. For example, if a group includes a number of different uses and if the properties in the group are city-wide, locational differences may result in poorer statistics. Therefore, separating these properties by geographic area may improve the assessment performance. In addition to proper stratification, it is important that there are enough sales in each group for analysis. For example, only 11 of the 129 neighborhoods had ten or more commercial sales. Two alternatives to mitigate this issue are to (a) use multi-year sales and/or (b) combine neighborhoods in a way to produce larger sample sizes for analysis.

Further, the data showed that the overall performance of assessment for the City of Milwaukee was similar to cities of comparable size such as Minneapolis and St. Paul.

#### **Wisconsin Statutes and Professionally Acceptable Standards and Practices.**

##### Valuation Methods

Overall, the valuation methods that are used by the City Assessor follow professionally acceptable appraisal practices and state statute. Most of the commercial property is valued using the income approach as rental income typically drives the commercial marketplace. We believe that this practice complies with the requirements of the statute and with professional practices and is evidence of credible process. Further, and most importantly, the audit shows that the City is compliant with Wisconsin Statutes and professional standards and practices.

##### Building Sketches

*The records of 30 properties—both automated and paper—were reviewed during the audit. Although the automated files contained considerable information about each parcel, the system*

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*does not have building sketches, which are typically part of the assessment record. Sketches are top-view diagrams showing the number of stories and the spatial relationships of buildings. Often, other data is shown on the sketch which gives the appraisal additional information upon which to base a judgment. While a number of the paper files included sketches, many are old and fragile.*

#### Data and Systems

*The audit showed that in some cases, the valuation approaches were prepared on paper but not integrated with the automated system. The automated mapping system is not directly linked to parcel-level data within the automated assessment system. To access the land map, the assessor must invoke a separate program and then switch between windows to compare data*

#### **Equalized and Assessed Value**

Wisconsin has a dual assessment system maintained by (a) the local assessor and (b) the Wisconsin Department of Revenue. The local assessor estimates the value of *individual properties* within a municipality whereas the State Department of Revenue estimates the value of the *entire municipality*. The local assessor is responsible for fairness between properties (such as different houses) and between classes of property (such as residential and commercial). The purpose of the local assessment system is to ensure that the property tax is distributed fairly among individual property owners *within* the municipality. However, for a variety of reasons, municipalities assess at levels other than 100% market value. Although this doesn't affect the distribution of taxes within a municipality, it does create inequities *between* municipalities for such things as county taxes and state aid payments. To address this problem, the State determines the full value of each municipality and refers to their estimate as "equalized value."

#### The Equalization Process

The equalization *process* is used to:

1. estimate the equalized value (full market value) of all of the property in a municipality
2. estimate the equalized value of each class of property within the municipality, such as residential or commercial
3. measure the level at which the municipal assessor is assessing property in relation to full value
4. determine the differences in value between the previous and the current year to estimate the economic change

As stated above, a main purpose of Equalization is to ensure that county taxes and state aid payments are distributed fairly among municipalities.

Equalization is done by the Wisconsin Department of Revenue Division of State and Local Finance and is authorized by statute. Because equalized value is an independent estimate, the figure may or may not agree with the total assessed value, despite the precision of the local assessor. Differences between equalized value and local assessed value are often disputed but seldom legally challenged.

#### Equalized and Assessed Value as Expressed on the Property Tax Bill

Although not directly related to the audit, an explanation of the figures on the property tax bill is illustrative of the differences between equalized and assessed value. In an effort to be more

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forthright about full value, the Wisconsin Legislature placed the "Estimated Fair Market Value" on the property tax bill in 1982. This figure is calculated by dividing a parcel's total assessed value by the average assessment ratio for the municipality as determined by the Department of Revenue. Although the intent was to provide a measure of comparison, the meaning of the "Estimated Fair Market Value" is both elusive and controversial. When the figure is higher than the assessment, it appears that the assessor is under-assessing and when the figure is lower, it appears that the assessor is over-assessing.

#### Stratification

Differences in stratification (grouping) are one of the reasons that the State full value estimate differs from the Local full value estimate (sum of assessments). Stratification is the process of grouping properties that have similar market characteristics such as use and size. The assessor stratifies properties into homogeneous groups to better understand the economic changes of each group. The economic changes are then applied back against the properties in each group. On the other hand, for determining equalized value, the State stratifies by class only—such as residential or commercial—and does not consider sub groupings. Certainly, one could argue that the more detailed the grouping, the more accurate the estimate of value.

For valuation purposes, the City Assessor currently stratifies commercial property by various attributes such as location, size, and use. However, they also report three major groupings of Local Mercantile property, Special Mercantile property, and Apartments. As defined by the City, *Local Mercantile* consists of smaller commercial property throughout the City where values are strongly determined by the property location. Examples include store front properties and taverns. Local mercantile property represents about 7% of the total assessed value of the City. *Special Mercantile* includes special property types whose function dictates the use of similar appraisal techniques. Examples include hotels, motels, funeral homes, fast food franchises, office buildings, shopping centers, service stations, and so on. Special Mercantile property represents about 16% of the total assessed value of the City. *Apartments* include all apartment buildings with four or more units. Apartments comprise about 10.5% of the total assessed value of the City.

It should be noted that these major groupings are an artifact from historic assessment practices. These strata do not show the whole picture in terms of appraiser practice. The continued reporting by these categories is detrimental to showing the true quality of assessment and continued reporting by these groupings may inhibit valuation consensus with the Wisconsin Department of Revenue

#### State versus City Practices

The *sales-ratio study* is a tool that is common to both the Department of Revenue and to the municipal assessor and is used to determine (a) the quality of assessment practices and (b) the annual change in municipal value. Again, the State is concerned about the *entire municipality* whereas the local assessor is concerned about *individual properties*. Nonetheless, from a purely theoretical perspective, if the State and Local ratio practices were identical, the total municipal value estimated by each would be close, if not identical. However, there are issues preventing convergence. First, the two entities may use different sales information based upon different validation criteria. Second, economic data may be applied to different base figures because of



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differences in stratification. In the latter case, the State applies economic changes to *entire classes* of property whereas the City applies economic changes to *individual properties*. These differences, inherent in the dual-assessment system, usually result in different State and Local municipal values. For example, for 2007, the State estimated the commercial value at \$10.18 billion whereas the Assessor's estimate was \$8.95 billion.

#### Differences in Computations between DOR and City Assessor

The major component for estimating annual market value used by both the State and the City Assessor is the *annual economic adjustment*. The annual economic adjustment represents the change (appreciation or depreciation) in the marketplace during the assessment year. Although both DOR and the City derive an economic adjustment from sales for the same period, the methods and the results differ.

In the case of DOR, the economic adjustment is the percent change between the aggregate ratio of the sales and the level of assessment. The adjustment figure is applied against the previous total equalized value base. In the case of the Assessor, economic adjustment is the percent change between the current year's assessed value and the new assessed value, calculated for each property. For the City Assessor, the overall economic adjustment for the City is the *sum* of the changes of the individual properties. For the State, the economic adjustment is calculated based upon the total or aggregate of all properties within each class.

Recall that the *dual system* produces two estimates of value: one for the municipality and one for the sum of the individual parcels. All things being equal, the figure for both would be the same.

### RECOMMENDATIONS

#### **Accuracy and Quality of Assessments**

It is recommended that the City continues to consider alternative stratification for all commercial property. Alternative stratification should then be tested to determine which mix of properties yields the highest performance measures. This process is the basis of other recommendations for working with the State. It is recommended that unless the historic categories of local mercantile, special mercantile, and commercial apartments are necessary for reporting, they should be abandoned in favor of a more useful stratification regime.

Ratio studies should then be applied to more homogeneous groupings to determine accuracy and quality. Further, as a product of this more refined grouping, more emphasis can be placed on more precise economic adjustments.

#### **Wisconsin Statutes and Professionally Acceptable Standards and Practices**

##### Valuation Methods

Although applying the cost and sales comparison approach in addition to the income approach would be more comprehensive, it would be resource demanding and would require an updated computer assisted assessment system. Ideally, the perfect system would provide all three

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approaches and would use a market model to value each parcel. It should be noted that the assessor applies all three approaches when responding to assessment appeals. It is recommended that the City Assessor's office consider additional approaches to value within their automated system as these approaches relate to specific market conditions.

#### Building Sketches

*It is recommended that digital building sketches be completed for every commercial parcel and then integrated with the automated record.*

#### Data and Systems

*It is first recommended that all valuation methods be automated. At a minimum, paper records showing the approaches to value be scanned, incorporated, and referenced in the automated assessment system. It is also recommended that when narrative appraisals are done, such as for appeals, they should be digitized and linked within the automated assessment system. Finally, it is recommended that all systems, such as mapping, permitting, transfer documents, and deeds be integrated seamlessly at the parcel level within the automated assessment system.*

#### Equalized and Assessed Value

The discussion under findings describes how the equalization-based value and the assessed value on the tax bill create confusion. Recommending a change to the tax bill is beyond the scope of this review. However, this confusion, caused by differences between equalized and assessed value can be eliminated. As an initial effort to create a single-value process, it is recommended that the State and the City reconcile Equalized and Assessed Value.

#### Market Value Assessments and Economic Changes

It is recommended that the City work with DOR and agree to a set of "review standards." The City should annually report their performance to DOR who would audit the practices. If, upon audit, the practices are found acceptable, DOR would accept the City aggregate assessment as equalized value. This recommendation follows the model established by both the county assessment system and the State Assessment of Manufacturing Property, both of which are presumed to be at full value by DOR.

**Assessment Calendar**

**JANUARY 1<sup>st</sup>** is the statutory “as-of” date that assessed values are set. The tax levy rate, which is applied to that assessment, is set the following November by Common Council. The property tax bill is payable by January 31<sup>st</sup> of the following year. For example, property tax bills for the City’s 2009 budget are based on the tax rate established by Common Council in November 2008, were mailed in December 2008, and were payable by January 31, 2009. These tax bills are based on the assessed property values as of January 1, 2008.

**JANUARY 1<sup>st</sup> or when tax incremental district (TID) is created** – The Wisconsin Department of Revenue (DOR) determines the base value of a TID after the TID is created by the City. If the City changes the base of the TID by amendments to the original TID plan, DOR re-determines the new base value of a TID, and provides that revised base value to the City by January 1<sup>st</sup>. Each year, DOR provides the City both the current equalized value and the base equalized value of properties in each TID.

**MAY – At least 15 days before the 2<sup>nd</sup> Monday in May**, the Commissioner of Assessments mails a written Notice of Changed Assessment to property owners. The notice contains the amount of the changed assessment and information about when the Board of Assessors will meet (meeting times, dates, and locations).

**MAY – On the 2<sup>nd</sup> Monday in May**, the Board of Assessors (BOA) holds its first meeting of the year. The BOA finishes its work by the 2<sup>nd</sup> Monday in October, when the assessment rolls as corrected by the BOA is submitted to the Board of Review (BOR). (Also see “On or before 2<sup>nd</sup>Monday in October” below and “Property Assessment Appeals” in Appendix 3.)

**MAY – After the 2<sup>nd</sup> Monday in May**, property owners must be notified in writing by first class mail if any changes are made to the assessed value of their property.

**MAY – OPEN BOOK – For 3 weeks before the 3<sup>rd</sup> Monday in May**, the Assessor’s Office conducts its “Open Book,” during which the assessment rolls are open for examination by property owners. At least 15 days before the first day of “Open Book,” the Commissioner of Assessments publishes a notice that identifies “Open Book” days, times, and locations.

**Assessment Calendar**

**MAY – On or before the 3<sup>rd</sup> Monday in May**, property owners must file in writing with the Commissioner of Assessments all objections to the assessed amount or valuation of real or personal property. Objections received after the 3<sup>rd</sup> Monday in May will not be accepted or heard, unless the assessed values first are reviewed and changed by BOA and/or BOR. Neither BOA nor BOR may waive the requirement that objections be filed in writing by the 3<sup>rd</sup> Monday in May.

**MAY – The 3<sup>rd</sup> Monday in May** is the statutory deadline for property owners to appeal their assessment.

**MAY THRU OCTOBER – Property Owner objections to decisions made by BOA –** In order to bring a case before the Board of Review (BOR), a property owner must file their written objection to BOA decisions with the Commissioner of Assessments within 15 days from the date the BOA notice of determination is issued. BOA issues notices of determination throughout the time that it meets, from May to October. Property owners are deemed to have accepted the assessment determination unless the person notifies the Commissioner of Assessments within 15 days of his or her desire to bring the case before BOR. BOR must give the objecting property owner, his or her representative, and the City Attorney at least 2 days notice of the time fixed for BOR hearing. (Also see “Property Assessment Appeals” in Appendix 3.)

**MAY OR JUNE – 30 Days beginning the 2<sup>nd</sup> Monday in May** – The first annual meeting of BOR must be held at any time during the 30-day period beginning on the 2<sup>nd</sup> Monday of May. (Also see “Property Assessment Appeals” in Appendix 3.)

**MAY** – At least 15 days before the first meeting of BOR, the Clerk of BOR publishes a notice of the times and places BOR will meet.

**JUNE THRU DECEMBER** – Within 90 days after receiving notice of the BOR decision/determination, a property owner must begin any action to appeal BOR through the Circuit Court.

**JUNE – On or before the 2<sup>nd</sup> Monday in June**, the Commissioner of Assessments sends the “Final Assessor’s Report” to the Wisconsin Department of Revenue (DOR).

### Assessment Calendar

DOR uses the assessment information from this report to calculate equalized value, which is released by the State on August 15<sup>th</sup>. The assessment information contained in the “Final Assessor’s Report” does not include changes or corrections made by BOA or BOR between June and November.

**AUGUST – On August 15<sup>th</sup>**, DOR notifies the City of the equalized value of each class of property in the City (commercial, manufacturing and residential). (Also see Appendix 4, “City and State Calculation of Property Values.”)

**OCTOBER – On or before October 1<sup>st</sup>** – If the City refunds at least \$500 for any one year for a single property and if the total refunds by the City (each refund included in the total must be at least \$500) for the same year are at least \$5,000, the City may submit to DOR a listing of the property taxes that were refunded, rescinded or corrected. If this report is submitted, DOR has until November 15<sup>th</sup> to determine whether the reported tax reductions materially change equalized values for the City.

**OCTOBER – On or before the 2<sup>nd</sup> Monday in October**, the Commissioner of Assessments prepares the assessment rolls as corrected by BOA and submits the final corrected assessment rolls to BOR. The Commissioner attaches an affidavit to the submitted assessment rolls that states these properties have been justly and equitable assessed.

**OCTOBER 15<sup>th</sup> – Appeal of equalized values due** – The City may appeal the equalized values that are calculated by DOR by filing a written appeal with the Wisconsin Tax Appeals Commission on or before October 15<sup>th</sup>. The appeal must be authorized by the Common Council, and it must follow the format described in WI Statutes §70.64.

**NOVEMBER – On or before November 1<sup>st</sup>, Payment of claim for refund** – If the assessed value of the property in question is reduced, the property owner may file a claim for a refund of taxes that results from the reduction in value. If the property owner files a valid claim for refund on or before November 1<sup>st</sup>, Wisconsin Statutes require the City to pay the claim to the taxpayer by January 31<sup>st</sup> of the following year. For claims that property owners file after November 1<sup>st</sup>, the City has until the second January 31<sup>st</sup> after the claim is filed to pay.

**Assessment Calendar**

For example, a property owner who files a valid claim for refund of taxes on October 25, 2009 will be paid the refund no later than January 31, 2010. If that same property owner files the claim 10 days later, on November 4, 2009 the claim must be paid by January 31, 2011.

**NOVEMBER – On or before November 1<sup>st</sup>**, DOR sends equalized value reports to the City and notifies the Commissioner of Assessments if assessed values are not within  $\pm 10$  percent of equalized value.

**NOVEMBER – On or before the 1<sup>st</sup> Monday in November**, BOR delivers the assessment roll to the Commissioner of Assessments, as examined and corrected by BOR.

**DECEMBER – On or before the 3<sup>rd</sup> Monday in December**, the Commissioner of Assessments delivers the tax roll to the Treasurer of the City of Milwaukee, after reexamining and perfecting the corrected assessment roll that BOR delivered in November.

**NOTE** – The above Assessment Calendar applies to both commercial and residential assessments.

## **Property Assessment Appeals**

### **A. PROPERTY OWNER APPEAL RIGHTS AND RESPONSIBILITIES**

- Appeal rights are the same for both commercial and residential property.
- A property owner may only object to the total assessed value. The owner may not object separately to either the assessed value of the land or to the assessed value of improvements.
- The property owner must supply all of the information about income and expenses that the Assessor requests if the objection is based on an income valuation. If the information requested by the Assessor is not supplied, the taxpayer may not appear before the Board of Review (BOR), testify to BOR, or object to a valuation.
- A property owner who does not permit the Assessor to view the taxable property will not be permitted to appear before BOR, to testify to BOR, or to contest the amount of any property assessment.
- In order to question the assessed value of the property, a property owner must:
  - timely file a written objection with the Commissioner of Assessments,
  - in good faith present evidence that supports the objections to the Board of Assessors (BOA) and BOR, and
  - make full disclosure under oath before BOA or BOR of all of that person's property liable to assessment in the City.
- A property owner who objects to the assessed value of his or her property must file a written objection with the Commissioner of Assessments on or before the 3<sup>rd</sup> Monday in May. Any objections received after the 3<sup>rd</sup> Monday will not be accepted or heard. An objection that is timely filed will first be investigated by BOA.
- A property owner who objects to the findings by BOA must file a written objection and request to be heard by BOR with the Commissioner of Assessments within 15 days from the date BOA issues its Notice of Determination. Property owners who do not file an objection within 15 days from the Notice of Determination are deemed to have accepted the Notice of Determination that BOA provides.

**Property Assessment Appeals**

- A property owner who is scheduled to appear before BOR may not contact or provide information to a member of BOR about his or her objection except at a session of BOR.
- When appearing before BOR, the property owner or representative is required to specify in writing the property owner’s estimate of the property value. Any information that was used to arrive at the estimate must also be provided.
- A property owner who objects to the findings of BOR may appeal the decision to the Circuit Court. The property owner should consult with an attorney for the Circuit Court filing to ensure proper legal procedures are followed. Some property owners filed claims for excessive taxation with the Circuit Court for 2007 assessments in 2008.

**B. BOARD OF ASSESSORS (BOA)**

Assessment objections are first reviewed by the Board of Assessors, comprised of six managers in the Office of the Assessor, including the Commissioner of Assessments (chair), the Chief Assessor, supervising assessors, and supervising assessor assistants.

**BOA Responsibilities**

- The first BOA meeting is held the 2<sup>nd</sup> Monday of May.
- BOA verifies that all assessments are uniform.
- BOA also makes all necessary corrections and any other changes that are necessary to arrive at true property values within the City.
- BOA reviews all taxpayer (property owner) objections to the amount of assessed value of their real or personal property. As identified under “A. PRPOERTY OWNER APPEAL RIGHTS AND RESPONSIBILITIES” above, all taxpayer objections must be filed in writing with the Commissioner of Assessments no later than the 3<sup>rd</sup> Monday in May.
- BOA remains in session until all objections are reviewed and all corrections/changes to assessed values are made, up to the 2<sup>nd</sup> Monday in October.



## **Property Assessment Appeals**

- The Commissioner of Assessments prepares the assessment roll as corrected by BOA and delivers it to BOR. The final corrected assessment roll is delivered to BOR not later than the 2<sup>nd</sup> Monday in October.
- BOA issues its findings/conclusions in a written assessment Notice of Determination on each property for which it received a timely filed objection.
- In order to bring a decision by BOA to BOR, a taxpayer (property owner) must file a written objection with the Commissioner of Assessments within 15 days from the date BOA issues its Notice of Determination. Taxpayers who do not timely file an objection with the Commissioner are deemed to have accepted the BOA Notice of Determination.

### **C. BOARD OF REVIEW (BOR)**

Objections to BOA decisions are heard by BOR, comprised of 5 to 9 City residents who are appointed by the Mayor and approved by Common Council. An Assessor may not be a member of BOR. BOR members may not occupy a public office or be publicly employed. BOR members have staggered 5-year terms.

#### **City Assessor Responsibilities to Board of Review**

- The City Assessor is the Commissioner of Assessments.
- The City Assessor provides updated assessment rolls to BOR. As a first class city, Milwaukee's BOR may hold hearings before the City Assessor finalizes the assessment roll. As previously noted under "B. BOARD OF ASSESSORS" above, the final assessment roll as corrected by BOA is due by the 2<sup>nd</sup> Monday in October.
- The City Assessor or a member of the assessment staff who is designated by the City Assessor serves as the Clerk of BOR. The Clerk of BOR is responsible for the following:
  - Publish a notice of meeting times and places at least 15 days before the first BOR meeting.
  - Swear in all persons who testify about the assessments heard by BOR.
  - Keep an accurate record of all BOR proceedings.

### Property Assessment Appeals

- Prepare an affidavit that specifies the date that the notice of the assessment as finalized by BOR was delivered or mailed to the property owner.
- Send an explanation of appeal rights and procedures with each BOR Notice of Assessments that is sent to each property owner.
- Prepare a summary of BOR proceedings and determinations after BOR has completed its work.
- Be present at each BOR meeting and under oath:
  - Submit to examination by BOR members.
  - Fully disclose to BOR such information as the Clerk of BOR may have regarding the assessment.
  - Fully disclose to BOR any other matters pertinent to the inquiry being made.

### BOR Responsibilities

- BOR meets annually to review appeals of assessed value that are submitted by City taxpayers/property owners.
- BOR may not waive the requirement that objections be in writing and submitted to the Commissioner of Assessments on or before the 3<sup>rd</sup> Monday in May.
- The first meeting of BOR occurs at any time during the 30-day period beginning on the 2<sup>nd</sup> Monday of May.
- All meetings of BOR are publicly held and open to all citizens at all times.
- BOR must provide the objecting property owner, his or her representative, and the City Attorney at least two days notice of the time and location of BOR hearing.
- Changes, corrections and determinations that are made by BOR are presumed correct unless rebutted.
- BOR carefully examines the assessment rolls, corrects all apparent errors in description or computation, and adds all omitted property.

## Property Assessment Appeals

- A member of BOR may only discuss and/or receive at a session of BOR any information about an objection that will be brought before BOR.
- From the evidence before it, BOR shall determine whether the City Assessor's assessment is correct. BOR shall presume that the City Assessor's valuation is correct unless the objector provides sufficient information to show the valuation is incorrect. If the assessment is too high or too low, BOR shall adjust the assessment accordingly.
- If BOR identifies property that may have been omitted from the assessment roll of the City or may have been assessed above or below the general average of City assessments, BOR shall:
  - Fix the day, hour and place at which such matter will be heard.
  - Notify the owner, agent or possessor of the property in time to appear at the BOR hearing that BOR intends to review the assessment or place it on the assessment roll. The notification should include the time and place of the hearing.
  - Subpoena any witnesses that BOR deems necessary to testify about the property value. The expense incurred shall be a charge against the City.
  - Review the matter at the time and place appointed.
- **BOR Notice of Decision** – Before BOR adjourns for the year, it shall provide to the property owner or representative the notice of the final amount assessed by BOR. The notice shall be delivered either by personal delivery or by mail, return receipt required, and an explanation of appeal rights and procedures shall be included. The Clerk of BOR shall prepare an affidavit specifying the date that the notice was delivered or mailed.
- **BOR Delivery of Assessment Roll** – No later than the first Monday in November, BOR shall deliver the assessment roll to the Commissioner of Assessments, as examined, corrected, and completed by BOR.

## Structure of BOR Hearings

- BOR first hears the owner or the owner's representatives and the owner's witnesses.

**Property Assessment Appeals**

- BOR may hear testimony from any person it believes has knowledge of the value of the property being examined.
- BOR may compel witnesses to attend the hearing and may require that any relevant information about the property's value be brought to the hearing (including but not limited to books, inventories, appraisals, and documents). If requested by either the City Assessor or the objecting property owner, BOR will compel witnesses to attend and/or will require any relevant information about the property's value.
- A majority of the members of BOR present at the meeting shall constitute a quorum for purposes of making a determination, and a majority vote of the quorum shall constitute the determination. All determinations of objections shall be by roll call vote. In the event there is a tie vote, the assessment shall be sustained.

## **City and State Calculation of Property Values**

### **A. HOW CITY CALCULATES PROPERTY VALUES**

To address the diverse nature of commercial property, the City Assessor's Office typically uses Rental Income Models of valuation to calculate assessed property values. These models are based on the net rental income that a property could or does produce. Net rental income typically drives the commercial marketplace and is appropriate for most commercial property.

To value hotels, the City Assessor uses rental valuation models that are more complex than the rental models used for other commercial property. The City Assessor also has a market regression model that uses property attributes similar to residential attributes to value commercial apartment properties with 18 units or less.

For multi-use commercial properties, market rent is applied to different building sections, and the various market rent incomes are added together to calculate a total building rent income. For example, a downtown high-rise commercial building may have retail units on its first floor, business suites on floors two through four, and residential apartments on the upper floors. Each of these uses would have different market rental rates. Once the total annual potential income is determined, it is adjusted for vacancy and expenses such as property taxes to arrive at net income. The term that assessors use for this estimated net income value is "net operating income." Accountants would call this value "net rental income." The net income then is capitalized by a market capitalization rate to calculate assessed value.

The City Assessor uses market information to adjust the variables that are used in the Rental Income Approach, including gross rental income, vacancy, expenses, and a gross rent multiplier. The City Assessor then compares samples of the calculated assessment value with recent sales to test how well the estimate works and to modify the model as needed. Thus, the City Assessor uses market information from recent sales to adjust the mass appraisal model, which then is used to calculate the value of individual commercial properties.

In order to provide accurate assessments of individual properties, local assessors must utilize a great deal of detail and flexibility. The WI DOR Manual for appraisers states, "It is not sufficient for the assessor to merely stratify properties and sales according to

## **City and State Calculation of Property Values**

their statutory classification [residential or commercial] and develop one trending factor for the entire class of property” [2005 *Guide to the Property Assessment Process for Wisconsin Municipal Officials, WI DOR*]

As our current economic downturn highlights, general economic conditions such as unemployment, interest rates, inflation, supply and demand, and changes in tax laws also influence the value of real estate. The City Assessor considers economic conditions in addition to sales price. As discussed later, when calculating equalized values, the State only considers economic conditions if they are reflected in the prior year’s sales prices.

The City Assessor revalues each piece of taxable property annually for the upcoming assessment year. The assessment starts with the prior year value of the individual property. The City Assessor then stratifies properties by a variety of criteria including property use, location, neighborhood, and physical characteristics. Property values are then compared both within and across strata.

Assessed values also may be adjusted for other factors, including, but not limited to:

- Physical inspections of the property
- Building permits for property improvements, remodeling, repairs, and additions
- Updates to property records for land splits, new construction, demolitions
- Property location or neighborhood
- Property size and age
- Other property attributes.

After the assessed value for each parcel is determined, the City Assessor calculates the total assessed value for each class of property (commercial) by totaling all the parcels in the class. This total assessed value by class is then reviewed by the Department of Revenue in the process called equalization which is discussed below.

The City Assessor’s Office periodically reviews the procedures they use to perform assessments. These periodic reviews identify both procedures that are effective and procedures to improve or enhance before the next year’s assessments are calculated.

Individual property owners have the right to appeal the assessed value of their property to the Board of Assessors, the Board of Review, and the Court System.

## City and State Calculation of Property Values

### B. HOW STATE CALCULATES EQUALIZED VALUE

The Wisconsin Department of Revenue (DOR) uses assessment to sales ratio studies to calculate equalized value for each class of property in each municipality (city, village, or township) in Wisconsin. Three of these property classes are in the City of Milwaukee – residential, commercial and manufacturing.

The WI DOR Manual directs local assessors to use the most effective assessment methods that are available to calculate assessed value. Due to the diversity of Wisconsin markets, local assessors use different methods to calculate assessed values. In addition, depending on how often properties are revalued and when the most recent revaluation occurred, local assessments may not be uniform across municipalities. Given the differences in local assessment processes, to fairly allocate State shared revenues to local governments, DOR uses equalized value to estimate property values for each taxing jurisdiction. These values are called equalized values because they are calculated with a uniform set of mass appraisal techniques for each of the 1,800 local governments in Wisconsin.

To calculate equalized value, DOR adjusts the prior year equalized value for changes and corrections made by local assessors (includes WI §70.57 adjustment), calculates an adjustment to the economic value of the class of property based on sales, and adds the value of net new construction reported by the local assessor, and makes other modest adjustments.

*Prior Year Adjustment* – In June of each year, local assessors send a Final Assessor’s Report to DOR, reporting total property values by class as of the previous January 1<sup>st</sup>. However, as updated property information is received, local assessors continue to change and correct assessed values for individual properties after the Final Assessors’ Reports are sent to DOR. Thus, the adjustments that DOR makes to the prior year’s equalized values also include changes and corrections to assessed values that local assessors made after the Final Assessor’s Report was sent to DOR.

*Adjustment to Economic Value* – DOR calculates changes to economic value by class from sales of property during the previous year. DOR stratifies the property by class, compares the selling price to the local assessment for each sold property, and establishes

**City and State Calculation of Property Values**

a ratio between the total price paid for all property sold within a class and the total assessed value of the sold property. This ratio reflects the inflationary (or deflationary) change in a municipality's values. This 'economic adjustment' is applied against the prior year's equalized value to calculate the total economic change in each class of property.

If there are enough sales and if the sales represent a reasonable cross section of properties in the community, DOR assumes that the relationship between the sales and assessments reflects the value of that class. If there are too few sales in a small municipality to perform this analysis, DOR may use sample property appraisals for this analysis.

*Net New Construction* (new construction less property removed from service) – DOR relies on the Final Assessors' Report for other property valuation changes, including new construction and removal or reclassification of real property.



**Fair Market Value and Estimated Fair Market Value**

Fair Market Value is the amount a typical, well-informed purchaser would be willing to pay for a property. The seller and buyer must be unrelated, the seller must be willing, but not under pressure to sell, and the buyer must be willing, but not under obligation to buy. The property must be on the market for a reasonable length of time, payment must be in cash or its equivalent, and financing must be typical for that type of property. A sale is considered market value and at arm's-length if all of these conditions are present.

Wisconsin Law requires property assessments to be based on fair market value. Thus, as property values change in the market place, those changes must be reflected on the assessment roll.

Several years ago, the Wisconsin Legislature required that an "Estimated Fair Market Value" be placed on the property tax bill. Estimated Fair Market Value on a property tax bill is based on the equalized value calculated by DOR. While the theory behind Estimated Fair Market Value is that it approximates current market value, *actual* Fair Market Value is affected by a number of variables that are not considered in the Estimated Fair Market (Equalized) Value, including location, condition, age, use, type of property, and current market conditions.

**Glossary of Terms**

Term	Definition
Absolute Percentage	Measures an individual assessment and how close it is to market value. Ideally, this percentage would be less than 5 percent.
Aggregate Ratio (also Weighted Mean)	Total of all individual assessments for properties sold during a given year divided by the total of all individual sales prices during that year. The Aggregate Ratio is a measure of central tendency (average) and is expressed as a percentage.
Apportionment	A proportional distribution of the levy of a taxing jurisdiction among municipalities based on the value of the municipalities or parts of municipalities.
Appraisal	The estimation of market value.
Appraised Value	An estimate of the value of a property before application of any fractional assessment ratio, partial exemption, or other such adjustment.
Appraiser	An appraiser estimates value. Appraisers specialize in many areas. See definition of “Assessor” for those who appraise property for taxing purposes.
Assessed Value	The monetary amount at which a property is put on the assessment roll. Also, the dollar amount assigned to taxable real and personal property by the assessor for the purpose of taxation. Assessed value is called a primary assessment because a levy is applied directly against it to determine the tax due. Accurate assessed values ensure fairness between properties within the taxing jurisdiction. ( <i>See Equalized Value for fairness between municipalities.</i> )
Assessment Hierarchy	Used by Wisconsin assessors to describe the methods of assessing value identified by WI Statute §70.32 and by 3 approaches to value. WI §70.32 – Arm’s length sale of the property, arm’s length sales of similar properties, other professionally acceptable appraisal practices. 3 approaches to value – Sales comparison, income, and cost approaches.
Assessment Ratio or Assessment Level	The relationship between the assessed value and equalized value of all taxable property within a municipality. For example, if the assessed value of all taxable property in the City is \$19,720,000,000 and the equalized value is \$20,000,000,000 the assessment ratio would be 98.6%. “Assessment Level” typically refers to the tax district; “Assessment Ratio” typically refers to the individual parcel.
Assessment Roll	The basis on which the property tax levy is allocated among the property owners in a jurisdiction with taxing powers.
Assessment-to-Sales Price Ratio	The ratio of assessed value to sale price (or adjusted sale price) of a property.
Assessor	The head of an assessing jurisdiction. An assessor may be either elected or appointed. An assessor is responsible for appraising all property within an assessment district to determine the share of the levy that each parcel will bear, and also determines which properties are exempt from property tax.
Average Ratio	Calculated by adding the sales ratios together and dividing by the total number of ratios, the Average Ratio measures the tendency of assessments to be at, above or below market value.

**Glossary of Terms**

<b>Term</b>	<b>Definition</b>
Board of Assessors (BOA)	A committee comprised of the supervisory staff of the Office of the Commissioner of Assessments, whose sole purpose is to review all written appeals by property owners to assessments made by the Office of the Commissioner of Assessments, and to complete and perfect the assessment roll.
Board of Review (BOR)	A committee of private citizens appointed by the Mayor and confirmed by Common Council, whose task is to hear appeals of taxpayers (property owners) relative to assessments made by the Office of the Commissioner of Assessments, after review by BOA.
CAMA System	A computer assisted mass appraisal system no matter where it is purchased or from whom. Also see IAAO below.
Central Tendency, Measure of	A single point in a range of observations, around which the observations tend to cluster. The three most commonly used measurers of central tendency are mean, median and mode.
Classification	Property is classified as either real property or personal property. Real property is comprised of residential, commercial, and manufacturing property. Residential and Commercial property are assessed by the local assessor. The WI Department of Revenue assesses manufacturing property.
Coefficient of Concentration (COC)	The simplest and easiest way to measure uniformity of assessments is the coefficient of concentration (COC). The COC measures assessment uniformity; it is expressed as the percentage of assessment sales ratios (individual properties) which lie within 15 percent of the median.
Coefficient of Dispersion (COD)	The average percent deviation from the median ratio; the COD measures the average distance (in relative terms) that individual ratios lie from the median.
Coefficient of Variation (COV)	The standard deviation expressed as a percentage of the mean; the COV indicates the degree of concentration or spread in the distribution of assessment ratios.
Commercial Class of Real Estate	Properties where the predominant use is the selling of merchandise or a service. Apartment buildings of 4 or more units and office buildings are included in this class. This class also includes vacant land if the most likely use would be for commercial purposes. Commercial property represents about 32% of the total assessed value of the City of Milwaukee. The City Assessor reports three sub-classes of property within the commercial class – Local Mercantile, Special Mercantile, and Commercial Apartments.
Commissioner of Assessments	A position appointed by the mayor and confirmed by the Common Council. The Commissioner’s sole responsibility is to oversee the assessment process in the City of Milwaukee.
Comparables, Comparable Sales	Recently sold properties that are similar to a property being appraised. The sale price and physical, functional and location characteristics of the properties are compared to the property being appraised in order to arrive at an estimate of value.
Equalized Value	The full market value of all taxable property in a municipality, both real and personal. The equalized value is determined by the WI Department of Revenue each year.

## Glossary of Terms

Term	Definition
Equalization	The process of establishing the January 1 market value (use value for agricultural land) by class of property (residential, commercial, agricultural, forest, manufacturing, etc.) for each taxing district.
Equalization White Paper	Paper published in 2002 by Wisconsin Department of Revenue, title "Wisconsin's Equalized Values: The Uniform Valuation of Taxable Property."
Equity	In reference to property taxes, a condition in which the tax load is distributed fairly, based on the uniformity provisions of the WI State Constitution (i.e. each person's share of the tax is based on each person's value compared to the total value).
Exempt Property	Properties that are exempt from local taxation by state law.
Fair Market Value	The dollar amount for which a property would be sold by a willing seller to a willing buyer under normal market conditions.
Income Approach	Because rental income typically drives commercial property values and properties in the commercial class have highly diverse uses, the Income Approach is used to develop estimates of value for commercial property.
International Association of Assessing Officers (IAAO)	A nonprofit educational and research association of individuals in the assessment profession and others with an interest in property valuation.
Interior Inspection	The physical inspection of the parcel including a thorough examination/inspection of the interior of the buildings on the parcel in order to ascertain the physical condition of those buildings.
Levy	See Tax Levy and Property Tax Rate.
Market Value	See Fair Market Value.
Marshall Valuation Service	Marshall Valuation Service is an independent on-line valuation service that the City Assessor's Office subscribes to and occasionally uses with the Cost Approach to valuating property.
Mass Appraisal	The process of valuing a group of properties as of a specified date.
Mean	The average value. It is determined by dividing the total value by the number of properties.
Median	The value of the property located at the midpoint of all property values when arranged in order according to size. It is a positional average and is not affected by extreme values.
Mode	The most frequent occurring variable.
Model	A representation of how something works. For purposes of appraisal, a representation (in words or an equation) that explains the relationship between value or estimated sale price and factors representing supply and demand.
Outliers	Observations that have unusual values, that is, they differ markedly from a measure of central tendency.
Price-Related Differential (PRD)	The mean divided by the weighted mean or Aggregate Ratio; the PRD indicates the degree to which assessments are regressive (if > 1) or progressive (if < 1).
Property Access and Valuation (PAV) system	The software system used by the City Assessor's Office to value individual properties in the City of Milwaukee.

**Glossary of Terms**

Term	Definition
Property Characteristics	Characteristics of a property which would affect the property’s marketability, such as age, construction, condition, location, etc.
Property Record Cards	The manila folders in the Assessor’s Office that contain historical information for each City property.
Real Estate Transfer Return	The real estate transfer return is required by DOR to be filed with the State upon transfer of any real property.
Reassessment	The redoing of the existing assessment roll; all properties in the district are viewed, valued, and placed in the new assessment roll. The new assessment roll then replaces the original roll.
Rejected Sales	Both the State of Wisconsin and IAAO have indicated that to make market value assessments, a sample of sales that truly indicate the market conditions should be used. To that end, sales should be analyzed to reject those sales that are not indicative of market.
Rental Income Approach	See “Income Approach.”
Revaluation	The determination of new property values of an upcoming assessment year.
Sales Ratio	Calculated by adding the sales ratios together and dividing by the total number of ratios, the Sales Ratio measures the tendency of assessments to be at, above or below market value.
Site Characteristics	Characteristics of (and data that describe) a particular property, especially land size, shape, topography, drainage, and so on, as opposed to location and external economic forces.
Standard Deviation	The square root of the variance; measures dispersion and variability of normally distributed data. Individual assessments do not form the normal distributions that are used in statistics.
Tax Base	The total assessed value of all assessments in a municipality that are subject to local property taxes.
Tax Commissioner	The former name for the Commissioner of Assessments. Also see Commissioner of Assessments.
Tax Incremental Financing (TIF) District or Tax Incremental District (TID)	A contiguous geographic area within a city that is defined and created by resolution of the local legislative body. A TID is targeted toward eliminating blighted areas, rehabilitating areas declining in value, and/or promoting industrial development. A TID must be created by legislative procedures. Taxes that are generated from increases in value within in a TID are used to pay for TIF eligible projects.
Tax Levy	The total amount of property tax money that a taxing unit (such as a school district, city, county) needs to raise to provide services.
Tax Rate (also Levy Rate)	The tax rate is determined by dividing the amount of the tax levy by the total assessed value of the tax district. It is often expressed in terms of dollars per thousand.
Tax Roll	The list of all taxable properties in the City and their respective assessed valuations as of January 1, which is kept by the Office of the City Treasurer.
Taxation District	A town, village, or city. If a city or village lies in more than one county, the portion of the city or village that lies in each county.

**Glossary of Terms**

Term	Definition
Taxation Jurisdiction	An entity authorized by law to levy taxes on general property located within its boundaries, including towns, villages, cities, school districts, sewerage districts, lake rehabilitation districts.
Taxing Bodies	The following taxing bodies determine the total tax levy for property located in the City of Milwaukee – Milwaukee Public Schools, City of Milwaukee, Milwaukee County, Waukesha County, Washington County, MMSD, MATC, State of Wisconsin (for reforestation).
Uniform Standards of Professional Appraisal Practice (USPAP)	Quality control standards that are applicable for real property, personal property, intangibles, and business valuation appraisal analysis and reports in the United States.
Uniformity	The WI State Constitution demands that all property within the municipality be taxed at the same tax rate. State law demands that the valuation be based on market value.
Uniformity among Strata	Measures the uniformity of assessments among each stratum. IAAO indicates that the level of appraisal among each stratum (class, neighborhood, age group, and the like) should be within 5 percent of the overall level of appraisal of the jurisdiction (aggregate assessment ratio for the City as a whole).
Uniformity of Assessments	For the purposes of the audit, “uniformity” measures the consistency of assessment-to-sales ratio for sales within a given group of city properties. (Examples: By value of sale, by neighborhood location; by age of property, etc.)
Valid Sales	“Arm’s-length” sales where the sale price has not been discounted or marked-up over true market value. Valid sales generally do not include foreclosures, inter-family or estate sales which may be sales made under distressed circumstances.
Variance	Measures spread or variability. To calculate, take the difference of each ratio from the mean, square each of the differences and total the squares, then divide the sum by the number of ratios (n). In some situations, n-1 is used as the divisor to provide a more unbiased estimator of the population variance. The square root of the variance is the standard deviation.
Variation of the Ratios	Measures uniformity of the assessed values within a group.
Weighted Mean (also Aggregate Ratio)	See Aggregate Ratio.

## City Assessor's Response



ASSESSOR'S OFFICE

**Mayor Tom Barrett**

**Mary P. Reavey**  
Assessment Commissioner

**Peter C. Weissenfluh**  
Chief Assessor

November 24, 2009

Mr. Wally Morics, Comptroller  
City of Milwaukee  
City Hall  
Milwaukee, WI 53202

Dear Mr. Morics,

The Assessor's Office appreciates the efforts made by your department to study our commercial property assessments. The assessment process can be complicated and measures of performance and uniformity are not easily understood. Because of this we also appreciate your contracting some of the technical parts of the audit with Landretti and Company, a firm that specializes in assessment and appraisal processes, reports and products.

Beginning in June of 2007 we have engaged in numerous meetings and provided extensive data and documentation to both your office and Landretti and Company, LLC. We appreciate that you recognize that this office has fully complied with your information requests during this process. We are proud of our staff, proud of the product we produce and truly believe the results do create a uniform and equitable basis for distribution of the various taxing body levies. That fair distribution along with consistent application of state statutes is our ultimate goal. Although the "appraisal" profession is considered an art rather than a science professional standards do exist. We consistently meet, or in fact, exceed those standards. We are pleased that you also found that to be true and included that in your audit findings.

Our comments are presented in the attached report. We would be happy to address any questions that you might have.

Sincerely

Mary Reavey  
Assessor's Office

## **City Assessor's Response**

### **AUDIT REPLY – ASSESSOR'S OFFICE**

**Background:** The Assessor's Office is responsible for uniformly and accurately assessing all taxable property in the City of Milwaukee excluding property classified by the Department of Revenue as manufacturing. This includes the annual valuation of over 160,000 parcels of real estate and personal property. To accomplish this task our current staff consists of 47 professional, technical, and administrative employees.

The subject of the Comptroller's audit is our commercial property appraisal system. It is important for the readers of the report to understand that this is only one component of the workload in the Assessor's Office. In conjunction with appraising commercial real property we also value all commercial personal property, all residential property, review all manufacturing assessments, make decisions on property tax exemptions, and process property appeals through the Board of Assessors and the Board of Review. In addition we are responsible for reporting requirements to the Department of Revenue on total property valuations and on all property located in Tax Incremental Districts.

In order to realize our goal of uniformity and fair valuation of commercial property the Assessor's Office uses mass appraisal techniques. Mass appraisal is the systematic appraisal of groups of properties as of a given date using standardized procedures and statistical testing. For this process to be effective it is necessary to use computer technology. This process is endorsed by both state and international professional organizations. In addition, the mass appraisal process is covered under Standard 6 of the federally mandated Uniform Standards of Professional Appraisal Practice (USPAP). In Milwaukee, the Assessor's Office adopts and adheres to appraisal/assessment practices developed by the Wisconsin Department of Revenue (DOR), the International Association of Assessing Officers (IAAO), and the Wisconsin Association of Assessing Officers (WAAO), in addition to USPAP. Although the appraisal of property is considered an "art" versus a "science", these organizations provide guidance relative to performance. In all cases, we are proud to say that we meet and exceed standards that have been set and are pleased that both you and the consultant found that to be true as well.

The following response is structured based on the four recommendations contained in the report.



## **City Assessor's Response**

**Recommendation 1: The City Assessor evaluate the costs and benefits of obtaining and implementing assessment software that would incorporate the use of the cost and sales approaches to assessment as well as the rental income approach.**

We are not opposed to studying the feasibility of a software program that integrates the three traditional approaches to value. Such systems exist but we have always questioned the effectiveness and the need relative to the cost. There are many companies that have developed a wide array of assessment software in the market that is available for purchase. In the late 1990's the department investigated and even purchased software from one of the largest vendors only to find that the product would not meet the needs of the department due to its rigidity and the difficulty adapting the software to meet the needs of the Wisconsin assessment system. After that experience, the assessor's office built its own assessment system using state of the art technology. Its design and flexibility has served and continues to serve us well. The cost-benefit at this point of investing a million dollars to upgrade our system does not seem prudent given the reliable results and outcomes using our current software.

As discussed in the report there are three commonly recognized approaches to value in the appraisal and assessment professions; the sales approach, the income approach and the cost approach. Used correctly all three methods should converge to a relatively uniform value. Because of the large universe of properties that assessor's office values annually the City uses mass appraisal models that incorporate market based data. Mass appraisal of property is recognized as the best practice in developing values for assessment purposes. Therefore, we feel that our use of a sales-based income model to set the value for our initial commercial assessments is appropriate.

We do have a separate system we use, when needed, to develop a cost approach to value. The cost approach is most useful for recently constructed and owner occupied special purpose properties that do not often sell nor produce an income stream. Our current use of the cost approach comprises approximately 141 buildings or less than 1/10% of the city's commercial properties. Both valuation textbooks and the courts consider the cost approach the least reliable valuation method and typical commercial appraisers use it when there is insufficient data available for a sales comparison approach or an income approach.

## **City Assessor's Response**

The sales comparison approach to value is preferred valuation method according to state statute. However, in order to develop credible adjustments to be used in a computerized version of the sales comparison approach, huge volumes of commercial sales are necessary. Even in City of Milwaukee with its vast commercial tax base we normally do not have the luxury of having enough current sales of particular types of commercial properties to meet that requirement. In order to deal with that we have found that developing values using a model driven income approach to be one that is practical, inexpensive, and develops credible results.

While it would be nice and efficient to just click a button and create an appraisal report from any system that could be used in the appeal process, it is unlikely that any system would circumvent the need to produce a complete report that would be in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). In 2008 the City passed legislation that implemented statutory provisions requiring a complete hearing for the Board of Review appeal. Further appeals would be based on the record made at the Board of Review rather than the past practice that allows for a complete retrial at circuit court. This legislation eliminates a \$74.37 action. This means that for the Board of Review both the City and commercial property owners and/or their agents must produce a complete report that is USPAP compliant. The task of supporting commercial assessments upon appeal has been challenging especially with changing appeal laws, unique valuation problems and legal issues.

The department feels strongly that a new and fresh look at the property under appeal is required at the Board of Review level. This approach to an appeal validates the mass appraisal process and the systems we use. There is no commercial program for either private fee appraisal work or for assessment work that can effectively write a USPAP compliant appraisal report. However, we have made great strides in developing reports addressing each distinct appeal that fully support our assessments. These reports have been successful at the Board of Review and beyond.

### **Recommendation 2: Integrate other assessment tools and documentation within the Assessor's Office assessment software.**

The assessor's office agrees with this recommendation. We consider this an on-going goal of the department as can be seen in our accomplishments over the last 10 years which include incorporating into our software the following: the entire residential

## **City Assessor's Response**

assessment and appraisal system, the personal property appraisal and administration system, the objection recording and tracking, assessment validation reports for commercial and residential property, assessment stratification tools for both residential and commercial property, the biennial exemption reports, the ability to assign, distribute, and route work to appraisers among other things. In fact, over the time period in which the audit was conducted we revamped our system to give us the flexibility to analyze groups of neighborhoods together in order to accommodate a market that includes far fewer sales.

We are well aware that the ideal system would incorporate everything that could possibly be needed. Since the real-estate market is ever-changing having the ability to provide fair and accurate assessments is our main goal. Thus we have concentrated our focus to creating tools within the software that will help us do that. Although other programs we use may not be in the system we do provide alternative methods to make access as easy as possible for our staff. For example we make available on-line access to the completion status of building permits, on-line access to property maps and property pictures, on-line access to foreclosure information and on-line access to actual deed recording information.

Every year we attempt to designate money in our budget that we can allocate to improving our systems. Hopefully we can continue to do that. Right now our priority is to find an electronic solution to the volumes of material we accumulate during litigation. In addition we need to address changes to our system that will streamline sales data that we submit to the Department of Revenue to take advantage of their electronic upgrades.

### **Recommendation 3: Replace historic Special Mercantile, Local Mercantile and Commercial Apartment types with more refined groups.**

These historic commercial types form the basis of our computerized valuation system. They are specifically meant for our internal reporting, assignment processes and management. As indicated in the report the values are not determined using these broad categories but on a more neighborhood or use-type basis. We have 21 local commercial neighborhoods, 6 special mercantile neighborhoods and 49 apartment neighborhoods.

In neighborhoods with sufficient sales we value property at the neighborhood level. We also have the flexibility to define broader neighborhoods if needed. This is a new tool

## **City Assessor's Response**

that allows us to increase our sample size, aiding our analysis and assisting us in making better assessments. Because the real estate market is highly localized and diverse in Milwaukee this tool provides the flexibility we need to create good assessments.

We do have the ability to report values in many ways. For instance on the internet we also report data by aldermanic district which is very well understood and received by the public. Reporting of commercial values could be modified yearly as the market dictates but that may be more confusing to the public since they are accustomed to our current reporting. Perhaps posting our commercial neighborhood maps in addition to our residential neighborhood map would be a step to increase transparency. Before implementing any substantial changes in reporting we think this recommendation should be studied thoroughly and stakeholders should be consulted. At this time, based on conversations and communications we have with commercial users of our system we believe that our current system is understood and that the categories we report to the public are valid.

**Recommendation 4: DOR should consider auditing the accuracy of the City's commercial assessments, then, if commercial assessments are accurate accept the City of Milwaukee's aggregate assessed value as equalized value.**

The Assessor's Office has no objection to this recommendation. In fact, it is a solution that we have advocated to the Department of Revenue (DOR) on many occasions. There are benefits that would result if this recommendation was implemented including less taxpayer confusion with the verbiage currently on the tax bill. We know that taxpayers are confused by the terms "fair market value" and "assessed value". "Fair market value" as determined by the DOR is a misnomer since the value is really an extension of the ratio they calculated for the City's equalized value. Equalized values are made at the municipal level, not the parcel level and as indicated in the audit is less reliable on a parcel level basis than the City's assessed value. Another benefit would be in eliminating the redundancy and over-lapping work that the two offices currently do. With staff shrinkage occurring at both the state and municipal levels of government it makes sense to create a more efficient system whereby the City's process could be thoroughly reviewed and accepted as accurate by an audit procedure. This is especially true for Milwaukee since we have engaged in annual revaluations for eight years.

Over two years have passed since the start of this audit. Since that time the DOR has

## **City Assessor's Response**

been much more receptive to allowing this recommendation as an alternative to their current equalization practices. In fact, in an effort to make all areas of the state provide professional assessment practices they are currently drafting a plan that would call for county-wide assessing. If this proposal is approved and signed into law, the equalization process would shift to an auditing process on a statewide basis. The resources it takes to provide equalization using their current processes is archaic and labor-intensive. Regardless what happens with the county-wide assessment proposal it is our intent to request they seriously consider using the audit process in Milwaukee.

## **Summary**

We believe that the Comptroller's audit confirms that our assessment process for commercial property as completed yearly by the Assessor's Office conforms with and exceeds acceptable appraisal practices. We have developed a system that is flexible and can be easily managed to cope with the trends of the real estate market. As indicated in the audit the values produced by the City are more accurate than the value produced during the State's equalization process. This has been borne out by the successful revaluation for 2009 that measured the very volatile 2008 market and the current success we are having in defending our assessments through the court system. In short, the City is in a good position relative to all its assessments including the subject of this report, the commercial assessments.





## Legislation Details (With Text)

**File #:** 091285      **Version:** 0  
**Type:** Communication-Report      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
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**Title:** Communication relating to the 2010 Census.  
**Sponsors:** THE CHAIR  
**Indexes:** CENSUS, REPORTS AND STUDIES  
**Attachments:** Action Plan, Chairs, Partner Organizations, Web Site, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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THE CHAIR

**Title**

Communication relating to the 2010 Census.

**Requestor**

**Drafter**

1/20/10

LME



7/30/09

**City of Milwaukee Complete Count Committee  
Draft Action Plan**

(Product of the CCC June 25 Planning Session and Other Prior CCC Meetings)

**Mission Statement**

**Mission Statement:** The mission of Milwaukee's Complete Count Committee is to count every resident in the 2010 Census so that our community receives a fair allocation of government resources and accurate legislative representation.

**Goals/Strategic Objectives**

**Goal #1:** Build a census outreach campaign targeted to raise census awareness among all residents using the knowledge, expertise, and leadership of community residents.

***Strategic Objectives:***

- Complete by October 1, 2009 a comprehensive marketing and outreach plan to reduce the potential of a census undercount in 2010.
- Reduce the workload in census follow-up operations (post Census Day - April 1, 2010) and improve cooperation with enumerators.

**Goal #2:** Increase the questionnaire mail response rate through a focused and structured neighbor-to-neighbor initiative.

***Strategic Objectives:***

- Increase mail return rate by 10 percentage points – from approximately 60% in 2000 to at least 70% in 2010.
- Establish contact with 75% of households by March 1, 2010.
- Establish contact with 75% of households that did not respond to the census questionnaire by May 1, 2010.

**Goal #3:** Empower every member of the community to take ownership of the census ensuring that the census is a 100% local effort.

***Strategic Objectives:***

- Ensure 100% state, local and tribal government, religious, community and social services organization involvement.
- Ensure 100% media and business involvement.

## **Broad Strategies Applicable to All Subcommittees/Timeline**

### **August – December 2009**

- Identify all CCC partners and firmly establish CCC network (consisting of trusted government, community and business leaders; faith-based and social and civic organizations; educators; the media, citizens and non-citizens - native born and foreign born - and encompassing all races, all cultures, all ethnicities and all nationalities).
- Define hard to count target areas – including those areas where questionnaire response rates were low using 2000 census data.
- Prepare local media lists and establish connections with all local media outlets.
- Designate a representative from each CCC Subcommittee to be the liaison to the media (could be the CCC Subcommittee Chairperson).
- Establish clearinghouse for census promotional materials (more than one location should be identified).
- Produce census promotional materials for distribution to residents in all relevant languages (i.e., Hmong, Chinese and Spanish).
- Identify appropriate locations for Census Questionnaire Assistance Centers (rank in priority order with special focus on hard to count areas).
- Create Milwaukee CCC website link available at government websites with local content/materials and links to the federal site [www.census.gov](http://www.census.gov)
- Establish Speakers Bureau (of local residents and leaders who can tell the story about the census at community meetings and events).
- Ask all organizations in the CCC network to choose a month(s) and date(s) in which they will sponsor census activities to promote the census. Create “Activities Calendar.”
- Develop fundraising plan and secure funds to support census promotion activities.

### **January – March 2010**

- Continue producing, re-producing and circulating census promotional materials for distribution to local residents in all relevant languages (i.e., Hmong, Chinese and Spanish).
- Add census messages to all meetings, events and correspondence.
- Provide information on federally funded programs that have benefitted the community.
- Plan a major promotional event around the mail out of census questionnaires (i.e., “March to 2010” parade held close to Census Day).
- Place public service announcements in local media encouraging residents to complete and return questionnaires immediately.
- Saturate public access areas with easy-to-read and understandable census information customized for our community.
- Place a census message at every partner organization urging residents to complete and return their questionnaires (including one for front line call takers/customer service representatives).

### **April 2010**

- Encourage community residents to cooperate with census workers in the door to door count.
- Place public service announcements in local media encouraging residents to cooperate with census workers in the door to door count.

## **May 2010**

- Continue to encourage community residents to cooperate with census workers in the door to door count.

## **Strategies-Specific to CCC Subcommittees**

### **Faith-based**

- Contact all Faith-based offices to get top down support for a complete count.
- Contact ministerial associations such as Brothers and Sisters in Christ Services in Milwaukee (BASICS), Milwaukee Inner-City Congregations Allied for Hope (MICAH), etc. to engage these organizations in census awareness activities.
- Make personal visits to organized faith-based meetings and distribute information and materials.
- Offer census presentations at faith services.
- Host a religious leaders Breakfast to encourage faith-based participation.
- Partner with the Governor's Office on Community and Faith-Based Partnerships in sponsoring an event to involve religious leaders in census outreach activities.

### **Social Services/Anti-Poverty/Homeless**

- Contact all community based organizations and social and civic groups to get top down support for a complete count.
- Require all community based organizations receiving Community Development Block Grant (CDBG) dollars in 2010 under the category of "community organizing" to implement at least two census awareness activities. (18 organizations across the city conduct community organizing in the poorest census tracts, covering 70 plus percent of the city).
- Distribute information in collaboration with local health organizations.
- Distribute information at child care facilities and Head Start programs.
- Distribute information in collaboration with community based organizations serving low-income residents (such as Social Development Commission and affiliated organizations, homeless shelters including Hope House, etc.).
- Distribute information to local retirement and nursing homes.
- Distribute information to all housing/homeless shelters (including public and assisted housing).
- Distribute information in collaboration with disabilities groups.
- Use "211" System to promote the census.

### **Government**

- Ask all local, state and federally elected officials and tribal governments to encourage residents to complete and return questionnaires immediately (through newsletters, press conferences, etc.).

- Utilize mailing lists from government agencies to reach out to residents.
- Insert census information in mass mailings from government agencies (i.e., many City Departments issue newsletters on a regular basis as does the Common Council).
- Post signage and distribute brochures in government offices (including government supported housing) and high public traffic areas (libraries).
- Include census information in brochures and newsletters.
- Use public television and radio (Channel 25, MATA Community Media, Wisconsin Public Radio) to promote census.
- Place decals or bumper stickers on public vehicles
- Post signs on buses and at bus shelters.
- Engage neighborhood associations and block watch groups in census outreach.
- Place census logo on Government letterheads.
- Paycheck announcements for government employees.
- Engage government call takers/customer service representatives to remind citizens who call in to return their questionnaires beginning early in 2010.

### **Education/Youth**

- Insert paycheck message line on MPS payroll notices.
- Implement Auto-dialer message to all MPS families.
- Send Census Newsletters to media and schools.
- Post signs and distribute flyers at school sports events.
- Provide arts and social studies curriculum materials to all schools (public and private).
- Distribute handouts/signs at child care and Head Start sites.
- Conduct outreach to colleges and universities (dorms, unions, etc.).
- Have youth help distribute census materials.
- Implement “Census In Schools Program” – guidance and curriculum provided at [www.census.gov](http://www.census.gov)
- Sponsor a Hip Hop Event or something similar to reach hard to count young adults.
- Use social Internet sites as a tool to target college students.

### **Media**

- Establish working relationship with the Regional Census Office (Director and Media Specialist) on media strategies.
- Partner with the Milwaukee Journal Sentinel – Milwaukee’s largest newspaper on census promotional campaign kickoff early in 2010.
- Broadcast public service announcements on local television shows and radio. All outlets are our partners (i.e., TV, radio, print, electronic/online, student publications, ethnic papers, chamber newsletters, etc.).
- Publish census articles and opinion pieces (op-eds) in local newsletters and newspapers.
- Tell the “census story” – use futurist to determine message.
- Create communications packets for all media outlets (articles, PSAs, “How To”, Op-Eds)

### **Business**

- Contact local Chambers of Commerce to get top down support for a complete count.
- Contact business associations such as Milwaukee Metropolitan Association of Commerce (MMAC), Greater Milwaukee Committee (GMC) to engage these organizations in census awareness outreach.
- Advertise at local grocery and retail stores.
- Use phone banks to ask survey questions that act as prompter or auto calls.
- Establish Business Speakers Bureau (of local business leaders who can tell the story about the census at community meetings and events).
- Reach out to landlords and real estate managers (past history has shown problems with landlords and building managers throwing away census forms and doormen turning away enumerators).

### **Minority (African American, Hispanic, Hmong/Asians, Native Americans, etc.)**

- Work to promote census with community anchors (such as churches/religious organizations, schools, universities, stores, employment assistance centers).
- Distribute census information to beauty and barber shops, sports bars, ethnic restaurants, minority businesses and churches.
- Develop messages that build trust – messages that are different from the mainstream addressing the hard to reach (i.e., imaging in their language). Engage local media in this process with special focus on minority media outlets.
- Develop a database of community events that will take place targeting minorities and make census promotional materials available.
- Recruit youth to develop and adopt a Census community outreach project.
- Recruit census takers and volunteers that look and speak the language of the residents they are collecting info from.
- Work with organizations serving residents on probation and parole (Department of Corrections).
- Make census promotional events fun and interactive (i.e., Hip Hop or similar event).
- Recruit Census Bureau Speakers from minority communities who can deliver messages that resonate to these populations (celebrity figures ideal).
- Create community liaisons and mediators for all targeted groups (African Americans, Hmong/Asians, Spanish, Native Americans, etc.).
- Host community educational town hall meetings targeted to minority populations (such as Islamic Centers, Lao Community Center, United Community Center, National Association for the Advancement of Colored People, Latinos United League (LULAC)).
- Build a sense of ethnic pride around being counted – marketing ethnic identity.
- Engage community based organizations in providing outreach materials, doing PSAs and hosting community events.
- Set up census informational booths at community gatherings.

**Milwaukee's Complete Count Committee  
Leadership Team  
2010 Census**

**Chairperson**

**Sharon Robinson**, Administration Director, City of Milwaukee  
Phone: 414.286.3828                      Email: sharon.robinson@milwaukee.gov

**Subcommittee/Outreach Chairs**

***African American Outreach***

**Jerry Ann Hamilton**, President, NAACP  
Phone: 414.562.1000                      Email: naacp@bizwi.rr.com

***Business Outreach***

**Bethany Perkins**, Public Relations Representative, Manpower Inc.  
Phone: 414.906.6253                      Email: bethany.perkins@na.manpower.com

***Education Outreach***

**Phil Harris**, Media Manager, Milwaukee Public Schools  
Phone: 414.475.8902                      Email: harrisph@milwaukee.k12.wi.us

***Faith-based Outreach***

**Arn Quakkelaar**, CEO & President, BASICS in Milwaukee, Inc.  
Phone: 414.372.7200                      Email: arn@basicsinmke.org

***Government Outreach***

**Ron Leonhardt**, City Clerk-City of Milwaukee  
Phone: 414.286.3781                      Email: ronald.leonhardt@milwaukee.gov

***Hispanic Outreach***

**Darryl Morin**, Executive Director, League of United Latin American Citizens (LULAC)  
Phone: 414.486.1940                      Email: dmorin@lulac-wisconsin.org

***Hmong Outreach***

**Charles Vang**, Executive Director, Hmong Chamber of Commerce  
Phone: 414.899.5014                      Email: charlesvaj@yahoo.com

***Homeless/Housing Advocacy Outreach***

**Ken Schmidt**, Executive Director, Hope House  
Phone: 414.645.2122                      Email: kens@hopehousemke.org

***Media Outreach Co-chairs***

**Neil Albrecht**, Assistant Director, Election Commission/City of Milwaukee  
Phone: 414.286.8683                      Email: neil.albrecht@milwaukee.gov

**Peter "Pedro" Kwong**, Marketing Consultant, Bustos Media  
Phone: 414.326.9738                      Email: pkwong@bustosmedia.com

***Native American Outreach***

**Darren Kroenke**, Executive Director, Spotted Eagle  
Phone: 414.342.0700                      Email: kroenke@spottedeagle.us

***Social Services Outreach***

**Ella Dunbar**, Program Services Manager, Social Development Commission  
Phone: 414.906.2710                      Email: edunbar@cr-sdc.org

**Milwaukee's Complete Count Committee**  
**Partnering Organizations**  
**2010 Census**

African American Chamber of Commerce  
Asian American Medical Students  
Boys and Girls Club of Greater Milwaukee  
Brothers and Sisters in Christ Serving (BASICS) in Milwaukee Inc.  
Bustos Media LLC.  
Catholic Charities  
Community Advocates  
Congresswoman Gwen Moore's Milwaukee Office  
City of Milwaukee  
    -City Clerk's Office  
    -Common Council  
    -Office of the Mayor  
    -City Departments  
Gerald Ignace Indian Health Center  
Governor Jim Doyle's Milwaukee Office  
Harambe Ombudsman Project, Inc.  
Hmong Wisconsin Chamber of Commerce  
Hope House  
Independence First  
Interfaith Older Adult Programs  
League of Latin American Citizens (LULAC)  
Lincoln Park Community Center  
Manpower Inc.  
Merrill Park Neighborhood Association  
Milwaukee Area Workforce Investment Board  
Milwaukee County Board of Supervisors  
Milwaukee Public Schools  
Milwaukee Urban League  
Milwaukee Urban League Young Professionals  
Mosaic on Burleigh Mainstreet  
North Avenue CDC  
Northwest Side CDC  
Project Respect  
Repairers of the Breach  
Safe and Sound Community Partners  
Senator Russ Feingold's Milwaukee Office  
Senator Herb Kohl's Milwaukee Office  
Sherman Park Community Association  
Silver Spring Neighborhood Center  
Social Development Commission  
Southeastern Oneida Tribal Services  
Southside Organizing Committee  
Spotted Eagle Inc.  
The Salvation Army  
United Community Center (UCC)  
University of Wisconsin Milwaukee  
YMCA Parklawn  
YWCA of Greater Milwaukee  
We Count Wisconsin Census Project

*Please join the growing list of organizations committed to achieving a complete count of every person living in Milwaukee in the 2010 census.*

*Milwaukee Future Is In Our Hands and We Need Your Help!*

Visit us at: [www.milwaukee.gov/2010census](http://www.milwaukee.gov/2010census)

2010 Census - Windows Internet Explorer

http://www.city.milwaukee.gov/2010Census

2010 Census

### City of Milwaukee



## Milwaukee's Future: IT'S IN OUR HANDS

Home What is the Census? FAQs Jobs Resources Kids Contact

#### Message from Mayor Tom Barrett and Common Council President Willie Hines, Jr.



#### Dear Fellow Milwaukeeans:

The census is on the horizon. April 1, 2010 is Census Day – the deadline for all households to complete and return their census questionnaires. It is very important that **every** person living in Milwaukee be counted.

The importance of ensuring that every resident is counted has far greater ramifications than just completing an accurate count of the population of the United States. The census is the basis for the allocation of billions of dollars of federal, state and county funds. It also determines the districts of the state legislature and the number of seats that Wisconsin will have in the United States Congress – directly affecting our representation and the state's voice in our government.

When your census form arrives in March 2010, please fill it out and send it in right away! Also, tell your family, grandparents, aunts, uncles, friends, co-workers and neighbors that they all need to stand up and be counted. Milwaukee's future is in our hands!

Sincerely,  
[Mayor Barrett](#) and [Common Council President Hines](#)

**We must all do our part to achieve a complete count in the upcoming census!**

*"It is time for us all to stand and cheer for the doer, the achiever - the one who recognizes the challenge and does something about it."*

— Vincent Lombardi, Head Coach  
Green Bay Packers, (1959-1967)

**Milwaukee's Future Is In Our Hands  
and We Need Your Help!**

*To stay abreast of local census developments, please continue to visit this website. You can access information about the U. S. Census Bureau and its activities at [www.census.gov](http://www.census.gov).*

#### Timeline of Operations



##### Telephone Questionnaire Assistance

February 25, 2010 through July 30, 2010




##### Mailout/Mailback

March 14, 2010 through September 30, 2010



##### Nonresponse Follow-up

May 1, 2010 through July 10, 2010



##### Nonresponse Follow-up Re-interview

May 7, 2010 through July 17, 2010



© 2009 City of Milwaukee - 2010 Census

Local intranet 100%



# *Department of Administration*

## *Census Update*

**Judiciary and Legislation**

**February 1, 2010**

# Gearing Up - 2010 Census

## Successful Efforts

---

### Census Challenge

- DOA led City team that challenged Census Bureau's July 2007 population estimates for Milwaukee — and we won!
- As a result, our population estimates were adjusted upwards about 30,000 people — from 573,358 to 602,782 residents.

# Gearing Up - 2010 Census

## Successful Efforts (Continued)

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### **LUCA Program**

- City took part in Local Update of Census Addresses Program in 2008.
- DOA ITMD reviewed Census Bureau's most current list and added over 5,000 addresses. Also recently added another 170 addresses through New Housing Construction Program.
- LUCA list will be used for mailing census questionnaires in March and for door-to-door count of households that miss April 1st deadline.

