

**City  
of  
Milwaukee**

*INTERDEPARTMENTAL CORRESPONDENCE  
LEGISLATIVE REFERENCE BUREAU*

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## **M E M O**

**To:** Ald. Michael Murphy

**From:** Barry Zalben, Manager, Legislative Reference Bureau

**Re:** Qualifications of the commissioner of public works

**Date:** May 26, 2004

Attached is a charter ordinance draft repealing the requirement that the commissioner of public works be a professional engineer registered under the laws of Wisconsin. The requirement that the commissioner be an engineer is less than 40 years old, having been adopted through passage of a charter ordinance on February 8, 1966, although in a letter attached to the file, the commissioner of public works noted that appointees to the position of commissioner had been qualified engineers for more than 30 years. It is also interesting to note that the 1966 charter ordinance also imposed the same professional engineer qualification with respect to the positions of deputy commissioner of public works and city engineer.

LRB04219-3

040131

# COMMON COUNCIL

STREETS-ZONING

Communication from:

Petition, Remonstrance, Etc.

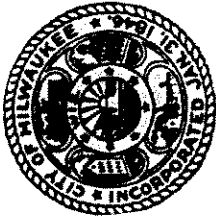
The Chair

**BY**

ALD. SCHREIBER (By request)

FILE NUMBER 65-1534

Re: Comm. from Engineers & Scientists of Milwaukee, Inc. rel. to qualifications for Deputy & Commissioner of Public Works & City Engineer.



Introduced on July 27, 1965 and referred to the Committee on Streets-Zoning.

## COMMITTEE ACTIONS

DATE	MOTION ADOPTED	ROLL CALL VOTE IF NOT UNANIMOUS		
		AYES	NOES	TOTAL
FEB 2 1968	Place on File			
		WARD NO.	WARD NO.	TOTAL

## COMMITTEE REPORT

FEB 8 1968  
DATE

To the Honorable, the Common Council:

Your committee to which was referred the above described matter, reports thereon by recommending that it be

- Adopted
- Confirmed
- Placed on File
- Indefinitely Postponed
- Adoption of Substitute Resolution
- Disallowed & Indefinitely Postponed

Countersigned:

*Robert L. Sulhauser*  
CHAIRMAN  
*Stephen A. Halligan*  
*Edna ...*

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Countersigned:

*Robert L. Sulhaush*  
CHAIRMAN  
*Stephen A. Halligan*  
*Marceline Miller*  
*Robert W. Anderson*  
*Cyrus L. Weber*

COMPTROLLER

## ACTION OF THE COMMON COUNCIL

- Adopted Under Suspension of Rules
- Committee Report Adopted
- 

FEB 8 1968  
DATE

Ayes 18 Noes 0

### - APPROVAL OF THE MAYOR -

Submitted to His Honor the Mayor on:

Approved on:

DATE \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_ MAYOR \_\_\_\_\_



# MILWAUKEE

## DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • ROOM 516

841 NORTH BROADWAY • MILWAUKEE, WISCONSIN 53202

BROADWAY 6-3711

*FN. 65-1534*

HERBERT A. GOETSCH  
Commissioner of Public Works

WALTER H. TACKE  
Deputy Commissioner of Public Works

DONALD D. ROETHIG  
Supervising Engineer

December 29, 1965

To the Honorable  
The Committee on Streets-Zoning

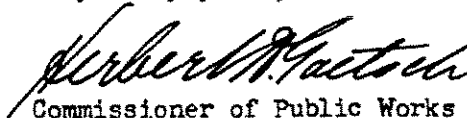
Gentlemen:

In response to a request from your Committee, we have reviewed the amended Charter Ordinance prepared by the City Attorney's Office resulting from Common Council File No. 65-1534, which is a communication from Engineers and Scientists of Milwaukee, Inc. relative to qualifications for Commissioner of Public Works, Deputy Commissioner of Public Works, and City Engineer.

Since the establishment of the registration law for Civil Engineers in 1931, the positions of Commissioner of Public Works and City Engineer have been filled with qualified registered professional engineers. In fact, the appointees for many years prior to 1931 would have qualified for registration. For more than twenty years, the position of Deputy Commissioner of Public Works has been filled with a qualified registered professional engineer.

