



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda JUDICIARY & LEGISLATION COMMITTEE

ALD. ASHANTI HAMILTON, CHAIR

Ald. Terry Witkowski, Vice-Chair

Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert Donovan

Staff Assistant, Linda Elmer, (414) 286-2232

Fax: (414) 286-3456, E-mail: lelmer@milwaukee.gov

Monday, July 20, 2009

1:30 PM

Room 301-B, City Hall

The Judiciary and Legislation Committee may convene into closed session at 1:30 P.M. on Monday, July 20, 2009 in Room 301-B, City Hall, 200 E. Wells St., Milwaukee, Wisconsin, pursuant to s. 19.85(1)(g), Wis. Stats. to confer with legal counsel who will render oral or written advice with respect to litigation in which the city is or is likely to become involved with concerning Item #1...Communication from the City Attorney relating to section 74.37, Wisconsin Statutes, lawsuits against the City of Milwaukee and then will go into open session for the regular agenda.

1. [090343](#) Communication from the City Attorney relating to section 74.37, Wisconsin Statutes, lawsuits against the City of Milwaukee.

Sponsors: THE CHAIR

Attachments: [Hearing Notice List](#)

2:00 P.M.

2. [090371](#) Appointment of Eric Von to the Board of Review by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Attachments: [Appointment Letter](#)

[Resume](#)

[Hearing Notice List](#)

3. [090365](#) Appointment of David Redemann to Election Commission by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Attachments: [Appointment Letter](#)

[Resume](#)

[Hearing Notice List](#)

4. [090375](#) Appointment of Stephanie Findley to Election Commission by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR
Attachments: [Appointment Letter](#)
[Resume](#)
[Hearing Notice List](#)

5. [090342](#) Substitute resolution appropriating \$5,662.59 from the 2009 Remission of Taxes Fund for settlement of a claim against the City of Milwaukee regarding the 2006 tax assessment of Brewery Project LLC.

Sponsors: THE CHAIR
Attachments: [Fiscal Note](#)
[Cover Letter](#)
[Hearing Notice List](#)

6. [090320](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2007 and 2008 tax rolls, plus interest applicable to date of repayment, if appropriate.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Table of Assessment Reductions](#)
[Assessment Reduction Letters](#)
[Hearing Notice List](#)

7. [090332](#) An ordinance relating to revision of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

Sponsors: THE CHAIR
Attachments: [Fiscal Note](#)
[Hearing Notice List](#)

8. [090368](#) Reappointment of Jennifer Gonda to the Community Relations-Social Development Commission by the Mayor.

Sponsors: THE CHAIR
Attachments: [Reappointment Letter](#)
[Attendance Record](#)

9. [090297](#) Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Sponsors: THE CHAIR

Attachments: [Fiscal Note](#)
[Jeffrey Thiele.pdf](#)
[Edward Matecki, Daniel Culver.pdf](#)
[Jose Lopez, Francisco Cartagena, Steven Hainzl.pdf](#)
[Patrick McDermott, Thomas Multhauf.pdf](#)
[Mark Harms.pdf](#)
[Jon Duchateau.pdf](#)

---This file includes payment of legal fees for the following police officers: Jeffrey Thiele, Edward Matecki, Daniel Culver, Jose Lopez, Francisco Cartagena, Steven Hainzl, Patrick McDermott, Thomas Multhauf, Mark Harms and Jon Duchateau.

10. [090096](#) Resolution relating to the claim of Ronald Sherrill for property damage. (2nd Aldermanic District)

Sponsors: THE CHAIR

Attachments: [City Attorney Letter.doc](#)
[Claim](#)
[Hearing Notice List](#)

---\$6,300.00

11. [090280](#) Resolution relating to the claim of Silvestre Villarreal for property damage. (8th Aldermanic District)

Sponsors: THE CHAIR

Attachments: [City Attorney Letter.doc](#)
[Claim](#)
[Hearing Notice List](#)

---\$11,816.52

2:30 P.M.

12. [090229](#) Resolution relative to legislative bills.

Sponsors: THE CHAIR

Attachments: [Agenda](#)
[AB-230.pdf](#)
[RE AB-230 Relating to electronic access by law enforcement agencies to photographs on motor](#)
[AB-284.pdf](#)
[Southeastern Wisconsin Regional Transit Authority Timeline.doc](#)
[2009-2011 Budget Tracking.xls](#)
[Estimated Impact of State Funding Decisions on the City of Milwaukee.xls](#)
[Shared Revenue Payment Comparison.xls](#)
[School Funding Flaw Final Budget Analysis2.xls](#)
[Hearing Notice List](#)

---AB-230 electronic access by law enforcement agencies to photographs on motor

*vehicle operators licenses and identification cards.
---AB-284 special identification cards issued by the Department of Transportation
providing
parking privileges for persons with physical disabilities and providing a penalty.
---Report on the state budget*

13. [090275](#) Substitute resolution relating to the spending of federal economic recovery monies to maximize the creation of American jobs restoring economic growth.

Sponsors: Ald. Zielinski

Attachments: [Fiscal Note](#)
 [Hearing Notice List](#)

---May be referred to the Finance and Personnel Committee

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



Legislation Details (With Text)

File #: 090343 **Version:** 0

Type: Communication **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Communication from the City Attorney relating to section 74.37, Wisconsin Statutes, lawsuits against the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: LITIGATION, SUITS

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090343

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Communication from the City Attorney relating to section 74.37, Wisconsin Statutes, lawsuits against the City of Milwaukee.

Requestor

City Attorney

Drafter

74.37

BJZ:lap

July 1, 2009

NOTICES SENT TO FOR FILE 090343:

[illegible]



Legislation Details (With Text)

File #: 090371 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Appointment of Eric Von to the Board of Review by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, BOARD OF REVIEW

Attachments: Appointment Letter, Resume, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090371

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Appointment of Eric Von to the Board of Review by the Mayor. (10th Aldermanic District)

Drafter

Mayor

TB

7/7/09

July 7, 2009

To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to appoint Mr. Eric Von, 4721 West Washington Boulevard, Milwaukee, Wisconsin, 53208, to replace Amoun Sayaovong on the Board of Review. This appointment is pursuant to Section 70.46 of the Wisconsin State Statutes and Section 307-4 of the Milwaukee Code of Ordinances. Mr. Von's term will commence upon taking of the oath of office.

I trust this appointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink, reading "Tom Barrett". The signature is written in a cursive, flowing style with a long horizontal line extending from the start of the name.

Tom Barrett
Mayor

Eric Von

PROFESSIONAL EXPERIENCE:

Talk Show Host – *The Eric Von Show*

1290 WMCS AM Radio

Milwaukee, WI

April 2004-February 2009

Planned, produced and hosted daily, four-hour radio talk show; engaged guests and listeners in conversation on topics of local, national and international interest and impact.

Co-Campaign Director

Tom Barrett for Mayor Campaign

Milwaukee, WI

February 2003-April 2004

Developed strategy; speechwriter; coordinated media relations

Public Information Officer

Arizona Game and Fish Department

Phoenix, AZ

June 2001-February 2003

Wrote and disseminated press releases and articles for the Wildlife News publication

Planned and coordinated public events for diverse audiences

Wrote scripts and hosted PSAs and safety videos for agency

Served on the strategic planning team that re-wrote the state's fishing and hunting regulations

Talk Show Host/Operations Mgr.

1290 WMCS AM Radio

Milwaukee, WI

September 1991-March 2001

Planned, produced and hosted radio talk show. Coordinated efforts of the station's programming, sales, engineering and administrative departments to ensure that day to day objectives were met.

Panelist – *Interchange*

Milwaukee Public TV

Milwaukee, WI

September 1993-Jan 1999

Host – *Black Nouveau*

Milwaukee Public TV

Milwaukee, WI

September 1997-April 1999

Special Assignment Reporter

WISN-12 TV

Milwaukee, WI

January 1999-March 2001

Columnist – Shepherd Express Newspaper

Milwaukee, WI

November 1994-August 1996

Business Manager/Announcer

Radio One Inc.

Washington, DC

August 1987-August 1991

EDUCATION:

Howard University

Bachelor of Science Business Administration

Washington, DC

1980

AFFILIATIONS:

Charter Member Milwaukee Black Public Relations Society

Milwaukee Press Club Board

My Home Your Home Board

Milwaukee Fatherhood Initiative Board

Major League Mentoring Advisory Board

REFERENCES: Available upon request

NOTICES SENT TO FOR FILE 090371:

[illegible]



Legislation Details (With Text)

File #: 090365 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Appointment of David Redemann to Election Commission by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, ELECTION COMMISSION

Attachments: Appointment Letter, Resume, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090365

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Appointment of David Redemann to Election Commission by the Mayor. (10th Aldermanic District)

Drafter

Mayor

TB

7/7/09

July 7, 2009

To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to appoint Mr. David Redemann, 2856 North 56th Street, Milwaukee, Wisconsin, 53210, to replace Allen Campos on the Board of Election Commissioners. This appointment is pursuant of Section 7.20 of the Wisconsin State Statutes. Mr. Redemann's term will commence upon taking of the oath of office.

I trust this appointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink, reading "Tom Barrett". The signature is fluid and cursive, with a long horizontal line extending from the "T" across the top of the signature.

Tom Barrett
Mayor

Dave Redemann

2856 N. 56th Street
Milwaukee, WI 53210-1525
414.520.4401
dave@redemann.net



EMPLOYMENT

Business Owner / Chief Creative Officer,
Redemann Creative LLC, Milwaukee, Wisconsin (2004 to present)
Senior Copywriter ,
Bader Rutter & Associates, Brookfield, Wisconsin (2003 to 2004)
Senior Copywriter ,
Cramer-Krasselt, Milwaukee, Wisconsin (1997 to 2003)
Copywriter / Producer
Hughes, Ruch & Murphy, Milwaukee, Wisconsin (1993 to 1997)

COMMUNITY SERVICE

Corresponding Secretary,
Democratic Party of Milwaukee County (2007 to present)
Issues Committee Member,
Democratic Party of Milwaukee County (2007 to present)
Platform & Resolutions Committee Member,
Democratic Party of Wisconsin (2007 to 2009)
Communications Committee Member,
Democratic Party of Milwaukee County (2005 to 2007)
Boy Scout Leader,
Mount Olive Troop 34, Milwaukee, Wisconsin (1997 to 2007)
Board of Christian Day School Member,
Mount Olive Lutheran Church, Milwaukee, Wisconsin (1999 to 2007)
Board for Communications Member,
Mount Olive Lutheran Church, Milwaukee, Wisconsin (2003 to 2007)
Girl Scout Leader,
Mount Olive Troop 965, Milwaukee, Wisconsin (2003 to 2006)
Founding Member,
Candlelight Coalition (peace group), Wauwatosa, Wisconsin (2003)

PERSONAL

Married to wife Caryn, Retail Manager at Stein Optical. Father of Joseph, 18, and Margaret, 14, both Theatre students at the Milwaukee High School of the Arts.

EDUCATION

Bachelor of Arts, Mass Communication, University of Wisconsin, Milwaukee

NOTICES SENT TO FOR FILE 090365:

[illegible]



Legislation Details (With Text)

File #: 090375 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Appointment of Stephanie Findley to Election Commission by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, ELECTION COMMISSION

Attachments: Appointment Letter, Resume, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090375

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Appointment of Stephanie Findley to Election Commission by the Mayor. (10th Aldermanic District)

Drafter

Mayor

TB

7/7/09

July 7, 2009

To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to appoint Ms. Stephanie Findley, 3406-A North Booth Street, Milwaukee, Wisconsin, 53212, to fill a vacant position on the Board of Election Commissioners. This appointment is pursuant to Section 7.20 of the Wisconsin State Statutes. Ms. Findley's term will commence upon taking of the oath of office.

I trust this appointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Barrett". The signature is written in a cursive, flowing style.

Tom Barrett
Mayor

STEPHANIE FINDLEY

MSM



Statement of Experience

Stephanie Findley is the founder and Chief Executive Officer of Fast & Accurate Business Solutions.

Stephanie's educational background includes a Master of Science in Business Management from the School of Business at Cardinal Stritch University and a Bachelor of Arts degree from Concordia University of Wisconsin in Business Management.

Stephanie has built her career as a management consultant with over 10 years of research, public involvement and outreach, political and business strategy experience. She has worked with a wide range of clients using her understanding of individuals, teams and organizations to help leaders and businesses be more successful.

Stephanie has led strategic initiatives with senior management across industries to assess business processes, identify revenue growth opportunities and improve organizational practices. Stephanie provides design and implementation assistance to her clients as they work through changes such as business start ups, acquisitions, reorganizing, growth and continuous improvement projects. Her experience in human systems has helped her clients integrate their leadership and career development, succession planning, training and performance management initiatives with their business strategy and culture.

Some of her clients include: National Medical Association, American Heart Association, Wisconsin Department of Transportation, Howard Fuller Foundation, New Hope Project, National Kidney Foundation, American Diabetes Association, New Moon Productions, Cream City Medical Society, Wisconsin Department of Health and Family Services, Wisconsin Department of Workforce Development and the Medical College of Wisconsin.

Prior to launching her business, Stephanie held a number of leadership roles in management, training and organizational development functions with a number of organizations. Stephanie's business typically falls into the following areas:

- Organizational Assessment
- Leadership Development
- Performance Management
- Teambuilding
- Public Involvement and Outreach
- Public, Governmental and Labor Relations
- Customized Training Design and Delivery
- Event Management

Board of Directors

- African American Chamber of Commerce
- Milwaukee Urban League Young Professionals
- Wisconsin Labor and Employee Relations Associations
- 4th CD Democratic Party Chair
- Democratic Party of Wisconsin Black Caucus Chair

Affiliations and Memberships

- Democratic Party of Wisconsin Administrative Committee Member
- International Institute of Wisconsin
- Milwaukee Metro Alliance of Black School Educators
- N.A.A.C.P. – Milwaukee Chapter

NOTICES SENT TO FOR FILE 090375 :

[illegible]



Legislation Details (With Text)

File #: 090342 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution appropriating \$5,662.59 from the 2009 Remission of Taxes Fund for settlement of a claim against the City of Milwaukee regarding the 2006 tax assessment of Brewery Project LLC.

Sponsors: THE CHAIR

Indexes: SUITS SETTLEMENT, TAX CANCELLATIONS

Attachments: Fiscal Note, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/14/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090342
Version
Substitute 1
Reference

Sponsor
THE CHAIR
Title

Substitute resolution appropriating \$5,662.59 from the 2009 Remission of Taxes Fund for settlement of a claim against the City of Milwaukee regarding the 2006 tax assessment of Brewery Project LLC.

Analysis

This resolution appropriates \$5,662.59 from the Remission of Taxes Fund special purpose account to pay the settlement of a claim against the City regarding the 2006 assessment of Brewery Project LLC.

Body

Whereas, Brewery Project LLC had filed a Wis. Stat. § 74.37 claim for a 2006 property tax refund; and

Whereas, On August 28, 2007, the Board of Review ordered a reduction in that assessment; and

Whereas, The Assessor and the claimant had reached an agreement whereby payment of that refund would not occur until January 31, 2009; and

Whereas, The claimant is entitled by law to interest on that amount for one year at the annual rate of 5% pursuant to Wis. Stat. § 138.04; and

Whereas, The unique fact circumstances of this case set no legal precedent whatsoever; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that \$5,662.59 is appropriated from the 2009 Remission of Taxes Fund special purpose account (0001-9990-S163-006300) to pay by check the settlement of this claim against the City.

Requestor

City Attorney

Drafter

VDM:dms

May 6, 2009

1056-2009-860:145666

CITY OF MILWAUKEE FISCAL NOTE

A) DATE: May 6, 2009

FILE NUMBER: _____

ORIGINAL FISCAL NOTE ☒ SUBSTITUTE ☐

SUBJECT: Resolution appropriating \$5,662.59 from the 2009 Remission of Taxes Fund for settlement of a claim against the City of Milwaukee regarding the 2006 tax assessment of Brewery Project LLC

B) SUBMITTED BY name/title/dept./ext.): Vincent D. Moschella, Assistant City Attorney, ext. 2601

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.

☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
LIST ANTICIPATED COSTS IN SECTION G BELOW.

☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA)

☐ CONTINGENT FUND (CF)

☐ CAPITAL PROJECTS FUND (CPF)

☒ SPECIAL PURPOSE ACCOUNTS (SPA)

☐ PERM. IMPROVEMENT FUNDS (PIF)

☐ GRANT & AID ACCOUNTS (G & AA)

☐ OTHER (SPECIFY) Damages and Claims Fund

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	2009 Remission of Taxes Fund		\$5,662.59		
	0001-9990-S163-006300				
TOTALS			\$5,662.59		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

#1056-2009-860:145669

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 20, 2009

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
City Hall, Room 205

Re: Claim of Brewery Project, LLC for Interest on Settlement

Dear Alderman Hamilton:

We have received and reviewed this claim. For the following reasons we recommend that this claim be paid from the Remission of Taxes Fund in the amount of \$5,662.59.

As a result of a decision of the Board of Review on August 28, 2007, claimant was entitled to a refund of \$113,251.81. Under Wis. Stat. § 70.511(2)(b), claimant was entitled to file a claim for this amount by November 1, 2007, in order to receive the refund by January 31, 2008. Because the Remission of Taxes Fund was exhausted for that year, the Assessor's Office requested claimant to delay its claim for a refund so that the refund would not be paid until January 31, 2009. Plaintiff did so and now seeks interest for the one-year delay in payment.¹

In the absence of an express agreement to pay interest when a party forbears from collecting an amount that is otherwise due, Wis. Stat. § 138.04 governs. *De Toro v. DI-LA-CH, Inc.*, 31 Wis. 2d 34, 1142 N.W.2d 192, 195 (1966). It provides for an annual interest rate of 5% in this case, 5% of \$113,251.85 for one year is \$5,662.59. We recommend payment of this amount from the 2009 Remission of Taxes Fund.

¹ This claim does not request interest for the delay in the Board of Review hearing that claimant requested in 2006 until the hearing took place in 2007. Such a claim is prohibited by Wis. Stat. § 70.511(2)(b).

