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September 20, 2010

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

Re: Council File No. 100438 -- A substitute ordinance relating to the
housing infrastructure preservation fund

Dear Council Members:

We have signed the attached file as being legal and enforceable. As the file's sponsor, Alderman Bauman, correctly indicated at the committee hearing on this matter, the ordinance, "for what it is worth," would reflect the City's position that certain work funded by the housing infrastructure preservation fund is not intended to be a "public works project," and that this is for purpose of avoiding the applicability of prevailing wages to these projects.

If this ordinance is adopted, our office will inform the Wisconsin Department of Workforce Development of the City's position that work funded by the housing infrastructure preservation fund should not be considered a project of public works or improvement, as these terms are used in the state's prevailing wage law. If DWD disagrees, we will consult with the Common Council as to any formal action the City may take to contest the application of prevailing wages to these types of projects.

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In the interim, we will advise the effected departments to comply with the directives of the DWD, which is the entity charged with interpreting and enforcing the state prevailing wage law.

Very truly yours,



GRANT E. MANGLEY
City Attorney



LINDA ULISS BURKE
Deputy City Attorney

LUB:bl
Enc.

c: Mr. Ronald Leonhardt
Alderman Robert Bauman
Ms. Martha Brown
Mr. Art Dahlberg
Ms. Leslie Silletti

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