The inclusion of a provision that the appointee to the various positions should be a registered professional engineer would confirm present practice. For this reason, it would be my recommendation that the proposed amended Charter Ordinance be approved.

Very truly yours,

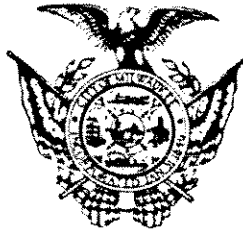
  
Commissioner of Public Works

WHT:dmp

JOHN J. FLEMING  
City Attorney

HARRY G. SLATER  
Deputy City Attorney

# CITY OF MILWAUKEE



## OFFICE OF CITY ATTORNEY

800 CITY HALL  
MILWAUKEE, WISCONSIN 53202  
TELEPHONE 276-3711

RICHARD F. MARUSZEWSKI  
CARL F. KINNEL  
CORNELIUS J. MERTEN  
GEORGE A. BOWMAN, JR.  
EWALD L. MOERKE, JR.  
JOHN F. COOK  
PETER M. STUPAR  
HARVEY G. ODENBRETT  
ROBERT D. SULLIVAN  
JOHN F. KITZKE  
PATRICK J. MADDOEN  
WALTER J. SCHUTZ  
DAVID R. MOGILKA  
MAURICE L. MARKEY  
WILLIAM J. LUKACEVICH  
GERALD V. KORYSCH  
NICHOLAS M. SIGEL  
THEOPHILUS C. CROCKETT  
JOSEPH N. MISANY  
HERBERT F. SONNENBERG  
FRANCIS F. BIERNAT  
ASSISTANT CITY ATTORNEYS

November 5, 1965

To the Honorable  
Committee on Streets-Zoning  
of the Common Council

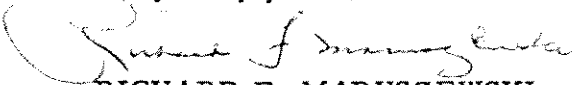
Gentlemen:

In re: Communication from Engineers & Scientists of  
Milwaukee, Inc. relative to qualifications for  
Deputy and Commissioner of Public Works and  
City Engineer

Common Council File No. 65-1534 relating to the aforesaid subject was referred to the undersigned for the purpose of drafting the proper ordinance. We assume from the limited instructions that the ordinance requested would contain the changes suggested in the letter of July 12, 1965, sent to the President of the Common Council by the Engineers and Scientists of Milwaukee, Inc. and signed by one Harold W. Alyea, President. The paragraph suggests that qualifications be included in our charter relating to the offices of the Commissioner of Public Works, the Deputy Commissioner of Public Works, and the City Engineer by providing in each instance that such person "shall be a qualified professional engineer registered under the laws of Wisconsin,"

Upon this premise we have drafted for your consideration a charter ordinance which would amend the sections of the Milwaukee City Charter relating to those offices by incorporating as to each of such offices that particular qualification.

Very truly yours,

  
RICHARD F. MARUSZEWSKI  
Assistant City Attorney

RFM:a  
Enc.  
Approved:

  
City Attorney



# ENGINEERS AND SCIENTISTS OF MILWAUKEE, INC.

3112 W. HIGHLAND BLVD.

MILWAUKEE, WISCONSIN

WE 3-1030

July 12, 1965

Alderman Martin E. Schreiber, President  
The Common Council  
City of Milwaukee  
Room 205, City Hall  
Milwaukee, Wisconsin

Dear Alderman Schreiber:

The Engineers and Scientists of Milwaukee, Inc., recommend that favorable consideration be given to the following changes in Chapter 7 of the charter of the City of Milwaukee at this time while the charter is being re-edited and brought up to date;

Section 7.01 be revised to require that the Commissioner of Public Works, who is appointed by the Mayor with confirmation by the Common Council, shall be a qualified professional engineer registered under the laws of Wisconsin;

Section 7.02 be revised to require that the Deputy Commissioner of Public Works appointed by the Commissioner shall be a qualified professional engineer registered under the laws of Wisconsin;

Section 7.07 be revised to require that the City Engineer appointed by the Mayor with confirmation by the Common Council, shall be a qualified professional engineer registered under the laws of Wisconsin.