Alderman Ashanti Hamilton, Chair

April 20, 2009

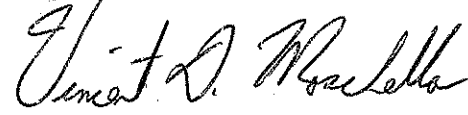
Page 2

Finally, we note that the unique circumstances of this particular claim do not in any way set a legal precedent that would bind the City in the future. Our recommendation here simply represents our judgment that this claimant would most likely prevail in court on the merits of this particular claim.

Very truly yours,



GRANT E. LANGLEY
City Attorney



VINCENT D. MOSCHELLA
Deputy City Attorney

VDM:wt:144964

c: Mary Reavey, Assessment Commissioner
Peter C. Weissenfluh, Chief Assessor

1056-2009-860

NOTICES SENT TO FOR FILE 090342:

[illegible]



Legislation Details (With Text)

File #: 090320 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2007 and 2008 tax rolls, plus interest applicable to date of repayment, if appropriate.

Sponsors: THE CHAIR

Indexes: TAX CANCELLATIONS

Attachments: Cover Letter, Fiscal Note, Table of Assessment Reductions, Assessment Reduction Letters, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090320

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2007 and 2008 tax rolls, plus interest applicable to date of repayment, if appropriate.

Analysis

This resolution requires the cancellation of taxes because of Board of Review reductions in assessments on certain parcels, the issuance of checks to the City Treasurer or taxpayer as applicable, and the proper reductions of State Tax Credits by journal entries.

Body

Whereas, Assessments were made against certain parcels of real estate for the years 2007 and 2008 as contained in Common Council Resolution File No. 090320; and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of payment to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.

Requestor

Assessor's Office

Drafter

mpr/kat

6/30/09

June 30, 2009

The Honorable, The Common Council
City of Milwaukee

Dear Members of the Common Council:

Attached is a resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2007 and 2008 tax rolls, plus interest applicable to date of repayment, if appropriate.

Reductions have been made in the assessments of these properties by the Board of Review under authority of Section 70.511 (2), Wisconsin Statutes. It is now necessary to accomplish the reduction of taxes by means of the attached resolution.

Your favorable approval of the attached resolution is respectfully requested.

Yours very truly,

Mary P. Reavey
Assessment Commissioner

mpr/kat

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: June 30, 2009

FILE NUMBER: _____

Original Fiscal Note ☒ **Substitute** ☐

SUBJECT: Resolution to cancel real estate taxes levied against certain parcels bearing various Key Numbers on the 2007 & 2008 tax rolls, plus interest applicable to date of repayment, if appropriate.

B) SUBMITTED BY (name/title/dept./ext.): Mary P. Reavey, Assessment Commissioner, Assessor's Office, Ext. 3101.

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)
☐ CAPITAL PROJECTS FUND (CPF) ☒ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)
☐ OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER 0001 Org 9990	<i>Remission of Taxes Fund</i>		\$12,150.37		
<i>Prog 0001 Sub-cl S163</i>					
<i>Acct 006300</i>					
TOTALS:			\$12,150.37		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

Key Number and Address Date of Objection	Name of Taxpayer	Assesment Reduction by B.O.R.	Canceled NET Total Tax	STATE TAX CREDITS SECTION 79.10 (2)		
				City Portion	County Portion	Total Credit
<u>2007</u>						
355-0750-100-X 1826 N. Pulaski St. May 17, 2007	Bernard R. Bondar, Dennis Bondar & Michael J. Bondar	\$ 65,900	\$ 1,524.46	\$ 72.20	\$ 22.30	\$ 94.50
<u>2008</u>						
264-0125-000-9 7101 W, Capitol Dr. May 15, 2008	Makhlouf Olson Rentals LLC	\$ 85,000	\$ 2,042.73	\$ 103.70	\$ 30.01	\$ 133.71
355-1565-000-6 1910 N. Farwell Av. May 14, 2008	New Land Enterprises LLP	\$ 37,000	\$ 889.19	\$ 45.14	\$ 13.06	\$ 58.20
355-1566-100-8 1924 N. Farwell Av. May 14, 2008	New Land Enterprises LLP	\$ 44,000	\$ 1,057.41	\$ 53.68	\$ 15.53	\$ 69.21
392-2431-000-9 740 N. Plankinton Av. May 13, 2008	River Bank Plaza LLC	\$ 222,000	\$ 5,335.16	\$ 270.83	\$ 78.37	\$ 349.20
459-0006-000-2 1411 S. 21st St. May 19, 2008	Milwaukee Christian Center Inc.	\$ 23,300	\$ 559.95	\$ 28.42	\$ 8.23	\$ 36.65
		\$ 477,200	\$ 11,408.90	\$ 573.97	\$ 167.50	\$ 741.47
TOTAL GROSS	\$ 12,150.37					

Assessor's Office
June 30, 2009
mpr/kat

06/29/2009 14:11 FTP MBF MILWAUKEE 3

Incoming Taxes 003/004

TO THE HONORABLE. THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **355-0750-100-X**
1826 N. Pulaski St.
Bernard R. Bondar, Dennis Bondar
& Michael J. Bondar

Year: 2007

Amount of Assessment Reduction: \$65.900

Amount of Tax Reduction: \$1,524.46

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: 

Date: 6-29-09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

RECEIVED
2009 JUN 15 AM 11:26

City of Milwaukee

ASSESSMENT
CITY OF MILWAUKEE

Dear Members of the Common Council:

In re: **264-0125-000-9**
7101 W. Capitol Dr.
Makhlouf Olson Rentals LLC

Year: 2008

Amount of Assessment Reduction: \$85,000

Amount of Tax Reduction: \$2,042.73

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: Joseph Makhlouf
Date: 3/16/09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **355-1565-000-6**
1910 N. Farwell Av.
New Land Enterprises LLP

RECEIVED
2009 JUN 19 PM 1:47
ASSESSOR'S OFFICE
CITY OF MILWAUKEE

Year: 2008

Amount of Assessment Reduction: \$37,000

Amount of Tax Reduction: \$889.19

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount ~~shown~~.

Signed: _____

Date: _____

6/16/09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

RECEIVED

2009 JUN 19 PM 1:47

ASSESSMENT OFFICE
CITY OF MILWAUKEE

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **355-1566-100-8**
1924 N. Farwell Av.
New Land Enterprises LLP

Year: 2008

Amount of Assessment Reduction: \$44,000

Amount of Tax Reduction: \$1,057.41

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: _____

Date: _____

6/16/09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **392-2431-000-9**
740-744 N. Plankinton Av.
River Bank Plaza LLC

Year: 2008

Amount of Assessment Reduction: \$222,000

Amount of Tax Reduction: \$5,335.16

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: Alan Maurer
Date: 6-26-09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

In re: **459-0006-000-2**
1411 S. 21st St.
Milwaukee Christian Center Inc.

Year: 2008

Amount of Assessment Reduction: \$23,300

Amount of Tax Reduction: \$559.95

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown.

Signed: JanMarie Lambert
JanMarie Lambert, Executive Director
Date: 6/18/09

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.

NOTICES SENT TO FOR FILE 090320:

[illegible]



Legislation Details (With Text)

File #: 090332 **Version:** 0

Type: Ordinance **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: An ordinance relating to revision of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

Sponsors: THE CHAIR

Indexes: REVISORS BILL

Attachments: Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090332

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

An ordinance relating to revision of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

Sections

101-50-3	rp
101-50-4	rp
101-50-5	rn
101-50-6	rn
101-50-7	rn
222-50	am
303-15-1	am
350-152.5-3-a	am

Analysis

This ordinance revises various provisions of the code for purposes of revising errors, clarifying language and eliminating obsolete provisions.

Body

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

Part 1. Section 101-50-3 and 4 of the code is repealed.

Part 2. Section 101-50-5 to 7 of the code is renumbered 101-50-3 to 5.

Part 3. Section 222-50 of the code is amended to read:

222-50. Scope. Regulations contained in this subchapter with respect to elevators, power dumbwaiters, material handling elevators, moving walks and ramps, personnel hoists, and escalators are deemed supplemental to ch. Comm. 18, Wis. Adm. Code. Plans required in subch ~~[[H]]~~ >>III<<, ch. Comm. 18, Wis. Adm. Code, shall be submitted to the commissioner of city development instead of the Wisconsin department of commerce together with 3 copies of the permit application.

Part 4. Section 303-15-1 of the code is amended to read:

303-15. Organization, Composition and Operation of the Board of Ethics. 1.

There is created an ethics board of 7 members who are residents of the city and shall serve without compensation unless the common council otherwise provides. Members of the board of ethics shall not be elected officials, persons appointed to elective office, full-time appointed officials whether exempt or nonexempt, or city employees, nor shall they be currently serving on any other city board or commission. Board members shall be selected in the following manner and shall be submitted by the mayor to the common council for confirmation. The mayor shall request one nominee for the board from each of the following organizations: the Metropolitan Milwaukee Association of Commerce, Milwaukee County Labor Council, Interfaith ~~[[Council]]~~ >>Conference<< of >>Greater<< Milwaukee, League of Women Voters of Milwaukee County, Milwaukee branch-National Association for the Advancement of Colored People, Public Policy Forum and the Milwaukee Bar Association. Terms of

office shall be 3 years. The members of the board shall select their own chairperson.

Part 5. Section 350-152.5-3-a of the code is created to read:

350-152.5. Fire Department: Special CPR Pay. 3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served as CPR qualified shall be made for those employees who have held CPR qualified status for less than 1 calendar year. For purpose of prorating, an employee who has held CPR qualified status for at least 14 days in a calendar month >>, exclusive of any mandatory furlough time, << shall be deemed as having held CPR qualified status for the full calendar month; in the event an employee has held CPR qualified status less than 14 days in a calendar month, the employee shall be deemed as not having held CPR qualified status at all during the calendar month.

LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Requestor

City Clerk-Legislative Reference Bureau

Drafter

LRB09289-1

BJZ:lp

6/30/2009

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 6/30/09

FILE NUMBER: 090332

Original Fiscal Note ☒ Substitute ☐

SUBJECT: An ordinance relating to revision of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions

B) SUBMITTED BY (Name/title/dept./ext.): Linda Elmer – Staff Assistant

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

NOTICES SENT TO FOR FILE 090332:

[illegible]



Legislation Details (With Text)

File #: 090368 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Reappointment of Jennifer Gonda to the Community Relations-Social Development Commission by the Mayor.

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, SOCIAL DEVELOPMENT COMMISSION

Attachments: Reappointment Letter, Attendance Record

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090368

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Reappointment of Jennifer Gonda to the Community Relations-Social Development Commission by the Mayor.

Drafter

Mayor

TB

7/7/09

July 7, 2009


To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint Ms. Jennifer Gonda, 2212 North 58th Street, Milwaukee, Wisconsin, 53208, to the Social Development Commission. This reappointment is pursuant of Section 66.0125 of the Wisconsin State Statutes, Section 320-23 of the Milwaukee Code of Ordinances, and Common Council File Number 78409. Ms. Gonda's term will commence upon taking of the oath of office.

I trust this reappointment will have the approval of your Honorable Body.

Respectfully submitted,

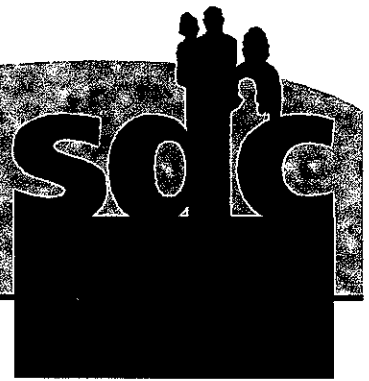
A handwritten signature in black ink that reads "Tom Barrett". The signature is written in a cursive, flowing style with a long horizontal line extending from the start of the name.

Tom Barrett
Mayor

Empowering Milwaukee County
residents with the resources to move
beyond poverty

Executive Office

4041 N. Richards Street | Milwaukee, Wisconsin 53212
(414) 906-2700 | Fax (414) 906-2749 | www.cr-sdc.org



Board of the Commission

Officers

Fred Royal, Jr.
Chairperson
MATC

Roy L. Williams
Vice Chairperson
Milwaukee County

Dawn Helmrich
Secretary
United Way of Greater
Milwaukee

Don Cohen
Treasurer
Hispanic Chamber
of Commerce

Commissioners

Dr. Patricia Arredondo
UW-Milwaukee

John Busby
Greater Milwaukee
Committee

Richard Cox
Office of the Governor

Guadalupe Escobedo
SDC District 5

Jennifer Gonda
City of Milwaukee

Avery Goodrich
African American
Chamber of Commerce

Albert Holmes
SDC District 2

Warner Jackson
SDC District 1

Michelle Nate
Milwaukee Public Schools

Jessica Wineberg
SDC District 4

Chief Executive Officer
Deborah Blanks

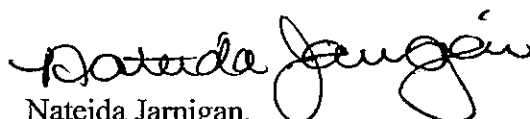
July 10, 2009

City of Milwaukee
City Hall, Room 205
200E. Wells Street
Attn: Charlotte Rodriguez, Counsel File Specialist
Milwaukee, WI 53202

Re: Common Council File Number 090368

Below is Commissioner Gonda's Board of Commissioners' attendance record from her first term (sworn in July, 2007) as CR-SDC Commissioner. The Board meets once a month with a recess in August.

	2006	2007	2008	2009 Jan - June
January	-	Excused Absence	Present	Present
February	-	Present	Present	Present
March	-	Present	Present	Present
April	-	Present	Present	Present
May	-	Excused Absence	Present	Present
June	-	Present	Present	Present
July	Present	Present	Excused Absence	
August	Recess	Recess	Recess	
September	Present	Present	No Quorum	
October	Present	No Quorum	Present	
November	Present	Present	Present	
December	Present	Present	Present	


Nateida Jarnigan,
Director of Internal Auditing

Because There's No **One Way** To End Poverty



Legislation Details (With Text)

File #: 090297 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Sponsors: THE CHAIR

Indexes: CLAIMS PAYMENT

Attachments: Fiscal Note, Jeffrey Thiele.pdf, Edward Matecki, Daniel Culver.pdf, Jose Lopez, Francisco Cartagena, Steven Hainzl.pdf, Patrick McDermott, Thomas Multhauf.pdf, Mark Harms.pdf, Jon Duchateau.pdf

Date	Ver.	Action By	Action	Result	Tally
6/29/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090297

Version

Substitute 1

Reference

Title

Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Body

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$22,151.82 payable to Cermele & Associates, 6310 West Bluemound Rd., Suite 200, Milwaukee, WI 53213 to reimburse him for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Jeffrey Thiele	\$2,491.77
Edward Matecki, Daniel Culver	\$522.66
Jose Lopez, Francisco Cartegena, Steven Hainzl	\$932.00
Patrick McDermott, Thomas Multhauf	\$7,447.10
Mark Harms	\$8,203.69
Jon Duchateau	\$2,554.60
TOTAL	\$22,151.82

; and, be it

Further Resolved, that the check for \$22,151.82 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter

City Attorney

enm

07/15/09

1032-2007-968/147927

CITY OF MILWAUKEE FISCAL NOTE

A) DATE: July 15, 2009

FILE NUMBER: _____

ORIGINAL FISCAL NOTE _____ SUBSTITUTE 1

SUBJECT: Resolution for payment of police representation claims, Cermele & Associates

B) SUBMITTED BY name/title/dept./ext.): Jan A. Smokowicz, Assistant City Attorney; City Attorney; Ext. 8014

C) CHECK ONE: xx ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

<input type="checkbox"/> DEPARTMENTAL ACCOUNT (DA)	<input type="checkbox"/> CONTINGENT FUND (CF)
<input type="checkbox"/> CAPITAL PROJECTS FUND (CPF)	<input type="checkbox"/> SPECIAL PURPOSE ACCOUNTS (SPA)
<input type="checkbox"/> PERM. IMPROVEMENT FUNDS (PIF)	<input type="checkbox"/> GRANT & AID ACCOUNTS (G& AA)
<input checked="" type="checkbox"/> OTHER (SPECIFY)	

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER: -	Damages and Claims Special Purpose Account Cermele & Associates, S.C.	0001 1490 S118 006300			
TO TALS			\$22,151.82		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for
legal fees for Police Officer Jeffrey Thiele
EC 2648

Dear Council Members:

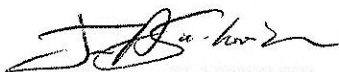
Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Jeffrey Thiele. The claim is in the amount of \$2,491.77, including \$49.77 in disbursements for 22.20 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officer and sergeant with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., Bablitch and Bablitch v. Lincoln County, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS
Enc.

1032-2007-968:147918

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 25, 2009

TO: P.O. JEFFREY THIELE
DISTRICT: TWO

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on: September 2, 2006
- 2) A citizen complaint made by: Mr. Sammie GLASS
- 3) A police shooting incident occurring at: N/A

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: _____



Print your name: _____

JEFFREY S. THIELE

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

DENITA R. BALL
Deputy Inspector of Police
Professional Performance Division

DRB: kjs

1032-2009-566.001

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

January 20, 2009

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaint of Mr. Sammie Glass
Against PO Jeffrey Thiele
Complaint No.: 07-28
Date of Incident: September 2, 2006

RECEIVED
09 FEB 25 PM 12:19
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved response to a call for police services.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.



