

From: [Owczarski, Jim](#)
To: [Lee, Chris](#)
Cc: [Norfolk, Tea](#); [Zelazny, Dana](#)
Subject: FW: FP Ordinances for CAO Review/Signature
Date: Tuesday, November 03, 2020 4:35:46 PM

#1 down for the file.

Thanks,

Jim

From: Miller, Thomas
Sent: Tuesday, November 03, 2020 3:55 PM
To: Owczarski, Jim
Cc: Brown, Scott
Subject: RE: FP Ordinances for CAO Review/Signature

Jim, I have reviewed CCFN 200722 (Substitute A). The file is approved for legality and enforceability. Please let me know if you need anything further.

Tom

From: Owczarski, Jim <jowcza@milwaukee.gov>
Sent: Tuesday, November 3, 2020 12:05 PM
To: Miller, Thomas <TMiller@milwaukee.gov>
Subject: Fwd: FP Ordinances for CAO Review/Signature

Revised version of the fee ordinance for your review.

Thanks,

Jim

Remis Velisque!

Begin forwarded message:

From: "Lee, Chris" <clee@milwaukee.gov>
Date: November 3, 2020 at 12:03:39 PM CST
To: "Owczarski, Jim" <jowcza@milwaukee.gov>, "Broadnax, Keith" <Keith.Broadnax@milwaukee.gov>, "Norfolk, Tea" <Tea.Norfolk@milwaukee.gov>
Cc: "Miller, Thomas" <TMiller@milwaukee.gov>, "Zelazny, Dana" <Dana.Zelazny@milwaukee.gov>
Subject: RE: FP Ordinances for CAO Review/Signature

Please see attached Proposed Substitute A for CCFN 200722 for OCA review.

Chris Lee

From: Owczarski, Jim
Sent: Monday, November 2, 2020 8:54 AM
To: Broadnax, Keith; Norfolk, Tea; Lee, Chris
Cc: Miller, Thomas; Zelazny, Dana
Subject: RE: FP Ordinances for CAO Review/Signature

Please delay any review until the meeting later today with the OCA.

Jim

From: Broadnax, Keith
Sent: Monday, November 02, 2020 8:14 AM
To: Norfolk, Tea; Owczarski, Jim; Lee, Chris
Cc: Miller, Thomas; Zelazny, Dana
Subject: RE: FP Ordinances for CAO Review/Signature

It is being reviewed.

Keith Broadnax, Manager
Legislative Reference Bureau
414.286.2267
414.915.0245

From: Norfolk, Tea
Sent: Monday, November 2, 2020 8:08 AM
To: Owczarski, Jim; Lee, Chris
Cc: Miller, Thomas; Broadnax, Keith; Zelazny, Dana
Subject: RE: FP Ordinances for CAO Review/Signature

I should have it ready for you as soon as my supervisors review it.

Tea B. Norfolk
Legislative Reference Bureau
(414) 286-8012

From: Owczarski, Jim
Sent: Monday, November 02, 2020 7:39 AM
To: Lee, Chris
Cc: Norfolk, Tea; Miller, Thomas; Broadnax, Keith; Zelazny, Dana
Subject: Re: FP Ordinances for CAO Review/Signature

Yes. Being worked on today.

Remis Velisque!

On Nov 2, 2020, at 7:20 AM, Lee, Chris <clee@milwaukee.gov> wrote:

Will there be submittal of Proposed Substitute versions to the files?

Chris Lee

From: Norfolk, Tea
Sent: Friday, October 30, 2020 4:20 PM
To: Owczarski, Jim
Cc: Miller, Thomas; Lee, Chris; Broadnax, Keith; Zelazny, Dana
Subject: RE: FP Ordinances for CAO Review/Signature

Thank you. Will do.

-Tea

From: Owczarski, Jim
Sent: Friday, October 30, 2020 3:59 PM
To: Norfolk, Tea
Cc: Miller, Thomas; Lee, Chris; Broadnax, Keith; Zelazny, Dana
Subject: Fw: FP Ordinances for CAO Review/Signature

Omnia --

Please read through the below and the attached.