# Complete Count Committee (CCC)

---

- CCC formed by Mayor Barrett and Council President Hines.
- CCC consists of government, business, and community leaders dedicated to raising awareness about the 2010 census among all residents.
- Our mission —  
*“The mission of Milwaukee’s Complete Count Committee is to count every resident in the 2010 Census so that our community receives a fair allocation of government resources and adequate legislative representation.”*

# Our Challenge

---

- Wisconsin was declared a high performer in 2000 census. The state's response rate was 75% and Milwaukee's was 65%.
- An estimated 446,763 Wisconsinites (8.3% of our state's population) live in Hard to Count areas. (*Leadership Conference on Civil Rights*)
- Hard to Count populations include:
  - Individuals below poverty and areas with low educational attainment.
  - Individuals receiving public assistance, disability or SSI.
  - Minority groups, immigrants, migrant workers.
  - Individuals who speak a language other than English at home.
  - Individuals from female-headed households.
- Biggest challenges facing Milwaukee in upcoming census:
  - Overcoming cultural and language barriers.
  - Eliminating fears about government surveys.

# CCC Action Plan Key Goals

---

- Goal 1: *Build a census outreach campaign targeted to raise census awareness among all residents using the knowledge, expertise, and leadership of community residents.*
- Goal 2: *Increase the questionnaire mail response rate through a focused and structured neighbor-to-neighbor initiative.*
- Goal 3: *Empower every member of the community to take ownership of the census ensuring that the census is a 100% local effort.*

# CCC Action Plan

## Key Objectives/Strategies Set

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- Obtaining 100% involvement by community-based organizations is crucial.
- Why? Many people won't be swayed by the "trust me" message from government. They fear their information will be used by immigration officials, landlords, law enforcement and creditors.
- We need trusted voices of community advocates to explain census information is safe and private.
- Milwaukee organizations receiving CDBG funding (under category of "*community organizing*") are required to implement at least two census awareness activities.

# Impact of an Undercount

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- Undercount would result in loss of millions of dollars to our community. Federal government allocates more than \$400 billion annually based on census data.
- Wisconsin received about \$6 billion in 2008 or \$1,083 per capita from federal programs that distribute money based on census data (*Brookings Institute*).
- Undercount could weaken our voice in government. Census data determines how state legislative districts are drawn and number of seats Wisconsin will have in U. S. House of Representatives. In 2000, we lost a seat.



# Important Facts/Deadlines

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- Census is mandated by U. S. Constitution and every household must participate.
- This year's census form is shortest in history. Asks 10 simple questions and takes about 10 minutes to complete.
- Census forms will be mailed to all households around March 15th.
- The deadline for returning forms is Census Day, April 1st.

# Final Thoughts

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- We must all do our part in the upcoming census.
- If we fail to count every resident, we are only shortchanging ourselves and our community.
- Bottom line, the census is about economic empowerment and our voice in government.
- Visit: [www.milwaukee.gov/2010census](http://www.milwaukee.gov/2010census)





## Legislation Details (With Text)

---

**File #:** 091276      **Version:** 1  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Substitute Resolution to settle claims of Gimbel, Reilly Guerin & Brown for defense of various police officers.

**Sponsors:** THE CHAIR

**Indexes:** CLAIMS PAYMENT, LITIGATION

**Attachments:** Fiscal Note, City Attorney Letter

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/27/2010	1	CITY CLERK	DRAFT SUBMITTED		

Number  
091276  
Version  
Substitute 1  
Reference

Title  
Substitute Resolution to settle claims of Gimbel, Reilly Guerin & Brown for defense of various police officers.  
Body

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$1,914.00 payable to Gimbel Reilly Guerin & Brown, Two Plaza East, Suite 1170, 330 East Kilbourn Avenue Milwaukee, WI 53202 to reimburse them for legal fees for defense of the following police officer:

<b>POLICE OFFICER</b>	<b>AMOUNT</b>
Sgt. Kimberlee Foster	\$1,914.00
TOTAL	\$1,914.00

; and, be it

Further Resolved, that the check for \$1,914.00 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter

City Attorney  
enm  
1/26/10

1032-2007-1164/154363

**CITY OF MILWAUKEE FISCAL NOTE**

A) DATE: January 26, 2010

FILE NUMBER: 091276

ORIGINAL FISCAL NOTE \_\_\_ SUBSTITUTE 1

SUBJECT: Resolution for payment of police representation claims, Gimbel, Reilly, Guerin & Brown

B) SUBMITTED BY name/title/dept./ext.): Jan A. Smokowicz, Assistant City Attorney; City Attorney; Ext. 8014

C) CHECK ONE:     ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
                      \_\_\_ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
                      \_\_\_ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
                      \_\_\_ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:     DEPARTMENTAL ACCOUNT (DA)                       CONTINGENT FUND (CF)  
                       CAPITAL PROJECTS FUND (CPF)                       SPECIAL PURPOSE ACCOUNTS (SPA)  
                       PERM. IMPROVEMENT FUNDS (PIF)                       GRANT & AID ACCOUNTS (G & AA)  
                       OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER: -	Damages and Claims Special Purpose Account  Gimbel, Reilly, Guerin & Brown	0001 1490 S118 006300			
TOTALS			\$1,914.00		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:


H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:


**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
SUSAN D. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNER  
Assistant City Attorneys

January 22, 2010

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney D. Michael Guerin for legal fees for  
Sergeant Kimberlee Foster  
C.I. File No. 07-S-137

Dear Council Members:


Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Sergeant Kimberlee Foster. The claim is in the amount of \$1,914.00 for 17.4 hours of service billed at the rate of \$110 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney  
JAS

1032-2007-1164:154253

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550



GIMBEL • REILLY • GUERIN • BROWN

Writer's Direct E-mail  
dmguerin@grgblaw.com

April 16, 2007

COPY

Mr. Ronald Leonhardt  
Attn: Marian Hartner,  
Milwaukee City Clerk  
800 City Hall  
200 E. Wells Street  
Milwaukee, WI 53202

Re: *Sergeant Kimberlee Foster*  
PS I.D. No. 000264  
Use of Deadly Force Investigation  
August 5, 2006  
PPD File No. 06-0697

Dear Ms. Hartner:

Kimberlee Foster, a sergeant with the Milwaukee Police Department, requested and retained our firm to represent her in connection with an internal investigation and the District Attorney's investigation regarding the circumstances surrounding her use of her firearm against Mr. Valco Bliss on August 5, 2006.

Consistent with its ethical obligations and policy, the City Attorney's Office was unable to provide representation for Sergeant Foster. On August 5, 2006, Sergeant Foster and her partner were investigating a burglary in progress at a residence in the 4200 block of North 19<sup>th</sup> Street. Sergeant Foster and her partner split up and when Sergeant Foster next found him, he was in the alley behind the house, inquiring through an open car door that the occupant of a motor vehicle parked in the alley with its engine running, get out of the car. When Sergeant Foster approached to provide assistance to her partner, the occupant of the vehicle rolled away from him and attempted to put the gearshift into drive and speed away, which would have caused serious injury to Sergeant Foster's partner and potentially other nearby bystanders.

TWO PLAZA EAST  
SUITE 1170  
330 E. KILBOURN AVE.  
MILWAUKEE, WI 53202  
P: 414-271-1440  
F: 414-271-7680  
WWW.GRGBLAW.COM







POWERFUL LEGAL REPRESENTATION

Sergeant Foster repeatedly warned the vehicle's occupant to stop his actions and surrender, but he refused and proceeded to attempt to put the gearshift into drive. At that point, in order to protect the safety of her partner and bystanders, Sergeant Foster, after having warned the occupant several times that he must cease his actions or she would use force, discharged her service firearm.

Mr. Bliss received nonfatal injuries, was seized and arrested and was subsequently prosecuted.

Sergeant Foster was required to meet with police investigators, as well as an Assistant District Attorney and attorney investigators regarding the incident. Counsel from my office provided representation to her throughout, and communicated with the District Attorney's office thereafter. On October 2, 2006, Assistant District Attorney Patrick Kenney indicated that he was closing his investigation with no criminal prosecution of Sergeant Foster, as her use of force was justified in the line of duty.

Enclosed is our bill for time and services rendered regarding Sergeant Foster. I would appreciate your processing such for payment to my office.

Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Michael Guerin', written over a large, stylized flourish.

D. MICHAEL GUERIN

DMG/dkk

Enclosure

cc: Attorney Jan A. Smokowicz

R:\MPSO\Foster, Kim\MsHartner-Fosterbill2007-04-16.doc

Gimbel, Reilly, Guerin & Brown  
Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue  
Milwaukee, WI 53202 - www.grglaw.com  
Telephone (414) 271-1440 - Facsimile (414) 271-7680

Family Law, Personal Injury, Criminal Law, Real Estate,  
Business, Estate Planning, Civil & Commercial Litigation  
in State and Federal Courts  
Federal Tax ID 39-1094570

Page: 1  
April 13, 2007  
ACCOUNT NO.: 200642208  
STATEMENT NO.: 1

Milwaukee Police Supervisors Organization  
7120 W. Crawford  
Milwaukee, WI 53220

Civil - Sgt. Kim Foster

*Our invoices for services are due and payable within 60 days from the invoice date.  
Failure to pay charges within that time will result in an interest charge of 1-1/2% on the  
unpaid balance per month thereafter.*

STATEMENT

	<u>HOURS</u>
08/14/06	
RMD - Telephone conference with T. Klusman; conference with client; attend interview with Deputy D.A. Kinney; prepare for meeting.	3.40
SCM - Telephone conference with T. Klusman; conference with client; attend interview with Deputy D.A. Kinney; prepare for meeting.	3.40
RMD - Conference with Attorney Guerin, client, police supervisors, Union representative D. Arndt and Attorney McGaver; attend investigative meeting with Deputy D.A. Kinney at the Milwaukee Police Dept. - District 1 regarding shooting at 4255 N. 19 <sup>th</sup> Street; research justifiable cause use to use deadly force cases.	4.00
SCM - Conference with Attorney Guerin, client, police supervisors, Union representative D. Arndt and Attorney Dall'Osto; attend investigative meeting with Deputy D.A. Kinney at the Milwaukee Police Dept. - District 1 regarding shooting at 4255 N. 19 <sup>th</sup> Street; research justifiable cause use to use deadly force cases.	4.00

08/16/06	RMD – Prepare correspondence to client.	.40	
08/23/06	RMD - Telephone conference with client.	.20	
09/10/06	RMD – Telephone conference with client.	.20	
09/18/06	RMD – Prepare correspondence to Deputy DA Kinney Regarding status of investigation.	.40	
09/26/06	RMD – Telephone conference with Deputy D.A. Kinney regarding status of investigation.	.20	
10/04/06	RMD – Prepare correspondence to client; review correspondence from Deputy DA Kinney declining prosecution.	.40	
11/01/06	DMG – Telephone conference with client regarding meeting on November 9 <sup>th</sup> at Police Academy.	.20	
11/07/06	DMG – Telephone conference with client regarding meeting at Police Academy; Union will cover client at police interview; discuss need to continue with post-shooting stress counseling.	.60	
	FOR CURRENT SERVICES RENDERED	17.40	\$1,914.00

RECAPITULATION

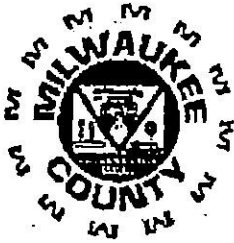
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	.8	\$110.00*	\$ 88.00
R. Dall'Osto	9.2	\$110.00*	\$1,012.00
S. McGaver	7.4	\$110.00**	\$ 814.00

\* Discounted from \$300.00/hour

\*\* Discounted from \$180.00/hour

TOTAL CURRENT WORK	\$1,914.00
BALANCE DUE	<u>\$1,914.00</u>

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.  
THANK YOU!



OFFICE OF DISTRICT ATTORNEY  
CHILDREN'S COURT CENTER

RECEIVED

OCT 03 2006

CERMELE & ASSOCIATES, S.C.

# Milwaukee County

E. MICHAEL McCANN • District Attorney

October 2, 2006

Chief Nannette H. Hegerty  
Milwaukee Police Department  
941 N. James Lovell St.  
Milwaukee, WI 53233

RE: Review of Police Shooting of Valcos Bliss

Dear Chief Hegerty:

I have reviewed a Milwaukee Police Department investigation and an investigation conducted independently by our office into the August 14, 2006 non-fatal shooting of Valcos Bliss. This shooting occurred in an alley located in the 4200 block of North 19<sup>th</sup> Street in the City of Milwaukee. During this incident, Sgt. Kimberlee Foster and Officer Christopher Chu each fired at Valcos Bliss, resulting in non-fatal gunshot wounds. After reviewing this matter, I am satisfied that the actions of Sgt. Foster and Officer Chu were privileged under the law of self-defense, and defense of others. Having reached that conclusion, no criminal charges will be brought against either officer for their involvement in this incident.

Thank you for the cooperation of your department in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Kenney".

Patrick J. Kenney  
Deputy District Attorney

PJK/yms

cc: DA E. Michael McCann  
Atty. Raymond M. Dall'Osto  
Atty. Jonathan Cermele  
Lt. Thomas Stigler  
Inv. Joseph Link

**2003 Statistics**

**GENERAL INFORMATION ABOUT MILWAUKEE**

Altitude (City datum)	.....	581.2 feet
City Area	.....	96.1 square miles
Geographic Center	.....	North 42nd Street and West North Avenue
Shoreline of Lake Michigan in City	.....	10.2 miles
Incorporated by Wisconsin Charter	.....	January 31, 1846

**GENERAL INFORMATION ABOUT MILWAUKEE'S INFRASTRUCTURE**

Alleys, total	.....	414.6 miles
Freeways	.....	40.1 miles
Paved City Streets	.....	1,417 miles
Unpaved City Streets	.....	15 miles
Total city streets	.....	1,432 miles
Miles of lighted streets	.....	1,288.54 miles
City maintained bridges	.....	220
Movable bridges	.....	20
Total bridge openings	.....	18,119
Total sewer mileage in operation (sanitary, storm and combined)	.....	2,437
Main line sewers in the City	.....	120 miles
Streets with interim lighting	.....	81.84 miles
Unlit streets	.....	43.69 miles
Street lighting units	.....	66,871
Alley lighting units	.....	8,790
Traffic control signals	.....	728 intersections
Traffic control signs	.....	102,058
Underground conduit	.....	546.3 miles
Bus stops, signage maintained	.....	4,267

**MILWAUKEE WATER WORKS**

Howard Avenue plant capacity	.....	105 million gallons/day (MGD)
Linnwood plant capacity	.....	275 million gallons/day (MGD)
Total annual pumpage (gallons)	.....	46.1 billion
Consumption per capita per day (gallons)	.....	.65
Meters in service	.....	160,966
Water hydrants	.....	19,726
Water mains in service (miles)	.....	1,954
Revenue	.....	\$74.5 million

Milwaukee Water Works' purification process is comprised of ozone disinfection, alum coagulation, dual media filtration, fluoridation, corrosion control, and chloramine post-disinfection.

Retail customers: Franklin, Greenfield, Hales Corners, St. Francis, West Milwaukee

Wholesale customers: Brown Deer, Butler, Greendale, Menomonee Falls, Milwaukee County Grounds, New Berlin, Shorewood, Wauwatosa, West Allis, WE Energies Water Services

**SANITATION**

Residential Waste collected	.....	179,784 Tons
Recyclables collected	.....	26,100 Tons
Leaves and Yard Waste collected & composted	.....	25,285 Tons
Snowfall (January - December)	.....	32.6 Inches
General snow plowings	.....	2
Ice control operations	.....	23

**FORESTRY DIVISION**

Trees on city streets	.....	200,000
Shade trees planted	.....	2,731
Trees pruned	.....	50,258
Trees removed (all causes)	.....	3,529
Stumps removed	.....	4,143
Boulevard medians & greenspaces maintained	.....	476 acres
Flowers produced, annuals	.....	371,546
Flowers planted, annuals	.....	185,448
Flowers planted, perennials & bulbs	.....	7,455
Shrubs planted	.....	1,497
Evergreens planted	.....	107
Landscaped boulevard medians	.....	121.8 miles
Greenspaces maintained	.....	59
Totlots maintained	.....	57
City properties maintained	.....	20
Service requests	.....	9,620

**INFRASTRUCTURE SERVICES -**

**SEWER DESIGN AND MAINTENANCE**

Sewers examined	.....	84 miles
Sewers cleaned	.....	422.2 miles
New sewers	.....	81 miles
Replacement sewers	.....	13.11 miles
Sewer lining	.....	2.0 miles
Service calls answered	.....	7,937

**FLEET SERVICES**

Work Orders	.....	31,415
Preventive Maintenance Inspections Performed	.....	7,359
Tires Mounted	.....	3,933
Field Service Calls, Tires	.....	4,392
Field Service Calls, Other	.....	7,212
Stockroom Activity	.....	\$4,710,704
Vehicles Serviced		
Passenger Vehicles	.....	1,047
Packers, Rear Load	.....	144
Packers, Front Load and Roll-off	.....	22
Packers, Recycling	.....	51
Tractors	.....	65
Street Sweepers	.....	29
Sewer cleaners, flushers, etc.	.....	7
Construction equipment	.....	487
Trucks, all other	.....	842
<u>Compressors</u>	.....	<u>96</u>
Vehicle Total	.....	2,790
<u>Non-automotive equipment</u>	.....	<u>1,395</u>
Total Serviced	.....	4,185

**STREET AND BRIDGE MAINTENANCE**

Bridges, inspected	.....	180
Bridges, number of openings	.....	14,119
Pavement seal coating (square yards)	.....	261,288
Asphalt surface by contract (tons)	.....	3,057
Production of asphalt mixes (tons)	.....	15,012

Average Total DPW Employees, 2003 ..... 2,400

Rec'd 2/24/2005



Legislation Details (With Text)

**File #:** 091122      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/22/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution relating to the appeal of Joseph Hren for property damage.

**Sponsors:** THE CHAIR

**Indexes:** CLAIMS APPEAL

**Attachments:** City Attorney Letter, Appeal, Estimates of the Damages, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/11/2010	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT	Pass	4:0
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO	Pass	14:0
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

---

**File #:** 091122      **Version:** 0

---

**Number:**

091022

**Version:**

ORIGINAL

**Sponsor:**

THE CHAIR

**Title:**

Resolution relating to the appeal of Joseph Hren for property damage.

**Drafter:**

CC-CC

dkf

12/16/09

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
SUSAN D. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNER  
Assistant City Attorneys

November 17, 2009

Joseph Hren  
13745 West Graham Street  
New Berlin, WI 53151

RE: Joseph Hren  
C.I. File No.: 09-S-348

Dear Mr. Hren:


We have received your claim relating to damage allegedly sustained to your vehicle during the tow process.

Our investigation reveals that your 1999 Chevrolet was towed to the City of Milwaukee Tow Lot on September 18, 2009 for being Parked In A Tow Away Zone. The tow lot intake and exit forms indicated your truck had damage on it. The vehicle was released to you on September 18, 2009 without incident. The tow lot records further noted you came back to the tow lot on September 21, 2009 and completed a complaint form. Since your vehicle had pre-existing damage upon arrival at the tow lot and there is no evidence your alleged loss occurred at the tow lot, the City cannot accept liability and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
ROBERT OVERHOLT  
Investigator Adjuster

RMO:ms  
1044-2009-2563:151934

09-S-348  
DENIAL SENT  
TO CLMT ON  
11-18-09

OFFICE OF THE CITY ATTORNEY



CITY OF MILWAUKEE

2009 DEC 10 AM 11:38

RONALD D. LEONHARDT  
CITY CLERK

Joseph M Hren  
13745 W Graham St  
New Berlin, WI 53151

December 7, 2009

Milwaukee City Clerk  
200 East Wells St  
Milwaukee WI 53202

RE: Joseph Hren  
C.I. File No.: 09-S-348

To Whom It May Concern,

I am writing this letter in response to the decision to deny the claim for damages to my vehicle when it was towed on September 18, 2009. I wish to appeal the decision. Please let me know if there is any other information you require from me.

Thank you,



Joseph M Hren

2009 DEC 11 PM 2:59  
CITY OF MILWAUKEE  
CITY RECEIVER  
OFFICE OF  
CITY ATTORNEY

**-CITY USE ONLY-**

**-CUSTOMER INFORMATION-**

TOW #: 1421141  
DATE: 09/21/09  
CLERK ID: 52

NAME: Joseph Hren  
ADDRESS: 13745 W. Graham St. New Berlin 53151  
PHONE #: (414) 202-5613

PHOTOS TAKEN  YES  NO  
PHOTOS ATTACHED  YES  NO  
ALL FORMS COMPLETED  YES  NO

DATE FILED: 9/21/09

CITY OF MILWAUKEE  
RONALD D. LEONHARDT  
CITY CLERK  
09 SEP 21 PM 12:25

\*\*\*Complaint must be signed by citizen completing form.

**CITIZEN'S STATEMENT**

After receiving my truck from the tow lot approximately 1700 hrs on Fri Sept 18<sup>th</sup>, 2009, I drove the vehicle home. When I arrived I checked the truck for damage and found a significant amount of damage. The front bumper is pushed in and cracked at a fastening point. Drivers side front fender has a scratch. The tonneau cover has several scratches all over. The rear bumper was hit on Pass. side and is bent and pushed into the bedside Quarter panels. There is a large dent on the Pass side pillar of the cab. I called the tow alot approx 5:30 pm on Fri but they were closed. I contacted my insurance company and they advised me to contact the tow lot before I proceed with them. I have enclosed pictures of the damage on a CD. This is a preliminary inspection and I will be contacting a repair facility to see if there is anything mechanically I may have missed in my inspection.

CITY OF MILWAUKEE  
RECEIVED  
2009 SEP 21 PM 2:34  
OFFICE OF  
ATTORNEY

[Signature]  
\*\*\*SIGNATURE

9/21/09  
DATE

CLINT'S YNDIOS 09-3-348

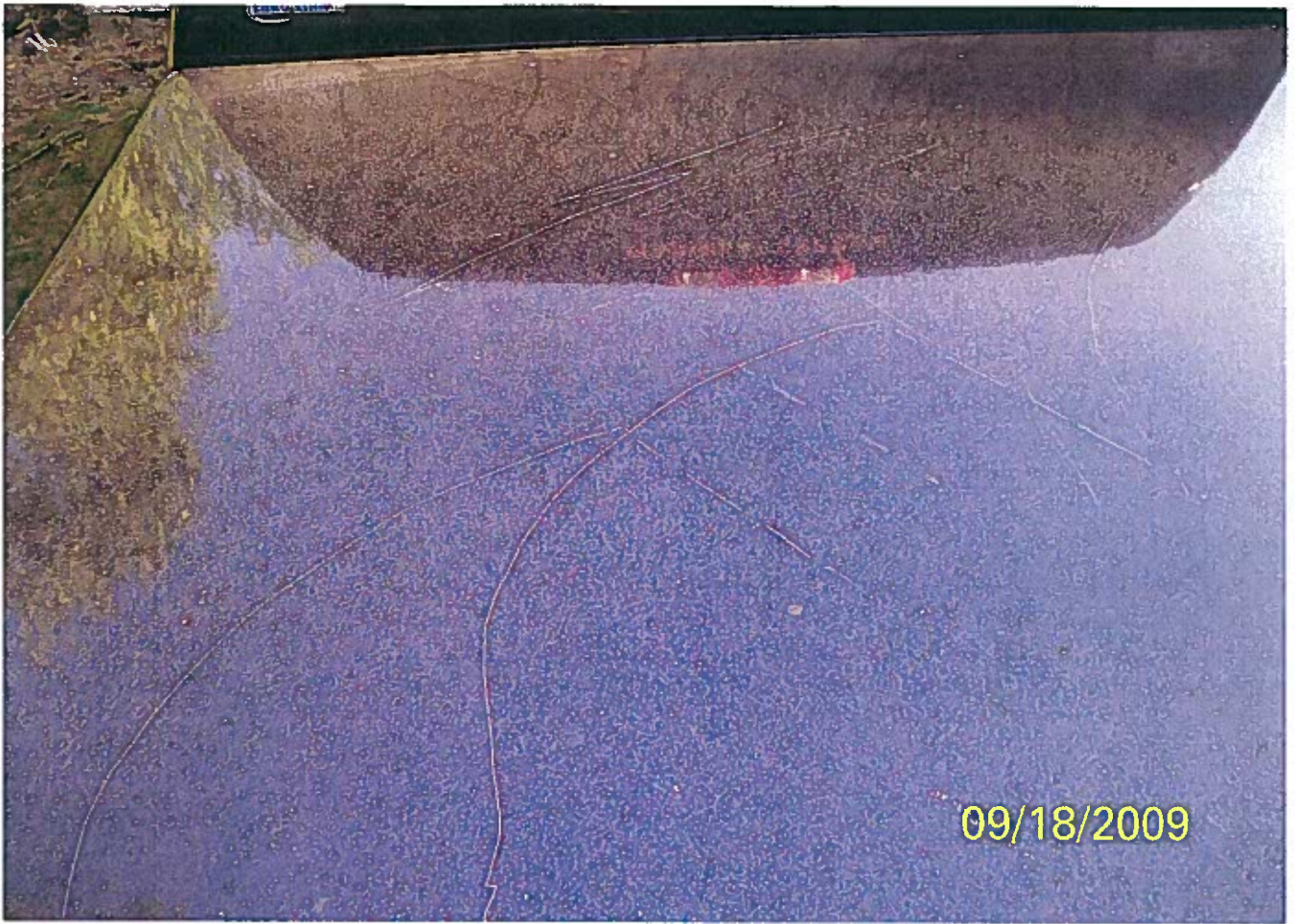




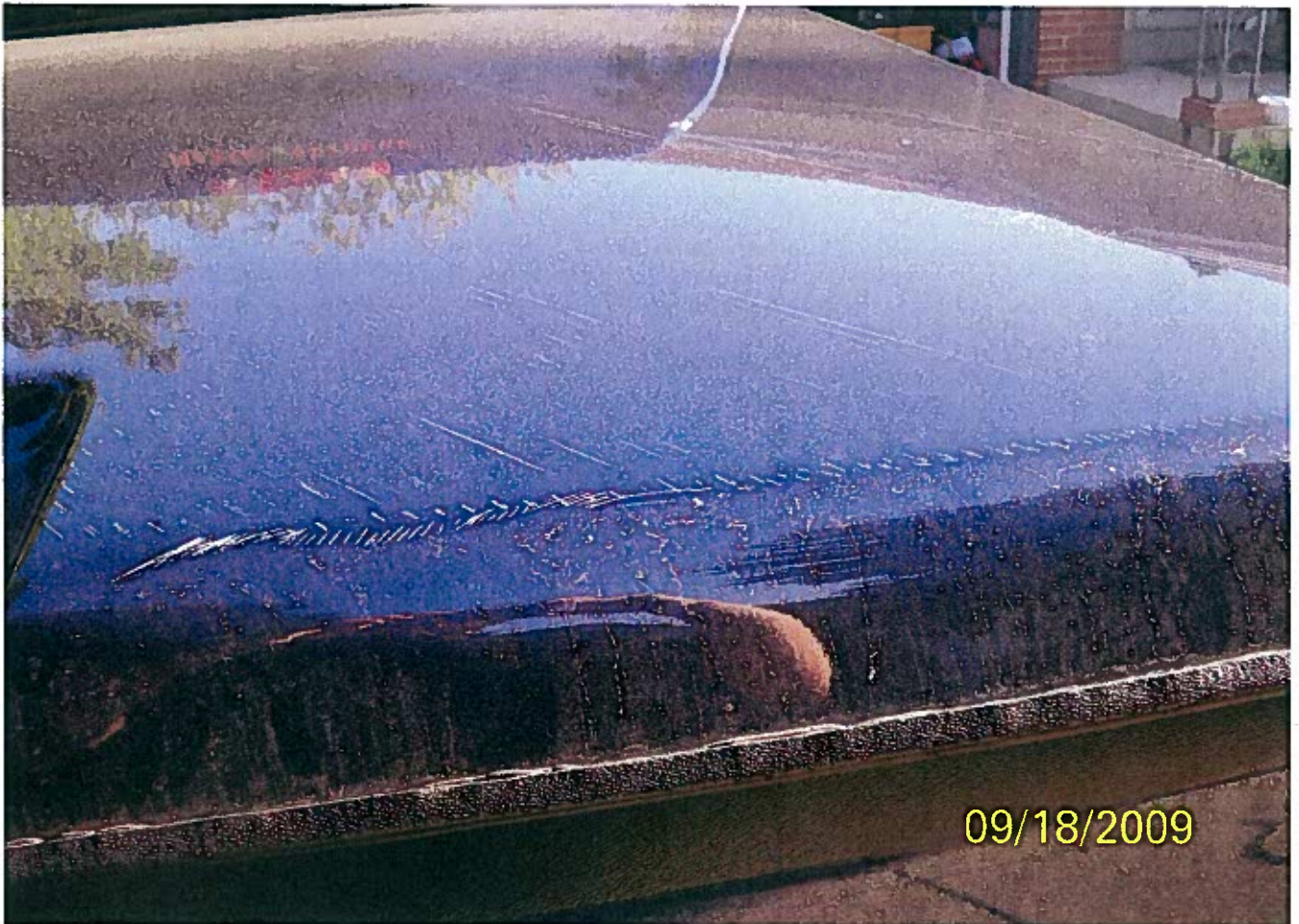
09/18/2009



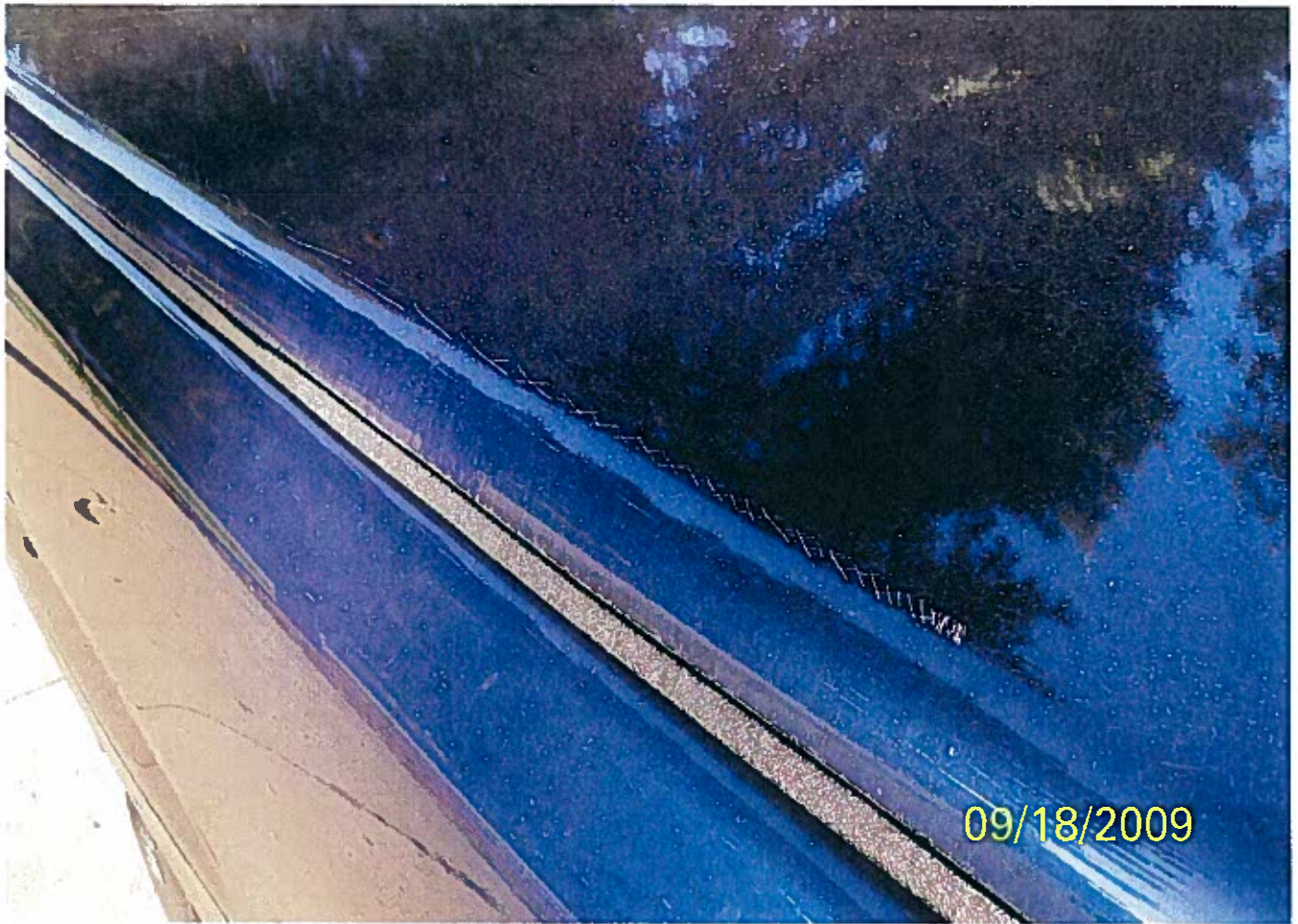
09/18/2009



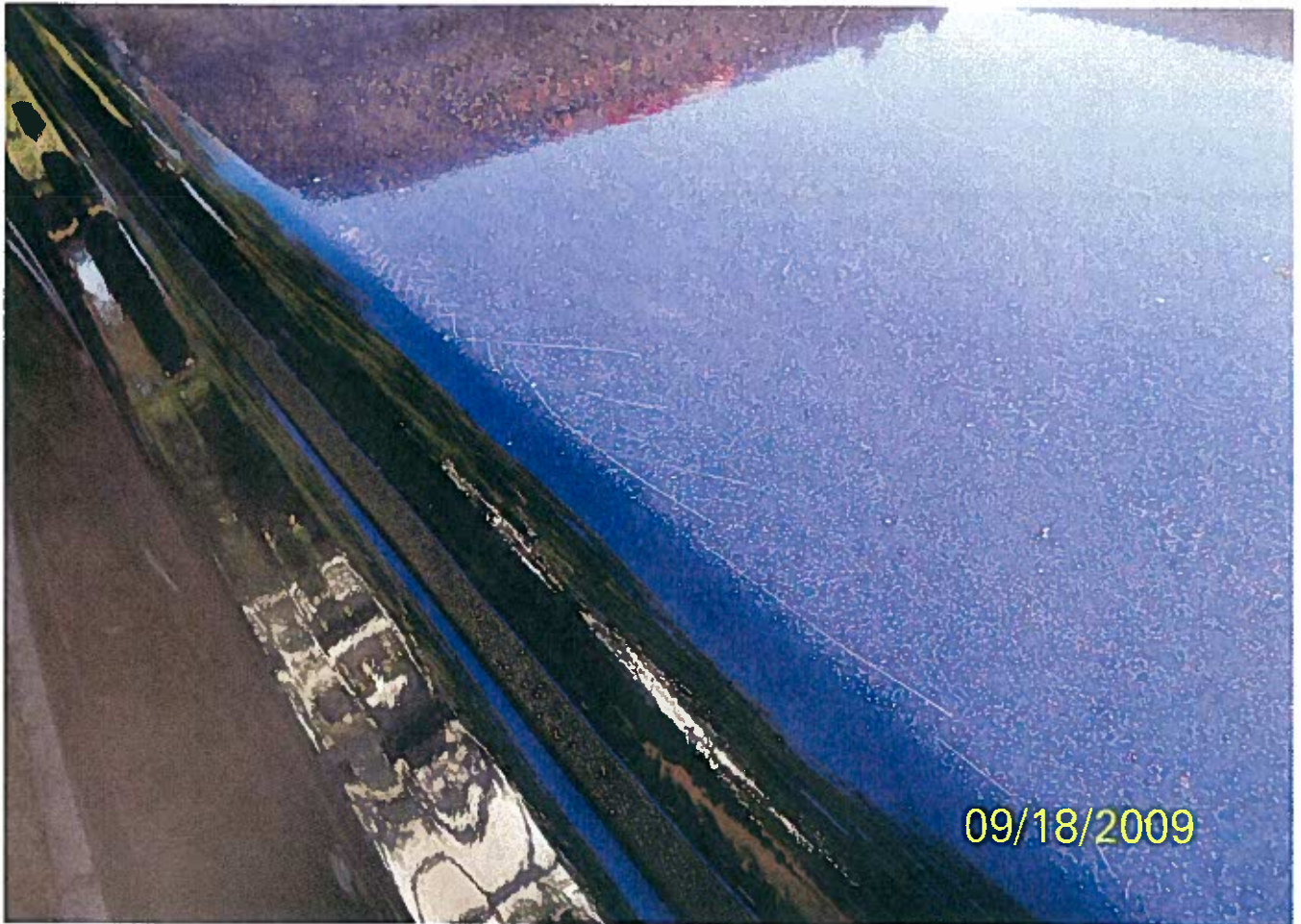
09/18/2009



09/18/2009

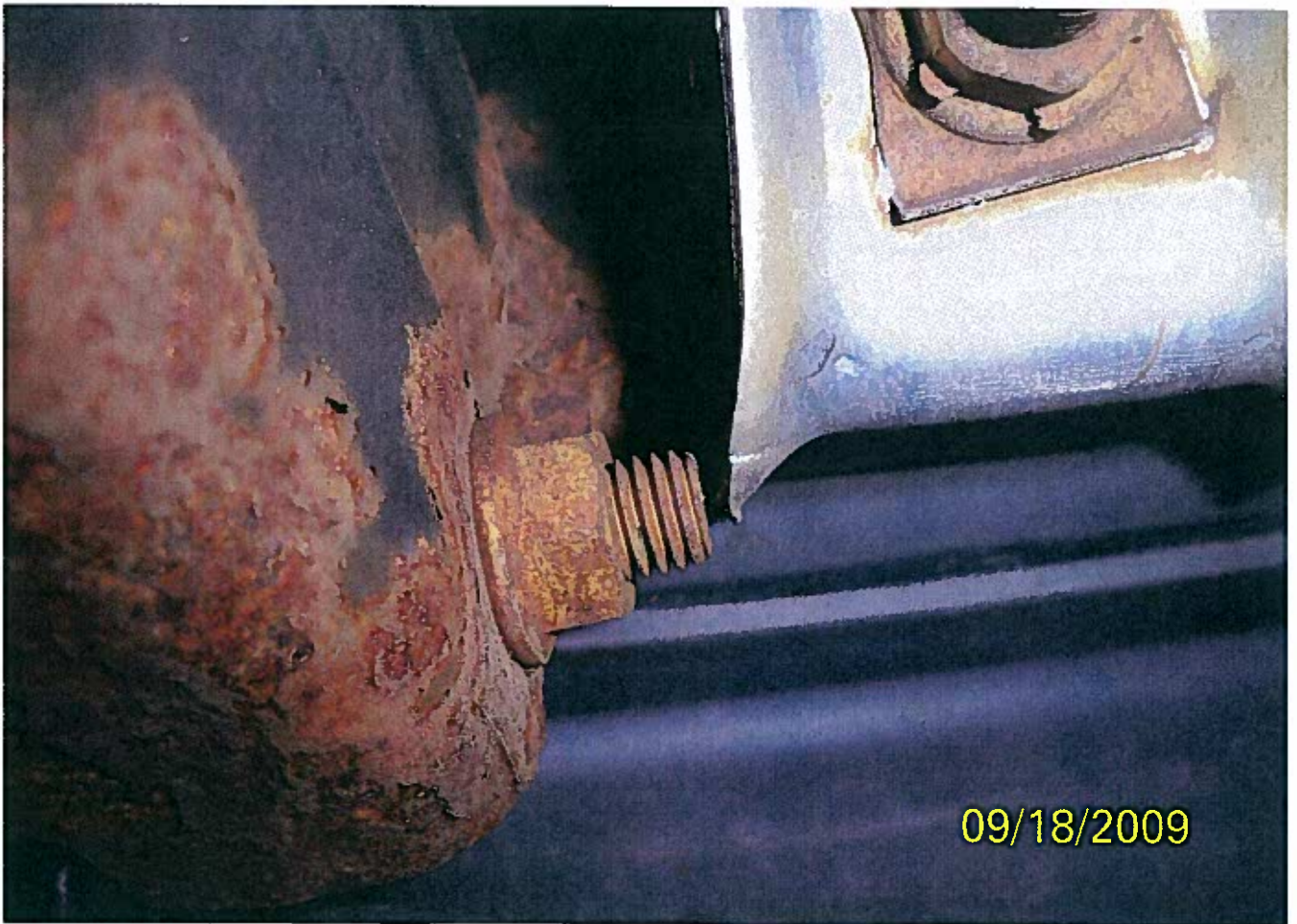
















09/18/2009

CONCOURS AUTO WORKS, LTD.  
 9508 WEST NATIONAL AVENUE  
 WEST ALLIS, WI 53227  
 OFFICE: (414) 321-4200

CD LOG NO 6623-1 DATE 01/08/10

SHOP: CONCOURS AUTO WORKS, LTD. INSP DATE: 01/08/10  
 ADDRESS: 9508 WEST NATIONAL AVENUE PHONE 1: (414) 321-4200  
 CITY STATE: WEST ALLIS, WI FAX: (414) 321-4106  
 ZIP: 53227-

OWNER: HREN, JOESPH CELL PHONE: (414) 202-5613  
 ADDRESS: 13745 W GRAHAM ST  
 CITY STATE: NEW BERLIN, WI  
 ZIP: 53151

POINT OF IMPACT: 0

LIC#: STATE: VIN: 2GCEK19T0X1139126  
 BODY COLOR: MILEAGE: 175,000  
 CONDITION: EXCELLENT ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

1999 CHEVROLET SILVERADO K1500 LS 2DOOR EXT CAB 8CYL GASOLINE 5.3  
 CODE: U8033D/A OPTNS T/24XDJPQGTCTR

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	POWER DOOR LOCKS
REMOTE KEYLESS ENTRY SYSTEM	POWER WINDOWS
ELEC REMOTE CONTROL MIRRORS	REAR BUMPER
AIR CONDITIONING	CRUISE CONTROL
OVERHEAD CONSOLE	

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0024		BUMPER, FRONT	12336026 GM PART	430.33			2.6	1
E	0152		DEFL, FRONT BUMPER	15199825 GM PART	106.22				INC 1
I	0176		PNL, CAB SIDE OUTER	LT REPAIR					5.0*1
L	0176	13	PNL, CAB SIDE OUTER	LT REFINISH					3.6 4
				2.5 SURFACE					
				0.6 TWO STAGE SETUP					

1999 CHEVROLET SILVERADO K1500 LS 2DOOR EXT CAB  
CD LOG ,NO 6623-1

3. I DO NOT WANT AN ESTIMATE.

MOTOR VEHICLE PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE  
ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF  
AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN  
53708-8911.

**ABRA NEW BERLIN**  
Federal ID #:411653085  
14750 W. National Avenue  
New Berlin, WI 53151  
(262)649-1210 Fax: (262)649-4155

**PRELIMINARY ESTIMATE**

Written By: Craig Eickermann  
Adjuster:

<b>Insured:</b> JOSEPH HREN	<b>Claim #</b>
<b>Owner:</b> JOSEPH HREN	<b>Policy #</b>
<b>Address:</b> 13745 W GRAHAM ST	<b>Deductible:</b>
NEW BERLIN, WI 53151	<b>Date of Loss:</b>
<b>Cellular:</b> (414)202-5613	<b>Type of Loss:</b>
	<b>Point of Impact:</b> 6. Rear
<b>Inspect</b> ABRA NEW BERLIN	<b>Business:</b> (262)649-1210
<b>Location:</b> 14750 W. National Avenue	
New Berlin, WI 53151	

**Insurance  
Company:**

Days to Repair

1999 CHEV K1500 4X4 SILVERADO LS EXT 8-5.3L-FI 3D SHORT BLUE Int:GREY  
VIN: 2GCEK19T0X1139126 Lic: EN7046 WI Prod Date: 11/1998 Odometer: 179964

Air Conditioning	Tilt Wheel	Cruise Control
Intermittent Wipers	Keyless Entry	Alarm
Message Center	Tinted Glass	Body Side Moldings
Dual Mirrors	Overhead Console	Clear Coat Paint
Two Tone Paint	Metallic Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Mirrors	AM Radio	FM Radio
Stereo	CD Player	Anti-Lock Brakes (4)
Driver Air Bag	Passenger Air Bag	4 Wheel Disc Brakes
Leather Seats	Recline/Lounge Seats	Rear Step Bumper
Automatic Transmission	4 Wheel Drive	Overdrive
Styled Steel Wheels		

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		FRONT BUMPER					
2		O/H front bumper				1.9	
3**	Repl	A/M Bumper chrome	1	337.00		Incl.	
4**	Repl	A/M CAPA Air deflector 4WD	1	74.00		Incl.	
5		REAR BUMPER					
6		O/H rear bumper				1.8	
7**	Repl	A/M Bumper chrome production	1	263.00		Incl.	
8	R&I	RT Step pad outer				Incl.	
9	R&I	LT Step pad outer				Incl.	
10	R&I	Step pad center				Incl.	
11	R&I	Trailer hitch				1.0	

PRELIMINARY ESTIMATE

1999 CHEV K1500 4X4 SILVERADO LS EXT 8-5.3L-FI 3D SHORT BLUE Int:GREY

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
12		BACK GLASS					
13	R&I	Back glass tinted non heated				1.5	
14		PICK UP BOX					
15*	Rpr	RT Side panel				<u>10.0</u>	3.3
16		Add for Clear Coat					1.3
17		Add for Two Tone					1.3
18	R&I	R&I tailgate assy				0.3	
19	Repl	RT Decal "4X4"	1	14.00		0.3	
20#	R&I	TONUE COVER				1.0	
21#	Refn	TONUE COVER					1.5
22#	Repl	`Urethane Kit	1	25.00			
23		CAB					
24	Repl	RT Nameplate "LS"	1	13.98		0.2	
N 25*	Rpr	Cab				<u>4.0</u>	<u>1.5</u>
26		Overlap Major Non-Adj. Panel					-0.2
27		Add for Clear Coat					0.3
28*		Add for Two Tone					<u>0.0</u>
29#		`Hazardous Waste	1	5.00			
30#	Repl	`Car Cover	1	5.00			
Subtotals ==>				736.98		22.0	9.0

Line 25 : PARTIAL PAINT AND PARTIAL CLEAR COAT, NO TWO TONE

Estimate Notes:  
NO DISASSEMBLY AT TIME OF ESTIMATE

Prior Damage Notes:  
SCUFFS RT AND LFT SIDE

Parts		736.98
Body Labor	22.0 hrs @ \$ 56.00/hr	1232.00
Paint Labor	9.0 hrs @ \$ 56.00/hr	504.00
Paint Supplies	9.0 hrs @ \$ 35.00/hr	315.00
SUBTOTAL		\$ 2787.98
Sales Tax	\$ 2787.98 @ 5.1000%	142.19
GRAND TOTAL		\$ 2930.17

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.



**PRELIMINARY ESTIMATE**

1999 CHEV K1500 4X4 SILVERADO LS EXT 8-5.3L-FI 3D SHORT BLUE Int:GREY

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR1GH99, CCC Data Date 12/16/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

01/11/2010 at 02:12 PM  
36747

Job Number:

**PRELIMINARY ESTIMATE**

1999 CHEV K1500 4X4 SILVERADO LS EXT 8-5.3L-FI 3D SHORT BLUE Int:GREY

**ALTERNATE PARTS SUPPLIERS**

3 A/M Bumper chrome	Part No.	GM1002376	Price \$337.00
4 A/M CAPA Air deflector 4WD	Part No.	GM1092167PP	Price \$74.00
7 A/M Bumper chrome productio	Part No.	GM1102411PP	Price \$263.00

Keystone - Complete	(800)924-8230
9532 W. CARMEN AVE.	(414)463-1019
MILWAUKEE, WI 53225	

Keystone - Complete	(800)352-7252
5969 HAASE RD. SUITE B	(608)249-4775
DEFOREST, WI 53532	

HOLZ MOTORS, INC. BODY SHOP

5961 S.108TH PLACE

HALES CORNERS, WI 53130

DIRECT LINE: (414) 529-7848 & (414) 425-2400 FAX: (414) 529-7533

FEDERAL I.D. #39-0792093

CD LOG NO 11519-1 DATE 01/11/10

SHOP:
CITY STATE: , WI

INSP DATE: 01/11/10
CONTACT: DAVE LUEDKE

OWNER: HREN, JOSEPH
ADDRESS: 13745 GRAHAM ST
CITY STATE: NEW BERLIN, WI
ZIP: 53151

POINT OF IMPACT: 34

DAYS TO REPAIR: 5

LIC#:
BODY COLOR: BLUE/SILVER
CONDITION:

STATE:

VIN: 2GCEK19T0X1139126
MILEAGE: 175,177
ACCTNG CTL#:

DRIVEABLE: YES

VEH. INSP#:

\*=USER-ENTERED VALUE
EC=REPLACE ECONOMY
UM=REMAN/REBUILT PRT
OE=REPLACE PXN OE SRPLS
TE=PARTL REPL PRICE
I=REPAIR
TT=TWO-TONE
N=ADDITIONAL LABOR
AA=APPEAR ALLOWANCE

E=REPLACE OEM
UE=REPLACE OE SURPLUS
EU=REPLACE SALVAGE
PC=PXN RECONDITIONED
ET=PARTL REPL LABOR
L=REFINISH
CG=CHIPGUARD
RI=R&I ASSEMBLY
RP=RELATED PRIOR

NG=REPLACE NAGS
UC=RECONDITIONED PRT
EP=REPLACE PXN
PM=PXN REMAN/REBUILT
IT=PARTIAL REPAIR
BR=BLEND REFINISH
SB=SUBLET
P=CHECK
UP=UNRELATED PRIOR

\*\*\*\*\*
PRELIMINARY ESTIMATE
\*\*\*\*\*

1999 CHEVROLET SILVERADO K1500 STD 2DOOR EXT CAB 8CYL GASOLINE 5.3
CODE: U8033D/A OPTNS T/24X

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
4-WHEEL DRIVE

TWO-STAGE - INTERIOR SURFACES

Table with 7 columns: OP, GDE, MC, DESCRIPTION, MFG. PART NO., PRICE, AJ% B%, HOURS R. Rows include bumper, brace, and pnl repairs.

L 0177	13	PNL,CAB SIDE OUTER	RT	REFINISH			2.0	4
E 0141		NAMEPLATE,CAB REAR	RT	15036136 GM PART	11.36		0.2	1
E 0369		BACK GLASS,TINTED		15198871 GM PART	192.19		2.0	1
EC0370		SEALANT KIT,BACK GLASS		ECONOMY PART	18.50*		INC	1
I 1639		PANEL,BEDSIDE OUTER	RT	REPAIR			8.0*	1
L 1639		PANEL,BEDSIDE OUTER	RT	REFINISH			2.9	4
TT1639	15	PANEL,BEDSIDE OUTER	RT	TWO TONE			1.1	4
E 0485		DECAL,BEDSIDE PANEL	RT	15779675 GM PART	14.00		0.3	1
I 0479		SHELL,TAILGATE		REPAIR			2.0*	1
L 0479		SHELL,TAILGATE		REFINISH			2.8	4
E 0491		N/PLATE,TAILGATE		15126056 GM PART	47.44		0.2	1
E 0492		N/PLATE,TAILGATE		15114063 GM PART	49.39		0.2	1
RI0435		BEZEL,TAILGATE HANDLE		R&I ASSEMBLY			0.2	1
RI1527	01	COVER,TONNEAU		R&I ASSEMBLY			1.0*	1
RI0381		COMPL BED ASSY R & I		R&I ASSEMBLY			2.5	1
E 0565		BUMPER,REAR STEP		12473000 GM PART	309.54		2.6	1
E 0579		BRKT,REAR BUMPER MT	RT	15705674 GM PART	36.61		INC	1
E 0574		BRACE,REAR BUMPER	RT	15705670 GM PART	32.36		INC	1
E 0571		PAD,REAR BUMPER STEP		12335696 GM PART	52.42		INC	1
E 1097		PAD,REAR BUMPER STE	LT	15738017 GM PART	74.00		INC	1
E 1098		PAD,REAR BUMPER STE	RT	15738018 GM PART	71.15		INC	1
E 0586		REINF,TRAILER HITCH		15154375 GM PART	225.14		INC	1
ECM14		CORROSION PROTECTION		ECONOMY PART	5.00*		0.5*	1*
ECM17		COVER CAR EXTERIOR		ECONOMY PART	6.00*			1*

28 ITEMS

MC MESSAGE(S)

- 01 CALL DEALER FOR EXACT PART NUMBER / PRICE
- 02 PART NO. DISCONTINUED, CALL DEALER FOR EXACT PART NO
- 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE
- 15 INCLUDES 0.4 HOURS FIRST PANEL TWO-TONE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					1,609.90
OTHER PARTS					29.50
PAINT MATERIAL					281.60
PARTS & MATERIAL TOTAL					1,921.00
TAX ON PARTS & MATERIAL @				5.600%	107.58
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	52.00	12.3	13.5		1,341.60
2-MECH/ELEC	78.00				
3-FRAME	55.00				
4-REFINISH	52.00	8.8			457.60
5-PAINT MATERIAL	32.00				
LABOR TOTAL					1,799.20
TAX ON LABOR		@		5.600%	100.76
SUBLET REPAIRS					
TOWING					
STORAGE					
GROSS TOTAL					3,928.54

1999 CHEVROLET SILVERADO K1500 STD 2DOOR EXT CAB  
CD LOG NO 11519-1

NET TOTAL

3,928.54

SHOPLINK U3508 ES CD LOG 11519-1 DATE 01/11/10 01:51:42PM R6.37 CD 12/09

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53130

HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

1.8 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.

-----

HEISER CHEVROLET  
 COLLISION REPAIR AND REFINISHING  
 10200 W. ARTHUR AVENUE  
 WEST ALLIS, WI 53227  
 OFFICE: 414-327-2300 FAX: 414-546-7877

\*\*\* PRELIMINARY ESTIMATE \*\*\*

01/08/2010 04:44 PM

Owner

Owner: JOSEPH HREN  
 Address: 13745 W GRAHAM ST  
 City State Zip: New Berlin, WI 53151

Work/Day: (414)202-5613  
 FAX:

Inspection

Inspection Date: 01/08/2010 04:44 PM  
 Primary Impact: Front

Inspection Type:  
 Secondary Impact: Right Rear Corner

Appraiser Name: PETE COONEY

Appraiser License #:

Repairer

Repairer: HEISER CHEVROLET BODY  
 SHOP  
 Address: 10200 WEST ARTHUR AVENUE  
 TAX ID# 39-1655466  
 City State Zip: WEST ALLIS, WI 53227  
 Email: pcooney@heiser.com

Contact: PETE COONEY  
 Work/Day: (414)328-2453  
 Home/Evening: (414)327-2300  
 FAX: (414)546-7877

Vehicle

1999 Chevrolet Silverado K1500 LS 2 DR Ext Cab Short Bed  
 8cyl Gasoline 5.3  
 4 Speed Automatic

Lic.Plate: EN7486  
 Lic Expire:  
 Prod Date: 11/1998  
 Veh Insp# :  
 Condition: Good  
 Ext. Color: BLUE/GOLD  
 Ext. Refinish: Two-Stage

Lic State: WI  
 VIN: 2GCEK19T0X1139126  
 Mileage: 175,000  
 Mileage Type: Actual  
 Code: U8033D  
 Int. Color:  
 Int. Refinish: Two-Stage

Options

4-Wheel Drive	AM/FM CD Player	Air Conditioning
Alarm System	Anti-lock Brakes	Chrome Steel Wheels
Chrome Step Bumper	Cruise Control	Dual Airbags
Hinged Third Door	Intermittent Wipers	Keyless Entry System
Leather Steering Wheel	Lighted Entry System	Overhead Console
Power Brakes	Power Door Locks	Power Mirrors
Power Steering	Power Windows	Tachometer
Tilt Steering Wheel	Tutone Paint	Velour/Cloth Seats

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ% B%	Hours	R
1	E	24	49	Bumper,Front	12336026 GM Part	\$430.33		INC	SM
2	N	8		Front Bumper Overhaul	Additional Labor			2.6	SM
3	E	15	49	Cvr,Front Bumper Up	15050703 GM Part	\$119.59		INC	SM
4	E	152	49	Defl,Front Bumper	15199825 GM Part	\$108.22		INC	SM
5	E	1245		Retainer,Front Bumper	MULTI-PART GM Part	\$61.23		INC	SM

6	E	98		Hook,Front Bumper Tow RT	15709128 GM Part	\$25.85		0.2	SM
7	I	177		Pnl,Cab Side Outer RT	Repair			10.0*	SM
8	L	177	13	Pnl,Cab Side Outer RT	Refinish			2.0	RF
9	RI	636		Mldg,Cab Side Lower RT	R & I Assembly			0.2	SM
10	E	139		Nameplate,Cab Rear RT	15036135 GM Part	\$13.98		0.2	SM
11	BR	288		Door Shell,Rear RT	Blend Refinish			1.2	RF
12	RI	1410		Mldg,Rear Door Lower RT	R & I Assembly			0.2	SM
13	SB	501		Glass,Rear Vent T RT	Sublet Repair	\$100.00*	+25.00		SM
14	RI	349		Mldg,Rear Drip RT	R & I Assembly			0.2	SM
15	E	369		Back Glass,Tinted	15198871 GM Part	\$192.19		2.0	SM
16	I	498		Panel,Bedside RT	Repair			16.0*	SM
17	L	498		Panel,Bedside RT	Refinish			2.9	RF
18	N	975		Bed Assembly,Set Back	Additional Labor			2.0	SM
19	RI	1555		Mldg,Bedside Pnl Lwr L/F	R & I Assembly			0.3	SM
20	E	485		Decal,Bedside Panel RT	15779675 GM Part	\$14.00		0.3	SM
21	I	479		Shell,Tailgate	Repair			2.0*	SM
22	L	479		Shell,Tailgate	Refinish			2.8	RF
23	E	491		N/Plate,Tailgate	15126056 GM Part	\$47.44		0.2	SM
24	E	492		N/Plate,Tailgate	15114063 GM Part	\$49.39		0.2	SM
25	RI	427		Handle,Tailgate Outer	R & I Assembly			0.2	SM
26	RI	507		Protector,Tailgate	R & I Assembly			0.2	SM
27	I	1527		Cover,Tonneau	Repair			6.0*	SM
28	E	453	#	Accessory RR Bmpr Kit # = 01, 49	12496085 GM Part	\$533.79		INC	SM
29	N	9		Rear Bumper Overhaul	Additional Labor			2.6	SM
30	E	571	49	Pad,Rear Bumper Step	12335696 GM Part	\$52.42		INC	SM
31	E	1098	49	Pad,Rear Bumper Step RT	15738018 GM Part	\$71.15		INC	SM
32	N			Corrosion Protection	Additional Labor			0.3*	RF*
33	N			Cover Car Exterior	Additional Labor	\$5.00*			SM
34	N			Hazardous Waste Removal	Additional Labor	\$5.00*			SM
35	N			Set-Up And Measure	Additional Labor			2.0*	FR*
36	N			ROUGH PULL	Additional Labor			2.0*	FR*
37	L			Cover,Tonneau	Refinish			4.0*	RF*
38	EC			URETHANE KIT	Replace Economy	\$35.00*			SM*
39	L			feather, prime, and block	Refinish			1.0*	RF*

39 Items

**MC Message**

- 01 CALL DEALER FOR EXACT PART # / PRICE
- 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE
- 49 UNPRINTED ALTERNATE PARTS COMPARE

**Estimate Total & Entries**

Gross Parts	\$1,717.58	
Other Parts	\$45.00	
Paint Materials	\$482.80	
<b>Parts &amp; Material Total</b>		\$2,245.38
Tax on Parts & Material	@ 5.600%	\$125.74

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$54.00	4.4	41.2	45.6	\$2,462.40
Mech/Elec (ME)	\$98.00				
Frame (FR)	\$54.00		4.0	4.0	\$216.00
Refinish (RF)	\$54.00	13.9	0.3	14.2	\$766.80
Paint Materials	\$34.00				
<b>Labor Total</b>				63.8 Hours	\$3,445.20
Tax on Labor			@ 5.600%		\$192.93
Sublet Repairs					\$125.00
<b>Gross Total</b>					\$6,134.25
<b>Net Total</b>					\$6,134.25

Alternate Parts Y/06/00/00/06/00 CUM 06/00/00/06/00 Zip Code: 53227 Audatex Host

Audatex Estimating 6.0.217 ES 01/08/2010 05:01 PM REL 6.0.217 DT 12/01/2009  
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2.2 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

**Op Codes**

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Rebld	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



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## Legislation Details (With Text)

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**File #:** 091221      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relating to an appeal from Albert and Diane Taylor for property damage. (1st Aldermanic District)

**Sponsors:** THE CHAIR

**Indexes:** CLAIMS APPEAL

**Attachments:** City Attorney Letter, Appeal, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

---

**File #:** 091221      **Version:** 0

---

Number  
091221  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR

Title  
Resolution relating to an appeal from Albert and Diane Taylor for property damage. (1<sup>st</sup> Aldermanic District)

Drafter  
City Atty.  
dkf  
1/6/10

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

December 14, 2009

Albert & Diane Taylor  
4965 North 46th Street  
Milwaukee, WI 53218

RE: Albert & Diane Taylor  
C.I. File No.: 09-S-411

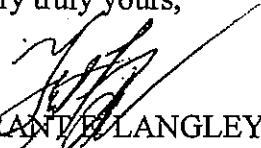
Dear Mr. & Mrs. Taylor:

We have received your claim in the amount of \$384.38, relating to the repair costs of your vehicle after the Milwaukee Police Department recovered a bullet from it as evidence in a homicide investigation.

Our investigation reveals that the police action taken in this matter was necessary and appropriate. Since the police were not negligent, but rather were acting within the sphere of their responsibility, the City would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
STEVEN M. CARINI

STEVEN M. CARINI  
Investigator Adjuster

SMC:ms  
1032-2009-3105:152976

OFFICE OF THE CITY ATTORNEY

CITY OF MILWAUKEE  
RECEIVED

**TO:** Milwaukee City Clerk

2010 JAN -4 PM 2:46

CITY OF MILWAUKEE

2009 DEC 30 PM 2:41

**FROM:** Albert & Diane Taylor

OFFICE OF  
CITY ATTORNEY

RONALD D. LEONHARDT  
CITY CLERK

C.I. File No.: 09-S-411 (**appeal**)

**DATE:** December 29, 2009

We are requesting a hearing regarding the decision relating to the damage to our vehicle caused by the Milwaukee Police Department.

Although MPD took the necessary actions to recover evidence during an investigation, we should not have to pay the cost for their job. No one should have the rights to destroy another person's private property and not pay for it. We are the victims in this incident and because it was the police does not make it right to chalk it up as "All in days' job".

November 12, 2009

CITY OF MILWAUKEE  
RECEIVED  
2009 NOV 13 PM 2:44

TO: City Clerk-ATTN: Claims  
200 E. Wells St. Room 205  
Milwaukee, WI 53202-3567

OFFICE OF  
CITY ATTORNEY

FROM: Albert & Diane Taylor  
4965 N. 46<sup>th</sup> St.  
Milwaukee, WI 53218

Enclosed are estimates (2) and MPD-Damage notice because Milwaukee Police Department needed to recover a bullet as evidence regarding a homicide.

Our vehicle was struck by a bullet during a shooting which occurred on Saturday, October 31, 2009.

If you have any questions regarding this claim please feel free to give us a call at (414) 688-3527.

CITY OF MILWAUKEE  
2009 NOV 16 AM 8:35  
RONALD D. LEONHARDT  
CITY CLERK

Thank you.

PD-43 03 /01

**MILWAUKEE POLICE DEPARTMENT  
DAMAGE NOTICE**

(SUPERVISOR TO LEAVE IN PROMINENT PLACE AT SCENE)

The Milwaukee Police Department received a call for

service on: 10/31/ 2009 at: \_\_\_\_\_ a.m./p.m.  
(DATE) (TIME)

at: 4965 N. 46<sup>th</sup>  
(ADDRESS)

to:  confirm welfare of occupant(s)

make an arrest

execute a search warrant

recover evidence of crime

other (describe) \_\_\_\_\_

The following damage to premises or vehicle occurred:

RECOVERED BULLET FROM  
RIGHT PASSENGER DOOR AS  
EVIDENCE RE: HOMICIDE.

Supervisor's Name: Sgt W. WAGNER  
(PRINT)

DIST. 4 / 41 Days 008159  
(DIST. / WORK LOC.) (SHIFT) (PAYROLL #)

**SEE NOTICE ON REVERSE SIDE**

# Estimate Report

151893

414 688-2025  
536-1252

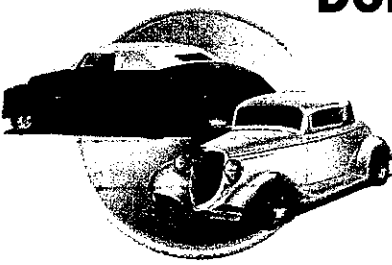
NAME Albert Taylor DATE 10/11/09 WORK PHONE \_\_\_\_\_ HOME PHONE \_\_\_\_\_  
 ADDRESS 4965 N 48 CITY Mil STATE WI ZIP 53218  
 YEAR 2003 MAKE DODGE MODEL CARAVAN I.D. NO. \_\_\_\_\_  
 PAINT CODE \_\_\_\_\_ PROD. DATE \_\_\_\_\_ TRIM \_\_\_\_\_ MILEAGE \_\_\_\_\_ LICENSE NO. \_\_\_\_\_ DATE OF LOSS \_\_\_\_\_  
 WRITTEN BY \_\_\_\_\_ INS. CO. \_\_\_\_\_ FILE NO. \_\_\_\_\_ CLAIM NO. \_\_\_\_\_ P.O. NO. \_\_\_\_\_  
 ADJUSTER \_\_\_\_\_ LIC. NO. \_\_\_\_\_ PHONE \_\_\_\_\_ Deductible/Betterment \_\_\_\_\_

LINE NO.	RE-PAIR	RE-PLACE	DETAILS OF REPAIR R=Repair S=Straighten R/C=Recycle/Rechrome/Recore	PARTS INDEX A=Aftermarket N=New U=Used R=Rebuilt	PI	PARTS	LABOR	PAINT	SUBLET/ MISC.
1	X		RIGHT FRONT DOOR				2.5		
2			REFINISH AS NEEDED					2.0	
3			CLEAR COAT					1.0	
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
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21									
22									
23									
24									
25									
26									
27									

I hereby authorize the above work and acknowledge receipt of copy.

<b>TOTALS</b> →							2.5	3.0	
-----------------	--	--	--	--	--	--	-----	-----	--

Signed X \_\_\_\_\_ Date \_\_\_\_\_



## DON'S AUTO SERVICE

Complete Auto Body  
& Painting Service  
5504 W. Hampton Ave.  
Milwaukee, WI 53218  
Phone (414) 464-4980  
FAX # (414) 464-5304

PARTS Prices subject to Invoice	\$ _____
LABOR 2.5 hrs. @ 152.00	\$ 130.00
Shop Supplies	\$ _____
PAINT 3.0 hrs. @ 52.00	\$ 156.00
Paint Supplies	\$ 78.00
Towing / Storage	\$ _____
Sublet / Miscellaneous	\$ _____
<b>SUBTOTAL</b>	\$ 364.00
TAX 5.6%	\$ 20.38
EPA / Waste Disposal Charge	\$ _____
<b>TOTAL</b>	\$ 384.38



**MIDTOWNE AUTO BODY**  
MEMBER BETTER BUSINESS BUREAU OF WISCONSIN  
3901 N. MARTIN LUTHER KING DR.  
WWW.MIDTOWNEAUTOBODY.COM  
MILWAUKEE, WI 53206  
(414) 562-8411 Fax: (414) 562-8414

**PRELIMINARY ESTIMATE**

Written By: DARRELL HILLMAN  
Adjuster:

<b>Insured:</b> ALBERT & DIANE TAYLOR	<b>Claim #</b>
<b>Owner:</b> ALBERT & DIANE TAYLOR	<b>Policy #</b>
<b>Address:</b> 4965 N. 46TH	<b>Deductible:</b>
MILWAUKEE, WI 53218	<b>Date of Loss:</b>
<b>Day:</b> (414) 536-1252	<b>Type of Loss:</b>
<b>Cellular:</b> (414) 688-3527	<b>Point of Impact:</b>

**Inspect**  
**Location:**

**Insurance**  
**Company:**

Days to Repair

2003 DODG GRAND CARAVAN 4X2 SE 6-3.3L-FI 4D VAN Int:		
<b>VIN:</b> 1D4CP24313B307084 <b>Lic:</b>	<b>Prod Date:</b>	<b>Odometer:</b>
Air Conditioning	Intermittent Wipers	Rear Window Wiper
Body Side Moldings	Dual Mirrors	Console/Storage
Clear Coat Paint	Power Steering	Power Brakes
AM Radio	FM Radio	Stereo
Cassette	Search/Seek	Anti-Lock Brakes (4)
Driver Air Bag	Passenger Air Bag	Cloth Seats
Bucket Seats	Recline/Lounge Seats	3rd Row Seat
Automatic Transmission	Overdrive	Full Wheel Covers

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		FENDER					
2	Blnd RT	Fender					0.9
3		FRONT DOOR					
4*	Rpr	RT Door shell				<u>1.5</u>	2.0
5		Add for Clear Coat					0.8
6*	R&I	RT Handle, outside w/o keyless entry almond				<u>0.5</u>	
7*	R&I	RT Upper molding Caravan SE, Voyager black textured				<u>0.5</u>	
Subtotals ==>					0.00	2.5	3.7

**PRELIMINARY ESTIMATE**

2003 DODG GRAND CARAVAN 4X2 SE 6-3.3L-FI 4D VAN Int:

Parts			0.00
Body Labor	2.5 hrs @ \$ 52.00/hr		130.00
Paint Labor	3.7 hrs @ \$ 52.00/hr		192.40
Paint Supplies	3.7 hrs @ \$ 32.00/hr		118.40
-----			
SUBTOTAL		\$	440.80
Sales Tax	\$ 440.80 @ 5.6000%		24.68
-----			
GRAND TOTAL		\$	465.48

ALL WORK GURANTEED

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR3TE01, CCC Data Date 10/09/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.