Jon Cermele

/kjs
Attachments
THIELE

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

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(414) 276-8750
FAX (414) 276-8906

January 20, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Sammie Glass
Against PO Jeffrey Thiele
FPC No: 07-28
Date of Incident: September 2, 2006
Professional services

		<u>Hours</u>	<u>Amount</u>
7/7/2008	MG Telephone call from FPC regarding new citizen complaint; calendar hearing date and time; receive and review correspondence from FPC; calendar Witness and Exhibit List deadline; correspondence to client; open file.	1.00	110.00
7/8/2008	MG Receive and review correspondence from FPC confirming hearing date and time.	0.10	11.00
7/14/2008	MG E-mail to FPC regarding need for new hearing date and time; receive and review correspondence from FPC regarding new hearing date; calendar same; correspondence to client regarding same.	0.50	55.00
7/16/2008	MG Intra-office conference with Allan regarding MPD Open Records request.	0.10	11.00
CA	Review file; draft Open Records request.	0.60	66.00

		<u>Hours</u>	<u>Amount</u>
7/22/2008	MG Review file; receive and review correspondence from Atty. Eisenberg confirming withdrawal of representation of complainant.	0.30	33.00
7/25/2008	MG Intra-office conference with Allan regarding Witness and Exhibit List.	0.20	22.00
7/29/2008	CA Telephone call to MPD; fax Section 103.13 request; telephone call to client; draft Witness and Exhibit List.	0.80	88.00
7/31/2008	CA Telephone call from MPD.	0.20	22.00
8/1/2008	CA Review file; finalize Witness and Exhibit List.	0.30	33.00
8/4/2008	MG Telephone call to FPC regarding amendment to Witness and Exhibit List; memo to file.	0.20	22.00
	CA Revise and file Witness and Exhibit List.	0.20	22.00
8/6/2008	MG Receive and review correspondence from FPC; receive and review complainant's Witness and Exhibit List.	0.40	44.00
8/11/2008	MG Receive and review correspondence from complainant.	0.10	11.00
8/15/2008	MG Telephone call from FPC.	0.10	11.00
9/15/2008	CA Travel; serve subpoena; return travel.	1.00	110.00
9/16/2008	CA Telephone call to client regarding scheduling an office conference in preparation for hearing; review file in preparation for office conference with client.	1.20	132.00

		<u>Hours</u>	<u>Amount</u>
9/17/2008	CA Prepare for office conference with client; office conference with client and Granitz; telephone call to witness.	1.60	176.00
9/18/2008	MG Direction to Allan regarding amended witness list and subpoena for witness.	0.10	11.00
	CA Fax subpoena to client; telephone call to witness.	0.20	22.00
9/19/2008	CA Telephone call to witness; travel; deliver subpoena to witness; telephone call to MPD Open Records division regarding request.	1.00	110.00
9/25/2008	MG Intra-office conference with Allan regarding hearing preparation.	0.20	22.00
	CA Correspondence to Atty. Jensen; telephone call from Atty. Jensen's office; prepare exhibits for trial.	0.80	88.00
9/26/2008	CA Travel; attend hearing; return travel.	5.00	550.00
10/31/2008	CA Receive and review Hearing Examiner's Recommendation; telephone call to client; correspondence to client with Decision.	0.50	55.00
11/20/2008	CA Create outline for Brief.	0.40	44.00
11/25/2008	CA Review transcript and tape of hearing testimony; begin drafting Brief.	1.00	110.00
12/1/2008	CA Finish Brief; add citations to same; revisions to same; correspondence to FPC.	3.50	385.00
12/9/2008	CA Meeting with client.	0.20	22.00

Mr. Ronald Leonhardt

Page 4

	<u>Hours</u>	<u>Amount</u>
1/16/2009 CA Receive and reviewed FPC decision affirming Hearing Examiner's recommendation to dismiss charges; correspondence to client regarding same; close file.	0.40	44.00
For professional services rendered	22.20	\$2,442.00 ✓
Additional charges:		
9/20/2008 CA MPD Open Records request		22.00
9/25/2008 CA Photocopies - color copies of photos		22.77
9/26/2008 CA Parking		5.00
Total costs		<u>\$49.77</u>
Total amount of this bill		<u>\$2,491.77 ✓</u>
Balance due		<u><u>\$2,491.77</u></u>

(Rate: \$110.00 per hour)



RECEIVED

JAN 14 2009

CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair

Carolina M. Stark
Vice-Chair

Leonard J. Sobczak
Ernesto A. Baca
Earl A. Buford
Kathryn A. Hein
Paoi X. Lor
Commissioners

January 12, 2009

Mr. Sammie Glass
3302 North 29th Street
Milwaukee, WI 53216

Chelsie Allan, Esq.
Cermle & Associates, S.C.
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Re: Sammie Glass v. Police Officer Jeffrey Thiele
FPC Complaint No. 2007-28

Dear Mr. Glass and Ms. Allan:

Enclosed is a copy of the Board's decision in the above-captioned matter. We are closing our file at this time.

Feel free to contact the undersigned should you have any questions.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

Enclosure

cc: Chief Edward A. Flynn (w/enclosure)
Police Officer Jeffrey Thiele (w/enclosure)
MPD Professional Performance Division (w/enclosure)

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

PROPOSED

SAMMIE GLASS

V.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION

POLICE OFFICER JEFFREY THIELE

FPC Complaint No. 07-28

Hearing Date: September 26, 2008

Conducted Before: Steven Fronk, FPC Hearing Examiner

*Appearances: Sammie Glass in person and by Attorney Jeffrey Jensen
Jeffrey Thiele in person and by Attorney Chelsie Allan*

Allegation(s): That Police Officer Jeffrey Thiele, when dealing with Sammie Glass on one or more occasion in 2006, violated MPD Rule 4, Section 2/060.00 by failing to be appropriately courteous and civil and/or exercise patience and discretion as required.

SUMMARY OF PROCEEDINGS

At the hearing on September 26, 2008 testimony was received from Complainant Sammie Glass, Police Officer Jeffrey Thiele, City of Milwaukee DNS Inspector Angela Ferrill and Police Officer Michael Wawrzyniakowski. A copy of the transcript of the hearing will be made available to the parties and the Commissioners who will ultimately decide this matter. A summary of testimony from each witness will not be provided.

PROPOSED
FINDINGS OF FACT

1. Police Officer Jeffrey Thiele was, at all times pertinent hereto, a member of the Milwaukee Police Department and bound by the rules and procedures thereof.
2. Complainant Sammie Glass, at all times pertinent hereto, resided in a home in the City of Milwaukee located within the assigned squad area of Officer Thiele.
3. Officer Thiele and Mr. Glass were, prior to September 2, 2006, familiar with each other, having met and spoken on several occasions prior to that date.
4. Officer Thiele was aware that Mr. Glass frequently used his two story garage as a workshop, and that it had a wood-burning stove on the upper floor.
5. On September 2, 2006, Officer Thiele received a report of black smoke coming from Mr. Glass's garage, and that the odd smell led the caller to suspect that insulation was being burned off of copper wire.
6. Upon arriving at the location Officer Thiele noted that thick black smoke with a "burnt rubberish" smell was emanating from the garage's chimney.
7. Officer Thiele pounded on the garage door but did not receive an immediate response. Officer Thiele called the Milwaukee Fire Department. Mr. Glass exited the garage at about the same time that the Fire Department arrived.
8. Members of the Milwaukee Fire Department entered and inspected the garage and determined that there was no current need for fire and/or rescue services.
9. Before leaving the scene, the Fire Captain informed Officer Thiele that evidence in the garage led him to believe that copper wire was being burned in the stove.
10. Officer Thiele believed that the activity taking place in the garage was in violation of laws and/or ordinances. He took control of the garage area as a possible crime scene and placed Mr. Glass in the squad car but not in handcuffs.
11. Officer Thiele Then contacted his supervisor and had an identification technician take photographs of the scene. He also contacted the Department of Natural Resources (DNR) and requested that someone be sent to investigate possible violations of environmental regulations.

12. A DNR warden appeared on the scene more than 2 hours later. During this period Mr. Glass was continuously detained in the rear seat area of the squad car.
13. Upon arrival the DNR warden inspected the interior of the garage and interviewed Mr. Glass. No charges or citations were ever issued by the DNR.
14. The City of Milwaukee Department of Neighborhood Services (DNS) subsequently became aware of the allegations and launched its own investigation.
15. On November 14, 2006, Angela Ferrill of the DNS went to Mr. Glass's premises because of the complaint alleging illegal use of the garage. Upon arrival she met Officer Thiele and his partner, Officer Wawrzyniakowski.
16. Ms. Ferrill requested permission to enter and inspect the garage in order to address the complaint and Mr. Glass refused. Ms. Ferrill did not gain entry and left within a few minutes of arriving.
17. Neither Officer Thiele nor Officer Wawrzyniakowski spoke to Mr. Glass or had any direct interaction with him on November 14, 2006.
18. Mr. Glass was subsequently cited by DNS, appealed the alleged code violations, and requested copies of all reports concerning the September 2, 2006 incident from the Police Department.
19. The Police Department provided Mr. Glass with copies of all of the photographs taken by the MPD Identification Technician on September 2, 2006, and informed him that there were no additional reports.
20. Mr. Glass continued to make requests for additional reports and was repeatedly told there were none.
21. In mid-December 2006, after yet another request to the Police Department by Mr. Glass, Officer Thiele informed him that if he continued to demand reports that he had been told did not exist he (Glass) would be cited for disorderly conduct.
22. No narrative reports regarding the September 2, 2006 incident were drafted or on file with the Milwaukee Police Department until January 2007.
23. Neither Officer Thiele nor Officer Wawrzyniakowski issued citations to Mr. Glass, testified at the DNS proceedings or had any formal role in the prosecution of Mr. Glass by DNS for the alleged code violations.

APPLICABLE LEGAL STANDARDS & CONCLUSIONS OF LAW

1. In order to prevail, a complainant must show by a preponderance of the evidence that the accused Department member acted inappropriately and in violation of Milwaukee Police Department rules and procedures.
2. The Board of Fire and Police Commissioners, in order to sustain a complaint, must find that the member violated Department rules and/or standard operating procedures as alleged in the complaint and that a preponderance of the evidence supports a finding just cause as defined in section 62.50 (17)(b).
3. The complaint in this case alleges that Police Officer Jeffrey Thiele failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Mr. Sammie Glass. Such actions, if proven, would constitute one or more violations of MPD Rule 4, Section 2/060.00.
4. The record in this case does not contain sufficient evidence to support a finding that Police Officer Jeffrey Thiele failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Mr. Sammie Glass.

RECOMMENDATION OF HEARING EXAMINER

It is obvious from the record in this case that Police Officer Jeffrey Thiele is a hard-working and conscientious officer who takes an active interest in his assigned squad area, and that he was familiar with Mr. Glass prior to September 2, 2006. Under such circumstances the appropriateness of an officer's conduct should not be viewed in a vacuum. The preponderance of credible evidence leads me to believe that Mr. Glass, prior to September 2, 2006, may have been engaged in various activities that were, at the very least, inappropriate in an urban setting and quite possibly illegal. When confronted by Officer Thiele and others regarding the appropriateness of his activities, Mr. Glass denied access to his premises and/or made efforts to avoid detection. Good faith attempts by Officer Thiele to get Mr. Glass to comply with the law failed to resolve the problems, and this led to a degree of understandable frustration on the part of Officer Thiele.

It is this examiner's opinion that the only truly questionable action taken by Officer Thiele was to detain Mr. Glass in the squad car for more than two hours while awaiting the arrival of a DNR warden. In hindsight the same goal could have been accomplished by ordering Mr. Glass to remain in his home and/or away from the garage until after the DNR warden had conducted the necessary investigation, but I do not believe that the action taken by Officer Thiele in having Mr. Glass remain in the squad was malicious or in violation of Milwaukee Police Department rules and procedures.

I would respectfully recommend that the Board of Fire and Police Commissioners determine that just cause does not exist to find a violation of Milwaukee Police Department Rule 4, Section 2/060.00 by Police Officer Jeffrey Thiele in this instance, and that this complaint be dismissed.

Respectfully submitted this 30th day of October, 2008



Steven Fronk
Hearing Examiner

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for
legal fees for Police Officers Edward Matecki and Daniel Culver
EC 2648

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Edward Matecki and Daniel Culver. The claim is in the amount of \$522.66, including \$5.66 in disbursements for 4.70 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officer and sergeant with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., Bablitch and Bablitch v. Lincoln County, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley".

GRANT F. LANGLEY

City Attorney

A handwritten signature in black ink that reads "Jan A. Smokowicz".

JAN A. SMOKOWICZ
Assistant City Attorney

JAS

Enc.

1032-2007-968:147918

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: P.O. EDWARD MATECKI
DISTRICT: ONE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on: JULY 20, 2007
- 2) An incident regarding complaint of: CARLA EVANS
- 3) A police shooting incident occurring on: N/A

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature:



Print your name:

Edward MATECKI

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: P.O. DANIEL CULVER
DISTRICT: ONE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on: JULY 20, 2007
- 2) An incident regarding complaint of: CARLA EVANS
- 3) A police shooting incident occurring on: N/A

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: _____

Print your name: _____



DANIEL A. CULVER

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

September 16, 2008

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Citizen Complaint of Ms. Carla Evans
Against PO's Edward Matecki and Daniel Culver
Complaint No.: 07-38
Date of Incident: July 20, 2007

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a traffic stop.

The Fire and Police Commission closed the file. Attached is a copy of the letter from the Fire and Police Commission and an itemization of the time and services rendered.

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANTZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

September 16, 2008

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Carla Evans
Against PO's Edward Matecki and Daniel Culver
FPC No: 07-38
Date of Incident: July 20, 2007
Professional services

	<u>Hours</u>
6/2/2008 Receive and review citizen complaint; open file; Open Records request.	0.60
6/13/2008 Additional Open Records request.	0.40
6/18/2008 Receive and review correspondence from FPC.	0.10
6/19/2008 Telephone call from FPC.	0.10
7/13/2008 Receive and review correspondence from FPC regarding mediation.	0.10
7/23/2008 Telephone call to clients regarding scheduling mediation; memo to file.	0.20
7/29/2008 Telephone call to PO Culver regarding mediation dates.	0.10
7/31/2008 Telephone call from client; memo to file; telephone call to Mediator.	0.40

Mr. Ronald Leonhardt

Page 2

	<u>Hours</u>
8/7/2008 Correspondence to clients regarding mediation.	0.30
8/13/2008 Receive and review correspondence from Milwaukee Mediation Center.	0.10
8/14/2008 Travel; attend mediation; return travel.	1.80
8/29/2008 Receive and review correspondence from Milwaukee Mediation Center.	0.10
9/9/2008 Receive and review correspondence from FPC indicating file closure; correspondence to clients; close file.	0.40

	<u>Amount</u>
For professional services rendered	4.70
Additional charges:	\$517.00
7/25/2008 MPD Open Records request	5.66
Total costs	<u>\$5.66</u>
Total amount of this bill	<u>\$522.66</u>
Balance due	<u><u>\$522.66</u></u>

(Rate: \$110.00 per hour)



Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman
Ernesto A. Baca
Vice-Chairman
Earl A. Buford
Richard C. Cox
Kathryn A. Hein
Carolina M. Stark
Commissioners

September 8, 2008

RECEIVED
SEP 09 2008

Ms. Carla R. Evans
3015 North 25th Street
Milwaukee, WI 53206

RE: Carla R. Evans v. Police Officers Daniel Culver and Edward Matecki
FPC Complaint No. 07-38

Dear Ms. Evans:

You were scheduled for mediation with Police Officers Daniel Culver and Edward Matecki on Thursday, August 14, 2008 at 1:00 p.m., at which you did not appear.

A telephone call was placed to you by Cathy Warmington of the Milwaukee Mediation Center during which you stated that you just returned home from the hospital with your child and forgot about the mediation. You informed Ms. Warmington that you would be there within 20 minutes. Everyone involved waited for one (1) hour for you to arrive. Your failure to appear is still charged to the Fire and Police Commission for the service and the police officers' salary for their time spent waiting.

Cindy Janusz, of our office, placed a call to you on Friday, August 15, 2008 regarding the mediation that you missed. Your mother informed her that you were at the ER with your infant, but that she would have you call her upon your return home.

Since you have not contacted us regarding this matter, we are closing our file on your complaint.

If you have any questions regarding our decision, please call Cindy Janusz, of our office, at (414) 286-5055.

Sincerely,

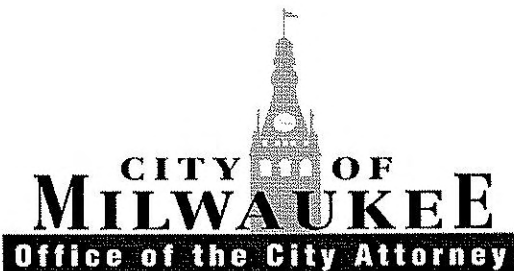
Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Matthew L. Granitz, Esq.
Police Officer Daniel Culver
Police Officer Edward Matecki

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates, S.C.
for legal fees for Police Officers Jose Lopez, Francisco Cartegena, & Steven Hainzl;
C.I. File No. 07-L-32-3; EC 2443

Dear Council Members:


Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Jose Lopez, Francisco Cartegena, & Steven Hainzl. The claim is in the amount of \$932.00 including \$8.00 in disbursements for 8.40 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.
1032-2007-969:124858v1

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
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HEIDI WICK SPOERL
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ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWL
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CL
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNEI
Assistant City Attorneys

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

CITY OF MILWAUKEE
2007 MAR 26 PM 3:02
RONALD D. LEONHARDT
CITY CLERK

RE: MPD Criminal Investigation of PO's Jose Lopez, Francisco Cartegena and Steven Hainzl
Regarding: Officer-Involved Shooting
Date of Incident: January 20, 2007
Location of Incident: Area of 2077 South 12th Street

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a foot chase and the use of deadly force.

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days. **§895.35(2), STATS.**

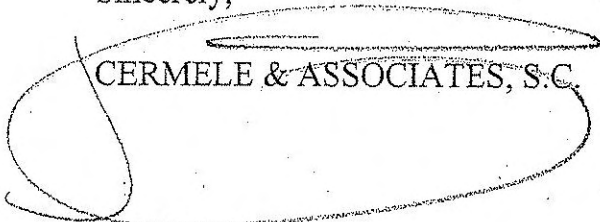
CITY OF MILWAUKEE
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2007 MAR 26 PM 3:22
OFFICE OF
CITY ATTORNEY

Officers Lopez, Cartegena and Hainzl are all considered a "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in connection with the use of deadly force. None of the "exceptions" apply.¹

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting death of Adam Quinonez, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is copy of District Attorney Chisholm's letter from March 5, 2007 stating that based on all the information reviewed, none of the officers involved committed a crime.

