

TEARMAN SPENCER
City Attorney

KIMBERLY R. WALKER
Special Deputy City Attorney

ODALO J. OHIKU
SCOTT F. BROWN
ROBIN A. PEDERSON
Deputy City Attorneys



Milwaukee City Hall Suite 800 200 East Wells Street Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 TDD: 414.286.2025 Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
SHEILA THOBANI
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
Assistant City Attorneys

March 16, 2021

Via Email

Common Council President Johnson
City Clerk Owczarski

Re: MCO 304-21 and Couture Agreement; File 201365

Dear Council President and City Clerk:

Under MCO 304-21, no agreement with a consideration over \$25,000 shall be approved by the Common Council, nor be signed by any City Officer, nor by anyone else authorized by the Council, until and unless the City Attorney has first approved the provisions of the agreement and that City Attorney approval appears on the face of the agreement itself.

I, as City Attorney, have informed the Council President and Clerk that the City Attorney is not signing the Couture agreement "approved" by the Council in File 201365. However, per MCO 304-21, the Council could not have "approved" the agreement because the City Attorney's Office has not approved it.

We understand that the Council is waiting for the Mayor to sign the agreement, but no City Officer may sign it if it has not been first approved by the City Attorney.

Consequently, with the \$100,000 contribution requirement in Section 13.4 of the agreement (added by the Alderman Bauman motion and concerning which the City Attorney is now going to seek guidance from the City Ethics Board), there is, and can be, no signature; and there should not have been Council approval, all per MCO 304-21.

Thank you.

Very truly yours,

Electronically signed by

TEARMAN SPENCER
City Attorney

TS/cdr

c: Mayor Tom Barrett

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