The charter requirement now for city engineer merely states that he shall be "some competent person" and states that "it shall be his special duty to superintend and to do or cause to be done, all the civil engineering required by the commissioner of public works, \*\*\*".

Section 7.08 of the charter specifies that in case of differences between the city engineer and the commissioner of public works in the discharge of their respective duties the ruling of the commissioner shall be supreme and final except in questions of engineering pertaining to the water works.

The commissioner of public works, subject to civil service law, has authority to appoint a superintendent of bridges and buildings, a superintendent of sewerage, a superintendent of street construction and major repairing, and others in positions requiring appointees who should have technical engineering training and experience to properly qualify for their assignments.

Alderman Martin E. Schreiber  
Page 2  
July 12, 1965

The men appointed to the three positions mentioned often administer programs in which the services of consulting engineers are utilized, and the registration of all parties under such circumstances serves to enhance mutual confidence and respect. Registration of the men in responsible charge of major public works projects, and the codes of ethics to which the registered men adhere, gives assurance to the laymen public of the technical competence of these men.

Much of the work of the Superintendent and Assistant Superintendent of Public Works and the City Engineer is "\*\*\*professional service, requiring the application of engineering principles and data, wherein the public welfare or the safeguarding of life, health or property is concerned and involved, \*\*\*"; or service of the type for which registration is required in private practice. The general public of the city is entitled to equal assurance of technical qualifications in its service.

In addition to general assurance that the public is securing competent technical service from the men supervising the public works programs, it is believed that requirement for registration would be legal protection for the city in the event of possible lawsuits involving public works. In a number of court cases it has been held that a person is unqualified to testify in judicial proceedings as an expert witness on engineering matters unless he is a registered professional engineer.

The men now holding the three positions referred to above are all registered and hence the recommendation for the proposed charter revision can not be construed as a reflection on their qualifications or as criticism of the appointments. For that reason, and since the charter is being up-dated, the Civic Affairs Committee and Board of Directors of the Engineers and Scientists of Milwaukee, Inc. consider this an opportune time to recommend revision of the charter to assure future appointments of equally qualified men.

It is requested that notification be given to this organization of any hearing or Council Committee meeting on this matter.

Sincerely yours,

  
Harold W. Ayea  
President

HWA:mam

cc: Mr. John Gammell  
Mr. A. R. Striegl

*Referred to the Committee on*  
*Streets-Zoning*  
JUL 27 1965

**A CHARTER ORDINANCE No. 319**  
**FILE NUMBER 65-1534-a**

**OFFICIAL NOTICE**

Published by Authority of the Common Council of the City of Milwaukee

Office of City Clerk, Milwaukee, February 18, 1966.

A Charter Ordinance to amend various provisions of the Milwaukee City Charter, 1934 compilation, as amended, relating to the qualifications of the Commissioner of Public Works, the Deputy Commissioner of Public Works, and the City Engineer.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Section 1. Section 7.01 of the Milwaukee City Charter, 1934 compilation, which sets forth Sections 1 and 2 of Chapter 297, Laws of 1907, made applicable pursuant to Section 20 of Chapter 297, Laws of 1907, by resolution adopted by the Common Council on April 19, 1916, is hereby amended to read as follows:

**7.01 COMMISSIONER OF PUBLIC WORKS: APPOINTMENT TERM.** In all cities of the first class, whether organized under special charter, or under the general law, there is created the office of Commissioner of Public Works.

Such Commissioner who shall be a qualified professional engineer registered under the laws of Wisconsin, shall be appointed by the Mayor and confirmed by a majority of the members elect of the Common Council; such appointment shall be made upon the third Tuesday in April following the time when this act shall become effective in any city; and the term of office of the person so appointed and confirmed shall begin sixty days after such appointment, unless such appointment has not been at such time confirmed, in which event such term shall begin immediately upon such confirmation. The term shall continue for two years from the date of such appointment and until a successor has been appointed, confirmed and qualified; and once in two years thereafter from the time of such appointment, and on the third Tuesday in April of such year, a successor shall be appointed in like manner to such office, who shall hold said office as heretofore provided.