Sincerely,



CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

¹ Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. *See 895.35(2)(b), STATS.*

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
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6310 WEST BLUEMOUND ROAD
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MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Officer-Involved Shooting
Regarding: PO's Jose Lopez, Francisco Cartegena and Steven Hainzl
Date of Incident: January 20, 2007
Location of Incident: Area of 2077 South 12th Street
Professional services

	<u>Hours</u>
1/20/2007 Telephone call from MPD regarding officer-involved shooting; travel to scene; meeting with MPD; travel to PAB; meeting with PO Lopez; meeting with CIB; meeting with PO Cartegena; meeting with PO Hainzl; attend PO Lopez's statement to CIB and DA; attend PO Cartegena's statement to CIB and DA; attend PO Hainzl's statement to CIB and DA; discussion with DA; discussion with CIB; return travel; open file; memos to file regarding client interviews and statements to CIB and DA.	7.10
1/22/2007 Organize file; telephone call to PO Lopez; telephone call to PO Cartegena; telephone call to PO Hainzl; memos to file.	0.50
2/13/2007 Receive and review Officers' Statements to CIB.	0.40
3/15/2007 Receive and review correspondence from DA Chisholm confirming that clients' use of force was privileged and in self-defense; correspondence to clients regarding same; close file.	0.40

		<u>Amount</u>
For professional services rendered	8.40	\$924.00

Mr. Ronald Leonhardt

Page 2

Additional charges:

1/20/2007 Parking

Amount

8.00

Total costs

\$8.00

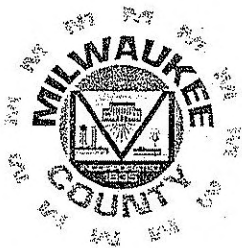
Total amount of this bill

\$932.00

Balance due

\$932.00

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

RECEIVED

MAR 07 2007

CERMELE & ASSOCIATES, S.C.

Milwaukee County

JOHN T. CHISHOLM • District Attorney

Jon N. Reddin
James J. Martin
Patrick J. Kenney
Lovell Johnson, Jr.
Kent L. Lovern
Thomas A. Schulz
Alexander G. Sklenarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Gary D. Mahkorn
David Robles

Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gieris Rothstein
Carol E. Janick
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stoiber
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Carole Manchester
Kenneth R. Berg
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpath
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Phillip A. Arieff
Thomas J. McAdams
Bruce J. Landgraf
Dennis J. Slingl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene E. Parthum
Karen A. Loebel
Nancy Ettenheim
Ronald S. Dague
Lori S. Kornblum
Karine O'Byrne
Marta Dorsey
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardike
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Shawn Pompe
Kevin R. Shomin
Jennifer Marlock
Beth D. Zrigibel
Karen A. Vespalec
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hedga
Jeffrey J. Ahenburg
Rachael Stancel
Patti Wabitsch
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Samer
Jeanette Corbett
Jeffrey P. Greipp
David Maas
Daniel J. Gabler
Sara P. Scullen
T. Christopher Dee
Lisa P. Fricker
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
Joy Hammond
Trevor A. Sisk
Andrew J. Maler
Heidi E. Galvan
Nancy A. Noet
Elizabeth Mueller
Megan J. Paulson
Grant J. Huebner
Stephan Edward Nollen
Christine M. Quinn
Michelle Ackerman Havas
Adam J. Levin
Jennifer K. Rhodes
Claire Starling
Zach Whitney
Rebecca A. Kiefer
Matthew J. Torbenson
Katryna L. Childs
Carah Helwig
Gilbert Urter
Jenna Merten
Anthony White
Antoni Apollo
Julia Driscoll
Nicole Dondlinger
Erin Karshen
Lucy Kronforst
William Anthony Gell, Jr.
Elin Dineen
Maureen A. Brackett
Monica J. Awe
Michael J. Lonski
Paul M. Hauer
Sara Beth Lewis
Lauren A. Blumenthal
Aaron E. Hall
Rory Kinnally
Jenni Spies
Latrice Pinson
David M. Stegall
Amanda Kirkowski

March 5, 2007

Chief Nannette Hegerty
Milwaukee Police Department
951 N. James Lovell St., Room 705A
Milwaukee, WI 53233

RE: Milwaukee Police Officers Francisco Cartegena, Employee No. 015469;
Jose Lopez, Employee No. 008815; and Steven Hainzl, Employee No. 011317

Dear Chief Hegerty:

On January 20, 2007, citizen Adam Quinonez (d.o.b. 06-18-1987) was shot and killed by police in the area of 2077 S. 12th St., Milwaukee.

I personally investigated the shooting scene with Milwaukee County investigators, and attended the autopsy and reviewed the autopsy protocol. In addition, I have had the opportunity to speak on several occasions to the decedent's mother and have reviewed the reports related to this investigation.

It is the finding of the medical examiner that Adam Quinonez died from a gunshot wound caused by a shotgun. There was no evidence that Quinonez was struck by .40 caliber rounds or any other caliber of ammunition. It is therefore my conclusion that officers Lopez and Hainzl did not contribute to the death of Adam Quinonez. My review of the facts indicate that Officer Lopez and Officer Hainzl's actions were privileged, and that an appropriate level of force was used given the circumstances they were facing on this occasion.

The investigation also reveals that Officer Francisco Cartegena was armed with his duty shotgun, and that his round or rounds resulted in the death of Mr. Quinonez. I find that Officer Cartegena's actions were privileged and that he used the appropriate force given the circumstances he confronted in the situation.

By this letter, I respectfully request that Officers Francisco Cartegena, Jose Lopez, and Steven Hainzl be allowed to return to full duty.

Very truly yours,

John Chisholm
District Attorney

JC:ss

cc\Deputy Chief Brian O'Keefe

Atty. Jon Cermele

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



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THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for
legal fees for Police Officers Patrick McDermott and Thomas Multhauf
C.I. File No. 07-L-32-2; EC 2442

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Patrick McDermott and Thomas Multhauf. The claim is in the amount of \$7,447.10, including \$66.10 in disbursements for 67.10 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officer and sergeant with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., Bablitch and Bablitch v. Lincoln County, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink that reads "Jan A. Smokowicz".

JAN A. SMOKOWICZ
Assistant City Attorney

JAS
Enc.

1032-2007-968:147918

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
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(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

CITY OF MILWAUKEE
2007 MAR 26 PM 3:02
RONALD D. LEONHARDT
CITY CLERK

**RE: Citizen Complaint of Ms. Shani Turner
Against PO's Patrick McDermott and Thomas Multhauf
Complaint No.: 03-43
Date of Incident: July 7, 2003**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a traffic stop.

Although we also represented Officer Trent Little in this complaint, we have not included any time spent representing him in the statement since the FPC found him guilty of a rule violation.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

CITY OF MILWAUKEE
RECEIVED
2007 MAR 26 PM 3:22
OFFICE OF
CITY ATTORNEY

/kjs

Attachments

McDERMOTT and MULTHAUF

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Shani Turner
Against PO's Patrick McDermott and Thomas Multhauf
FPC No: 03-43
Date of Incident: July 7, 2003
Location of Incident: 91st and Brown Deer
Professional services

	<u>Hours</u>
9/18/2003 Conference with PO McDermott; open file; correspondence to FPC; memo to file; review documents from PO McDermott; correspondence to MPD Open Records.	1.30
9/22/2003 Review of file; memo to file.	0.60
9/25/2003 Review of correspondence from FPC; telephone call to and from FPC.	0.30
10/6/2003 Review documents from Multhauf; correspondence to FPC; review of file.	0.70
10/13/2003 Review of file; telephone call to and from Multhauf; memo to file.	1.60
10/17/2003 Telephone call from Multhauf; review of file.	0.40
10/28/2003 Review of file; memo to file.	0.20
10/29/2003 Review of file.	0.20

	<u>Hours</u>
11/6/2003 Telephone calls from FPC; memo to file; review of file.	0.60
11/10/2003 Telephone call from FPC; review of file; memo to file; telephone call to clients.	0.80
11/11/2003 Review of file; memo to file.	0.10
11/12/2003 Review of correspondence from FPC.	0.10
11/13/2003 Review of file; memo to file; research regarding complaint allegations.	2.00
11/20/2003 Review of correspondence from FPC; memo to file; correspondence to clients; telephone call from client; memo to file.	0.40
12/6/2003 Review of file.	0.10
12/8/2003 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	2.40
12/10/2003 Telephone call from MPD Open Records.	0.10
12/11/2003 Telephone call from MPD Open records; memo to file.	0.20
12/16/2003 Review documents from MPD Open Records; memo to file.	0.40
1/9/2004 Telephone call to FPC, memo to file.	0.30
1/21/2004 Review document from FPC.	0.10
1/31/2004 Review of correspondence from FPC; memo to file.	0.30
2/4/2004 Telephone call to and from FPC; memo to file.	0.40
3/16/2004 Review document from FPC; memo to file; review of file.	0.20

	<u>Hours</u>
5/14/2004 Review of file.	0.10
5/25/2004 Telephone call from FPC; review of file.	0.10
10/8/2004 Review of file.	0.20
10/14/2004 Review of file.	0.10
11/4/2004 Review of file; review document from FPC; memo to file.	0.20
1/10/2005 Conference with FPC.	0.10
3/15/2005 Review of correspondence from FPC; review of file; telephone call to FPC.	0.40
3/16/2005 Review of file.	0.40
4/7/2005 Review of file; research, draft witness and exhibit list; telephone call to client.	1.80
4/13/2005 Telephone call to clients; memo to file; review of file; draft witness and exhibit list.	1.90
4/14/2005 Review of file.	0.40
4/25/2005 Review of correspondence from DOJ.	0.20
7/12/2005 Review of correspondence from client; telephone call to FPC; memo to file; review of file.	0.30
7/22/2005 Telephone call to FPC.	0.10
11/28/2005 Review of file; memo to file.	0.30
12/9/2005 Telephone call from FPC; review of file.	0.30

	<u>Hours</u>
1/5/2006 Review of correspondence from FPC.	0.10
1/10/2006 Review of correspondence from FPC; memo to file; review file; telephone call to PO McDermott; telephone call to complainant; Internet search regarding complainant.	2.60
1/30/2006 Review file.	0.30
1/31/2006 Review file; correspondence to client; correspondence to MPD Personnel.	0.60
2/8/2006 Telephone calls to clients; correspondence to complainant; research regarding search issues.	2.30
2/13/2006 Telephone call to Dist. #4; telephone call to clients; telephone call from PO Multhauf.	0.30
2/14/2006 Telephone calls to and from IAD.	0.20
2/15/2006 Office conference with PO Multhauf; memo to file; telephone call to Personnel; telephone call to Asst. City Atty. Schrimpf; telephone call to David Heard; telephone call to medical section; telephone call to PO McDermott.	2.60
2/20/2006 Telephone call from PO McDermott; memo to file.	0.30
2/21/2006 Telephone calls to and from FPC; correspondence to FPC; review personnel records; telephone call to PO McDermott; review of correspondence from FPC; telephone call from Heard.	1.10
2/23/2006 Review of correspondence from FPC; telephone calls to clients; correspondence to FPC; telephone call from PO McDermott.	1.80
3/1/2006 Review file; conference with Academy training personnel; telephone call to witnesses.	1.90

	<u>Hours</u>
3/3/2006 Review file; telephone call to Academy personnel; memo to file.	0.80
3/6/2006 Research regarding vehicle search; memo to file; review file; telephone call to client.	1.70
3/7/2006 Conference with client; telephone call from client.	1.30
3/8/2006 Telephone call to Fronk; telephone call to Academy.	0.40
3/9/2006 Telephone call to PO Multhauf; conference with FPC regarding procedure; memo to file.	0.80
3/10/2006 Telephone call from Academy trainer; telephone call to FPC.	0.20
3/13/2006 Review of correspondence from FPC; telephone call from and to FPC; correspondence to complainant; telephone call to Academy.	1.20
3/17/2006 Telephone calls from and to client; telephone call to and from Academy training personnel; memo to file; telephone calls to and from FPC.	1.40
3/22/2006 Telephone call from and to FPC.	0.20
3/30/2006 Telephone call to FPC; correspondence to client.	0.20
4/3/2006 Telephone call from and to FPC; memo to file.	0.30
4/11/2006 Telephone call to FPC.	0.10
4/24/2006 Review of correspondence from PO McDermott; telephone call to FPC.	0.40
5/1/2006 Telephone call from FPC; review file.	0.20
6/1/2006 Telephone call to and from FPC; memo to file; review file.	0.60

	<u>Hours</u>
6/6/2006 Telephone call from FPC; memo to file; telephone call to clients and witnesses; correspondence to complainant; telephone call to PPD.	1.60
6/7/2006 Review file.	0.20
6/20/2006 Review of correspondence from FPC; telephone call from and to Academy; telephone call to clients; telephone call to FPC.	1.10
6/21/2006 Telephone call to and from FPC; prepare for interview with Academy expert.	0.50
6/23/2006 Travel; conference with Academy personnel; memo to file.	2.80
6/28/2006 Draft subpoena; telephone call to FPC; memo to file; review file; correspondence to clients; telephone call to clients.	0.70
7/14/2006 Office conference with PO's as prep for hearing; memo to file; review of correspondence from FPC; telephone call to PPD.	1.70
7/18/2006 Telephone calls to FPC; telephone call to and from Academy; hearing preparation; telephone call from investigator; telephone call from witness.	2.30
7/19/2006 Prepare for hearing; travel; conference with client; appearance at Hearing; return travel.	6.20
9/12/2006 Review file.	0.20
10/20/2006 Review proposed Decision from FPC; correspondence to clients; memo to file.	0.60
11/20/2006 Review file.	0.40
11/21/2006 Review records; draft Brief; correspondence to FPC.	2.80

Mr. Ronald Leonhardt

Page 7

	<u>Hours</u>
11/27/2006 Revise Brief; telephone call from Fronk.	0.50
1/8/2007 Receive and review Fax from FPC.	0.10
2/6/2007 Review FPC Decision; telephone call to clients; correspondence to clients; close file.	0.80

	<u>Amount</u>
For professional services rendered	67.10
Additional charges:	\$7,381.00
12/8/2003 Parking	2.00
12/15/2003 MPD Open Records request	3.10
4/13/2005 Department of Justice record request re David Williams	18.00
2/20/2006 MPD Open Records request	25.00
3/8/2006 Parking	11.00
7/19/2006 Parking	7.00

Total costs	<u>\$66.10</u>
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Total amount of this bill	<u>\$7,447.10</u>
---------------------------	-------------------

Balance due	<u><u>\$7,447.10</u></u>
-------------	--------------------------

(Rate: \$110.00 per hour)

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

SHANI TURNER

DECISION OF THE BOARD

Vs.

POLICE OFFICERS TRENT LITTLE,
PATRICK McDERMOTT and
THOMAS MULTHAUF

FPC Complaint No. 03-43

Board members Earl Buford, Woody Welch and Ernesto Baca met on January 10, 2007 for the purpose of conducting deliberations and reaching a Decision regarding the complaint of Shani Turner against Police Officers Thomas Multhauf, Patrick McDermott and Trent Little. Prior to such meeting each of the Board members had been provided with and reviewed copies of the transcript of proceedings conducted on July 19, 2006 before Hearing Examiner Steven Fronk as well as copies of exhibits received on such date, the Recommendation and Proposed Findings of the Hearing Examiner, and the responses to such Recommendation as filed by the parties:

As to Police Officer Thomas Multhauf, the Board does hereby adopt the Findings of the Hearing Examiner, specifically finding that Complainant Turner has failed to show by a preponderance of the evidence that Officer Multhauf violated MPD Rule 4, Section 2/060.00 in any respect whatsoever. The complaint and any/all charges against Officer Multhauf are hereby dismissed.

As to Police Officer Patrick McDermott, the Board does hereby adopt the Findings of the Hearing Examiner, specifically finding that Complainant Turner has failed to show by a preponderance of the evidence that Officer McDermott violated MPD Rule 4, Section 2/060.00 in any respect whatsoever. The complaint and any/all charges against Officer McDermott are hereby dismissed.

As to Police Officer Trent Little, the Board does hereby adopt the Findings of the Hearing Examiner, specifically excluding the Hearing Examiner's Finding 10. Following are our Findings of Fact as to Officer Little, as modified, and our Decision:

Findings of Fact of the Board as to Police Officer Trent Little
Regarding an Alleged Violation of MPD Rule 4, Section 2/060.00

1. Police Officer Trent Little, at all times pertinent hereto, was a member of the Milwaukee Police Department and bound by the rules and regulations thereof.
2. On July 7, 2003, Officer Little made a traffic stop of Shani Turner after observing Turner make lane changes without utilizing her vehicle's turn signals.
3. Ms. Turner was aware that her turn signals were inoperable and testified that she signaled her intention(s) using her left arm. Officer Little testified that he did not see her arm, quite possibly because of the time of night.
4. The greater weight of the evidence in this case would indicate that the traffic stop was legitimately based on a perceived traffic violation. There is insufficient evidence in the record to support Ms. Turner's claim of racial profiling.
5. Officer Little detained Ms. Turner and her passenger and called for assistance due to the fact that neither Ms. Turner nor her passenger had proper identification.
6. Officer Little determined that the passenger had an outstanding warrant. Little advised Officers McDermott and Multhauf of this fact upon their arrival and Officer Multhauf conducted a search of the auto incident to the arrest.
7. There is insufficient evidence in the record to show that Officer Little was aware that Ms. Turner's son was in the car prior to being advised by Officer Multhauf.
8. The entire traffic stop, according to computer aided dispatch records, took less than 35 minutes from start to finish. Ms. Turner was released without a citation.
9. There is insufficient evidence in this record to support a finding that Police Officer Trent Little was discourteous, uncivil or disrespectful, or that he intentionally subjected Ms. Turner or anyone else at the scene to any greater indignity than was necessary to perform his duties on the day in question.
10. Complainant has shown by a preponderance of the evidence that Officer Little failed to be attentive in the discharge of his duties as is required by Milwaukee Police Department Rule 4, Section 2/060.00. We do so find.

Decision

Police Officer Trent Little made a traffic stop and, upon determining that neither of the adult occupants had proper identification, removed those two adults from the vehicle and placed them in his squad. There is nothing in the record that would indicate that these actions were inappropriate or that Officer Little was discourteous or uncivil in violation of Milwaukee Police Department Rule 4, Section 2/060.00. It is clear however, that Officer Little failed in a significant way to be attentive in the discharge of his duties as is also required by Milwaukee Police Department Rule 4, Section 2/060.00. His explanation that he "missed" the child in the backseat of the vehicle is proof of this fact.

Milwaukee Police Department Rule 4, Section 2/060.00 mandates not only that officers be courteous and civil toward the public, but also that they "shall at all times be attentive and zealous in the discharge of their duties." The need for attentiveness serves multiple purposes related to officer safety, citizen safety and basic job performance. As a result of Officer Little's inattentiveness in this instance a small child was left in the backseat of a vehicle in the dark; alone, frightened and unattended. This is unacceptable. Even the most basic visual sweep of the backseat should have revealed the presence of the boy. It is obvious that Officer Little was not adequately attentive in this instance.