## Legislation Details (With Text)

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**File #:** 091222      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to an appeal from Godfrey Wicks, Sr. for property damage. (7th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS APPEAL  
**Attachments:** City Attorney Letter, Appeal, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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**File #:** 091222      **Version:** 0

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Number  
091222  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR

Title  
Resolution relating to an appeal from Godfrey Wicks, Sr. for property damage. (7th Aldermanic District)

Drafter  
City Atty.  
dkf  
1/6/10

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRLICH**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

December 8, 2009

Godfrey C. Wicks, Sr.  
3169 North 38th Street  
Milwaukee, WI-53216

RE: Godfrey C. Wicks, Sr.  
C.I. File No.: 09-V-200

Dear Mr. Wicks:

We have received your claim in the amount of \$7,436.88, relating to damage to your vehicle, loss of wages, mental anguish and inconvenience allegedly sustained from an August 31, 2009 loss in which your vehicle collided with a Milwaukee Police Department squad car near North 39<sup>th</sup> Street and West Auer Avenue.

Our investigation reveals that the Wisconsin Motor Vehicle Accident Report completed as a result of this accident notes that you came to a stop in the middle of the road. The squad car approached from behind. The officer did not observe any turn signal and began to pull around you on the left. You then made a left turn and made contact with the squad car. The liability for this accident is upon you. As such, the City cannot accept liability for your damages. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

*Steven M. Carini*

STEVEN M. CARINI  
Investigator Adjuster

SMC:ms  
1032-2009-3246:152747

OFFICE OF THE CITY ATTORNEY

December 29, 2009

City Clerk  
200 E. Wells Street  
Milwaukee, WI 53202

Attn: Claims and Appeals

Re: Requesting A Hearing

C.I. File # 09-V-200  
Accident # 092430454  
DOT Document # 9H12MQ0

Truly,



Godfrey C. Wicks, Sr.  
3169 N. 38<sup>th</sup> Street  
Milwaukee, WI 53216  
Day Phone (414) 218-1777  
Home (414) 449-9652

CITY OF MILWAUKEE  
09 DEC 29 PM 3:01  
RONALD D. LEONHARDT  
CITY CLERK

City Clerk  
200 E. Wells Street  
Room 205  
Milwaukee, WI 53202

Attn: Claims Department

Re: Accident # 092430454 on 8-31-09  
Dot Document # 9H12MQ0

Auto Damage	= \$3,648.00
Loss Wages (11 days X 8 hrs X \$26.00)	= \$2,288.00
Mental Anguish & Inconvenience	= \$1,500.00

---

**AMOUNT DUE: \$7,436.00**

Thank You,



Godfrey C. Wicks, Sr.  
414-218-1777 (cell)  
414-449-9652

CITY OF MILWAUKEE  
09 DEC -1 AM 11:41  
RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED  
2009 DEC -2 PM 3:09  
OFFICE OF  
CITY ATTORNEY





08/31/2009

POLICE # DISTRICT 7 SQD  
 ACCIDENT # 092430454

<input checked="" type="checkbox"/> Reportable Accident		<input checked="" type="checkbox"/> On Emergency		<input type="checkbox"/> Amended		DOT Document Number 9H12MQ0		Document Override Number	
Agency Accident Number 092430454				Police Number DISTRICT 7 SQD					
4 - Accident Date 08/31/2009		5 - Time of Accident (Military Time) 0731		6 - Total Units 02		7 - Total Injured 00		8 - Total Killed 00	
2 - County MILWAUKEE - 40		3 - Municipality MILWAUKEE - 57, CITY				11 - Accident Location NON-INTERSECTION			
14 - On Hwy No.		14 - On Street Name AUER AVE W			14 - Bus/Fmt/Rmp		15 - Est. Dist 40	F/Mi F	15 - Hwy. Dir EAST
16 - Fr/At Hwy No.		16 - From/At Street Name 39TH ST N			16 - Business/Frontage/Ramp				
17 - Structure Type HOUSE #		17 - Structure Number 3827		12 - Latitude			13 - Longitude		
80 - First Harmful Event MOTOR VEHICLE IN TRANSPORT				93 - Manner of Collision SIDESWIPE. SAME DIRECTION					
112 - Access Control NO CONTROL		113 - Road Curvature STRAIGHT		113 - Road Terrain LEVEL/FLAT		Surface Type BLACKTOP (BITUMINOUS) - 2			
115 - Traffic Way NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC)									
117 - Relation To Roadway ON-ROADWAY									
114 - Light Condition DAYLIGHT			116 - Road Surface Condition DRY			118 - Weather CLEAR			
<input type="checkbox"/> Hit and Run		<input checked="" type="checkbox"/> Government Property		<input type="checkbox"/> Fire		<input type="checkbox"/> Photos Taken		<input type="checkbox"/> Trailer or Towed	
<input checked="" type="checkbox"/> Truck, Bus, or Hazardous Materials			<input type="checkbox"/> Load Spillage		<input type="checkbox"/> Construction Zone		<input checked="" type="checkbox"/> Names Exchanged		
101 <input type="checkbox"/> Supplemental Reports		102 <input checked="" type="checkbox"/> Witness Statements			103 <input type="checkbox"/> Measurements Taken		79 - E M S Number		

GENERAL INFORMATION

Operator/Pedestrian

Unit Status E - ON EMERGENCY		81 - Most Harmful Event: Collision With MOTOR VEHICLE IN TRANSPORT		23 - Dir Of Travel WEST		24 - Speed Limit 25		
36 - Operating as Classified D CLASS		37 - Endorsements		<input type="checkbox"/> Operating Commercial Motor Vehicle				
29 - Driver's License Number		30 - State WI	31 - Expiration Year 2017	34 - On Duty Accident POLICE				
25 - Operator/Pedestrian Last Name WHITESIDE		25 - First Name ELLIOTT		25 - Middle Initial		25 - Suffix		
32 - Date Of Birth		33 - Sex MALE						
26 - Address Street & Number 749 W STATE ST						26 - PO Box		
27 - City MILWAUKEE			27 - State WI	27 - Zip Code 53233		28 - Telephone Number (414) 935-7272 EXT.		
39 - Seat Position FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)				40 - Safety Equipment SHOULDER-BELT-AND-LAP-BELT-USED				
38 - Injury Severity N - NO APPARENT INJURY		41 - Airbag NON-DEPLOYED		42 - Ejected NOT-EJECTED		44 <input type="checkbox"/> Medical Transport		
43 - Trapped/Extricated NOT-TRAPPED		92 - Pedestrian Location		92 - Pedestrian Action				
119 - What Driver Was Doing OVERTAKING-ON-LEFT			120 - Traffic Control NO-CONTROL			62 - No. of Citations Issued 00		
64 - 1st Statute No.		64 - 2nd Statute No.		64 - 3rd Statute No.		64 - 4th Statute No.		64 - 5th Statute No.
122 - Driver Factors NOT-APPLICABLE								
88 - Driver or Pedestrian Cond APPEARED NORMAL		89 - Substance Presence NEITHER-ALCOHOL-NOR-DRUGS-PRESENT						
90 - Alcohol Test TEST NOT GIVEN			90 - Alcohol Content			91 - Drug Test TEST-NOT-GIVEN		

OPERATOR/PEDESTRIAN 01

91 - Drugs Reported
124 - Highway Factors NOT-APPLICABLE

**Vehicle**

<b>VEHICLE 01</b>	21 - Unit Type <b>AUTOMOBILE</b>		Vehicle Type <b>POLICE-ON-EMERGENCY</b>			22 - Total Occupants <b>01</b>	
	56 - License Plate Number <b>E1808</b>		57 - Plate Type <b>OFF</b>	58 - State <b>WI</b>	59 - Exp Year	55 - Vehicle Identification Number <b>2FAFP71V68X113933</b>	
	50 - Year <b>2008</b>	51 - Make <b>FORD</b>	52 - Model <b>CROWN VIC</b>	53 - Body Style <b>4D</b>		54 - Color <b>WHI</b>	100 - Skidmarks to Impact (Ft)
	94 - Vehicle Damage <b>FRONT, FRONT PASSENGER SIDE</b>						
	95 - Extent Of Damage <b>MINOR</b>		96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By <b>OPERATOR</b>		
	123 - Vehicle Factors <b>NOT-APPLICABLE</b>						

**Vehicle Owner**

<b>VEH OWNER 01</b>	45 <input type="checkbox"/> Vehicle Owner Same As Operator						
	48 - Vehicle Owner Last Name			46 - First Name		48 - Middle Initial	46 - Suffix
	46 - Company Name <b>CITY OF MILWAUKEE POLICE DEPARTMENT</b>						
	47 - Address Street & Number <b>749 W STATE ST</b>				47 - PO Box		
	48 - City <b>MILWAUKEE</b>			48 - State <b>WI</b>	48 - Zip Code <b>53233</b>	49 - Telephone Number <b>(414) 935-7272 EXT.</b>	

**Insurance**

<b>INS 01</b>	63 - Liability Insurance Company <b>GOVERNMENT</b>					60 <input type="checkbox"/> Policy Holder Same As Owner	
	61 - Policy Holder Last Name			61 - Policy Holder First Name			
	61 - Policy Holder Company						

**School Bus**

<b>BUS 01</b>	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

**Operator/Pedestrian**

Unit Status		81 - Most Harmful Event: Collision With <b>MOTOR VEHICLE IN TRANSPORT</b>		23 - Dir Of Travel <b>WEST</b>	24 - Speed Limit <b>25</b>
36 - Operating as Classified <b>D CLASS</b>		37 - Endorsements		35 <input type="checkbox"/> Operating Commercial Motor Vehicle	
29 - Driver's License Number <b>W2002835536609</b>		30 - State <b>WI</b>	31 - Expiration Year <b>2016</b>	34 - On Duty Accident	
25 - Operator/Pedestrian Last Name <b>WICKS</b>			25 - First Name <b>GODFREY</b>		25 - Middle Initial <b>C</b>
32 - Date Of Birth <b>10/06/1955</b>		33 - Sex <b>MALE</b>			

<b>OPERATOR/PEDESTRIAN 02</b>	26 - Address Street & Number <b>3169 N 38TH ST</b>				26 - PO Box	
	27 - City <b>MILWAUKEE</b>		27 - State <b>WI</b>	27 - Zip Code <b>53216</b>	28 - Telephone Number <b>(414) 449-9652 EXT.</b>	
	39 - Seat Position <b>FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)</b>			40 - Safety Equipment <b>SHOULDER-BELT-AND-LAP-BELT-USED</b>		
	38 - Injury Severity <b>N - NO APPARENT INJURY</b>		41 - Airbag <b>NON-DEPLOYED</b>	42 - Ejected <b>NOT-EJECTED</b>		44 <input type="checkbox"/> <b>Medical Transport</b>
	43 - Trapped/Extricated <b>NOT-TRAPPED</b>		92 - Pedestrian Location	92 - Pedestrian Action		
	119 - What Driver Was Doing <b>MAKING-LEFT-TURN</b>		120 - Traffic Control <b>NO-CONTROL</b>		62 - No. of Citations Issued <b>00</b>	
	64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.	
	122 - Driver Factors <b>NOT-APPLICABLE</b>					
	88 - Driver or Pedestrian Cond <b>APPEARED NORMAL</b>		89 - Substance Presence <b>NEITHER-ALCOHOL-NOR-DRUGS-PRESENT</b>			
	90 - Alcohol Test <b>TEST NOT GIVEN</b>		90 - Alcohol Content		91 - Drug Test <b>TEST-NOT-GIVEN</b>	
	91 - Drugs Reported					
	124 - Highway Factors <b>NOT-APPLICABLE</b>					

**Vehicle**

<b>VEHICLE 02</b>	21 - Unit Type <b>TRUCK</b>		Vehicle Type <b>UTILITY-TRUCK</b>			22 - Total Occupants <b>01</b>
	58 - License Plate Number <b>DW5454</b>		57 - Plate Type <b>LTK</b>	58 - State <b>WI</b>	59 - Exp Year <b>2009</b>	55 - Vehicle Identification Number <b>1FTYR10D02PB13751</b>
	50 - Year <b>2002</b>	51 - Make <b>FORD</b>	52 - Model <b>RANGER</b>	53 - Body Style <b>PK</b>	54 - Color <b>RED</b>	100 - Skidmarks to Impact (Ft)
	94 - Vehicle Damage <b>FRONT, FRONT PASSENGER SIDE, FRONT DRIVER SIDE</b>					
	95 - Extent Of Damage <b>MODERATE</b>		98 <input type="checkbox"/> <b>Vehicle Towed Due To Damage</b>		97 - Vehicle Removed By <b>OWNER</b>	
	123 - Vehicle Factors <b>NOT-APPLICABLE</b>					

**Vehicle Owner**

<b>VEH OWNER 02</b>	45 <input checked="" type="checkbox"/> <b>Vehicle Owner Same As Operator</b>				
	46 - Vehicle Owner Last Name <b>WICKS</b>		46 - First Name <b>GODFREY</b>	46 - Middle initial <b>C</b>	46 - Suffix
	46 - Company Name				
	47 - Address Street & Number <b>3169 N 38TH ST</b>			47 - PO Box	
	48 - City <b>MILWAUKEE</b>		48 - State <b>WI</b>	48 - Zip Code <b>53216</b>	49 - Telephone Number <b>(414) 449-9652 EXT.</b>

**Insurance**

<b>INS 02</b>	83 - Liability Insurance Company <b>NONE</b>		60 <input type="checkbox"/> <b>Policy Holder Same As Owner</b>
	61 - Policy Holder Last Name		61 - Policy Holder First Name
	81 - Policy Holder Company		

**School Bus**

<b>BUS 02</b>	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

**Property**

<b>PROPERTY OWNER 01</b>	Organization Type <b>GOVERNMENT</b>	84 - Property Owner Last Name	84 - First Name	84 - Middle Initial	84 - Suffix
	84 - Company Name <b>CITY OF MILWAUKEE</b>			Government Property Type <b>COUNTY/MUNICIPAL</b>	
	85 - Address Street & Number <b>200 E WELLS ST</b>		85 - PO Box		
	86 - City <b>MILWAUKEE</b>	86 - State <b>WI</b>	86 - Zip Code <b>53202</b>	87 - Telephone Number <b>(414) 286-3850 EXT.</b>	
	83 - Government Damage Tag Number				

**Fixed Objects Struck**

82 - Striking Unit <b>02</b>	82 - Object Struck <b>LUM-LIGHT-SUPPORT</b>	82 - Striking Unit <b>02</b>	82 - Object Struck <b>OTHER-FIXED-OBJECT</b>
82 - Striking Unit	82 - Object Struck	82 - Striking Unit	82 - Object Struck
82 - Striking Unit	82 - Object Struck	82 - Striking Unit	82 - Object Struck

**Diagram and Narrative**

<b>DIAGRAM AND NARRATIVE</b>	105 - PHOTOS BY
<p>VEHICLE #1, IS A MARKED MILWAUKEE POLICE CAR (#213). VEHICLE #1, DRIVER WAS RESPONDING TO A SHOOTING COMPLAINT AT 3324 N 47TH ST, AND TRAVELING WESTBOUND IN THE 3800 BLOCK OF W. AUER AVE. VEHICLE #2, WAS ALSO TRAVELING WESTBOUND IN THE 3800 BLOCK OF W. AUER AVE AND CAME TO A COMPLETE STOP IN THE MIDDLE OF THE ROADWAY AT 3827 W. AUER AVE. AS VEHICLE #1, BEGAN TO PULL AROUND VEHICLE #2 ON THE LEFT, VEHICLE #2 THEN BEGAN TO MAKE A LEFT TURN INTO THE ALLEY AND BOTH VEHICLE #1</p>	

AND #2 COLLIDED. VEHICLE #2 DRIVER THEN HIT THE ACCELERATOR AND COLLIDED WITH AND KNOCKED OVER A CONCRETE LIGHT POLE AND CONTINUED INTO A SHED LOCATED AT 3827 W AUER AVE.

THE DRIVER OF VEHICLE #1 STATED HE DID NOT OBSERVE ANY TURN SIGNAL AND BELIEVED THAT VEHICLE #2 WAS STOPPED.

THE DRIVER OF VEHICLE #2 STATED HE WAS STOPPED BUT HAD HIS TURN SIGNAL ON INDICATING A LEFT TURN. THE DRIVER OF VEHICLE #2 STATES HE DID NOT SEE THE SQUAD CAR.

WITNESS, SGT CHRISTOPHER MARSHALL WAS ALSO RESPONDING TO THE SHOOTING AND WAS BEHIND VEHICLE #1 AT THE TIME OF THE ACCIDENT. SGT MARSHALL STATED HE DID NOT SEE WHICH DIRECTION VEHICLE #2 CAME FROM BUT HE DID OBSERVE THE COLLISION.

**Witness**

<b>WITNESS 01</b>	107 - Witness Last Name <b>MARSHALL</b>	107 - First Name <b>CHRISTOPHER</b>	107 - Middle Initial	
	108 - Address Street & Number <b>749 W STATE ST</b>		108 - PO Box	109 - Date of Birth <b>1/1/1900</b>
	110 - City <b>MILWAUKEE</b>	State <b>WI</b>	110 - Zip Code <b>53233</b>	111 - Telephone Number <b>(414) 935-7277 EXT.</b>

**Officer Information**

<b>OFFICER INFORMATION</b>	125 - Officer Last Name <b>CARRILLO</b>		125 - First Name <b>DANIEL</b>	125 - Middle Initial <b>R</b>	131 - Officer ID <b>09204</b>
	129 - Law Enforcement Agency No. <b>71</b>	130 - Law Enforcement Agency Name <b>MILWAUKEE POLICE DEPARTMENT</b>			
	126 - Law Enforcement Agency Address Street & Number <b>749 WEST STATE STREET</b>				
	127 - City <b>MILWAUKEE</b>	127 - State <b>WI</b>	127 - Zip Code <b>53201</b>	128 - Telephone Number <b>(414) 933-4444 EXT.</b>	
	132 - Date Notified <b>08/31/2009</b>	133 - Time Notified (Military Time) <b>0733</b>	134 - Time Arrived (Military Time) <b>0735</b>	135 - Date Of Report <b>08/31/2009</b>	
	Agency Accident Number <b>092430454</b>	Police Number <b>DISTRICT 7 SQD</b>	19 - Special Study		
	18 - Agency Space				

**CARSTAR MILWAUKEE COLLISION SERVICE**

Federal ID #:391450174  
6242 W. State St.  
Wauwatosa, WI 53213  
(414)475-5926 Fax: (414)475-5501

**PRELIMINARY ESTIMATE**

Written By: Tony Fricano  
Adjuster:

<b>Insured:</b>	<b>Claim #</b>
<b>Owner:</b> GODFREY WICKS SR	<b>Policy #</b>
<b>Address:</b> 3169 N 38TH ST	<b>Deductible:</b>
MILW, WI 53216	<b>Date of Loss:</b> 08/31/2009
<b>Evening:</b> (414)449-9652	<b>Type of Loss:</b> Liability
	<b>Point of Impact:</b> 11. Left Front

<b>Inspect</b> CARSTAR MILWAUKEE COLLISION SERV	<b>Business:</b> (414)475-5926
<b>Location:</b> 6242 W. State St.	
Wauwatosa, WI 53213	

<b>Insurance</b>	
<b>Company:</b>	Days to Repair

2002 FORD RANGER 4X2 4-2.3L-FI 2D SHORT RED Int:GRAY  
**VIN:** 1FTYR10D02PB13751 **Lic:** DW5454 **WI** **Prod Date:** 03/2002 **Odometer:**  
 Intermittent Wipers Dual Mirrors Console/Storage  
 Clear Coat Paint Power Steering Power Brakes  
 AM Radio FM Radio Stereo  
 Search/Seek Anti-Lock Brakes (4) Driver Air Bag  
 Passenger Air Bag Rear Step Bumper 5 Speed Transmission  
 Overdrive Chrome Wheels

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FRONT BUMPER				
2		O/H front bumper			1.0	
3**	Repl	A/M Bumper chrome XLT w/2WD	1	299.00	Incl.	
4**	Repl	A/M CAPA Valance panel XL & XLT, w/o fog lamps to 9/1/02	1	103.00	Incl.	
5	Repl	LT Filler	1	14.55	0.2	
6	Repl	LT Bumper bracket	1	14.28	Incl.	
7	Repl	LT Bumper reinforcement	1	40.00	0.3	
8		GRILLE				
9**	Repl	A/M CAPA Front panel	1	145.00	2.6	1.5
10		Add for Clear Coat				0.3
11	Repl	LT Front panel support bracket side	1	45.33	Incl.	
12		FRONT LAMPS				
13**	Repl	A/M LT Headlamp assy	1	82.00	Incl.	
14		Aim headlamps			0.5	

**PRELIMINARY ESTIMATE**

2002 FORD RANGER 4X2 4-2.3L-FI 2D SHORT RED Int:GRAY

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
15	Repl	LT Headlamp assy retainer clip inner	1	11.22		
16	Repl	LT Headlamp assy retainer clip outer	1	11.22		
17	Repl	LT Adjuster upper	1	10.00		
18	Repl	LT Adjuster lower	1	5.70		
19**	Repl	A/M LT Side marker lamp	1	39.00	Incl.	
20		FENDER				
21**	Repl	A/M CAPA LT Fender w/o wheel opening molding	1	142.00	1.8	2.5
22		Add for Clear Coat				1.0
23		Add for Edging				0.5
24		Add for Clear Coat				0.1
25	Repl	LT Support brace	1	25.10	0.2	
26	Repl	LT Fender liner	1	41.83	Incl.	
27	Repl	LT Nameplate "RANGER XLT"	1	15.75	0.2	
28*	Rpr	LT Upper rail			s 2.0	0.5
29		FRAME				
30	Repl	LT Frame end cap 2WD	1	101.82	s 1.5	
N 31*	Rpr	Frame assy 2WD w/112" wheelbase w/torsion bar			3.0	
32#		Alignment 2 Wheel	1	59.95	T	M
33#		Car Cover	1	5.00	T	
34#	Repl	Corrosion Protection	1	10.00	T	
35#		Hazardous Waste	1	5.00	T	
36#		Set Up & Measure	1		2.0	F
N 37#	Subl	Balance Wheel	1	20.00	T	
38#	Refn	Color Tint				1.0
39		HOOD				
40	Repl	Hood aluminum (ALU)	1	293.03	0.7	2.8
41		Overlap Major Adj. Panel				-0.4
42		Add for Clear Coat				0.5
43		Add for Underside(Complete)				1.4
Subtotals ==>				1539.78	16.0	11.7

Line 31 : LT FRAME RAIL SWAYED TO RT  
Line 37 : CHECK TO SEE IF ITS BENT

Parts		1439.83
Body Labor	14.0 hrs @ \$ 54.00/hr	756.00
Paint Labor	11.7 hrs @ \$ 54.00/hr	631.80
Frame Labor	2.0 hrs @ \$ 65.00/hr	130.00
Paint Supplies	11.7 hrs @ \$ 34.00/hr	397.80
Sublet/Misc.		99.95
SUBTOTAL		\$ 3455.38
Sales Tax	\$ 3455.38 @ 5.6000%	193.50



**PRELIMINARY ESTIMATE**

2002 FORD RANGER 4X2 4-2.3L-FI 2D SHORT RED Int:GRAY

```
-----  
GRAND TOTAL                               $ 3648.88  
-----  
CUSTOMER PAY                             $    0.00  
INSURANCE PAY                             $ 3648.88
```

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR2MD98, CCC Data Date 08/01/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

UPTOWN LINCOLN/MERCURY  
 2111 NORTH MAYFAIR ROAD  
 MILWAUKEE, WI 53226  
 OFFICE: (414) 777-5732 FAX: (414) 771-8306

\*\*\* PRELIMINARY ESTIMATE \*\*\*

09/18/2009 12:49 PM

Owner

Owner: GODFREY WICKS  
 Address: 3169 N 38TH ST  
 City State Zip: Milwaukee, WI 53216

Cell: (414)318-1777  
 FAX:

Inspection

Inspection Date: 09/18/2009 12:50 PM  
 Primary Impact: Left Front Corner

Inspection Type:  
 Secondary Impact:

Appraiser Name: PAUL BARCZAK

Appraiser License # :

Repairer

Repairer: UPTOWN MOTORS  
 Address: 2111 N. MAYFAIR ROAD  
 City State Zip: Milwaukee, WI 53226  
 Email: ROGER@UPTOWNMOTORS.COM

Contact: ROGER RICKERT  
 Work/Day: (414)777-5732  
 Work/Day: (414)771-8306

Vehicle

2002 Ford Ranger XLT 2 DR Standard Cab Short Bed  
 4cyl Gasoline 2.3  
 5 Speed Automatic

Lic Expire:  
 Veh Insp# :  
 Condition:  
 Ext. Refinish: Two-Stage

VIN: 1FTYR10D02PB13751  
 Mileage Type: Actual  
 Code: P8332B  
 Int. Refinish: Two-Stage

Options

AM/FM CD Player  
 Chrome Step Bumper  
 Lighted Entry System  
 Split Front Bench Seat  
 Tinted Glass

Air Conditioning  
 Dual Airbags  
 Power Brakes  
 Styled Steel Wheels  
 Velour/Cloth Seats

Anti-lock Brakes  
 Intermittent Wipers  
 Power Steering  
 Tachometer

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ% B%	Hours	R
1	E	67		Bumper,Front	1L5Z17757JA	\$325.00		1.0	SM
2	L	67	13	Bumper,Front	Refinsh			2.4	RF
					1.5 Surface				
					0.6 Two-stage setup				
					0.3 Two-stage				
3	E	110		Cvr,Front Bumper Lwr	3L5Z17626HAA	\$126.38		INC	SM
4	E	18		Reinf,Front Bumper LT	1L5Z17859AB	\$40.00		0.4	SM
5	E	8		Filler,Front Bumper LT	1L5Z17A861AB	\$13.27		INC	SM
6	E	141		Brace,Front Bumper LT	F87Z16A024AA	\$25.10		INC	SM
7	L	141		Brace,Front Bumper LT	Refinsh			0.5	RF
					0.4 Surface				
					0.1 Two-stage				
8	E	29		Brkt,Front Bumper Mtg LT	3L5Z17N775BA	\$101.82		1.0	FR
9	E	37		Brkt,Front Bumper Mtg LT	1L5Z17752AB	\$14.28		INC	SM

10	E	28	01	Grille Assembly	2L5Z8200NAE	\$287.87	INC	SM
11	E	31		Brkt,Front End Panel LT	F87Z8B455AC	\$45.33	2.3	SM
12	L	31		Brkt,Front End Panel LT	Refinish		0.5	RF
					0.5 Surface			
13	E	41		Headlamp Assy,Halogen LT	6L5Z13008BA	\$96.00	INC	SM
14	N	973		Headlamps Aim	Additional Labor		0.4	SM
15	E	52	01	Panel,Headlamp Mtg	1L5Z8A284AB	\$170.50	INC	SM
16	E	83		Panel,Hood	F87Z16612AA	\$293.03	1.0	SM
					Alumlnum			
17	L	83		Panel,Hood	Refinish		4.7	RF
					2.9 Surface			
					1.0 Edge			
					0.8 Two-stage			
18	E	84		Hinge,Hood Panel LT	4L5Z16797BA	\$30.98	0.2	SM
19	L	84		Hinge,Hood Panel LT	Refinish		0.4	RF
					0.3 Surface			
					0.1 Two-stage			
20	E	85		Hinge,Hood Panel RT	6L5Z16796A	\$18.05	0.2	SM
21	L	85		Hinge,Hood Panel RT	Refinish		0.4	RF
					0.3 Surface			
					0.1 Two-stage			
22	I	61		Panel,Radiator Supt	Repair		4.0*	SM
23	L	61		Panel,Radiator Supt	Refinish		1.6	RF
					1.3 Surface			
					0.3 Two-stage			
24	E	103		Fender,Front LT	1L5Z16006BA	\$167.62	2.0	SM
25	L	103		Fender,Front LT	Refinish		3.0	RF
					2.0 Surface			
					0.5 Edge			
					0.5 Two-stage			
26	BR	104		Fender,Front RT	Blend Refinish		1.2	RF
					0.8 Blend			
					0.4 Two-stage			
27	E	117		Nameplate,Fender LT	F67Z16720A	\$15.75	0.2	SM
28	BR	209		Pnl,Front Door Outer LT	Blend Refinish		1.2	RF
					1.0 Blend			
					0.2 Two-stage			
29	RI	285		W/Strip,Belt Outer LT	R & I Assembly		0.9	SM
30	RI	231		Pnl,Inner Door Trim LT	R & I Assembly		0.4	SM
31	RI	627		Mirror,Outer R/C LT	R & I Assembly		0.3	SM
32	RI	253		Channel,Front Glass Ru LT	R & I Assembly		0.2	SM
33	RI	556		Handle,Front Door Otr LT	R & I Assembly		0.2	SM
34	L	M03		Flex Additive	Refinish		0.3*	RF
35	L	M14		Corrosion Protection	Refinish		0.5*	RF
36	I	M18		Set-Up And Measure	Repair		2.0*	FR
37	I			FRONT SWAY	Repair			SM*

37 Items

**MC Message**

01 CALL DEALER FOR EXACT PART # / PRICE  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

**Estimate Total & Entries**

<b>Gross Parts</b>		\$1,770.98	
<b>Paint Materials</b>		\$534.40	
<b>Parts &amp; Material Total</b>			\$2,305.38
<b>Tax on Parts &amp; Material</b>	@ 5.600%		\$129.10
<b>Labor</b>	<b>Rate</b>	<b>Replace Hrs</b>	<b>Repair Hrs</b>
<b>Sheet Metal (SM)</b>	\$52.00	9.3	4.4
<b>Mech/Elec (ME)</b>	\$90.00		
<b>Frame (FR)</b>	\$52.00	1.0	2.0
<b>Refinish (RF)</b>	\$52.00	16.7	
<b>Paint Materials</b>	\$32.00		
<b>Labor Total</b>			33.4 Hours
<b>Tax on Labor</b>	@ 5.600%		
<b>Gross Total</b>			\$1,736.80
			\$97.26
			<b>\$4,268.54</b>

Net Total

\$4,268.54

Alternate Parts Y/00/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53226 Default

Audatex Estimating 6.0.025 ES 09/18/2009 12:57 PM REL 6.0.025 DT 07/01/2009 DB 09/15/2009  
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3.4 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.  
ESTIMATE CALCULATED USING THE 2.5 HOUR MAXIMUM ALLOWANCE FOR TWO-STAGE REFINISH OF NON-FLEX, EXTERIOR SURFACES.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Op Codes

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpts	UE = Replace OE Surpius
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Reblt	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



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Employee					SSN	Status (Fed/State)	Allowances/Extra
Godfrey C. Wicks Sr., 3169 N. 38TH STREET, MILWAUKEE, WI 53218					***-**-0080	Single/Single	Fed-3/0/WI-11/0
					Pay Period: 10/04/2009 - 10/10/2009		Pay Date: 10/29/2009
Earnings and Hours		Qty	Rate	Current	YTD Amount		
REGULAR PAY		28.00	26.00	676.00	24,382.00		
Taxes				Current	YTD Amount		
Federal Withholding				-55.00	-2,620.00		
Social Security Employee				-41.91	-1,510.44		
Medicare Employee				-9.80	-353.25		
WI - Withholding				-34.58	-1,338.28		
				-141.27	-5,821.97		
Net Pay				534.73	18,540.03		

ENDRES ENTERPRISES LLC, N77 W12411 FOND DU LAC AVENUE, MENOMONEE FALLS, WI 53051, PH: (262) 253-1701, FAX: (262) 253-1702, ENDRES ENTERP

ENDRES ENTERPRISES, LLC

20403

Employee					SSN	Status (Fed/State)	Allowances/Extra
Godfrey C. Wicks Sr., 3169 N. 38TH STREET, MILWAUKEE, WI 53218					***-**-0080	Single/Single	Fed-3/0/WI-11/0
					Pay Period: 09/20/2009 - 09/26/2009		Pay Date: 10/01/2009
Earnings and Hours		Qty	Rate	Current	YTD Amount		
REGULAR PAY		40.00	26.00	1,040.00	22,724.00		
Taxes				Current	YTD Amount		
Federal Withholding				-124.00	-2,460.00		
Social Security Employee				-64.48	-1,408.89		
Medicare Employee				-15.08	-329.50		
WI - Withholding				-59.54	-1,249.25		
				-263.10	-5,447.64		
Net Pay				776.90	17,276.36		

ENDRES ENTERPRISES LLC, N77 W12411 FOND DU LAC AVENUE, MENOMONEE FALLS, WI 53051, PH: (262) 253-1701, FAX: (262) 253-1702, ENDRES ENTERP

ENDRES ENTERPRISES, LLC

20372

Employee					SSN	Status (Fed/State)	Allowances/Extra
Godfrey C. Wicks Sr., 3189 N. 38TH STREET, MILWAUKEE, WI 53216					***-**-0080	Single/Single	Fed-3/0/WI-11/0
					Pay Period: 09/06/2009 - 09/12/2009		Pay Date: 09/17/2009
Earnings and Hours		Qty	Rate	Current	YTD Amount		
REGULAR PAY		31.00	26.00	806.00	21,684.00		
Taxes				Current	YTD Amount		
Federal Withholding				-74.00	-2,336.00		
Social Security Employee				-49.97	-1,344.41		
Medicare Employee				-11.69	-314.42		
WI - Withholding				-44.02	-1,189.71		
				-179.68	-5,184.54		
Net Pay				826.32	16,499.46		

ENDRES ENTERPRISES LLC, N77 W12411 FOND DU LAC AVENUE, MENOMONEE FALLS, WI 53051, PH: (262) 253-1701, FAX: (262) 253-1702, ENDRES ENTERP





## Legislation Details (With Text)

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**File #:** 091267      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relating to the claim of Atty. David Blau on behalf of Kewanee Allen for personal injuries.  
(7th Aldermanic District)

**Sponsors:** THE CHAIR

**Indexes:** CLAIMS

**Attachments:** City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091267

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of Atty. David Blau on behalf of Kewanee Allen for personal injuries.  
(7th Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

January 13, 2010

1029-2008-958:153804



**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

January 13, 2010

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relating to the Claim of KEWANEE K. ALLEN  
C.I. File No. 08-S-250

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced into and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Kewanee K. Allen, 3250 North 45<sup>th</sup> Street, Milwaukee, WI 53216, alleges through her attorney, Weigel, Carlson, Blair & Clemens, S.C., 3732 West Wisconsin Avenue, Suite 300, Milwaukee, WI 53208, that on March 3, 2008, she sustained injuries when she slipped and fell on an icy and snow covered sidewalk located at 3250 North 45<sup>th</sup> Street. They claim damages in the amount of \$174,174.16.

Our investigation reveals that pursuant to Wisconsin Statute § 893.83(1), the accumulation of snow and ice did not exist for the requisite twenty-one days. As such, the City of Milwaukee cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2008-958:153798

**NOTICE OF INJURY**

CITY OF MILWAUKEE

08 MAR 14 PM 2:49

RONALD D. LEONHARDT  
CITY CLERK

To: CITY OF MILWAUKEE  
CITY CLERK  
200 East Wells Street  
Milwaukee, Wisconsin 53202

NOTICE IS HEREBY GIVEN to the City of Milwaukee, a municipal corporation organized under the laws of the State of Wisconsin that claimant, Kewanee Allen, whose address is 3250 North 45<sup>th</sup> Street, Milwaukee, Wisconsin 53216, sustained injuries as follows:

On March 3, 2008, claimant, Kewanee Allen, while walking on the sidewalk located at 3250 North 45<sup>th</sup> Street, Milwaukee, Wisconsin which is owned and maintained by the City of Milwaukee, its agents, servants and employees, tripped and fell.

Claimant suffered a fracture to her ankle among other injuries to her person.

The injuries sustained in this accident were due to the negligence of the City of Milwaukee, its agents, servants and employees in maintaining the sidewalk.

Please be advised that claimant has retained Weigel, Carlson, Blau & Clemens, S.C., and they have an attorney lien right as prescribed by the Statutes of the State of Wisconsin and by means of a written contract signed by claimant.

This is a Notice of Injury pursuant to Section 893.80(1)(A), of the Wisconsin Statutes. A Notice of Claim pursuant to Section 893.80(1)(b) of the Wisconsin Statutes will be presented to the appropriate clerk at a later date.

2008 MAR 14 PM 3:45  
CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
ATTORNEY

Date March 12, 2008

WEIGEL, CARLSON, BLAU & CLEMENS, S.C.

By: DAVID M. BLAU

State Bar No. 1019163

POST OFFICE ADDRESS

3732 West Wisconsin Avenue, Suite 300  
Milwaukee, Wisconsin 53208  
(414) 342-1000



# Weigel, Carlson, Blau & Clemens, S.C.

Injury Attorneys

3732 W. Wisconsin Avenue, Suite 300  
Milwaukee, Wisconsin 53208-3153  
Phone 414-342-1000  
Fax 414-342-5060

## Claim Against City of Milwaukee Pursuant to Section 893.80(1)(b)

Joseph W. Weigel  
John P. Carlson  
David M. Blau  
Chris M. Clemens  
Randall M. Aronson  
George E. Chaparas

Of Counsel  
Peter J. Kondos

Medical Consultant  
David L. Heber, M.D., F.A.C.S.

To: City Clerk, City of Milwaukee  
Milwaukee City Hall  
200 East Wells Street  
Milwaukee, WI 53202

Pursuant to law the claim Kewanee K. Allen hereby files this claim against the above named municipality through her attorneys the law firm of Weigel, Carlson, Blau & Clemens, S.C.

RONALD D. LEONHARDT  
CITY CLERK  
10 JAN - 7 PM 1:55

CITY OF MILWAUKEE

1. Name and address of the claimant are

Kewanee K. Allen  
3250 North 45<sup>th</sup> Street  
Milwaukee, WI 53216

2. For statement of the relief sought is a demand for damages as a result of Ms. Allen falling down due to the icy sidewalk.

3. An itemization of the claim is as follows:

- a. MedaCare Ambulance: March 3, 2008: \$591.38.
- b. Columbia/St. Mary's: March 3, 2008: \$1,800.88.
- c. Infinity Healthcare Physicians: March 3, 2008: \$1,369.00.
- d. Wisconsin Radiology: March 3, 2008: \$81.00.
- e. Vincent Lubsey, M.D.: March 3, 2008: \$122.00.
- f. Orthopedic Consultants: March 4, 2008: \$4,339.00; March 11 through June 24, 2008: \$2,282.00.
- g. Orthopaedic Hospital: March 5, 2008: \$11,508.90.
- h. Glendale Anesthesia Association: March 5, 2008: \$1,680.00.

TOTAL MEDICAL CLAIM:

\$24,174.16

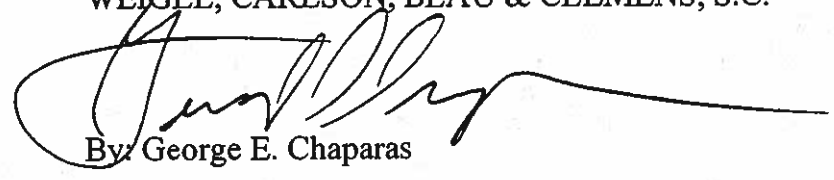
4. Pain, suffering, disability, loss of earning capacity: \$150,000.00.

2010 JAN 11 AM 8:08  
CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY

Dated at Milwaukee, Wisconsin this 6 day of January 2010

Very truly yours,

WEIGEL, CARLSON, BLAU & CLEMENS, S.C.



By: George E. Chaparas

GEC:bz

Enclosure









## Legislation Details (With Text)

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**File #:** 091250      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to the claim of Cassandra Page-Kemp for property damage. (7th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS  
**Attachments:** City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		



**Number**

091250

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of Cassandra Page-Kemp for property damage. (7th Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

January 12, 2010

1029-2009-2031:153826

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
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**EDWARD M. EHRlich**  
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**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**MEGAN T. CRUMP**  
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**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

January 12, 2010

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relation to the Claim of CASSANDRA PAGE-KEMP  
C.I. File No. 09-L-77

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Cassandra Page-Kemp, 3356 North 51<sup>st</sup> Boulevard, Milwaukee, WI 53216, alleges that on July 13, 2009, she sustained damages when her vehicle drove off a drop-off in the concrete while she was eastbound on Good Hope Road near 77<sup>th</sup> Street. She claims damages in the amount of \$5,847.05.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that this roadway is under the jurisdiction of Milwaukee County. As such, the City cannot be held liable. Therefore we recommend that this claim be denied.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2009-2031:153742

July 22, 2009

CASSANDRA PAGE-KEMP  
3356 N 51 BLVD.  
MILWAUKEE WI 53216  
414 449-9480 or 414 467-4766

CITY OF MILWAUKEE

2009 JUL 22 PM 3:26

RONALD D. LEONHARDT  
CITY CLERK

ON July 13, 2009 During Construction  
on 77<sup>th</sup> St on Good Hope Road  
Car (1998 320 BMW) Drove off  
Drop off in the Concrete causing  
EXTENSIVE DAMAGE to my vehicle.

I was heading <sup>East</sup> towards 76 St.  
where there were LANES with  
baricades dividing LANES. I  
veered right to turn onto 76<sup>th</sup>  
heading South, when my car took  
a dive off the concrete damaging  
the oil pan and engine. I drove  
two miles and my car began  
to slow down as I gave it gas.  
my car finally stopped and had  
to be towed to Urban Motors  
where I was informed that  
my car was undrivable.

Cassandra Page Kemp  
CASSANDRA PAGE-KEMP

CITY OF MILWAUKEE  
RECEIVED

2009 JUL 23 PM 3:54

OFFICE OF  
CITY ATTORNEY

over

I only have one estimate  
because my car is not  
operable and will need to  
be towed to another auto  
repair shop, which would be  
costly for me to do.

Urban MotorWorx is where I  
usually take my car for repairs.

Urban Motorworx  
 4251 North Green Bay Avenue  
 Milwaukee WI 53209

# Estimate

Name/Address
Doran Kemp

Date	Estimate No.	Project
07/20/09	3	

Item	Description	Quantity	Total
Long Block	M52	1	1,795.00T
11621744252	Exhaust Manifold Gasket, M52	1	18.37T
11611740069	Intake Manifold Gasket	1	18.02T
11421719855	M54 oil filter stand gasket	1	6.08T
11531740437	Profile Gasket	1	2.10T
11537511083	92 Thermostat	1	40.87T
11531722531	Thermostat Housing, M50	1	35.83T
21211223596	Flywheel, M52		1,077.75T
11222243051	Flywheel Bolts	8	22.96T
Installing Exchange E	Installing Exchange Engine	24	2,520.00T
	Sales tax		310.07
		<b>Total</b>	<b>\$5,847.05</b>





## Legislation Details (With Text)

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**File #:** 091226      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to the claim of Kathryn Haller for personal injuries. (4th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS  
**Attachments:** City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091226

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of Kathryn Haller for personal injuries. (4th Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

January 6, 2010

1029-2009-2663:153580



**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
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**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

January 6, 2010

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relating to the Claim of KATHRYN HALLER  
C.I. File No. 09-L-111

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Kathryn Haller, 1518 West Kilbourn Avenue, Milwaukee, WI 53233, alleges that on May 29, 2009, she tripped and fell in a hole along the sidewalk at 1940 North Prospect Avenue. She claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. The review revealed that they had shimmed the sidewalk at this location on June 2, 2009 and September 2, 2008 due to a complaint and the subject claim. The ISD placed the shims on the sidewalk on September 2, 2008 and the City received no other complaints until receipt of this claim. Since the City had no notice of this hazard along the sidewalk, it cannot accept liability and, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2009-2663:153579

CITY OF MILWAUKEE  
RECEIVED

2009 SEP 30 PM 3: 22

City Clerk  
ATTN: Claims  
200 E. Wells St, Room 205  
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE

2009 SEP 29 PM 2: 58

RONALD D. LEONHA  
CITY CLERK

OFFICE OF  
CITY ATTORNEY

September 21, 2009

RE: Fall on Sidewalk at 1940 North Prospect on May 29, 2009

Dear Claims Manager:

My name is Kathryn Haller. I am a senior at Marquette University. I am writing this letter to put the City on notice that I fell on a city-maintained sidewalk on Friday afternoon, May 29, 2009, just before 4:30 p.m... I have been told this notice must be given within 120 days if I want to pursue a claim against the City for damages for the injuries resulting from my fall.

I was running north on North Prospect Street, training for the Chicago half-marathon, when the toe of my running shoe got caught in a hole in the sidewalk in front of the Carlton Apartment Building at 1940 North Prospect. I was taken by ambulance to Columbia St. Mary's Hospital and was in the hospital for five days with a dislocated left knee, a torn ACL (anterior cruciate ligament) and a torn PCL (posterior cruciate ligament). I have been receiving physical therapy treatments since I was discharged from the hospital and I will eventually have surgery to repair the torn ligaments.

On June 5, my mother took pictures of the area in front of the apartment building. Although the pictures show a depression in the pavement around part of the slab where I fell, the pictures also show a mound of asphalt around another part of the slab. The manager of the Carlton told my mother he heard about my fall shortly after it happened and that he went out to look at the sidewalk that same afternoon. He said the patchwork was not there that day. We were able to measure the depression in the area not repaired but could not measure the depression in the area where patchwork was done after I fell.

At this point, the charges for my medical treatment are just over \$30,000, and I have not yet had the surgery to repair the ligaments. My health insurance company, Highmark Blue Shield, has paid almost \$24,000 of my medical expenses and I have been personally responsible for approximately \$550 of out-of-pocket expenses for co-pays, prescriptions and out-of-network charges. Other than the bills for out-of-network charges, I do not have actual medical bills but I do have the explanation of benefits forms from Blue Shield that itemize the charges and the payments made to the various medical providers. I have recently been contacted by Healthcare Recoveries, which indicates they intend to pursue subrogation on behalf of Highmark.

In addition to medical expenses, I have lost wages because I was not able to serve the paid internship in event planning at the Milwaukee Zoo that was scheduled to start on Monday, June 1. By missing the internship, I not only lost the money I would have earned, but also lost the experience I would have gained and could have included on my resume as I begin my job search

11/11/09  
11/11/09  
11/11/09  
11/11/09

for employment following my graduation in May 2010. I have other damages as well, including the pain and suffering and inconvenience resulting from my injury.

I understand the maximum amount the City is responsible to pay under any circumstances is \$50,000. With my medical expenses (and Highmark's subrogation interest), lost wages, pain, suffering and other damages, I believe my claim for the City's negligent maintenance of the sidewalk in question far exceeds the \$50,000 available.

If you need any other information at this time, you can contact me by letter at 1518 W. Kilbourn, Milwaukee 53233 or by telephone at (814) 450-8258. You may also contact my mother, Natalie Dwyer Haller, who can be reached at (814) 450-6659. I authorize her to engage in discussions with your office.

Thank you.

Very truly yours,

Kathryn (Kate) Haller





## Legislation Details (With Text)

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**File #:** 091225      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to the appeal of Julie Silbaugh, Agent for State Auto Insurance Companies on behalf of Thomas Ballinger for property damage. (3rd Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS APPEAL  
**Attachments:** City Attorney Letter, Appeal, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091225

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the appeal of Julie Silbaugh, Agent for State Auto Insurance Companies on behalf of Thomas Ballinger for property damage. (3rd Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

January 6, 2010

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
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**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

December 14, 2009

State Auto Insurance Companies  
Attn: Julie Silbaugh, Subrogation Specialist  
P.O. Box 65150  
West Des Moines, IA 50265-0150

RE: Our C.I. File No.: 09-S-362  
Your Insured: Thomas Ballinger  
Your Claim No.: BALL-0023289-080809

Dear Ms. Silbaugh:

We have received your claim in the amount of \$1,792.56, relating to your interests and the interests of your insured when a branch from a City tree fell on it at 2632 North Farwell Avenue on August 8, 2009.

Our investigation reveals that the Forestry Section responded to an emergency request for service. They found a branch had split from a live tree that showed no external signs of decay. The Forestry Section immediately removed the branch and removed the rest of the tree on September 17, 2009. The trees in the area were last pruned in 2004 pursuant to the City's programming pruning schedule. The Forestry Section also checked their records for the last five years and found no request for tree service at this address. Since the City followed standard procedures and this loss occurred during windy conditions, it cannot accept liability and we are denying your claim.

**OFFICE OF THE CITY ATTORNEY**

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2801 • TDD: 414.286.2025 • Fax: 414.286.8550

State Auto Insurance Companies

December 14, 2009


Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



~~GRANT E. LANGLEY~~  
City Attorney



ROBERT OVERHOLT  
Investigator Adjuster

RMO:ms

1068-2009-2707:152972





Represented by:  
FLEIS INSURANCE AGENCY INC  
PO BOX 537  
ONALASKA, WI 54650

Corporate Claims Subrogation Unit PO Box 65150 West Des Moines IA 50265-0150 (800)766-1853  
1300 Woodland Ave West Des Moines IA 50265 (800)766-1853

December 29, 2009

2010 JAN -4 AM 9:47

RONALD D. LEONHARDT  
CITY CLERK

Milwaukee City Clerk  
200 E Wells St, Room 205  
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE  
RECEIVED  
2010 JAN -4 PM 2:46  
OFFICE OF  
CITY ATTORNEY

Insured: THOMAS J BALLINGER  
Claim Number: BALL-0023289-080809  
Loss Date: 08/08/2009  
Your File No: 09-S-362

Dear Robert Overholt:

This letter is in response to your denial letter dated December 14, 2009. Your letter states that the Forestry Section responded to an emergency request for service and they found a branch split from a live tree that showed no external signs of decay. I have enclosed colored photos of the tree branch. It does show external signs of decay. The branch that fell has several limbs with no green leaves. There is also another branch on the tree with no green leaves. I believe this would be considered external sign of decay. Please take this into consideration when reviewing your file.

Sincerely,

Julie Silbaugh  
Subrogation Specialist Fax (317)931-6595  
800-444-9950 ext 4665

XCC002(0196)E



Represented by:  
FLEIS INSURANCE AGENCY INC  
PO BOX 537  
ONALASKA, WI 54650

Corporate Claims Subrogation Unit PO Box 65150 West Des Moines IA 50265-0150 (800)766-1853  
1300 Woodland Ave West Des Moines IA 50265 (800)766-1853

CITY OF MILWAUKEE

2009 OCT -5 AM 10: 50

RONALD D. LEONHARDT  
CITY CLERK

October 1, 2009

Milwaukee City Clerk  
200 E Wells St, Room 205  
Milwaukee, WI 53202-3567

Insured: THOMAS J BALLINGER  
Claim Number: BALL-0023289-080809  
Loss Date: 08/08/2009

Dear City Clerk:

Mr. Ballingers car was parked on Farwell Street when a tree fell on on his vehicle. I have enclosed our supporting documents, including photos of the tree showing the tree was rotted, proof of payment and itemized estimate. State Auto paid \$1,292.56, Mr. Ballinger has a \$500.00 deductible, making our total claim \$1,792.56. Please contact me if you have any questions.

Sincerely,

Julie Silbaugh  
Subrogation Specialist Fax (317)931-6595  
800-444-9950 ext 4665

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
2009 OCT -5 PM 2: 39

CITY OF MILWAUKEE  
2009 OCT -5 PM 1: 38  
RONALD D. LEONHARDT  
CITY CLERK

XCC002(0196)E

FLEIS INSURANCE AGENCY INC  
PO BOX 537  
ONALASKA WI 54650

Central Claims-Des Moines, PO Box 65150, West Des Moines IA 50265-0150  
1300 Woodland Ave, West Des Moines IA 50265  
(800)766-1853, Fax (317)931-6456

ENTERPRISE RENT-A-CAR  
S17 W22650 LINCOLN AVE  
WAUKESHA WI 53187

DATE ISSUED: 08-29-2009 AMOUNT: \$98.52 CHECK NUMBER: 070369461

INSURED : THOMAS J BALLINGER  
FILE NUMBER: PWI 0023289  
LOSS DATE : 08-08-2009  
CLAIMANT : THOMAS J BALLINGER

Invoice: D557207-4404

DESCRIPTION OF PAYMENT:  
Settlement Rental Reimbursement

QUESTIONS ABOUT YOUR PAYMENT? PLEASE CALL:  
Amanda Hentges, Central Claim Specialist, (800)766-1853

DATE ISSUED: 08-29-2009 FILE #: PWI 0023289

National City Bank 070369461  
Ashland, Ohio  
56-389/412  
LOSS DATE  
08-08-2009

ENTERPRISE RENT-A-CAR

\*\*NINETY EIGHT DOLLARS AND FIFTY TWO CENTS\*\*

\*\*\*\*\*98.52

<070369461< :041203895: 0110955<



Rental Company: ENTERPRISE RENT-A-CAR  
 Invoice: D557207-4404

**Bill To:**  
 STATE AUTO INS  
 ATTN: AMANDA HENTGES  
 518 EAST BROAD ST  
 COLUMBUS , OH 43215

**Billing Detail:**  
 Rental Period: 8/17/09 to 8/21/09 (5 days)  
 Billed Period: 8/17/09 to 8/21/09 (5 days)

**RENTER INFORMATION:**  
 Renter: ROSALIA, BALLINGER

Description	Rate	Amount:
5 DAYS @	\$17.99	\$89.95
5 TRRF	\$0.67	\$3.35
1 SALES TAX	%5.60	\$5.22
<b>TOTAL CHARGES:</b>		<b>\$98.52</b>
Less Amount Received:		\$0.00
<b>AMOUNT DUE.....</b>		<b>\$98.52</b>

**RENTAL INFORMATION:**  
 Rental Branch Location:  
 ENTERPRISE RENT-A-CAR (4404)  
 10922 W NATIONAL AVE  
 WEST ALLIS, WI 532273104  
 (414) 546-6900

**ADDITIONAL CLAIM INFORMATION:**  
 Claim Number :BALL-0023289-080809  
 Claim Type: Insured  
 Vehicle Condition: Driveable  
 Date Of Loss: 8/8/09  
 Insured Name:  
 Owner's Vehicle:  
 Additional Driver:

**Repair Facility:**  
 UNKNOWN

9

**VEHICLES RENTED:**

Effective Date and Time	Year	Make	Model	VIN	Starting Mileage	Ending Mileage	Mileage
8/17/09 9:50 AM	2008	CHEV	COBA	1G1AL58F887323774	27578	28378	800

## Rental Invoice

Please Return This Portion with Remittance

**Make Payment To:**  
 ENTERPRISE RENT-A-CAR COMPANY (4499)  
 S17 W22650 LINCOLN AVE.  
 WAUKESHA,, WI 53187  
 Federal ID:43-1507735

**Total Charges:** \$98.52  
**Less Amount Received:** \$0.00  
**Total Amount Due.....** \$98.52

Please include on your check:  
 Invoice: D557207-4404

FLEIS INSURANCE AGENCY INC  
PO BOX 537  
ONALASKA WI 54650

Central Claims-Des Moines, PO Box 65150, West Des Moines IA 50265-0150  
1300 Woodland Ave, West Des Moines IA 50265  
(800)766-1853, Fax (317)931-6456

THOMAS J BALLINGER  
1312 CLIFFVIEW AVE  
ONALASKA WI 54650

DATE ISSUED: 08-14-2009 AMOUNT: \$1,194.04 CHECK NUMBER: 070362802

INSURED : THOMAS J BALLINGER  
FILE NUMBER: PWI 0023289  
LOSS DATE : 08-08-2009  
CLAIMANT : THOMAS J BALLINGER

As we discussed, this payment represents the cost of repair or replacement, less your deductible.

DESCRIPTION OF PAYMENT:  
Settlement Falling objects

QUESTIONS ABOUT YOUR PAYMENT? PLEASE CALL:  
Amanda Hentges, Central Claim Specialist, (800)766-1853

DATE ISSUED: 08-14-2009 FILE #: PWI 0023289  
THOMAS J BALLINGER  
AND MARY K BALLINGER  
AND KRAUSE AUTO BODY

National City Bank 070362802  
Ashland, Ohio  
56-389/412  
LOSS DATE  
08-08-2009

\*\*\*\*\*1,194.04  
\*\*ONE THOUSAND ONE HUNDRED NINETY FOUR DOLLARS AND FOUR CENTS\*\*

<070362802< :041203895: 0110955<

Claim # BAL0023289

Estimate ID: 86  
Estimate Version: 0  
Preliminary Profile ID: tomk

att amanda Hunter

# TOM KRAUSE AUTO BODY

655 South 70th, Milw, WI 53214  
(414) 453-2600  
Fax: (414) 453-9928

DAMAGE RECORDED BY: TOM KRAUSE

Deductible: UNKNOWN  
Claim Number: 88

Insured: ROSALIA BALLINGER  
Address: 3225 N MARIETTA AVE, MILW, WI 53211  
Telephone: Home Phone: (000) 000-0000

Mitchell Service: 911368

Description: 2001 Volkswagen New Beetle GL  
Body Style: 2D HB  
Options: AUTOMATIC TRANSMISSION

Drive Train: 2.0L Inj 4 Cyl 4A FWD

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	101856	BDY	REPAIR	ROOF PANEL	Existing		12.0* #
2	AUTO	REF	REFINISH	ROOF PANEL			C 2.4
3	100000	BDY	REMOVE/REPLACE	L ROOF MOULDING	100 653 701 GRU	90.00	C 2.5
4	AUTO	REF	REFINISH	L ROOF MOULDING			C 0.5
5	102269	BDY	REMOVE/INSTALL	SUNROOF ASSY			1.5 #
6	900500	BDY *	ADD'L LABOR OP	R & I HEAD LINER	Existing		1.5*
7	900500	BDY *	REPAIR	UPPER RAIL	Existing		7.0*
8	900500	GLS *	REPAIR	R R SIDE GLASS	Existing		0.0*
9	AUTO	REF	ADD'L OPR	CLEAR COAT			1.1
10	AUTO		ADD'L COST	PAINT/MATERIALS		128.00 *	
11	AUTO		ADD'L COST	HAZARDOUS WASTE DISPOSAL		3.00 *	

\* - Judgment Item  
# - Labor Note Applies  
C - Included in Clear Coat Calc

ESTIMATE RECALL NUMBER: 08/11/2009 10:19:00 80  
Mitchell Data Version: JUN\_09\_V

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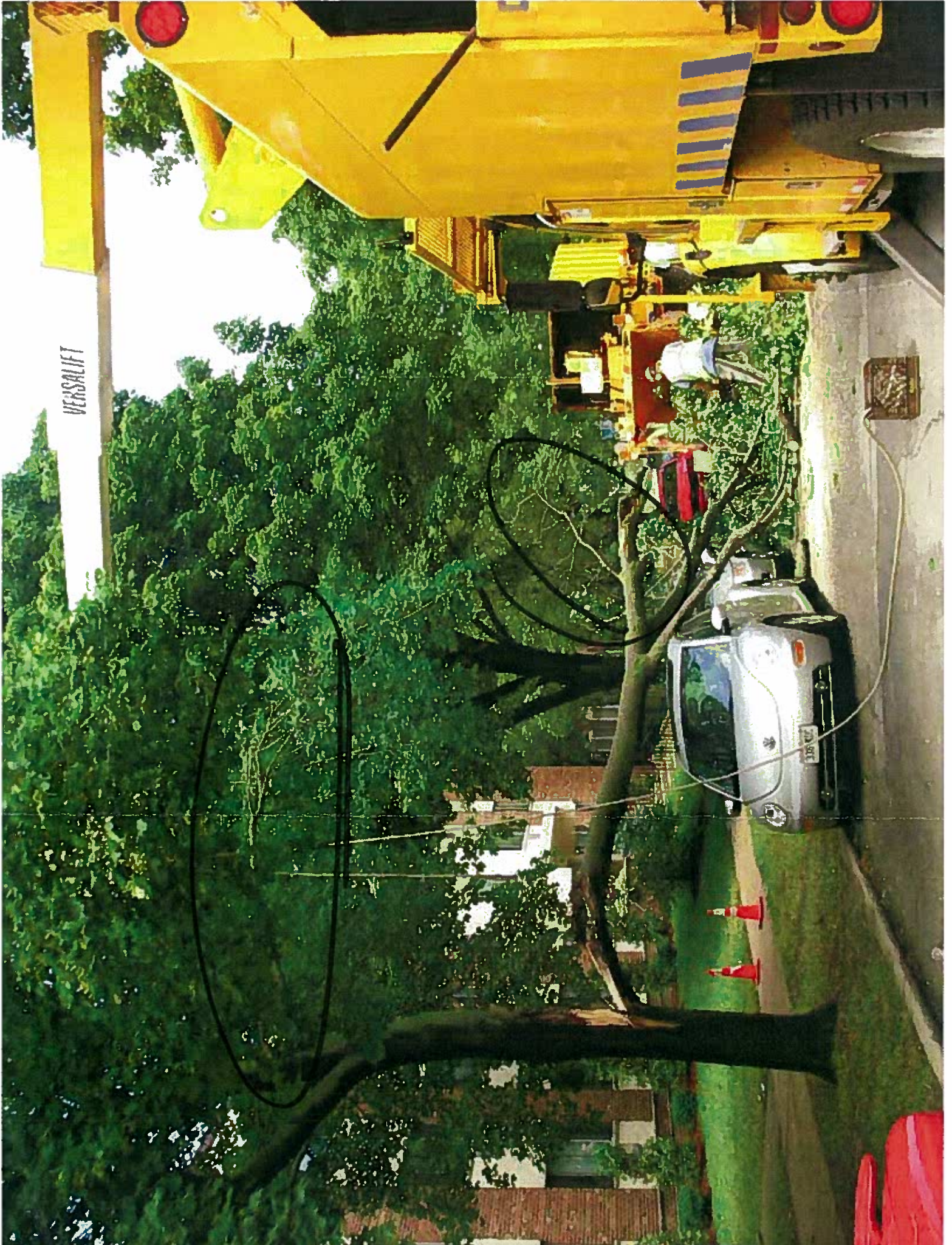
UltraMate Version: 6.7.023

Estimate ID: 86  
 Estimate Version: 0  
 Preliminary

### Estimate Totals

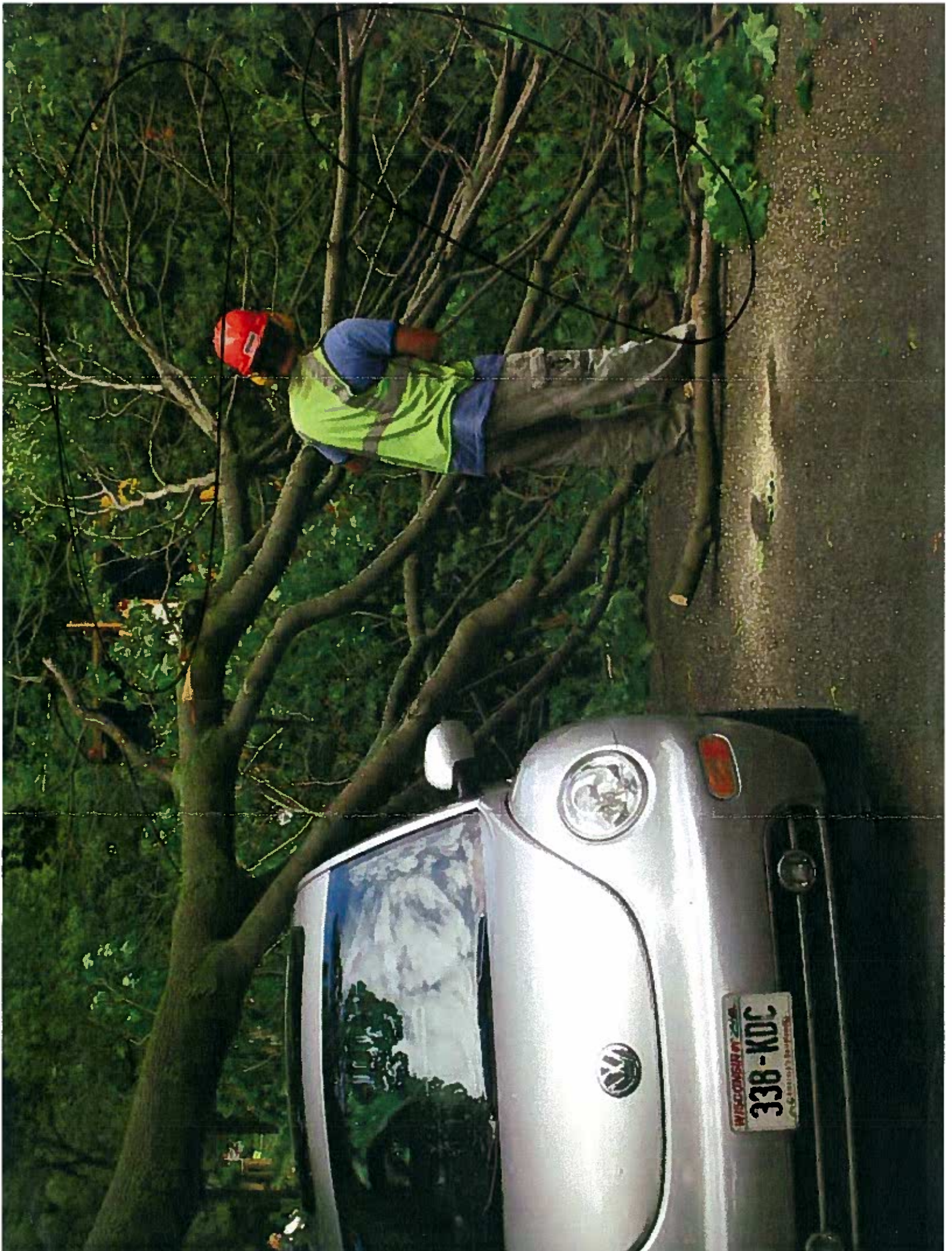
I. Labor Subtotals						II. Part Replacement Summary		
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals			Amount
Body	22.6	52.00	0.00	0.00	1,175.20 T	Taxable Parts		90.00
Refinish	4.0	52.00	0.00	0.00	208.00 T	Sales Tax @ 5.600%		5.04
Labor Tax @ 5.600%								77.46
<b>Labor Summary</b>	<b>26.6</b>				<b>1,460.66</b>			
III. Additional Costs						IV. Adjustments		
					Amount			Amount
Taxable Costs					131.00	Customer Responsibility		0.00
Sales Tax @ 5.600%					7.34			
						I. Total Labor:		1,460.66
						II. Total Replacement Parts:		95.04
						III. Total Additional Costs:		138.34
						<b>Gross Total:</b>		<b>1,694.04</b>
						IV. Total Adjustments:		0.00
						<b>Net Total:</b>		<b>1,694.04</b>

**This is a preliminary estimate.**  
**Additional changes to the estimate may be required for the actual repair.**



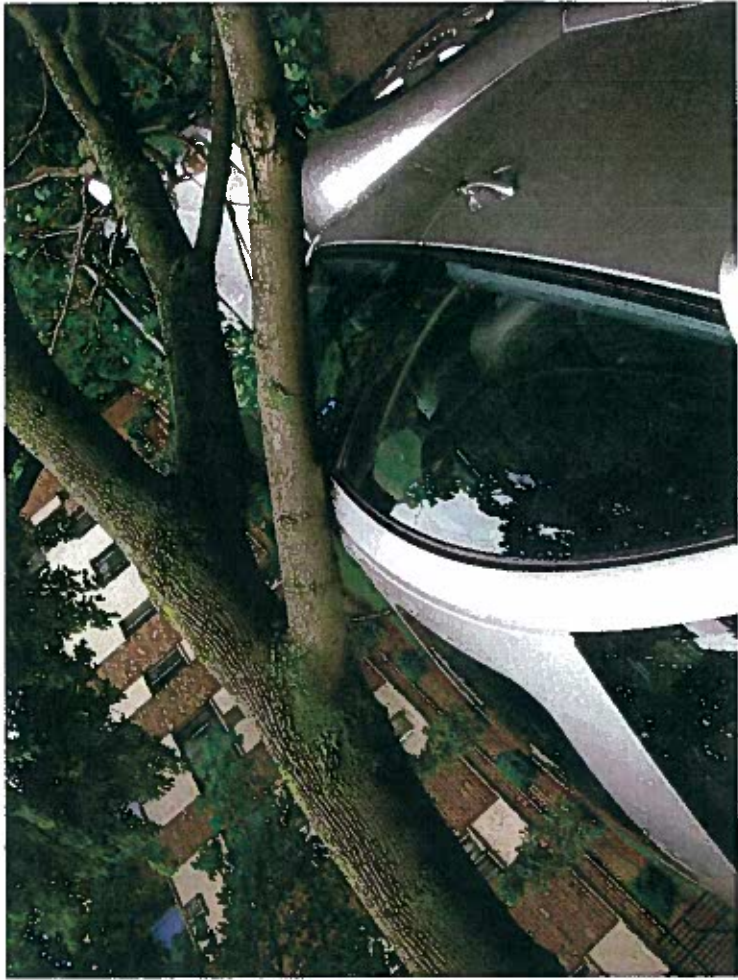
VERSALIFT

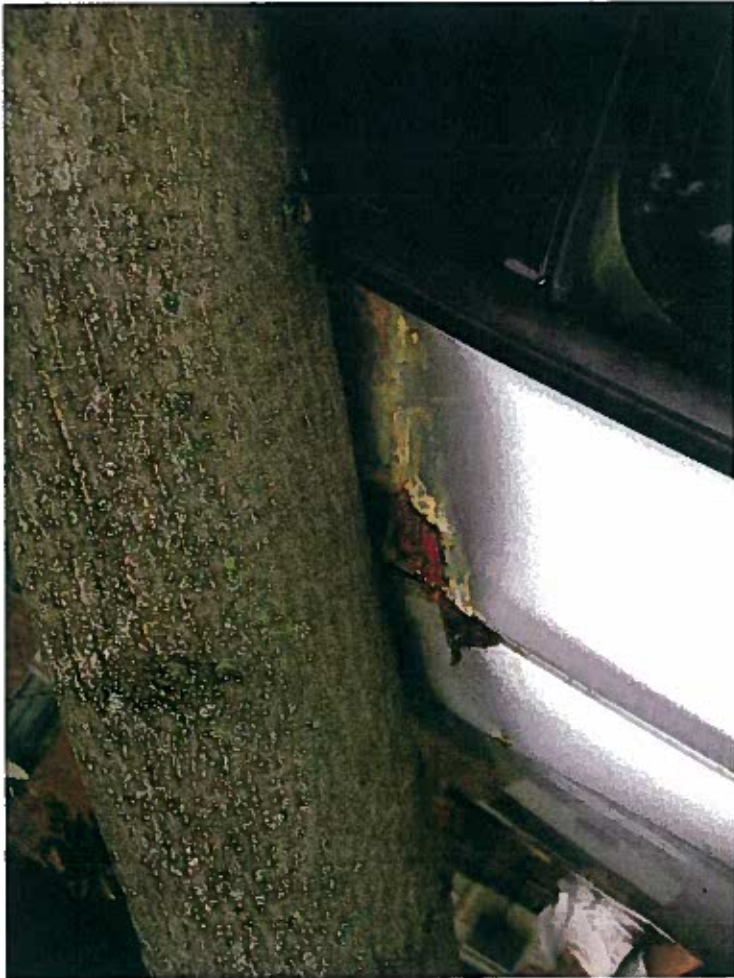
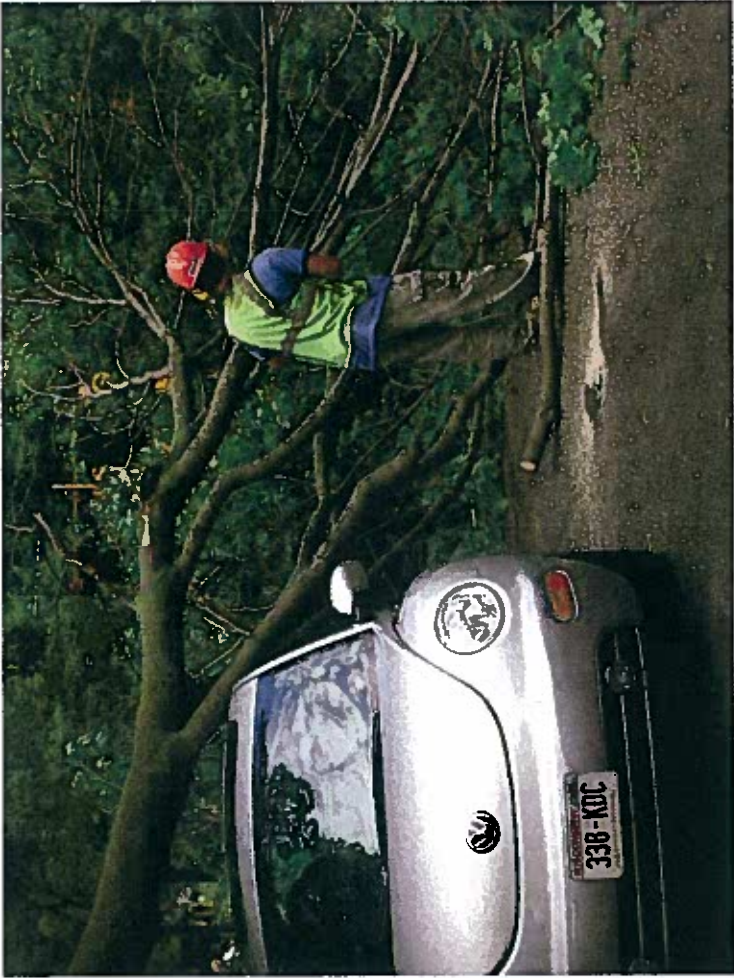


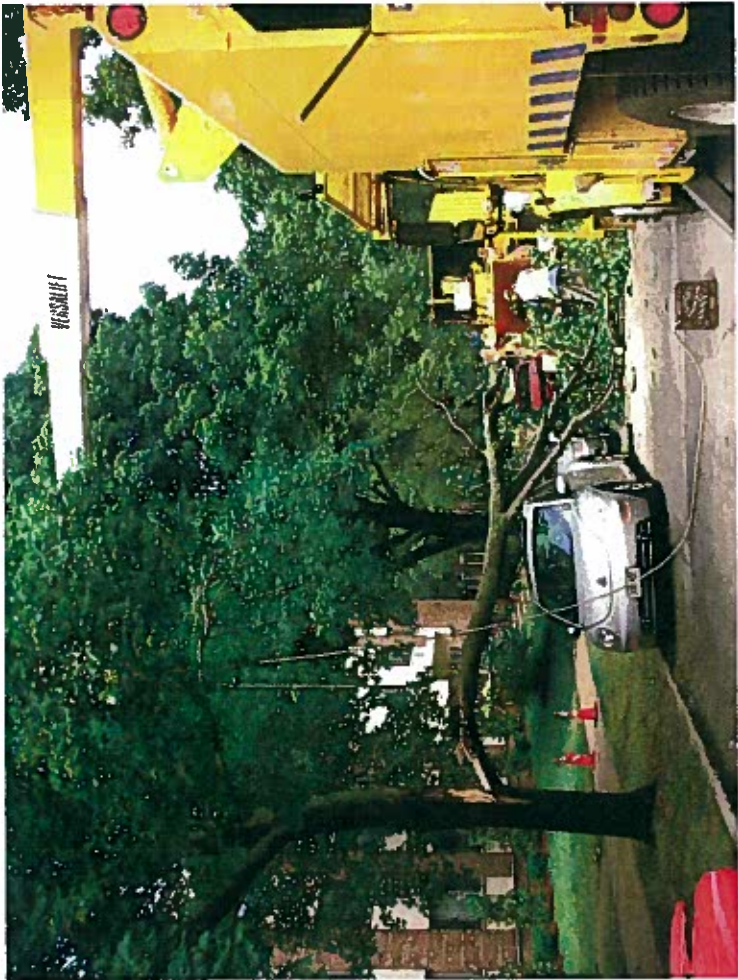
























## Legislation Details (With Text)

**File #:** 090998      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/1/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to an appeal from Mary Kargol for property damage. (12th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS APPEAL  
**Attachments:** City Attorney Letter, Appeal, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

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**File #:** 090998      **Version:** 0

---

Number  
090998  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR

Title  
Resolution relating to an appeal from Mary Kargol for property damage. (12<sup>th</sup> Aldermanic District)

Drafter  
City Atty.  
Dkf  
11/19/09

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
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**THOMAS D. MILLER**  
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**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

November 10, 2009

Mary Kargol  
2159 South 11th Street  
Milwaukee, WI 53215

RE: Mary Kargol  
C.I. File No.: 09-S-402

Dear Ms. Kargol:


We have received your claim in the amount of \$2,080.32, relating to damage allegedly sustained to your vehicle during mid-October 2009 when a branch of a City tree fell on it at 2159 South 11<sup>th</sup> Street.

