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March 2, 2009

Milwaukee Common Council
City Hall, Room, 205

Ronald D. Leonhardt, City Clerk
City Hall, Room 205

RE: Common Council File No. 080218, Substitute 1

Dear Council Members and Mr. Leonhardt:

We are returning Common Council File No. 080218 which has been approved by this office as to legality and enforceability. This approval is based on our understanding that Alderman Hamilton will introduce an amendment at the Common Council meeting on March 3, 2009 incorporating three technical changes prepared by our office today. Notwithstanding this approval, we have two other technical concerns with the enclosed Substitute 1.

First, Section 355-17 "Sanctions" is not enforceable in its present form. As currently written, that section permits contractual sanctions by the City against parties who have no contractual privity with the City. Second, for consistency purposes, the ordinance should refer to the emerging business enterprise "manager" rather than the emerging business enterprise "director."

Our technical concerns have no bearing on the larger policy issues addressed in this file. In the event that the Common Council approves this file we may

Honorable Common Council
Ronald D. Leonhardt
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recommend an amendment to the ordinance to address the required minor technical changes. We anticipate that other departments may have other technical concerns once they have undertaken a comprehensive review.


Very truly yours



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GFL:TOG:TDM:wt:143280

Attachments

c: Mayor Tom Barrett
Jeffrey Mantes, Commissioner, Department of Public Works
Rocky Marcoux, Commissioner, Department of City Development
Sharon Robinson, Director, Department of Administration

1033-2009-590