

031132

CITY OF MILWAUKEE



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
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
DAWN M. BOLAND

Assistant City Attorneys

December 22, 2003

Alderman Michael J. Murphy
16th Aldermanic District
Room 205 – City Hall

Re: Agreements for Provision of Law Enforcement Services

Dear Alderman Murphy:

In your December 16, 2003 communication, you referenced a matter currently pending before the Common Council's Judiciary and Legislation Committee Resolution File No. 031132, a resolution approving an amendment to a Law Enforcement Special Assignment Grant Agreement for the Bradley Center. You then requested any additional information, correspondence or opinions that our office may have relating to this file.

As you may recollect, the Common Council initially considered the Bradley Center Grant Agreement via Resolution File No. 011573 adopted on March 5, 2002. That resolution approved the initial Grant Agreement with the Bradley Center and established a Common Council policy outlining the circumstances under which the City would provide police services under a contract with a non-City entity.

Specially, the Common Council found that:

- “1. Large facilities open to the public operated by tax-exempt public or quasi-public entities (hereinafter referred to as ‘Public Venue(s)’) often require additional law enforcement services in order to meet the needs of public safety and convenience;

“2. The public or quasi-public entities operating those Public Venues are often exempt from general property taxation and therefore, absent a voluntary agreement, would not have to pay for the provision of such law enforcement services:

“3. Therefore, based upon the above-enumerated considerations, the Common Council hereby finds that the City or its Police Department (‘MPD’) are authorized, upon passage of an enabling resolution by the Common Council, to accept grants to fund law enforcement services, provided that such grant(s) are received from entities that meet all of the following criteria:

“a. The entity is exempt from general property taxation;

“b. The entity is either public or quasi-public in nature; and

“c. The entity owns and/or operates a Public Venue.

; and

“Whereas, The Common Council further finds that accepting grants from public or quasi-public entities qualifying under the criteria set forth above is in the public interest because:

“1. The grant will enable the MPD to assign additional personnel to that Public Venue and thereby enhance public safety and convenience at that venue; and

“2. The grant will relieve the general City property taxpayers from funding the cost of the additional law enforcement services being provided to the tax exempt entity operating the Public Venue.”

Common Council Resolution File No. 011573, passed March 5, 2002.

Based upon the policy established under this resolution, the Council then concluded that:

“Whereas, The Bradley Center Sports and Entertainment Corporation (‘Bradley Center’) is a public body corporate and politic created under the provisions of sec. 232.03(1), Stats.; and

“Whereas, The Bradley Center owns and operates a large sports and entertainment venue open to the public and, which on a per event basis, can accommodate in excess of 18,000 members of the public; and

“Whereas, All real and personal property owned and operated by the Bradley Center is exempt from general property taxation pursuant to sec. 70.11(29m), Stats; and

“Whereas, Based upon the above enumerated policy criteria and findings, the MPD is eligible for grant funds from the Bradley Center for a Bradley Center Grant to fund additional law enforcement services.”

Common Council Resolution File No. 011573, passed March 5, 2002.

The Council then amended that policy via Common Council Resolution File No. 021317, adopted December 20, 2002, a resolution approving a Law Enforcement Services Grant Agreement with the University of Wisconsin System (“UWM”). The Council added an additional criterion:

“Whereas, The Common Council desires to amend that policy and in support of that amendment, the Common Council finds in addition to the findings set forth in Common Council File No. 011573, that: Tax exempt public or quasi-public entities such as large universities may by the nature of their operations occasion the need for additional police services in areas of the city adjacent to their campuses or sites. Therefore, the Common Council hereby adds as an alternative to criteria 3c, set forth in Common Council File Resolution 011573, a criteria 3d which is: ‘That nature of the entities’ operations occasion the need for additional police services in adjacent areas of the City.’”

Therefore, based upon Common Council Resolution File No. 011573 and 021317, the Council has established the following as the criteria which must be met in order for the City to contract for the provision of law enforcement services: (a) The entity is exempt from general property taxation, (b) The entity is either public or quasi-public in nature, (c) The entity owns and/or operates a public venue, and (d) As an alternative to (c), the nature of the entity’s operation occasioned the need for additional police services in adjacent areas of the City.

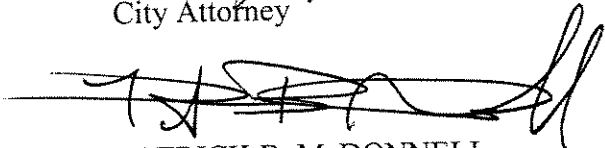
Ald. Michael J. Murphy
December 22, 2003
Page 4

Finally, as we indicated when the above-referenced resolutions were under consideration by the Common Council, we are of the opinion that those resolutions and the Common Council policy contained therein are legal and enforceable and meet the public purpose test.

Very truly yours,



GRANT F. LANGLEY
City Attorney



PATRICK B. McDONNELL
Deputy City Attorney

PBM:dms
c: Ronald Leonhardt
1033-2003-4002:76169