



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Minutes JUDICIARY & LEGISLATION COMMITTEE

ALD. MICHAEL S. D'AMATO, CHAIR
Ald. Donald F. Richards, Vice Chair
Ald. Marlene E. Johnson-Odom, Ald. Michael J. Murphy,
Ald. Fredrick G. Gordon

Staff Assistant, Kathleen Marquardt, 286-2231,
Fax: (414) 286-3456, E-mail: kmarqu@milwaukee.gov
File Specialist, Marian Hartner, 286-3926, E-mail: mhartn@milwaukee.gov

**Italicized comments following the titles of Council files are explanatory only and not intended to limit the scope of the debate or any possible amendments.*

Monday, April 7, 2003

9:00 AM

Room 301-B, City Hall

Present 5 - D'Amato, Richards, Johnson-Odom, Murphy, Gordon

9:00 A.M.; Meeting convened 9:18 A.M.

Ald. Gordon moved that the JUDICIARY AND LEGISLATION COMMITTEE convene into closed session at 9:00 A.M. on Monday, April 7, 2003, in Room 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, pursuant to Section 19.85 (1)(g), Wisconsin Statutes, for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to litigation in which the City is involved relative to Item #1 - File Number 021794 - Resolution authorizing settlement of State of Wisconsin, Department of Workforce Development, Equal Rights Division, claim, entitled Steven A. Lemery v. City of Milwaukee, Case 199804172, and United States Equal Opportunity Commission, entitled Steven A. Lemery v. City of Milwaukee, Charge No. 26G990429 and Item #2 - File Number 021733 - Resolution to approve the expenditure of \$25,000 from the Outside Counsel-Expert Witness Fund for expert witness fees and other litigation expenses regarding the final selection procedures for entry level police officer and police aides currently pending before the United States District Court, in Civil Action No. 74-C-480 and then go into open session for the regular agenda.

Roll Call:

Ayes: Ald. Richards, Gordon and Murphy - 3.

Noes: 0.

Absent: Ald. D'Amato and Johnson-Odom - 2.

(Prevailed)

CLOSED SESSION

Present for Item #1, File No. 021794: Marynell Regan, Asst. City Attorney; Miriam Horwitz, Asst. City Attorney and Mark Ramion, Legislative Reference Bureau.

Present for Item #2, File No. 021733: Miriam Horwitz, Asst. City Attorney and Mark Ramion, Legislative Reference Bureau.

Ald. Murphy moved that the Committee reconvene into open session.

Roll Call:

Ayes: Ald. D'Amato, Richards, Gordon, Murphy and Johnson-Odom - 5.

Noes: 0.

(Prevailed).

9:15 A.M.

- 1) [021794](#) Resolution authorizing settlement of State of Wisconsin, Department of Workforce Development, Equal Rights Division, claim, entitled Steven A. Lemery v. City of Milwaukee, Case 199804172, and United States Equal Opportunity Commission, entitled Steven A. Lemery v. City of Milwaukee, Charge No. 26G990429. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 2) [021733](#) Resolution to approve the expenditure of \$25,000 from the Outside Counsel-Expert Witness Fund for expert witness fees and other litigation expenses regarding the final selection procedures for entry level police officer and police aides currently pending before the United States District Court, in Civil Action No. 74-C-480. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

9:30 A.M.

- 3) [021743](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 1998, 2000 and 2002 tax rolls, plus interest applicable to date of repayment, if appropriate. (Assessor's Office)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 4) [021738](#) Resolution appropriating additional funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside counsel to

represent the interests of the Fire & Police Commission in the matter of Anderer v. City of Milwaukee Fire & Police Commission, Case No. 02-CV-007711. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Ald. Johnson-Odom that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

5) [021771](#)

Resolution to settle claim of Attorney Kenneth Murray, Kenneth Murray Law Office, for defense of various Police Officers. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

6) [021770](#)

Resolution to settle claim of Attorney Laurie A. Eggert, Eggert Law Office, for defense of various police officers. (City Attorney)

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

9:45 A.M.

7) [011742](#)

Substitute resolution relative to various legislative bills.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A-35 Support, by Ald. Richards. Prevailed.

A-148 Watch and Report, by Ald. Gordon. Prevailed.

A-164 Support, by Ald. Richards. Prevailed.

A-172 Support, by Ald. Richards. Prevailed.

(Speaker: Julietta Henry, Election Commission)

A-175 Oppose, by Ald. Gordon. Prevailed.

(Speaker: Julietta Henry, Election Commission)

A-179 Watch and Report, by Ald. D'Amato. Prevailed.

A-206 Support, by Ald. Johnson-Odom. Prevailed.

A-210 Oppose, by Ald. Murphy. Prevailed.

S-77 Support as amended, by Ald. Gordon. Prevailed.

(Speakers: Mike Daun, Comptroller; Tom Hayes, Asst. City Attorney and Richard Li, Comptroller)

A-86 Support, by Ald. Johnson-Odom. Prevailed.

A-89 Support, by Ald. Murphy. Prevailed.

A-169 Oppose, by Ald. Richards. Prevailed.

An Update on the Governor's Budget for 2003-2005 was presented.

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 8) [021719](#) Appeal of Christine Edwards relative to a claim for property damage. (15th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 9) [021749](#) Appeal of Roxanne Dwyer relative to a claim for DNS paint charges. (16th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 5 - D'Amato, Richards, Johnson-Odom, Murphy and Gordon

No 0

- 10) [021718](#) Substitute resolution to settle claim of Charles and Linda Ergen for health abatement charges.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Murphy that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Johnson-Odom, Murphy and Gordon

No 1 - Richards

- 11) [021748](#) Appeal of Frank Lubotsky relative to a claim for health abatement charge. (17th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Richards, Johnson-Odom and Murphy

No 0

Excused 1 - Gordon

- 12) [021750](#) Appeal of Perry Bertoni relative to a claim for property damages. (13th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Vice Chair Richards that this matter be RECOMMEND TO DISALLOW & INDEF. POSTPONE. The motion carried by the following vote:

Aye 4 - D'Amato, Richards, Johnson-Odom and Murphy

No 0

Excused 1 - Gordon

- 13) [021747](#) Substitute resolution to settle claim of Russell Lepak for property loss.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Vice Chair Richards that this matter be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye 4 - D'Amato, Richards, Johnson-Odom and Murphy

No 0

Excused 1 - Gordon

*Meeting adjourned: 11:16 A.M.
Linda M. Elmer, Staff Assistant*