We have reviewed the transcript and exhibits in this case as well as Officer Little's record of service with this Department. We would note that Officer Little has repeatedly acknowledged his mistake in this instance and that he was otherwise courteous and professional at the scene, at the district station the following day, and, from what we can gather, throughout these proceedings. He was a relatively new officer in a one person squad and still learning at the time of this incident. We would also note that we are aware of Officer Little's military service in Iraq subsequent to this incident, that he has learned from this incident and his military service, and that he is far more attentive today than he was in July 2003. This is important and it leads us to conclude that, despite our finding that Officer Little violated MPD Rule 4, Section 2/060.00 by failing to be attentive, no discipline or other remedial action is required. We do order, however, that a copy of this Decision be forwarded to the Milwaukee Police Department with a

recommendation that our finding of a failure to be attentive in violation of MPD Rule 4, Section 2/060.00 should be noted in Officer Little's personnel record.

We are also concerned that the record appears to indicate that the Milwaukee Police Department may lack standard operating procedures addressing what an officer is to do with children in a vehicle when the supervising adult is removed from that vehicle. Should children ever be left in a vehicle? What are an officer's options? What factors (weather, location, time of day, traffic volume, etc) should an officer consider when deciding how to handle the situation? If there is no standard operating procedure we would hereby recommend that one be drafted immediately. If this issue is not specifically covered in academy and in-service training we would also hereby recommend that an appropriate training component be inserted in the curriculum as soon as possible.

We intend to inquire of Chief Hegerty as to specific training protocols and standard operating procedures regarding safeguarding children while an investigation is taking place. Given what we believe to be our shared concern for the wellbeing of all persons who come into contact with members of the Police Department, we are confident that the situation will be addressed and, if necessary, rectified in the very near future.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:


Commissioner Ernesto Baca

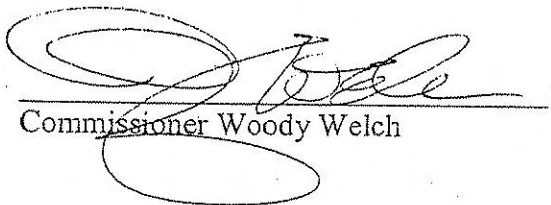
01.31.07

Date


Commissioner Earl Buford

2-01-07

Date


Commissioner Woody Welch

1-29-07

Date

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

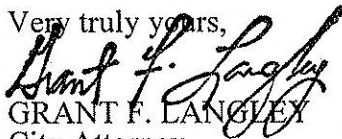
Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.
for legal fees for Police Officer Mark Harms
C.I. File No. 07-L-32-1; EC 2441

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Mark Harms. The claim is in the amount of \$8,203.69 including \$635.69 in disbursements for 68.80 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2007-967:124771v1

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: Citizen Complaint of Ms. Nicole Griffin
Against PO Mark Harms
Complaint No.: 03-67
Date of Incident: September 7, 2003**

CITY OF MILWAUKEE
2007 MAR 26 PM 3:02
RONALD D. LEONHARDT
CITY CLERK

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

Although we also represented Officer Richard Schellhammer in this complaint, we have not included any time spent representing him in the statement since the FPC found him guilty of a rule violation.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

CITY OF MILWAUKEE
RECEIVED
2007 MAR 26 PM 3:22
OFFICE OF
CITY ATTORNEY

/kjs
Attachments
HARMS

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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(414) 276-8750
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March 22, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Ms. Nicole Griffin
Against PO Mark Harms
FPC No.: 03-67
Date of Incident: September 7, 2003
Location of Incident: 13th and Atkinson
Professional services

	<u>Hours</u>
2/3/2004 Telephone call from PO Harms; open file; memo to file.	0.60
2/4/2004 Telephone call to and from FPC; office conference with client; memo to file correspondence to MPD Open Records and FPC; CCAP and municipal court search.	2.20
2/9/2004 Conference with client; observe municipal court trial on same incident; review of file; conference with city attorney; review exhibits; memo to file; travel.	2.10
2/12/2004 Review of correspondence from FPC; review file.	0.30
2/13/2004 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	4.30
2/16/2004 Review of file.	0.20
3/11/2004 Review of correspondence from FPC.	0.10

	<u>Hours</u>
3/15/2004 Review of file.	0.10
3/16/2004 Review document from FPC; memo to file.	0.10
3/19/2004 Review of correspondence from FPC; correspondence to client.	0.20
3/25/2004 Correspondence to FPC.	0.10
5/13/2004 Review of file.	0.30
6/15/2004 Review of file; review document from FPC; memo to file.	0.20
6/18/2004 Telephone call from Kapusta; review of file; telephone call to IAD.	0.50
6/24/2004 Review of file.	0.20
6/25/2004 Telephone call to IAD.	0.10
7/6/2004 Telephone call from and to MPD Personnel; telephone call from and to MPD open records; memo to file; review of file.	0.80
7/8/2004 Telephone call from MPD Personnel.	0.10
7/13/2004 Review documents from MPD Open Records.	0.60
7/29/2004 Review document from FPC; review of file; memo to file; telephone call to FPC.	0.40
7/30/2004 Telephone call from and to FPC.	0.20
9/2/2004 Review of file; prepare Witness and Exhibit List; memo to file; telephone call to client.	2.20
9/3/2004 Telephone call from client; memo to file; revise witness list.	0.80
9/7/2004 Review documents from complainant; memo to file.	0.40

	<u>Hours</u>
11/3/2004 Review document from FPC; review of file; memo to file.	0.20
1/10/2005 Conference with FPC.	0.10
1/20/2005 Telephone call from client; memo to file; review of file.	0.30
4/4/2005 Review of correspondence from client.	0.10
7/18/2005 Review of file.	0.10
9/8/2005 Review of file.	0.20
10/24/2005 Review document from FPC; telephone call to FPC; memo to file; telephone call to client.	0.60
10/25/2005 Telephone call from FPC; telephone call to client.	0.20
12/9/2005 Review of correspondence from FPC; review of file.	0.30
12/16/2005 Review of file.	0.20
3/30/2006 Review file; correspondence to client.	0.30
4/12/2006 Receive correspondence from client.	0.10
6/1/2006 Review file; telephone call to client; telephone call to IAD; memo to file; telephone call to City Atty.	0.70
6/5/2006 Telephone call from and to Internal Affairs; telephone call to City Atty.; correspondence to client.	0.70
6/20/2006 Telephone call from and to FPC; correspondence to and Fax to Academy; memo to file.	0.80
6/21/2006 Telephone call from FPC; memo to file; review file; update computer search regarding complainant's claim against the City; memo to file.	0.60

	<u>Hours</u>
6/28/2006 Telephone call to and from City Atty.; review personnel investigation; telephone call to and from client; telephone call to and from Dist. #7; telephone call to investigator; memo to file; revise Witness and Exhibit List; computer search for witness; telephone call to FPC; review complainant's exhibits and tapes.	3.80
7/14/2006 Telephone call from Investigator; office conference with same; review e-mail from FPC; correspondence to complainant.	1.20
7/18/2006 Telephone call from investigator.	0.20
7/31/2006 Telephone call from and conference with investigator; review report from investigator; review file; memo to file.	1.20
8/21/2006 Review of correspondence from FPC; review file; telephone call to client; telephone call to Dist. #7; memo to file; review personnel records.	1.40
8/28/2006 Review file; telephone call to and from Schossow, Wilson, Corbett; draft subpoenas; memo to file.	1.50
8/31/2006 Telephone call from and to Academy; telephone call from and to Investigator; subpoenas and correspondence to DOJ.	1.70
9/11/2006 Telephone call to and from Taycheedah; review file; correspondence to witness; computer search regarding license plates.	2.40
9/12/2006 Review documents from Dept. of Justice; CCAP update; review file; telephone call to FPC.	1.40
9/15/2006 Telephone calls to Taycheedah; telephone call to and from client; telephone call to and from FPC; telephone call to Academy; memo to file regarding witness statement; telephone call to and from FPC.	1.50
9/20/2006 Telephone call from and to client; office conference with client; memo to file; telephone call to Dist. #7; Fax to same.	2.40

	<u>Hours</u>
9/25/2006 Review of correspondence from FPC.	0.10
9/26/2006 Draft and serve subpoenas.	0.40
10/13/2006 Telephone call to and from client; memo to file; telephone call to and from FPC; telephone call to and from complainant; telephone call to witnesses; Fax to Dist. #7 and Academy.	1.20
10/16/2006 Telephone call to and from FPC; Fax to same; telephone call to and from client; telephone call to Dist. #7; telephone call to Academy.	0.90
10/17/2006 Review of correspondence from FPC.	0.10
10/24/2006 Telephone call to Academy; telephone call to Dist. #7; telephone call to client; telephone call from Sgt. Corbett; memo to file; telephone call to Fronk.	0.90
10/27/2006 Review message from FPC.	0.10
11/3/2006 Review of correspondence from FPC; correspondence to witnesses; memo to file.	0.30
11/27/2006 Telephone call to Fronk; draft subpoenas and correspondence to witnesses; review file.	0.80
11/29/2006 Review file.	0.30
11/30/2006 Review file; telephone call to Dist. #7.	0.30
12/4/2006 Travel; conference with Sgt. Henry; return travel; review file as hearing preparation; update criminal records of witnesses; telephone call from Sgt. Henry; telephone call to Sgt. Corbett; memo to file.	3.60
12/5/2006 Telephone call from and to Sgt. Corbett; review tapes.	0.80

	<u>Hours</u>
12/6/2006 Telephone call from client; memo to file.	0.30
12/7/2006 Travel; conference with Sgt. Henry; return travel; memo to file; telephone call from Fronk.	2.80
12/8/2006 Conference with client; memo to file.	2.20
12/11/2006 Telephone call to Sgt. Ellis; review documents from FPC; prepare exhibits.	1.50
12/13/2006 Telephone call from and to FPC; preparation for hearing; travel; appearance at hearing; conference with client; return travel.	9.80
2/12/2007 Review FPC's Decision; review file; telephone call to client.	0.50
2/13/2007 Correspondence to client; telephone call to Fronk; close file.	0.60

	<u>Amount</u>
For professional services rendered	68.80
Additional charges:	\$7,568.00
2/9/2004 Parking	6.00
2/13/2004 Parking	6.00
7/13/2004 MPD Open Records request	22.21
8/4/2006 MPD Personnel file	7.00
9/1/2006 Department of Justice	18.00
9/8/2006 Investigator - conference and investigations	552.48
9/27/2006 Subpoenas (2)	12.00

Mr. Ronald Leonhardt

Page 7

Amount

12/13/2006 Parking

12.00

Total costs

\$635.69

Total amount of this bill

\$8,203.69

Balance due

\$8,203.69

(Rate: \$110.00 per hour)

RECEIVED

FEB 09 2007

CERMELE & ASSOCIATES, S.C.

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

NICOLE GRIFFIN

Vs.

P.O. RICHARD SCHELLHAMMER
and P.O. MARK HARMS

SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT
AND DECISION

FPC Complaint No. 03-67

SUMMARY OF PROCEEDINGS

This complaint proceeded to hearing on December 13, 2006 before Commissioners Leonard Sobczak, Ernesto Baca and Richard Cox with Steven Fronk acting as Hearing Examiner on behalf of the Board. Complainant Nicole Griffin appeared in person, pro se. Police Officers Richard Schellhammer and Mark Harms appeared in person and by Attorney Laurie Eggert. The complaint (Exhibit 1) alleged that on September 7, 2003, Officer Schellhammer and/or Officer Harms violated Milwaukee Police Department Rule 4, Section 2/060.00 (Exhibit 2) by failing to be courteous and civil and/or failing to exercise appropriate patience and discretion.

Testimony of Nicole Griffin: Shortly after 10:00 p.m. on September 7, 2003, Nicole Griffin was operating a vehicle near the intersection of Capitol Drive and Atkinson Avenue when she was pulled over by a marked squad car. Officer Harms approached Griffin and asked her questions concerning the vehicle and where she was coming from and going to. Griffin answered the questions and Harms asked more questions. At a certain point Griffin felt she was being harassed, pressed the OnStar button in the car, and asked the OnStar operator to call for a police supervisor. Officer Harms had her get out of the car and stand on a nearby corner, effectively denying her the ability to speak further to the OnStar operator. After standing on the corner as directed for several minutes, Ms. Griffin used a cell phone and called 911 to request that a supervisor be sent to the scene. Officer Schellhammer approached her and asked who she had called. When Ms. Griffin said she had called 911, Officer Schellhammer told her to hang up and further advised her that she was being issued a municipal citation for

misuse of the 911 system. Griffin offered to post whatever forfeiture was required in order to be released, but she was placed in the squad and transported to District 7 where she was left in the locked squad for several minutes and then to District 1 where, after a lengthy wait, she was issued a municipal citation for misuse of the emergency phone system. At District 1 Griffin had a verbal disagreement with another woman who was in custody and later had a verbal disagreement with Officer Schellhammer. During this brief exchange Schellhammer made disparaging comments about Griffin's educational achievements. Despite the fact that Griffin had immediately produced valid identification at the scene and more than once offered to pay whatever bond was necessary for her release during the process, she was not released until after 3:00 A.M., five hours after her initial contact with Officers Harms and Schellhammer. The ticket which Griffin received was dismissed by Municipal Court Judge James Gramling several months later.

Testimony of Police Sergeant Craig Henry: Sergeant Henry teaches new recruits at the training academy and had no contact with or involvement in the incident concerning Nicole Griffin. When questioned regarding proper protocol to be utilized when an out-of-state resident is to be issued a citation, Henry said that there was no hard and fast standard operating procedure that he was aware as to where this process was to take place. If a supervisor advises an officer to do it at a district station that is acceptable. If a higher ranking department member thereafter indicates that it should be done downtown at the central Prisoner Processing Section (PPS), then that is where it should be done. Henry also testified that there is no specific policy regarding citizen cell phone use during an investigation. It depends on the circumstances. An officer can prohibit cell phone use by a citizen if it interferes with an investigation.

Testimony of Police Officer Mark Harms: Officer Harms testified that he and Schellhammer stopped the Griffin vehicle because it was similar to a vehicle that a citizen had indicated was "suspicious." Harms approached the driver's side; Schellhammer the passenger side. Nicole Griffin spoke very fast in response to their questions, asking several questions of her own about why she was stopped. Officer Harms then heard another woman's voice and realized that Griffin had somehow initiated a call to someone else. Harms asked her to get out of the car and she complied. Griffin seemed very excited, which from past experience led Harms to question whether or not

something was amiss, or that something was being covered up. While standing outside the car Nicole Griffin made a telephone call to 911 to request a supervisor and was told to put the phone away. Sergeant Corbett called Officer Harms and advised that he was on his way. Schellhammer told Griffin that she would be issued a citation for misuse of the emergency phone system, and Sergeant Corbett advised Harms and Schellhammer to process and release her at the District 7 station. At District 7 Sergeant Corbett apparently spoke to the Lieutenant (and possibly Assistant Chief Whiten) before returning and advising the officers that Griffin had to be taken downtown and processed at PPS. Once downtown Griffin was told to sit on a bench with others who were being booked. Griffin made a negative comment about another female in the booking area and this started an argument with that woman. Harms and another officer separated the women to prevent a possible physical altercation.

Testimony of Police Officer Richard Schellhammer: Officer Schellhammer corroborated much of what Officer Harms had said about the reason for Nicole Griffin being stopped. At the scene, while Griffin was standing on the sidewalk near her car, Schellhammer determined that she was on the phone with the 911 operator and he told her to hang up. Such calls, in the opinion of Officer Schellhammer, were inappropriate because they bogged down the 911 system unnecessarily and sometimes interfered with on-scene investigations. Schellhammer told Griffin that she would be receiving a citation and that she would have to be conveyed to a district station, booked and released because she was an out-of-state resident. At District 7 the officers were advised to take Griffin downtown for processing. While downtown Griffin and Schellhammer got into a brief verbal altercation when Schellhammer denigrated Griffin's educational accomplishments. Griffin was eventually processed and released approximately 5 hours after being stopped.

Testimony of Sergeant John Corbett: Corbett was called to the scene at the request of Ms. Griffin. He tried to speak to Ms. Griffin upon his arrival but Griffin, according to Corbett "didn't want to hear what I had to say." Corbett agreed that the citation was warranted and told her she would be booked and released at District 7. When at District 7 Corbett was advised by the Lieutenant as well as Assistant Chief Whiten that the processing would have to take place downtown at PPS. Corbett advised Griffin of this fact while she sat in the squad at the district, and did not see her thereafter.

Findings of Fact as to
Police Officer Mark Harms

1. Commissioners Sobczak and Baca believe that Complainant Griffin has failed to introduce sufficient evidence that Police Officer Mark Harms violated Milwaukee Police Department Rule 4, Section 2/060.00 in any respect and therefore have voted not to sustain the charges against Officer Harms.
2. Commissioner Cox believes that there is sufficient evidence in this record to show that Police Officer Mark Harms violated MPD Rule 4, Section 2/060.00 and he has, for the reasons specifically outlined in the Decision portion of this document, voted to sustain the charges against Officer Harms.
3. By a vote of 2-1, it is the finding of this Board panel that the charges against Officer Mark Harms are not sustained. All charges against Police Officer Mark Harms are accordingly dismissed.

Findings of Fact as to
Police Officer Richard Schellhammer

1. Police Officer Richard Schellhammer, as a veteran member of the Milwaukee Police Department, could reasonably have been expected to have knowledge of MPD Rule 4, Section 2/060.00, which requires courtesy, civility, patience and discretion of all department members when performing their duties. Officer Schellhammer could reasonably have been expected to know that discourteous or derogatory comments directed at a citizen, or a failure to exercise appropriate patience and discretion, could result in discipline.
2. Milwaukee Police Department Rule 4, Section 2/060.00 is reasonable. Law enforcement officers are, first and foremost, peacemakers. They must not participate in unnecessary confrontations, physical or verbal, but must instead seek to be as calm and professional as circumstances permit at all times, and avoid the use of inflammatory language or demeaning comments. They must

exercise an appropriate amount of patience and discretion when the situation allows for it, and must not subject individuals to any greater indignity than circumstances require. These are common sense, minimum standards if law enforcement officers are to maintain the respect of those whom they are sworn to serve and protect.

