

Lee, Chris

From: Miller, Thomas
Sent: Wednesday, January 17, 2024 9:47 AM
To: Lee, Chris
Cc: Owczarski, Jim
Subject: FW: CCFN 231232
Attachments: 231232.docx

Chris – LRB was to prepare a substitute per the emails below.

From: Owczarski, Jim <jowcza@milwaukee.gov>
Sent: Friday, January 12, 2024 2:08 PM
To: Broadnax, Keith <Keith.Broadnax@milwaukee.gov>; Osterman, Jeffrey <joster@milwaukee.gov>
Cc: Pederson, Robin <rpederson@milwaukee.gov>; Farris, Todd <tfarris@milwaukee.gov>; Knapp2, Luke <Luke.Knapp2@milwaukee.gov>; Zelazny, Dana <D.Zelazny@milwaukee.gov>; Miller, Thomas <TMiller@milwaukee.gov>
Subject: Fw: CCFN 231232

LRB --

With Tea out, please make certain a sub along the lines below is ready for Wednesday.

Thanks,

Jim

From: Miller, Thomas <TMiller@milwaukee.gov>
Sent: Friday, January 12, 2024 12:31 PM
To: Owczarski, Jim <jowcza@milwaukee.gov>
Cc: Pederson, Robin <rpederson@milwaukee.gov>; Farris, Todd <tfarris@milwaukee.gov>
Subject: CCFN 231232

Jim – I have been assigned to review, for legality and enforceability, CCFN 231232 (A substitute ordinance relating to the designation of deputy department heads). As discussed yesterday, each special deputy must take the oath required of city officers in order to perform the acts required of the officer. There is a catch-all requirement in City Charter s. 3-22-2, which provides that “Every person elected or appointed to any office established by the city charter, shall before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state” (emphasis added). Each special deputy designation authorized in CCFN 231232, however, creates the special deputy designation through the Milwaukee Code of Ordinances, not the Charter. Thus, the Charter’s catch-all provision does not apply.

Accordingly, a substitute must be offered that includes the oath requirement for each special deputy authorized in CCFN 231232. For example for Parts 1-6, add the following to the end of each section: “The special deputy shall, before entering upon his or her duties, take the oath required of city officers.” With that addition, the proposed file is legal and enforceable. Please let me know if you wish to discuss further.

Tom

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