Our investigation reveals that the Forestry Section records reflected that the actual date of loss was October 6, 2009. The records further reflected they responded to a report of a branch down. The tree branch was alive and healthy with no visual signs of decay. The trees in the area were last pruned in April, 2009 pursuant to the City's programmed pruning schedule. The section followed its standard procedures and this loss occurred during windy conditions, as such, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
ROBERT OVERHOLT  
Investigator Adjuster

RMO:ms  
1068-2009-2942:151754

OFFICE OF THE CITY ATTORNEY

Nov. 13, 2001

C. I. file No:  
09-S-402

Sirs,

I received a letter today denying my claim for the city to cover expenses for the repair of my car that was damaged by "your tree" growing on "your property". I would like you to reconsider your decision. My car was not insured for this type of damage, I do ~~do~~ not see how this is not the responsibility of the city. I am disabled and not able to come in for a hearing. I would so much appreciate this be re-considered.

CITY OF MILWAUKEE  
2009 NOV 16 PM 12:24  
RONALD D. LEONHARDT  
CITY CLERK

Mary Kargol



Mrs. Mary Kargol  
2159 S 11th St.  
Milwaukee, WI 53215

OFFICE OF  
CITY ATTORNEY

2009 NOV 16 PM 2:50

CITY OF MILWAUKEE  
RECEIVED

893.80 Claims against governmental bodies or officers, agents or employees; notice of Injury; limitation of damages and suits. (1) Except as provided in subs. (1 g), (1 in), (1 p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

Mary Kargol  
2159 S. 11 St.  
Milwaukee, WI

53215  
414-383-21

OFFICE OF  
CITY ATTORNEY

RECEIVED  
CITY OF MILWAUKEE  
OCT 27 PM 2:36

During a storm a tree on  
the island property of South 11 St.  
fell on my 2001 PT Cruise  
damaging roof - driver's side of  
car etc. as stated in the  
two claims reports.

RONALD D. LINDNER  
CITY CLERK

Mary Kargol  
10/22/09  
mkrejoice@sbcglobal.net

Because this automobile is not insured for  
this damage, I am asking for total reim-  
bursement to repair all damages. This took  
place in mid-Oct. 2009 on S. 11 St.  
during the night.

OFFICE OF  
CITY ATTORNEY

RECEIVED  
CITY OF MILWAUKEE  
OCT 28 PM 2:30

OFFICE OF THE CITY CLERK  
Milwaukee Wisconsin

# INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. ✓ Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. ✓ A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any. ✓
3. ✓ As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk  
ATTN: CLAIMS  
200 E. Wells St., Room 205  
Milwaukee, WI 53202-3567

## ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.





CD LOG NO 13660-1 DATE 10/20/09

SHOP: LOU'S AUTO BODY CARSTAR  
ADDRESS: 3940 S. 13TH STREET  
CITY STATE: MILWAUKEE, WI  
ZIP: 53221-

INSP DATE: 10/20/09  
CONTACT: LANDO ARCE  
PHONE 1: (414) 481-9449  
FAX: (414) 481-7415

OWNER: KARGOL, MARY  
ADDRESS: 2159 S 11TH ST  
CITY STATE: MILWAUKEE, WI  
ZIP: 53215

HOME PHONE: (414) 383-3221

POINT OF IMPACT: 0

LIC#: 895-NLK  
BODY COLOR:  
CONDITION:

STATE: WI

VIN: 3C8FY4BB51T298721  
MILEAGE:  
ACCTNG CTL#:

\*=USER-ENTERED VALUE

EC=REPLACE ECONOMY  
UM=REMAN/REBUILT PRT  
OE=REPLACE PXN OE SRPLS  
TE=PARTL REPL PRICE  
I=REPAIR  
TT=TWO-TONE  
N=ADDITIONAL LABOR  
AA=APPEAR ALLOWANCE

E=REPLACE OEM  
UE=REPLACE OE SURPLUS  
EU=REPLACE SALVAGE  
PC=PXN RECONDITIONED  
ET=PARTL REPL LABOR  
L=REFINISH  
CG=CHIPGUARD  
RI=R&I ASSEMBLY  
RP=RELATED PRIOR

NG=REPLACE NAGS  
UC=RECONDITIONED PRT  
EP=REPLACE PXN  
PM=PXN REMAN/REBUILT  
IT=PARTIAL REPAIR  
BR=BLEND REFINISH  
SB=SUBLET  
P=CHECK  
UP=UNRELATED PRIOR

2001 CHRYSLER PT CRUISER STD 4DOOR WAGON 4CYL GASOLINE 2.4  
CODE: M7203A/A OPTNS B/24J

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES  
AIR CONDITIONING

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
BR0289			PNL, REAR DOOR OUTER	LT BLEND REFINISH				1.2	4
RI0309			MLDG, REAR DOOR SIDE	LT R&I ASSEMBLY				0.3	1
L 0309			MLDG, REAR DOOR SIDE	LT REFINISH				0.6	4
EC1228			OVERLAY, REAR DOOR	LT ECONOMY PART	275.00*			1.5	*1
I 0341			PANEL, ROOF	REPAIR				5.0	*1
L 0341			PANEL, ROOF	REFINISH				3.4	4
E 0189	01		MLDG, ROOF SIDE	LT SN33DX8AC	30.35			0.2	1
L 0189	13		MLDG, ROOF SIDE	LT REFINISH				1.2	4
E 0363			PANEL, QUARTER	LT 5019223AA	399.00			13.9	1
L 0363			PANEL, QUARTER	LT REFINISH				3.6	4

2001 CHRYSLER PT CRUISER STD 4DOOR WAGON  
 CD LOG NO 13660-1

BR0479	TAILGATE ASSEMBLY	BLEND REFINISH		1.3	4
RI0422	HANDLE, TAILGATE OUTER	R&I ASSEMBLY		0.2	1
RI0369	TAILGATE GLASS R & I	R&I ASSEMBLY		0.7	1
EC0370	SEALANT KIT, T/GATE GLS	ECONOMY PART	18.00*	1.7	1
I 0480	SPOILER, TAILGATE	REPAIR		1.0*	1
RI0480	SPOILER, TAILGATE	R&I ASSEMBLY		0.5	1
L 0480	SPOILER, TAILGATE	REFINISH		1.0	4
E 0533	TAILLAMP ASSEMBLY LT	5288743AF	85.00	INC	1
RI0556	REAR BUMPER COVER R&I	R&I ASSEMBLY		INC	1
SBM06	PINSTripES-PAINTED	SUBLET REPAIR	250.00*		4
ECM14	CORROSION PROTECTION	ECONOMY PART	18.00*	0.3*	4
ECM17	COVER CAR EXTERIOR	ECONOMY PART	6.00*	0.2*	1*
SBM60	HAZARD. WSTE. REM.	SUBLET REPAIR	4.00*		1
EC	CLEAN AND RETAPE	ECONOMY PART	12.00*	0.4*	1*
EC	FABRICATE SLEEVE	ECONOMY PART		1.0*	1*

25 ITEMS

MC MESSAGE(S)  
 01 CALL DEALER FOR EXACT PART NUMBER / PRICE  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		514.35
OTHER PARTS		329.00
PAINT MATERIAL		428.40
PARTS & MATERIAL TOTAL		1,271.75
TAX ON PARTS & MATERIAL @	5.600%	71.22

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	54.00	20.6	6.0	1,436.40
2-MECH/ELEC	84.00			
3-FRAME	60.00			
4-REFINISH	54.00	12.6		680.40
5-PAINT MATERIAL	34.00			
LABOR TOTAL				2,116.80
TAX ON LABOR	@		5.600%	118.54
SUBLET REPAIRS				254.00
TAX ON SUBLET	@		5.600%	14.22
TOWING				
STORAGE				

GROSS TOTAL 3,846.53

NET TOTAL 3,846.53

SHOPLINK U3498 ES CD LOG 13660-1 DATE 10/20/09 12:22:17AM R6.37 CD 09/09

2001 CHRYSLER PT CRUISER STD 4DOOR WAGON  
CD LOG NO 13660-1

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53221  
HOST LOG  
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

2.7 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.  
AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS  
ESTIMATE.

-----  
THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT  
PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE.  
WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE  
MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE  
MANUFACTURER OF YOUR MOTOR VEHICLE.

CARTECH COLLISION  
2251 S. 13TH STREET  
MILWAUKEE, WI 53215  
OFFICE: 414-383-8000 FAX: 414-383-8060

CD LOG NO 2812-1 DATE 10/19/09

SHOP: CARTECH COLLISION INSP DATE: 10/19/09  
CITY STATE: , WI CONTACT: BO MOSIO  
ZIP: 53215- CELL PHONE: (414)745-4307  
EMAIL: MBOGUSLAW@MSN.COM

OWNER: WALK IN

POINT OF IMPACT: 0

LIC#: STATE: VIN: 3C8FY4BB51T298721  
BODY COLOR: MILEAGE:  
CONDITION: ACCTNG CTL#:

\*=USER-ENTERED VALUE E=REPLACE OEM NG=REPLACE NAGS  
EC=REPLACE ECONOMY UE=REPLACE OE SURPLUS UC=RECONDITIONED PRT  
UM=REMAN/REBUILT PRT EU=REPLACE SALVAGE EP=REPLACE PXN  
OE=REPLACE PXN OE SRPLS PC=PXN RECONDITIONED PM=PXN REMAN/REBUILT  
TE=PARTL REPL PRICE ET=PARTL REPL LABOR IT=PARTIAL REPAIR  
I=REPAIR L=REFINISH BR=BLEND REFINISH  
TT=TWO-TONE CG=CHIPGUARD SB=SUBLET  
N=ADDITIONAL LABOR RI=R&I ASSEMBLY P=CHECK  
AA=APPEAR ALLOWANCE RP=RELATED PRIOR UP=UNRELATED PRIOR

PRELIMINARY ESTIMATE

2001 CHRYSLER PT CRUISER LIMITED 4DOOR WAGON 4CYL GASOLINE 2.4  
CODE: M7203C/A OPTNS B/24SDBCETJHILM

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES  
BUMPER COVER MOUNTED FOG LAMPS DRIVER POWER SEAT  
HEATED REMOTE CONTROL MIRRORS POWER DOOR LOCKS  
PRIVACY GLASS MOONROOF  
AIR CONDITIONING OVERHEAD CONSOLE  
ALARM SYSTEM FRONT SIDE IMPACT AIRBAGS  
CRUISE CONTROL

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
I	0341		PANEL, ROOF	REPAIR				4.5	*1
L	0341	13	PANEL, ROOF	REFINISH				4.2	4
I	0371		PANEL, QUARTER	LT REPAIR				15.0	*1
L	0371		PANEL, QUARTER	LT REFINISH				2.6	4
BR	0479		TAILGATE ASSEMBLY	BLEND REFINISH				1.3	4
RI	0275		N/PLATE, TAILGATE	R&I ASSEMBLY				0.2	1

2001 CHRYSLER PT CRUISER LIMITED 4DOOR WAGON  
 CD LOG NO 2812-1

RI 0433	N/PLATE, TAILGATE	R&I ASSEMBLY		0.2	1
RI 0422	HANDLE, TAILGATE OUTER	R&I ASSEMBLY		0.9	1
E 0533	TAILLAMP ASSEMBLY	LT 5288743AF	85.00	0.3	1
SB	PAINT STRIPES	SUBLET REPAIR	75.00*		1*

10 ITEMS

MC MESSAGE(S)  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		85.00
PAINT MATERIAL		291.60
PARTS & MATERIAL TOTAL		376.60
TAX ON PARTS & MATERIAL @	5.600%	21.09

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	1.6	19.5	1,097.20
2-MECH/ELEC	75.00			
3-FRAME	52.00			
4-REFINISH	52.00	8.1		421.20
5-PAINT MATERIAL	36.00			
LABOR TOTAL				1,518.40
TAX ON LABOR		@	5.600%	85.03
SUBLET REPAIRS				75.00
TAX ON SUBLET		@	5.600%	4.20
TOWING				
STORAGE				

GROSS TOTAL 2,080.32

NET TOTAL 2,080.32

SHOPLINK UJ245 ES CD LOG 2812-1 DATE 10/19/09 10:08:41AM R6.37 CD 09/09  
 HOST LOG  
 (C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

2.0 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.





## Legislation Details (With Text)

---

**File #:** 091227      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to the claim of Tielisha Hodges for property damage. (1st Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS  
**Attachments:** City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091227

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of Tielisha Hodges for property damage. (1st Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

January 7, 2010

1029-2009-3329:153620



**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



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**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

January 7, 2010

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relation to the Claim of TIELISHA HODGES  
C.I. File No. 09-S-432

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Tielisha Hodges, 4582 North 24<sup>th</sup> Place, Milwaukee, WI 53209-6205, alleges that on December 9, 2009, she sustained damages to her personal property when a City sewer backed up into the basement of her residence. She claims damages in the amount of \$5,800.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on December 9, 2009, they responded to a call of a backwater at 4582 North 24<sup>th</sup> Place. The ISD found the City main sewer to be clogged with grease. They used a sewer jet to open the clog, clean the sewer and restore it to proper working order. The previous clogging incident for this sewer was on February 14, 2004. The sewer is on a regular cleaning schedule and was last cleaned, prior to this incident, on October 15, 2008. Because the sewer is on a regular cleaning schedule and the City did not have notice of any problems with the sewer, the City cannot be held liable. Therefore we recommend that this claim be denied.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2009-3329:153618

**OFFICE OF THE CITY ATTORNEY**

09-5-432

CITY OF MILWAUKEE  
RECEIVED

2010 JAN -6 PM 2:49

OFFICE OF  
CITY ATTORNEY

CITY OF MILWAUKEE  
10 JAN -5 PM 12:00  
RONALD D. LEONHARDT  
CITY CLERK

Dear The City of Milwaukee

Today on Dec 9, 2009 at about 6:00am in the morning at 482<sup>N</sup> 24<sup>th</sup> Place. There was a flood in my basement and I was told that the sewer was clogged up and it was not just my house it was others houses too in the neighborhood and I did had personal items in the basement and I did take picture of everything and wrote a list of everything that were in my basement that did get damage by the incident and I want to thank you for your time and patient for taking a look at my complaint.

I can be reach at (414) 544-5283 and my name is Jeliska Holge

Thank you

I do have  
a claim #  
but not  
on me at the  
time.

# when the water went  
down.

Dec: 9, 2009

time: 6:00AM

Place: Basement

Claim amount

Ask for is

\$ 5300

Tielisha Hedges

(414) 544-5283

Thank you

Underwater:

Washer + Dyer =

Queen size Bed set =

2 Living Room set w/ table w/ Both  
set =

Dining Room table set w/ 4 white  
Chair =

Kids clothes =

My clothes =

3 Pelle Pelle coats =

2 baskets of shoes that belong to  
me and my kids =

weight set =

Xmas tree =

Fire place =

Covers =

(I'm a tenant at this house  
that just move there on 11/2/2009  
so that's make a month that I be here.

Tielisha Hodges  
4582 N 24th Place  
(414) 544-5283

Dec. 9, 2009  
time: 6:00 AM  
Place: Basement

\* Stuff underwater in the basement  
Washer + ~~dryer~~ Dyer =  
Queen size bed set =  
2 living Room Set w/ entable w/ both  
set  
Dining Room table set w/ 4 white  
Chair =  
Kids clothes  
Covers, blankets, and 2 to 3 basket of  
Shoes that belong to me and my kids  
3 Pelle Pelle ~~coats~~ coats  
Kids bikes 4 of them

CITY OF MILWAUKEE  
09 DEC -9 PM 1:52  
RONALD D. LEONHARDT  
CITY CLERK

OFFICE OF  
CITY ATTORNEY

2009 DEC 10 PM 2:46

CITY OF MILWAUKEE  
RECEIVED





















## Legislation Details (With Text)

**File #:** 091104      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/22/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Resolution relating to the claim of Jeff Dybul for property damage. (10th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS  
**Attachments:** City Attorney Letter.pdf, Claim, Letter from the Dept of Public Works re Sanitary Bypass Pumps, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/11/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091104

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of Jeff Dybul for property damage. (10th Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

December 1, 2009

1029-2009-2764:152466

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
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**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

December 1, 2009

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relating to the Claim of JEFF DYBUL  
C.I. File No. 09-L-120

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Jeff Dybul, 7380 West Potomac Avenue, Milwaukee, WI 53216, alleges that his basement, its contents and possibly his foundation was damaged due to a sewer back-up at his home. He claims damages in the amount of \$15,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of rain during this time, the City experienced flows that exceeded the capacity of the sewer system. The ISD received a backwater complaint for this address on June 22, 2009. The investigator found the City sewer main to be in proper working order on that date. The ISD Sewer Maintenance Section also checked the catch basins in the area as a result of this claim and found they were in proper working order as well. City records also indicate that the main had last been cleaned in April, 2009 and that only light dirt was found in the cleaning process.

The pump on Potomac Avenue is checked monthly and it had been checked on June 12, 2009 and was found to be in proper working order. The ISD, Sewer Maintenance Section conducted additional testing on the pump after the heavy rainfalls on June 18, 2009 and June 19, 2009. They found the piece of equipment that measures the water level in the manhole had failed. The part was replaced, re-tested and it was restored to a properly functioning status.

To the Honorable Common Council  
Of the City of Milwaukee  
December 1, 2009  
Page 2

The ISD followed its standard procedures and there is no evidence the City was negligent. Therefore, the City would not be liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure

1029-2009-2764:152415



10-1-10

OF MILWAU

2009 OCT 9 PM 1:40

PERSONAL DELIVERED

CITY CLERK, ATTN CLERKS DEPT

I AM WRITING THIS LETTER IN REGARDS TO THE SEWER BACKUP @ 7380 W POTOMAC AV THAT HAS DESTROYED THE BASEMENT

I HAD AN ESTIMATE TO REPAIR THE BASEMENT BACK TO WHAT IT WAS.

THE REC ROOM ALONE WOULD COST \$15,000.00. IN ADDITION THE FURNACE, HOT WATER HEATER, WASHER & DRYER HAD TO BE REPLACED 2 TIMES WITHIN 1 YR.

ALSO MY INSURANCE CO HAS DOUBLED MY PREMIUM & DEDUCTABLE.

THEY SAID IF IT HAPPENS AGAIN THEY WILL DROP ME. I FEEL THAT THE CITY &/OR SEWER DEPT SHOULD FOOT THE BILL FOR MY LOSS AND REPAIR THE SYSTEM -

OR PURCHASE THE PROPERTY FOR FAIR MARKET VALUE - THERE IS AN ISSUE W/ THE PUMP LOCATED @ CHAPMAN & POTOMAC AV. PLEASE CONTACT ME SO WE CAN RESOLVE PROBLEM W/ THE SEWER SYSTEM.

I HOPE WE CAN SETTLE THIS WITHOUT LEGAL ACTION.

THIS CONSTANT SEWER BACKUP MAY

SIF FINE OF ATTORNEY

FURNACE X 2  
HOT WATER HEATER X 2  
WASHER & DRYER  
DEHUMIDIFIER X 2  
CLEAN UP & MATERIAL

REC ROOM -  
LAUNDRY ROOM -  
SHOP AREA -

CLOSETS  
TOOLS  
COMPUTER  
TV  
CARPET

MAJOR CLEAN UP OF RAW SEWAGE -  
A LOT OF OTHER ITEMS THAT CANNOT BE  
REPLACED -

CITY OF MILWAUKEE  
RECEIVED  
2009 OCT 12 PM 2:50  
OFFICE OF THE  
CITY ATTORNEY

# PROPOSAL

## R. J. Refrigeration, Inc.

16785 Meadow View Drive, Brookfield, WI 53005 Phone: 262.781.6315



Proposal Submitted to: JEFF DYBOL Date: 6-20-09  
Job Address: 7380 PATOMIC Daytime Phone: (4) 962-5333  
City, State, Zip: MILWAU Evening Phone:

We hereby submit specifications and estimates for:

1 RUUD 80% GAS FURNACE } 2550  
1 ULTRAVATION AIR CLEANER }

PROVIDE ABOVE EQUIPMENT  
AS REPLACEMENT FOR EXISTING  
FLOODED EQUIP

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Two Thousand Five Hundred Fifty Dollars (\$2,550.00)  
Payment to be made as follows: PAID UPON COMPLETION

All materials guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the original estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature:

Note: This proposal may be withdrawn by us if not accepted within 30 Days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature:

Jeff Dybol

# Contract



design • build • residential • commercial

Date: August 10, 2009

To: Jeff Dybul  
 7380 W. Potomac Ave  
 Milwaukee, WI 53216  
 414-462-5333  
 414-405-6764



JOB NAME / # Basement Remodel

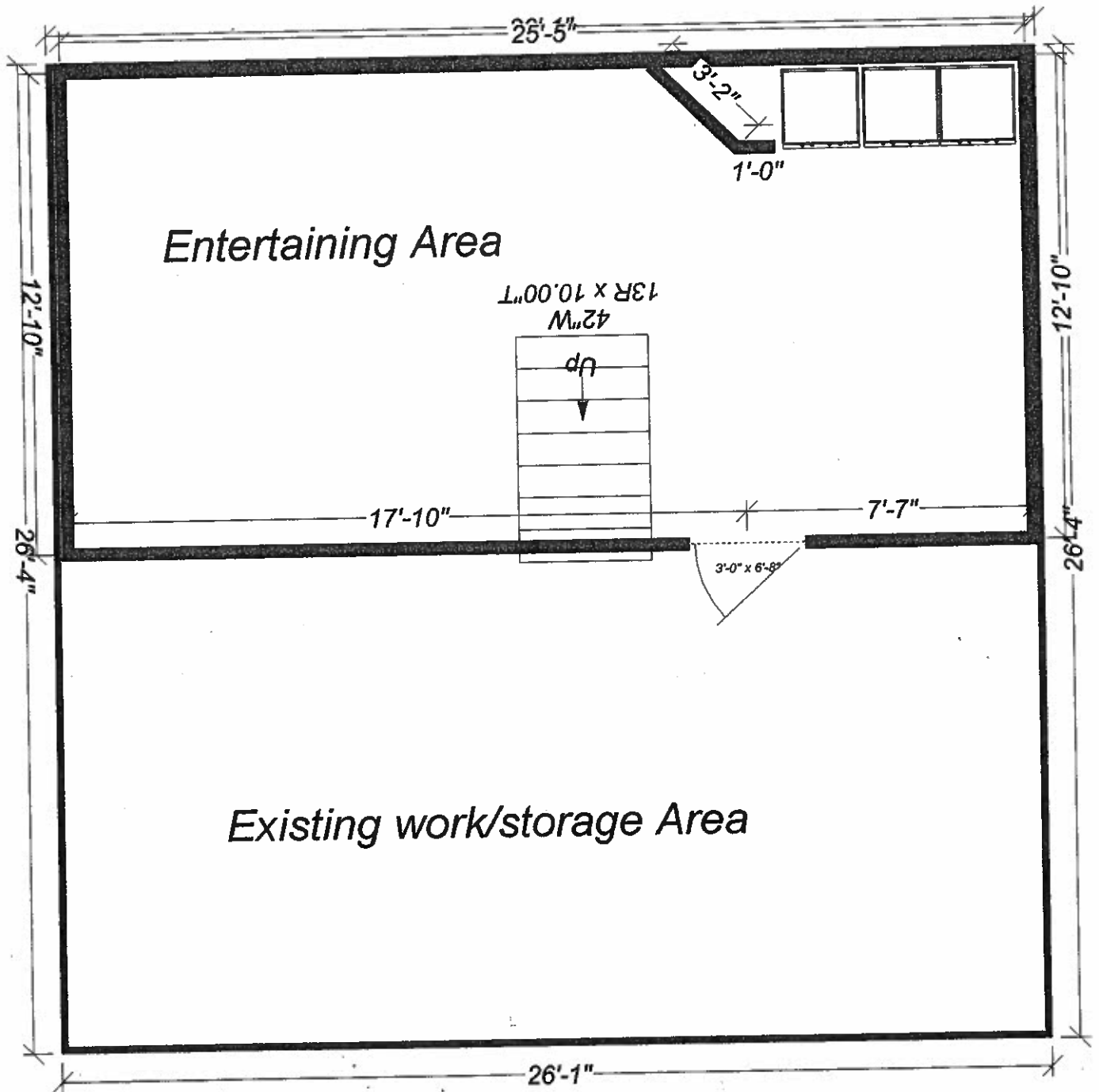
DATE	DESCRIPTION
8-10	Basement Remodel
	• Rough carpentry
	○ Material 2x4 construction per plan
	• Insulation
	○ Per code
	• Electrical
	○ Leave existing lighting as is
	○ Install outlets per code
	• Drywall
	○ Per plan
	• Finish Carpentry
	○ Install three 24" Merillat Seneca ridge base cabinets natural oak
	○ Install one Pre-hung 36" raw hollow core oak panel door
	○ Raw pine base and casing
	○ Ceiling to remain as is
	<i>Notes</i>
	<i>*No painting and/or staining included in contract</i>
	<i>*Permits by others</i>

TOTAL DUE:	\$14,800.00
DEPOSIT:	\$7,400.00
BALANCE REMAINING:	\$7,400.00

1. A 50% down payment is required upon contract signing.
2. Draws to follow as work progresses. Payments due upon receiving draw requests.

Accepted: \_\_\_\_\_

Check #: \_\_\_\_\_ Amount: \_\_\_\_\_ Date: \_\_\_\_\_



Use Your  2%  
**BIG CARD REBATE**  
**MENARDS®**

**MENARDS - W. MILWAUKEE**  
**2101 Miller Park Way**  
**W. Milwaukee WI 53219**

KEEP YOUR RECEIPT  
 RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for  
 items on this receipt will be in the form  
 of an in store credit voucher if the  
 return is done after 09/17/09



50' GREEN BRUNNENBERG	
2740860	19.96
1 5 BU LAUNDRY BASKE	
6442900	.99
7 PATTERN INSULATED	
2740911	6.99
2.1 BU LAUNDRY BASKE	
6442989	7.63
<del>HIDEAWAY JUNIOR HOSE</del>	
2745372	24.98
16" STAND FAN *	
6211114	14.98
40G NAT GAS WTR HEAT *	
6835129	326.00
TOTAL	426.12
TAX AT 5.6%	24.00
TOTAL SALE	426.12
VISA 6647	426.12
019213	

TOTAL SAVINGS 15.91

TOTAL NUMBER OF ITEMS = 7

GUEST COPY

The Cardholder acknowledges receipt of  
 goods/services in the total amount shown  
 hereon and agrees to pay the card issuer  
 according to its current terms.

Use Your  2%  
**BIG CARD REBATE**  
**MENARDS®**

MENARDS - PEWAUKEE  
 1357 Capitol Drive  
 Pewaukee, WI 53072



Merchandise Return

NO 004028

Original Store : 3226  
 Original Register: 07  
 Original Trans # : 1860  
 Original Date : 06/19/09

ATTEN INSULATED  
 0911 6.98-  
 JE BAR-CODED CK NO: 2130552188  
 7.37 NT  
 AL 0.39  
 PEWAUKEE Co-WI TAX AT 5.6% 0.39-  
 AL SALE 0.00

AL NUMBER OF ITEMS = 1

*Jeffrey D...*

Customer Signature

THANK YOU, YOUR CASHIER, Ashley

06/22 3331 06/23/09 01:05PM 3143

Use Your  2%  
**BIG CARD REBATE**  
**MENARDS®**

MENARDS - PEWAUKEE  
 1357 Capitol Drive  
 Pewaukee, WI 53072

KEEP YOUR RECEIPT  
 RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for  
 items on this receipt will be in the form  
 of an in store credit voucher if the  
 return is done after 09/21/09



Sale Transaction

7 PATTERN NOZZLE COM	
2740905	7.77
50 PINT ELECTRONIC D	
6234921	163.00
TOTAL	170.77
TAX AT 5.1%	8.71
TOTAL SALE	179.48
CERTIFICATE-BARCODED 2130552188	7.37
051529	
REMAINING BALANCE	\$0.00
CASH	200.00
CHANGE	27.89-

TOTAL NUMBER OF ITEMS = 2

THANK YOU, YOUR CASHIER, SAM

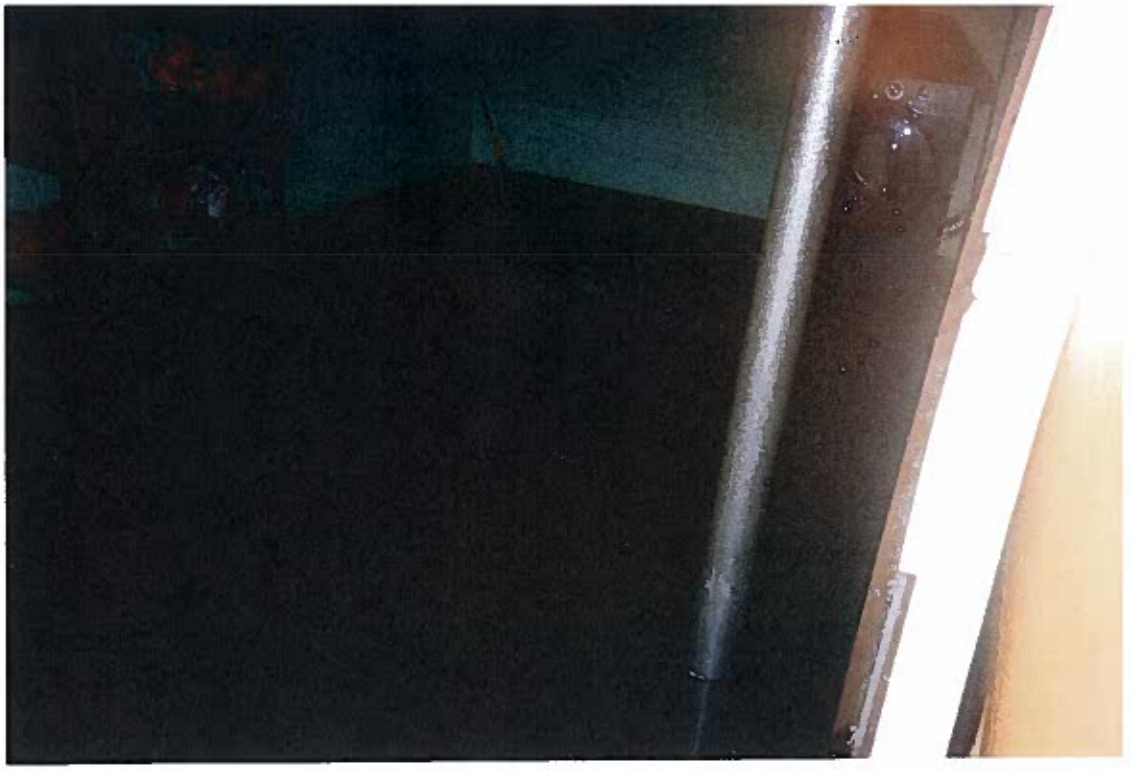
06/22 95732 06 0199 06/23/09 01:25PM 3143

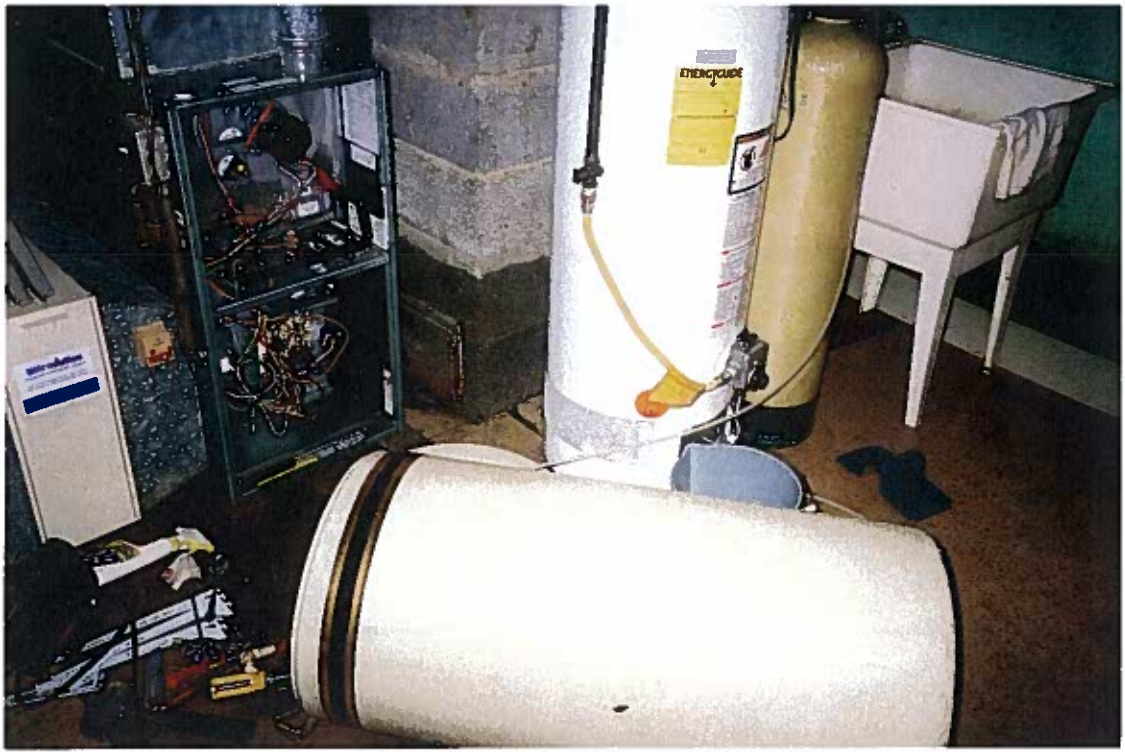






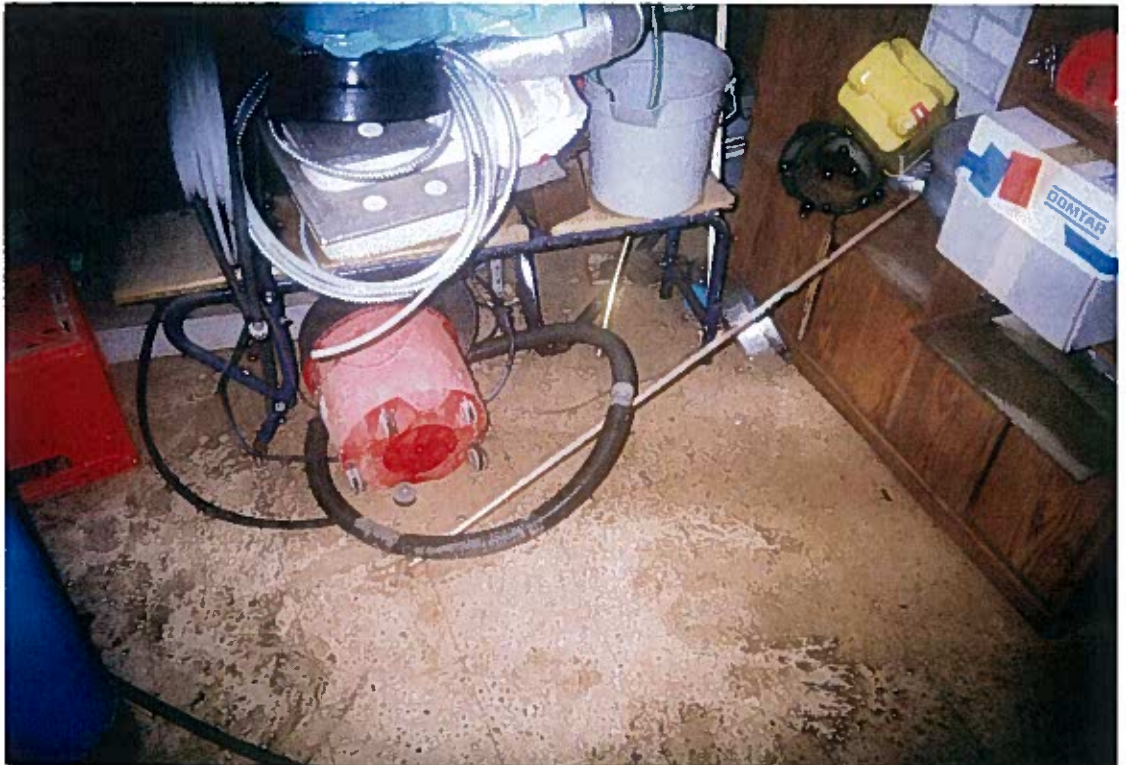


















Department of Public Works  
Infrastructure Services Division

**Jeffrey J. Mantes**  
Commissioner of Public Works

**Preston D. Cole**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

1-3  
man

October 19, 2009

Honorable Michael J. Murphy  
Alderman, 10<sup>th</sup> Aldermanic District  
Room 205, City Hall

Subject: Sanitary Bypass Pumps in the  
10<sup>th</sup> Aldermanic District

Dear Alderman Murphy:

This is in response to your request during the September 17, 2009 Finance and Personnel meeting for additional information about City of Milwaukee sanitary bypass pumps.

The City of Milwaukee has 83 permitted sanitary bypass pumps, located throughout the City. These are broken down by aldermanic district in the enclosed table. Bypass pumps are located in the sanitary sewer and are designed to protect property owners adjacent to the pumps from basement backwaters during large rain events by pumping excess sanitary flow to the storm sewer.

Bypass pumps are individually programmed to engage at predetermined elevations based on surveys of low basements in the vicinity of the pump. Generally they are set to turn on approximately two to four feet below the low basement. Setting this elevation too low (further below the low-basement elevation) increases the likelihood that the pump will run more frequently. While pumps are in place to protect property owners, their operation becomes a Sanitary Sewer Overflow (SSO), which is a violation of the City's Water Pollution Discharge Elimination System (WPDES) permit with the Department of Natural Resources (DNR). These violations can also result in financial penalties to the City if the DNR determines the overflows are in occurring in storm events that are not considered extreme.

As stated above, the pumps are designed to engage at predetermined levels that are programmed into each pump station. This means that the pumps respond only to the actual water level in the pump manhole, and not to the specific rain event recurrence intervals (10-year, 100-year, 500-year event). Sanitary systems in the City have different levels of inflow and infiltration (I/I), and therefore do not react the same way during the same event, or even from rain event to rain event. Large rain events will impact each

Michael J. Murphy  
October 19, 2009  
Page 2

sanitary system differently, which results in water levels in individual pump manholes to vary.

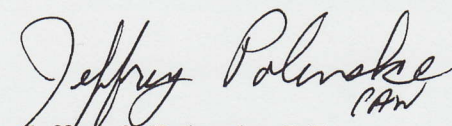
The specific pump at West Potomac Avenue and North Chapman Place utilizes an electronic level sensing device. This device did not function properly and has since been replaced. There is also a mechanical float located in this manhole (and many others) that is not part of the pump control system, but is an additional tool we use to monitor how sanitary systems perform during rain events.


The City has contracted with ASC Pumping Equipment to perform monthly checks of all bypass pumps. They submit to us a report each month noting 15 electrical readings and observations at each site, along with recommendations (see enclosed summary and detailed reports). We use this information to prioritize work for City forces to investigate and troubleshoot the pumps. We also selectively perform a more comprehensive evaluation of the pumps by simulating a high water condition in the pump manhole. This form of investigation consumes significant time and man power and is only done as needed. We are in the process of working with the DNR to prepare a more comprehensive testing procedure that can be done more efficiently. While we are confident in the results provided by ASC, they only provide a preliminary electrical evaluation of the pumps, and are not able to perform the more comprehensive testing.

If you would like to discuss any of this further, please contact my office.

If you have any questions please contact Mr. Martín A. Aquino at (414) 286-2462.

Very truly yours,

  
Jeffrey S. Polenske, P.E.  
City Engineer

 TJT: krs

Enclosures

KRS: 1-3





Legislation Details (With Text)

**File #:** 091103      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/22/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution relating to the claim of John and Gayle Eckland for property damage. (10th Aldermanic District)  
**Sponsors:** THE CHAIR  
**Indexes:** CLAIMS  
**Attachments:** City Attorney Letter.pdf, Claim, Letter from the Dept of Public Works re Sanitary Bypass Pumps, Hearing Notice L1st

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
1/11/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/25/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091103

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relating to the claim of John and Gayle Eckland for property damage. (10th Aldermanic District)

**Requestor**

City Attorney

**Drafter**

JAS:ms

December 1, 2009

1029-2009-2854:152465

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
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**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

December 1, 2009

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Resolution Relating to the Claim of JOHN AND GAYLE ECKLAND  
C.I. File No. 09-S-392

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, John and Gayle Eckland, 7376 West Potomac Avenue, Milwaukee, WI 53216, allege that on June 18 into June 19, 2009 their basement had a sewer back-up which caused damage to personal property and clean-up costs were incurred. They claim damages in the amount of \$11,111.41.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of rain during this time, the City experienced flows that exceeded the capacity of the sewer system. The ISD, Sewer Maintenance Section checked the sewer main and catch basins in the area as a result of this claim and found the facilities were in proper working order on that date. City records also indicate that the main had last been cleaned in April, 2009 and that only light dirt was found in the cleaning process.

The pump on Potomac Avenue is checked monthly and it had been checked on June 12, 2009 and was found to be in proper working order. The ISD, Sewer Maintenance Section conducted additional testing on the pump after the heavy rainfalls on June 18, 2009 and June 19, 2009. They found the piece of equipment that measures the water level in the manhole had failed. The part was replaced, re-tested and it was restored to a properly functioning status.

To the Honorable Common Council  
Of the City of Milwaukee  
December 1, 2009  
Page 2

The ISD followed its standard procedures and there is no evidence the City was negligent. Therefore, the City would not be liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure

1029-2009-2854:152402

City Clerk  
Room 201  
City Hall

Over the night of Thursday June 18th and the morning of June 19th the City of Milwaukee received a substantial amount of rain. When my husband got up to get ready for work he discovered that our basement had filled up with nearly 4 feet of raw sewage water. (I have photographs of the height of the water as of 4:30 AM.)

This water caused substantial damage to our basement, destroying our brand new furnace, water heater, wash machine and dryer. These were replaced in 2008, due to the flooding of that summer. It also saturated our electrical outlets, and all wooden shelves and bar, causing extreme warping and mold spread. In addition, all of our personal items stored in the basement were also destroyed.

I was forced to take off work on the 19th in order to begin the cleanup operation. I removed numerous baskets of clothing and spent over \$100 at the Laundromat in order to salvage some of our belongings. Most were damaged beyond cleaning and we took numerous trips to the City Dump in order to get rid of the debris.

We contacted our insurance company, Harleysville Insurance, and filed a claim under the sewer backup contingency. The claim (WO-855490) had a cap of \$5,000 and the amount of the damages far exceeded that amount. In addition, because of the claim, our insurance company has dropped us and our agent tells us we may never be able to get the sewer backup on any policy again.

The items lost in our basement were:

Washer	\$ 495.00
Dryer	\$ 529.00
Furnace	\$ 2,600.00
Water Heater	\$ 762.82
Jewelry Tower	\$ 145.00
Books	\$ 200.00
Clothing (Adult and Children's)	\$ 500.00
Shoes	\$ 150.00
2 Wooden Cabinets	\$ 150.00
Bar and 3 bar stools	\$ 225.00
Foot Stool	\$ 25.00
2 Folding Card Tables	\$ 80.00
Christmas decorations and wrapping paper	\$ 250.00
Toys	\$ 100.00
Bedding	\$ 300.00
2 Area Rugs (5' x 7')	\$ 350.00
Coffee Table (This End Up Furniture)	\$ 200.00
Library Table (This End Up Furniture)	\$ 235.00

CITY OF MILWAUKEE  
RECEIVED

2009 OCT 21 PM 2:36

OFFICE OF  
CITY ATTORNEY

CITY OF MILWAUKEE

2009 OCT 21 PM 1:59

RONALD D. LEONARD  
CITY CLERK



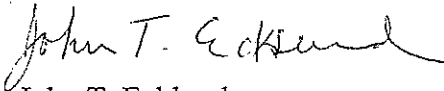
2 End Tables (This End Up Furniture)	\$ 352.00
Love Seat (This End Up Furniture)	\$ 453.00

In addition, the insurance company calculated the costs of the following as:

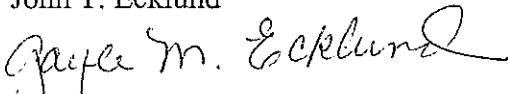
Clean and sanitize the basement was calculated at	\$2,260.48
Replace the shelving along the north and west walls	\$ 220.05
Clean and sanitize the staircase	\$ 199.68
Haul debris to the dump	\$ 204.38
2 days and many loads of laundry at the Laundromat	\$ 125.00

After several phone calls to the Alderman Michael Murphy's office, the City Engineer's Office and a face-to-face meeting with the Alderman, the City Engineer and another person from the DPW, it was learned that the electrical overflow box located on the corner of my property, installed by the DNR sometime in the 1960's, had failed to properly switch the rain water from going into the sewage line (or vice versa). The Engineer and his associate along with the Alderman concluded that the City has some culpability in the situation, and so we are filing a claim to recover our loses.

Respectfully submitted,

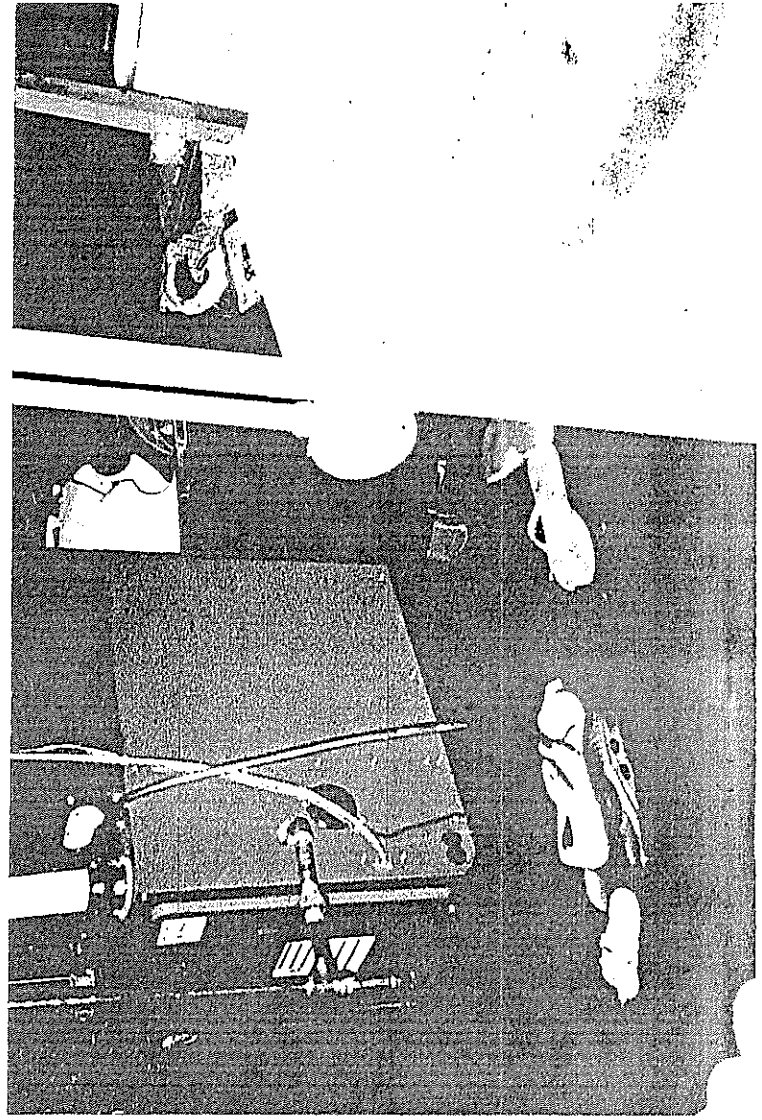
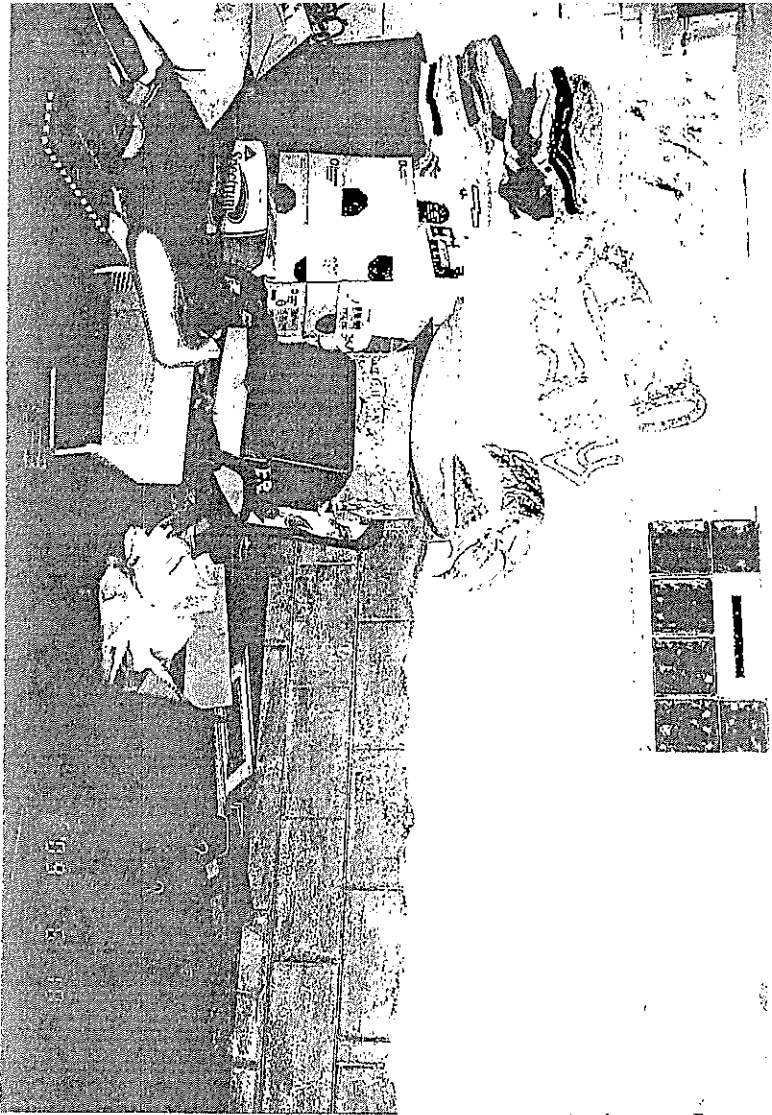


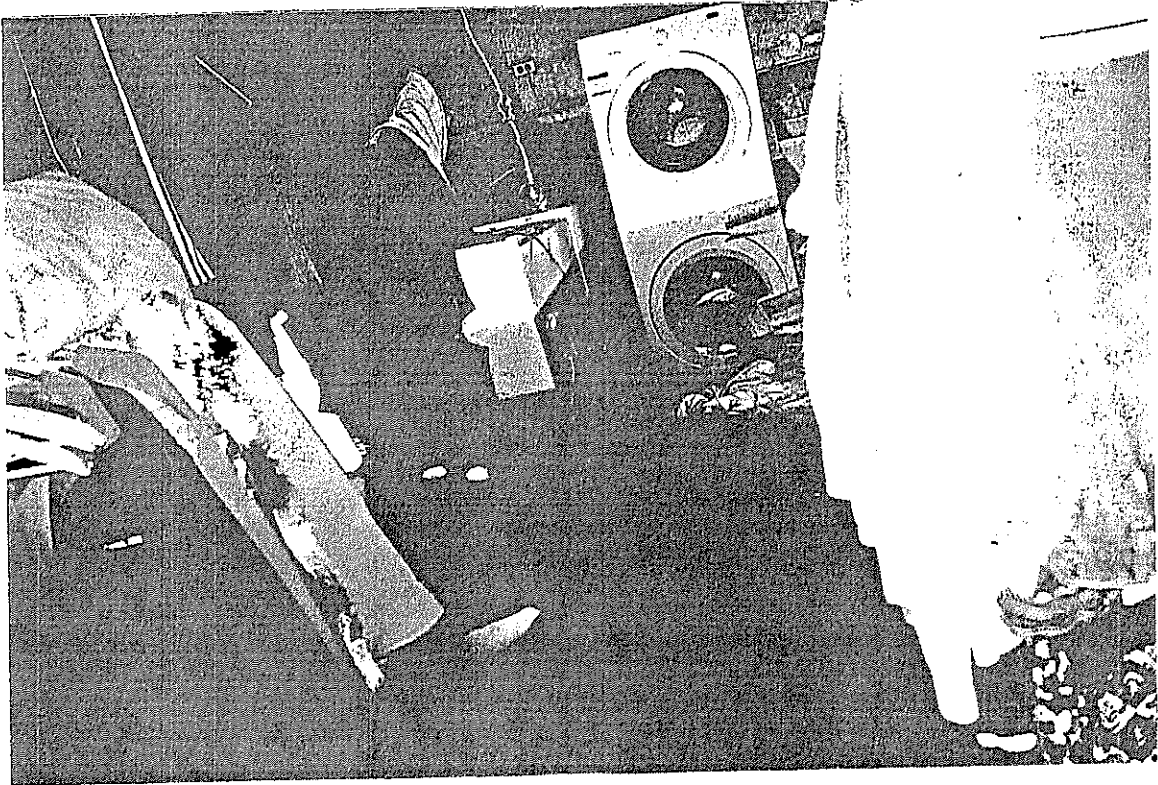
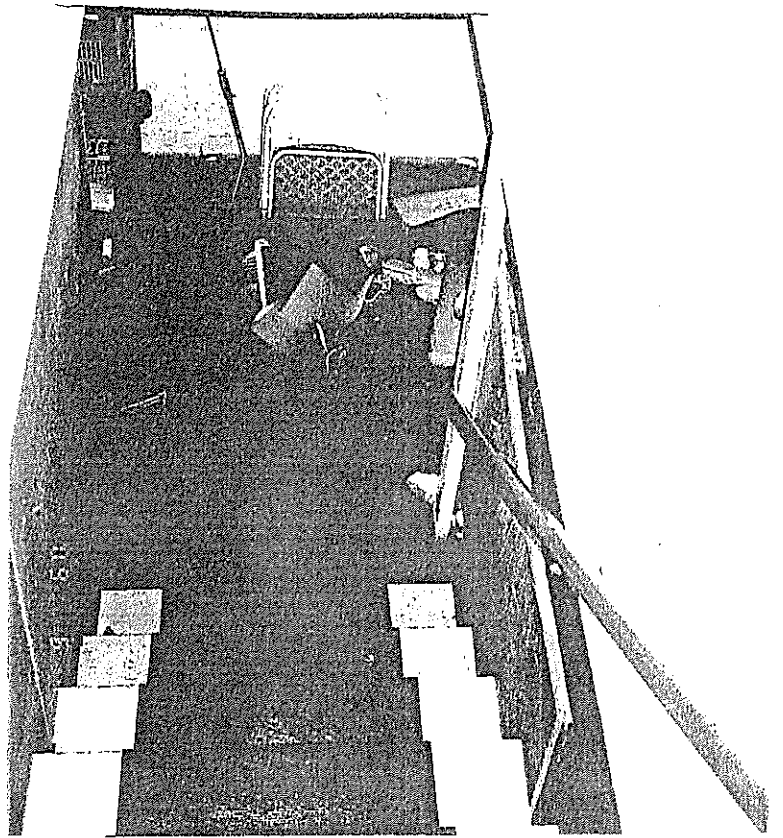
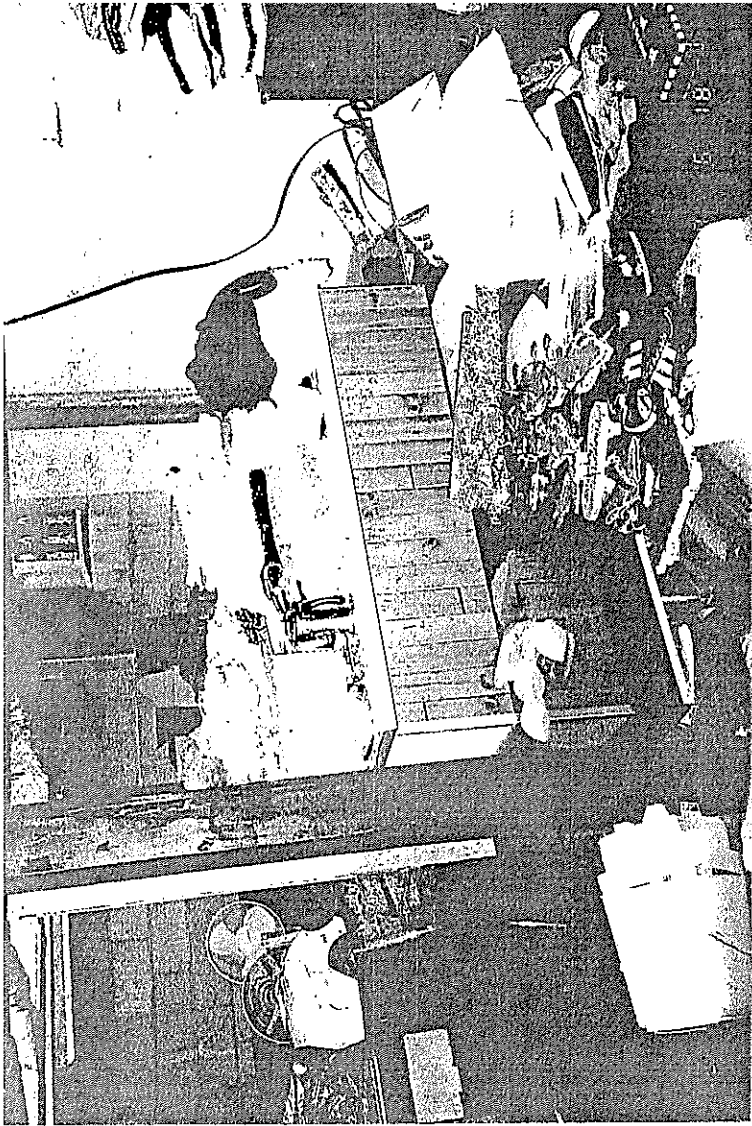
John T. Ecklund



Gayle M. Ecklund

7376 W. Potomac Avenue  
Milwaukee, WI 53216  
414.286.2116 (days)  
414.462.7980 (evenings)











## Legislation Details (With Text)

**File #:** 091316      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution relative to legislative bills.

**Sponsors:** THE CHAIR

**Indexes:** FEDERAL LEGISLATION, STATE LEGISLATION

**Attachments:** Agenda, SB-458.pdf, AB-656.pdf, AB-661.pdf, E-Mail from Dept of Administration re Jobs for Main Street Act, Jobs for Main Street Summary, Jobs for Main Street Act of 2010, Regional Transit Authority Summary, Regional Transit Authority Summary, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091316

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution relative to legislative bills.

**Drafter**

IRD

Mo

1/20/2010

# **LEGISLATIVE HEARING CALENDAR**

**Positions to be taken by the City of Milwaukee on the following bills will be discussed by the**

## **COMMITTEE ON JUDICIARY-LEGISLATION**

**MONDAY, FEBRUARY 1, 2010 AT 3:15 PM**

**Room 301-B City Hall**

SB-458 /            The local regulation of ticket selling and providing a penalty.  
AB-656

AB-661            County and municipal expenditures for emergency services.

Regional Transit Authority Update (LRB-3451/7)

Jobs for Mainstreet Act





## 2009 SENATE BILL 458

January 12, 2010 – Introduced by Senators SULLIVAN, TAYLOR, WIRCH, PLALE, HOLPERIN, DARLING, LASSA, ERPENBACH, OLSEN, KANAVAS and MILLER, cosponsored by Representatives ZEPNICK, FIELDS, SCHNEIDER, STONE, TURNER and HONADEL. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1     **AN ACT** *to renumber* 66.0410 (1) (a) and 66.0410 (1) (b); *to amend* 66.0410 (2)  
2           (a) and 66.0410 (2) (b); and *to create* 66.0410 (1) (ae), 66.0410 (1) (c), 66.0410  
3           (1) (e) and 66.0410 (3) of the statutes; **relating to:** the local regulation of ticket  
4           selling and providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, a city, village, town, or county (political subdivision) may not enact an ordinance or adopt a resolution that prohibits the resale of any ticket to an entertainment event or a sporting event if the resale price is equal to or less than the ticket's face value. Also under current law, the Board of Regents of the University of Wisconsin System (university) may not promulgate a rule or adopt a resolution prohibiting the resale of any ticket for an amount that is equal to or less than the ticket's face value.

This bill authorizes the university or a local governmental unit (a political subdivision, a professional baseball or football district, or the Bradley Center) to create a resale zone, which is defined as the only part of such an entity's property in which a ticket may be resold.

Under the bill, if a person is observed violating a political subdivision's resale zone ordinance, or the university's or another local governmental unit's resale zone requirements, the person may be cited for the violation and removed from the premises and, if convicted, is subject to a forfeiture not to exceed the penalty for a Class C forfeiture, which is a civil penalty with a maximum forfeiture of \$500. If a person violates a resale zone ordinance or requirement a second time, the person may

**SENATE BILL 458**

be permanently prohibited from entering either, or both, of the premises where the violations occurred.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 66.0410 (1) (a) of the statutes is renumbered 66.0410 (1) (be).