3. The process utilized in investigating and deciding this matter has been reasonable, fair and objective. The record in this case includes testimony from Nicole Griffin, Officer Schellhammer, Officer Harms and Sergeant Corbett. Officer Schellhammer has had access to the complaint and police reports related to the incident, and has been represented by legal counsel and given a full opportunity to present evidence, call and cross examine witnesses, and testify in his own defense at time of hearing. The process has been reasonable, fair and objective.
4. Substantial evidence has been discovered to show that Police Officer Richard Schellhammer failed to utilize appropriate courtesy and civility when dealing with Nicole Griffin and that he failed to exercise the utmost patience and discretion as required by MPD Rule 4, Section 2/060.00. There were several points during this matter when patience and discretion could have, and should have, been exercised. Once it became apparent that Griffin was not involved in any discernable illegal activity and was an out-of-state resident, she could have been cautioned and released at the scene with a warning. Subsequently, after the decision had been made and Griffin was in custody, there was absolutely no need to have her held for several hours or for Officer Schellhammer to make negative comments about her education or anything else. Officer Schellhammer exhibited less professionalism, less patience and less discretion than circumstances required.
5. This Board panel unanimously finds that the preponderance of the evidence presented in this case supports Complainant Griffin's contention that Officer Richard Schellhammer engaged in an unnecessarily confrontational verbal exchange and failed to exercise an appropriate level of courtesy, patience and discretion in this case, and we therefore find him in violation of Milwaukee Police Department Rule 4, section 2/060.00.

DECISION

On September 7, 2003, Nicole Griffin's vehicle was pulled over not because she had committed a traffic violation, but because that vehicle, in some respects, fit the description of a different vehicle that an unnamed individual said was parked in an alley for a period of time. The officers did not articulate what, if any, specific inappropriate activity that other vehicle may have engaged in, and in fact there may not be an answer to this question. There was then (and is now) no indication that Nicole Griffin had violated any law or ordinance or that she was engaged in any illegal activity whatsoever. She immediately supplied proper identification and vehicle registration upon request, and answered questions well beyond the scope of what was legally required of her. When she began to feel that she was being harassed she used the OnStar feature in her vehicle in an attempt to have a police supervisor called to the scene. She was ordered out of her vehicle and told to stand on the curb, which she did. After standing there for several more minutes, Griffin again tried to call for a supervisor by using her cell phone to call 911. This may not have been the most appropriate thing to do, but it was certainly not the type of action that required taking her into custody for the next several hours.

Milwaukee Police Department Rule 4, Section 2/060.00 requires that officers exercise the utmost patience and discretion. We see very little evidence of patience, and no exercise of discretion. Given the fact that there was no evidence of wrongdoing on her part other than the call to 911, Ms. Griffin could have been cautioned and released at the scene with a warning. Instead we had two police officers and a citizen tied up for several hours regarding a very minor offense committed by an otherwise cooperative and law abiding citizen. This was neither an efficient use of time and resources nor an appropriate exercise of patience and discretion.

As to Officer Harms, Commissioners Sobczak and Baca have voted not to sustain the charges. Majority rules, and by a 2-1 margin all charges against Officer Harms are hereby dismissed. It should be noted, however, that it is the opinion of Commissioner Cox that there is sufficient evidence in this record to show that Police Officer Mark Harms violated MPD Rule 4, Section 2/060.00 by failing to exercise "the utmost patience and discretion" as required by the rule and that Officer Harms was as much a part of the

"prisoner shuffling" as was Officer Schellhammer. This process resulted in Ms. Griffin being held for several hours and processed through the jail for a municipal citation, and this subjected her to "greater indignity than necessary" which is prohibited by the rule. Commissioner Cox would like it understood that he is of the opinion that an officer cannot sit idly by while another officer takes inappropriate action which will, in all likelihood, lead to an individual being unnecessarily inconvenienced, embarrassed or humiliated, and that any officer who knowingly fails to intercede at this point is guilty of violating the rule by failing to prevent the violation and should be held accountable.

As to Officer Schellhammer, we are unanimous in finding a rule violation. We have reviewed his record of service with the Department, and with 22 years of experience on the force he can and should make better decisions and act more professionally.

We do hereby find that Police Officer Richard Schellhammer was unnecessarily discourteous and uncivil, that he failed to exercise appropriate patience and discretion, and that his actions subjected Nicole Griffin to greater indignity than was necessary. This is in violation of MPD Rule 4, Section 2/060.00. After reviewing Officer Schellhammer's record with the Department we believe that what is most appropriate in this case is a disposition which will specifically address what we see as a failure on the part of Officer Schellhammer to exercise patience and discretion and to maintain a professional attitude at all times. We do not believe that it would be effective to suspend him from the force, but we do believe that it is appropriate that Officer Schellhammer be required to examine the need for improving his interpersonal skills when dealing with citizens who pose no threat and are, for the most part, cooperative. To this end we do hereby Order that this matter be remanded to Chief Hegerty and that Police Officer Richard Schellhammer be required to participate in re-training regarding Professional Communications and Conflict Resolution to be conducted by the Professional Performance Division within 30 days of the date of this Decision. Upon completion of the re-training of Officer Schellhammer, the Professional Performance Division shall submit a letter to the Board of Fire and Police Commissioners indicating that such re-training has been completed.

A copy of the aforementioned letter and this Decision shall also be made a part of Officer Richard Schellhammer's permanent personnel file.


Board of Fire and Police Commissioners
Of the City of Milwaukee

By:




Commissioner Ernesto Baca

01.31.07
Date



Commissioner Leonard Sobczak

2/1/07
Date



Commissioner Richard Cox

2/1/07
Date

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
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DANIELLE M. BERGNER
Assistant City Attorneys

July 14, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.
for legal fees for Police Officer Jon Duchateau
C.I. File No. 07-L-32; EC 2440

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Jon Duchateau. The claim is in the amount of \$2,554.60 including \$24.60 in disbursements for 23.00 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink that reads "Jan A. Smokowicz".

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2007-965:124771v1

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

March 22, 2007

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: Citizen Complaint of Mr. Michael Key
Against PO Jon Duchateau
Complaint No.: 04-41
Date of Incident: December 24, 2003**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a field interview.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments

CITY OF MILWAUKEE
2007 MAR 26 PM 3:02
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2007 MAR 26 PM 3:22
OFFICE OF
CITY ATTORNEY

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
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March 22, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Michael Key
Against PO Jon Duchateau
FPC No: 04-41
Date of Incident: December 24, 2003
Professional services

	<u>Hours</u>
9/29/2004 Receive and review Fax from PO Duchateau regarding citizen complaint; open file; sign correspondence to FPC.	0.40
10/5/2004 Review of file; conference with client; memo to file; correspondence to MPD Open Records.	1.00
10/28/2004 Telephone calls from FPC (2).	0.20
11/3/2004 Review of correspondence from FPC; correspondence to client.	0.20
11/4/2004 Telephone calls from client (2); telephone call to FPC.	0.20
11/8/2004 Telephone call from FPC.	0.20
11/9/2004 Review of correspondence from FPC.	0.10
11/12/2004 Telephone call to client.	0.10
11/18/2004 Intra-office conference with Cermele; telephone call to client; telephone call to FPC; correspondence to client; memo to file.	0.50

	<u>Hours</u>
11/29/2004 Review of correspondence from FPC.	0.10
12/29/2004 Review of correspondence from FPC.	0.10
1/12/2005 Review of file.	0.20
2/8/2005 Receive and review open records; file same.	0.30
2/9/2005 Receive and review Complaint and Appeal Report regarding status; update file.	0.20
3/15/2005 Review Complaint and Appeal Report regarding status.	0.10
11/14/2005 Review of correspondence from FPC; review of file.	0.50
12/1/2005 Telephone call to Atty. Fuchs; telephone call from and to Atty. Rettko; revise and send Witness and Exhibit List.	1.00
12/5/2005 Receive and review Atty. Rettko's Witness and Exhibit List.	0.20
12/14/2005 Correspondence to FPC.	0.20
12/16/2005 Receive and review correspondence from Atty. Rettko regarding complainant's lack of Witness and Exhibit List.	0.20
12/30/2005 Receive and review correspondence from Atty. Rettko; correspondence to FPC.	0.20
1/3/2006 Receive and review correspondence from FPC regarding new scheduling order; file same.	0.10
1/4/2006 Receive and review complainant's Witness and Exhibit List.	0.30
1/11/2006 Draft Witness and Exhibit List; receive and review Atty. Rettko's Witness and Exhibit List; correspondence to complainant with revised Witness and Exhibit List.	0.60

	<u>Hours</u>
1/18/2006 Receive and review returned Witness and Exhibit List; re-mail to complainant.	0.20
1/24/2006 Receive return mail again.	0.10
2/7/2006 Receive and review correspondence from Atty. Rettko; telephone call to Atty. Rettko; correspondence to FPC.	0.30
6/5/2006 Telephone call from FPC; revise calendar.	0.20
6/6/2006 Telephone call from FPC; review file; telephone call to client; correspondence to client.	0.30
6/22/2006 Correspondence to client.	0.10
6/26/2006 Telephone call from client.	0.10
6/27/2006 Receive and review correspondence from Atty. Rettko; telephone call to client; correspondence to FPC.	0.30
7/21/2006 Telephone call from and to Atty. Rettko; telephone call to client; e-mail and telephone call to FPC; review file; telephone call to potential witnesses.	0.50
7/26/2006 Telephone call from and to FPC; telephone call to client; telephone call to Atty. Rettko.	0.30
7/27/2006 Telephone call from Atty. Rettko; telephone call to FPC; e-mail to Atty. Rettko and FPC; correspondence to client.	0.30
8/3/2006 Organize file; print e-mail from FPC.	0.30
8/17/2006 Review file; prepare subpoenas; correspondence to witnesses with relevant reports; receive and review Notice of Hearing; several telephone calls to FPC; travel to Academy to serve subpoenas.	2.50

	<u>Hours</u>
8/21/2006 Review file; telephone call from client; conference with client; memo to file.	2.00
8/30/2006 Review file; prepare for hearing.	1.50
Review file in preparation for 08/31/06 hearing; intra-office conference with Granitz regarding same.	0.50
8/31/2006 Travel to and perform hearing before Examiner Flores; return travel.	4.50
1/10/2007 Receive and review Examiner's Proposed Findings of Fact and transcript; begin response to same.	1.00
2/13/2007 Receive and review correspondence from client; respond to same with correspondence to client.	0.20
2/26/2007 Receive and review correspondence from FPC regarding closed meeting to deliberate.	0.10
3/20/2007 Receive and review FPC's Decision to Dismiss Complaint; correspondence to client regarding same; close file.	0.50

		<u>Amount</u>
For professional services rendered	23.00	\$2,530.00
Additional charges:		
2/5/2005 MPD Open Records request		2.60
8/16/2006 Subpoenas (3)		18.00
8/31/2006 Parking		4.00
Total costs		<u>\$24.60</u>

Mr. Ronald Leonhardt

Page 5

Amount

Total amount of this bill

\$2,554.60

Balance due

\$2,554.60

RECEIVED

MAR 20 2007

CERMELE & ASSOCIATES, S.C.

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

MICHAEL A. KEY

Vs.

P.O. JON DUCHATEAU

ORDER OF DISMISSAL

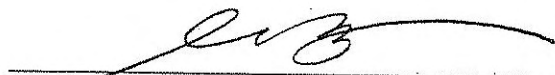
FPC Complaint No. 04-41


Upon all records files and proceedings had herein, and upon the stipulation of Complainant Michael A. Key, we do hereby find that there is no basis for any claim or finding of misconduct by Police Officer Jon DuChateau in this instance. Accordingly, We do hereby Order this complaint dismissed as to Police Officer Jon DuChateau.

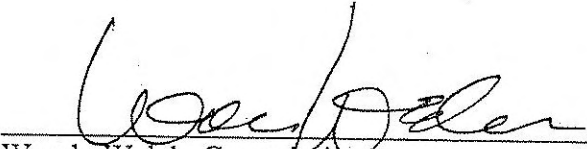
Signed and dated at Milwaukee, Wisconsin this 28th day of February, 2007.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:


Ernesto A. Baca, Commissioner


Earl A. Buford, Commissioner


Woody Welch, Commissioner

2003 Statistics**GENERAL INFORMATION ABOUT MILWAUKEE**

Altitude (City datum)	.581.2 feet
City Area	.96.1 square miles
Geographic Center	North 42nd Street and West North Avenue
Shoreline of Lake Michigan in City	.10.2 miles
Incorporated by Wisconsin Charter	January 31, 1846

GENERAL INFORMATION ABOUT MILWAUKEE'S INFRASTRUCTURE

Alleys, total	.414.6 miles
Freeways	.40.1 miles
Paved City Streets	.1,417 miles
Unpaved City Streets	.15 miles
Total city streets	.1,432 miles
Miles of lighted streets	.1,288.54 miles
City maintained bridges	.220
Movable bridges	.20
Total bridge openings	.18,119
Total sewer mileage in operation (sanitary, storm and combined)	.2,437
Main line sewers in the City	.120 miles
Streets with interim lighting	.81.84 miles
Unlit streets	.43.69 miles
Street lighting units	.66,871
Alley lighting units	.8,790
Traffic control signals	.728 intersections
Traffic control signs	.102,058
Underground conduit	.546.3 miles
Bus stops, signage maintained	.4,267

MILWAUKEE WATER WORKS

Howard Avenue plant capacity	.105 million gallons/day (MGD)
Linnwood plant capacity	.275 million gallons/day (MGD)
Total annual pumpage (gallons)	.46.1 billion
Consumption per capita per day (gallons)	.65
Meters in service	.160,966
Water hydrants	.19,726
Water mains in service (miles)	.1,954
Revenue	\$.74.5 million
Milwaukee Water Works' purification process is comprised of ozone disinfection, alum coagulation, dual media filtration, fluoridation, corrosion control, and chloramine post-disinfection.	
<u>Retail customers:</u> Franklin, Greenfield, Hales Corners, St. Francis, West Milwaukee	
<u>Wholesale customers:</u> Brown Deer, Butler, Greendale, Menomonee Falls, Milwaukee County Grounds, New Berlin, Shorewood, Wauwatosa, West Allis, WE Energies Water Services	

SANITATION

Residential Waste collected	.179,784 Tons
Recyclables collected	.26,100 Tons
Leaves and Yard Waste collected & composted	.25,285 Tons
Snowfall (January - December)	.32.6 Inches
General snow plowings	.2
Ice control operations	.23

FORESTRY DIVISION

Trees on city streets	.200,000
Shade trees planted	.2,731
Trees pruned	.50,258
Trees removed (all causes)	.3,529
Stumps removed	.4,143
Boulevard medians & greenspaces maintained	.476 acres
Flowers produced, annuals	.371,546
Flowers planted, annuals	.185,448
Flowers planted, perennials & bulbs	.7,455
Shrubs planted	.1,497
Evergreens planted	.107
Landscaped boulevard medians	.121.8 miles
Greenspaces maintained	.59
Totlots maintained	.57
City properties maintained	.20
Service requests	.9,620

INFRASTRUCTURE SERVICES -**SEWER DESIGN AND MAINTENANCE**

Sewers examined	.84 miles
Sewers cleaned	.422.2 miles
New sewers	.81 miles
Replacement sewers	.13.11 miles
Sewer lining	.2.0 miles
Service calls answered	.7,937

FLEET SERVICES

Work Orders	.31,415
Preventive Maintenance Inspections Performed	.7,359
Tires Mounted	.3,933
Field Service Calls, Tires	.4,392
Field Service Calls, Other	.7,212
Stockroom Activity	\$.4710,704
Vehicles Serviced	
Passenger Vehicles	.1,047
Packers, Rear Load	.144
Packers, Front Load and Roll-off	.22
Packers, Recycling	.51
Tractors	.65
Street Sweepers	.29
Sewer cleaners, flushers, etc.	.7
Construction equipment	.487
Trucks, all other	.842
Compressors	.96
Vehicle Total	.2,790
Non-automotive equipment	.1,395
Total Serviced	.4,185

STREET AND BRIDGE MAINTENANCE

Bridges, inspected	.180
Bridges, number of openings	.14,119
Pavement seal coating (square yards)	.261,288
Asphalt surface by contract (tons)	.3,057
Production of asphalt mixes (tons)	.15,012

Average Total DPW Employees, 2003 .2,400

Rec'd 2/24/2005



Legislation Details (With Text)

File #: 090096 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 5/27/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of Ronald Sherrill for property damage. (2nd Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS

Attachments: City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
5/27/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/2/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/2/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/8/2009	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT	Pass	5:0
6/16/2009	0	COMMON COUNCIL	REFERRED TO	Pass	12:0
6/23/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/29/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:1
6/29/2009	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT	Fail	2:2
6/29/2009	0	JUDICIARY & LEGISLATION COMMITTEE	SUBSTITUTED	Fail	2:2
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090096

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relating to the claim of Ronald Sherrill for property damage. (2nd Aldermanic District)

Requestor

City Attorney

Drafter

JAS:beg

May 1, 2009

1048-2009-939:145495

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

April 30, 2009

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution relating to the claim of Ronald Sherrill
C.I. File No. 09-L-36

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Ronald Sherrill, 6446 West Fond Du Lac Avenue, Milwaukee, WI 53218 alleges that on February 3, 2009 he sustained damages when a City water main broke and the water, debris and mud damaged his parking lot. He claims damages in the amount of \$6,300.00.

