Tom Barrett
Mayor, City of Milwaukee

November 15, 2021

The Honorable, Members of the Common Council of
The City of Milwaukee
City Hall Room 205

Honorable Council Members:

I appreciate your thorough review of my 2022 Proposed Budget and your serious discussions on how we best serve our residents in economically challenging circumstances. I am pleased that the Council reduced the property tax levy and increased the balance in the pension reserve fund.

The 2022 budget is the calm before our fiscal storm in 2023. Funding available under the American Rescue Plan this year and next will provide some relief, but the City's revenue structure will continue to be unsustainable.

The path to sustainable finances runs through the capitol in Madison. I will continue to seek State actions that put Milwaukee on sound fiscal ground and address both our revenue issues and pension challenges.

I have issued a veto of one Council amendment, which is attached to this letter. I ask that you sustain my veto and adopt the included substitute action.

Sincerely,

Tom Barrett
Mayor

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Veto of certain lines and amounts in Common Council Amendment 6

I am vetoing certain budget lines in the Common Council-City Clerk, specifically the addition of position authority and funding for one Assistant City Attorney position in the Common Council-City Clerk's office. The change proposed in the Council's amendment does not improve the quality, depth, or coordination of legal services for the City.

The amendment also puts the City's Charter at odds with State law. The City Attorney "*shall conduct all the law business in which the City is interested*" under Wisconsin 62.09 (12). Under both State law and the Charter, the elected City Attorney advises and represents the City as a whole, not just the Mayor, Council, or other elected officials.

Under Chapter 3-03 of the Charter, the City Attorney also "*shall be responsible to the city for all the acts of... deputy city attorneys and assistant city attorneys.*" The Council's proposal creates a clear conflict with the Charter, where the City Attorney's Office is still accountable for the work of an attorney not under its direction.

I am aware of a proposed change to the Charter that aligns with this budget change. Please be advised I will also veto that action should the Council adopt it.

Based on the Council's logic, a much stronger argument could be made to give the Fire & Police Commission, the Police Department, and the Department of Neighborhood Services their own independent attorneys based solely on the volume of work. The Mayor's Office could certainly be assigned an attorney, as could the Comptroller and Treasurer.

None of these arrangements would serve the best interests of the City. Splitting legal duties between the Council and City Attorney means the City could not speak with one voice in court or negotiations or in legal analyses. It is not hard to imagine a situation where any department's assumption of matters also handled by the elected City Attorney results in an embarrassing legal quagmire for the City in court.

This proposed budget action and Charter ordinance discount the importance of having the ideas and experience of numerous attorneys in the City Attorney's office inform analysis and litigation. We have all seen cases where the City Attorney's independence and rigorous analysis have benefitted the City legally and financially. One attorney working alone for the Council without colleagues or staff cannot hope to cover the huge range of issues facing just the Council, much less the City.

I have attached a substitute to this message that restores position authority and funding for the Assistant City Attorney in the City Attorney's Office. I ask that you sustain my veto and adopt the substitute action.

CITY ATTORNEY, COMMON COUNCIL-CITY CLERK, AMENDMENT 6

A. DISAPPROVAL ACTION

The Mayor disapproves of the following budget line(s) in the 2022 budget: (which were affected by Common Council Amendment 6, which added funding, position and FTEs for an Assistant City Attorney in the Common Council-City Clerk and eliminated funding, position authority and FTEs for an Assistant City Attorney in the City Attorney):

BMD-2 Page and Line No.	Item Description	2022 Positions or Units	2021 Amount
	SECTION I.A.1. BUDGETS FOR GENERAL CITY PURPOSES		
	CITY ATTORNEY		
130.1-14	Asst. City Attorney V (A)(Y)	34	$3,250,298
130.2-25	O&M FTE's	58.50	--
130.3-13	ESTIMATED EMPLOYEE FRINGE BENEFITS	--	$2,215,596
	COMMON COUNCIL-CITY CLERK		
	SALARIES & WAGES		
	CENTRAL ADMINISTRATION DIVISION		
160.2-5	Asst. City Attorney V (Y)	1	$70,000
160.5-4	O&M FTE's	100.07	--
160.5-25	ESTIMATED EMPLOYEE FRINGE BENEFITS	--	$2,690,299

In lieu of the above disapproved item I recommend adoption of the following substitute action:

B. SUBSTITUTE ACTION

BMD-2 Page and Line No.	Item Description	2021 Positions or Units	2021 Amount
	SECTION I.A.1. BUDGETS FOR GENERAL CITY PURPOSES		
	CITY ATTORNEY		
130.1-14	Asst. City Attorney V (A)(Y)	35	$3,320,298
130.2-25	O&M FTE's	59.50	--
130.3-13	ESTIMATED EMPLOYEE FRINGE BENEFITS	--	$2,247,796
	COMMON COUNCIL-CITY CLERK		
	SALARIES & WAGES		
	CENTRAL ADMINISTRATION DIVISION		
160.5-4	O&M FTE's	99.07	--
160.5-25	ESTIMATED EMPLOYEE FRINGE BENEFITS	--	$2,658,099

C. COMBINED EFFECT OF ACTIONS A & B ABOVE:

1. Budget Effect = $0
2. Levy Effect = $0
3. Rate Effect = $0.000