2           **SECTION 2.** 66.0410 (1) (ae) of the statutes is created to read:

3           66.0410 (1) (ae) “Local governmental unit” means a political subdivision, a  
4 local professional baseball park district under s. 229.65 (5), a local professional  
5 football stadium district under s. 229.821 (4), or the Bradley Center Sports and  
6 Entertainment Corporation under s. 232.02.

7           **SECTION 3.** 66.0410 (1) (b) of the statutes is renumbered 66.0410 (1) (d).

8           **SECTION 4.** 66.0410 (1) (c) of the statutes is created to read:

9           66.0410 (1) (c) “Resale zone” means property owned by a local governmental  
10 unit or the university that the local governmental unit or university designates as  
11 the only area of its property in which a ticket may be resold.

12           **SECTION 5.** 66.0410 (1) (e) of the statutes is created to read:

13           66.0410 (1) (e) “University” means the Board of Regents of the University of  
14 Wisconsin System.

15           **SECTION 6.** 66.0410 (2) (a) of the statutes is amended to read:

16           66.0410 (2) (a) ~~A Subject to sub. (3), a political subdivision may not enact an~~  
17 ~~ordinance or adopt a resolution and the Board of Regents of the University of~~  
18 ~~Wisconsin System~~ university may not promulgate a rule or adopt a resolution  
19 prohibiting the resale of any ticket for an amount that is equal to or less than the  
20 ticket’s face value.

**SENATE BILL 458**

1           **SECTION 7.** 66.0410 (2) (b) of the statutes is amended to read:

2           66.0410 (2) (b) If a political subdivision or the ~~Board of Regents of the~~  
3 ~~University of Wisconsin System~~ university has in effect on April 22, 2004, an  
4 ordinance, rule, or resolution that is inconsistent with par. (a), the ordinance, rule,  
5 or resolution does not apply and may not be enforced.

6           **SECTION 8.** 66.0410 (3) of the statutes is created to read:

7           66.0410 (3) TICKET RESALE ZONES. (a) A local governmental unit and the  
8 university may create a resale zone. If a political subdivision enacts an ordinance  
9 creating a resale zone, it may enforce the ordinance under par. (b). If the university  
10 or a local governmental unit other than a political subdivision creates a resale zone,  
11 a political subdivision may enforce the requirements of the resale zone, which is  
12 located within its jurisdiction, under par. (b).

13           (b) A person who is observed violating an ordinance or requirement described  
14 under par. (a) may be cited for that violation and removed from the premises and, if  
15 convicted of the violation, is subject to a forfeiture not to exceed the penalty for a  
16 Class C forfeiture under s. 939.52 (3) (c). A person who is cited and removed from  
17 the premises may not return to the premises until the person is convicted or the  
18 citation is dismissed. A person convicted of violating such an ordinance or  
19 requirement for the 2nd time may be permanently prohibited from entering the  
20 premises where either, or both, of the violations occurred.

21           **SECTION 9. Initial applicability.**

22           (1) This act first applies to a ticket that is resold on the effective date of this  
23 subsection.

24

(END)



## 2009 ASSEMBLY BILL 656

January 15, 2010 – Introduced by Representatives ZEPNICK, FIELDS, TURNER, SCHNEIDER, SINICKI, DANOU, HONADEL, STONE, STRACHOTA and PASCH, cosponsored by Senators SULLIVAN, PLALE, HOLPERIN, WIRCH, MILLER, ERPENBACH, TAYLOR, KANAVAS, OLSEN, LASSA and DARLING. Referred to Committee on Tourism, Recreation and State Properties.

1     **AN ACT** *to renumber* 66.0410 (1) (a) and 66.0410 (1) (b); *to amend* 66.0410 (2)  
2           (a) and 66.0410 (2) (b); and *to create* 66.0410 (1) (ae), 66.0410 (1) (c), 66.0410  
3           (1) (e) and 66.0410 (3) of the statutes; **relating to:** the local regulation of ticket  
4           selling and providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, a city, village, town, or county (political subdivision) may not enact an ordinance or adopt a resolution that prohibits the resale of any ticket to an entertainment event or a sporting event if the resale price is equal to or less than the ticket's face value. Also under current law, the Board of Regents of the University of Wisconsin System (university) may not promulgate a rule or adopt a resolution prohibiting the resale of any ticket for an amount that is equal to or less than the ticket's face value.

This bill authorizes the university or a local governmental unit (a political subdivision, a professional baseball or football district, or the Bradley Center) to create a resale zone, which is defined as the only part of such an entity's property in which a ticket may be resold.

Under the bill, if a person is observed violating a political subdivision's resale zone ordinance, or the university's or another local governmental unit's resale zone requirements, the person may be cited for the violation and removed from the premises and, if convicted, is subject to a forfeiture not to exceed the penalty for a Class C forfeiture, which is a civil penalty with a maximum forfeiture of \$500. If a person violates a resale zone ordinance or requirement a second time, the person may

**ASSEMBLY BILL 656**

be permanently prohibited from entering either, or both, of the premises where the violations occurred.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 66.0410 (1) (a) of the statutes is renumbered 66.0410 (1) (be).

2           **SECTION 2.** 66.0410 (1) (ae) of the statutes is created to read:

3           66.0410 (1) (ae) “Local governmental unit” means a political subdivision, a  
4 local professional baseball park district under s. 229.65 (5), a local professional  
5 football stadium district under s. 229.821 (4), or the Bradley Center Sports and  
6 Entertainment Corporation under s. 232.02.

7           **SECTION 3.** 66.0410 (1) (b) of the statutes is renumbered 66.0410 (1) (d).

8           **SECTION 4.** 66.0410 (1) (c) of the statutes is created to read:

9           66.0410 (1) (c) “Resale zone” means property owned by a local governmental  
10 unit or the university that the local governmental unit or university designates as  
11 the only area of its property in which a ticket may be resold.

12           **SECTION 5.** 66.0410 (1) (e) of the statutes is created to read:

13           66.0410 (1) (e) “University” means the Board of Regents of the University of  
14 Wisconsin System.

15           **SECTION 6.** 66.0410 (2) (a) of the statutes is amended to read:

16           66.0410 (2) (a) ~~A- Subject to sub. (3), a political subdivision may not enact an~~  
17 ~~ordinance or adopt a resolution and the Board of Regents of the University of~~  
18 ~~Wisconsin System~~ university may not promulgate a rule or adopt a resolution  
19 prohibiting the resale of any ticket for an amount that is equal to or less than the  
20 ticket’s face value.

**ASSEMBLY BILL 656**

1           **SECTION 7.** 66.0410 (2) (b) of the statutes is amended to read:

2           66.0410 (2) (b) If a political subdivision or the ~~Board of Regents of the~~  
3 ~~University of Wisconsin System~~ university has in effect on April 22, 2004, an  
4 ordinance, rule, or resolution that is inconsistent with par. (a), the ordinance, rule,  
5 or resolution does not apply and may not be enforced.

6           **SECTION 8.** 66.0410 (3) of the statutes is created to read:

7           66.0410 (3) TICKET RESALE ZONES. (a) A local governmental unit and the  
8 university may create a resale zone. If a political subdivision enacts an ordinance  
9 creating a resale zone, it may enforce the ordinance under par. (b). If the university  
10 or a local governmental unit other than a political subdivision creates a resale zone,  
11 a political subdivision may enforce the requirements of the resale zone, which is  
12 located within its jurisdiction, under par. (b).

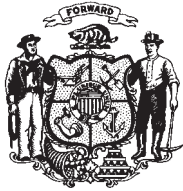
13           (b) A person who is observed violating an ordinance or requirement described  
14 under par. (a) may be cited for that violation and removed from the premises and, if  
15 convicted of the violation, is subject to a forfeiture not to exceed the penalty for a  
16 Class C forfeiture under s. 939.52 (3) (c). A person who is cited and removed from  
17 the premises may not return to the premises until the person is convicted or the  
18 citation is dismissed. A person convicted of violating such an ordinance or  
19 requirement for the 2nd time may be permanently prohibited from entering the  
20 premises where either, or both, of the violations occurred.

21           **SECTION 9. Initial applicability.**

22           (1) This act first applies to a ticket that is resold on the effective date of this  
23 subsection.

24

(END)



## 2009 ASSEMBLY BILL 661

January 21, 2010 – Introduced by Representatives GOTTLIEB, ZIEGELBAUER, ZIGMUNT, STRACHOTA, LEMAHIEU, BROOKS, VOS, KLEEFISCH, KESTELL, TOWNSEND, A. OTT, PETROWSKI, RIPP, HONADEL, GUNDERSON and KNODL, cosponsored by Senators ELLIS, OLSEN, DARLING, LAZICH and GROTHMAN. Referred to Committee on Urban and Local Affairs.

1     **AN ACT** *to repeal* 79.07 of the statutes; **relating to:** county and municipal  
2             expenditures for emergency services.

---

***Analysis by the Legislative Reference Bureau***

Under current law, beginning in 2010, the amount that each county and municipality spends each year for emergency services that are funded from county and municipal aid payments (shared revenue) must be no less than the amount that the county or municipality spent in 2009 for emergency services funded from shared revenue. This bill repeals that requirement.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3             **SECTION 1.** 79.07 of the statutes, as created by 2009 Wisconsin Act 28, is  
4             repealed.

5   **(END)**

**From:** Robinson, Sharon  
**Sent:** Wednesday, January 27, 2010 10:28 AM  
**To:** Wood, Brenda  
**Cc:** Davis Sr., Joe; Hamilton, Ashanti; Elmer, Linda  
**Subject:** Jobs for Mainstreet Act

**Attachments:** Jobs\_for\_Main\_Street\_Act\_of\_2010\_Summary.pdf;  
jobsformainstreetact111\_hr2847hamndsamnd.pdf

Hi Brenda –

As we discussed, here is information about the Jobs for Main Street Act of 2010. I will be prepared to discuss this at the next Judiciary and Legislation meeting (on February 1<sup>st</sup>) assuming it is placed on the agenda as you anticipate (per Ald. Davis' request).

Attached you will find a detailed summary of the bill prepared by the staff of Rep. Obey as well as the actual text of the bill. Both of these documents can be included in the briefing packets of members of Judiciary and Legislation assuming this is a scheduled agenda item. As you know, the bill passed the House of Representatives on December 16<sup>th</sup>. However, the Senate has yet to act.

As I noted, I have had past conversations with both Congresswoman Moore's office and Senator Kohl's office about this legislation. According to Senator Kohl's office, they are anticipating that a Senate version will be introduced sometime around early to mid-February. As the summaries notes, this is a major job creation/jobs savings bill that provides \$75 billion in targeted investments for highways and transit, school renovation, hiring teachers, police, and firefighters, small business, job training and affordable housing. These investments are fully paid by redirecting TARP funds for Wall Street.

As I also noted, Jobs for Main Street Act will be included in the recommended Federal Legislative Agenda DOA is currently working on and plans to present the Judiciary and Legislation Committee soon. However, it makes sense for the Council to go on record now in support of this legislation now. If you have further questions, please let me know.

Sharon Robinson  
Director – Department of Administration  
City of Milwaukee  
414-286-3828





# COMMITTEE ON APPROPRIATIONS

DAVID R. OBEY, CHAIRMAN

Tuesday, December 15, 2009

Press Contact: Ellis Brachman / Jenilee Keefe Singer, Full Committee (202) 225-2771

## SUMMARY: JOBS FOR MAIN STREET ACT OF 2010

The country is struggling to overcome the longest and deepest economic downturn since the Great Depression. With eight million jobs lost and 15 million people still out of work, the number of unemployed has more than doubled in the last two years. Main Street has been hit especially hard. Many families cannot pay their bills or mortgage payments, and trillions of dollars of wealth have been stripped from retirement accounts. The recession has led to job cuts and reductions in vital services, including education and health, which help some of the most vulnerable among us.

At the start of the year, the nation's economy was in disastrous freefall, losing nearly one million full time jobs a month. Nothing could prevent additional job losses, but Congress had an obligation to act to limit job loss as much as possible. That is why the Recovery Act was passed, and it is doing what it was intended to do. It has supported over a million jobs – including teachers, police officers, and construction workers – and limited cutbacks in critical services that would have otherwise been necessary for states to keep a balanced budget this year. And the rate of job loss has declined, with only 11,000 jobs lost last month.

Unfortunately, families and small businesses are still struggling to make ends meet in these tough economic times. Continued high unemployment takes a toll – both on those unemployed and their families who experience the frustration of not finding work and on their community which must support them. Additional government action is required to help. That is why the Jobs for Main Street Act of 2010 redirects \$75 billion in Troubled Asset Relief Program (TARP) savings from Wall Street to Main Street to fund infrastructure and job investments to further stabilize jobs and provides additional emergency funding to help families who are suffering.

## KEY INVESTMENTS MADE BY REDIRECTING FUNDS FROM WALL STREET TO MAIN STREET:

### STABILIZING JOBS THROUGH INFRASTRUCTURE INVESTMENTS

The bill redirects \$48.3 billion from Wall Street to help put people to work rebuilding our crumbling roads and bridges, modernizing public buildings, and cleaning our air and water, including:

- **Highway Infrastructure:** \$27.5 billion to make additional highway infrastructure investments. These projects support jobs in the short term while saving commuters time and money in the long term.
- **Transit:** \$8.4 billion for public transportation investments including \$6.15 billion for urban and rural formula grants; \$500 million for capital investment grants for new or expanded fixed guideway projects; and \$1.75 billion in formula funds to address repair needs of existing subway, light rail and commuter rail systems. Public transportation saves Americans time and money, saving as much as 4.2 billion gallons of gasoline and reducing carbon emissions by 37 million metric tons each year.
- **Amtrak:** \$800 million for capital grants to Amtrak for the acquisition and rehabilitation of rolling stock and passenger equipment to improve the speed and capacity of intercity passenger rail service. This investment will increase the fuel efficiency of Amtrak's locomotives and support domestic production of passenger rail equipment.

- **Airport Improvement Grants:** \$500 million for airport improvement projects that will support putting people to work to improve safety and reduce congestion at our nation's airports. An estimated \$49.7 billion is needed between 2009 and 2013 to fully fund eligible airport infrastructure projects.
- **Maritime Administration:** \$100 million for the Maritime Guaranteed Loan (Title XI) program to allow vessel and shipyard owners to obtain long-term financing for growth and modernization projects.
- **Clean Water:** \$2 billion to help communities provide clean and safe water for both their citizens and the environment, including \$1 billion for the Clean Water State Revolving Fund and \$1 billion for the Safe Drinking Water State Revolving Fund. This funding will assist more than 670 communities address the ever growing backlog of sewer and water repairs and rehabilitation. Half of the funds will include additional subsidies, such as principal forgiveness and grants, to make it easier for more communities to access the programs.
- **Bureau of Reclamation:** \$100 million to provide clean, reliable drinking water to rural areas and to ensure adequate water supply to areas impacted by drought.
- **Corps of Engineers:** \$715 million for environmental restoration, flood protection, hydropower, and navigation infrastructure projects by the Corps of Engineers. The Corps has a construction backlog of \$61 billion.
- **Energy Innovation Loans:** \$2 billion for the Department of Energy Innovative Technology Loan Guarantee Program, to promote the rapid deployment of renewable energy and electric transmission projects.
- **School Renovation Grants:** \$4.1 billion to allow State, local, or tribal governments to receive a federal grant equal to the cost of tax credits that would otherwise be payable on bonds issued to finance school construction, rehabilitation or repair.
- **Housing Trust Fund:** \$1 billion for the National Housing Trust Fund to provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low-income households; and \$65 million for project-based vouchers to support units built by the Trust Fund. Nationwide, for every 100 extremely low-income renter households, there are only 37 homes they can afford. Additionally, capital expenditures for housing will support jobs in the construction industry.
- **Public Housing Capital Fund:** \$1 billion for the Public Housing Capital Fund for additional repairs and rehabilitation of public housing. Every dollar of Capital Fund expenditures produces \$2.12 in economic return. In fiscal year 2009, HUD received applications totaling \$3.7 billion for Capital Fund projects, but was only able to fund \$1 billion in awards. This funding will spur construction quickly, as HUD has ready-to-go applications for projects on hand.

## **STABILIZING PUBLIC SERVICE JOBS**

The bill redirects \$26.7 billion from Wall Street to stabilize public service jobs such as teachers, firefighters, and police officers, including:

- **Education Jobs Fund:** \$23 billion for an Education Jobs Fund to help States support an estimated 250,000 education jobs over the next two years. 95% of the funds will be allocated by States to school districts and public institutions of higher education to retain or create jobs to provide educational services and to modernize, renovate, and repair public education facilities. The remaining 5% of funds is reserved for State education-related jobs and administration of the Education Jobs Fund.
- **Law Enforcement Jobs:** \$1.18 billion to support putting over 5,500 law enforcement officers on the beat throughout the United States.

- **Firefighter Jobs:** \$500 million to retain, rehire, and hire firefighters across the United States. According to the International Association of Firefighters, nearly 6,000 firefighters have been laid off or are subject to layoffs. An additional 6,000 positions have been lost through attrition. Any unused funds may be transferred to firefighter assistance equipment grants.
- **AmeriCorps:** \$200 million for AmeriCorps programs and the National Service Trust, to support an additional 25,000 AmeriCorps Members. This funding will enable those individuals to serve their communities while earning an education award to further their education or pay off student loans. AmeriCorps members conduct vital services for nonprofits and communities including financial counseling, disaster response, housing support, and after school programs. Between November 2008 and April 2009, AmeriCorps received 76,404 online applications, up 230% compared to the same period in the year before.
- **Summer Youth Employment:** \$500 million for a summer employment program for youth. According to the Bureau of Labor Statistics (BLS), the unemployment rate for teenagers (age 16 to 19) reached 26.7% in November 2009 – the highest level recorded since BLS began collecting data. These funds will support summer youth employment for approximately 250,000 disadvantaged youth.
- **College Work Study:** \$300 million to support the College Work Study program, which supports low- and moderate-income undergraduate and graduate students who work while attending college. Together with institutional matching funds, this appropriation will help approximately 250,000 students stay in school.
- **Parks and Forestry Workers:** \$270 million to support putting people to work improving and protecting federal, state, and local public lands. These funds will support approximately 14,000 short-term jobs, improving service to visitors, reducing the large backlog in facilities and habitat restoration needs, and reducing hazardous fuels that lead to damaging and expensive wildfires.
- **Job Training for High Growth Fields:** \$750 million for competitive grants to support job training for approximately 150,000 individuals in high growth and emerging industry sectors, particularly in the health care and green industries that are adding jobs despite difficult economic conditions. Grants for job training in green industries will focus on programs that train workers living in areas of high poverty.

## CONTINUING EMERGENCY FUNDING:

### EMERGENCY RELIEF FOR FAMILIES HURT BY THE ECONOMY

High unemployment and rising costs have outpaced Americans' paychecks. The bill continues emergency help to working families to make ends meet at a cost of \$79 billion, including:

- **Unemployment Insurance:** \$41 billion to extend, for six months, expanded unemployment benefits, including increased payouts and longer duration of benefits.
- **Help with Health Insurance for Unemployed Workers (COBRA):** \$12.3 billion to extend from nine to 15 months the 65% COBRA health insurance subsidy for individuals who have lost their jobs. The job lost eligibility date is extended in the provision to June 30, 2010. Approximately seven million people benefited from the premium subsidy provided in the Recovery Act.
- **Small Business Loans:** \$354 million, fully offset, to allow the Small Business Administration (SBA) to continue two temporary loan guarantee authorities through the end of fiscal year 2010 to make loans more attractive to borrowers and lenders and to free up capital. Small businesses represent a major engine for the U.S. economy, but many small business owners have had a difficult time securing needed loans in these tight economic times.

- **FMAP Extension:** \$23.5 billion to extend the higher federal match for payments to doctors providing services to low-income families under Medicaid through June 2011. The higher federal match provides an incentive for states to commit resources to their Medicaid programs and helps ensure services for Medicaid beneficiaries.
- **Child Tax Credit:** \$2.3 billion to increase eligibility for the refundable portion of the child tax credit by removing the \$3,000 floor for 2010. That will cut taxes for the families of 16 million children, by making the Child Tax Credit available to all low-income working families with children in 2010.
- **Assistance Eligibility:** \$305 million to freeze Department of Health and Human Services (HHS) poverty guidelines at 2009 levels in order to prevent a reduction in eligibility for certain means-tested programs, including Medicaid, Supplemental Nutrition Assistance Program (SNAP), and child nutrition.
- **Income Tax Refund Disregard:** Provides that individuals may exclude counting tax refunds as income for the purpose of assessing eligibility for means-tested programs supported by Federal funds for one year.
- **Social Security Legal Assistance:** The bill permanently authorizes a provision to help Social Security and Supplemental Security Income disability claimants retain legal representation. The provision limits attorney fees to 25% of the claimant's past-due benefits, only paid if the claimant wins and subject to a \$6,000 cap.

## **OTHER ITEMS**

- **Surface Transportation Authorization Extension:** Extends the authorization for the highway, transit, highway safety and motor carrier safety programs of the Department of Transportation until September 30, 2010. In addition, the bill includes language that provides 100% federal share for the transportation programs authorized in the title, repeals the provision that prohibits Highway Trust Fund balances from earning interest, and restores \$20 billion to the Highway Trust Fund.
- **USDA Civil Rights Claims:** Corrects an administrative injustice by extending the statute of limitations for claims of discrimination in USDA's credit programs that have been pending for years at USDA, and provides funding for remedies which is fully offset.

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.R. 2847**

In lieu of the matter proposed to be inserted by the  
amendment of the Senate, insert the following:

1       *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2010, and for other pur-*  
4 *poses, namely:*

5           *TITLE I—INFRASTRUCTURE AND JOBS*

6                   *INVESTMENT*

7                           *CHAPTER 1—JUSTICE*

8                                   *DEPARTMENT OF JUSTICE*

9   *COMMUNITY ORIENTED POLICING SERVICES*

10   *(INCLUDING TRANSFER OF FUNDS)*

11       *For an additional amount for “Community Oriented*  
12 *Policing Services”, for grants under section 1701 of title*  
13 *I of the 1968 Omnibus Crime Control and Safe Streets Act*  
14 *(42 U.S.C. 3796dd) for hiring and rehiring of additional*  
15 *career law enforcement officers under part Q of such title,*  
16 *notwithstanding subsection (i) of such section,*  
17 *\$1,179,000,000, of which \$2,950,000 shall be transferred to*  
18 *“State and Local Law Enforcement Activities, Salaries and*

1 *Expenses” for management, administration and oversight*  
2 *of such grants.*

3 *CHAPTER 2—ENERGY AND WATER*

4 *DEVELOPMENT*

5 *CORPS OF ENGINEERS—CIVIL WORKS*

6 *DEPARTMENT OF THE ARMY*

7 *CORPS OF ENGINEERS—CIVIL*

8 *CONSTRUCTION*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For an additional amount for “Construction”,*  
11 *\$715,000,000: Provided, That section 102 of Public Law*  
12 *109–103 (33 U.S.C. 2221) shall not apply to funds provided*  
13 *in this title: Provided further, That not less than*  
14 *\$30,000,000 of the funds provided shall be for water-related*  
15 *environmental infrastructure assistance: Provided further,*  
16 *That up to \$30,000,000 of the funds provided under this*  
17 *heading may be transferred to “Mississippi Rivers and*  
18 *Tributaries” for authorized projects and activities: Provided*  
19 *further, That notwithstanding any other provision of law,*  
20 *funds provided under this heading shall not be cost shared*  
21 *with the Inland Waterways Trust Fund as authorized in*  
22 *Public Law 99–662: Provided further, That funds provided*  
23 *under this heading shall only be allocated to programs,*  
24 *projects or activities that heretofore received funds provided*  
25 *in Acts making appropriations available for Energy and*

1 *Water Development and that are selected using only the fol-*  
2 *lowing criteria in order of priority: programs, projects or*  
3 *activities that can be commenced quickly; programs,*  
4 *projects or activities that will create immediate employ-*  
5 *ment; programs, projects or activities that will be executed*  
6 *by contract or direct hire of temporary labor; and pro-*  
7 *grams, projects or activities that are located in a State with*  
8 *high unemployment: Provided further, That the limitation*  
9 *concerning total project costs in section 902 of the Water*  
10 *Resources Development Act of 1986 (33 U.S.C. 2280), shall*  
11 *not apply during fiscal years 2010 and 2011 for any project*  
12 *receiving funds provided in this title: Provided further,*  
13 *That for projects that are being completed with funds ap-*  
14 *propriated in this paragraph that would otherwise be ex-*  
15 *pired for obligation, expired funds appropriated in this*  
16 *paragraph may be used to pay the cost of associated super-*  
17 *vision, inspection, overhead, engineering and design on*  
18 *those projects and on subsequent claims, if any: Provided*  
19 *further, That funds made available under this heading shall*  
20 *be apportioned by the Office of Management and Budget*  
21 *not later than 30 days after the date of enactment of this*  
22 *Act and allocated by the Secretary of the Army to specific*  
23 *programs, projects or activities not later than 45 days after*  
24 *the date of enactment of this Act: Provided further, That*  
25 *the Secretary of the Army shall submit a quarterly report*

1 *to the Committees on Appropriations of the House of Rep-*  
2 *resentatives and the Senate detailing the allocation, obliga-*  
3 *tion and expenditures of these funds, including an expla-*  
4 *nation of how each selected program, project or activity ful-*  
5 *fills the funding criteria above, beginning not later than*  
6 *45 days after the date of enactment of this Act: Provided*  
7 *further, That the Secretary shall have unlimited reprogram-*  
8 *ming authority for the funds provided under this heading:*  
9 *Provided further, That up to 0.5 percent of funds provided*  
10 *under this heading may be transferred to “Expenses” for*  
11 *the purposes of management and oversight of the programs,*  
12 *projects or activities funded by this paragraph.*

13 *DEPARTMENT OF THE INTERIOR*

14 *BUREAU OF RECLAMATION*

15 *WATER AND RELATED RESOURCES*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For an additional amount for “Water and Related Re-*  
18 *sources”, \$100,000,000: Provided, That of the amount ap-*  
19 *propriated under this heading, not less than \$26,000,000*  
20 *shall be used for water reclamation and reuse projects au-*  
21 *thorized under title XVI of Public Law 102–575: Provided*  
22 *further, That up to \$30,000,000 of the funds provided under*  
23 *this heading may be used for programs, projects, and activi-*  
24 *ties authorized by Public Law 108–361 and up to*  
25 *\$10,000,000 of the funds provided under this heading may*



1 *be transferred to the Department of the Interior for pro-*  
2 *grams, projects, and activities authorized by titles II–V of*  
3 *Public Law 102–575: Provided further, That funds pro-*  
4 *vided under this heading shall only be allocated to pro-*  
5 *grams, projects or activities that heretofore received funds*  
6 *provided in Acts making appropriations available for En-*  
7 *ergy and Water Development: Provided further, That for*  
8 *projects that are being completed with funds appropriated*  
9 *in this paragraph that would otherwise be expired for obli-*  
10 *gation, expired funds appropriated in this paragraph may*  
11 *be used to pay the cost of associated supervision, inspection,*  
12 *overhead, engineering and design on those projects and on*  
13 *subsequent claims, if any: Provided further, That the Sec-*  
14 *retary of the Interior shall submit a quarterly report to the*  
15 *Committees on Appropriations of the House of Representa-*  
16 *tives and the Senate detailing the allocation, obligation and*  
17 *expenditures of these funds, beginning not later than 45*  
18 *days after the date of enactment of this Act: Provided fur-*  
19 *ther, That the Secretary shall have unlimited reprogram-*  
20 *ming authority for the funds provided under this heading:*  
21 *Provided further, That up to 0.5 percent of funds appro-*  
22 *priated under this heading may be transferred to “Policy*  
23 *and Administration” for the purposes of management and*  
24 *oversight of the programs, projects, or activities funded by*  
25 *this paragraph.*

1                                    *DEPARTMENT OF ENERGY*  
2                                    *ENERGY PROGRAMS*  
3        *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*  
4                                    *PROGRAM*

5            *For an additional amount for “Title 17 Innovative*  
6 *Technology Loan Guarantee Program” for the cost of guar-*  
7 *anteed loans authorized by section 1705 of the Energy Pol-*  
8 *icy Act of 2005, \$2,000,000,000, available until expended:*  
9 *Provided, That the cost of such loans, including the cost*  
10 *of modifying such loans, shall be as defined in section 502*  
11 *of the Congressional Budget Act of 1974.*

12                                    *GENERAL PROVISION, THIS CHAPTER*  
13        *INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN*  
14                                    *GUARANTEE PROGRAM*

15        *SEC. 1201. (a) SPECIFIC APPROPRIATION OR CON-*  
16 *TRIBUTION.—Section 1702 of the Energy Policy Act of 2005*  
17 *(42 U.S.C. 16512) is amended—*

18                                    *(1) by striking subsection (b) and inserting the*  
19 *following:*

20        *“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—*

21                                    *“(1) IN GENERAL.—No guarantee shall be made*  
22 *unless—*

23                                    *“(A) an appropriation for the cost has been*  
24 *made;*

1           “(B) the Secretary has received from the  
2           borrower a payment in full for the cost of the ob-  
3           ligation and deposited the payment into the  
4           Treasury; or

5           “(C) a combination of appropriations or  
6           payments from the borrower has been made suffi-  
7           cient to cover the cost of the obligation.

8           “(2) *LIMITATION.*—The source of payments re-  
9           ceived from a borrower under paragraph (1)(B) or  
10          (C) shall not be a loan or other debt obligation that  
11          is made or guaranteed by the Federal Government.”;  
12          and

13          (2) by adding at the end the following:

14          “(k) *CREDIT REPORT.*—If, in the opinion of the Sec-  
15          retary, a third-party credit rating of the applicant or  
16          project is not relevant to the determination of the credit  
17          risk of a project, if the project costs are not projected to  
18          exceed \$100,000,000, and the applicant agrees to accept the  
19          credit rating assigned to the applicant by the Secretary,  
20          the Secretary may waive any otherwise applicable require-  
21          ment (including any requirement described in part 609 of  
22          title 10, Code of Federal Regulations) to provide a third-  
23          party credit report.

24          “(l) *DIRECT HIRE AUTHORITY.*—

1           “(1) *IN GENERAL.*—Notwithstanding section  
2           3304 and sections 3309 through 3318 of title 5,  
3           United States Code, the head of the loan guarantee  
4           program under this title (referred to in this subsection  
5           as the ‘Executive Director’) may, on a determination  
6           that there is a severe shortage of candidates or a se-  
7           vere hiring need for particular positions to carry out  
8           the functions of this title, recruit and directly appoint  
9           highly qualified critical personnel with specialized  
10          knowledge important to the function of the programs  
11          under this title into the competitive service.

12          “(2) *EXCEPTION.*—The authority granted under  
13          paragraph (1) shall not apply to positions in the ex-  
14          cepted service or the Senior Executive Service.

15          “(3) *REQUIREMENTS.*—In exercising the author-  
16          ity granted under paragraph (1), the Executive Di-  
17          rector shall ensure that any action taken by the Exec-  
18          utive Director—

19                  “(A) is consistent with the merit principles  
20                  of section 2301 of title 5, United States Code;  
21                  and

22                  “(B) complies with the public notice re-  
23                  quirements of section 3327 of title 5, United  
24                  States Code.

1           “(4) *SUNSET.*—*The authority provided under*  
2           *paragraph (1) shall terminate on January 1, 2011.*”

3           “(m) *MULTIPLE SITES.*—*Notwithstanding any con-*  
4           *trary requirement (including any provision under part*  
5           *609.12 of title 10, Code of Federal Regulations) an eligible*  
6           *project may be located on 2 or more non-contiguous sites*  
7           *in the United States.*”.

8           (b) *APPLICATIONS FOR MULTIPLE ELIGIBLE*  
9           *PROJECTS.*—*Section 1705 of the Energy Policy Act of 2005*  
10          *(42 U.S.C. 16516) is amended—*

11           (1) *by redesignating subsection (e) as subsection*  
12          *(f); and*

13           (2) *by inserting after subsection (d) the fol-*  
14          *lowing:*

15          “(e) *MULTIPLE APPLICATIONS.*—*Notwithstanding any*  
16          *contrary requirement (including any provision under part*  
17          *609.3(a) of title 10, Code of Federal Regulations), a project*  
18          *applicant or sponsor of an eligible project may submit an*  
19          *application for more than 1 eligible project under this sec-*  
20          *tion.*”.

21          (c) *ENERGY EFFICIENCY LOAN GUARANTEES.*—*Sec-*  
22          *tion 1705(a) of the Energy Policy Act of 2005 (42 U.S.C.*  
23          *16516(a)) is amended by adding at the end the following:*

1           “(4) *Energy efficiency projects, including*  
2           *projects to retrofit residential, commercial, and indus-*  
3           *trial buildings, facilities, and equipment.*”.

4           *CHAPTER 3—HOMELAND SECURITY*  
5           *DEPARTMENT OF HOMELAND SECURITY*  
6           *FEDERAL EMERGENCY MANAGEMENT AGENCY*  
7           *FIREFIGHTER ASSISTANCE GRANTS*

8           *For an additional amount for “Firefighter Assistance*  
9           *Grants” for necessary expenses for programs authorized by*  
10          *section 34 of the Federal Fire Prevention and Control Act*  
11          *of 1974 (15 U.S.C. 2229a), \$500,000,000: Provided, That*  
12          *notwithstanding any provision under section 34(a)(1)(A) of*  
13          *such Act specifying that grants must be used to increase*  
14          *the number of firefighters in fire departments, the Secretary*  
15          *of Homeland Security, in making grants under section 34*  
16          *of such Act for fiscal year 2010, shall grant waivers from*  
17          *the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and*  
18          *(c)(4)(A) of such section: Provided further, That section*  
19          *34(a)(1)(E) of such Act shall not apply with respect to*  
20          *funds appropriated in this or any other Act making appro-*  
21          *priations for fiscal year 2010 for grants under section 34*  
22          *of such Act: Provided further, That the Secretary of Home-*  
23          *land Security, in making grants under section 34 of such*  
24          *Act, shall ensure that funds appropriated under this or any*  
25          *other Act making appropriations for fiscal year 2010 are*

1 *made available for the retention of firefighters and shall*  
2 *award grants not later than 120 days after the date of en-*  
3 *actment of this Act: Provided further, That the Secretary*  
4 *may transfer any unused funds under this heading to make*  
5 *grants for programs authorized by section 33 of such Act*  
6 *(15 U.S.C. 2229) after notification to the Committees on*  
7 *Appropriations of the Senate and the House of Representa-*  
8 *tives.*

9 *CHAPTER 4—INTERIOR AND ENVIRONMENT*

10 *DEPARTMENT OF THE INTERIOR*

11 *BUREAU OF LAND MANAGEMENT*

12 *MANAGEMENT OF LANDS AND RESOURCES*

13 *For an additional amount for “Management of Lands*  
14 *and Resources”, for activities on all Bureau of Land Man-*  
15 *agement lands using term employment, \$20,000,000.*

16 *UNITED STATES FISH AND WILDLIFE SERVICE*

17 *RESOURCE MANAGEMENT*

18 *For an additional amount for “Resource Manage-*  
19 *ment”, for activities using term employment, \$30,000,000.*

20 *NATIONAL PARK SERVICE*

21 *OPERATION OF THE NATIONAL PARK SYSTEM*

22 *For an additional amount for “Operation of the Na-*  
23 *tional Park System”, for activities on all national park*  
24 *units using term employment, \$50,000,000.*

1                    *DEPARTMENT-WIDE PROGRAMS*

2                    *WILDLAND FIRE MANAGEMENT*

3            *For an additional amount for “Wildland Fire Man-*  
4 *agement”, for hazardous fuels reduction and related activi-*  
5 *ties including necessary inventory and monitoring, using*  
6 *term employment, \$20,000,000.*

7                    *ENVIRONMENTAL PROTECTION AGENCY*

8                    *STATE AND TRIBAL ASSISTANCE GRANTS*

9                    *(INCLUDING TRANSFERS OF FUNDS)*

10           *For an additional amount for “State and Tribal As-*  
11 *sistance Grants”, \$2,000,000,000, of which \$1,000,000,000*  
12 *shall be for capitalization grants for the Clean Water State*  
13 *Revolving Funds under title VI of the Federal Water Pollu-*  
14 *tion Control Act and \$1,000,000,000 shall be for capitaliza-*  
15 *tion grants under section 1452 of the Safe Drinking Water*  
16 *Act: Provided, That the Administrator may retain up to*  
17 *1 percent of the funds appropriated herein for management*  
18 *and oversight purposes: Provided further, That funds ap-*  
19 *propriated herein shall not be subject to the matching or*  
20 *cost share requirements of sections 602(b)(2), 602(b)(3) or*  
21 *202 of the Federal Water Pollution Control Act nor the*  
22 *matching requirements of section 1452(e) of the Safe Drink-*  
23 *ing Water Act: Provided further, That the Administrator*  
24 *shall reallocate funds appropriated herein for the Clean and*  
25 *Drinking Water State Revolving Funds (Revolving Funds)*



1 *where projects are not under contract or construction with-*  
2 *in 8 months of the date of enactment of this Act: Provided*  
3 *further, That notwithstanding the priority rankings they*  
4 *would otherwise receive under each program, priority for*  
5 *funds appropriated herein shall be given to projects on a*  
6 *State priority list that are ready to proceed to construction*  
7 *within 12 months of the date of enactment of this Act: Pro-*  
8 *vided further, That notwithstanding the requirements of sec-*  
9 *tion 603(d) of the Federal Water Pollution Control Act or*  
10 *section 1452(f) of the Safe Drinking Water Act, for the*  
11 *funds appropriated herein, each State shall use not less*  
12 *than 50 percent of the amount of its capitalization grants*  
13 *to provide additional subsidization to eligible recipients in*  
14 *the form of forgiveness of principal, negative interest loans*  
15 *or grants or any combination of these: Provided further,*  
16 *That, to the extent there are sufficient eligible project appli-*  
17 *cations, not less than 20 percent of the funds appropriated*  
18 *herein for the Revolving Funds shall be for projects to ad-*  
19 *dress green infrastructure, water or energy efficiency im-*  
20 *provements or other environmentally innovative activities:*  
21 *Provided further, That notwithstanding the limitation on*  
22 *amounts specified in section 518(c) of the Federal Water*  
23 *Pollution Control Act, up to 2.0 percent of the funds appro-*  
24 *riated herein for the Clean Water State Revolving Funds*  
25 *may be reserved by the Administrator for tribal grants*

1 *under section 518(c) of such Act: Provided further, That up*  
2 *to 4 percent of the funds appropriated herein for tribal set-*  
3 *asides under the Revolving Funds may be transferred to the*  
4 *Indian Health Service to support management and over-*  
5 *sight of tribal projects: Provided further, That none of the*  
6 *funds appropriated herein shall be available for the pur-*  
7 *chase of land or easements as authorized by section 603(c)*  
8 *of the Federal Water Pollution Control Act or for activities*  
9 *authorized by section 1452(k) of the Safe Drinking Water*  
10 *Act: Provided further, That notwithstanding section*  
11 *603(d)(2) of the Federal Water Pollution Control Act and*  
12 *section 1452(f)(2) of the Safe Drinking Water Act, funds*  
13 *may be used to buy, refinance, or restructure the debt obli-*  
14 *gations of eligible recipients only where such debt was in-*  
15 *curred on or after October 1, 2009: Provided further, That*  
16 *section 1606 of title XVI of Public Law 111–5 shall apply*  
17 *to the use of the funds provided under this heading.*

18 *DEPARTMENT OF AGRICULTURE*

19 *FOREST SERVICE*

20 *STATE AND PRIVATE FORESTRY*

21 *For an additional amount for “State and Private For-*  
22 *estry”, for financial assistance to States and territories for*  
23 *authorized activities using term employment, \$75,000,000.*

1                                    *NATIONAL FOREST SYSTEM*

2            *For an additional amount for “National Forest Sys-*  
3 *tem”, for activities on the National Forest System using*  
4 *term employment, \$40,000,000.*

5                                    *WILDLAND FIRE MANAGEMENT*

6            *For an additional amount for “Wildland Fire Man-*  
7 *agement”, for hazardous fuels reduction and related activi-*  
8 *ties using term employment, \$35,000,000.*

9                                    *GENERAL PROVISIONS, THIS CHAPTER*

10                                    *(INCLUDING TRANSFER OF FUNDS)*

11            *SEC. 1401. Funds made available to the Environ-*  
12 *mental Protection Agency by this Act for management and*  
13 *oversight purposes shall remain available until September*  
14 *30, 2012, and may be transferred to the “Environmental*  
15 *Programs and Management” account as needed.*

16            *SEC. 1402. In carrying out the work for which funds*  
17 *in this title are being made available, the Secretary of the*  
18 *Interior and the Secretary of Agriculture shall utilize, to*  
19 *the maximum extent practicable, the Public Lands Corps,*  
20 *Youth Conservation Corps, Student Conservation Associa-*  
21 *tion, Job Corps, Corps Network members, and other related*  
22 *partnerships with Federal, State, local, tribal or non-profit*  
23 *groups that serve young adults, underserved and minority*  
24 *populations, veterans, and special needs individuals.*

1 *CHAPTER 5—LABOR, HEALTH AND HUMAN SERV-*  
2 *ICES, AND EDUCATION, AND RELATED AGEN-*  
3 *CIES*

4 *DEPARTMENT OF LABOR*

5 *EMPLOYMENT AND TRAINING ADMINISTRATION*

6 *TRAINING AND EMPLOYMENT SERVICES*

7 *For an additional amount for “Training and Employo-*  
8 *ment Services” for activities under the Workforce Invest-*  
9 *ment Act of 1998 (“WIA”), \$1,250,000,000, which shall be*  
10 *available for obligation on the date of enactment of this Act,*  
11 *as follows:*

12 *(1) \$500,000,000 for grants to the States for*  
13 *youth activities: Provided, That such funds shall be*  
14 *used solely for summer employment programs for*  
15 *youth: Provided further, That no portion of such*  
16 *funds shall be reserved to carry out section*  
17 *127(b)(1)(A) of the WIA: Provided further, That for*  
18 *purposes of section 127(b)(1)(C)(iv) of the WIA, funds*  
19 *available for youth activities shall be allotted as if the*  
20 *total amount available for youth activities in the fis-*  
21 *cal year does not exceed \$1,000,000,000: Provided fur-*  
22 *ther, That the work readiness performance indicator*  
23 *described in section 136(b)(2)(A)(ii)(I) of the WIA*  
24 *shall be the only measure of performance used to as-*  
25 *sess the effectiveness of summer employment for youth*

1       *provided with such funds: Provided further, That an*  
2       *in-school youth shall meet the requirement that eligi-*  
3       *ble youth be a low-income individual under section*  
4       *101(13)(B) of the WIA if such youth has been deter-*  
5       *mined to meet the eligibility requirements for free*  
6       *meals under the National School Lunch Act (42*  
7       *U.S.C. 1751 et seq.) during the most recent school*  
8       *year; and*

9               *(2) \$750,000,000 for a program of competitive*  
10       *grants for worker training and placement in high*  
11       *growth and emerging industry sectors: Provided, That*  
12       *\$275,000,000 shall be for job training projects that*  
13       *prepare workers for careers in energy efficiency and*  
14       *renewable energy as described in section 171(e)(1)(B)*  
15       *of the WIA, of which \$225,000,000 shall be for Path-*  
16       *ways Out of Poverty projects: Provided further, That*  
17       *in awarding grants from those funds not dedicated in*  
18       *the preceding proviso, the Secretary of Labor shall*  
19       *give priority to projects that prepare workers for ca-*  
20       *reers in the health care sector.*

21                       *DEPARTMENT OF EDUCATION*

22                               *EDUCATION JOBS FUND*

23       *For necessary expenses for an Education Jobs Fund,*  
24       *\$23,000,000,000, which shall remain available for obliga-*  
25       *tion through September 30, 2010 and shall be administered*

1 *under the terms and conditions of sections 14001 through*  
2 *14013 of title XIV, and title XV, of division A of the Amer-*  
3 *ican Recovery and Reinvestment Act of 2009 (Public Law*  
4 *111–5), except as follows:*

5 (1) *ALLOTMENTS TO STATES AND TERRI-*  
6 *TORIES.—Such funds shall be available only for allo-*  
7 *cations by the Secretary under subsections (a) and (d)*  
8 *of section 14001.*

9 (2) *RESERVATION.—With respect to funds appro-*  
10 *priated under this heading, a State that receives an*  
11 *allocation may reserve not more than 5 percent for—*

12 (A) *the administrative costs of carrying out*  
13 *its responsibilities with respect to those funds,*  
14 *provided the State reserves not more than 1 per-*  
15 *cent of its total allocation for those costs; and*

16 (B) *retaining or creating positions in the*  
17 *State educational agency or the State agency for*  
18 *higher education, and other State agency posi-*  
19 *tions related to the administration or support of*  
20 *early childhood, elementary, secondary or post-*  
21 *secondary education.*

22 (3) *AWARDS TO LOCAL EDUCATIONAL AGENCIES*  
23 *AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—*

24 (A) *Except as specified under paragraph*  
25 *(2), an allocation of such funds to a State under*

1           *section 14001(d) shall be used only for awards to*  
2           *local educational agencies and public institu-*  
3           *tions of higher education for the support of ele-*  
4           *mentary, secondary, and postsecondary edu-*  
5           *cation. The Governor shall determine how the*  
6           *funds appropriated under this heading are allo-*  
7           *cated for elementary and secondary education*  
8           *and for public institutions of higher education.*  
9           *In making the determination in the preceding*  
10          *sentence, the Governor shall allocate funds*  
11          *among the categories of elementary and sec-*  
12          *ondary education and public institutions of*  
13          *higher education generally in proportion to any*  
14          *reductions in State funds for such categories.*

15                 *(B) Funds used to support elementary and*  
16                 *secondary education shall be distributed through*  
17                 *the State's primary elementary and secondary*  
18                 *funding formulae.*

19                 *(C) Section 14002(a) and (b) shall not*  
20                 *apply.*

21                 *(4) INAPPLICABILITY OF EDUCATION REFORM AS-*  
22                 *SURANCES.—Subsection (b)(2), and paragraphs (1)*  
23                 *through (5) of subsection (d), of section 14005 shall*  
24                 *not apply to any application for an allocation of such*  
25                 *funds.*

1           (5) *REQUIREMENT TO USE FUNDS TO RETAIN OR*  
2           *CREATE EDUCATION JOBS.*—*Notwithstanding sections*  
3           *14003(a) and 14004(a), such funds may be used only*  
4           *for compensation and benefits and other expenses,*  
5           *such as support services, necessary to retain existing*  
6           *employees, for activities defined in section 101(31) of*  
7           *the Workforce Investment Act of 1998, and to hire*  
8           *new employees in order to provide early childhood, el-*  
9           *ementary, secondary, or postsecondary educational*  
10           *and related services or for modernization, renovation,*  
11           *and repair of public school facilities and facilities of*  
12           *institutions of higher education.*

13           (6) *PROHIBITION ON USE OF FUNDS FOR RAINY-*  
14           *DAY FUNDS OR DEBT RETIREMENT.*—*A State that re-*  
15           *ceives an allocation may not use such funds, directly*  
16           *or indirectly, to establish, restore, or supplement a*  
17           *rainy-day fund, or to supplant State funds in a man-*  
18           *ner that has the effect of establishing, restoring, or*  
19           *supplementing a rainy-day fund; or to reduce or re-*  
20           *tire debt obligations incurred by the State, or to sup-*  
21           *plant State funds in a manner that has the effect of*  
22           *reducing or retiring debt obligations incurred by the*  
23           *State, provided that this prohibition shall not apply*  
24           *to fund balances that are necessary to comply with*



1        *any State requirement to maintain a balanced budg-*  
2        *et.*

3            (7) *APPLICATION CONSIDERATIONS.*—*If, by a*  
4        *date set by the Secretary, a Governor has not sub-*  
5        *mitted an approvable application under section*  
6        *14005(a), the Secretary may provide for the distribu-*  
7        *tion of funds allocated under section 14001(d) to an-*  
8        *other entity or other entities in the State, under such*  
9        *terms and conditions as the Secretary may establish,*  
10       *provided that all terms and conditions that apply to*  
11       *the appropriation under this heading shall apply to*  
12       *such funds distributed to such entity or entities.*

13           (8) *LOCAL EDUCATIONAL AGENCY APPLICA-*  
14        *TION.*—*Section 442 of the General Education Provi-*  
15        *sions Act does not apply to a local educational agency*  
16        *that has previously submitted an application to the*  
17        *State under title XIV of division A of the American*  
18        *Recovery and Reinvestment Act of 2009. The assur-*  
19        *ances provided under that application shall continue*  
20        *to apply to funds awarded under this heading.*

21           (9) *MAINTENANCE OF EFFORT.*—*The Secretary*  
22        *shall not allocate funds to a State under paragraph*  
23        *(1) unless the Governor of the State provides an as-*  
24        *surance to the Secretary that the State will—*

25                            (A) *for fiscal year 2010—*

1           (i) maintain State support for elemen-  
2           tary, secondary, and public higher edu-  
3           cation (not including support for capital  
4           projects or research and development or tui-  
5           tion and fees paid by students), in the ag-  
6           gregate, at the level of such support for fis-  
7           cal year 2009; or

8           (ii) maintain State support for ele-  
9           mentary, secondary, and public higher edu-  
10          cation (not including support for capital  
11          projects or research and development or tui-  
12          tion and fees paid by students), in the ag-  
13          gregate, at a level no less than such support  
14          for fiscal year 2006, provided that if a  
15          State has enacted a reduction to such aggre-  
16          gate level of fiscal year 2010 State support  
17          for elementary, secondary, and public high-  
18          er education after December 12, 2009, the  
19          State shall maintain State support for ele-  
20          mentary, secondary, and public higher edu-  
21          cation at a percentage of the total revenues  
22          available to the State that is equal to or  
23          greater than the percentage provided for  
24          such purpose for fiscal year 2010 prior to  
25          December 12, 2009; and

1                   (B) for fiscal year 2011—  
2                   (i) comply with subparagraph (A)(i);  
3                   or  
4                   (ii) maintain State support for ele-  
5                   mentary, secondary, and public higher edu-  
6                   cation (not including support for capital  
7                   projects or research and development or tui-  
8                   tion and fees paid by students), in the ag-  
9                   gregate, at a percentage of the total revenues  
10                  available to the State that is equal to or  
11                  greater than the percentage provided for  
12                  such purpose for fiscal year 2010.

13                   *STUDENT FINANCIAL ASSISTANCE*

14                  For an additional amount for “Student Financial As-  
15                  sistance” to carry out part C of title IV of the Higher Edu-  
16                  cation Act of 1965, \$300,000,000, which shall remain avail-  
17                  able through September 30, 2011.

18                   *RELATED AGENCIES*

19                  *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

20                   *OPERATING EXPENSES*

21                   *(INCLUDING TRANSFER OF FUNDS)*

22                  For an additional amount for “Operating Expenses”  
23                  to carry out the Domestic Volunteer Service Act of 1973  
24                  (“1973 Act”) and the National and Community Service Act  
25                  of 1990 (“1990 Act”), \$132,000,000, which shall remain

1 *available through September 30, 2011: Provided, That not*  
2 *less than \$90,000,000 of the funds made available in this*  
3 *paragraph shall be used to make additional awards to exist-*  
4 *ing AmeriCorps grantees and may be used to provide ad-*  
5 *justments to awards under subtitle C of title I of the 1990*  
6 *Act made prior to September 30, 2011 for which the Chief*  
7 *Executive Officer of the Corporation for National and Com-*  
8 *munity Service (“CEO”) determines that a waiver of the*  
9 *Federal share limitation is warranted under section*  
10 *2521.70 of title 45 of the Code of Federal Regulations: Pro-*  
11 *vided further, That up to \$30,000,000 shall be for programs*  
12 *under title I, part A of the 1973 Act: Provided further, That*  
13 *any funds provided in the previous proviso shall not be*  
14 *made available in connection with cost-share agreements*  
15 *authorized under section 192A(g)(10) of the 1990 Act: Pro-*  
16 *vided further, That of the amount made available in this*  
17 *paragraph, not less than \$7,000,000 shall be transferred to*  
18 *“Salaries and Expenses” to administer the funds provided*  
19 *in this paragraph, including making any necessary infor-*  
20 *mation technology upgrades: Provided further, That the*  
21 *CEO shall provide to the Committees on Appropriations of*  
22 *the House of Representatives and the Senate a fiscal year*  
23 *2010 operating plan for the funds appropriated in this*  
24 *paragraph prior to making any Federal obligations of such*  
25 *funds in fiscal year 2010, but not later than 90 days after*

1 *the date of enactment of this Act, and a fiscal year 2011*  
2 *operating plan for such funds in fiscal year 2011, but not*  
3 *later than November 1, 2010, that detail the allocation of*  
4 *resources and the increased number of members supported*  
5 *by the AmeriCorps programs: Provided further, That the*  
6 *CEO shall provide to the Committees on Appropriations of*  
7 *the House of Representatives and the Senate a report on*  
8 *the actual obligations, expenditures, and unobligated bal-*  
9 *ances for each activity funded under this heading not later*  
10 *than 90 days after issuance of the operating plan, and*  
11 *quarterly thereafter as long as funding provided under this*  
12 *heading is available for obligation or expenditure.*

13 *NATIONAL SERVICE TRUST*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “National Service*  
16 *Trust” established under subtitle D of title I of the National*  
17 *and Community Service Act of 1990 (“1990 Act”),*  
18 *\$68,000,000, which shall remain available until expended:*  
19 *Provided, That the Corporation for National and Commu-*  
20 *nity Service may transfer additional funds from the*  
21 *amount provided within “Operating Expenses” allocated to*  
22 *grants under subtitle C of title I of the 1990 Act to the*  
23 *National Service Trust upon determination that such trans-*  
24 *fer is necessary to support the activities of national service*  
25 *participants and after notice is transmitted to the Commit-*

1 *tees on Appropriations of the House of Representatives and*  
2 *the Senate: Provided further, That the amount appro-*  
3 *priated or transferred to the National Service Trust may*  
4 *be invested under section 145(b) of the 1990 Act without*  
5 *regard to the requirements to apportion funds under 31*  
6 *U.S.C. 1513(b).*

7 *GENERAL PROVISION, THIS CHAPTER*  
8 *ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED*  
9 *ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CON-*  
10 *STRUCTION BONDS*

11 *SEC. 1501. (a) IN GENERAL.—Section 6431 of the In-*  
12 *ternal Revenue Code of 1986 is amended by adding at the*  
13 *end the following new subsection:*

14 *“(f) APPLICATION OF SECTION TO QUALIFIED ZONE*  
15 *ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION*  
16 *BONDS.—*

17 *“(1) IN GENERAL.—In the case of any specified*  
18 *tax credit bond—*

19 *“(A) such bond shall be treated as a quali-*  
20 *fied bond for purposes of this section,*

21 *“(B) subsection (a) shall be applied without*  
22 *regard to the requirement that the qualified bond*  
23 *be issued before January 1, 2011,*

24 *“(C) the amount of the payment determined*  
25 *under subsection (b) with respect to any interest*

1           *payment date under such bond shall be equal to*  
2           *the lesser of—*

3                     *“(i) the amount of interest payable*  
4                     *under such bond on such date, or*

5                     *“(ii) the amount of interest which*  
6                     *would have been payable under such bond*  
7                     *on such date if such interest were deter-*  
8                     *mined at the applicable credit rate deter-*  
9                     *mined under section 54A(b)(3) with respect*  
10                    *to such bond,*

11                    *“(D) interest on any such bond shall be in-*  
12                    *cludible in gross income for purposes of this title,*  
13                    *and*

14                    *“(E) no credit shall be allowed under sec-*  
15                    *tion 54A with respect to such bond.*

16                    *“(2) SPECIFIED TAX CREDIT BOND.—For pur-*  
17                    *poses of this subsection, the term ‘specified tax credit*  
18                    *bond’ means any qualified tax credit bond (as defined*  
19                    *in section 54A(d)) if—*

20                    *“(A) such bond is a qualified zone academy*  
21                    *bond (as defined in section 54E) or a qualified*  
22                    *school construction bond (as defined in section*  
23                    *54F), and*

24                    *“(B) the issuer of such bond makes an irrev-*  
25                    *ocable election to have this subsection apply.”.*

1           ***(b) TECHNICAL CORRECTIONS RELATING TO QUALI-***  
2 ***FIED SCHOOL CONSTRUCTION BONDS.—***

3           ***(1) The second sentence of section 54F(d)(1) of***  
4 ***such Code is amended by striking “by the State” and***  
5 ***inserting “by the State education agency (or such***  
6 ***other agency as is authorized under State law to***  
7 ***make such allocation)”.***

8           ***(2) The second sentence of section 54F(e) of such***  
9 ***Code is amended by striking “subsection (d)(4)” and***  
10 ***inserting “paragraphs (2) and (4) of subsection (d)”.***

11           ***(c) EFFECTIVE DATE.—***

12           ***(1) IN GENERAL.—Except as otherwise provided***  
13 ***in this subsection, the amendment made by this sec-***  
14 ***tion shall apply to bonds issued after December 31,***  
15 ***2009.***

16           ***(2) TECHNICAL CORRECTIONS.—The amend-***  
17 ***ments made by subsection (b) shall take effect as if in-***  
18 ***cluded in section 1521 of the American Recovery and***  
19 ***Reinvestment Tax Act of 2009.***



1     *CHAPTER 6—TRANSPORTATION AND HOUSING*  
2                     *AND URBAN DEVELOPMENT*

3                     *DEPARTMENT OF TRANSPORTATION*

4                     *FEDERAL AVIATION ADMINISTRATION*

5                     *GRANTS-IN-AID FOR AIRPORTS*

6             *For an additional amount for “Grants-In-Aid for Air-*  
7 *ports”, to enable the Secretary of Transportation to make*  
8 *grants for discretionary projects as authorized by sub-*  
9 *chapter 1 of chapter 471 and subchapter 1 of chapter 475*  
10 *of title 49, United States Code, \$500,000,000: Provided,*  
11 *That such funds shall not be subject to apportionment for-*  
12 *mulas, special apportionment categories, or minimum per-*  
13 *centages under chapter 471 of such title: Provided further,*  
14 *That the Secretary shall distribute funds provided under*  
15 *this heading as discretionary grants to airports using the*  
16 *criteria established under chapters 471 and 475 of such*  
17 *title, but with priority given to those projects that dem-*  
18 *onstrate to his satisfaction their ability to be completed*  
19 *within 2 years of enactment of this Act: Provided further,*  
20 *That the Secretary shall award grants under this heading*  
21 *within 120 days of enactment of this Act: Provided further,*  
22 *That the amount made available under this heading shall*  
23 *not be subject to any limitation on obligations for the*  
24 *Grants-in-Aid for Airports program set forth in any Act:*  
25 *Provided further, That the Federal share payable of the*

1 *costs for which a grant is made under this heading shall*  
2 *be, at the option of the recipient, up to 100 percent: Pro-*  
3 *vided further, That the amounts provided under this head-*  
4 *ing may be used for expenses the agency incurs in admin-*  
5 *istering this program in addition to amounts provided for*  
6 *administrative expenses for the Grants-in-Aid Airport Im-*  
7 *provement Program from any other Act.*

8 *FEDERAL HIGHWAY ADMINISTRATION*  
9 *HIGHWAY INFRASTRUCTURE INVESTMENT*

10 *For an additional amount for “Highway Infrastruc-*  
11 *ture Investment” for restoration, repair, construction and*  
12 *other activities eligible under paragraph (b) of section 133*  
13 *of title 23, United States Code, and for passenger and*  
14 *freight rail transportation and port infrastructure projects*  
15 *eligible for assistance under subsection 601(a)(8) of such*  
16 *title, \$27,500,000,000, to remain available through Sep-*  
17 *tember 30, 2011: Provided, That, after making the set-asides*  
18 *required under this heading, 50 percent of the funds made*  
19 *available under this heading shall be apportioned to States*  
20 *using the formula set forth in section 104(b)(3) of title 23,*  
21 *United States Code, and the remaining funds shall be ap-*  
22 *portioned to States in the same ratio as the obligation limi-*  
23 *tation for fiscal year 2008 was distributed among the States*  
24 *in accordance with the formula specified in section*  
25 *120(a)(6) of division K of Public Law 110–161: Provided*

1 *further, That funds made available under this heading shall*  
2 *be apportioned not later than 21 days after the date of en-*  
3 *actment of this Act: Provided further, That in selecting*  
4 *projects to be carried out with funds apportioned under this*  
5 *heading, priority shall be given to projects that are pro-*  
6 *jected for completion within a 3-year time frame, and are*  
7 *located in economically distressed areas as defined by sec-*  
8 *tion 301 of the Public Works and Economic Development*  
9 *Act of 1965, as amended (42 U.S.C. 3161): Provided fur-*  
10 *ther, That in selecting projects to be carried out with funds*  
11 *apportioned under this heading, States shall ensure an eq-*  
12 *uitable geographic distribution of funds and an appropriate*  
13 *balance in addressing the needs of urban and rural commu-*  
14 *nities in the State: Provided further, That 90 days following*  
15 *the date of such apportionment, the Secretary of Transpor-*  
16 *tation shall withdraw from each State an amount equal to*  
17 *50 percent of the funds awarded to that State less the*  
18 *amount of funding under contract, as determined by the*  
19 *Secretary, and the Secretary shall redistribute such*  
20 *amounts to other States that have had no funds withdrawn*  
21 *under this proviso in the manner described in section 120(c)*  
22 *of division K of Public Law 110–161: Provided further,*  
23 *That 1 year following the date of such apportionment, the*  
24 *Secretary shall withdraw from each recipient of funds ap-*  
25 *portioned under this heading any funds that are not under*

1 *contract, as determined by the Secretary, and the Secretary*  
2 *shall redistribute such amounts to States that have had no*  
3 *funds withdrawn under this proviso in the manner de-*  
4 *scribed in section 120(c) of division K of Public Law 110-*  
5 *161: Provided further, That at the request of a State, the*  
6 *Secretary of Transportation may provide an extension of*  
7 *such 1-year period only to the extent that he feels satisfied*  
8 *that the State has encountered extreme conditions that cre-*  
9 *ate an unworkable bidding environment or other extenu-*  
10 *ating circumstances: Provided further, That before granting*  
11 *such an extension, the Secretary shall send a letter to the*  
12 *House and Senate Committees on Appropriations that pro-*  
13 *vides a thorough justification for the extension: Provided*  
14 *further, That 3 percent of the funds apportioned to a State*  
15 *under this heading shall be set aside for the purposes de-*  
16 *scribed in subsection 133(d)(2) of title 23, United States*  
17 *Code (without regard to the comparison to fiscal year*  
18 *2005): Provided further, That 30 percent of the funds ap-*  
19 *portioned to a State under this heading shall be suballo-*  
20 *cated within the State in the manner and for the purposes*  
21 *described in the first sentence of subsection 133(d)(3)(A),*  
22 *in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D):*  
23 *Provided further, That such suballocation shall be conducted*  
24 *in every State: Provided further, That of the funds provided*  
25 *under this heading, \$105,000,000 shall be for the Puerto*

1 *Rico highway program authorized under section 165 of title*  
2 *23, United States Code, and \$45,000,000 shall be for the*  
3 *territorial highway program authorized under section 215*  
4 *of title 23, United States Code: Provided further, That of*  
5 *the funds provided under this heading, \$60,000,000 shall*  
6 *be for capital expenditures eligible under section 147 of title*  
7 *23, United States Code (without regard to subsection(d)):*  
8 *Provided further, That the Secretary of Transportation*  
9 *shall distribute such \$60,000,000 as competitive discre-*  
10 *tionary grants to States, with priority given to those*  
11 *projects that demonstrate to his satisfaction their ability to*  
12 *be completed within 2 years of enactment of this Act: Pro-*  
13 *vided further, That of the funds provided under this head-*  
14 *ing, \$550,000,000 shall be for investments in transportation*  
15 *at Indian reservations and Federal lands: Provided further,*  
16 *That of the funds identified in the preceding proviso,*  
17 *\$310,000,000 shall be for the Indian Reservation Roads*  
18 *program, \$170,000,000 shall be for the Park Roads and*  
19 *Parkways program, \$60,000,000 shall be for the Forest*  
20 *Highway Program, and \$10,000,000 shall be for the Refuge*  
21 *Roads program: Provided further, That for investments at*  
22 *Indian reservations and Federal lands, priority shall be*  
23 *given to capital investments, and to projects and activities*  
24 *that can be completed within 2 years of enactment of this*  
25 *Act: Provided further, That 1 year following the enactment*

1 *of this Act, to ensure the prompt use of the \$550,000,000*  
2 *provided for investments at Indian reservations and Fed-*  
3 *eral lands, the Secretary shall have the authority to redis-*  
4 *tribute unobligated funds within the respective program for*  
5 *which the funds were appropriated: Provided further, That*  
6 *up to 4 percent of the funding provided for Indian Reserva-*  
7 *tion Roads may be used by the Secretary of the Interior*  
8 *for program management and oversight and project-related*  
9 *administrative expenses: Provided further, That section*  
10 *134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not*  
11 *apply to funds provided under this heading: Provided fur-*  
12 *ther, That of the funds made available under this heading,*  
13 *\$20,000,000 shall be for highway surface transportation*  
14 *and technology training under section 140(b) of title 23,*  
15 *United States Code, and \$20,000,000 shall be for disadvan-*  
16 *tagged business enterprises bonding assistance under section*  
17 *332(e) of title 49, United States Code: Provided further,*  
18 *That funds made available under this heading shall be ad-*  
19 *ministered as if apportioned under chapter 1 of title 23,*  
20 *United States Code, except for funds made available for in-*  
21 *vestments in transportation at Indian reservations and*  
22 *Federal lands, and for the territorial highway program,*  
23 *which shall be administered in accordance with chapter 2*  
24 *of title 23, United States Code, and except for funds made*  
25 *available for disadvantaged business enterprises bonding as-*

1 *sistance, which shall be administered in accordance with*  
2 *chapter 3 of title 49, United States Code: Provided further,*  
3 *That the Federal share payable on account of any project*  
4 *or activity carried out with funds made available under*  
5 *this heading shall be, at the option of the recipient, up to*  
6 *100 percent of the total cost thereof: Provided further, That*  
7 *funds made available by this paragraph shall not be obli-*  
8 *gated for the purposes authorized under section 115(b) of*  
9 *title 23, United States Code: Provided further, That funding*  
10 *provided under this heading shall be in addition to any*  
11 *and all funds provided for fiscal years 2010 and 2011 in*  
12 *any other Act for “Federal-aid Highways” and shall not*  
13 *affect the distribution of funds provided for “Federal-aid*  
14 *Highways” in any other Act: Provided further, That the*  
15 *amount made available under this heading shall not be sub-*  
16 *ject to any limitation on obligations for Federal-aid high-*  
17 *ways or highway safety construction programs set forth in*  
18 *any Act: Provided further, That section 1101(b) of Public*  
19 *Law 109–59 shall apply to funds apportioned under this*  
20 *heading: Provided further, That the Administrator of the*  
21 *Federal Highway Administration may retain up to*  
22 *\$45,000,000 of the funds provided under this heading to*  
23 *fund the oversight by the Administrator of projects and ac-*  
24 *tivities carried out with funds made available to the Federal*  
25 *Highway Administration in this Act, of which \$5,000,000*

1 *shall be for the Office of Expedited Project Delivery in the*  
2 *Office of the Administrator of the Federal Highway Admin-*  
3 *istration, and such funds shall be available through Sep-*  
4 *tember 30, 2013.*

5 *FEDERAL RAILROAD ADMINISTRATION*  
6 *CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER*  
7 *CORPORATION*

8 *For an additional amount for “Capital Grants to the*  
9 *National Railroad Passenger Corporation” to enable the*  
10 *Secretary of Transportation to make capital grants to The*  
11 *National Railroad Passenger Corporation (Amtrak) as au-*  
12 *thorized by section 101(c) of the Passenger Rail Investment*  
13 *and Improvement Act of 2008 (Public Law 110–432),*  
14 *\$800,000,000, for fleet modernization, including rehabilita-*  
15 *tion of existing and acquisition of new passenger equip-*  
16 *ment, including fuel efficient locomotives: Provided, That*  
17 *none of the funds provided under this heading shall be used*  
18 *to subsidize the operating losses of Amtrak: Provided fur-*  
19 *ther, That section 24305(f)(4)(B) of title 49, United States*  
20 *Code, shall not apply to any new equipment acquired with*  
21 *funds provided under this heading: Provided further, That*  
22 *funds provided under this heading shall be awarded not*  
23 *later than 60 days after the date of enactment of this Act.*