Our investigation reveals that the Milwaukee Water Works records indicate that on February 3, 2009 at 4:02 a.m. they received a report of a leak in the street at 6430 West Fond Du Lac Avenue. A field investigator dispatched to the location confirmed a break in an 8 inch water main and immediately shut off the water. The Water Works notified the Department of Public Works-Sewers to open the catch basins, contacted digger's hotline to mark the underground facilities and requested a salt truck to decrease the accumulation of snow and ice in the area. A Water Works crew also responded and made the necessary repairs. The main was placed back in service. The crew back-filled and

To the Hon. Common Council
April 30, 2009
Page 2

blacktopped the excavation with a temporary asphalt patch. The Water Works was not negligent regarding their response, repair or minimization of damages. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1048-2009-939:145483

Date: March 24, 2009

CITY OF MILWAUKEE
2009 MAR 26 PM 12: 07

To: Ronald D. Leonhardt, City Clerk - City of Milwaukee
Joe Davis, Sr., 2nd District Alderman - City of Milwaukee
Laura Daniels, Administration and Projects Manager - Milwaukee Water Works
Bernice Flemming, Water Claims Specialist - City of Milwaukee

RONALD D. LEONHARDT
CITY CLERK

From: Ronald Sherrill, Proprietor
Satin Wave, LLC - 6446 W. Fond du lac Avenue, Milwaukee, WI 53218

Re: Damages to Property Parking Lot - Tuesday, February 3, 2009 from
Water Main Break(s), February 3, 2009 and March 12, 2009

This letter is written for the sole intent of filing a Claim with the City of Milwaukee for monetary relief to make repairs to my property parking lot, damaged on Tuesday, February 3, 2009 from a City of Milwaukee water main break. The damages were caused by one of two underground water main breaks that occurred at 6430 W. Fond du lac Ave. in Milwaukee on 2/3/09 and 6414 W. Fond du lac Ave. in Milwaukee on 3/12/09. My property is located at 6446 W. Fond du lac Ave.

CITY OF MILWAUKEE
OFFICE OF
CITY ATTORNEY

2009 MAR 30 AM 9:52

CITY OF MILWAUKEE
RECEIVED

On the morning of Tuesday, February 3, 2009, I received a phone call from my son, Ronald Sherrill, Jr. at approximately 5:00 a.m. He informed me that a water main broke at 6430 W. Fond du lac Ave. hours before daylight. He stated that Officers from District 7 - Milwaukee Police Department had responded. (Please see Police write-up attached.)

I arrived at approximately 5:40 a.m. to observe a blast of water shooting up from beneath the ground in front of 6430 W. Fond du lac Ave. I also observed that the flooding was so extensive. it covered my parking lot located at 6446 W. Fond du lac Ave., (one door north of where the main brake occurred) the sidewalk adjoining the lots and Fond du lac Ave. All were immersed and flooded with water. I telephoned District 7 - Milwaukee Police Department again. to ascertain whether the owner of the property had been notified. A worker from DPW arrived at approximately 5:50 a.m. and "marked" the area. A crew from the City of Milwaukee arrived at approximately 8:00 a.m. I observed the crew digging up the concrete in front of 6430 W. Fond du lac Ave. Much of the excess water, mud and debris that was pumped from beneath the ground level filled my parking structure and flowed east down into the alley way, and eventually into the streets onto Fond du lac Ave. (traveling north). See photos.

A DPW worker referred me to Bernice Flemming, a Water Claims Specialist for the City of Milwaukee Waterworks. After listening to my report of the incident. she offered to mail me "*Instructions for Filing A Claim.*" Ms. Fleming advised me to contact my local Alderman to request assistance with clean-up of my lot. From February 3, 2009 through February 6, 2009, I observed freezing water settling on my parking lot, in front of my business, and behind my

property where the lot adjoins to the alley. Sub-zero temperatures and the time that lapsed before crews arrived created more critical problems. Tightening of the ground (due to cold weather and water pressure) caused a noticeable shift of the pavement. The water main erupted hours before DPW crews arrived, and water flowed through cracks in the street causing icy, hazardous road conditions and bubbling and buckling of the surface of my parking lot area.

On February 6, 2009, I spoke to Sherman Morton, Assistant to Alderman Joe Davis, Sr. I explained the reason for my call. The next week, I hand delivered photos of the damages and debris to Alderman Davis' office. Mr. Morton received the photos, and assured me that he would arrange to have the mud, debris and water (now mounds of ice and extremely dangerous) removed. To date, no one has reported to my business for the purpose of cleaning up the ice and debris, nor have I received a follow-up phone call about the matter from the City of Milwaukee or Mr. Morton. See photos attached.

Per "*Instructions for Filing A Claim*" received from Bernice Flemming, Water Claims Specialist, I have indicated two Proposals, i.e., estimates for repairs necessary to correct the damages to my property. Written Proposals are also enclosed with this document.

<u>Contractors</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Amount</u>
1.) H. Froebel & Son, Inc. Phone: (414) 461-0482	5686 N. Teutonia Ave.	Milwaukee,	WI	53209	\$9,090
2.) Marv Mews & Son's, Inc. Phone: (262) 798-7077	21820 W. Foxhaven Run #4	Waukesha,	WI	53186	\$6,300

Please respond with written notification or a phone call upon receipt of this document. I can be reached Monday through Friday from 8AM to 7PM at (414) 393-0228 or (414) 915-3023.

Again, this letter is written for the sole intent of obtaining monetary relief to cover repairs for damages to my property parking lot, due to a City of Milwaukee water main break that occurred Tuesday, February 3, 2009. I request your review of this matter and a response by April 25, 2009.

 03-24-09
Signature of Claimant, Ronald Sherrill
6446 W. Fond du lace Ave.
Milwaukee, WI 53218
(414) 393-0228 / (414) 915-3023

Detailed History for Police Call #090340197 As of 3/23/2009 12:11:58

Priority:4 Type:1961 - WATER MAIN BRK
 Location:6430 W FOND DU LAC AV,MKE
 LocCross:btwn W ARMITAGE AV and W CONSTANCE AV

Created:	02/03/2009 04:01:24	PT01	018710
Entered:	02/03/2009 04:04:08	PT01	018710
Dispatch:	02/03/2009 04:06:12	PD05	006781
Enroute:	02/03/2009 04:06:12	PD05	006781
Onscene:	02/03/2009 04:12:31	PD05	006781
Closed:	02/03/2009 05:59:52	PD05	006781

IC: PrimeUnit:7326 Dispo:C18 Type:1961 - WATER MAIN BRK
 Agency:MWPD DAREA:D7 Squad Area:727 RptDist:1269 ☐ Detail

04:01:24 CREATE Location:6430 W FOND DU LAC AV,MKE Type:1961 Name:ARTHER CAINION Phone:(917) 674-8615 DAREA:D7 RptDist:1269 TypeDesc:WATER MAIN BRK LocCross:btwn W ARMITAGE AV and W CONSTANCE AV Priority:4 Response:1PO Agency:MWPD LocType:S Contact?:EITHER Call/InPerson Language?:English
 04:04:08 ENTRY Comment:STS WATER IS COMING OUT OF FOUNDATION OF BLDING AND FROM SIDEWALK ONTO STREET...
 04:04:08 -NPREMS Comment:(none)
 04:04:12 SELECT
 04:05:29 INFO Comment:WATER DEPT NOTIFIED-TERESA...NFI
 04:05:49 NOMORE
 04:06:12 DISPER 7326 Operator:017103 OperNames:MEINECKE, TIMOTHY M
 04:06:12 -PRIU 7326
 04:06:12 -HOLD
 04:12:31 ONSCN 7326
 05:59:52 CLEAR 7326 Dispo:C18 DispoLevel:0
 05:59:52 -CLEAR
 05:59:52 CLOSE

CONTACT INFO:

Name	Phone	RPAddr	Contact?	Language?	Contact3	Contact4
ARTHER CAINION	(917) 674-8615		EITHER Call/InPerson	English		

H. FROEBEL & SON, INC.

5686 N Teutonia Avenue
Milwaukee, WI 53209
414-461-0482
fax 414-461-0486

PROPOSAL

DATE	PROPOSAL#
3/23/2009	10366 G

NAME & ADDRESS

RONALD SHERRILL
6446 W. FOND DU LAC AVE.
MILWAUKEE, WI 53218

TELEPHONE

915-3023

TERMS

Payment upon receipt of billing

RETURN BY

4/23/2009

PROJECT LOCATION

SAME

DESCRIPTION OF WORK

REMOVE AND REPLACE AREA OF PARKING ALONG SOUTH EDGE OF DRIVE. NARROW STRIP ADJACENT TO BUILDING TO SOUTH TO REMAIN. CONCRETE TO BE 5" THICK. REPLACE ONE ADDITIONAL SLAB IN DRIVE AREA. CONCRETE TO BE 7" THICK. TOTAL AREA APPROXIMATELY 1190 SQUARE FEET. TOTAL \$9090.00

SEE ENCLOSURE

AUTHORIZED SIGNATURE

Gerald Wm Gross

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HERBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISHED LABOR OR MATERIALS FOR THE CONSTRUCTING, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO CO-OPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

H. FROEBEL AND SON, INC.

ITEMS INCLUDED IN OUR QUOTATION UNLESS OTHERWISE STATED

Concrete Driveways

- Excavate as required or discussed.
- Removals
 - Quote based on 5" or less in thickness
 - Thicker concrete, double slabs and heavy reinforcing to be added cost items
- Leveling gravel and necessary fill provided
- Concrete to be 5" – 4000 PSI – air entrained, reinforced with 6X6 #10 mesh – "Low Chert" concrete
- Crack control and expansion joints to be provided. Additional random cracks may occur which are beyond our control.
- Color and stamped or exposed aggregate concrete may not be low chert

Concrete Walks and Patios

As above but reinforcing deleted and thickness to be 4".

Concrete Steps

As above without reinforcing.

All debris to be removed from site and area left broom and rake clean.

At form removals, we will backfill with on site materials. Final leveling, additional fill, and seed or sod not included.

Shrubs and plantings to be saved, trimmed or moved by others.

Underground electrical, gas, water, phone, cable or sprinkler systems – if damaged – will be repaired. Cost to be additional to quotation.

Permits, if required, are not included.

Colored, stamped and stained samples may be viewed at our office anytime.

10 5/4/07

Proposal

Marv Mews & Son's, Inc.
 Quality Workmanship Since 1953
 21820 W. Foxhaven Run #4 Waukesha, WI 53186
 Phone 1-262-798-7077 or 1-262-798-9634
 Fax 1-262-798-8976



PROPOSAL SUBMITTED TO Bon Satin Wave DATE 12-19-09
 ADDRESS 6446 (W) Sondala PHONE 414-915-3023
 JOB NAME M/W. 537018 JOB PHONE _____

We hereby submit specifications and estimates, subject to all terms and conditions as set forth on both sides, as follows:

- ☒ 5 inch thick Concrete 6 Bag Mix of Portland Cement, air-entrained Concrete, Quality Finish, joints, expansion felt.
☐ Reinforced 6 x 6, 10 gage class A steel mesh, except walk. ☐ Fiber instead of steel. ☐ Compacted gravel subgrade.

Driveway 82' X 126'

Garage Slab _____

Patio _____

Walk _____

5 inch thick Concrete removal with mesh _____ Grade, haul away material in area for construction
125' X 82' extra if 5" thick add 1100
6' " " " 500

We propose hereby to furnish material and labor - complete in accordance with above specifications.

for the sum of: _____ dollars (\$6300)

Extra quality work and materials, add if wanted.

Low stump concrete, strike off (\$ _____)

Planked for Ready Mix trucks to drive on, so not to disrupt grade (\$ _____)

Low chert concrete, curing sealer (\$ _____)

5" Conc. Add (\$ _____)

Deposit _____ Payment on Completion Contract Total (\$ _____)

Note: This proposal may be withdrawn by us if

not accepted within _____ days.

Authorized
Signature _____

Turn Page

Accepted: the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date _____

*date photos were developed
(4 days after damages)*

Walgreens

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to serve you today.

415 10 9688 04984 025

RFN# 0498-4259-6687-0902-0720

PHOTOFINISHING	1A	11.94
SUBTOTAL		11.94

A=5.6% SALES TAX	.67
TOTAL	12.61

CASH	12.65
CHANGE	.04



6707 W. Hampton Ave Milwaukee, WI
STORE (414)536-1179

THANK YOU
FOR FASTER SERVICE, CALL IN YOUR
PRESCRIPTION ORDER OR PLACE IT ON
WWW.WALGREENS.COM 24 HOURS IN ADVANCE

WALGREENS PRESCRIPTION SAVINGS CLUB
SAVE ON OVER 5,000 NAME BRAND
AND GENERIC MEDICATIONS.

PLUS, PAY \$12.00 FOR A 90-DAY SUPPLY
OF OVER 400 GENERIC MEDICATIONS.
ASK HOW MUCH YOU CAN SAVE TODAY!

FEBRUARY 7, 2009 12:11 PM



**Ice and water settled in front of
6446 W. Fond du lac Ave**



**Water draining into the street in
front of my property and beyond
(going north)**



See at entry of driveway that



**Ice settled on parking structure (lot)
creating cracks, (Stall 10)**



**Ice buildup caused by flooding,
(Stall 3 & 4)**



**Cracks formed from water
freezing and settling on the
parking lot 6446 W.
Fond du lac Ave., (Stalls 6 & 7)**



**Autos parked on patches
of frozen ice, (one week after
damages occurred)**



**Ice buildup and mud debris settled on
lot, (stalls 5 & 6)**



Ice settled on parking lot



Cracks in pavement
caused by water (Stalls 1 & 2)



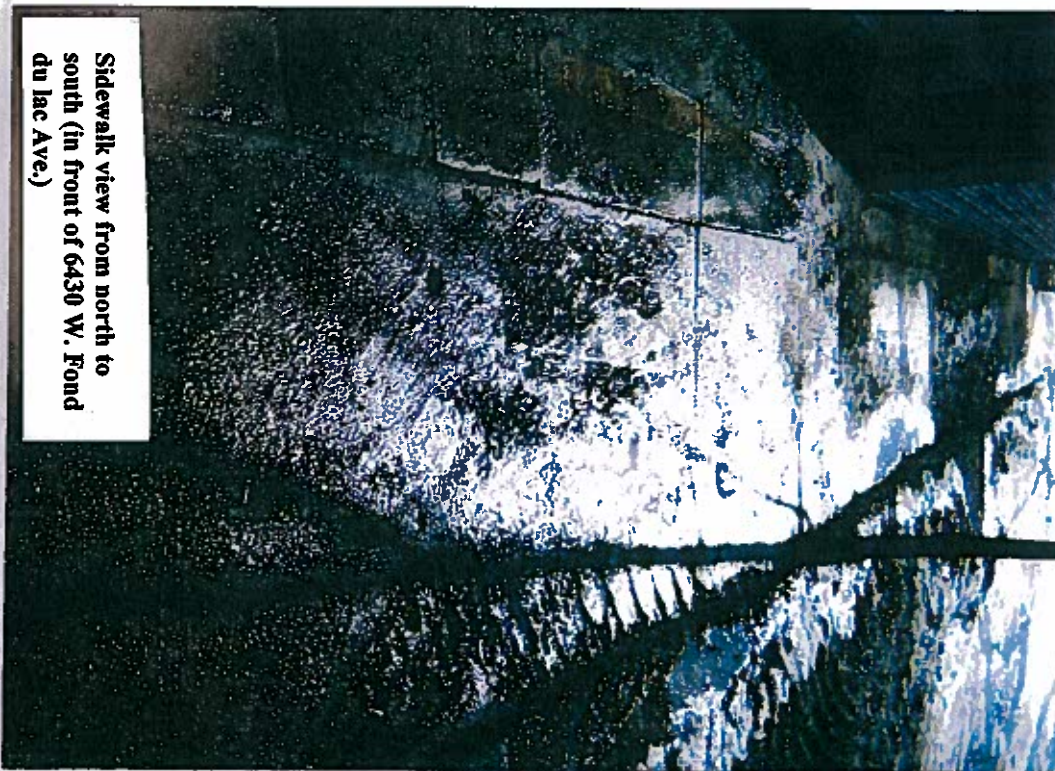
Cracks that formed from
water/ice buildup,
(Stalls 6 & 7)



Crack caused by settled ice,
(Stall 8)



View of damage to lot, (Stalls 6 & 7)



Sidewalk view from north to south (in front of 6430 W. Fond du lac Ave.)



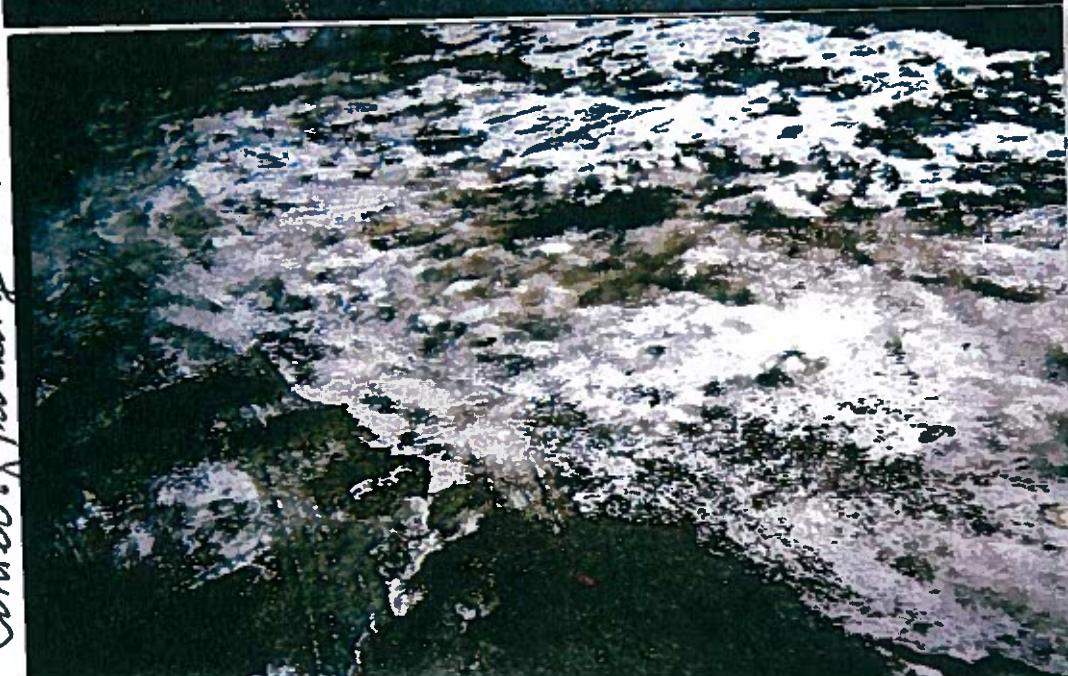
Mud and debris passing from 6430 W. Fond du lac Ave. to 6446 W. Fond du lac Ave.



Slope of parking lot (south end of lot)



View of south end of parking lot



Center of parking lot



**Ice settled on parking structure,
creating cracks, (Stall 9)**



**Frozen Ice at entrance of driveway,
(east of lot)**



**Alley view from south to north
(behind 6446 W. Food for the People)**



Mud visually collecting and settling on my property parking lot (facing west)



Hole in concrete filled after main break



View of water (frozen) that settled after from 6430 W. Fond du lac Ave. (traveling north) and in front of 6446 W. Fond du lac Ave.

