

Lee, Chris

From: Owczarski, Jim
Sent: Monday, December 15, 2025 3:30 PM
To: Council Members_Aides
Cc: Lee, Chris
Subject: CC File 241536 Not Legal and Enforceable
Attachments: Opinion re CCFN 241536.pdf

Honorable Members,

Please see the attached opinion from the Office of the City Attorney.

Per the Code, this matter will be referred back to committee for further deliberation.

Chris, for the file.

Respectfully,

Jim

From: Goyke, Evan <egoyke@milwaukee.gov>
Sent: Monday, December 15, 2025 1:56 PM
To: Owczarski, Jim <jowcza@milwaukee.gov>
Subject: CC File 241536

Jim,

Attached please find our opinion related to Common Council File No. 241536. We are returning the substitute ordinance unsigned as it is not lawful and enforceable.

I did have the opportunity to briefly speak with the Council President, who sponsored the substitute. I remain willing to work with him or any other member of the Council to help create a workable alternative. I was not able to create or recommend a substitute as I cannot place myself in the Council's shoes. I understand the intent to be improved and increased communication between departmental leaders and Council members. Those are valid goals, however, they also present a massive range of policy solutions and I cannot assume to know where the Council may land within such broad territory.

As you'll see in the opinion, we conclude that the Council cannot require the proposed annual performance evaluations. A beginning point for the allowable landscape for Council action is laid out on the bottom of the second page and onto the third. We have previously upheld the Council requiring communication from departments when that communication is directly connected to policy created by the Council.

I am happy to work with members going forward. This is a less prescriptive area of law and difficult to define the boundaries without seeing the text to review.

Please let me know if you have any questions.

Evan