Sec. 2. Section 7.02 of the Milwaukee City Charter, 1934 compilation, which sets forth Section 4 of Chapter 297, Laws of 1907, as amended by Section 4, Charter Ordinance 173, is hereby amended to read as follows:

**7.02 COMMISSIONER OF PUBLIC WORKS: DEPUTY.** The Commissioner of Public Works shall appoint a Deputy Commissioner of Public Works, who shall be a qualified professional engineer registered under the laws of Wisconsin, provided, however, that such appointment shall not be made subject to the civil service laws applicable to the cities to which this act shall apply.

Before entering upon the duties of his office, such deputy shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same duly certified by the official administering the same with the clerk of such city.

Sec. 3. Section 2, Subchapter 5, Chapter 184, Laws of 1874, as amended by Section 16, Chapter 144, Laws of 1876, as modified by Chapter 297,

Laws of 1907, and set forth in Section 7.07 of the Milwaukee City Charter, 1934 compilation, is hereby amended to read as follows:

**7.07. CITY ENGINEER: APPOINTMENT, TERM, DUTIES, ASSISTANTS.** The Mayor shall on the third Tuesday of April, 1875, or within one week thereafter, and once in three years thereafter, appoint, subject to the approval of a majority of the members elect of the Common Council a City Engineer, who shall be a qualified professional engineer registered under the laws of Wisconsin, and who shall keep his office in some convenient place, to be designated by the Common Council, and it shall be his special duty to superintend and to do or cause to be done, all the civil engineering required by the Commissioner of Public Works, in the management and prosecution of all public improvements committed to his charge and all such other surveying as may be directed by said Commissioner, or by the Common Council. He shall devote his whole time to the duties of his office as City Engineer. Said engineer shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings, shall keep on file a copy of all plats of the lots, and blocks and sewers embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors, and to any public buildings belonging to the City of Milwaukee; and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records and documents shall be the property of the city, open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of service to his successor in office, or to the Commissioner of Public Works. He shall make an annual report of all the acts and doings of the engineer's department to the Commissioner of Public Works on or before the first day of February in each year. Said engineer shall appoint such assistants and workmen as he may deem necessary in the discharge of his duties, subject, however, to such regulations respecting the number of assistants and workmen to be appointed, and their compensation, as the Common Council may prescribe by ordinance.

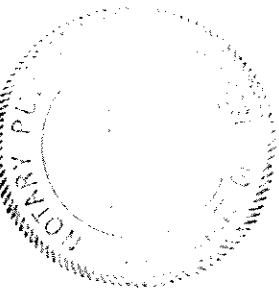
Sec. 4. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication unless within such sixty (60) days a referendum petition shall be filed as provided by sub-section (5) of Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. Passed February 8, 1966.

MARTIN E. SCHREIBER,  
President of the Common Council.  
RAY MARKEY,  
City Clerk.

Approved February 11, 1966.  
MARTIN E. SCHREIBER,  
2-18-1966 Acting Mayor.

*Virginia L. Schreiber*

Notary Public, State of Wisconsin.  
My Commission Expires May 29, 1966.





# MILWAUKEE

## OFFICE OF THE CITY CLERK

ROOM 205 • CITY HALL • MILWAUKEE, WISCONSIN 53202  
Phone: 276-3711 Ext. 2221

RAY MARKEY  
City Clerk

CHESTER P. SCHMIDT  
Deputy City Clerk

65-1534-a

April 14, 1966

Honorable Robt. C. Zimmerman,  
Secretary of State,  
Madison, Wisconsin.

Dear Sir:

Pursuant to the provisions of subdivision (3) of Section 1 of Chapter 198, laws of 1925, I am forwarding herewith copy of charter ordinance No. 319, being file number 65-1534-a, passed by the Common Council of this city on February 8, 1966, and taking effect on April 19, 1966.

Very truly yours,

### RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO Honorable Robt. C. Zimmerman		POSTMARK OR DATE
STREET AND NO. Secretary of State		
CITY AND STATE Madison, Wisconsin		
<input type="checkbox"/> 10¢ shows to whom and when delivered	<input type="checkbox"/> 35¢ shows to whom, when, and address where delivered	<input type="checkbox"/> If you want restricted delivery, check here 50¢ fee
FEES ADDITIONAL TO 20¢ FEE		
POD Form 3800 Dec. 1960		
CAUTION—NOT FOR INTERNATIONAL MAIL		(See other side)

No. 679338