1                    *FEDERAL TRANSIT ADMINISTRATION*2                    *TRANSIT CAPITAL ASSISTANCE*

3            *For an additional amount for “Transit Capital Assist-*  
4 *ance” for transit capital assistance grants authorized under*  
5 *section 5302(a)(1) of title 49, United States Code,*  
6 *\$6,150,000,000: Provided, That the Secretary of Transpor-*  
7 *tation shall provide 80 percent of the funds appropriated*  
8 *under this heading for grants under section 5307 of title*  
9 *49, United States Code, and apportion such funds in ac-*  
10 *cordance with section 5336 of such title (other than sub-*  
11 *sections (i)(1) and (j)): Provided further, That the Secretary*  
12 *shall apportion 10 percent of the funds appropriated under*  
13 *this heading in accordance with section 5340 of such title:*  
14 *Provided further, That the Secretary shall provide 10 per-*  
15 *cent of the funds appropriated under this heading for grants*  
16 *under section 5311 of title 49, United States Code, and ap-*  
17 *portion such funds in accordance with such section: Pro-*  
18 *vided further, That funds apportioned under this heading*  
19 *shall be apportioned not later than 21 days after the date*  
20 *of enactment of this Act: Provided further, That 90 days*  
21 *following the date of such apportionment, the Secretary*  
22 *shall withdraw from each urbanized area or State an*  
23 *amount equal to 50 percent of the funds apportioned to such*  
24 *urbanized areas or States less the amount of funding under*  
25 *contract, as determined by the Secretary, and the Secretary*

1 *shall redistribute such amounts to other urbanized areas or*  
2 *States that have had no funds withdrawn under this proviso*  
3 *utilizing whatever method he deems appropriate to ensure*  
4 *that all funds redistributed under this proviso shall be uti-*  
5 *lized promptly: Provided further, That 1 year following the*  
6 *date of such apportionment, the Secretary shall withdraw*  
7 *from each urbanized area or State any funds that are not*  
8 *under contract, as determined by the Secretary, and the*  
9 *Secretary shall redistribute such amounts to other urban-*  
10 *ized areas or States that have had no funds withdrawn*  
11 *under this proviso utilizing whatever method he deems ap-*  
12 *propriate to ensure that all funds redistributed under this*  
13 *proviso shall be utilized promptly: Provided further, That*  
14 *at the request of an urbanized area or State, the Secretary*  
15 *of Transportation may provide an extension of such 1-year*  
16 *period if he feels satisfied that the urbanized area or State*  
17 *has encountered an unworkable bidding environment or*  
18 *other extenuating circumstances: Provided further, That be-*  
19 *fore granting such an extension, the Secretary shall send*  
20 *a letter to the House and Senate Committees on Appropria-*  
21 *tions that provides a thorough justification for the exten-*  
22 *sion: Provided further, That of the funds provided for sec-*  
23 *tion 5311 of title 49, United States Code, 2.5 percent shall*  
24 *be made available for section 5311(c)(1): Provided further,*  
25 *That of the funding provided under this heading,*

1 \$100,000,000 shall be distributed as discretionary grants to  
2 public transit agencies for capital investments that will as-  
3 sist in reducing the energy consumption or greenhouse gas  
4 emissions of their public transportation systems: Provided  
5 further, That for such grants on energy-related investments,  
6 priority shall be given to projects based on the total energy  
7 savings that are projected to result from the investment, and  
8 projected energy savings as a percentage of the total energy  
9 usage of the public transit agency: Provided further, That  
10 applicable chapter 53 requirements shall apply to funding  
11 provided under this heading, except that the Federal share  
12 of the costs for which any grant is made under this heading  
13 shall be, at the option of the recipient, up to 100 percent:  
14 Provided further, That the amount made available under  
15 this heading shall not be subject to any limitation on obliga-  
16 tions for transit programs set forth in any Act: Provided  
17 further, That section 1101(b) of Public Law 109–59 shall  
18 apply to funds appropriated under this heading: Provided  
19 further, That the funds appropriated under this heading  
20 shall not be commingled with any prior year funds: Pro-  
21 vided further, That a recipient and subrecipient of funds  
22 made available under this heading may use up to 10 per-  
23 cent of the amount apportioned to a State or urbanized area  
24 for the operating costs of equipment and facilities for use  
25 in public transportation or for eligible activities under sec-

1 *tion 5311(f): Provided further, That in selecting projects to*  
2 *be carried out with funds apportioned under this heading,*  
3 *priority shall be given to projects that are located in eco-*  
4 *nomically distressed areas as defined by section 301 of the*  
5 *Public Works and Economic Development Act of 1965, as*  
6 *amended (42 U.S.C. 3161): Provided further, That in select-*  
7 *ing projects to be carried out with funds apportioned under*  
8 *this heading, States shall ensure an equitable geographic*  
9 *distribution of funds and an appropriate balance in ad-*  
10 *dressing the needs of urban and rural communities in the*  
11 *State: Provided further, That notwithstanding any other*  
12 *provision of law, three-quarters of 1 percent of the funds*  
13 *provided for grants under section 5307 and section 5340,*  
14 *and one-half of 1 percent of the funds provided for grants*  
15 *under section 5311, shall be available for administrative ex-*  
16 *penses and program management oversight, and such funds*  
17 *shall be available through September 30, 2013.*

18 *FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT*

19 *For an amount for capital expenditures authorized*  
20 *under section 5309(b)(2) of title 49, United States Code,*  
21 *\$1,750,000,000: Provided, That the Secretary of Transpor-*  
22 *tation shall apportion funds under this heading pursuant*  
23 *to the formula set forth in section 5337 of title 49, United*  
24 *States Code: Provided further, That the funds appropriated*  
25 *under this heading shall not be commingled with any prior*

1 *year funds: Provided further, That funds made available*  
2 *under this heading shall be apportioned not later than 21*  
3 *days after the date of enactment of this Act: Provided fur-*  
4 *ther, That 90 days following the date of such apportion-*  
5 *ment, the Secretary shall withdraw from each urbanized*  
6 *area an amount equal to 50 percent of the funds appor-*  
7 *tioned to such urbanized area less the amount of funding*  
8 *under contract, as determined by the Secretary, and the*  
9 *Secretary shall redistribute such amounts to other urban-*  
10 *ized areas that have had no funds withdrawn under this*  
11 *proviso utilizing whatever method he deems appropriate to*  
12 *ensure that all funds redistributed under this proviso shall*  
13 *be utilized promptly: Provided further, That 1 year fol-*  
14 *lowing the date of such apportionment, the Secretary shall*  
15 *withdraw from each urbanized area any funds that are not*  
16 *under contract, as determined by the Secretary, and the*  
17 *Secretary shall redistribute such amounts to other urban-*  
18 *ized areas that have had no funds withdrawn under this*  
19 *proviso utilizing whatever method he deems appropriate to*  
20 *ensure that all funds redistributed under this proviso shall*  
21 *be utilized promptly: Provided further, That at the request*  
22 *of an urbanized area, the Secretary of Transportation may*  
23 *provide an extension of such 1-year period if he feels satis-*  
24 *fied that the urbanized area has encountered an unworkable*  
25 *bidding environment or other extenuating circumstances:*

1 *Provided further, That before granting such an extension,*  
2 *the Secretary shall send a letter to the House and Senate*  
3 *Committees on Appropriations that provides a thorough*  
4 *justification for the extension: Provided further, That appli-*  
5 *cable chapter 53 requirements shall apply except that the*  
6 *Federal share of the costs for which a grant is made under*  
7 *this heading shall be, at the option of the recipient, up to*  
8 *100 percent: Provided further, That the provisions of section*  
9 *1101(b) of Public Law 109–59 shall apply to funds made*  
10 *available under this heading: Provided further, That not-*  
11 *withstanding any other provision of law, up to 1 percent*  
12 *of the funds under this heading shall be available for ad-*  
13 *ministrative expenses and program management oversight*  
14 *and shall remain available for obligation until September*  
15 *30, 2013.*

16 *CAPITAL INVESTMENT GRANTS*

17 *For an additional amount for “Capital Investment*  
18 *Grants”, as authorized under section 5338(c)(4) of title 49,*  
19 *United States Code, and allocated under section*  
20 *5309(m)(2)(A) of such title, to enable the Secretary of*  
21 *Transportation to make discretionary grants as authorized*  
22 *by section 5309(d) and (e) of such title, \$500,000,000, of*  
23 *which \$1,500,000 shall be for the Office of Expedited Project*  
24 *Delivery in the Office of the Administrator of the Federal*  
25 *Transit Administration: Provided, That such amount shall*

1 *be allocated without regard to the limitation under section*  
2 *5309(m)(2)(A)(i): Provided further, That in selecting*  
3 *projects to be funded, priority shall be given to projects that*  
4 *are able to award contracts within 90 days of enactment*  
5 *of this Act: Provided further, That the provisions of section*  
6 *1101(b) of Public Law 109–59 shall apply to funds made*  
7 *available under this heading: Provided further, That funds*  
8 *appropriated under this heading shall not be commingled*  
9 *with any prior year funds: Provided further, That applica-*  
10 *ble chapter 53 requirements shall apply, except that not-*  
11 *withstanding any other provision of law, up to 1 percent*  
12 *of the funds provided under this heading shall be available*  
13 *for administrative expenses and program management*  
14 *oversight, and shall remain available through September 30,*  
15 *2013: Provided further, That, notwithstanding any other*  
16 *provision of law, the provisions of section 3011(f) of Public*  
17 *Law 109–59 shall apply to all projects evaluated under sec-*  
18 *tions 5309(d) and 5309(e) of title 49, United States Code,*  
19 *and funded in fiscal years 2010 and 2011 with funds made*  
20 *available in the Act or any other Act.*

1                                    *MARITIME ADMINISTRATION*  
2                    *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*  
3                                    *ACCOUNT*  
4                                    *(INCLUDING TRANSFER OF FUNDS)*

5            *For the cost of guaranteed loans, as authorized,*  
6 *\$100,000,000: Provided, That such costs, including the cost*  
7 *of modifying such loans, shall be as defined in section 502*  
8 *of the Congressional Budget Act of 1974, as amended: Pro-*  
9 *vided further, That the Maritime Administrator may retain*  
10 *and transfer to “Maritime Administration, Operations and*  
11 *Training” up to 2 percent of the funds provided under this*  
12 *heading to carry out the guaranteed loan program.*

13    *GENERAL PROVISION, DEPARTMENT OF TRANSPORTATION*

14            *SEC. 1601. (a) MAINTENANCE OF EFFORT.—*

15                    *(1) CERTIFICATION.—*

16                                    *(A) CERTIFICATION THROUGH SEPTEMBER*  
17                    *30, 2010.—The certification made by the Gov-*  
18                    *ernor of each State under section 1201(a) of di-*  
19                    *vision A of the American Recovery and Reinvest-*  
20                    *ment Act of 2009 (Pub. L. 111–5, 123 Stat. 115,*  
21                    *212) shall continue in effect under this Act.*

22                                    *(B) CERTIFICATION THROUGH SEPTEMBER*  
23                    *30, 2011.—Not later than 30 days after the date*  
24                    *of enactment of this Act, for each amount that is*  
25                    *distributed to a State or agency thereof from an*



1           *appropriation in this Act for a covered program,*  
2           *the Governor of the State shall certify to the Sec-*  
3           *retary of Transportation that the State will*  
4           *maintain its effort with regard to State funding*  
5           *for the types of projects that are funded by the*  
6           *appropriation. As part of this certification, the*  
7           *Governor shall submit to the Secretary of Trans-*  
8           *portation a statement identifying the amount of*  
9           *State funds the State planned to expend from*  
10          *State sources as of the date of enactment of this*  
11          *Act for the period of October 1, 2010, through*  
12          *September 30, 2011, for the types of projects that*  
13          *are funded by the appropriation. For the period*  
14          *of October 1, 2010, through September 30, 2011,*  
15          *the Governor of a State may calculate planned*  
16          *expenditures from State funds in the same man-*  
17          *ner as under section 1201(a) of division A of the*  
18          *American Recovery and Reinvestment Act of*  
19          *2009 or may calculate the amount by pro rating*  
20          *the amount certified under section 1201(a) of di-*  
21          *vision A of the American Recovery and Reinvest-*  
22          *ment Act of 2009 to establish the amount of*  
23          *planned expenditures for such period.*

24           (2) *DEFINITION OF STATE FUNDS.—For purposes*  
25          *of the certifications required by section 1201(a) of di-*

1 *vision A of the American Recovery and Reinvestment*  
2 *Act of 2009 and paragraph (1)(B), State funding*  
3 *means State funds used for transportation purposes*  
4 *that are expended by the State agency that is pri-*  
5 *marily responsible for carrying out the covered pro-*  
6 *gram. State funding does not include State transpor-*  
7 *tation funds that are expended by or at the direction*  
8 *of non-State governmental entities.*

9 *(b) REQUIREMENT TO MAINTAIN EFFORT.—*

10 *(1) REPORTS.—Each State shall submit to the*  
11 *Department of Transportation for each covered pro-*  
12 *gram the actual aggregate expenditures from State*  
13 *funds during the period of February 17, 2009,*  
14 *through September 30, 2011, as compared to the level*  
15 *of such expenditures from State funds that were*  
16 *planned to occur during such period as certified in*  
17 *accordance with subsection (a). The State shall sub-*  
18 *mit the maintenance of effort reports in the same*  
19 *manner and in the same timeframe required by sub-*  
20 *section (c), except the State is not required to submit*  
21 *a maintenance of effort report on February 17, 2013.*  
22 *The covered agencies shall submit the reports to Con-*  
23 *gress in accordance with subsection (c)(1).*

24 *(2) DETERMINATION OF MAINTENANCE OF EF-*  
25 *FORT.—A State is deemed to have met its level of ef-*

1        *fort if the aggregate amount of actual expenditures of*  
2        *State funds reported in the February 17, 2012 report*  
3        *in accordance with paragraph (1) meets or exceeds*  
4        *the aggregate amount of planned expenditures of*  
5        *State funds identified in the certification required by*  
6        *subsection (a).*

7            *(3) PENALTY FOR FAILURE TO MAINTAIN EF-*  
8        *FORT.—If a State is unable to maintain the level of*  
9        *effort certified pursuant to subsection (a), the State*  
10       *will be prohibited by the Secretary of Transportation*  
11       *from receiving additional limitation pursuant to the*  
12       *redistribution of the limitation on obligations for*  
13       *Federal-aid highway and highway safety construction*  
14       *programs that occurs after August 1 for fiscal year*  
15       *2012.*

16       *(c) PERIODIC REPORTS.—*

17            *(1) IN GENERAL.—Notwithstanding any other*  
18       *provision of law, each grant recipient shall submit to*  
19       *the covered agency from which they received funding*  
20       *periodic reports on the use of the funds appropriated*  
21       *in this chapter for the Department of Transportation*  
22       *for covered programs. Such reports shall be collected*  
23       *and compiled by the covered agency and transmitted*  
24       *to Congress. Covered agencies may develop such re-*

1        *ports on behalf of grant recipients to ensure the accu-*  
2        *racy and consistency of such reports.*

3            *(2) CONTENTS OF REPORTS.—For amounts re-*  
4        *ceived under each covered program by a grant recipi-*  
5        *ent under this chapter for the Department of Trans-*  
6        *portation, the grant recipient shall include in the*  
7        *periodic reports information tracking—*

8            *(A) the amount of Federal funds appro-*  
9        *priated, allocated, obligated, and outlayed under*  
10       *the appropriation;*

11           *(B) the number of projects that have been*  
12       *put out to bid under the appropriation and the*  
13       *amount of Federal funds associated with such*  
14       *projects;*

15           *(C) the number of projects for which con-*  
16       *tracts have been awarded under the appropria-*  
17       *tion and the amount of Federal funds associated*  
18       *with such contracts;*

19           *(D) the number of projects for which work*  
20       *has begun under such contracts and the amount*  
21       *of Federal funds associated with such contracts;*

22           *(E) the number of projects for which work*  
23       *has been completed under such contracts and the*  
24       *amount of Federal funds associated with such*  
25       *contracts; and*

1           (F) the number of direct, on-project jobs cre-  
2           ated or sustained by the Federal funds provided  
3           for projects under the appropriation and, to the  
4           extent possible, the estimated indirect jobs cre-  
5           ated or sustained in the associated supplying in-  
6           dustries, including the number of job-years cre-  
7           ated and the total increase in employment since  
8           the date of enactment of this Act.

9           (3) *TIMING OF REPORTS.*—Each grant recipient  
10          shall submit the first of the periodic reports required  
11          under this subsection not later than 1 year after the  
12          date of enactment of the American Recovery and Re-  
13          investment Act of 2009 and shall submit updated re-  
14          ports not later than 15 months, 18 months, 2 years,  
15          3 years, and 4 years after such date of enactment.

16          (d) *DEFINITIONS.*—In this section, the following defi-  
17          nitions apply:

18               (1) *COVERED AGENCY.*—The term “covered agen-  
19               cy” means the Federal Aviation Administration, the  
20               Federal Highway Administration, the Federal Rail-  
21               road Administration, the Federal Transit Adminis-  
22               tration, and the Maritime Administration of the De-  
23               partment of Transportation.

24               (2) *COVERED PROGRAM.*—The term “covered  
25               program” means funds appropriated in this Act for

1       *“Grants-in-Aid for Airports” to the Federal Aviation*  
2       *Administration; for “Highway Infrastructure Invest-*  
3       *ment” to the Federal Highway Administration; for*  
4       *“Capital Grants to the National Railroad Passenger*  
5       *Corporation” to the Federal Railroad Administration;*  
6       *for “Transit Capital Assistance”, “Fixed Guideway*  
7       *Infrastructure Investment”, and “Capital Investment*  
8       *Grants” to the Federal Transit Administration; and*  
9       *for “Maritime Guaranteed Loan (Title XI) Program*  
10       *Account” to the Maritime Administration.*

11               (3) *GRANT RECIPIENT.*—*The term “grant recipi-*  
12       *ent” means a State or other recipient of assistance*  
13       *provided under a covered program in this Act. Such*  
14       *term does not include a Federal department or agen-*  
15       *cy.*

16               (e) *EXEMPTION.*—*Notwithstanding any other provi-*  
17       *sion of law, sections 3501–3521 of title 44, United States*  
18       *Code, shall not apply to the provisions of this section.*

19               *DEPARTMENT OF HOUSING AND URBAN*  
20               *DEVELOPMENT*

21               *PUBLIC AND INDIAN HOUSING*

22               *PUBLIC HOUSING CAPITAL FUND*

23       *For an additional amount for the “Public Housing*  
24       *Capital Fund” to carry out capital and management ac-*  
25       *tivities for public housing agencies, as authorized under sec-*

1 *tion 9 of the United States Housing Act of 1937 (42 U.S.C.*  
2 *1437g) (in this heading referred to as the “Act”),*  
3 *\$1,000,000,000: Provided, That the Secretary of Housing*  
4 *and Urban Development shall make the funds provided*  
5 *under this heading available by competition for priority in-*  
6 *vestments, including investments that leverage private sec-*  
7 *tor funding or financing for renovations and energy con-*  
8 *servation retrofit investments: Provided further, That the*  
9 *Secretary shall obligate the funds provided under this head-*  
10 *ing by such competition within 60 days of the date of the*  
11 *enactment of this Act: Provided further, That in using the*  
12 *funds provided under this heading public housing authori-*  
13 *ties shall give priority to capital projects that can award*  
14 *contracts based on bids within 120 days from the date that*  
15 *the funds are made available to the public housing authori-*  
16 *ties: Provided further, That in using such funds provided*  
17 *under this heading public housing agencies shall give pri-*  
18 *ority consideration to the rehabilitation of vacant rental*  
19 *units: Provided further, That in using such funds provided*  
20 *under this heading public housing agencies shall prioritize*  
21 *capital projects that are already underway or included in*  
22 *the 5-year capital fund plans required by section 5A of the*  
23 *Act (42 U.S.C. 1437c–1(a)): Provided further, That not-*  
24 *withstanding any other provision of law, funds provided*  
25 *under this heading (1) may not be used for operating or*

1 rental assistance activities, and (2) shall not be subject to  
2 any restriction of funding to replacement housing uses: Pro-  
3 vided further, That notwithstanding section 9(j) of the Act,  
4 public housing agencies shall obligate 50 percent of the  
5 funds provided under this heading within 180 days of the  
6 date on which such funds become available to the agency  
7 for obligation, and shall expend 100 percent of such funds  
8 within one year of the date on which such funds become  
9 available to the agency for obligation: Provided further,  
10 That if a public housing agency fails to comply with the  
11 180-day obligation requirement under the preceding pro-  
12 viso, the Secretary shall recapture all funds provided under  
13 this heading awarded to the public housing agency that re-  
14 main unobligated and reallocate such funds to agencies that  
15 are in compliance with such requirement: Provided further,  
16 That in administering funds appropriated or otherwise  
17 made available under this heading, the Secretary may  
18 waive or specify alternative requirements for any provision  
19 of any statute or regulation in connection with the obliga-  
20 tion by the Secretary or the use of such funds (except for  
21 requirements related to fair housing, nondiscrimination,  
22 labor standards, and the environment), upon a finding that  
23 such a waiver is necessary to expedite or facilitate the use  
24 of such funds: Provided further, That, in addition to waiv-  
25 ers authorized under the preceding proviso, the Secretary



1 *may direct that requirements relating to the procurement*  
2 *of goods and services arising under State and local laws*  
3 *and regulations shall not apply to funds provided under*  
4 *this heading.*

5 *COMMUNITY PLANNING AND DEVELOPMENT*

6 *HOUSING TRUST FUND*

7 *For the Housing Trust Fund established pursuant to*  
8 *section 1338 of the Federal Housing Enterprises Financial*  
9 *Safety and Soundness Act of 1992 (12 U.S.C. 4568),*  
10 *\$1,065,000,000, for use under such section: Provided, That*  
11 *of the total amount provided under this heading,*  
12 *\$65,000,000 shall be available to the Secretary of Housing*  
13 *and Urban Development only for incremental project-based*  
14 *voucher assistance or project-based rental assistance, to be*  
15 *allocated to States pursuant to the formula established*  
16 *under such section 1338, to be used solely in conjunction*  
17 *with grant funds awarded under such section 1338.*

18 *CHAPTER 7—GENERAL PROVISIONS, THIS TITLE*

19 *TARP REDUCTION*

20 *SEC. 1701. The limitation under section 115(a)(3) of*  
21 *the Emergency Economic Stabilization Act of 2008 (12*  
22 *U.S.C. 5225(a)(3)) in effect on the date of the enactment*  
23 *of this Act is decreased by \$150,000,000,000.*

24 *LIMIT ON FUNDS*

25 *SEC. 1702. All funds provided under this title shall*  
26 *be subject to the requirements of section 1604 of division*

1 *A of the American Recovery and Reinvestment Act of 2009*  
2 *(Public Law 111–5).*

3 *RECOVERY ACT REPORTING REQUIREMENTS*

4 *SEC. 1703. (a) Funds made available by this title shall*  
5 *be subject to the reporting, transparency, and oversight re-*  
6 *quirements established by title XV of division A of the*  
7 *American Recovery and Reinvestment Act of 2009 (Public*  
8 *Law 111–5), on the same basis as funds made available*  
9 *in division A of that Act.*

10 *(b) Amounts appropriated in division A of the Amer-*  
11 *ican Recovery and Reinvestment Act of 2009 (Public Law*  
12 *111–5) to any Office of Inspector General or to the Recovery*  
13 *Accountability and Transparency Board shall also be avail-*  
14 *able for the same purposes with respect to any programs,*  
15 *grants, projects, and activities for which funds are made*  
16 *available by this title.*

17 *TITLE II—SURFACE TRANSPORTATION*

18 *EXTENSION*

19 *SHORT TITLE*

20 *SEC. 2001. This title may be cited as the “Surface*  
21 *Transportation Extension Act of 2009”.*

22 *FEDERAL-AID HIGHWAYS*

23 *SEC. 2002. (a) IN GENERAL.—*

24 *(1) APPLICABILITY OF PROVISIONS.—Except as*  
25 *provided in this title, requirements, authorities, con-*  
26 *ditions, eligibilities, limitations, and other provisions*

1        *authorized under titles I, V, and VI of SAFETEA-*  
2        *LU (119 Stat. 1144), the SAFETEA-LU Technical*  
3        *Corrections Act of 2008 (122 Stat. 1572), titles I and*  
4        *VI of the Intermodal Surface Transportation Effi-*  
5        *ciency Act of 1991 (105 Stat. 1914), titles I and V*  
6        *of the Transportation Equity Act for the 21st Century*  
7        *(112 Stat. 107), and title 23, United States Code (ex-*  
8        *cluding chapter 4 of that title), which would otherwise*  
9        *expire on or cease to apply after September 30, 2009,*  
10       *or the date specified in section 106(3) of the Con-*  
11       *tinuing Appropriations Resolution, 2010 (Public Law*  
12       *111-68), are incorporated by reference and shall con-*  
13       *tinue in effect through September 30, 2010.*

14                (2) *AUTHORIZATION OF APPROPRIATIONS.—Ex-*  
15        *cept as provided in subsection (b), there are author-*  
16        *ized to be appropriated out of the Highway Trust*  
17        *Fund (other than the Mass Transit Account) for fiscal*  
18        *year 2010 an amount equal to the sum of the*  
19        *amounts authorized to be appropriated out of the*  
20        *Highway Trust Fund (other than the Mass Transit*  
21        *Account) for programs, projects, and activities for fis-*  
22        *cal year 2009 under titles I, V, and VI of*  
23        *SAFETEA-LU (119 Stat. 1144) and title 23, United*  
24        *States Code (excluding administrative expenses under*

1        *section 104(a) and programs, projects, and activities*  
2        *under chapter 4 of that title), minus \$1,394,358,419.*

3            (3) *USE OF FUNDS.—*

4            (A) *FISCAL YEAR 2010.—Except as otherwise*  
5        *expressly provided in this title, funds authorized*  
6        *to be appropriated under paragraph (2) for fis-*  
7        *cal year 2010 shall be distributed, administered,*  
8        *limited, and made available for obligation in the*  
9        *same manner as the total amount of funds au-*  
10       *thorized to be appropriated out of the Highway*  
11       *Trust Fund (other than the Mass Transit Ac-*  
12       *count) for fiscal year 2009 to carry out pro-*  
13       *grams, projects, activities, eligibilities, and re-*  
14       *quirements under SAFETEA–LU (119 Stat.*  
15       *1144), the SAFETEA–LU Technical Corrections*  
16       *Act of 2008 (122 Stat. 1572), titles I and VI of*  
17       *the Intermodal Surface Transportation Effi-*  
18       *ciency Act of 1991 (105 Stat. 1914), titles I and*  
19       *V of the Transportation Equity Act for the 21st*  
20       *Century (112 Stat. 107), and title 23, United*  
21       *States Code (excluding chapter 4 of that title).*

22            (B) *CALCULATION.—The amounts author-*  
23        *ized to be appropriated under paragraph (2)*  
24        *shall be calculated without regard to any rescis-*  
25        *sion or cancellation of funds or contract author-*

1            *ity for fiscal year 2009 under SAFETEA-LU*  
2            *(119 Stat. 1144) or any other law.*

3            *(C) DISTRIBUTION BETWEEN PROGRAMS.—*  
4            *Funds authorized to be appropriated under*  
5            *paragraph (2) shall be distributed under sub-*  
6            *paragraph (A) among programs, projects, and*  
7            *activities referenced in such subparagraph in the*  
8            *ratio that—*

9                    *(i) the amount authorized to be appro-*  
10                   *priated out of the Highway Trust Fund*  
11                   *(other than the Mass Transit Account) for*  
12                   *such program, project, or activity for fiscal*  
13                   *year 2009; bear to*

14                   *(ii) the amount authorized to be appro-*  
15                   *priated out of the Highway Trust Fund*  
16                   *(other than the Mass Transit Account) for*  
17                   *all such programs, projects, and activities*  
18                   *for fiscal year 2009.*

19            *(D) CONTRACT AUTHORITY.—*

20                   *(i) IN GENERAL.—Except as provided*  
21                   *in clause (ii), funds authorized to be appro-*  
22                   *priated under this subsection shall be avail-*  
23                   *able for obligation in the same manner as*  
24                   *if such funds were apportioned under chap-*  
25                   *ter 1 of title 23, United States Code, and*

1                   *subject to a limitation on obligations for*  
2                   *Federal-aid highways and highway safety*  
3                   *construction programs included in an Act*  
4                   *making appropriations for fiscal year 2010.*

5                   *(ii) EXCEPTIONS.—*

6                                 *(I) IN GENERAL.—A limitation on*  
7                                 *obligations described in clause (i) shall*  
8                                 *not apply to any obligation under—*

9   *(aa) section 125 of title 23,*  
10   *United States Code; or*

11   *(bb) section 105 of title 23,*  
12   *United States Code, but only in*  
13   *an amount equal to \$639,000,000.*

14                                 *(II) SPECIAL RULES.—Except as*  
15                                 *otherwise expressly provided by this*  
16                                 *title, any special rule that applied in*  
17                                 *fiscal year 2009 to any program,*  
18                                 *project, or activity for which funds are*  
19                                 *authorized to be appropriated under*  
20                                 *paragraph (2) shall continue to apply*  
21                                 *through September 30, 2010.*

22                                 *(4) EXTENSION AND FLEXIBILITY FOR CERTAIN*  
23                                 *ALLOCATED PROGRAMS.—*

24   *(A) FISCAL YEAR 2010.—*

1                   (i) *IN GENERAL.*—*Notwithstanding*  
2                   *any other provision of law, for fiscal year*  
3                   *2010, the portion of the share of funds of a*  
4                   *State under paragraph (2) determined by*  
5                   *the amount that the State received or was*  
6                   *authorized to receive for fiscal year 2009 to*  
7                   *carry out sections 1307, 1702, and 1934 of*  
8                   *SAFETEA-LU (119 Stat. 1217, 1256, and*  
9                   *1485) and section 144(f)(1) of title 23,*  
10                   *United States Code, shall be—*

11                               (i) *made available to the State for*  
12                               *programs specified in section 105(a)(2)*  
13                               *of title 23, United States Code (except*  
14                               *the high priority projects program),*  
15                               *and in the same proportion for each*  
16                               *such program that—*

17                                       (aa) *the amount apportioned*  
18                                       *to the State for that program for*  
19                                       *fiscal year 2009; bears to*

20                                       (bb) *the amount apportioned*  
21                                       *to the State for fiscal year 2009*  
22                                       *for all such programs; and*

23                               (ii) *administered in the same*  
24                               *manner and with the same period of*  
25                               *availability as such funding is admin-*

1                    *istered under programs identified in*  
2                    *clause (i), except that no funds may be*  
3                    *used to carry out the project described*  
4                    *in section 1307(d)(1) of SAFETEA-*  
5                    *LU (119 Stat. 1217; 122 Stat. 1577).*

6                    *(ii) TERRITORIES AND PUERTO*  
7                    *RICO.—*

8                    *(I) IN GENERAL.—Notwith-*  
9                    *standing any other provision of law,*  
10                   *the portion of the share of funds of a*  
11                   *territory or Puerto Rico under para-*  
12                   *graph (2) determined by the amount*  
13                   *that the territory or Puerto Rico re-*  
14                   *ceived or was authorized to receive for*  
15                   *fiscal year 2009 to carry out section*  
16                   *1934 of SAFETEA-LU (119 Stat.*  
17                   *1485), shall be—*

18                   *(aa) for a territory, made*  
19                   *available and administered in the*  
20                   *same manner as funding is made*  
21                   *available and administered under*  
22                   *section 215 of title 23, United*  
23                   *States Code; and*

24                   *(bb) for Puerto Rico, made*  
25                   *available and administered in the*



1 same manner as funding is made  
2 available and administered under  
3 section 165 of title 23, United  
4 States Code.

5 (II) *TERRITORY DEFINED.*—*In*  
6 *this clause, the term “territory” means*  
7 *any of the following territories of the*  
8 *United States: American Samoa, the*  
9 *Commonwealth of the Northern Mar-*  
10 *iana Islands, Guam, or the United*  
11 *States Virgin Islands.*

12 (B) *ADDITIONAL FUNDS.*—

13 (i) *IN GENERAL.*—*No additional funds*  
14 *shall be provided for any project or activity*  
15 *under paragraph (3)(A) that the Secretary*  
16 *of Transportation determines was suffi-*  
17 *ciently funded before or during fiscal year*  
18 *2009 to achieve the authorized purpose of*  
19 *the project or activity.*

20 (ii) *RESERVATION AND REDISTRIBU-*  
21 *TION AMONG STATES.*—

22 (I) *IN GENERAL.*—*Funds made*  
23 *available in accordance with para-*  
24 *graph (3)(A) for a project or activity*  
25 *described in clause (i) shall be—*

1                   (aa) reserved by the Sec-  
2                   retary of Transportation; and

3                   (bb) apportioned among all  
4                   States such that each State's share  
5                   of funds so apportioned is equal to  
6                   the State's share for fiscal year  
7                   2009 of funds apportioned or allo-  
8                   cated for the programs specified  
9                   in subclause (II).

10                  (II) *SPECIFIC PROGRAMS.*—The  
11                  programs referred to in subclause (I)  
12                  are—

13                   (aa) the programs listed in  
14                   section 105(a)(2) of title 23,  
15                   United States Code;

16                   (bb) the program authorized  
17                   by section 144(f)(1) of such title;  
18                   and

19                   (cc) the program authorized  
20                   by section 1934 of SAFETEA-LU  
21                   (119 Stat. 1485).

22                  (iii) *DISTRIBUTION AMONG PRO-*  
23                  *GRAMS.*—Funds apportioned to a State  
24                  pursuant to clause (ii) shall be—

1                   (I) made available to the State for  
2                   programs specified in section 105(a)(2)  
3                   of title 23, United States Code (except  
4                   the high priority projects program),  
5                   and in the same proportion for each  
6                   such program that—

7                               (aa) the amount apportioned  
8                               to the State for that program for  
9                               fiscal year 2009; bears to

10                              (bb) the amount apportioned  
11                              to the State for fiscal year 2009  
12                              for all such programs; and

13                   (II) administered in the same  
14                   manner and with the same period of  
15                   availability as such funding is admin-  
16                   istered under programs identified in  
17                   subclause (I).

18                   (C) *COMPETITIVE DISTRIBUTION OF CER-*  
19                   *TAIN DISCRETIONARY FUNDS.—*

20                              (i) *PROJECTS OF NATIONAL AND RE-*  
21                              *GIONAL SIGNIFICANCE.—Notwithstanding*  
22                              *section 1301(m) of SAFETEA-LU (119*  
23                              *Stat. 1202), the Secretary shall allocate*  
24                              *funds authorized to be appropriated under*  
25                              *paragraph (2) for the projects of national*

1           *and regional significance program on the*  
2           *basis of a competitive selection process in*  
3           *accordance with sections 1301(d), 1301(e),*  
4           *and 1301(f) of that Act (119 Stat. 1199).*

5                   *(ii) NATIONAL CORRIDOR INFRASTRUC-*  
6                   *TURE IMPROVEMENT PROGRAM.—Notwith-*  
7                   *standing section 1302(e) of SAFETEA-LU*  
8                   *(119 Stat. 1205), the Secretary shall allo-*  
9                   *cate funds authorized to be appropriated*  
10                  *under paragraph (2) for the national cor-*  
11                  *ridor infrastructure improvement program*  
12                  *on the basis of a competitive selection proc-*  
13                  *ess in accordance with section 1302(b) of*  
14                  *that Act (119 Stat. 1204).*

15                  (5) *EXTENSION OF AUTHORIZATIONS UNDER*  
16                  *TITLE V OF SAFETEA-LU.—*

17                    (A) *IN GENERAL.—The programs authorized*  
18                    *under paragraphs (1) through (5) of section*  
19                    *5101(a) of SAFETEA-LU (119 Stat. 1779) shall*  
20                    *be continued for fiscal year 2010 at the funding*  
21                    *levels authorized for those programs for fiscal*  
22                    *year 2009.*

23                    (B) *DISTRIBUTION OF FUNDS.—Funds for*  
24                    *programs continued under subparagraph (A)*  
25                    *shall be distributed to major program areas*

1           *under those programs in the same proportions as*  
2           *funds were allocated for those program areas for*  
3           *fiscal year 2009, except that designations for spe-*  
4           *cific activities shall not be required to be contin-*  
5           *ued for fiscal year 2010.*

6           (C) *ADDITIONAL FUNDS.—*

7                   (i) *IN GENERAL.—No additional funds*  
8                   *shall be provided for any project or activity*  
9                   *under this paragraph that the Secretary of*  
10                   *Transportation determines was sufficiently*  
11                   *funded before or during fiscal year 2009 to*  
12                   *achieve the authorized purpose of the project*  
13                   *or activity.*

14                   (ii) *DISTRIBUTION.—Funds that would*  
15                   *have been made available under subpara-*  
16                   *graph (A) for a project or activity but for*  
17                   *the prohibition under clause (i) shall be dis-*  
18                   *tributed in accordance with subparagraph*  
19                   *(B).*

20           (b) *ADMINISTRATIVE EXPENSES.—*

21                   (1) *AUTHORIZATION OF CONTRACT AUTHOR-*  
22                   *ITY.—Notwithstanding any other provision of this*  
23                   *title or any other law, there is authorized to be appro-*  
24                   *priated from the Highway Trust Fund (other than*  
25                   *the Mass Transit Account), \$420,562,000 for adminis-*

1        *trative expenses of the Federal-aid highway program*  
2        *for fiscal year 2010.*

3            (2) *CONTRACT AUTHORITY.—Funds authorized to*  
4        *be appropriated by this subsection shall be—*

5            (A) *available for obligation, and shall be*  
6        *administered, in the same manner as if such*  
7        *funds were apportioned under chapter 1 of title*  
8        *23, United States Code, except that such funds*  
9        *shall remain available until expended; and*

10          (B) *subject to a limitation on obligations*  
11        *for Federal-aid highways and highway safety*  
12        *construction programs included in an Act mak-*  
13        *ing appropriations for fiscal year 2010.*

14          (c) *RECONCILIATION OF FUNDS.—The Secretary shall*  
15        *reduce the amount apportioned or allocated for a program,*  
16        *project, or activity continued under this section by any*  
17        *amount apportioned or allocated for such program, project,*  
18        *or activity pursuant to the Continuing Appropriations Res-*  
19        *olution, 2010 (Public Law 111–68).*

20          (d) *REFERENCES.—Except as otherwise expressly pro-*  
21        *vided, any reference in this section to an Act, or a provision*  
22        *contained in an Act, shall be considered to include the*  
23        *amendments made by that Act or provision.*

1 *EXTENSION OF HIGHWAY SAFETY PROGRAMS OF NATIONAL*  
2 *HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

3 *SEC. 2003. (a) CHAPTER 4 HIGHWAY SAFETY PRO-*  
4 *GRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat.*  
5 *1519) is amended—*

6 *(1) by striking “and”; and*

7 *(2) by inserting after “2009” the following: “,*  
8 *and \$235,000,000 for fiscal year 2010”.*

9 *(b) HIGHWAY SAFETY RESEARCH AND DEVELOP-*  
10 *MENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is*  
11 *amended—*

12 *(1) by striking “and”; and*

13 *(2) by inserting after “2009” the following: “,*  
14 *and \$105,500,000 for fiscal year 2010”.*

15 *(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—*

16 *(1) EXTENSION OF PROGRAM.—Section 405 of*  
17 *title 23, United States Code, is amended—*

18 *(A) in subsection (a)(3) by striking “6” and*  
19 *inserting “7”; and*

20 *(B) in subsection (a)(4)(C) by striking “in*  
21 *each of the fifth and sixth fiscal years beginning*  
22 *after September 30, 2003,” and inserting “in*  
23 *each subsequent fiscal year”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
2           *tion 2001(a)(3) of such Act (119 Stat. 1519) is*  
3           *amended—*

4                     (A) *by striking “and”; and*

5                     (B) *by inserting after “2009” the following:*  
6                     *“, and \$25,000,000 for fiscal year 2010”.*

7           (d) *SAFETY BELT PERFORMANCE GRANTS.*—

8                     (1) *EXTENSION OF PROGRAM.*—*Section 406(c)(1)*  
9                     *of title 23, United States Code, is amended by strik-*  
10                    *ing “2009” and inserting “2010”.*

11           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
12           *tion 2001(a)(4) of such Act (119 Stat. 1519) is*  
13           *amended—*

14                     (A) *by striking “and”; and*

15                     (B) *by inserting after “2009” the following:*  
16                     *“, and \$124,500,000 for fiscal year 2010”.*

17           (e) *STATE TRAFFIC SAFETY INFORMATION SYSTEM IM-*  
18           *PROVEMENTS.*—*Section 2001(a)(5) of such Act (119 Stat.*  
19           *1519) is amended—*

20                     (1) *by striking “and”; and*

21                     (2) *by inserting after “2009” the following: “,*  
22                     *and \$34,500,000 for fiscal year 2010”.*

23           (f) *ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES*  
24           *INCENTIVE GRANT PROGRAM.*—



1           (1) *EXTENSION OF PROGRAM.*—Section 410 of  
2     *title 23, United States Code, is amended—*

3           (A) *in subsection (a)(3)(C) by striking “in*  
4     *each of the fifth, sixth, seventh, and eighth fiscal*  
5     *years” and inserting “in each subsequent fiscal*  
6     *year”; and*

7           (B) *in subsection (b)(2)(C) by striking “and*  
8     *2009” and inserting “, 2009, and 2010”.*

9           (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-  
10    *tion 2001(a)(6) of such Act (119 Stat. 1519) is*  
11    *amended—*

12           (A) *by striking “and”; and*

13           (B) *by inserting after “2009” the following:*  
14     *“, and \$139,000,000 for fiscal year 2010”.*

15    (g) *NATIONAL DRIVER REGISTER.*—Section  
16    *2001(a)(7) of such Act (119 Stat. 1520) is amended—*

17           (1) *by striking “and”; and*

18           (2) *by inserting after “2009” the following: “,*  
19     *and \$4,000,000 for fiscal year 2010”.*

20    (h) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—

21           (1) *EXTENSION OF PROGRAM.*—Section 2009(a)  
22    *of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is*  
23    *amended by striking “2009” and inserting “2010”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
2           *tion 2001(a)(8) of such Act (119 Stat. 1520) is*  
3           *amended—*

4                     (A) *by striking “and”; and*

5                     (B) *by inserting after “2009” the second*  
6           *place it appears the following: “, and*  
7           *\$29,000,000 for fiscal year 2010”.*

8           (i) *MOTORCYCLIST SAFETY.*—

9                     (1) *EXTENSION OF PROGRAM.*—*Section*  
10           *2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119*  
11           *Stat. 1536) is amended by striking “and fourth” and*  
12           *inserting “fourth, and fifth”.*

13           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
14           *tion 2001(a)(9) of such Act (119 Stat. 1520) is*  
15           *amended—*

16                     (A) *by striking “and”; and*

17                     (B) *by inserting after “2009” the following:*  
18           *“, and \$7,000,000 for fiscal year 2010”.*

19           (j) *CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY*  
20           *INCENTIVE GRANTS.*—

21                     (1) *EXTENSION OF PROGRAM.*—*Section*  
22           *2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat.*  
23           *1538) is amended by striking “fourth fiscal year” and*  
24           *inserting “fourth and fifth fiscal years”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
2           *tion 2001(a)(10) of such Act (119 Stat. 1520) is*  
3           *amended—*

4                   (A) *by striking “and”; and*

5                   (B) *by inserting after “2009” the following:*  
6                   *“, and \$7,000,000 for fiscal year 2010”.*

7           (k) *ADMINISTRATIVE EXPENSES.*—*Section 2001(a)(11)*  
8           *of such Act (119 Stat. 1520) is amended—*

9                   (1) *by striking “and” the last place it appears;*  
10                  *and*

11                   (2) *by inserting after “2009” the following: “,*  
12                   *and \$18,500,000 for fiscal year 2010”.*

13           (l) *APPLICABILITY OF TITLE 23.*—*Section 2001(c) of*  
14           *such Act (119 Stat. 1520) is amended by striking “2009”*  
15           *and inserting “2010”.*

16           (m) *DRUG-IMPAIRED DRIVING ENFORCEMENT.*—*Sec-*  
17           *tion 2013(f) of such Act (23 U.S.C. 403 note; 119 Stat.*  
18           *1540) is amended by striking “2009” and inserting “2010”.*

19           (n) *OLDER DRIVER SAFETY; LAW ENFORCEMENT*  
20           *TRAINING.*—*Section 2017 of such Act (23 U.S.C. 402 note;*  
21           *119 Stat. 1541) is amended—*

22                   (1) *in subsection (a)(1) by striking “2009” and*  
23                   *inserting “2010”; and*

24                   (2) *in subsection (b)(2) by striking “2009” and*  
25                   *inserting “2010”.*

1           *EXTENSION OF FEDERAL MOTOR CARRIER SAFETY*

2                           *ADMINISTRATION PROGRAMS*

3           *SEC. 2004. (a) MOTOR CARRIER SAFETY GRANTS.—*

4   *Section 31104(a) of title 49, United States Code, is amend-*  
5   *ed—*

6                   (1) *by striking “and” at the end of paragraph*

7                   (4);

8                   (2) *by striking the period at the end of para-*  
9                   *graph (5) and inserting “; and”; and*

10                  (3) *by adding at the end the following:*

11                   “*(6) \$212,070,000 for fiscal year 2010.*”.

12           *(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)*  
13   *of title 49, United States Code, is amended—*

14                   (1) *by striking “and” at the end of subpara-*  
15                   *graph (D);*

16                   (2) *by striking the period at the end of subpara-*  
17                   *graph (E) and inserting “; and”; and*

18                   (3) *by adding at the end the following:*

19                   “*(F) \$239,828,000 for fiscal year 2010.*”.

20           *(c) HIGH PRIORITY ACTIVITIES.—Section 31104(k)(2)*  
21   *of title 49, United States Code, is amended by striking*

22   “*2009*” *and inserting “2010”.*

23           *(d) GRANT PROGRAMS.—Section 4101(c) of*  
24   *SAFETEA-LU (119 Stat. 1715) is amended—*

1           (1) *in paragraph (1) by striking “2009” and in-*  
2           *serting “2010”;*

3           (2) *in paragraph (2) by striking “and 2009”*  
4           *and inserting “2009, and 2010”;*

5           (3) *in paragraph (3) by striking “and 2009”*  
6           *and inserting “2009, and 2010”;*

7           (4) *in paragraph (4) by striking “2009” and in-*  
8           *serting “2010”; and*

9           (5) *in paragraph (5) by striking “2009” and in-*  
10          *serting “2010”.*

11          (e) *COMMERCIAL DRIVER’S LICENSE INFORMATION*  
12          *SYSTEM MODERNIZATION.—Section 4123(d) of SAFETEA—*  
13          *LU (119 Stat. 1736) is amended—*

14                 (1) *by striking “and” at the end of paragraph*  
15                 (3);

16                 (2) *by striking the period at the end of para-*  
17                 *graph (4) and inserting “; and”; and*

18                 (3) *by adding at the end the following:*

19                         “(5) \$8,000,000 for fiscal year 2010.”.

20          (f) *OUTREACH AND EDUCATION.—Section 4127(e) of*  
21          *such Act (119 Stat. 1741) is amended by striking “and*  
22          *2009” and inserting “2009, and 2010”.*

23          (g) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*  
24          *CLE OPERATORS.—Section 4134(c) of such Act (119 Stat.*  
25          *1744) is amended by striking “2009” and inserting “2010”.*

1           (h) *WORKING GROUP FOR DEVELOPMENT OF PRAC-*  
2 *TICES AND PROCEDURES TO ENHANCE FEDERAL-STATE*  
3 *RELATIONS.*—Section 4213(d) of such Act (119 Stat. 1759)  
4 *is amended by striking “2009” and inserting “2010”.*

5           (i) *OFFICE OF INTERMODALISM.*—Section 5503(i) of  
6 *title 49, United States Code, is amended by striking “2009”*  
7 *and inserting “2010”.*

8           *EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS*  
9           *SEC. 2005. (a) EXTENSION OF TRANSIT PROGRAMS.*—  
10 *Except as otherwise provided in this title, requirements, au-*  
11 *thorities, conditions, eligibilities, limitations, and other*  
12 *provisions authorized under title III of SAFETEA-LU*  
13 *(119 Stat. 1544), the SAFETEA-LU Technical Corrections*  
14 *Act of 2008 (122 Stat. 1572), title III of the Intermodal*  
15 *Surface Transportation Efficiency Act of 1991 (105 Stat.*  
16 *2087), title III of the Transportation Equity Act for the*  
17 *21st Century (112 Stat. 338), and chapter 53 of title 49,*  
18 *United States Code, which would otherwise expire on or*  
19 *cease to apply after September 30, 2009, or the date speci-*  
20 *fied in section 106(3) of the Continuing Appropriations*  
21 *Resolution, 2010 (Public Law 111–68), are incorporated by*  
22 *reference and shall continue in effect through September 30,*  
23 *2010.*

24           (b) *AUTHORIZATIONS.*—*For fiscal year 2010—*

25                   (1) *there shall be available from the Mass Tran-*  
26 *sit Account of the Highway Trust Fund*

1       \$8,343,171,000 for each Federal transit assistance  
2       program under section 5338(b) of title 49, United  
3       States Code, to be allocated among such programs in  
4       proportion to the amounts provided for each such pro-  
5       gram in fiscal year 2009; and

6               (2) there is authorized to be appropriated  
7       \$2,164,581,000 for each Federal transit program  
8       under subsections (c) and (d) of section 5338 of title  
9       49, United States Code, and for administrative ex-  
10      penses under subsection (e) of such section.

11      (c) *EXCEPTIONS.*—

12              (1) *PROJECTS FOR BUS AND BUS-RELATED FA-*  
13      *CILITIES AND CLEAN FUELS GRANT PROGRAM.*—The  
14      project designations contained in section 3044 of  
15      *SAFETEA-LU* (119 Stat. 1652) shall not apply to  
16      funds made available under subsection (b)(1).

17              (2) *ALLOCATIONS FOR NATIONAL RESEARCH AND*  
18      *TECHNOLOGY PROGRAMS.*—A program, project, or ac-  
19      tivity identified in section 3046 of *SAFETEA-LU*  
20      (119 Stat 1706) that the Secretary of Transportation  
21      determines was sufficiently funded before or during  
22      fiscal year 2009 to achieve the authorized purpose of  
23      the program, project, or activity shall not be eligible  
24      for funds authorized to be appropriated under sub-  
25      section (b)(2).





1        *priations Resolution for Fiscal Year 2010 enacted*  
2        *into law,” and inserting “2010,”; and*

3                *(2) in subsection (b)(1)(A) by striking “2009 and*  
4        *the period from October 1, 2009, through the date*  
5        *specified in section 106(3) of the first Continuing Ap-*  
6        *propriations Resolution for Fiscal Year 2010 enacted*  
7        *into law,” and inserting “2010,”.*

8                                *LEVEL OF OBLIGATION LIMITATIONS*

9        *SEC. 2007. (a) HIGHWAY CATEGORY.—Section*  
10        *8003(a) of SAFETEA–LU (119 Stat. 1917) is amended—*

11                *(1) by striking “and” at the end of paragraph*  
12        *(4);*

13                *(2) by striking the period at the end of para-*  
14        *graph (5) and inserting “; and”; and*

15                *(3) by adding at the end the following:*

16                *“(6) for fiscal year 2010, \$42,469,970,178.”.*

17        *(b) MASS TRANSIT CATEGORY.—Section 8003(b) of*  
18        *SAFETEA–LU (119 Stat. 1917) is amended—*

19                *(1) by striking “and” at the end of paragraph*  
20        *(4);*

21                *(2) by striking the period at the end of para-*  
22        *graph (5) and inserting “; and”; and*

23                *(3) by inserting after paragraph (5) the fol-*  
24        *lowing:*

25                *“(6) for fiscal year 2010, \$10,338,065,000.”.*

1                    *HAZARDOUS MATERIALS RESEARCH*

2            *SEC. 2008. Section 7131(c) of SAFETEA-LU (119*  
3 *Stat. 1910) is amended by striking “2009” and inserting*  
4 *“2010”.*

5            *EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY*

6                    *FROM TRUST FUNDS*

7            *SEC. 2009. (a) HIGHWAY TRUST FUND.—*

8                    *(1) HIGHWAY ACCOUNT.—Paragraph (1) of sec-*  
9 *tion 9503(c) of the Internal Revenue Code of 1986 is*  
10 *amended—*

11                    *(A) by striking “September 30, 2009 (Octo-*  
12 *ber 1, 2009” and inserting “September 30, 2010*  
13 *(October 1, 2010”, and*

14                    *(B) by striking “under” and all that follows*  
15 *and inserting “under the Surface Transportation*  
16 *Extension Act of 2009 or any other provision of*  
17 *law which was referred to in this paragraph be-*  
18 *fore the date of the enactment of such Act (as*  
19 *such Act and provisions of law are in effect on*  
20 *the date of the enactment of such Act).”.*

21                    *(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of*  
22 *section 9503(e) of such Code is amended—*

23                    *(A) by striking “October 1, 2009” and in-*  
24 *serting “October 1, 2010”, and*

25                    *(B) by striking “in accordance with” and*  
26 *all that follows and inserting “in accordance*

1           *with the Surface Transportation Extension Act*  
2           *of 2009 or any other provision of law which was*  
3           *referred to in this paragraph before the date of*  
4           *the enactment of such Act (as such Act and pro-*  
5           *visions of law are in effect on the date of the en-*  
6           *actment of such Act).”.*

7           (3) *EXCEPTION TO LIMITATION ON TRANS-*  
8           *FERS.—Subparagraph (B) of section 9503(b)(6) of*  
9           *such Code is amended by striking “September 30,*  
10           *2009 (October 1, 2009” and inserting “September 30,*  
11           *2010 (October 1, 2010”.*

12           (b) *SPORT FISH RESTORATION AND BOATING TRUST*  
13           *FUND.—*

14           (1) *IN GENERAL.—Paragraph (2) of section*  
15           *9504(b) of such Code is amended—*

16                   (A) *by striking “(as in effect” in subpara-*  
17                   *graph (A) and all that follows in such subpara-*  
18                   *graph and inserting “(as in effect on the date of*  
19                   *the enactment of the Surface Transportation Ex-*  
20                   *tension Act of 2009),”*,

21                   (B) *by striking “(as in effect” in subpara-*  
22                   *graph (B) and all that follows in such subpara-*  
23                   *graph and inserting “(as in effect on the date of*  
24                   *the enactment of the Surface Transportation Ex-*  
25                   *tension Act of 2009), and”, and*

1           (C) by striking “(as in effect” in subpara-  
2           graph (C) and all that follows in such subpara-  
3           graph and inserting “(as in effect on the date of  
4           the enactment of the Surface Transportation Ex-  
5           tension Act of 2009).”.

6           (2) *EXCEPTION TO LIMITATION ON TRANS-*  
7           *FERS.—Paragraph (2) of section 9504(d) of such Code*  
8           *is amended by striking “October 1, 2009” and insert-*  
9           *ing “October 1, 2010”.*

10          (c) *EFFECTIVE DATE.—The amendments made by this*  
11          *section shall take effect on September 30, 2009.*

12          *DETERMINATION OF HIGHWAY TRUST FUND BALANCES*

13          *SEC. 2010. (a) RESTORATION OF CERTAIN FOREGONE*  
14          *INTEREST TO HIGHWAY TRUST FUND.—Subsection (f) of*  
15          *section 9503 of the Internal Revenue Code of 1986 (relating*  
16          *to determination of trust fund balances after September 30,*  
17          *1998) is amended—*

18                  (1) *by striking paragraph (2); and*

19                  (2) *by adding at the end the following new para-*  
20          *graph:*

21                  “(2) *RESTORATION OF FOREGONE INTEREST.—*  
22          *Out of money in the Treasury not otherwise appro-*  
23          *priated, there is hereby appropriated (without fiscal*  
24          *year limitation)—*

1           “(A) \$14,700,000,000 to the Highway Ac-  
2           count (as defined in subsection (e)(5)(B)) of the  
3           Highway Trust Fund, and

4           “(B) \$4,800,000,000 to the Mass Transit  
5           Account of the Highway Trust Fund.”.

6           (b) *REPEAL OF PROVISION PROHIBITING CREDITING*  
7           *OF INTEREST TO HIGHWAY TRUST FUND.—*

8           (1) *IN GENERAL.—*Paragraph (1) of section  
9           9503(f) of such Code is amended by striking subpara-  
10          graph (B).

11          (2) *CONFORMING AMENDMENTS.—*Such para-  
12          graph, as amended by paragraph (1), is further  
13          amended—

14                (A) by striking “, and” at the end of sub-  
15                paragraph (A) and inserting a period, and

16                (B) by striking “1998” in the matter pre-  
17                ceding subparagraph (A) and all that follows  
18                through “the opening balance” and inserting  
19                “1998, the opening balance”.

20          (c) *EFFECTIVE DATE.—*The amendments made by this  
21          section shall take effect on the date of the enactment of this  
22          Act.

23          *REPEAL OF TRANSFERS FROM HIGHWAY TRUST FUND FOR*  
24                                *REPAYMENTS AND CREDITS*

25          *SEC. 2011. (a) IN GENERAL.—*Subsection (c) of section  
26          9503 of the Internal Revenue Code of 1986 is amended by

1 *striking paragraph (2) and by redesignating paragraphs*  
2 *(3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1) Section 9502(a) of such Code is amended by*  
5 *striking “section 9503(c)(7)” and inserting “section*  
6 *9503(c)(5)”.*

7 *(2) Section 9503(b)(4)(D) of such Code is*  
8 *amended by striking “paragraph (4)(D) or (5)(B)”*  
9 *and inserting “paragraph (3)(D) or (4)(B)”.*

10 *(3) Section 9503(c)(2) of such Code, as redesign-*  
11 *ated by subsection (a), is amended by adding at the*  
12 *end the following sentence: “The amounts payable*  
13 *from the Highway Trust Fund under the preceding*  
14 *sentence shall be determined by taking into account*  
15 *only the portion of the taxes which are deposited into*  
16 *the Highway Trust Fund.”.*

17 *(4) Section 9503(e)(5)(A) of such Code is amend-*  
18 *ed by striking “paragraphs (2), (3), and (4)” and in-*  
19 *serting “paragraphs (2) and (3)”.*

20 *(5) Section 9504(a) of such Code is amended by*  
21 *striking “section 9503(c)(4), section 9503(c)(5)” and*  
22 *inserting “section 9503(c)(3), section 9503(c)(4)”.*

23 *(6) Section 9504(b)(2) of such Code is amended*  
24 *by striking “section 9503(c)(5)” and inserting “sec-*  
25 *tion 9503(c)(4)”.*



1       *Code, chapter 303 of title 49, United States Code, or*  
2       *part B of subtitle VI of title 49, United States Code.*

3           (2) *EXCLUSIONS.—Notwithstanding paragraph*  
4       *(1), the term does not include a project or activity*  
5       *funded pursuant to—*

6           (A) *section 1301 or 1302 of SAFETEA-LU*  
7       *(119 Stat. 1198, 1204);*

8           (B) *section 5309(d) or 5309(e) of title 49,*  
9       *United States Code;*

10          (C) *the national infrastructure investments*  
11       *program in the Office of the Secretary of Trans-*  
12       *portation; or*

13          (D) *section 122 of the Department of Trans-*  
14       *portation Appropriations Act, 2010.*

15       (c) *REFERENCES.—Any reference in this section to an*  
16       *Act, or a provision contained in an Act, shall be considered*  
17       *to include the amendments made by that Act or provision.*

18       *BUY AMERICA REQUIREMENTS FOR HIGHWAY AND PUBLIC*  
19       *TRANSPORTATION PROJECTS*

20       *SEC. 2013. (a) HIGHWAYS.—Section 313 of title 23,*  
21       *United States Code, is amended—*

22           (1) *by redesignating subsections (c) through (f)*  
23       *as subsections (e) through (h), respectively;*

24           (2) *by inserting after subsection (b) the fol-*  
25       *lowing:*

26       “*(c) REQUIREMENTS FOR ISSUANCE OF WAIVERS.—*



1           “(1) *PUBLIC INTEREST WAIVERS.*—*The Secretary*  
2           *may issue a waiver under subsection (b)(1) only after*  
3           *the Secretary has considered the potential impacts of*  
4           *the waiver on domestic manufacturing employment.*

5           “(2) *INSUFFICIENT DOMESTIC SOURCE WAIV-*  
6           *ERS.*—*The Secretary may issue a waiver under sub-*  
7           *section (b)(2) with respect to a material or product*  
8           *only if the Secretary publishes notice of the waiver on*  
9           *the Internet for a period of at least 5 business days*  
10           *prior to issuance of the waiver and a sufficient do-*  
11           *mestic source of the material or product does not*  
12           *identify itself during the period.*

13           “(d) *TRANSPARENCY OF WAIVERS.*—

14           “(1) *IN GENERAL.*—*When the Secretary receives*  
15           *a written request for a waiver under this section, the*  
16           *Secretary shall—*

17                   “(A) *publish the request on the Internet*  
18                   *within 5 business days of the date of receipt of*  
19                   *the request; and*

20                   “(B) *if the Secretary decides to issue a*  
21                   *waiver based on the request, publish on the Inter-*  
22                   *net, within 30 days following the date of*  
23                   *issuance of the waiver, a detailed written jus-*  
24                   *tification as to why the waiver is necessary, in-*

1           *cluding an identification of the amount of Fed-*  
2           *eral funds associated with the waiver.*

3           “(2) *EMPLOYMENT IMPACT STATEMENT.*—*In*  
4           *issuing a waiver based on a finding under subsection*  
5           *(b)(1), the Secretary shall include, as part of the Sec-*  
6           *retary’s written justification for the waiver decision,*  
7           *a statement detailing the short- and long-term impact*  
8           *of the decision on domestic manufacturing employ-*  
9           *ment.”; and*

10           (3) *by adding at the end the following:*

11           “(i) *APPLICATION TO BRIDGE PROJECTS.*—*In the case*  
12           *of a bridge project, the requirements of this section apply*  
13           *to all construction contracts carried out within the scope*  
14           *of the applicable decision under the National Environ-*  
15           *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*  
16           *carried out on the bridge from abutment to abutment (in-*  
17           *cluding the abutments) regardless of the funding source of*  
18           *the contracts if at least one contract for construction with*  
19           *respect to the bridge is funded with amounts made available*  
20           *under this title.”.*

21           (b) *PUBLIC TRANSPORTATION.*—*Section 5323(j) of*  
22           *title 49, United States Code, is amended—*

23           (1) *in paragraph (2)(C) in the matter preceding*  
24           *clause (i) by inserting “, but excluding a rolling stock*  
25           *prototype” after “equipment”;*

1           (2) by redesignating paragraphs (3) through (9)  
2           as paragraphs (5) through (11), respectively; and

3           (3) by inserting after paragraph (2) the fol-  
4           lowing:

5           “(3) *REQUIREMENTS FOR ISSUANCE OF WAIV-*  
6           *ER.—*

7                   “(A) *PUBLIC INTEREST WAIVERS.—The Sec-*  
8                   *retary may issue a waiver under paragraph*  
9                   *(2)(A) only after the Secretary has considered*  
10                   *the potential impacts of the waiver on domestic*  
11                   *manufacturing employment.*

12                   “(B) *INSUFFICIENT DOMESTIC SOURCE*  
13                   *WAIVERS.—The Secretary may issue a waiver*  
14                   *under paragraph (2)(B) with respect to a mate-*  
15                   *rial or product only if the Secretary publishes*  
16                   *notice of the waiver on the Internet for a period*  
17                   *of at least 5 business days prior to issuance of*  
18                   *the waiver and a sufficient domestic source of the*  
19                   *material or product does not identify itself dur-*  
20                   *ing the period.*

21           “(4) *TRANSPARENCY OF WAIVERS.—*

22                   “(A) *IN GENERAL.—When the Secretary re-*  
23                   *ceives a written request for a waiver under this*  
24                   *subsection, the Secretary shall—*

1                   “(i) *publish the request on the Internet*  
2                   *within 5 business days of the date of receipt*  
3                   *of the request; and*

4                   “(ii) *if the Secretary decides to issue a*  
5                   *waiver based on the request, publish on the*  
6                   *Internet, within 30 days following the date*  
7                   *of issuance of the waiver, a detailed written*  
8                   *justification as to why the waiver is nec-*  
9                   *essary, including an identification of the*  
10                   *amount of Federal funds associated with the*  
11                   *waiver.*

12                   “(B) *EMPLOYMENT IMPACT STATEMENT.—*  
13                   *In issuing a waiver based on a finding under*  
14                   *paragraph (2)(A), the Secretary shall include, as*  
15                   *part of the Secretary’s written justification of the*  
16                   *waiver decision, a statement detailing the short-*  
17                   *and long-term impact of the decision on domestic*  
18                   *manufacturing employment.”.*

19                   (c) *IMPLEMENTATION.—*

20                   (1) *FINAL GUIDANCE.—Not later than 120 days*  
21                   *after the date of enactment of this Act, the Secretary*  
22                   *shall issue final guidance to carry out the amend-*  
23                   *ments made by this section.*

24                   (2) *EFFECTIVE DATE.—The requirements of the*  
25                   *amendments made by subsections (a) and (b) shall*

1        *begin to apply only after issuance of final guidance*  
2        *by the Secretary under paragraph (1).*

3        *(d) SEMIANNUAL REPORT.—Not later than 6 months*  
4        *after the date of enactment of this Act, and semiannually*  
5        *thereafter through September 30, 2011, the Comptroller*  
6        *General shall submit to the Committee on Transportation*  
7        *and Infrastructure and the Committee on Education and*  
8        *Labor of the House of Representatives and the Committee*  
9        *on Environment and Public Works, the Committee on*  
10       *Banking, Housing, and Urban Affairs, and the Committee*  
11       *on Health, Education, Labor, and Pensions of the Senate*  
12       *a report on the number of waivers issued by the Secretary*  
13       *of Transportation under section 313(b) of title 23, United*  
14       *States Code, and section 5323(j)(2) of title 49, United*  
15       *States Code, the reasons relied upon for issuing the waivers,*  
16       *and the amount of Federal funds associated with each waiv-*  
17       *er and in total for the period examined.*

1           *TITLE III—UNEMPLOYMENT AND OTHER*  
2                                   *EMERGENCY NEEDS*

3           *CHAPTER 1—AGRICULTURE AND RURAL*  
4                                   *DEVELOPMENT*

5                           *DEPARTMENT OF AGRICULTURE*

6                           *GENERAL PROVISION, THIS CHAPTER*

7   *RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF*  
8           *THE DEPARTMENT OF AGRICULTURE UNDER THE*  
9           *EQUAL CREDIT OPPORTUNITY ACT*

10          *SEC. 3101. (a) IN GENERAL.—To the extent permitted*  
11   *by the Constitution, and notwithstanding any other period*  
12   *of limitations, in the case of an eligible complaint alleging*  
13   *discrimination in violation of the Equal Credit Oppor-*  
14   *tunity Act (15 U.S.C. 1691) involving a credit program of*  
15   *the Department of Agriculture, a complainant may, before*  
16   *the end of the filing period—*

17                    *(1) file a civil action under subsection (c); or*

18                    *(2) request administrative review under sub-*  
19                    *section (d).*

20          *(b) ELIGIBLE COMPLAINT.—For purposes of this sec-*  
21   *tion, the term “eligible complaint” means any written com-*  
22   *plaint—*

23                    *(1) that is not employment related;*

1           (2) *that was filed with the Department of Agri-*  
2           *culture after December 31, 1997, and before the ear-*  
3           *lier of—*

4                   (A) *2 years after the date of the alleged vio-*  
5                   *lation of the Equal Credit Opportunity Act; and*

6                   (B) *the date of the enactment of this Act;*  
7           *and*

8           (3) *with respect to which the complainant—*

9                   (A) *was not a party to the consent decree*  
10                  *in the case entitled “Pigford v. Glickman”, ap-*  
11                  *proved by the United States District Court for*  
12                  *the District of Columbia on April 14, 1999; and*

13                  (B) *has not obtained relief from the Depart-*  
14                  *ment of Agriculture or a court of competent ju-*  
15                  *risdiction.*

16           (c) *CIVIL ACTION.—A civil action may be filed under*  
17           *this subsection if, with respect to the eligible complaint, the*  
18           *complainant—*

19                   (1) *has not requested administrative review; or*

20                   (2) *has requested administrative review, and the*  
21           *Secretary, with respect to each request, has either—*

22                           (A) *issued a determination; or*

23                           (B) *failed to issue a determination by a*  
24                   *date that is 180 days after the date such request*  
25                   *was made.*

1           (d) *ADMINISTRATIVE REVIEW.*—*Administrative review*  
2 *may be requested under this subsection as follows:*

3           (1) *DETERMINATION ON THE MERITS.*—*A com-*  
4 *plainant may request a determination on the merits*  
5 *if the complainant, with respect to the eligible com-*  
6 *plaint, has not filed a civil action.*

7           (2) *HEARING ON THE RECORD.*—*A complainant*  
8 *may request a hearing on the record if the complain-*  
9 *ant, with respect to the eligible complaint—*

10                   (A) *has not filed a civil action;*

11                   (B) *has requested a determination on the*  
12 *merits, and the Secretary has not issued such de-*  
13 *termination by the issuance deadline in sub-*  
14 *section (f)(2)(A); and*

15                   (C) *requests such hearing no later than 180*  
16 *days after the issuance deadline in subsection*  
17 *(f)(2)(A).*

18           (e) *INFORMAL RESOLUTION.*—*Notwithstanding any*  
19 *other provision of this section, the Secretary may infor-*  
20 *mally resolve an eligible complaint with a complainant.*

21           (f) *SPECIAL RULES FOR ADMINISTRATIVE REVIEW.*—  
22 *For purposes of this section:*

23           (1) *REQUESTS FOR ADMINISTRATIVE REVIEW.*—  
24 *A request for administrative review shall be—*

25                   (A) *in writing; and*



1           (B) filed in accordance with procedures es-  
2           tablished by the Secretary.