Tea -- You should probably prepare to attend the meeting to get the notes at first hand

Keith/Dana/Chris -- FYI

Jim

From: Miller, Thomas <TMiller@milwaukee.gov>
Sent: Friday, October 30, 2020 3:45 PM
To: Horwitz, Miriam <mhorwi@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Christianson, Bill <WCHRIS@milwaukee.gov>
Cc: Brown, Scott <sfbrown@milwaukee.gov>
Subject: RE: FP Ordinances for CAO Review/Signature

Jim and Bill, in advance of our meeting on Monday, attached is the edited proposed ordinance (in pdf and Word). CCFN 200723 ("A substitute ordinance relating to implementation of various provisions of the 2021

budget”) and CCFN 200726 (“A substitute resolution relating to implementation of various provisions of the 2021 budget”) were recommended for approval by the Finance and Personnel Committee on 10.29.20. **There is a special Finance and Personnel hearing on Nov. 6 at 8:45 a.m.**

I have been asked to sign Ordinance CCFN 200723 for legality and enforceability but cannot do so in its current form. Most importantly, the ordinance creating the street lighting special charge does not exempt properties where street lights are not installed. This provision is critical to our defense of the charge as a lawful fee/charge rather than an unlawful tax. The exemption was also contained in the 2001 ordinance creating the previous street lighting fee as noted in the City Attorney opinion dated September 14, 2020 (attached).

In addition, the edited version makes clear that the charge will be billed on a quarterly basis. Also, the edited version makes some technical changes in sec. 5.b. to set forth the correct order of allocation of partial payments.

Finally, because the ordinance must go back to the F&P Committee on Nov. 6, there is an opportunity to amend the title of the ordinance and the resolution. Although our office opined that a street light fee would be a permissible charge, as a new charge it could be subject to challenge. We want to place the ordinance and resolution on the strongest footing regarding the open meetings law. Therefore, it is strongly recommended that the titles be amended to specifically identify the creation of the street lighting fee, which is the only fee addressed in the ordinance and resolution. I have consulted with Pete Block on this question and he has confirmed that there is nothing in the open meeting laws stopping the City from making this Title change.

In sum, I recommend that both the ordinance and the resolution be added to the special F&P Committee hearing on November 6 at 8:45 a.m. so that files, as revised, can be recommended for approval.

Tom

Thomas D. Miller | Assistant City Attorney | Milwaukee City Attorney's Office
200 E Wells Street, Room 800 | Milwaukee, WI 53202 | 414.286.2601 |
tmiller@milwaukee.gov

From: Horwitz, Miriam <mhorwi@milwaukee.gov>
Sent: Wednesday, October 28, 2020 3:00 PM
To: Miller, Thomas <TMiller@milwaukee.gov>
Cc: Brown, Scott <sfbrown@milwaukee.gov>
Subject: FW: FP Ordinances for CAO Review/Signature

Please review re: legal and enforceable. Note that Jim Carroll issued an opinion on the street lighting fee and I would normally send this to him; however, he is dealing with a family loss.

From: Owczarski, Jim
Sent: Wednesday, October 28, 2020 2:21 PM
To: Spencer, Tearman
Cc: Schanning, Mary; Horwitz, Miriam
Subject: FW: FP Ordinances for CAO Review/Signature

Good Afternoon,

Please see the attached and below relating to ordinances that have been referred for consideration by your office as to their legality and enforceability.

Given their swearing-ins, should I begin including your new deputies on these referrals?

My Thanks,

Jim

From: Lee, Chris
Sent: Wednesday, October 28, 2020 2:09 PM
To: Owczarski, Jim
Subject: FP Ordinances for CAO Review/Signature

Jim,

This FP ordinance was recommended for passage today 10/28/20 and will need CAO review and signature. It go before the Common Council Budget Adoption 11/6/20 meeting.

200723

This FP ordinance is expected to be considered before a Special Finance and Personnel Committee meeting on 11/6/20 and then subsequently go

before the Common Council Budget Adoption 11/6/20 meeting.

200722 (There will be a Proposed Substitute version. Current version attached.)

Sincerely,

Chris Lee
Staff Assistant
Council Records Section
City Clerks Office
City of Milwaukee
200 E. Wells St., Room 205
Milwaukee, WI 53202
Phone: 414-286-2232
Fax: 414-286-3456
cle@milwaukee.gov