

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

March 13, 2009

Alderman Michael Murphy
Chair, Committee on Finance and Personnel
Room 205 – City Hall

Re: Fiscal Impact/CC File No. 080218/
“MORE” legislation

Dear Alderman Murphy:

By letter dated March 10, 2009, you attached the above Common Council file, which contains proposed legislation relating to participation of City residents in public works contracts, requirements for certain developers (including prevailing wages), an increase in the Emerging Business Enterprise participation percentage, and a local business enterprise program.

You indicate that the City Attorney’s office and other departments will play a role in the implementation, enforcement, and monitoring of the programs within this proposed ordinance. You ask for a detailed fiscal note and an explanatory narrative of the fiscal and staffing impacts the proposal will have on the City Attorney’s office.

We are not providing a fiscal note from this office, because we do not anticipate that the proposed legislation will have a fiscal or staffing impact on our office.

The existing emerging business enterprise percentage requirement would increase with this ordinance, and the unemployed resident’s preference program would expand its geographic reach. There would be a new bid preference for local businesses. While we may be asked for advice on the interpretation and application of these ordinances, we do not foresee the necessity for a fiscal or staffing change.

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The new requirements for development agreements would also likely have a minimal impact on this office. Those requirements are only applicable when there is \$1 million or more in City assistance. In addition, most of the requirements are already addressed in some fashion in development agreements. The function of updating the agreements would not involve fiscal or staffing changes. We, of course, are not in a position to comment on the fiscal impact the proposed legislation might have, if any, on development in the City.

While we believe that the proposed ordinance, in its current form, (with the changes recommended in our letter to the Council on March 2, 2009) is legal and enforceable, it is always possible that the City could face a legal challenge, particularly as a result of the adoption of a new local business preference program and the expansion of the resident's preference program. If this should occur, we do not anticipate that it would be necessary to hire outside counsel to handle the lawsuit. While litigation costs and damages are always possible, they are too speculative to include on a fiscal note.

We hope this adequately responds to your request. If you need further information, please contact the undersigned.

Very truly yours,



GRANT F. LANGLEY
City Attorney



LINDA ULISS BURKE
Deputy City Attorney

LUB:bl

c: ✓ Mr. Ronald Leonhardt
Ms. Leslie Silletti
Mr. Mark Nicolini

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