3           (2) *RESPONSIBILITY OF SECRETARY.*—If a com-  
4           plainant requests a determination on the merits  
5           under subsection (d)(1), then, unless a complainant,  
6           with respect to the eligible complaint, files a civil ac-  
7           tion or requests a hearing on the record, the Secretary  
8           shall, with respect to the eligible complaint, take the  
9           following actions:

10           (A) *ISSUANCE OF DETERMINATION.*—The  
11           Secretary shall, not later than an issuance dead-  
12           line that is 1 year after the date on which the  
13           complainant requests a determination on the  
14           merits—

15                   (i) investigate the eligible complaint;

16                   and

17                   (ii) issue a written determination.

18           (B) *NOTICE OF FAILURE TO ISSUE TIMELY*  
19           *DETERMINATION.*—If the Secretary does not issue  
20           a written determination by the issuance deadline  
21           in subparagraph (A), the Secretary shall  
22           promptly issue to the complainant, in writing  
23           and by registered mail, notice—

24                   (i) that the Secretary has not issued a  
25                   timely determination; and

1                   (ii) of the period of time during which  
2                   the complainant may bring a civil action or  
3                   request a hearing on the record.

4                   (3) *FINALITY OF DETERMINATION WITH RESPECT*  
5                   *TO HEARING ON THE RECORD.*—A determination with  
6                   respect to a hearing on the record shall be final.

7                   (4) *JUDICIAL REVIEW OF ADMINISTRATIVE DE-*  
8                   *TERMINATION.*—A determination on the merits or a  
9                   determination with respect to a hearing on the record  
10                  shall be subject to *de novo* review.

11                  (g) *FILING PERIOD.*—

12                  (1) *IN GENERAL.*—For purposes of this section,  
13                  the term “filing period” means the 2-year period be-  
14                  ginning on the date of enactment of this Act.

15                  (2) *TOLLING.*—The running of the filing period  
16                  in paragraph (1), for the purpose of filing a civil ac-  
17                  tion under subsection (c) or requesting a hearing on  
18                  the record under subsection (d)(2), shall be tolled for  
19                  the period that, with respect to the eligible com-  
20                  plaint—

21                          (A) begins on the date of a request for a de-  
22                          termination on the merits; and

23                          (B) ends on the date on which the Secretary  
24                          issues a determination with respect to a deter-

1            *mination on the merits or a hearing on the*  
2            *record.*

3            *(h) RELIEF.—*

4            *(1) AMOUNT.—Subject to paragraph (2), a com-*  
5            *plainant shall, under subsection (a), and may, under*  
6            *subsection (e), be awarded such relief as the complain-*  
7            *ant would be afforded under the Equal Credit Oppor-*  
8            *tunity Act, including—*

9                    *(A) actual damages;*

10                   *(B) the costs of the action, together with a*  
11                   *reasonable attorney's fee; and*

12                   *(C) debt relief, including—*

13                            *(i) write-downs or write-offs of the*  
14                            *principal on a loan;*

15                            *(ii) write-downs or write-offs of the in-*  
16                            *terest on a loan;*

17                            *(iii) reduction of the interest rate on a*  
18                            *loan;*

19                            *(iv) waiver or reduction of penalties*  
20                            *with respect to a loan; or*

21                            *(v) other modification of the terms of a*  
22                            *loan.*

23            *(2) LIMITATIONS ON RELIEF.—*

1           (A) *IN GENERAL.*—*The total amount*  
2           *awarded under this section for all claims shall*  
3           *not exceed \$100,000,000.*

4           (B) *ACTUAL DAMAGES, COSTS, AND ATTOR-*  
5           *NEY'S FEES.*—*The sum of the total amount*  
6           *awarded under paragraph (1)(A) for all claims,*  
7           *plus the total amount awarded under paragraph*  
8           *(1)(B) for all claims, shall not exceed*  
9           *\$40,000,000.*

10          (C) *DEBT RELIEF.*—*The total amount*  
11          *awarded under paragraph (1)(C) for all claims*  
12          *shall not exceed \$60,000,000.*

13          (3) *EXEMPTION FROM TAXATION.*—*Any award*  
14          *under clauses (ii), (iii), or (iv) of subparagraph (C)*  
15          *of paragraph (1) shall not be included in gross in-*  
16          *come for purposes of chapter 1 of the Internal Rev-*  
17          *enue Code of 1986.*

18          (i) *FUNDING.*—

19               (1) *There is hereby appropriated to the Sec-*  
20               *retary, for relief awarded under subsection (h)(1),*  
21               *\$100,000,000, to remain available until expended.*

22               (2) *Of the funds derived from interest on the*  
23               *cushion of credit payments including funds in the*  
24               *current fiscal year, as authorized by section 313 of the*  
25               *Rural Electrification Act of 1936, an additional*

1       \$100,000,000 shall not be obligated and an additional  
2       \$100,000,000 are rescinded.

3       (j) *SECRETARY*.—For purposes of this section, the term  
4       “Secretary” means the Secretary of Agriculture.

5                   *CHAPTER 2—FINANCIAL SERVICES AND*  
6                   *GENERAL GOVERNMENT*

7                   *SMALL BUSINESS ADMINISTRATION*

8                   *BUSINESS LOANS PROGRAM ACCOUNT*

9       For an additional amount for “Business Loans Pro-  
10      gram Account” for fee reductions and eliminations under  
11      section 501 of division A of the American Recovery and  
12      Reinvestment Act of 2009 (Public Law 111–5) and for the  
13      cost of guaranteed loans under section 502 of such division,  
14      \$354,000,000: Provided, That such cost shall be as defined  
15      in section 502 of the Congressional Budget Act of 1974: Pro-  
16      vided further, That authority to guarantee loans under sec-  
17      tion 502 of division A of the American Recovery and Rein-  
18      vestment Act of 2009 shall remain in effect through Sep-  
19      tember 30, 2010, notwithstanding subsection (f) of such sec-  
20      tion.

21                   *GENERAL PROVISION, THIS CHAPTER*

22                   *RESCISSIONS*

23       *SEC. 3201. The following funds are hereby rescinded*  
24      *from the following accounts and programs in the specified*  
25      *amounts:*

1           (1) “*National Telecommunications and Informa-*  
2           *tion Administration—Digital-to-Analog Converter*  
3           *Box Program*” in the Department of Commerce,  
4           \$111,000,000.

5           (2) “*Special Supplemental Nutrition Program*  
6           *for Women, Infants, and Children (WIC)*” of the De-  
7           *partment of Agriculture, \$243,000,000, to be derived*  
8           *from unobligated balances available from amounts*  
9           *placed in reserve in title I of division A of the Amer-*  
10          *ican Recovery and Reinvestment Act of 2009 (Public*  
11          *Law 111–5; 123 Stat 115).*

12          CHAPTER 3—LABOR, HEALTH AND HUMAN

13                               SERVICES, AND EDUCATION

14                               GENERAL PROVISIONS, THIS CHAPTER

15          ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING

16   FAMILIES

17          SEC. 3301. (a)(1) *Section 4007 of the Supplemental*  
18          *Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.*  
19          *3304 note) is amended—*

20                       (A) *by striking “December 31, 2009” each place*  
21                       *it appears and inserting “June 30, 2010”;*

22                       (B) *in the heading for subsection (b)(2), by strik-*  
23                       *ing “DECEMBER 31, 2009” and inserting “JUNE 30,*  
24                       *2010”; and*

1           (C) in subsection (b)(3), by striking “May 31,  
2           2010” and inserting “November 30, 2010”.

3           (2) Section 2002(e) of the Assistance for Unemployed  
4 Workers and Struggling Families Act, as contained in Pub-  
5 lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is  
6 amended—

7           (A) in paragraph (1)(B), by striking “January  
8           1, 2010” and inserting “July 1, 2010”;

9           (B) in the heading for paragraph (2), by strik-  
10          ing “JANUARY 1, 2010” and inserting “JULY 1, 2010”;  
11          and

12          (C) in paragraph (3), by striking “June 30,  
13          2010” and inserting “December 31, 2010”.

14          (3) Section 2005 of the Assistance for Unemployed  
15 Workers and Struggling Families Act, as contained in Pub-  
16 lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is  
17 amended—

18          (A) by striking “January 1, 2010” each place it  
19          appears and inserting “July 1, 2010”; and

20          (B) in subsection (c), by striking “June 1, 2010”  
21          and inserting “December 1, 2010”.

22          (4) Section 5 of the Unemployment Compensation Ex-  
23 tension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304  
24 note) is amended by striking “May 30, 2010” and inserting  
25 “November 30, 2010”.

1           (b) *Section 4004(e)(1) of the Supplemental Appropria-*  
2 *tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)*  
3 *is amended by striking “by reason of” and all that follows*  
4 *and inserting the following: “by reason of—*

5                   “(A) *the amendments made by section*  
6 *2001(a) of the Assistance for Unemployed Work-*  
7 *ers and Struggling Families Act;*

8                   “(B) *the amendments made by sections 2*  
9 *through 4 of the Worker, Homeownership, and*  
10 *Business Assistance Act of 2009; and*

11                   “(C) *the amendments made by section*  
12 *3301(a)(1) of the Jobs for Main Street Act, 2010;*  
13 *and”.*

14   *EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE*  
15                   *FOR COBRA BENEFITS*

16           *SEC. 3302. (a) EXTENSION OF ELIGIBILITY PERIOD.—*  
17 *Subsection (a)(3)(A) of section 3001 of division B of the*  
18 *American Recovery and Reinvestment Act of 2009 (Public*  
19 *Law 111–5) is amended by striking “December 31, 2009”*  
20 *and inserting “June 30, 2010”.*

21           (b) *EXTENSION OF MAXIMUM DURATION OF ASSIST-*  
22 *ANCE.—Subsection (a)(2)(A)(i)(I) of such section is*  
23 *amended by striking “9 months” and inserting “15*  
24 *months”.*



1           (c) *RULES RELATED TO 2009 EXTENSION.*—Sub-  
2 *section (a) of such section is further amended by adding*  
3 *at the end the following:*

4                   “(16) *RULES RELATED TO 2009 EXTENSION.*—

5                           “(A) *ELECTION TO PAY PREMIUMS RETRO-*  
6 *ACTIVELY AND MAINTAIN COBRA COVERAGE.*—*In*  
7 *the case of any premium for a period of coverage*  
8 *during an assistance eligible individual’s transi-*  
9 *tion period, such individual shall be treated for*  
10 *purposes of any COBRA continuation provision*  
11 *as having timely paid the amount of such pre-*  
12 *mium if—*

13                                   “(i) *such individual was covered under*  
14 *the COBRA continuation coverage to which*  
15 *such premium relates for the period of cov-*  
16 *erage immediately preceding such transition*  
17 *period, and*

18   “(ii) *such individual pays, not later*  
19 *than 60 days after the date of the enactment*  
20 *of this paragraph (or, if later, 30 days after*  
21 *the date of provision of the notification re-*  
22 *quired under subparagraph (D)(ii)), the*  
23 *amount of such premium, after the applica-*  
24 *tion of paragraph (1)(A).*

1           “(B) *REFUNDS AND CREDITS FOR RETRO-*  
2           *ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.*—*In*  
3           *the case of an assistance eligible individual who*  
4           *pays, with respect to any period of COBRA con-*  
5           *tinuation coverage during such individual’s*  
6           *transition period, the premium amount for such*  
7           *coverage without regard to paragraph (1)(A),*  
8           *rules similar to the rules of paragraph (12)(E)*  
9           *shall apply.*

10           “(C) *TRANSITION PERIOD.*—

11           “(i) *IN GENERAL.*—*For purposes of*  
12           *this paragraph, the term ‘transition period’*  
13           *means, with respect to any assistance eligi-*  
14           *ble individual, any period of coverage if—*

15                   “(I) *such period begins before the*  
16                   *date of the enactment of this para-*  
17                   *graph, and*

18                   “(II) *paragraph (1)(A) applies to*  
19                   *such period by reason of the amend-*  
20                   *ment made by section 3302(b) of the*  
21                   *Jobs for Main Street Act, 2010 .*

22           “(ii) *CONSTRUCTION.*—*Any period*  
23           *during the period described in subclauses*  
24           *(I) and (II) of clause (i) for which the ap-*  
25           *plicable premium has been paid pursuant*

1           to subparagraph (A) shall be treated as a  
2           period of coverage referred to in such para-  
3           graph, irrespective of any failure to timely  
4           pay the applicable premium (other than  
5           pursuant to subparagraph (A)) for such pe-  
6           riod.

7           “(D) NOTIFICATION.—

8                   “(i) IN GENERAL.—In the case of an  
9           individual who was an assistance eligible  
10          individual at any time on or after October  
11          31, 2009, or experiences a qualifying event  
12          (consisting of a reduction of hours or termi-  
13          nation of employment) relating to COBRA  
14          continuation coverage on or after such date,  
15          the administrator of the group health plan  
16          (or other entity) involved shall provide an  
17          additional notification with information re-  
18          garding the amendments made by the Jobs  
19          for Main Street Act, 2010 within 60 days  
20          after the date of the enactment of such Act  
21          or, in the case of a qualifying event occur-  
22          ring after such date of enactment, consistent  
23          with the timing of notifications under para-  
24          graph (7)(A).

1           “(ii) *TO INDIVIDUALS WHO LOST AS-*  
2           *SISTANCE.—In the case of an assistance eli-*  
3           *gible individual described in subparagraph*  
4           *(A)(i) who did not timely pay the premium*  
5           *for any period of coverage during such indi-*  
6           *vidual’s transition period or paid the pre-*  
7           *mium for such period without regard to*  
8           *paragraph (1)(A), the administrator of the*  
9           *group health plan (or other entity) involved*  
10          *shall provide to such individual, within the*  
11          *first 60 days of such individual’s transition*  
12          *period, an additional notification with in-*  
13          *formation regarding the amendments made*  
14          *by the Jobs for Main Street Act, 2010, in-*  
15          *cluding information on the ability under*  
16          *subparagraph (A) to make retroactive pre-*  
17          *mium payments with respect to the transi-*  
18          *tion period of the individual in order to*  
19          *maintain COBRA continuation coverage.*

20               “(iii) *APPLICATION OF RULES.—Rules*  
21               *similar to the rules of paragraph (7) shall*  
22               *apply with respect to notifications under*  
23               *this subparagraph.”.*

24           (d) *CLARIFICATIONS RELATING TO SECTION 3001 OF*  
25    *ARRA.—*

1           (1) *CLARIFICATION THAT ELIGIBILITY AND NO-*  
2           *TICE IS BASED ON TIMING OF QUALIFYING EVENT.—*

3           *Subsection (a) of such section is amended—*

4                   (A) *in paragraph (3)(A)—*

5                           (i) *by striking “at any time” and in-*  
6                           *serting “such qualified beneficiary is eligi-*  
7                           *ble for COBRA continuation coverage re-*  
8                           *lated to a qualifying event occurring”; and*

9                           (ii) *by striking “, such qualified bene-*  
10                           *ficiary is eligible for COBRA continuation*  
11                           *coverage”; and*

12                   (B) *in paragraph (7)(A), by striking “be-*  
13                   *come entitled to elect COBRA continuation cov-*  
14                   *erage” and inserting “have a qualifying event re-*  
15                   *lating to COBRA continuation coverage”.*

16           (2) *CLARIFICATION REGARDING RETIREE COV-*  
17           *ERAGE.—Subsection (a)(2)(A)(i) of such section is*  
18           *amended by inserting “coverage under a retiree health*  
19           *plan,” after “other than”.*

20           (3) *CLARIFICATION REGARDING COBRA CONTINU-*  
21           *ATION RESULTING FROM REDUCTIONS IN HOURS.—*

22           *Subsection (a) of such section is further amended—*

23                   (A) *in paragraph (3)(C), by inserting before*  
24                   *the period at the end the following: “or consists*  
25                   *of a reduction of hours followed by such an in-*

1           *voluntary termination of employment during*  
2           *such period”;* and

3                   *(B) by adding at the end the following:*

4                   “(17) *SPECIAL RULES IN CASE OF INDIVIDUALS*  
5           *LOSING COVERAGE BECAUSE OF A REDUCTION OF*  
6           *HOURS.—*

7                   “(A) *NEW ELECTION PERIOD.—*

8                           “(i) *IN GENERAL.—For the purposes of*  
9                           *the COBRA continuation provisions, in the*  
10                           *case of an individual described in subpara-*  
11                           *graph (C) who did not make (or who made*  
12                           *and discontinued) an election of COBRA*  
13                           *continuation coverage on the basis of the re-*  
14                           *duction of hours of employment, the invol-*  
15                           *untary termination of employment of such*  
16                           *individual after the date of the enactment of*  
17                           *the Jobs for Main Street Act, 2010, shall be*  
18                           *treated as a qualifying event.*

19                           “(ii) *COUNTING COBRA DURATION PE-*  
20                           *RIOD FROM PREVIOUS QUALIFYING*  
21                           *EVENT.—In any case of an individual re-*  
22                           *ferred to in clause (i), the period of such in-*  
23                           *dividual’s continuation coverage shall be de-*  
24                           *termined as though the qualifying event*  
25                           *were the reduction of hours of employment.*

1           “(iii) *CONSTRUCTION.*—*Nothing in*  
2           *this paragraph shall be construed as requir-*  
3           *ing an individual referred to in clause (i)*  
4           *to make a payment for COBRA continu-*  
5           *ation coverage between the reduction of*  
6           *hours and the involuntary termination of*  
7           *employment.*

8           “(iv) *PREEXISTING CONDITIONS.*—  
9           *With respect to an individual referred to in*  
10          *clause (i) who elects COBRA continuation*  
11          *coverage pursuant to such clause, rules*  
12          *similar to the rules in paragraph (4)(C)*  
13          *shall apply.*

14          “(B) *NOTICES.*—*In the case of an indi-*  
15          *vidual described in subparagraph (C), the ad-*  
16          *ministrator of the group health plan (or other*  
17          *entity) involved shall provide, during the 60-day*  
18          *period beginning on the date of such individual’s*  
19          *termination of employment, an additional notifi-*  
20          *cation described in paragraph (7)(A), including*  
21          *information on the provisions of this paragraph.*  
22          *Rules similar to the rules of paragraph (7) shall*  
23          *apply with respect to such notification.*

24          “(C) *INDIVIDUALS DESCRIBED.*—*Individ-*  
25          *uals described in this subparagraph are individ-*

1           uals who are assistance eligible individuals on  
2           the basis of a qualifying event consisting of a re-  
3           duction of hours occurring during the period de-  
4           scribed in paragraph (3)(A) followed by an in-  
5           voluntary termination of employment insofar as  
6           such termination of employment occurred after  
7           the date of the enactment of the Jobs for Main  
8           Street Act, 2010.”.

9           (4) *CLARIFICATION OF PERIOD OF ASSIST-*  
10          ANCE.—Subsection (a)(2)(A)(ii)(I) of such section is  
11          amended by striking “of the first month”.

12          (5) *ENFORCEMENT.—Subsection (a)(5) of such*  
13          section is amended by adding at the end the fol-  
14          lowing: “In addition to civil actions that may be  
15          brought to enforce applicable provisions of such Act or  
16          other laws, the appropriate Secretary or an affected  
17          individual may bring a civil action to enforce such  
18          determinations and for appropriate relief. In addi-  
19          tion, such Secretary may assess a penalty against a  
20          plan sponsor or health insurance issuer of not more  
21          than \$110 per day for each failure to comply with  
22          such determination of such Secretary after 10 days  
23          after the date of the plan sponsor’s or issuer’s receipt  
24          of the determination.”.



1           (6) *AMENDMENTS RELATING TO SECTION 3001 OF*  
2     *ARRA.—*

3           (A) *Subsection (g) of section 35 of the Inter-*  
4     *nal Revenue Code of 1986 is amended by strik-*  
5     *ing “section 3002(a) of the Health Insurance As-*  
6     *istance for the Unemployed Act of 2009” and*  
7     *inserting “section 3001(a) of title III of division*  
8     *B of the American Recovery and Reinvestment*  
9     *Act of 2009”.*

10          (B) *Section 139C of such Code is amended*  
11     *by striking “section 3002 of the Health Insur-*  
12     *ance Assistance for the Unemployed Act of 2009”*  
13     *and inserting “section 3001 of title III of divi-*  
14     *sion B of the American Recovery and Reinvest-*  
15     *ment Act of 2009”.*

16          (C) *Section 6432 of such Code is amend-*  
17     *ed—*

18           (i) *in subsection (a), by striking “sec-*  
19     *tion 3002(a) of the Health Insurance Assist-*  
20     *ance for the Unemployed Act of 2009” and*  
21     *inserting “section 3001(a) of title III of di-*  
22     *vision B of the American Recovery and Re-*  
23     *investment Act of 2009”;*

24           (ii) *in subsection (c)(3), by striking*  
25     *“section 3002(a)(1)(A) of such Act” in sub-*

1           *section (c)(3) and inserting “section*  
2           *3001(a)(1)(A) of title III of division B of*  
3           *the American Recovery and Reinvestment*  
4           *Act of 2009”; and*

5                     *(iii) by redesignating subsections (e)*  
6           *and (f) as subsections (f) and (g), respec-*  
7           *tively, and inserting after subsection (d) the*  
8           *following new subsection:*

9           *“(e) EMPLOYER DETERMINATION OF QUALIFYING*  
10          *EVENT AS INVOLUNTARY TERMINATION.—For purposes of*  
11          *this section, in any case in which—*

12                     *“(1) based on a reasonable interpretation of sec-*  
13          *tion 3001(a)(3)(C) of division B of the American Re-*  
14          *covery and Reinvestment Act of 2009 and adminis-*  
15          *trative guidance thereunder, an employer determines*  
16          *that the qualifying event with respect to COBRA con-*  
17          *tinuation coverage for an individual was involuntary*  
18          *termination of a covered employee’s employment, and*

19                     *“(2) the employer maintains supporting docu-*  
20          *mentation of the determination, including an attesta-*  
21          *tion by the employer of involuntary termination with*  
22          *respect to the covered employee,*  
23          *the qualifying event for the individual shall be deemed to*  
24          *be involuntary termination of the covered employee’s em-*  
25          *ployment.”.*

1                   (D) Subsection (a) of section 6720C of such  
2                   Code is amended by striking “section  
3                   3002(a)(2)(C) of the Health Insurance Assistance  
4                   for the Unemployed Act of 2009” and inserting  
5                   “section 3001(a)(2)(C) of title III of division B  
6                   of the American Recovery and Reinvestment Act  
7                   of 2009”.

8                   (e) *EFFECTIVE DATE.*—The amendments made by this  
9                   section shall take effect as if included in the provisions of  
10                  section 3001 of division B of the American Recovery and  
11                  Reinvestment Act of 2009 to which they relate, except  
12                  that—

13                  (1) the amendments made by subsections (d)(2)  
14                  and (d)(3) shall apply to periods of coverage begin-  
15                  ning after the date of the enactment of this Act; and

16                  (2) the amendment made by subsection (d)(5)  
17                  shall take effect on the date of the enactment of this  
18                  Act.

19                  *EXTENSION OF RECOVERY ACT INCREASE IN FMAP*

20                  *SEC. 3303. Section 5001 of the American Recovery and*  
21                  *Reinvestment Act of 2009 (Public Law 111–5) is amend-*  
22                  *ed—*

23                  (1) in subsection (a)(3), by striking “first cal-  
24                  endar quarter” and inserting “first 3 calendar quar-  
25                  ters”;

1           (2) *in subsection (b)(2), by inserting before the*  
2           *period at the end the following: “and such paragraph*  
3           *shall not apply to calendar quarters beginning on or*  
4           *after October 1, 2010”;*

5           (3) *in subsection (c)(4)(C)(ii), by striking “De-*  
6           *cember 2009” and “January 2010” and inserting*  
7           *“June 2010” and “July 2010”, respectively;*

8           (4) *in subsection (d), by inserting “ending before*  
9           *October 1, 2010” after “entire fiscal years” and after*  
10          *“with respect to fiscal years”;*

11          (5) *in subsection (g)(1), by striking “September*  
12          *30, 2011” and inserting “March 31, 2012”; and*

13          (6) *in subsection (h)(3), by striking “December*  
14          *31, 2010” and inserting “June 30, 2011”.*

15 *REPEAL OF EARNED INCOME THRESHOLD FOR DETER-*  
16 *MINING REFUNDABLE PORTION OF CHILD TAX CREDIT*

17 *SEC. 3304. (a) IN GENERAL.—Clause (i) of section*  
18 *24(d)(1)(B) of the Internal Revenue Code of 1986 is amend-*  
19 *ed to read as follows:*

20                   *“(i) 15 percent of the taxpayer’s*  
21                   *earned income (within the meaning of sec-*  
22                   *tion 32) which is taken into account in*  
23                   *computing taxable income, or”.*

24          (b) *CONFORMING AMENDMENTS.—Subsection (d) of*  
25 *section 24 of such Code is amended—*

26                   (1) *by striking paragraph (3), and*



1 **“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRA-**  
2 **TION OF FEDERAL PROGRAMS AND FEDER-**  
3 **ALLY ASSISTED PROGRAMS.**

4 *“(a) IN GENERAL.—Notwithstanding any other provi-*  
5 *sion of law, any refund (or advance payment with respect*  
6 *to a refundable credit) made to any individual under this*  
7 *title shall not be taken into account as income, and shall*  
8 *not be taken into account as resources for the month of re-*  
9 *ceipt and the following 11 months, for purposes of deter-*  
10 *mining the eligibility of such individual (or any other indi-*  
11 *vidual) for benefits or assistance (or the amount or extent*  
12 *of benefits or assistance) under any Federal program or*  
13 *under any State or local program financed in whole or in*  
14 *part with Federal funds.*

15 *“(b) TERMINATION.—Subsection (a) shall not apply to*  
16 *any amount received after December 31, 2010.”.*

17 *(b) CLERICAL AMENDMENT.—The table of sections for*  
18 *such subchapter is amended by adding at the end the fol-*  
19 *lowing new item:*

*“Sec. 6409. Refunds disregarded in the administration of Federal programs and  
Federally assisted programs.”.*

20 *(c) EFFECTIVE DATE.—The amendment made by this*  
21 *section shall apply to amounts received after December 31,*  
22 *2009.*

1 *PERMANENT EXTENSION OF FEE WITHHOLDING PROCE-*  
2 *DURES TO TITLE XVI AND TO QUALIFIED NON-ATTOR-*  
3 *NEY REPRESENTATIVES*

4 *SEC. 3307. (a) PERMANENT EXTENSION OF ATTORNEY*  
5 *FEE WITHHOLDING PROCEDURES TO TITLE XVI.—*

6 *(1) IN GENERAL.—Section 302 of the Social Se-*  
7 *curity Protection Act of 2004 (Public Law 108–203;*  
8 *118 Stat. 519) is amended—*

9 *(A) in the section heading, by striking*  
10 *“TEMPORARY”; and*

11 *(B) in subsection (c), by striking “EFFEC-*  
12 *TIVE DATE.—” and all that follows through “The*  
13 *amendments” and inserting “EFFECTIVE*  
14 *DATE.—The amendments”, and by striking*  
15 *paragraph (2).*

16 *(2) CLERICAL AMENDMENT.—The item relating*  
17 *to section 302 in the table of contents in section 1(b)*  
18 *of such Act is amended by striking “Temporary ex-*  
19 *tension” and inserting “Extension”.*

20 *(b) PERMANENT EXTENSION OF FEE WITHHOLDING*  
21 *PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTA-*  
22 *TIVES.—*

23 *(1) IN GENERAL.—Section 206 of the Social Se-*  
24 *curity Act (42 U.S.C. 406) is amended by adding at*  
25 *the end the following new subsection:*

1       “(e)(1) *The Commissioner shall provide for the exten-*  
2 *sion of the fee withholding procedures and assessment proce-*  
3 *dures that apply under the preceding provisions of this sec-*  
4 *tion to agents and other persons, other than attorneys, who*  
5 *represent claimants under this title before the Commis-*  
6 *sioner.*

7       “(2) *Fee-withholding procedures may be extended*  
8 *under paragraph (1) to any nonattorney representative*  
9 *only if such representative meets at least the following pre-*  
10 *requisites:*

11           “(A) *The representative has been awarded a*  
12 *bachelor’s degree from an accredited institution of*  
13 *higher education, or has been determined by the Com-*  
14 *missioner to have equivalent qualifications derived*  
15 *from training and work experience.*

16           “(B) *The representative has passed an examina-*  
17 *tion, written and administered by the Commissioner,*  
18 *which tests knowledge of the relevant provisions of*  
19 *this Act and the most recent developments in agency*  
20 *and court decisions affecting this title and title XVI.*

21           “(C) *The representative has secured professional*  
22 *liability insurance, or equivalent insurance, which the*  
23 *Commissioner has determined to be adequate to pro-*  
24 *tect claimants in the event of malpractice by the rep-*  
25 *resentative.*



1           “(D) *The representative has undergone a criminal background check to ensure the representative’s fitness to practice before the Commissioner.*

4           “(E) *The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under this title and title XVI. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.*

14          “(3)(A) *The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in paragraph (2).*

18          “(B) *Fees collected under subparagraph (A) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner determines appropriate.*

24          “(C) *The fees authorized under this paragraph shall be collected and available for obligation only to the extent*

1 *and in the amount provided in advance in appropriations*  
2 *Acts. Amounts so appropriated are authorized to remain*  
3 *available until expended for administering the prerequisites*  
4 *described in paragraph (2).”.*

5 (2) *CONFORMING AMENDMENTS.—*

6 (A) *Section 1631(d)(2)(A) of such Act (42*  
7 *U.S.C. 1383(d)(2)(A)) is amended—*

8 (i) *in clause (iv), by striking “and” at*  
9 *the end;*

10 (ii) *in clause (v), by striking the pe-*  
11 *riod at the end and inserting “; and”; and*

12 (iii) *by adding at the end the following*  
13 *new clause:*

14 “(vi) *by substituting, in subsection (e)(1)—*

15 “(I) *‘subparagraphs (B) and (C) of*  
16 *section 1631(d)(2)’ for ‘the preceding provi-*  
17 *sions of this section’; and*

18 “(II) *‘title XVI’ for ‘this title’.*”.

19 (B) *Section 303(e)(2) of the Social Security*  
20 *Protection Act of 2004 (Public Law 108–203;*  
21 *118 Stat. 523) is amended by striking “AND*  
22 *FINAL REPORT” in the heading and by striking*  
23 *the last sentence.*

24 (3) *EFFECTIVE DATE.—The Commissioner of So-*  
25 *cial Security shall provide for full implementation of*

1 *the provisions of section 206(e) of the Social Security*  
2 *Act (as added by paragraph (1)) and the amendments*  
3 *made by paragraph (2) not later than March 1, 2010.*

4 *CHAPTER 4—GENERAL PROVISIONS, THIS TITLE*

5 *EMERGENCY DESIGNATIONS*

6 *SEC. 3401. (a) IN GENERAL.—Each amount in this*  
7 *title is designated as an emergency requirement and nec-*  
8 *essary to meet emergency needs pursuant to sections 403*  
9 *and 423(b) of S. Con. Res. 13 (111th Congress), the concur-*  
10 *rent resolution on the budget for fiscal year 2010.*

11 *(b) PAYGO.—All applicable provisions in this title*  
12 *are designated as an emergency for purposes of pay-as-you-*  
13 *go principles.*

14 *TITLE IV—GENERAL PROVISIONS, THIS ACT*

15 *PERIOD OF AVAILABILITY*

16 *SEC. 4001. No part of any appropriation contained*  
17 *in this Act shall remain available for obligation beyond*  
18 *September 30, 2010, unless expressly so provided herein.*

19 *BUY AMERICA*

20 *SEC. 4002. All funds provided under this Act shall be*  
21 *subject to the requirements of section 1605 of division A*  
22 *of the American Recovery and Reinvestment Act of 2009*  
23 *(Public Law 111–5).*

24 *This Act may be cited as the “Jobs for Main Street*  
25 *Act, 2010”.*





## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: SENATOR LENA TAYLOR  
FROM: Scott Grosz, Staff Attorney  
RE: Summary of LRB-3451/8  
DATE: January 19, 2010 (Revised January 19, 2010)

This memorandum summarizes major components of LRB-3451/8, relating to the Southeastern Regional Transit Authority (SERTA) and the creation of interim regional transit authorities (IRTAs) in southeast Wisconsin.

SERTA was created by 2009 Wisconsin Act 28, the Biennial Budget Bill, as the successor to the KRM authority previously in existence. SERTA's jurisdictional area consists of the geographic area formed by the combined boundaries of the counties of Kenosha, Racine, and Milwaukee.

Generally, the bill enables the provision of regional transit in the counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, and Waukesha through the formation of an IRTA in each county. The bill also provides incentives for the increase of transit services by an IRTA and for succession of the IRTAs by SERTA if certain revenue and service thresholds are reached by at least three IRTAs.

For a more detailed description of the bill, see the analysis by the Legislative Reference Bureau, attached to the bill.

### **INTERIM REGIONAL TRANSIT AUTHORITIES<sup>1</sup>**

#### **Creation, Powers, and Duties**

In each of the counties listed above, an IRTA may be formed by passage of identical resolutions by the governing bodies of one or more local political subdivisions, which may include the county and municipalities within the county. At least one of those entities must operate a transit system that receives state transit aids on the effective date of the bill. The jurisdictional area of each IRTA consists

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<sup>1</sup> Note that the bill specifies unique requirements for IRTAs created in the counties of Racine and Milwaukee, including items relating to funding, board membership, and provision of transit services.

of the combined boundaries of the member political subdivisions. If a county is an IRTA member, the IRTA's jurisdictional area is the county boundary. After an IRTA has been formed in a county, other political subdivisions within the county may join the IRTA.

Once formed, each IRTA must provide or contract for the provision of transit services within its jurisdictional area, using powers and duties similar to other regional transit authorities authorized under 2009 Wisconsin Act 28. If an IRTA applies for federal or state funding, the application must be submitted to SERTA, which must submit the application on behalf of IRTA and forward to the IRTA any funds received.

### **Funding**

Each political subdivision creating or joining an IRTA must commit to provide a level of funding for the IRTA at least equal to the amount of that political subdivision's property tax levy for transit in the year prior to the effective date of the bill. A resolution creating an IRTA must specify the revenue sources on which the IRTA will rely for funding, as well as the minimum amount of revenue that the IRTA will commit to satisfy its revenue requirements. An IRTA may derive revenue from the following sources:

- Sales tax, up to 0.5%, upon passage of a referendum in the IRTA's jurisdictional area.
- Room tax, up to 8%.
- Vehicle registration fee.
- Membership fees charged to member political subdivisions.

If an IRTA imposes a sales tax, no member political subdivision may levy property taxes for transit. An IRTA board may modify the rates and amounts of revenue sources authorized by the resolution that created the IRTA.

### **Service and Revenue Requirements and Incentives**

Within two years of creation, each IRTA must generate revenue in a manner that permits it to reduce passenger fare revenues or increase transit services as required by the bill. Within four years of creation, in addition to continuing to meet this two-year threshold, each IRTA must improve its interconnectivity by linking with other modes of transportation and improving cross-county links.

Under the bill, SERTA has authority to provide incentive funding to each IRTA, initially through the use of its rental car transaction fee and, later, from state transit aids.

### **Dissolution**

Subject to allowances made by the Department of Transportation (DOT), an IRTA that does not meet its revenue and service thresholds within two years of the applicable time limits must be dissolved, with responsibility for transit service and IRTA assets and liabilities reverting back to the participating political subdivisions.

## **SOUTHEASTERN REGIONAL TRANSIT AUTHORITY**

### **Board Membership, Jurisdiction, and Bonding Authority**

Under the bill, bonding authority for SERTA would increase from \$50,000,000 to \$250,000,000. The bill modifies the membership of SERTA to include the Cities of Kenosha, Racine, and Milwaukee. Additionally, the bill modifies the membership of the SERTA board of directors and the SERTA jurisdictional area based on the creation and succession of IRTAs.

### **Succession**

If DOT certifies that at least three IRTAs have achieved the four-year service and revenue thresholds, those IRTAs merge into SERTA. Upon succession, an IRTA's assets and liabilities and its responsibilities for transit service are assumed by SERTA.

### **Funding Limitations**

Generally, SERTA may derive revenue from the same sources used by the previous IRTAs, in addition to its existing rental car fee. SERTA may modify the rate and amount of a revenue source utilized by an IRTA at the time of succession. However, SERTA may not impose a tax or fee within a portion of its jurisdictional area that did not impose the tax or fee prior to succession.

### **KRM Limitation**

Under the bill, SERTA may expend revenues generated from the IRTA revenue sources for purposes of the KRM commuter rail line only if those revenues are expended in proportion to KRM ridership in the political subdivision where the revenues are generated. Additionally, SERTA may not expend revenue from IRTA revenue sources if the expenditure would result in a reduction of transit service in the political subdivision where the revenues were generated. The KRM limitations may be waived by unanimous vote of the full authorized membership of the SERTA board of directors.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

SG:ksm



State of Wisconsin  
2009 – 2010 LEGISLATURE

LRB-3451/9  
ARG/JK/MES:kjf:jf

## 2009 BILL

1     **AN ACT** *to repeal* 59.58 (6); *to renumber* 66.0615 (1) (a); *to amend* 20.395 (5)  
2           (iv), 32.02 (11), 32.05 (1) (a), 32.07 (2), 40.02 (28), 59.58 (7) (a) 1., 59.58 (7) (b),  
3           59.58 (7) (c) 1. (intro.), 59.58 (7) (d), 59.58 (7) (e) 2., 59.58 (7) (f) 2., 59.58 (7) (f)  
4           4., 59.58 (7) (g), 59.58 (7) (i), 66.0301 (1) (a), 66.0615 (1m) (a), 66.0903 (1) (d),  
5           70.11 (2), 71.26 (1) (b), 77.54 (9a) (er), 77.708 (1), 77.708 (2), 77.9971 (1), 79.03  
6           (3) (b) 4. a., 85.063 (3) (b) 1., 85.064 (1) (b), 85.11 (1) (a), 85.20 (4m) (a) (intro.),  
7           85.20 (4m) (a) 6. e., 85.20 (4s), 111.70 (1) (j), 341.35 (title), 341.35 (1), 341.35 (2)  
8           (intro.), 341.35 (3m), 341.35 (4), 341.35 (5), 341.35 (6), 341.35 (6r), 341.35 (7),  
9           345.05 (1) (ag) and 611.11 (4) (a); and *to create* 20.395 (1) (hy), 59.58 (7) (a) 2m.,  
10          59.58 (7) (a) 4., 5. and 6., 59.58 (7) (c) 1. h. and i., 59.58 (7) (e) 3., 59.58 (7) (k),  
11          59.58 (7) (L), 59.58 (7) (m), 59.58 (7) (n), 66.0615 (1) (ad), 66.0615 (1) (ge),  
12          66.0615 (1m) (ee), 66.0615 (1m) (em), 66.1041, 85.20 (4m) (a) 6. f. and 341.35 (9)  
13          of the statutes; **relating to:** the southeastern regional transit authority, the

**BILL**

- 1 creation of interim regional transit authorities in southeast Wisconsin,  
2 requiring the exercise of rule-making authority, and making an appropriation.
- 

***Analysis by the Legislative Reference Bureau***

Prior to the Biennial Budget Act, 2009 Wisconsin Act 28 (Act 28), the counties of Kenosha, Racine, and Milwaukee were required to create a Regional Transit Authority (the KRM authority). The KRM authority was responsible for the coordination of transit and commuter rail programs within these three counties but had no authority to manage or operate any transit system. The KRM authority was authorized to impose a rental car transaction fee within these three counties, which fee was to be used to hire staff, conduct studies, and prepare a report to the legislature and the governor, due by November 15, 2008.

Act 28 terminated the KRM authority as of October 1, 2009, and created a successor entity, the Southeastern Regional Transit Authority (SERTA). The SERTA is a public body corporate and politic and a separate governmental entity; it consists of the counties of Kenosha, Racine, and Milwaukee. The jurisdictional area of the SERTA is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee. The powers of the SERTA are vested in its board of directors. The SERTA's powers are limited but include all powers necessary and convenient to create, construct, and manage a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee (KRM commuter rail line).

Under current law, upon approval by its board of directors, the SERTA may impose a rental car transaction fee, in the counties of Kenosha, Racine, and Milwaukee, of not more than \$18 per transaction, except that the SERTA's board of directors may have this fee annually adjusted for inflation. From each rental car transaction fee, the SERTA may retain not more than \$2 per transaction for administration of the SERTA and may retain the remainder for expenditures related to the KRM commuter rail line, including planning, construction, maintenance, operations, and engineering expenditures. The SERTA is the only entity in the counties of Milwaukee, Racine, and Kenosha that may submit an application to the Federal Transit Administration under the federal New Starts Grant Program (New Starts application) for funding for the KRM commuter rail line. By July 1, 2010, the SERTA must submit a New Starts application to enter the preliminary engineering phase for the KRM commuter rail line. Transit system operators in Kenosha County and Racine County receiving state transit aids must provide copies of all of their annual and long-term transit plans to the SERTA as these plans become available.

Act 28 also authorized the creation of several new regional transit authorities (RTAs): the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA. Each RTA, once created, is a public body corporate and politic and a separate governmental entity. Act 28 also specified the powers and duties of these three RTAs. In brief, for each, the RTA's authority is vested in its board of directors and its bylaws govern its management, operations, and administration. An RTA



**BILL**

may: operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the sales price if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA has a duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.

This bill authorizes the creation of a new type of RTA known as an Interim Regional Transit Authority (IRTA), which is a public body corporate and politic. The bill also makes significant changes relating to the SERTA.

Under the bill, the governing body of a municipality or county (political subdivision) within the area comprising the counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, and Waukesha (southeast Wisconsin) may, by resolution, create an IRTA consisting of the political subdivision or may join together with one or more other political subdivisions to jointly create, by adopting identical resolutions, an IRTA. An IRTA may be created only if at least one of the political subdivisions creating the IRTA operated a transit system receiving state transit aids as of the effective date of the bill and each political subdivision creating the IRTA commits to provide certain levels of funding for the IRTA. An IRTA may include no more than one county and all municipalities included in the IRTA must be located within the same county. After an IRTA has been created, a political subdivision within the same county may join the IRTA if the governing body of the political subdivision adopts a resolution identical to the existing resolutions of the IRTA's members (participating political subdivisions) and if the IRTA's board of directors adopts a resolution allowing the political subdivision to join the IRTA. However, the resolution of the joining political subdivision may specify what the composition of the IRTA's board of directors will be after the political subdivision has joined the IRTA and, if the IRTA's board of directors approves the joinder, the IRTA's board of directors thereby agrees to the new composition of the IRTA's board of directors after the joinder.

The jurisdictional area of an IRTA is the geographic area formed by the combined territorial boundaries of all participating political subdivisions of the IRTA. If the IRTA includes a county, the jurisdictional area of the IRTA is the county territorial boundaries. Any resolution creating an IRTA or joining an IRTA must include provisions relating to the IRTA's board of directors and must specify all revenue sources on which the IRTA will rely for funding and the minimum amount of revenue that the IRTA will commit to satisfy the revenue requirements applicable to the IRTA. After an IRTA is created, the participating political subdivisions of the IRTA may amend or modify their resolutions creating or joining the IRTA if they remain identical, although a few changes can be made without the need for formal amendment or modification of the resolutions creating or joining the IRTA.

**BILL**

Under the bill, an IRTA's powers are vested in its board of directors. With certain limitations, an IRTA's board of directors is determined in the resolutions creating or joining the IRTA. However, the board of directors of an IRTA that includes Milwaukee County is established by statute.

The bill requires an IRTA to do all of the following: 1) provide, or contract with existing transit providers for the provision of, transit service within the IRTA's jurisdictional area, except that a Milwaukee County IRTA must contract with the Milwaukee County board for the IRTA to provide transit service in Milwaukee County; and 2) provide transit planning within the IRTA's jurisdictional area. An IRTA's transit plans must be submitted to SERTTA. An IRTA is also authorized to do any of the following: 1) acquire a local transit system by entering into a transfer agreement with the owner of the system; 2) provide, or contract for the provision of, transit service outside the IRTA's jurisdictional area if it would benefit residents within the IRTA's jurisdictional area; and 3) apply for and utilize state and federal funds. If an IRTA applies for federal or state funding, the application must first be submitted to the SERTTA, which must then provide the application to the appropriate federal or state agency. If the application results in the receipt of any federal or state funds, those funds must first be received by the SERTTA, which must then forward the funds to the IRTA.

Under the bill, an IRTA may generate revenue by doing any of the following: 1) imposing a local motor vehicle registration fee; 2) levying a room tax of up to 2 percent on the privilege of furnishing hotel and motel rooms to transients, similar to the current law room tax that a municipality may impose; 3) imposing, by the adoption of a resolution by the IRTA's board of directors, a sales and use tax if approved in a referendum in the IRTA's jurisdictional area; or 4) charging a membership fee to the participating political subdivisions of the IRTA. However, a Milwaukee County IRTA may only impose the sales and use tax, as described in item 3) above. An IRTA must generate specified amounts of revenue, from any one or a combination of revenue sources. Within two years after the creation of an IRTA, the IRTA must either: 1) generate revenue sufficient to offset a 30 percent reduction in passenger fare revenues resulting from transit operations or to provide an 8 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the IRTA was created; 2) invest an amount, equivalent to the revenue that would be sufficient to provide an 8 percent increase in transit service, in either improving existing capital assets of the IRTA or making new capital purchases and improvements for the IRTA; or 3) if the IRTA includes Milwaukee County, increase transit service to a level equal to or greater than the level of transit service provided in Milwaukee County in 2001. In addition, the revenue generated must be used to implement either the specified reduction in passenger fares or the specified increase in transit service, or a combination of both, or the investment must actually be made by the expenditure or commitment of funds for the applicable purchases or improvements (phase 2 revenue threshold). Within four years after its creation, the IRTA, in addition to continuing to meet the phase 2 revenue threshold, must improve the interconnectivity of its transit system by

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linking with other modes of transportation and improving cross-county links (phase 3 revenue threshold).

The bill requires the Department of Transportation (DOT) to determine and certify whether each IRTA has met these revenue thresholds, but, in doing so, DOT must make allowances if a municipality or county has joined an IRTA after its initial creation. Subject to the allowances made by DOT, if an IRTA does not meet these revenue thresholds within the applicable time limits, the IRTA is not eligible for incentive funding provided by SERTA (discussed below). Subject to the allowances made by DOT, if an IRTA does not meet these revenue thresholds within two years after the applicable time limits, the IRTA must be dissolved and responsibility for providing transit service and transit planning, as well as all assets, liabilities, rights, and obligations of the IRTA, must revert to the participating political subdivisions of the IRTA.

Under the bill, when three IRTAs have been certified by DOT as meeting the phase 3 revenue threshold, DOT must provide notice of this fact to every IRTA created, specifically identifying these three IRTAs. If DOT subsequently certifies any additional IRTA as meeting the phase 3 revenue threshold, DOT must provide notice of this fact to the SERTA and to every IRTA created, specifically identifying the additional IRTA certified as meeting the phase 3 revenue threshold. After DOT provides one of these notices identifying an IRTA, each IRTA identified in the notice must begin the process of winding down and dissolving and must complete this process no later than 120 days after receiving the notice. As part of the IRTA's winding down process, all of the following must occur: 1) the assets and liabilities of the IRTA must become the assets and liabilities of the SERTA; 2) all tangible personal property, including records, of the IRTA must be transferred to the SERTA; and 3) all contracts entered into by the IRTA, in effect at the time of the winding down, are transferred to the SERTA. The SERTA is the successor to the IRTA. The IRTA terminates on the 120th day after the IRTA receives the DOT notice.

The bill makes some modifications relating to the SERTA regardless of whether the SERTA becomes the successor to IRTAs, and it also makes significant changes to the form and function of the SERTA if the SERTA becomes the successor to IRTAs.

The bill makes the following changes to the SERTA, regardless of whether the SERTA becomes the successor to IRTAs:

1. The SERTA consists of both the counties and cities of Kenosha, Racine, and Milwaukee, not just the counties.

2. The SERTA's board of directors must include certain members from IRTAs, if they are created, regardless of whether these IRTAs reach their phase 3 revenue thresholds and merge into the SERTA.

3. The SERTA may use a portion of the rental car transaction fee it imposes to provide, until June 30, 2011, incentive funds to IRTAs. There is a limitation on the amount of incentive funds that may be awarded, as well as other criteria and limitations related to the SERTA's providing these incentive funds.

4. Beginning on July 1, 2011, the SERTA may provide, from state transit aids, incentive funds to IRTAs to assist them in providing transit service in their jurisdictional areas. The SERTA's bylaws must specify a method for providing these

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incentive funds and the limitations and requirements applicable to incentive funds identified in item 3. immediately above also apply these incentive funds.

5. The SERTA may provide nonfinancial transit assistance to any IRTA, including reviewing the transit plans of the IRTA.

6. The bonding limit for revenue bonds issued by SERTA is increased from \$50,000,000 to \$250,000,000.

7. The SERTA is the only entity in southeast Wisconsin that may submit a New Starts application for funding for any purpose.

8. The bill clarifies that SERTA may operate the KRM commuter rail line itself or may contract for a rail service to operate the KRM commuter rail line.

Under the bill, after at least three IRTAs have been certified by DOT as reaching their phase 3 revenue thresholds, these IRTAs merge into SERTA. As the successor entity to these IRTAs and to any subsequent IRTA that DOT certifies as having reached its phase 3 revenue threshold, the SERTA changes in all of the following ways:

1. As discussed above, the IRTAs' assets and liabilities, personal property, records, and contracts are transferred to the SERTA as the SERTA becomes the IRTAs' successor. The SERTA must assist each IRTA in an orderly transfer.

2. Within 120 days after DOT certifies an IRTA as having reached its phase 3 revenue threshold, the SERTA must assume responsibility for providing transit service and transit planning within the old jurisdictional area of the IRTA. In assuming this responsibility, the SERTA has all options for providing transit service that were formerly available to the IRTA and the SERTA must impose sales and use taxes, and may impose a room tax, in the IRTA's old jurisdictional area if the IRTA imposed these taxes and if the SERTA adopts a resolution to establish the tax rate or impose the room tax. The SERTA has all powers necessary and convenient to carry out these responsibilities.

3. After the SERTA has assumed responsibility for transit as described in item 2. immediately above, the SERTA's jurisdictional area changes to cover only the old jurisdictional areas of all IRTAs to which the SERTA has become the successor. However, for purposes of the rental car transaction fee, if the IRTA included any of Racine County, the SERTA's jurisdictional area includes all of Racine County unless the SERTA's board of directors votes otherwise or unless the SERTA's board of directors does not include a member representing Racine County. Also, for purposes of imposing sales and use taxes and the room tax, the SERTA's jurisdictional area does not include the old jurisdictional area of an IRTA that did not impose sales and use taxes or a room tax.

4. After DOT certifies that the first three IRTAs have reached their phase 3 revenue thresholds, and with each certification of an additional IRTA thereafter, the membership of the SERTA changes. Instead of the counties and cities of Kenosha, Racine, and Milwaukee, the members of SERTA are the political subdivisions that were participating political subdivisions in the IRTAs certified by DOT. However, if Racine County was not a participating political subdivision in an IRTA consisting of municipalities located in Racine County, Racine County may still subsequently join the SERTA. The SERTA's board of directors also changes; a director who is not from

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a political subdivision that was a member of an IRTA may be removed from the board and, if not removed, has limited voting rights.

5. After DOT certifies that the first three IRTAs have reached their phase 3 revenue thresholds, the SERTA may use proceeds of its revenue bonds for the additional purposes of constructing new capital improvements to the SERTA's transit system and for acquiring existing transit systems.

6. After DOT certifies that the first three IRTAs have reached their phase 3 revenue thresholds, the SERTA is limited in its expenditures of locally derived revenues for purposes related to the KRM commuter rail line. These locally derived revenues are local motor vehicle registration fees, room taxes, sales and use taxes, and membership fees received by the SERTA within the political subdivisions of the SERTA's jurisdictional area. SERTA may expend these locally derived revenues for purposes related to the KRM commuter rail line only if these revenues are expended in proportion to ridership of the KRM commuter rail line in each political subdivision, as calculated annually by DOT. In addition, these locally derived revenues may not be expended for construction, operation, or management of the KRM commuter rail line if the expenditure would result in a reduction of transit service in the political subdivision where the revenues were generated. However, by unanimous vote of its full authorized membership, the SERTA board of directors may override either or both of these limitations.

The bill authorizes IRTAs to impose a local motor vehicle registration fee and makes IRTAs eligible to receive grants under DOT's Southeast Wisconsin Transit Capital Assistance Program, created in Act 28. If the SERTA becomes the successor to an IRTA, the SERTA also succeeds to any local motor vehicle registration fee imposed by the IRTA. The SERTA is already eligible, under current law, for DOT's Southeast Wisconsin Transit Capital Assistance Program.

Under the bill, certain provisions of current law that apply to the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA also apply to IRTAs, including the following:

1. An IRTA has authority to acquire property by condemnation.
2. Employees of an IRTA are participatory employees under the Wisconsin Retirement System (WRS) if the IRTA elects to join the WRS.
3. Employees of an IRTA are covered by the the Municipal Employment Relations Act, under which all matters relating to wages, hours, and conditions of employment are subject to collective bargaining and all municipal employees are expressly granted the right to self-organize and to bargain collectively through a representative of their choice.
4. An IRTA is a "local governmental unit" for purposes of the prevailing wage and hour law. Under current law, certain workers employed on a public works project contracted by a local governmental unit must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development, and may not be required or permitted to work more than ten hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay for all hours worked in excess of those hours.

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5. An IRTA is treated like municipalities, counties, and other political subdivisions for purposes of claims and liability resulting from the negligent operation of a motor vehicle and may participate in organizing municipal insurance mutuals to provide insurance and risk management services.

6. An IRTA may enter into intergovernmental cooperation contracts with other governmental units.

7. IRTA property is not subject to state and local property taxes.

8. An IRTA is eligible for urban rail transit system grants and commuter rail transit system development grants from DOT.

If the SERTA becomes the successor to an IRTA, these provisions also apply to the SERTA.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

3		<b>2009-10</b>	<b>2010-11</b>
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4           **20.395 Transportation, department of**

5           (1) Aids

6           (hy) Tier A-4 transit operating aids,

7	state funds	SEG	A	-0-	9,000,000
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8           **SECTION 2.** 20.395 (1) (hy) of the statutes is created to read:

9           20.395 (1) (hy) *Tier A-4 transit operating aids, state funds.* The amounts in the  
10 schedule for mass transit aids under s. 85.20 (4m) (a) 6. f. No moneys may be  
11 encumbered or expended from this appropriation prior to July 1, 2011.

12           **SECTION 3.** 20.395 (5) (iv) of the statutes is amended to read:

13           20.395 (5) (iv) *Municipal and county Local vehicle registration fee, local funds.*

14           All moneys received under s. 341.35, less the portion of the fee attributable to the

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1 department's administrative costs, for the purpose of remitting the ~~municipal or~~  
2 county local vehicle registration fee to the municipality ~~or~~, county, or transit  
3 authority under s. 341.35 (6).

4 **SECTION 4.** 32.02 (11) of the statutes, as affected by 2009 Wisconsin Act 28, is  
5 amended to read:

6 32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211;  
7 redevelopment authority created under s. 66.1333; community development  
8 authority created under s. 66.1335; local cultural arts district created under subch.  
9 V of ch. 229, subject to s. 229.844 (4) (c); local exposition district created under subch.  
10 II of ch. 229; or transit authority created under s. 66.1039 or 66.1041 and the  
11 southeastern regional transit authority under s. 59.58 (7) to the extent it is the  
12 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041.

13 **SECTION 5.** 32.05 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,  
14 is amended to read:

15 32.05 (1) (a) Except as provided under par. (b), a county board of supervisors  
16 or a county highway committee when so authorized by the county board of  
17 supervisors, a city council, a village board, a town board, a sewerage commission  
18 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,  
19 the secretary of transportation, a commission created by contract under s. 66.0301,  
20 a joint local water authority created by contract under s. 66.0823, a transit authority  
21 created under s. 66.1039 or 66.1041 and the southeastern regional transit authority  
22 under s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit  
23 authority created under s. 66.1041, a housing authority under ss. 66.1201 to 66.1211,  
24 a local exposition district created under subch. II of ch. 229, a local cultural arts  
25 district created under subch. V of ch. 229, a redevelopment authority under s.

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1 66.1333 or a community development authority under s. 66.1335 shall make an order  
2 providing for the laying out, relocation and improvement of the public highway,  
3 street, alley, storm and sanitary sewers, watercourses, water transmission and  
4 distribution facilities, mass transit facilities, airport, or other transportation  
5 facilities, gas or leachate extraction systems to remedy environmental pollution from  
6 a solid waste disposal facility, housing project, redevelopment project, cultural arts  
7 facilities, exposition center or exposition center facilities which shall be known as the  
8 relocation order. This order shall include a map or plat showing the old and new  
9 locations and the lands and interests required. A copy of the order shall, within 20  
10 days after its issue, be filed with the county clerk of the county wherein the lands are  
11 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in  
12 accordance with s. 84.095.

13 **SECTION 6.** 32.07 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is  
14 amended to read:

15 32.07 (2) The petitioner shall determine necessity if application is by the state  
16 or any commission, department, board or other branch of state government or by a  
17 city, village, town, county, school district, board, commission, public officer,  
18 commission created by contract under s. 66.0301, joint local water authority under  
19 s. 66.0823, transit authority created under s. 66.1039 or 66.1041 and the  
20 southeastern regional transit authority under s. 59.58 (7) to the extent it is the  
21 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041,  
22 redevelopment authority created under s. 66.1333, local exposition district created  
23 under subch. II of ch. 229, local cultural arts district created under subch. V of ch.  
24 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way  
25 of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line,



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1 for the right-of-way for a gas pipeline, main or service or for easements for the  
2 construction of any elevated structure or subway for railroad purposes.

3 **SECTION 7.** 40.02 (28) of the statutes, as affected by 2009 Wisconsin Act 28,  
4 section 779, is amended to read:

5 40.02 (28) “Employer” means the state, including each state agency, any  
6 county, city, village, town, school district, other governmental unit or  
7 instrumentality of 2 or more units of government now existing or hereafter created  
8 within the state, any federated public library system established under s. 43.19  
9 whose territory lies within a single county with a population of 500,000 or more, a  
10 local exposition district created under subch. II of ch. 229, a transit authority created  
11 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under  
12 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit  
13 authority created under s. 66.1041, and a long-term care district created under s.  
14 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not  
15 include a local cultural arts district created under subch. V of ch. 229. Each employer  
16 shall be a separate legal jurisdiction for OASDHI purposes.

17 **SECTION 8.** 59.58 (6) of the statutes, as affected by 2009 Wisconsin Act 28, is  
18 repealed.

19 **SECTION 9.** 59.58 (7) (a) 1. of the statutes, as created by 2009 Wisconsin Act 28,  
20 is amended to read:

21 59.58 (7) (a) 1. “Authority” Except as used in subd. 2m., “authority” means the  
22 southeastern regional transit authority created under this subsection.

23 **SECTION 10.** 59.58 (7) (a) 2m. of the statutes is created to read:

24 59.58 (7) (a) 2m. “Interim regional transit authority” means an authority  
25 created under s. 66.1041.

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1           **SECTION 11.** 59.58 (7) (a) 4., 5. and 6. of the statutes are created to read:

2           59.58 (7) (a) 4. “Participating political subdivision” means a political  
3 subdivision that has adopted a resolution creating an interim regional transit  
4 authority or joining an established interim regional transit authority.

5           5. “Political subdivision” has the meaning given in s. 66.1041 (1) (f).

6           6. “Southeast Wisconsin” has the meaning given in s. 66.1041 (1) (h).

7           **SECTION 12.** 59.58 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28,  
8 is amended to read:

9           59.58 (7) (b) There is created the southeastern regional transit authority, a  
10 public body corporate and politic and a separate governmental entity, ~~consisting~~  
11 that, except as provided in par. (n) 4., consists of the counties and cities of Kenosha,  
12 Racine, and Milwaukee. This authority may transact business and exercise any  
13 powers granted to it under this subsection. ~~The~~ Except as provided in par. (n) 3., the  
14 jurisdictional area of this authority is the geographic area formed by the combined  
15 territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

16           **SECTION 13.** 59.58 (7) (c) 1. (intro.) of the statutes, as created by 2009 Wisconsin  
17 Act 28, is amended to read:

18           59.58 (7) (c) 1. (intro.) The powers of the authority shall be vested in its board  
19 of directors, ~~consisting~~ which, except as provided in par. (n) 5., shall consist of the  
20 following members:

21           **SECTION 14.** 59.58 (7) (c) 1. h. and i. of the statutes are created to read:

22           59.58 (7) (c) 1. h. One member from any city with a population of more than  
23 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating  
24 political subdivision in an interim regional transit authority, appointed by the mayor  
25 of the city.

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1 i. One member from any county, other than a county identified in subd. 1. a.,  
2 1. c., or 1. e., that is a participating political subdivision in an interim regional transit  
3 authority, appointed by the chairperson of the county board.

4 **SECTION 15.** 59.58 (7) (d) of the statutes, as created by 2009 Wisconsin Act 28,  
5 is amended to read:

6 59.58 (7) (d) The Subject to par. (n) 7., the authority shall have all powers  
7 necessary and convenient to plan, create, construct, operate, and manage a KRM  
8 commuter rail line. The authority may operate the KRM commuter rail line itself  
9 or may contract for a rail service to operate the KRM commuter rail line.

10 **SECTION 16.** 59.58 (7) (e) 2. of the statutes, as created by 2009 Wisconsin Act  
11 28, is amended to read:

12 59.58 (7) (e) 2. Retain Except as provided in subd. 3., retain the difference  
13 between the amount of the fees imposed under subch. XIII of ch. 77 and the amount  
14 of those fees retained under subd. 1. for expenditures related to the KRM commuter  
15 rail line, including planning, construction, maintenance, operations, and  
16 engineering expenditures.

17 **SECTION 17.** 59.58 (7) (e) 3. of the statutes is created to read:

18 59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority  
19 in compliance with the requirements specified in par. (L). No incentive funds may  
20 be provided under this subdivision after June 30, 2011.

21 **SECTION 18.** 59.58 (7) (f) 2. of the statutes, as created by 2009 Wisconsin Act  
22 28, is amended to read:

23 59.58 (7) (f) 2. The authority may issue bonds in an aggregate principal amount  
24 not to exceed ~~\$50,000,000~~ \$250,000,000, excluding bonds issued to refund  
25 outstanding bonds issued under this subdivision, for the purpose of providing funds

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1 for the anticipated local funding share required for initiating KRM commuter rail  
2 line service and, if applicable, for the purposes specified in par. (n) 6.

3 **SECTION 19.** 59.58 (7) (f) 4. of the statutes, as created by 2009 Wisconsin Act  
4 28, is amended to read:

5 59.58 (7) (f) 4. The bonds of the authority are not a debt of the counties or cities  
6 that comprise the authority. Neither these counties, nor cities, nor the state are  
7 liable for the payment of the bonds. The bonds of the authority shall be payable only  
8 out of funds or properties of the authority. The bonds of the authority shall state the  
9 restrictions contained in this subdivision on the face of the bonds.

10 **SECTION 20.** 59.58 (7) (g) of the statutes, as created by 2009 Wisconsin Act 28,  
11 is amended to read:

12 59.58 (7) (g) All moneys transferred under s. 59.58 (6) (cg), 2007 stats., shall  
13 be used by the authority to assist in the planning of the KRM commuter rail line  
14 project.

15 **SECTION 21.** 59.58 (7) (i) of the statutes, as created by 2009 Wisconsin Act 28,  
16 is amended to read:

17 59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~  
18 ~~Racine, and Kenosha~~ southeast Wisconsin that may submit an application for  
19 funding to the federal transit administration in the U.S. department of  
20 transportation under the federal new starts grant program ~~for funding for the KRM~~  
21 ~~commuter rail line.~~ Upon receiving any application for federal funds described in s.  
22 66.1041 (5), the authority shall promptly submit the application to the appropriate  
23 federal agency for consideration.

24 **SECTION 22.** 59.58 (7) (k) of the statutes is created to read:

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1           59.58 (7) (k) 1. The authority may provide nonfinancial transit assistance to  
2 any interim regional transit authority, including reviewing the transit plans of the  
3 interim regional transit authority.

4           2. If the authority receives federal or state funding intended to ultimately be  
5 received by any interim regional transit authority, the authority shall forward this  
6 funding to the intended recipient.

7           3. Upon request from any municipality or county considering the creation of an  
8 interim regional transit authority, the authority shall assist the municipality or  
9 county in determining the amount of incentive funds under par. (L) that the interim  
10 regional transit authority would likely receive after its creation.

11           **SECTION 23.** 59.58 (7) (L) of the statutes is created to read:

12           59.58 (7) (L) 1. From the fees identified in par. (e), the authority may provide  
13 incentive funds to interim regional transit authorities. Upon application for  
14 incentive funds by an interim regional transit authority, the board of directors of the  
15 southeastern regional transit authority shall evaluate the application and provide  
16 incentive funding in compliance with the provisions of this subsection and the bylaws  
17 of the southeastern regional transit authority. No incentive funds may be provided  
18 under this paragraph after June 30, 2011.

19           2. The board of directors of the southeastern regional transit authority may not  
20 provide incentive funds to an interim regional transit authority in an amount in  
21 excess of the total amount of revenue generated by the interim regional transit  
22 authority from all sources identified in s. 66.1041 (2) (c) 2.

23           3. In evaluating and awarding incentive funding under this paragraph, the  
24 board of directors of the southeastern regional transit authority shall apply uniform

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1 criteria to all applicants. The board shall consider all of the following factors in  
2 evaluating applications by interim regional transit authorities for incentive funds:

3 a. The number of participating political subdivisions in the interim regional  
4 transit authority.

5 b. All funding sources providing revenue to the interim regional transit  
6 authority.

7 c. The long-term transit goals for the interim regional transit authority.

8 d. Whether the interim regional transit authority has satisfied any of the  
9 requirements under s. 66.1041 (6) (c) and (d) ahead of schedule.

10 4. The bylaws of the southeastern regional transit authority shall specify a  
11 minimum amount of revenue that must be generated by an interim regional transit  
12 authority from all sources identified in s. 66.1041 (2) (c) 2. in order to obtain incentive  
13 funding under this paragraph.

14 **SECTION 24.** 59.58 (7) (m) of the statutes is created to read:

15 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the  
16 authority under s. 85.20 (4m) (a) 6. f., the authority shall provide incentive funds to  
17 interim regional transit authorities to assist interim regional transit authorities in  
18 providing transit service in their jurisdictional areas.

19 2. The bylaws of the southeastern regional transit authority shall specify a  
20 method for determining the amount of incentive funding provided under this  
21 paragraph. Incentive funds provided under this paragraph shall be subject to the  
22 same requirements and limitations specified in par. (L) 2. and 3. for incentive funds  
23 provided under that paragraph, and the bylaws described in this subdivision shall  
24 include the same information specified in par. (L) 4. for incentive funds provided  
25 under that paragraph.

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1           **SECTION 25.** 59.58 (7) (n) of the statutes is created to read:

2           59.58 (7) (n) 1. After the department of transportation provides a notice  
3 specified in s. 66.1041 (7) (a), the authority shall assist each interim regional transit  
4 authority identified in the notice in the winding down process described in s. 66.1041  
5 (7) (b), including assisting in the orderly transfer of assets and property to the  
6 southeastern regional transit authority.

7           2. a. Within 120 days after the department of transportation provides a notice  
8 specified in s. 66.1041 (7) (a), the southeastern regional transit authority shall  
9 assume responsibility for providing transit service and transit planning within the  
10 jurisdictional area of each interim regional transit authority identified in the notice  
11 and, as applicable, within the area described in s. 66.1041 (4) (b) 3. serviced by each  
12 such interim regional transit authority. In assuming this responsibility, the  
13 southeastern regional transit authority shall have available all options for providing  
14 transit service that were formerly available to the interim regional transit authority,  
15 including those described in s. 66.1041 (4) (a) 1. and (b) 1. and 3., and shall impose  
16 the taxes under s. 77.708 (1), if the interim regional transit authority identified in  
17 the notice imposed the taxes and if the southeastern regional transit authority  
18 adopts a resolution to establish the tax rate. The southeastern regional transit  
19 authority shall have all powers necessary and convenient to carry out its  
20 responsibilities under this subdivision.

21           b. Each time the southeastern regional transit authority adopts a resolution  
22 to establish the tax rate, as described in subd. 2. a., it shall deliver a certified copy  
23 of the resolution to the department of revenue at least 120 days before its effective  
24 date. The authority may, by adoption of a resolution by the board of directors, repeal  
25 the imposition of the taxes under s. 77.708 and shall deliver a certified copy of the

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1 repeal resolution to the department of revenue at least 120 days before its effective  
2 date.

3 c. Each time the southeastern regional transit authority adopts a resolution as  
4 provided in subd. 2. a., it shall specify to the department of revenue the exact  
5 boundaries of the authority's jurisdictional area. If the boundaries are other than  
6 a county line on any side of the authority's jurisdictional area, the authority shall  
7 provide the department with a complete list of all of the 9-digit zip codes that are  
8 entirely within the authority's jurisdictional area and a complete list of all the street  
9 addresses that are within the authority's jurisdictional area and not included in any  
10 9-digit zip code that is entirely within the authority's jurisdictional area. The  
11 authority shall provide a certified copy of the information required under this subd.  
12 2. c. to the department, in the manner, format, and layout prescribed by the  
13 department, at least 120 days prior to the resolution's effective date. If the  
14 boundaries of the authority's jurisdictional area subsequently change, the authority  
15 shall submit a certified copy of the information required under this subd. 2. c. to the  
16 department, in the manner, format, and layout prescribed by the department, at  
17 least 120 days prior to the change's effective date.

18 3. a. For all purposes except those specified in subds. 3. b. and c., upon assuming  
19 responsibility for transit as provided in subd. 2., the jurisdictional area of the  
20 authority shall be the combined jurisdictional areas of all interim regional transit  
21 authorities identified in all notices provided by the department of transportation  
22 under s. 66.1041 (7) (a).

23 b. For purposes of s. 77.9971 (1), if part but not all of Racine County is included  
24 in the jurisdictional area described in subd. 3. a., the authority's jurisdictional area  
25 shall include, in addition to the area in subd. 3. a., all of Racine County unless the



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1 board of the authority votes to not impose the fees under subch. XIII of ch. 77 in the  
2 part of Racine County that did not become a participating political subdivision in an  
3 interim regional transit authority or unless the board of the authority votes to  
4 remove the member of the board of directors described in par. (c) 1. c.

5 c. For purposes of imposing the taxes under s. 77.708 (1), the southeastern  
6 regional transit authority's jurisdictional area shall not include the jurisdictional  
7 area of any interim regional transit authority that did not impose the taxes under  
8 s. 77.708 (1) before the department of transportation provided the notice specified in  
9 s. 66.1041 (7) (a) identifying that interim regional transit authority.

10 4. After the department of transportation provides any notice specified in s.  
11 66.1041 (7) (a), the southeastern regional transit authority consists of the  
12 participating political subdivisions of all interim regional transit authorities  
13 identified in that notice and identified in any prior notice provided by the department  
14 under s. 66.1041 (7) (a). If Racine County was not a participating political  
15 subdivision of an interim regional transit authority at the time that the department  
16 of transportation provided the notice specified in s. 66.1041 (7) (a) identifying an  
17 interim regional transit authority with participating political subdivisions located  
18 in Racine County, Racine County may subsequently join the southeastern regional  
19 transit authority if the governing body of Racine County adopts a resolution to join  
20 the authority and the board of directors of the authority approves. The bylaws of the  
21 authority shall specify the necessary contents of such a resolution.

22 5. After the department of transportation provides the first notice specified in  
23 s. 66.1041 (7) (a), all of the following apply with respect to the authority's board of  
24 directors:

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1           a. If any member of the board of directors described in par. (c) 1. a. to g. is from  
2 a political subdivision that is not a participating political subdivision in an interim  
3 regional transit authority, the board of directors may vote to remove that member.

4           b. Any member of the board of directors described in par. (c) 1. a. to g. that is  
5 from a political subdivision which is not a participating political subdivision in an  
6 interim regional transit authority, and that has not been removed under subd. 5. a.,  
7 is limited to voting on issues directly related to the KRM commuter rail line.

8           6. After the department of transportation provides the first notice specified in  
9 s. 66.1041 (7) (a), in addition to the authorization under par. (f) 2., the authority may  
10 use bond proceeds from the bonds issued under par. (f) for the construction of new  
11 capital improvements to the authority's transit system or for the acquisition of  
12 existing transit systems.

13           7. a. Except as provided in subds. 7. c. and d., after the department of  
14 transportation provides the first notice specified in s. 66.1041 (7) (a), the authority  
15 may expend revenues generated by the authority from sources described in s.  
16 66.1041 (6) (a) for purposes related to the KRM commuter rail line only if these  
17 revenues are expended in proportion to ridership of the KRM commuter rail line in  
18 the political subdivision, as calculated under subd. 7. b.

19           b. Annually the department of transportation shall calculate ridership of the  
20 KRM commuter rail line by estimating the number of transit trips that include use  
21 of the KRM commuter rail line and that originate in each political subdivision of the  
22 authority's jurisdictional area, as well as the number of transit trips that include use  
23 of the KRM commuter rail line and that terminate in each political subdivision of the  
24 authority's jurisdictional area. For each political subdivision in the authority's  
25 jurisdictional area, the department shall provide to the authority data showing its

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1 calculations of the total number of transit trips originating or terminating in that  
2 political subdivision.

3 c. Except as provided in subd. 7. d., no revenues generated by the authority  
4 from sources described in s. 66.1041 (6) (a) may be expended for construction,  
5 operation, or management of the KRM commuter rail line if the expenditure would  
6 result in a reduction of transit service in the political subdivision where the revenues  
7 were generated, excluding transit service provided by the KRM commuter rail line.  
8 This subd. 7. c. does not prohibit the authority from expending revenues generated  
9 by the authority from sources described in s. 66.1041 (6) (a) for payment of debt  
10 service on bonds issued under par. (f).

11 d. By unanimous vote of its full authorized membership, the board of directors  
12 of the authority may expend revenues generated by the authority from sources  
13 described in s. 66.1041 (6) (a) for purposes related to the KRM commuter rail line in  
14 the manner determined by the board, notwithstanding subds. 7. a. and c.

15 **SECTION 26.** 66.0301 (1) (a) of the statutes, as affected by 2009 Wisconsin Act  
16 28, is amended to read:

17 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section  
18 “municipality” means the state or any department or agency thereof, or any city,  
19 village, town, county, school district, public library system, public inland lake  
20 protection and rehabilitation district, sanitary district, farm drainage district,  
21 metropolitan sewerage district, sewer utility district, solid waste management  
22 system created under s. 59.70 (2), local exposition district created under subch. II of  
23 ch. 229, local professional baseball park district created under subch. III of ch. 229,  
24 local professional football stadium district created under subch. IV of ch. 229, local  
25 cultural arts district created under subch. V of ch. 229, transit authority created

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1 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under  
2 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit  
3 authority created under s. 66.1041, long-term care district under s. 46.2895, water  
4 utility district, mosquito control district, municipal electric company, county or city  
5 transit commission, commission created by contract under this section, taxation  
6 district, regional planning commission, or city-county health department.

7 **SECTION 27.** 66.0615 (1) (a) of the statutes is renumbered 66.0615 (1) (ah).

8 **SECTION 28.** 66.0615 (1) (ad) of the statutes is created to read:

9 66.0615 (1) (ad) “Authority” has the meaning given in s. 66.1041 (1) (a) for an  
10 interim regional transit authority.

11 **SECTION 29.** 66.0615 (1) (ge) of the statutes is created to read:

12 66.0615 (1) (ge) “Transit authority” has the meaning given in s. 59.58 (7) (a)  
13 1. for the southeastern regional transit authority.

14 **SECTION 30.** 66.0615 (1m) (a) of the statutes is amended to read:

15 66.0615 (1m) (a) The governing body of a municipality may enact an  
16 ordinance,; and a district, under par. (e), an authority under par. (ee), and a transit  
17 authority under par. (em), may adopt a resolution,; imposing a tax on the privilege  
18 of furnishing, at retail, except sales for resale, rooms or lodging to transients by  
19 hotelkeepers, motel operators and other persons furnishing accommodations that  
20 are available to the public, irrespective of whether membership is required for use  
21 of the accommodations. A tax imposed under this paragraph is not subject to the  
22 selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to  
23 the federal government and persons listed under s. 77.54 (9a). A tax imposed under  
24 this paragraph by a municipality shall be paid to the municipality and may be  
25 forwarded to a commission if one is created under par. (c), as provided in par. (d).

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1 Except as provided in par. (am), a tax imposed under this paragraph by a  
2 municipality may not exceed ~~8%~~ 8 percent. Except as provided in par. (am), if a tax  
3 greater than ~~8%~~ 8 percent under this paragraph is in effect on May 13, 1994, the  
4 municipality imposing the tax shall reduce the tax to ~~8%~~ 8 percent, effective on  
5 June 1, 1994.

6 **SECTION 31.** 66.0615 (1m) (ee) of the statutes is created to read:

7 66.0615 (1m) (ee) 1. An authority may adopt a resolution imposing a room tax  
8 under par. (a) in an amount not to exceed 2 percent of total room charges. A room  
9 tax imposed by an authority under this subdivision applies within the authority's  
10 jurisdiction, as specified in s. 66.1041 (2) (d), and the proceeds of the tax may be used  
11 for any lawful purpose of the authority.

12 2. An authority adopting a resolution to impose the taxes under subd. 1., or  
13 adopting a resolution to discontinue the collection of such taxes, shall deliver a  
14 certified copy of the resolution to the secretary of revenue at least 120 days before its  
15 effective date.

16 3. The department of revenue shall administer the tax that is imposed under  
17 par. (a) by an authority and may take any action, conduct any proceeding, and impose  
18 interest and penalties. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),  
19 (4), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,  
20 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under  
21 subch. III of ch. 77, apply to the tax described under subd. 1.

22 4. From the appropriation under s. 20.835 (4) (gg), the department of revenue  
23 shall distribute 97.45 percent of the taxes collected under this paragraph for each  
24 authority to that authority and shall indicate to the authority the taxes reported by  
25 each taxpayer in that authority, no later than the end of the month following the end

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1 of the calendar quarter in which the amounts were collected. The taxes distributed  
2 shall be increased or decreased to reflect subsequent refunds, audit adjustments,  
3 and all other adjustments. Interest paid on refunds of the tax under this paragraph  
4 shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60  
5 (1) (a). Any authority that receives a report along with a payment under this  
6 subdivision or subd. 3. is subject to the duties of confidentiality to which the  
7 department of revenue is subject under s. 77.61 (5).

8 **SECTION 32.** 66.0615 (1m) (em) of the statutes is created to read:

9 66.0615 **(1m)** (em) 1. Following the completion of a winding down, dissolution,  
10 and transition process described in s. 66.1041 (7), and a transit authority becoming  
11 the successor to the authorities that were created under s. 66.1041 and that have  
12 been identified in a notice under s. 66.1041 (7) (a), and following a transit authority's  
13 assumption of responsibility for providing transit service and transit planning as  
14 described in s. 59.58 (7) (n) 2., a transit authority may adopt a resolution imposing  
15 a room tax under par. (a) in an amount not to exceed 2 percent of total room charges.  
16 A room tax imposed by a transit authority under this subdivision applies within the  
17 authority's jurisdiction, as specified in subd. 2., and the proceeds of the tax may be  
18 used for any lawful purpose of the transit authority.

19 2. a. For all purposes except those specified in subd. 2. b., upon assuming  
20 responsibility for transit service and transit planning as described in subd. 1., the  
21 jurisdictional area of the transit authority shall be the combined jurisdictional areas  
22 of all authorities identified in any notice provided by the department of  
23 transportation under s. 66.1041 (7) (a).

24 b. For purposes of imposing the taxes under this paragraph, the transit  
25 authority's jurisdictional area shall not include the jurisdictional area of any

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1 authority that did not impose the taxes under par. (ee) before the department of  
2 transportation provided the notice specified in s. 66.1041 (7) (a) identifying that  
3 authority.

4 3. Each time the transit authority adopts a resolution to impose the taxes under  
5 subd. 1., or adopts a resolution to discontinue the collection of such taxes, it shall  
6 deliver a certified copy of the resolution to the secretary of revenue at least 120 days  
7 before its effective date. Each time the transit authority adopts a resolution as  
8 provided in subd. 1., it shall specify to the department of revenue the exact  
9 boundaries of the transit authority's jurisdictional area. If the boundaries are other  
10 than a county line on any side of the transit authority's jurisdictional area, the  
11 transit authority shall provide the department with a complete list of all of the  
12 9-digit zip codes that are entirely within the transit authority's jurisdictional area  
13 and a complete list of all the street addresses that are within the transit authority's  
14 jurisdictional area and not included in any 9-digit zip code that is entirely within the  
15 transit authority's jurisdictional area. The transit authority shall provide a certified  
16 copy of the information required under this subdivision to the department, in the  
17 manner, format, and layout prescribed by the department, at least 120 days prior to  
18 the resolution's effective date. If the boundaries of the transit authority's  
19 jurisdictional area subsequently change, the transit authority shall submit a  
20 certified copy of the information required under this subdivision to the department,  
21 in the manner, format, and layout prescribed by the department, at least 120 days  
22 prior to the change's effective date.

23 4. Paragraph (ee) 3. and 4., to the extent that it applies to the tax under that  
24 paragraph, applies to the tax under this paragraph.

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1           **SECTION 33.** 66.0903 (1) (d) of the statutes, as affected by 2009 Wisconsin Act  
2 28, is amended to read:

3           66.0903 (1) (d) “Local governmental unit” means a political subdivision of this  
4 state, a special purpose district in this state, an instrumentality or corporation of  
5 such a political subdivision or special purpose district, a combination or subunit of  
6 any of the foregoing or an instrumentality of the state and any of the foregoing.  
7 “Local governmental unit” includes a regional transit authority created under s.  
8 66.1039, an interim regional transit authority created under s. 66.1041, and the  
9 southeastern regional transit authority created under s. 59.58 (7).

10           **SECTION 34.** 66.1041 of the statutes is created to read:

11           **66.1041 Interim regional transit authorities. (1) DEFINITIONS.** In this  
12 section:

13           (a) Except as used in par. (g), “authority” means an interim regional transit  
14 authority created under this section.

15           (b) “Comprehensive unified local transit system” means a transit system that  
16 is comprised of motor bus lines and any other local public transit facilities, the major  
17 portion of which is located within, or the major portion of the service of which is  
18 supplied to the inhabitants of, the jurisdictional area of the authority.

19           (c) “Department” means the department of transportation.

20           (d) “Municipality” means any city, village, or town.

21           (e) “Participating political subdivision” means a political subdivision that has  
22 adopted a resolution creating an authority or joining an established authority under  
23 this section.

24           (f) “Political subdivision” means a municipality or county.



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1 (g) “Southeastern regional transit authority” means the southeastern regional  
2 transit authority created under s. 59.58 (7).

3 (h) “Southeast Wisconsin” means the geographical area comprising the  
4 counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, and Waukesha.

5 (i) “Transit system” means all land, shops, structures, equipment, property,  
6 franchises, and rights of whatever nature required for transit of passengers within  
7 the jurisdictional area of the authority and outside the jurisdictional area of the  
8 authority. “Transit system” includes motor buses, fixed guideway transit,  
9 ridesharing, specialized transportation, motor vehicles, elevated railroads,  
10 subways, underground railroads, and any combination thereof, and any other form  
11 of mass transit, but does not include transportation excluded from the definition of  
12 “common motor carrier” under s. 194.01 (1), charter or contract operations to, from,  
13 or between points that are outside the jurisdictional area of the authority, or travel  
14 by aircraft flight.

15 **(2) CREATION OF AUTHORITY.** (a) Subject to pars. (e) and (f), the governing body  
16 of a political subdivision in southeast Wisconsin may, by resolution, create an  
17 authority consisting of the political subdivision or may join together with one or more  
18 other political subdivisions to jointly create, by adopting identical resolutions, an  
19 authority. An authority created under this section is a public body corporate and  
20 politic and shall be known as an “interim regional transit authority.” The authority  
21 may transact business and exercise any powers granted to it under this section.

22 (b) 1. Subject to par. (f), and except as provided in subd. 2., if an authority has  
23 been created under par. (a), a political subdivision may join the authority if the  
24 governing body of the political subdivision adopts a resolution identical to the  
25 existing resolutions of the authority’s participating political subdivisions or, if the

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1 authority is created by a single political subdivision, identical to the existing  
2 resolution of the authority's participating political subdivision, and if the authority's  
3 board of directors adopts a resolution allowing the political subdivision to join the  
4 authority. For purposes of determining whether a resolution adopted under this  
5 subdivision is identical to an existing resolution of the authority, both the resolutions  
6 adopted under par. (a) to create the authority and any modifications to those  
7 resolutions under par. (g) shall be considered.

8 2. The resolution of a political subdivision adopted under subd. 1. may differ  
9 from each existing resolution by specifying what the composition of the authority's  
10 board of directors will be after the political subdivision has joined the authority, but  
11 this resolution must be consistent with the authority's bylaws as described in sub.  
12 (3) (b) 3. If the authority's board of directors thereafter adopts a resolution allowing  
13 the political subdivision to join the authority, the board of directors thereby agrees  
14 to the new composition of the authority's board of directors specified in the resolution  
15 of the joining political subdivision and any existing resolution is considered modified  
16 under par. (g) 2. to reflect this new board composition.

17 (c) Any resolution creating an authority under par. (a) or joining an authority  
18 under par. (b) shall specify all of the following:

19 1. Subject to sub. (3) (b), the composition of the authority's board of directors  
20 and other matters relating to the selection, terms, and duties of the board of  
21 directors.

22 2. All revenue sources on which the authority will rely for funding and the  
23 minimum amount of revenue that the authority will commit to satisfy the revenue  
24 requirements for the authority specified in this section.

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1 (d) The jurisdictional area of an authority is the geographic area formed by the  
2 combined territorial boundaries of all participating political subdivisions of the  
3 authority. If the authority includes a county as a participating political subdivision,  
4 the jurisdictional area of the authority is the territorial boundaries of the county.

5 (e) An authority may be created under par. (a) only if all of the following apply:

6 1. At least one of the political subdivisions creating the authority operated a  
7 transit system receiving funding under s. 85.20 on the effective date of this  
8 subdivision .... [LRB inserts date].

9 2. The political subdivision or political subdivisions creating the authority  
10 commit to provide funding for the authority, upon creation, in an amount of at least  
11 the political subdivision's property tax levy contribution to transit as of one year prior  
12 to the effective date of this subdivision ... [LRB inserts date], and also make a  
13 commitment that the authority, after creation, will meet the revenue requirements  
14 specified in sub. (6) through one or more of the revenue sources identified in par. (c)  
15 2.

16 (f) An authority may not include more than one county. An authority may not  
17 include municipalities located in different counties.

18 (g) 1. Subject to subs. 2. and 3., if an authority has been created under this  
19 subsection, the participating political subdivisions of the authority may amend or  
20 modify their resolutions creating or joining the authority if, after any amendment or  
21 modification, the resolutions of all participating political subdivisions of the  
22 authority remain identical and continue to satisfy the requirements under this  
23 subsection.

24 2. If a political subdivision joins an authority under par. (b), the participating  
25 political subdivisions of the authority may amend or modify their existing

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1 resolutions to accomplish any changes necessary to reflect the addition of the new  
2 political subdivision to the authority, including any changes to the composition of the  
3 authority's board of directors. In lieu of expressly amending or modifying their  
4 existing resolutions, the participating political subdivisions of the authority may  
5 also effect changes to the composition of the authority's board of directors, in  
6 connection with the addition of a new political subdivision to the authority, by means  
7 of the approval process specified in par. (b) 2., in which case the existing resolutions  
8 of the participating political subdivisions are considered modified to reflect the new  
9 composition of the authority's board of directors.

10 3. In lieu of expressly amending or modifying the existing resolutions of the  
11 participating political subdivisions of an authority to reflect changes in the rate of,  
12 or amount from, any revenue sources specified in par. (c) 2. or in the minimum  
13 amount of revenue specified in par. (c) 2., these changes may be made by a vote of the  
14 authority's board of directors if, after the changes, the authority continues to satisfy  
15 the revenue requirements specified in sub. (6). After such a vote, the existing  
16 resolutions of the participating political subdivisions are considered modified to  
17 reflect these changes.

18 **(3) GOVERNANCE OF AUTHORITY.** (a) The powers of an authority shall be vested  
19 in its board of directors. A majority of the board of directors' full authorized  
20 membership constitutes a quorum for the purpose of conducting the authority's  
21 business and exercising its powers. Action may be taken by the board of directors  
22 upon a vote of a majority of the directors present and voting, unless the bylaws of the  
23 authority require a larger number.

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1 (b) The board of directors of an authority shall be determined as provided in  
2 resolutions creating the authority under sub. (2) (a) or joining an existing authority  
3 under sub. (2) (b) except that all of the following shall apply:

4 1. The board of directors shall consist of at least 5 members and not more than  
5 9 members.

6 2. The board of directors shall include at least one member from the authority's  
7 jurisdictional area, appointed by the governor.

8 3. Subject to subs. 1. and 2., the bylaws of the authority shall specify a  
9 procedure and guidelines for changing board membership upon the joinder of a  
10 political subdivision under sub. (2) (b).

11 4. Notwithstanding subs. 1. to 3., the board of directors of an authority that  
12 includes Milwaukee County shall consist of the following members:

13 a. Two members from the authority's jurisdictional area, appointed by the  
14 Milwaukee County board chairperson.

15 b. One member from that portion of the authority's jurisdictional area that is  
16 outside the city of Milwaukee, appointed by the Milwaukee County board  
17 chairperson.

18 c. One member, appointed by the mayor of the city of Milwaukee.

19 d. One member from the authority's jurisdictional area, appointed by the  
20 governor.

21 **(4) AUTHORITY POWERS AND DUTIES.** (a) Notwithstanding s. 59.84 (2) and any  
22 other provision of this chapter or ch. 59 or 85, an authority shall do all of the  
23 following:

24 1. Provide, or contract with existing transit providers for the provision of,  
25 transit service within the authority's jurisdictional area, except that an authority

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1 that includes Milwaukee County shall contract with the Milwaukee County board  
2 for the authority to provide transit service in Milwaukee County.

3 2. Provide transit planning within the authority's jurisdictional area. Each  
4 transit plan of the authority shall be submitted to the southeastern regional transit  
5 authority.

6 (b) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch.  
7 59 or 85, in addition to the duties specified in par. (a), an authority may do any of the  
8 following:

9 1. Acquire a comprehensive unified local transit system by entering into a  
10 transfer agreement with the owner of the system.

11 2. Subject to sub. (5), apply for and utilize state and federal funds.

12 3. Subject to the provisions of par. (a) 1. relating to contracts in Milwaukee  
13 County, provide transit service, or contract for the provision of transit service,  
14 outside the authority's jurisdictional area if such transit service would benefit  
15 residents within the authority's jurisdictional area.

16 **(5) FEDERAL AND STATE AID; INCENTIVE FUNDS.** Any application by an authority  
17 for federal or state funding shall first be submitted to the southeastern regional  
18 transit authority, which shall then provide the application to the appropriate federal  
19 or state agency. If the application results in the receipt of any federal or state funds,  
20 those federal or state funds shall first be received by the southeastern regional  
21 transit authority, which shall then forward the funds to the authority that provided  
22 the application.

23 **(6) AUTHORITY REVENUE REQUIREMENTS.** (a) An authority may generate revenue  
24 by doing any of the following, except that an authority that includes Milwaukee  
25 County may generate revenue only as provided in subd. 3.:

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- 1           1. Imposing a local vehicle registration fee under s. 341.35.
- 2           2. Levying a room tax.
- 3           3. a. Imposing, by the adoption of a resolution by the board of directors, the  
4 taxes under s. 77.708, except that no authority may adopt such a resolution until a  
5 referendum is held in the authority's jurisdictional area on the question of whether  
6 the authority may impose the taxes under s. 77.708 and the referendum is decided  
7 in the affirmative. For purposes of an authority that has Milwaukee County as the  
8 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes  
9 for transit purposes that was approved in 2008 in Milwaukee County satisfies the  
10 referendum requirement of this subd. 3. a. If an authority adopts a resolution to  
11 impose the taxes, it shall deliver a certified copy of the resolution to the department  
12 of revenue at least 120 days before its effective date. The authority may, by adoption  
13 of a resolution by the board of directors, repeal the imposition of the taxes under s.  
14 77.708 and shall deliver a certified copy of the repeal resolution to the department  
15 of revenue at least 120 days before its effective date.
- 16           b. If the authority adopts a resolution as provided in subd. 3. a., it shall specify  
17 to the department of revenue the exact boundaries of the authority's jurisdictional  
18 area. If the boundaries are the same as the county lines on all sides of the authority's  
19 jurisdictional area, the resolution shall specify the county or counties that comprise  
20 the authority's entire jurisdictional area. If the boundaries are other than a county  
21 line on any side of the authority's jurisdictional area, the authority shall provide the  
22 department with a complete list of all the 9-digit zip codes that are entirely within  
23 the authority's jurisdictional area and a complete list of all the street addresses that  
24 are within the authority's jurisdictional area and not included in any 9-digit zip code  
25 that is entirely within the authority's jurisdictional area. The authority shall

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1 provide a certified copy of the information required under this subd. 3. b. to the  
2 department, in the manner, format, and layout prescribed by the department, at  
3 least 120 days prior to the resolution's effective date. If the boundaries of the  
4 authority's jurisdictional area subsequently change, the authority shall submit a  
5 certified copy of the information required under this subd. 3. b. to the department,  
6 in the manner, format, and layout prescribed by the department, at least 120 days  
7 prior to the change's effective date.

8 c. If the authority adopts a resolution as provided in subd. 3. a., beginning with  
9 the year in which the resolution is adopted, no participating political subdivision  
10 may levy property taxes for transit. This subd. 3. c. does not apply to the year in  
11 which the resolution is adopted if the resolution is adopted after the participating  
12 political subdivision establishes its property tax levy for transit.

13 4. Charging a membership fee to the participating political subdivisions of the  
14 authority.

15 (b) An authority shall generate revenue equal to the amount required by pars.  
16 (c) and (d). This minimum revenue requirement may be met through funding from  
17 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,  
18 including any revenue option under par. (a) except that an authority that includes  
19 Milwaukee County may not generate revenue as provided in par. (a) 1., 2., or 4.

20 (c) 1. Within 2 years after the creation of an authority, the authority shall do  
21 any of the following:

22 a. Generate revenue sufficient to offset a 30 percent reduction in passenger fare  
23 revenues resulting from transit operations or to provide an 8 percent increase in  
24 transit service, or a combination of both, as compared with passenger fare revenues  
25 and transit service as of the time that the authority was created. With this revenue,



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1 the authority shall implement either the specified reduction in passenger fares or the  
2 specified increase in transit service, or a combination of both.

3 b. Invest an amount, equivalent to the revenue that would be sufficient to  
4 provide an 8 percent increase in transit service, in either improving existing capital  
5 assets of the authority or making new capital purchases and improvements for the  
6 authority. An investment under this subd. 1. b. is not considered to be made until  
7 funds have actually been expended or committed for any applicable purchase or  
8 improvement.

9 c. If the authority includes Milwaukee County, increase transit service to a  
10 level equal to or greater than the level of transit service provided in Milwaukee  
11 County in 2001.

12 2. For purposes of this paragraph, a 15 percent reduction in passenger fare  
13 revenues is equivalent to a 4 percent increase in transit service. For purposes of this  
14 paragraph, increases in transit service may be calculated by the increase in either  
15 transit service miles or transit service hours regardless of whether the transit service  
16 occurs within or outside the authority's jurisdictional area, and increases in  
17 paratransit miles or paratransit hours shall be included in calculating increases in  
18 transit service miles or transit service hours.

19 3. Every 2 years after an authority is created under this section, the  
20 department shall determine and certify whether the authority has met the  
21 requirements specified in this paragraph. In making this determination, the  
22 department shall calculate, and make publicly available, the dollar amount of the  
23 passenger fare revenue reductions and the transit service mile or hour increases that  
24 would be necessary for the authority to satisfy the requirements under subd. 1. a.,  
25 the dollar amount of the investment in existing capital asset improvements or new

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1 capital purchases and improvements that would be necessary for the authority to  
2 satisfy the requirements under subd. 1. b., and the transit service mile or hour  
3 increases that would be necessary for the authority to satisfy the requirement under  
4 subd. 1. c. In making its calculation and determination under this subdivision, the  
5 department shall consider whether, and make allowances for the fact that, any  
6 municipality or county joined the authority under sub. (2) (a) after its initial creation.

7 (d) 1. Within 4 years after the creation of an authority, in addition to continuing  
8 to satisfy the requirements specified in par. (c), the authority shall improve the  
9 interconnectivity of its transit system by linking with other modes of transportation  
10 and improving cross-county links.

11 2. The department shall, by rule, establish criteria for determining whether an  
12 authority has satisfied the requirement under subd. 1. In promulgating this rule,  
13 the department shall take into account the concerns of taxpayers and the mobility  
14 concerns of employers and employees.

15 3. The department shall determine and certify whether an authority has  
16 satisfied the requirement specified in subd. 1.

17 (e) 1. Subject to subd. 3., if an authority does not meet the requirements  
18 specified in pars. (c) 1. and (d) within the time limits specified in those provisions,  
19 the authority is not eligible for incentive funding provided under s. 59.58 (7) (L) or  
20 (m).

21 2. Subject to subd. 3., if an authority does not meet the requirements specified  
22 in pars. (c) 1. and (d) within 2 years after the time limits specified in those provisions,  
23 the authority shall be dissolved and responsibility for providing transit service and  
24 transit planning, as well as all assets, liabilities, rights, and obligations of the  
25 authority, shall revert to the participating political subdivisions of the authority. If

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1 an authority is dissolved under this subdivision, the authority shall, before  
2 dissolving, adopt a resolution by the board of directors repealing the imposition of the  
3 taxes under s. 77.708 and deliver a certified copy of the repeal resolution to the  
4 department of revenue at least 120 days before its effective date.

5 3. If any municipality or county joins an authority under sub. (2) (b) after its  
6 initial creation, the department may make allowances for this fact, including  
7 delaying or suspending the penalties under subs. 1. and 2. for failure to meet the  
8 requirements specified in pars. (c) 1. and (d).

9 **(7) SUNSET AND TRANSITION.** (a) When 3 authorities created under this section  
10 have been certified by the department under sub. (6) (d) 3. as having satisfied the  
11 requirement specified in sub. (6) (d) 1., the department shall provide notice of this  
12 fact to every authority created under this section, specifically identifying these 3  
13 authorities, and this notice shall be considered the department's first notice under  
14 this paragraph. If any authority created under this section is subsequently certified  
15 by the department under sub. (6) (d) 3. as having satisfied the requirement specified  
16 in subd. (6) (d) 1., the department shall provide notice of this fact to the southeastern  
17 regional transit authority and to every authority created under this section,  
18 specifically identifying the authority that has been subsequently certified.

19 (b) Upon receiving a notice specified in par. (a), each authority identified in the  
20 notice shall begin the process of winding down and dissolving, including taking those  
21 actions specified in this subsection, and shall complete this process no later than 120  
22 days after receiving the notice. Notwithstanding sub. (4), upon receiving a notice  
23 specified in par. (a), the duties of each authority identified in the notice shall be  
24 limited to winding down and dissolving the authority and facilitating the transition  
25 described in this paragraph. The board of directors of the authority shall assist in

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1 good faith in the transition from the authority to the southeastern regional transit  
2 authority. The southeastern regional transit authority shall be considered the  
3 successor to an authority created under this section and wound down under this  
4 paragraph. As part of the authority's winding down process, all of the following shall  
5 occur:

6 1. The assets and liabilities of the authority shall become the assets and  
7 liabilities of the southeastern regional transit authority.

8 2. All tangible personal property, including records, of the authority shall be  
9 transferred to the southeastern regional transit authority.

10 3. All contracts entered into by the authority, in effect at the time of winding  
11 down the authority, remain in effect and are transferred to the southeastern regional  
12 transit authority. The southeastern regional transit authority shall carry out any  
13 obligations under such a contract until the contract is modified or rescinded by the  
14 southeastern regional transit authority to the extent allowed under the contract.

15 (c) Any authority identified in a notice under par. (a) terminates on the 120th  
16 day after the authority receives that notice.

17 **SECTION 35.** 70.11 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is  
18 amended to read:

19 **70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.**  
20 Property owned by any county, city, village, town, school district, technical college  
21 district, public inland lake protection and rehabilitation district, metropolitan  
22 sewerage district, municipal water district created under s. 198.22, joint local water  
23 authority created under s. 66.0823, transit authority created under s. 59.58 (7) or,  
24 66.1039, or 66.1041, long-term care district under s. 46.2895 or town sanitary  
25 district; lands belonging to cities of any other state used for public parks; land

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1 tax-deeded to any county or city before January 2; but any residence located upon  
2 property owned by the county for park purposes that is rented out by the county for  
3 a nonpark purpose shall not be exempt from taxation. Except as to land acquired  
4 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after  
5 August 17, 1961, to any such governmental unit or for its benefit while the grantor  
6 or others for his or her benefit are permitted to occupy the land or part thereof in  
7 consideration for the conveyance. Leasing the property exempt under this  
8 subsection, regardless of the lessee and the use of the leasehold income, does not  
9 render that property taxable.

10 **SECTION 36.** 71.26 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,  
11 is amended to read:

12 71.26 (1) (b) *Political units.* Income received by the United States, the state  
13 and all counties, cities, villages, towns, school districts, technical college districts,  
14 joint local water authorities created under s. 66.0823, transit authorities created  
15 under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, long-term care districts under s. 46.2895  
16 or other political units of this state.

17 **SECTION 37.** 77.54 (9a) (er) of the statutes, as created by 2009 Wisconsin Act  
18 28, is amended to read:

19 77.54 (9a) (er) Any transit authority created under s. 59.58 (7) ~~or~~, 66.1039, or  
20 66.1041.

21 **SECTION 38.** 77.708 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
22 section 1858b, is amended to read:

23 77.708 (1) A transit authority created under s. 59.58, 66.1039, or 66.1041, by  
24 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3., respectively,  
25 may impose a sales tax and a use tax under this subchapter at a rate not to exceed

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1 0.5 percent of the sales price or purchase price. Those taxes may be imposed only in  
2 their entirety. The resolution shall be effective on the first day of the first calendar  
3 quarter that begins at least 120 days after the adoption of the resolution.

4 **SECTION 39.** 77.708 (2) of the statutes, as created by 2009 Wisconsin Act 28, is  
5 amended to read:

6 77.708 (2) Retailers and the department of revenue may not collect a tax under  
7 sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after  
8 the calendar quarter during which the transit authority adopts a repeal resolution  
9 under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3. or (e) 2., respectively,  
10 except that the department of revenue may collect from retailers taxes that accrued  
11 before such calendar quarter and fees, interest, and penalties that relate to those  
12 taxes.

13 **SECTION 40.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
14 is amended to read:

15 77.9971 (1) The southeastern regional transit authority under s. 59.58 (7) may  
16 impose a fee at a rate not to exceed \$18, as adjusted under sub. (2), for each  
17 transaction in the authority's jurisdictional area, as described in s. 59.58 (7) (b) and  
18 (n) 3., on the rental, but not for re rental and not for rental as a service or repair  
19 replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by  
20 establishments primarily engaged in short-term rental of passenger cars without  
21 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax  
22 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter  
23 shall be effective on the first day of the first month that begins at least 90 days after  
24 the board of directors of the southeastern regional transit authority approves the  
25 imposition of the fee and notifies the department of revenue. The board of directors

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1 shall notify the department of a repeal of the fee imposed under this subchapter at  
2 least 60 days before the effective date of the repeal.

3 **SECTION 41.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

4 79.03 (3) (b) 4. a. “Local general purpose taxes” means the portion of tax  
5 increments collected for payment to a municipality under s. 66.1105 which is  
6 attributable to that municipality’s own levy, the portion of environmental  
7 remediation tax increments collected for payment to a municipality or county under  
8 s. 66.1106 that is attributable to that municipality’s or county’s own levy, general  
9 property taxes, excluding taxes for a county children with disabilities education  
10 board, collected to finance the general purpose government unit, property taxes  
11 collected for sewage and sanitary districts, monthly municipal permit fees under s.  
12 66.0435 (3), the proceeds of county sales and use taxes, and ~~municipal and county~~  
13 local vehicle registration fees under s. 341.35 (1).

14 **SECTION 42.** 85.063 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act  
15 28, is amended to read:

16 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the  
17 satisfaction of the department, of a study under s. 85.022, a political subdivision in  
18 a county, or a transit authority created under s. 66.1039 or 66.1041 and the  
19 southeastern regional transit authority under s. 59.58 (7) to the extent it is the  
20 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, that  
21 includes the urban area may apply to the department for a grant for property  
22 acquisition for an urban rail transit system.

23 **SECTION 43.** 85.064 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,  
24 is amended to read:

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1           85.064 (1) (b) “Political subdivision” means any city, village, town, county,  
2 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.  
3 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state  
4 or the southeastern regional transit authority under s. 59.58 (7).

5           **SECTION 44.** 85.11 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28,  
6 is amended to read:

7           85.11 (1) (a) “Eligible applicant” means the southeastern regional transit  
8 authority under s. 59.58 (7) or an interim regional transit authority created under  
9 s. 66.1041.

10          **SECTION 45.** 85.20 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin  
11 Act 28, is amended to read:

12          85.20 (4m) (a) (intro.) The department shall pay annually to the eligible  
13 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The  
14 department shall pay annually to the eligible applicant described in subd. 6. d. the  
15 amount of aid specified in subd. 6. d. The department shall allocate an amount to  
16 each eligible applicant described in subd. 6. e., 6. f., 7., or 8. to ensure that the sum  
17 of state and federal aids for the projected operating expenses of each eligible  
18 applicant’s urban mass transit system is equal to a uniform percentage, established  
19 by the department, of the projected operating expenses of the mass transit system  
20 for the calendar year. The department shall make allocations as follows:

21          **SECTION 46.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009 Wisconsin  
22 Act 28, is amended to read:

23          85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the  
24 department may pay the uniform percentage for each eligible applicant for a planned  
25 commuter or light rail system that has been enumerated under s. 85.062 (3). An



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1 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter  
2 rail or light rail transit system.

3 **SECTION 47.** 85.20 (4m) (a) 6. f. of the statutes is created to read:

4 85.20 **(4m)** (a) 6. f. From the appropriation under s. 20.395 (1) (hy), the  
5 department may pay the uniform percentage for each eligible applicant for making  
6 payments under s. 59.58 (7) (m).

7 **SECTION 48.** 85.20 (4s) of the statutes, as affected by 2009 Wisconsin Act 28,  
8 is amended to read:

9 85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed  
10 between the department and eligible applicants under this section shall provide that  
11 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the  
12 state's fiscal year shall be provided from the following fiscal year's appropriation  
13 under s. 20.395 (1) (hr), (hs), (ht), (hu), ~~or (hw)~~, or (hy).

14 **SECTION 49.** 111.70 (1) (j) of the statutes, as affected by 2009 Wisconsin Act 28,  
15 is amended to read:

16 111.70 **(1)** (j) "Municipal employer" means any city, county, village, town,  
17 metropolitan sewerage district, school district, long-term care district, transit  
18 authority under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, or any other political subdivision  
19 of the state, or instrumentality of one or more political subdivisions of the state, that  
20 engages the services of an employee and includes any person acting on behalf of a  
21 municipal employer within the scope of the person's authority, express or implied,  
22 but specifically does not include a local cultural arts district created under subch. V  
23 of ch. 229.

24 **SECTION 50.** 341.35 (title) of the statutes is amended to read:

25 **341.35** (title) ~~Municipal or county~~ **Local** vehicle registration fee.

**BILL**

1           **SECTION 51.** 341.35 (1) of the statutes is amended to read:

2           341.35 (1) ANNUAL REGISTRATION FEE. In this section “municipality” means a  
3 town, village or city and “motor vehicle” means an automobile or motor truck  
4 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.  
5 Subject to sub. (9), in this section “authority” means an interim regional transit  
6 authority created under s. 66.1041. The governing body of a municipality or county  
7 may enact an ordinance imposing an annual flat municipal or county registration fee  
8 on all motor vehicles registered in this state which are customarily kept in the  
9 municipality or county. The board of directors of an authority may adopt a resolution  
10 imposing an annual flat registration fee on all motor vehicles registered in this state  
11 which are customarily kept in the jurisdictional area of the authority. A registration  
12 fee imposed under this section shall be in addition to state registration fees.

13           **SECTION 52.** 341.35 (2) (intro.) of the statutes is amended to read:

14           341.35 (2) EXEMPTIONS. (intro.) The following vehicles are exempt from any  
15 municipal or county local vehicle registration fee under this section:

16           **SECTION 53.** 341.35 (3m) of the statutes is amended to read:

17           341.35 (3m) ~~COUNTY AND MUNICIPAL~~ MULTIPLE LOCAL FEES. If a municipality and  
18 the county in which the municipality is located enact ordinances under this section,  
19 a motor vehicle customarily kept in the municipality shall be subject to a municipal  
20 registration fee and a county registration fee. If an authority imposes a local  
21 registration fee under this section, this fee is in addition to any local registration fee  
22 imposed by a municipality or county under this section.

23           **SECTION 54.** 341.35 (4) of the statutes is amended to read:

24           341.35 (4) NOTICE OF FEES. The governing body of a municipality or county  
25 ~~which enacts a municipal or county, and the board of directors of an authority, that~~

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1 imposes a local vehicle registration fee under this section shall notify the department  
2 that it has so elected and report the amount of such fee. The municipality ~~or~~ county,  
3 or authority shall report any change in such amount to the department. The  
4 notification shall be made at the time and in the form prescribed by the department.

5 **SECTION 55.** 341.35 (5) of the statutes is amended to read:

6 341.35 (5) PAYMENT OF FEES. At the time a motor vehicle is first registered or  
7 at the time of registration renewal, the applicant shall pay to the department any fee  
8 imposed by a county ~~or~~ municipality, or authority under this section in addition to  
9 fees required under this chapter.

10 **SECTION 56.** 341.35 (6) of the statutes is amended to read:

11 341.35 (6) DEPARTMENT TO REMIT FEES TO ~~MUNICIPALITIES AND COUNTIES~~.  
12 Beginning July 1, 1984, and annually thereafter, the department shall remit those  
13 moneys collected under this section, less administrative costs under sub. (6m), to any  
14 municipality ~~or~~ county ~~which~~, or authority that has imposed a fee under this section.  
15 The department may by rule provide that the moneys be remitted at more frequent  
16 intervals if the department deems it advisable.

17 **SECTION 57.** 341.35 (6r) of the statutes is amended to read:

18 341.35 (6r) USE OF FEE PROCEEDS. Any municipality ~~or~~ county, or authority  
19 receiving moneys under sub. (6) shall use the moneys only for transportation related  
20 purposes.

21 **SECTION 58.** 341.35 (7) of the statutes is amended to read:

22 341.35 (7) REPLACEMENTS. No ~~municipal or county~~ local vehicle registration fee  
23 may be imposed on a motor vehicle which is a replacement for a motor vehicle for  
24 which a current ~~municipal or county~~ local vehicle registration fee has been paid.

25 **SECTION 59.** 341.35 (9) of the statutes is created to read:







## Legislation Details (With Text)

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**File #:** 091296      **Version:** 0

**Type:** Appointment      **Status:** In Committee

**File created:** 1/20/2010      **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Reappointment of Joanne Barndt to the Ethics Board by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

**Indexes:**

**Attachments:** Reappointment Letter, Attendance Record

Date	Ver.	Action By	Action	Result	Tally
1/20/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

**Number**

091296

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Reappointment of Joanne Barndt to the Ethics Board by the Mayor. (3rd Aldermanic District)

**Drafter**

Mayor

TB

1/20/2010

January 20, 2010

To the Honorable, the Common Council  
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint Ms. Joanne Barndt, University of Wisconsin-Milwaukee, Department of Social Work, P.O. Box 786, Milwaukee, Wisconsin 53201, to represent the League of Women Voters on the Ethics Board. This reappointment is pursuant to Section 303-15 of the Milwaukee Code of Ordinances. Ms. Barndt's term will commence upon taking of the oath of office.

I trust this reappointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Barrett". The signature is written in black ink and is positioned to the left of the printed name.

Tom Barrett  
Mayor





City Hall, Room 205  
200 E. Wells Street  
Milwaukee, WI 53202  
(414) 286-2221



**Office of the City Clerk**

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Re: Common Council File Number 091296

Reappointment of Joanne Barndt to the Ethics Board

Dear Sir/Madam,

In accordance with Common Council resolution File Number 65-2210, adopted November 30, 1965, all reappointments are to be referred to an appropriate standing committee.

Under this policy, the appropriate committee is to be informed in writing of the incumbent's attendance record during his/her last term of service.

Please provide the following required information and return immediately to our office for consideration at the Judiciary and Legislation Committee meeting of Feb. 1, 2010

- Number of meetings held:   10
- Number of meetings attended:   10
- Number of excused absences: 0
- Number of unexcused absences:   0

Please return this information to Linda Elmer Staff Assistant, City Clerk's Office, Room 205, City Hall.

Very truly yours,

RONALD D. LEONHARDT  
City Clerk

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## Legislation Details (With Text)

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**File #:** 091192      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/22/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution appropriating funds of not more than \$10,000 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

**Sponsors:** ALD. BAUMAN

**Indexes:** BOARD OF ZONING APPEALS, CONSULTANTS, LITIGATION

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

091192

Version

ORIGINAL

Sponsor

ALD. BAUMAN

Title

Resolution appropriating funds of not more than \$10,000 from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

Drafter

LRB09472-1

RLW

12/22/2009



## Legislation Details (With Text)

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**File #:** 090478      **Version:** 0  
**Type:** Communication      **Status:** In Committee  
**File created:** 7/28/2009      **In control:** JUDICIARY & LEGISLATION COMMITTEE  
**On agenda:**      **Final action:**

**Effective date:**

**Title:** Communication related to the 2009 activities of the Ethics Board.

**Sponsors:** THE CHAIR

**Indexes:** ETHICS BOARD, REPORTS AND STUDIES

**Attachments:** Recording of the 11/18/09 Meeting, Minutes of the 10/21/09 Meeting, Recording of the 10/21/09 Meeting, Minutes of the 9/16/09 Meeting, Recording of the 9/16/09 Meeting part 1, Recording of the 9/16/09 Meeting part 2, Minutes of the 7/15/09 Meeting, Recording of the 7/15/09 Meeting part 1, Recording of the 7/15/09 Meeting part 2, Minutes of the 6/17/09 Meeting, Recording of the 6/17/09 Meeting part 1, Recording of the 6/17/09 Meeting part 2, Minutes of the 5/20/09 Meeting, Recording of the 5/20/09 Meeting, Minutes of the 4/22/09 Meeting, Recording of the 4/22/09 Meeting, Minutes of the 3/18/09 Meeting, Recording of the 3/18/09 Meeting, Minutes of the 2/18/09 Meeting, Recording of the 2/18/09 Meeting Part 1, Recording of the 2/18/09 Meeting Part 2, Minutes of the 1/21/09 Meeting, Recording of the 1/21/09 Meeting

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

**Number**

090478

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Communication related to the 2009 activities of the Ethics Board.

**Requestor**

**Drafter**

LME

7/31/09

communication



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes ETHICS BOARD

**DWIGHT ELLIS III, CHAIR**  
**Martha Toran, Vice Chair**

**Devon Turner, Patricia Hintz, Annie Wacker, Joanne Barndt, and Robert Shelledy**

**Research Assistant, Nola Devereaux 286-8641, E-mail: [ndeaver@milwaukee.gov](mailto:ndeaver@milwaukee.gov)  
Fax: (414) 286-0723**

**Staff Assistant, Linda Elmer, (414)-286-2232, E-mail: [lclmer@milwaukee.gov](mailto:lclmer@milwaukee.gov)**

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Wednesday, November 18, 2009

9:00 AM

Room B-1, City Hall

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*Meeting convened: 9:09 A.M.*

**Present:** 5 - Ellis, Hintz, Wacker, Barndt, Shelledy

**Excused:** 2 - Turner, Toran

**1. Roll call and approval of the minutes from the October 21, 2009 meeting.**

*Ms. Barndt moved, seconded by Mr. Shelledy, for approval of the minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*There were no matters for closed session.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux reported that Mr. Shelledy's assistant reviewed the statement of economic interests and made a number of excellent suggestions. The Dept. of Employee Relations will be providing labels for the 2009 mailing of the statement of economic interests while the City Clerk's Office has already done so.*

**5. Update on returns of the 2008 Statement of Economic Interest forms and late filling fees; Consider appropriate Board action in individual cases.**

*There are four individuals who failed to file statements - three of them did not appear in and were issued a \$361 judgement. The one individual who did appear stated that*

*she had not filed the statement. Mr. Ehrlich, from the City Attorney's Office, noted that the judgement will be reduced for the three individuals who have now filed their statements.*

**6. Update on possible changes to the Positions Ordinance regarding the "Y" footnote relative to department head responses.**

*This matter has not yet been heard by the Finance and Personnel Committee, but Ms. Devereaux will be notified when it is scheduled.*

**7. View draft of the annual Statement of Economic Interests form and instructions.**

*The Board amended and approved the draft statement and instructions.*

**8. View draft of the Statement of Economic Interest form and instructions for nominees, newly employed and newly appointed persons.**

*The Board amended and approved the draft statement and instructions.*

**9. View draft of the payroll stuffer brochure.**

*The Board reviewed and approved the payroll stuffer, which will be distributed to all city employees and board/commission members.*

**10. Discuss possible revisions to the Ethics Board Rules and Procedures.**

*The Board reviewed and approved the November 17, 2009 draft. Mr. Shelledy moved, seconded by Ms. Wacker, to amend, file with the City Clerk and notify affected officials, of the new Rules and Procedures.*

**11. Update on the 2010 budget and discussion on contract and compensation for the Ethics Research Assistant.**

*The proposed Ethics Board budget was approved without any changes. Ms. Wacker moved, seconded by Mr. Shelledy, for a proposed salary increase to \$30,745 for the Research Assistant. There were no objections.*

**12. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.**

*The Board reviewed and approved the forms of Charles Coleman, Jeffery Johnson and Gladys Gonzalez. The Board will be returning the form of Bruce Johnson due to its lack of a listing of individual stocks in his portfolio.*

**13. Set next meeting date(s).**

*December 16th at 9 a.m.*

*Meeting adjourned: 10:05 A.M.  
Linda M. Elmer  
Staff Assistant*





# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes ETHICS BOARD

*DWIGHT ELLIS III, CHAIR*  
*Martha Toran, Vice Chair*

*Devon Turner, Patricia Hintz, Annie Wacker, Joanne Barndt, and Robert Shelledy*

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*Staff Assistant, Linda Elmer, (414)-286-2232, E-mail: lelmer@milwaukee.gov*

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Wednesday, September 16, 2009

9:00 AM

Room 301-C, City Hall

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*Roll call taken at 9:03 A.M.*

**Present:** 5 - Ellis, Hintz, Wacker, Barndt, Shelledy

**Excused:** 2 - Turner, Toran

### 1. Roll call and approval of the July 15, 2009 minutes.

*Ms. Wacker moved, seconded by Ms. Hintz, for approval of the minutes. There were no objections.*

*Roll call taken during the closed session.*

**Present:** 4 - Turner, Ellis, Wacker, Barndt

**Excused:** 2 - Toran, Hintz

### 2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

*Mr. Shelledy moved, seconded by Ms. Barndt, that the Board convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats. There were no objections.*

### 3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

*The Board considered one request in closed session and Ms. Hintz left during the closed session.*

### 4. Report from research assistant relative to office activities of the previous month.

*Ms. Devereaux sent letters to 22 department heads requesting review of those individuals who must file statements of economic interest; 16 have responded so far. The Ethics office e-mails are also being archived as part of the City Clerk's Office system.*

**5. Update on returns of the 2008 Statement of Economic Interest forms and late filing fees; Consider appropriate Board action in individual cases.**

*Ed Ehrlich, City Attorney's Office, said that the Municipal Court has still not issued the summons for those four individuals who failed to file statements. He hopes that the system will be able to operate in a speedy manner in 2010 for those who fail to file timely 2009 statements. The Board discussed how other official bodies respond to individuals who fail to file statements.*

*The Board considered the request of one individual who wished to have the late filing fee waived. The Board unanimously denied the request.*

**6. Report on returns from department and division heads relative to the list of individuals required to file the annual Statement of Economic Interest form.**

*This was covered under item #4.*

**7. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.**

*The board reviewed the form of Christina Klose, which needs to be amended to note which board she is being appointed to. The Board also discussed whether the form needed to be amended to note that the form covers the entire calendar year, not just as of the date of the appointment. Mr. Ellis supported asking appointees for financial information for the prior year if that is what the code seems to be requesting. The Board discussed whether this form should be modified prior to its mailing this fall. The amended form will be added to the agenda for next month.*

*The board reviewed and approved the forms of Martin Kohler, Joanna Passaro, Stephane Findley and David Redemann .*

**8. Set next meeting date(s).**

*October 21 at 9 a.m.*

*Meeting adjourned: 10:37 A.M.  
Linda M. Elmer  
Staff Assistant*



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes ETHICS BOARD

*DWIGHT ELLIS III, CHAIR*  
*Martha Toran, Vice Chair*

*Devon Turner, Patricia Hintz, Annie Wacker, Joanne Barndt, and Robert Shelledy*

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Wednesday, July 15, 2009

9:00 AM

301-G, City Hall

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*Meeting convened: 9:04 A.M.*

**Present:** 5 - Turner, Ellis, Hintz, Wacker, Barndt

**Excused:** 2 - Toran, Shelledy

### 1. Roll call and approval of the June 17, 2009 minutes.

*The minutes were amended to remove the text noting "Amended 6/9/09" which refers to the amendment of the agenda, not the minutes themselves.*

*Ms. Barndt moved, seconded by Ms. Wacker, for approval of the minutes as amended. There were no objections.*

*Roll call taken at 9:07 A.M.*

**Present:** 6 - Turner, Ellis, Hintz, Wacker, Barndt, Shelledy

**Excused:** 1 - Toran

### 2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

#### Complaint #MEB09-06-02

*Ms. Barndt moved, seconded by Ms. Turner, that the Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats. There were no objections.*

### 3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

*The Board considered a complaint MEB 09-06-2 and determined that the complaint*

*failed to present prima facie evidence sufficient for the Board to act on the complaint.*

**4. Report from research assistant relative to office activities of the previous month.**

*The annual report was completed and Ms. Devereaux sent out information to two individuals on how to file complaints. She has also been handling phone calls related to the billings for late filings of the Statements of Economic Interest.*

**5. Update on returns of the 2008 Statement of Economic Interests forms and late filling fees; Consider appropriate Board action in individual cases.**

*Ms. Devereaux was contacted by a Health Dept. supervisor related to an employee who had not filed a statement in a timely manner. Ms. Devereaux will notify the City Attorney's Office that the statement was received and the affidavit process should be stopped.*

*Ms. Turner moved, seconded by Ms. Hintz, to stop the affidavit related to that individual and charge the appropriate fees based upon receipt of the statement on March 23rd.*

*There were three other individuals requesting that their fines be waived. All three individuals filed their forms one day past the grace period.*

*One individual claimed she never got the form as it was sent to her old address. She also changed positions and was unaware she had to file a statement. The board unanimously agreed to not waive the fee.*

*The other two individuals clearly filed their statements on March 11th, which was a day late and the Board agreed to not waive their fees.*

**6. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.**

*The Board reviewed and approved the forms of Sarah Zarate and Chris Her Xiong.*

**7. Set next meeting date(s).**

*September 16th at 9 a.m.*

*Meeting adjourned: 10:28 A.M.  
Linda M. Elmer  
Staff Assistant*



# City of Milwaukee

200 E. Wells Street  
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53202

## Meeting Minutes ETHICS BOARD

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Wednesday, June 17, 2009

9:00 AM

Room 301-G, City Hall

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*Meeting convened: 9:03 A.M.*

**Present:** 4 - Ellis, Wacker, Barndt, Shelledy

**Excused:** 3 - Turner, Toran, Hintz

**1. Roll call and approval of the May 20, 2009 minutes from the previous meeting.**

*Ms. Wacker moved, seconded by Ms. Barndt, for approval of the minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

**---Complaint #MEB09-06-01**

*Ms. Barndt moved, seconded by Mr. Shelledy, to convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats. There were no objections.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

*The Board reviewed complaint #MEB09-06-01, which failed to state a prima facie case for violations of the ethics code. The affected parties will be notified of the Board's decision.*

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux mailed three complaint forms to the public and the art work for the annual report has been approved. Ms. Devereaux had computer issues which have now been resolved.*

**5. View draft of the 2008 Ethics Board annual report.**

*Members had received a draft copy at the last meeting. Mr. Ellis provided feedback on the report. There were two corrections made to the report during the meeting. Ms. Barndt moved, seconded by Mr. Shelledy, for approval of the report. There were no objections.*

**6. Update on returns of the 2008 Statement of Economic Interests forms and late filing fees; Consider appropriate Board action in individual cases.**

*The invoices for the fees were just sent this week, so Ms. Devereaux is expecting irate phone calls related to these fees. The phone number of Donna Johnson, City Clerk's Office, is on the invoice, not Ms. Devereaux's. Mr. Ellis recommended amending the invoice to include the date that the statement was filed. Thirty seven individuals filed more than 11 days late.*

*No progress has been made on the filing of the affidavits. They remain on Judge Mosley's desk. The Board also discussed how to handle the 5 individuals who have not yet been served; two of whom are current board members and one of whom is a city employee. The remaining two are no longer city employees, but were employed by the city in January 2009.*

**7. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.**

*The Board reviewed and approved the forms of Robert Shelledy, Gina Spang, Mildred Harpole, Jennifer Miswald and Sarah Weller Morgan*

**8. Set next meeting date(s).**

*July 15th at 9 a.m.*

*Meeting adjourned: 10:08 A.M.  
Linda M. Elmer  
Staff Assistant*



# City of Milwaukee

200 E. Wells Street  
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## Meeting Minutes ETHICS BOARD

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Wednesday, May 20, 2009

9:00 AM

Room 301-G, City Hall

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*Meeting convened: 9:06 A.M.*

**Present:** 4 - Toran, Ellis, Wacker, Barndt

**Excused:** 2 - Turner, Hintz

**1. Roll call and approval of the March 18, 2009 and April 22, 2009 minutes.**

*Ms. Barndt moved, seconded by Ms. Wacker, for approval of the March 18th minutes. There were no objections.*

*Ms. Wacker moved, seconded by Ms. Barndt, for approval of the April 22nd minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*There were no matters for closed session.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux created the draft of the 2008 annual report and submitted the 2010 Ethics Board budget request to the City Clerk's Office. This month Ms. Devereaux completed 12 years of service to the Board. Ms. Devereaux also made some minor changes to the cover letter for the Statement of Economic Interests and sent out the fee waiver letters and processed the invoice requests. There are still 5 individuals who have not submitted statements of economic interest. She also opened a file related to the "y" footnote changes recommended at the previous meeting.*

**5. View draft of the 2008 Ethics Board annual report.**

*The Board members have a draft copy for their review and may submit comments to Ms. Devereaux over the next week.*

*Roll call taken at 9:14 A.M.*

**Present:** 5 - Turner, Toran, Ellis, Wacker, Barndt

**Excused:** 1 - Hintz

**6. Update on returns of the 2008 Statement of Economic Interests forms and late filing fees; Consider appropriate Board action in individual cases.**

*Mr. Ehrlich has drafted a form to use as the complaint form and a bail amount still needs to be set. The complaints are finished, but the Municipal Court still needs to administratively process these complaints and once this is done, the individuals will be served through mail. By the next meeting, the city will know who is fighting it and who isn't. Ms. Devereaux said involces have not yet been sent out.*

**7. Review newly filed Statement of Economic Interest Forms for clarity and completeness.**

*The Board reviewed and approved the forms of Patrick Hartmann, Angela Henschel and Jimmy Ellis, Jr.*

**8. Set next meeting date(s).**

*June 17th at 9 a.m.*

*Meeting adjourned: 9: 25 A.M.*





# City of Milwaukee

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53202

## Meeting Minutes ETHICS BOARD

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Wednesday, April 22, 2009

9:00 AM

Room 301-G, City Hall

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*Meeting convened: 9:21 A.M.*

**Present:** 4 - Turner, Ellis, Wacker, Barndt

**Excused:** 2 - Toran, Hintz

**1. Roll call and approval of the minutes from the February 18, 2009 meeting.**

*Ms. Wacker moved, seconded by Ms. Barndt, for approval of the minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*There were no items for closed session.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux is working on the annual report and responded to two open-records requests. The report on later filers of the Statement of Economic Interest is due tomorrow to the City Clerk's Office.*

**5. Consider possible additions of the "Y" footnote to the Positions Ordinance.**

*Present for the Employees' Retirement System (ERS): Bernard Allen, Executive Director and Martin Matson, Deputy Director.  
The positions being considered were: ERS Financial Officer, Information Systems Manager, and Member Services Manager. All three of these positions were created in 1999 as a result of a reorganization and the request to consider them for "y" footnotes came about as a result of an audit. ERS is creating its own internal ethics policy and has created a computer-based ethics training course.*

*Ms. Barndt moved that the positions of ERS Financial Officer, Information Systems Manager and Member Services Manager be recommended for the "y" footnote, seconded by Ms. Turner. There were no objections.*

**6. Update on returns of the 2008 Statement of Economic Interests forms and late filing fees; Consider appropriate Board action in individual cases.**

*As of today, six individuals are required to file, but have not done so and have not contacted Ms. Devereaux. Delinquent notices were mailed to all these individuals at the 30-day deadline. Department heads have been notified for the three employees who have left city employment. Ms. Devereaux has received checks from some individuals.*

*Ms. Wacker moved, seconded by Ms. Barnes, to prepare affidavits for the city attorney's office for these six individuals.*

**7. Update on returns of the 2008 Statement of Interest forms and late filing fees**

*Ms. Ericka Sinclair, Ms. Lillian Pounds and Mr. Craig Hasting all requested and were granted waivers. The Board denied the waiver of Mr. Robert Harris.*

**8. Review newly filed Statements of Economic Interest forms for clarity and completeness.**

*The Board reviewed and approved the statements of Art Dahlberg, Shirley Krug, Ivan Gamboa, Elizabeth Nicols, Renee Taylor and Daniel Sweeney. Ms. Devereaux will clarify the statement of Ronald Parrillo prior to reconsideration by the Board.*

**9. Set next meeting date(s).**

*May 20 at 9 a.m.*

*Meeting adjourned: 10:04 A.M.  
Linda M. Elmer  
Staff Assistant*



# City of Milwaukee

200 E. Wells Street  
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53202

## Meeting Minutes ETHICS BOARD

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Wednesday, March 18, 2009

9:00 AM

Room 301-G, City Hall

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*Meeting convened: 9:05 A.M.*

**Present:** 4 - Ellis, Wacker, Barndt, Toran

**Excused:** 2 - Hintz, Turner

**1. Roll call and approval of the minutes from the February 18, 2009 meeting.**

*Ms. Wacker moved, seconded by Ms. Toran, for approval of the minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*There were no items to be heard in closed session.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

*Roll call taken at 9:06 A.M.*

**Present:** 5 - Ellis, Hintz, Wacker, Barndt, Toran

**Excused:** 1 - Turner

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux responded to fewer questions related to the Statement of Economic Interest than in previous years. She contacted Interfaith Conference of Greater Milwaukee about appointing an individual to replace Mr. Bernstein. Ms. Devereaux noted that the Rules and Procedures of the Board need to be updated. She also wrote three letters related to the last meeting.*

**5. Update on returns of the 2008 Statement of Economic Interest forms and late filing fees.**

*So far, 13 board/commission members have not filed statements and 5 employees have not yet filed. In 2008, as of March 4th, 49 board/commission members and 75 employees had not yet filed. Ms. Devereaux has a few employees who have not filed, but who left the City in 2009. The Board reviewed the ordinance to see what authority it has to grant an extension or waiver. Ms. Devereaux noted that she received a number of statements on March 11th, which falls in the area of 11-30 days and results in a \$25 fine for those filers. Ms. Devereaux will send out the notices to those who filed late and to the appointing authorities. The Board discussed specific instances of individuals who are filing late and if they should be charged late fees.*

**6. Review newly filed Statement of Economic Interest Forms for clarity and completeness.**

*The board reviewed and approved the statements of Richard Heath, George Williams, Genyne Edwards, James Harpole, Michael Barndt, Raymond Vahey and Shirley Krug.*

*Ms. Barndt recused herself from reviewing the statement of Michael Barndt.*

**7. Set next meeting date(s).**

*April 22nd at 9 a.m.*

*Meeting adjourned: 9:59 A.M.  
Linda M. Elmer  
Staff Assistant*



# City of Milwaukee

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53202

## Meeting Minutes ETHICS BOARD

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---

Wednesday, February 18, 2009

9:00 AM

Room 301- G, City Hall

---

*Meeting convened: 9:04 A.M.*

**Present:** 5 - Toran, Ellis, Bernstein, Wacker, Barndt

**Excused:** 2 - Turner, Hintz

### **1. Roll call and approval of the minutes from the January 21, 2009 meeting.**

*Amend item #5 in the minutes to note that the nominations were passed without opposition.*

*Approve, as amended, by Mr. Bernstein, seconded by Ms. Toran. There were no objections.*

### **2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*Ms. Wacker moved, seconded by Ms. Barndt, to convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats. There were no objections.*

### **3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

*During closed session the Board considered three requests for confidential advisory opinions and will be rendering the requested opinions.*

### **4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux has been very busy answering questions related to the statements of economic interests. Two forms were returned to individuals, either for not signing the forms or for not disclosing employment. Ms. Toran and Ms. Turner will be up for reappointment in 2009.*

*She also met with the City Clerk and Deputy City Clerk relating to how the fines will be administered for individuals who fail to file in a timely manner.*

*Ms. Devereaux is meeting with the mayor's office tomorrow to revise the appointment letter sent out by that office.*

*As of 8:30 today, 212 forms have been filed (out of 463 sent out).*

**5. Update on implementing of late filing fees and penalty procedures.**

*Jim Owczarski, Deputy City Clerk, reviewed the ordinance with the Board that was passed by the Common Council creating fines for failure to file statements of economic interests in a timely manner and how the fee system will be administered. Mr. Ellis noted that the purpose of the ordinance seems to be that all nominations must have the forms submitted prior to appearing before a Common Council committee, rather than after the oath is administered. Ms. Devereaux noted that individuals who file their forms 10 or more days late will be invoiced; those who do not file forms will be referred to the city attorney's office. The Board discussed how this would be administered among itself, the City Clerk's Office and the City Attorney's Office. The City Clerk's Office will begin date stamping all documents received for the Ethics Board prior to placing them into Ms. Devereaux's secure mailbox.*

**6. Update on returns of the 2008 Statement of Economic Interest forms.**

*This was discussed under item #4.*

**7. Review newly filed Statement of Economic Interest Forms for clarity and completeness.**

*The Board reviewed and approved the forms of Monica Ray, Christopher Strohbehn, Eric Biernat and Gregory Habeck.*

**8. Set next meeting date(s).**

*March 18th at 9 a.m.*

*Meeting adjourned: 11:23 A.M.*

*Linda M. Elmer*

*Staff Assistant*



# City of Milwaukee

200 E. Wells Street  
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53202

## Meeting Minutes ETHICS BOARD

*DWIGHT ELLIS III, CHAIR*  
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Wednesday, January 21, 2009

9:00 AM

Room 301-G, City Hall

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*Meeting convened: 9:06 A.M.*

**Present:** 6 - Turner, Toran, Ellis, Bernstein, Hintz, Barndt

**Excused:** 1 - Wacker

**1. Roll call and approval of the minutes from the November 5, 2008 meeting.**

*Mr. Bernstein moved, seconded by Ms. Turner, for approval of the minutes. There were no objections.*

**2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.**

*There were no matters for closed session.*

**3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.**

**4. Report from research assistant relative to office activities of the previous month.**

*Ms. Devereaux had attempted to schedule two Board meetings since November 5th, but was unsuccessful. She ordered the Statements of Economic Interests late this year in anticipation of changes that were to be approved by the Common Council. Ms. Devereaux reviewed the list of those individuals who are required to file. The City Clerk's Office is trying to make its list of board and commission members more accurate. Ms. Devereaux mailed out 126 forms for board/commission members and 337 forms for employees. She'll soon be sending the completed 2006 forms to the records retention office. Ms. Devereaux and Mr. Ellis worked on the fliers related to changes in the penalties for not filing statements in a timely manner. The Board's rules and procedures will also need to be amended to mirror the new language passed by the Common Council.*

**5. Election of Ethics Board officers.**

*Ms. Toran nominated, seconded by Ms. Barndt, Mr. Ellis for Chair. There were no other nominations. The nomination was approved without objection.*

*Ms. Barndt nominated, seconded by Ms. Turner, Ms. Toran for Vice-Chair. There were no other nominations. The nomination was approved without objection.*

**6. Update on possible revisions to the Code of Ethics, Chapter 303.**

*All revisions have been completed and passed by the Common Council.*

**7. Update on printing and mailing of the 2008 Statement of Economic Interest forms.**

*This was discussed under item 4.*

**8. Review newly filed Statement of Economic Interest forms for clarity and completeness.**

*The Board reviewed and approved the statements of Jill Newton Moore and James Hiller.*

**9. Set next meeting date(s).**

*February 18 at 9 a.m.*

*March 18 at 9 a.m.*

*Meeting adjourned: 9:35 A.M.*

*Linda M. Elmer*

*Staff Assistant*