NOTICES SENT TO FOR FILE 090096:

[illegible]



Legislation Details (With Text)

File #: 090280 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/7/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of Silvestre Villarreal for property damage. (8th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS

Attachments: City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090280

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relating to the claim of Silvestre Villarreal for property damage. (8th Aldermanic District)

Requestor

City Attorney

Drafter

JAS:beg

June 16, 2009

1068-2009-1435:147032

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



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BRUCE D. SCHRIMPF
SUSAN D. BICKERT
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ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

June 16, 2009

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution relating to the claim of Silvestre Villarreal
C.I. File No. 09-L-47

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Silvestre Villarreal, 1510 South 37th Street, Milwaukee, WI 53215 alleges that on May 16, 2009 he sustained damages when a City tree branch broke off and landed on his vehicle which was parked at 2562 South 9th Place. He claims damages in the amount of \$11,816.52.

Our investigation reveals that the Forestry Division reviewed their records from the previous four years and found no notice of potential hazardous conditions or service requests for this location. They also note that, in keeping with the programmed pruning schedule, the tree was last pruned in March 2005 and it appeared sound and healthy. The tree was inspected the time of the loss and the branch removed. The division also began procedures which eventually lead to the removal of the tree. The inspection also found that no outward signs of decay were evident. Prior to this incident, the tree was alive. Finally, at the time of the loss the City was experiencing conditions which caused high

To the Honorable Common Council
June 16, 2009
Page 2

wind gusts. This loss was not related to negligence by the City of Milwaukee. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1068-2009-1435:147029

May 19, 2009

To Whom It May Concern:

My name is Silvestre Villarreal. My address is 1510 S. 37th St Milwaukee, WI 53215. I can be reached at 414-750-7024.

On May 16, 2009 I was visiting the following address 2540 S. 9th Place in Milwaukee, WI 53215, but had my car parked at 2562 S. 9th Place in Milwaukee, WI 53215. Between 8:00 and 8:30 am a tree branch fell on my car. A neighbor called me and told me about it and then a police officer showed up. The officer told me not to worry about it that city workers will show up to cut the branch so my car could be moved. They arrived between 10:15 and 10:30 am.

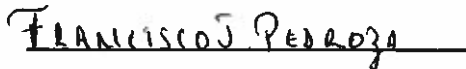
A statement of damages is attached.

Thank You



Silvestre Villarreal

Enclosures



Francisco J. Pedroza

My commission expires 03/20/2011

Notary Public

State of Wisconsin

City Of Milwaukee

CITY OF MILWAUKEE
RECEIVED
2009 MAY 20 PM 3:37
CITY ATTORNEY

CITY OF MILWAUKEE
2009 MAY 20 AM 10:03
RONALD D. LEONARD
CITY CLERK

METROPOLITAN CADILLAC, INC.
10221 WEST ARTHUR AVENUE
WEST ALLIS, WI 53227
PHONE: (414) 327-1400 FAX: (414) 546-5490

CD LOG NO 9677-1 DATE 05/19/09

SHOP: METROPOLITAN CADILLAC
CITY STATE: , WI

INSP DATE: 05/19/09
CONTACT: DAN SHELBY

OWNER: VILLARREAL, SILVESTRE
ADDRESS: 1510 S 37TH ST
CITY STATE: MILWAUKEE, WI
ZIP: 53215

HOME PHONE: (414) 750-7024

POINT OF IMPACT: 34

DAYS TO REPAIR: 19

LIC#: .
BODY COLOR: BLACK
CONDITION:

STATE:

VIN: 1GYEK13R5YR134844
MILEAGE: 121,650
ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

ESTIMATE FOR VISIBLE DAMAGE ONLY...ADDL DAMAGE POSSIBLE
POSSIBLE TOTAL LOSS

2000 CADILLAC ESCALADE STD 4DOOR WAGON 8CYL GASOLINE 5.7
CODE: T7104A/B OPTNS R/24A

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES
DUAL REAR DOORS

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG.	PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	---	-----	-----	---	---	-----	---
L	0621		COMPLETE SIDE	LT	REFINISH				10.7	4
					10.5 SURFACE					
					0.2 TWO STAGE					
L	0622		COMPLETE SIDE	RT	REFINISH				10.5	4
					10.5 SURFACE					
					INC TWO STAGE					
UM	0006		COVER, FRONT BUMPER	REMAN/REBUILT	PAR	480.00*			1.9	1
L	0006	13	COVER, FRONT BUMPER	REFINISH					3.7	4

2000 CADILLAC ESCALADE STD 4DOOR WAGON
CD LOG NO 9677-1

			2.6 SURFACE		
			0.6 TWO STAGE SETUP		
			0.5 TWO STAGE		
EC0083	PANEL, HOOD	ECONOMY PART	520.00*	1.6	1
L 0083	PANEL, HOOD	REFINISH		5.7	4
			3.3 SURFACE		
			1.4 EDGE		
			1.0 TWO STAGE		
RI0107	MLDG, WHEEL OPENING LT	R&I ASSEMBLY		2.5	1
RI0108	MLDG, WHEEL OPENING RT	R&I ASSEMBLY		1.7	1
SB0143	WINDSHIELD, SHADED	SUBLET REPAIR	380.00*+20.00		1
I 0209	PNL, FRONT DOOR OUTE LT	REPAIR		3.0*	1
I 0210	PNL, FRONT DOOR OUTE RT	REPAIR		4.0*	1
RI0246	MLDG, FRONT DOOR LOW LT	R&I ASSEMBLY		0.4	1
RI0247	MLDG, FRONT DOOR LOW RT	R&I ASSEMBLY		0.4	1
E 0386	N/PLATE, FRONT DOOR LT	15031383 GM PART	36.59	0.2	1
E 0387	N/PLATE, FRONT DOOR RT	15031383 GM PART	36.59	0.2	1
RI0248	MIRROR, OUTER R/C LT	R&I ASSEMBLY		0.3	1
EU0249	MIRROR, OUTER R/C RT	SALVAGE PART	300.00*+25.00	0.3	1
L 0249	MIRROR, OUTER R/C RT	REFINISH		0.6	4
			0.5 SURFACE		
			0.1 TWO STAGE		
RI0227	HANDLE, FRONT DOOR O LT	R&I ASSEMBLY		1.1	1
RI0228	HANDLE, FRONT DOOR O RT	R&I ASSEMBLY		1.1	1
EU0287	DOOR ASSEMBLY, REAR LT	SALVAGE PART	450.00*+25.00	1.8	1
I 0290	PNL, REAR DOOR OUTER RT	REPAIR		1.5*	1
RI0115	W/STRIP, BELT OUTER LT	R&I ASSEMBLY		0.3	1
RI0116	W/STRIP, BELT OUTER RT	R&I ASSEMBLY		0.7	1
RI0508	MLDG, REAR DOOR LOWE LT	R&I ASSEMBLY		0.5	1
RI0509	MLDG, REAR DOOR LOWE RT	R&I ASSEMBLY		0.5	1
RI0305	HANDLE, RR DOOR OUTE LT	R&I ASSEMBLY		INC	1
RI0306	HANDLE, RR DOOR OUTE RT	R&I ASSEMBLY		0.2	1
E 0341	PANEL, ROOF	15740023 GM PART	676.36	28.8	1
L 0341	PANEL, ROOF	REFINISH		5.6	4
			4.7 SURFACE		
			0.9 TWO STAGE		
EC0369	RACK ASSEMBLY, LUGGAGE	ECONOMY PART	524.88*	INC	1
EU0541	GLASS, BACK DOOR HTD LT	SALVAGE PART	320.00*+25.00	1.6	1
EU0542	GLASS, BACK DOOR HTD RT	SALVAGE PART	320.00*+25.00	1.6	1
E 0586	LAMP, HIGH MOUNTED STOP	15030176 GM PART	205.97	INC	1
ECM03	FLEX ADDITIVE	ECONOMY PART	5.00*		4
SBM06	PINSTRIPES-PAINTED	SUBLET REPAIR	220.00*+20.00		4*
SBM07	PINSTRIPES-TAPE	SUBLET REPAIR	270.00*+20.00		1*
I M14	CORROSION PROTECTION	REPAIR	*	0.5*	4*
ECM17	COVER CAR EXTERIOR	ECONOMY PART	10.00*		4*
N	MASK JAMBS	ADDNL LABOR OPERA		1.0*	1*

40 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS

955.51

2000 CADILLAC ESCALADE STD 4DOOR WAGON
CD LOG NO 9677-1

OTHER PARTS	2,929.88
LINE ITEM MARKUP	347.50+
PAINT MATERIAL	999.00**
PARTS & MATERIAL TOTAL	5,231.89
TAX ON PARTS & MATERIAL @	5.600% 292.99

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	47.7	9.5	2,974.40
2-MECH/ELEC	90.00			
3-FRAME	55.00			
4-REFINISH	52.00	36.8	0.5	1,939.60
5-PAINT MATERIAL	32.00			
LABOR TOTAL				4,914.00
TAX ON LABOR		@	5.600%	275.18
SUBLET REPAIRS				1,044.00
TAX ON SUBLET		@	5.600%	58.46
TOWING				
STORAGE				

GROSS TOTAL 11,816.52

NET TOTAL 11,816.52

SHOPLINK U1486 ES CD LOG 9677-1 DATE 05/19/09 03:49:31PM R6.37 CD 05/09

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53227

HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

**USER-ESTABLISHED THRESHOLD FOR PAINT MATERIAL HAS BEEN REACHED AND CALCULATED
IN THIS ESTIMATE. ANY ADDITIONAL MATERIALS MAY REQUIRE FURTHER APPROVAL.

3.3 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS
ESTIMATE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT
PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE.
WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE
MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE
MANUFACTURER OF YOUR MOTOR VEHICLE.



Office of the City Clerk

Ben E. Johnson
City Clerk

Wm. Mudgett
Deputy City Clerk

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City of Milwaukee which complies with sec. 893.80, Stats., the following information must be submitted in writing to the City Clerk, Room 205, City Hall, 200 East Wells Street 53202:

1. A document stating the circumstances of the claim, which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

The above information may be combined in a single document.

In order to allow the City to thoroughly and promptly act on your claim, the following information should also be submitted:

1. Proof of the amount of the claim by means of either estimates or receipted bills.
2. Your phone number where you can be reached during business hours.
3. As detailed a description of the incident as possible, including the date, time and place.

BEN E. JOHNSON
City Clerk



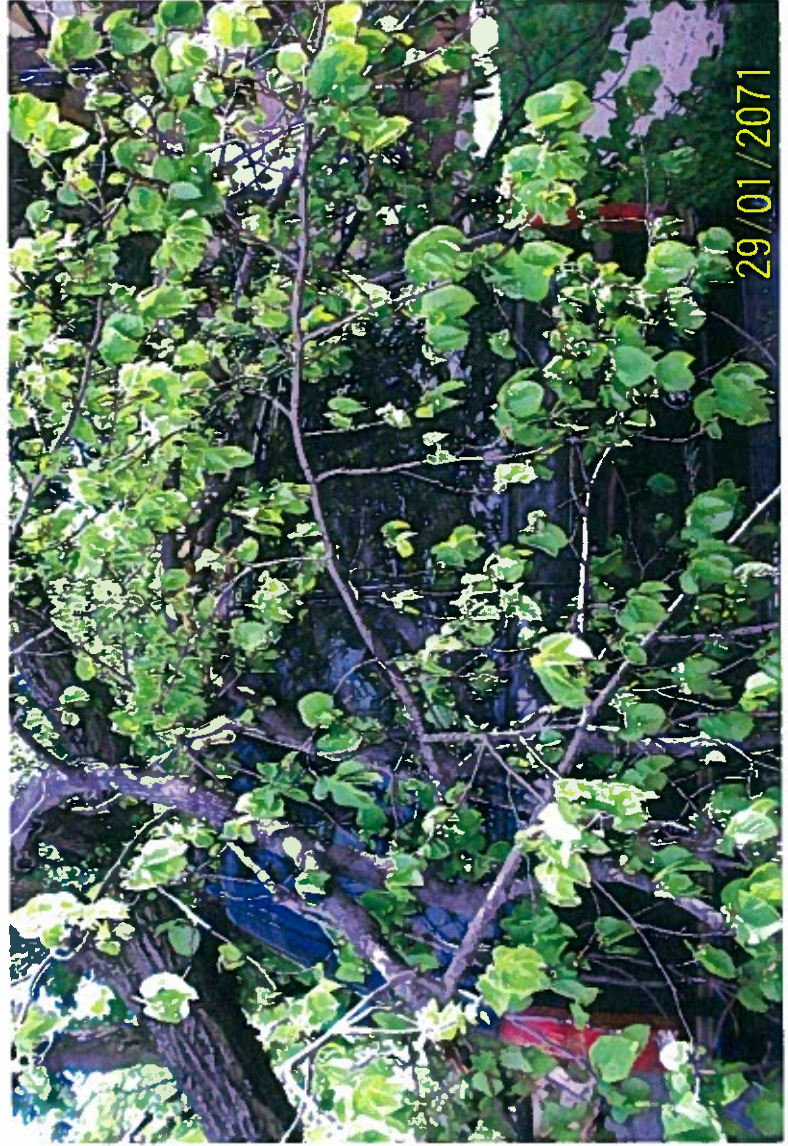












NOTICES SENT TO FOR FILE 090280:

[illegible]



Legislation Details (With Text)

File #: 090229 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relative to legislative bills.

Sponsors: THE CHAIR

Indexes: FEDERAL LEGISLATION, STATE LEGISLATION

Attachments: Agenda, AB-230.pdf, RE AB-230 Relating to electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards..txt, AB-284.pdf, Southeastern Wisconsin Regional Transit Authority Timeline.pdf, 2009-2011 Budget Tracking.pdf, Estimated Impact of State Funding Decisions on the City of Milwaukee.pdf, Shared Revenue Payment Comparison.pdf, School Funding Flaw Final Budget Analysis2.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/23/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/23/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/23/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/29/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/9/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

File #: 090229 **Version:** 0

Number

090229

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relative to legislative bills.

Drafter

City Clerk

lme:dkf

6/11/09

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

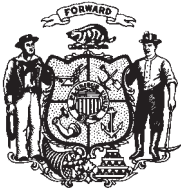
COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, JULY 20, 2009 AT 2:30 PM

Room 301-B City Hall

- | | |
|--------|--|
| AB-230 | Electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards. |
| AB-284 | Special identification cards issued by the Department of Transportation providing parking privileges for persons with physical disabilities and providing a penalty. |

Update on State Budget



2009 ASSEMBLY BILL 230

April 23, 2009 – Introduced by Representatives HRAYCHUCK, RHOADES, SHILLING, MONTGOMERY, BROOKS, BERCEAU, VAN AKKEREN, DANOU, GOTTLIEB, LEMAHIEU, TOWNSEND, HUEBSCH, PRIDEMORE, LOTHIAN, GUNDRUM, A. OTT, JORGENSEN, SPANBAUER, STEINBRINK, DEXTER, KAUFERT, MURTHA, RIPP and BIES, cosponsored by Senators LEHMAN, OLSEN, HARS DORF, LEIBHAM, SCHULTZ, DARLING and A. LASEE. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 343.237 (2); *to repeal and recreate* 343.237 (2); and *to create*
2 165.8287 of the statutes; **relating to:** electronic access by law enforcement
3 agencies to photographs on motor vehicle operators licenses and identification
4 cards.

Analysis by the Legislative Reference Bureau

With limited exceptions, current law requires the Department of Transportation (DOT) to take a photograph of all applicants for an operator's license or identification card. DOT may keep copies of the photographs for its own use but generally must keep the photographs confidential. However, DOT may release a photograph to the individual whose photograph was taken. In addition, DOT may release a copy of a photograph taken on or after September 1, 1997, to a Wisconsin law enforcement agency, a federal law enforcement agency, or a law enforcement agency of another state upon written request of the agency if certain conditions are satisfied. These conditions generally require that the photograph be requested for specified law enforcement purposes and that certain measures be taken to guard against further disclosure of the photograph.

Also under current law, the Department of Justice (DOJ) administers a transaction information for the management of enforcement (TIME) system that provides law enforcement agencies with access to certain information.

This bill requires DOT to make available to DOJ, in a digital format, any photograph taken of an operator's license or identification card applicant that is maintained by DOT. The bill requires DOJ to provide for electronic access by

ASSEMBLY BILL 230

Wisconsin law enforcement agencies, federal law enforcement agencies, and law enforcement agencies of other states operator's license and identification card photographs for the administration of criminal justice and for traffic enforcement. Access to these photographs must be available electronically through the TIME system if the law enforcement agency submits an electronic request satisfying certain conditions. Provisions of current law establishing measures that must be taken to guard against further disclosure of photographs provided to law enforcement agencies also apply to photographs obtained electronically through the TIME system. DOJ and DOT must ensure that, upon submission by law enforcement agencies of electronic requests meeting the requirements under the bill, electronic access to photographs is promptly available to these requesting agencies.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 165.8287 of the statutes is created to read:

2 **165.8287 Transaction information for management of enforcement**
3 **system; department of transportation photographs. (1)** In this section:

4 (a) "Administration of criminal justice" has the meaning given in 28 CFR 20.3

5 (b).

6 (b) "Federal law enforcement agency" has the meaning given in s. 343.237 (1)

7 (ag).

8 (c) "Law enforcement agency of another state" has the meaning given in s.

9 343.237 (1) (ar).

10 (d) "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1)

11 (f).

12 **(2)** Upon electronic request, the department of transportation shall make
13 available to the department of justice, in a digital format, any photograph taken of
14 an applicant under s. 343.14 (3) or 343.50 (4) that is maintained by the department

ASSEMBLY BILL 230

1 of transportation. Updated photographs shall be available to the department of
2 justice within 30 days of photograph capture.

3 **(3)** (a) The department of justice shall, through the transaction information for
4 the management of enforcement system or another similar system operated by the
5 department of justice, provide Wisconsin law enforcement agencies, federal law
6 enforcement agencies, and law enforcement agencies of other states with electronic
7 access to any photograph specified in sub. (2) for the administration of criminal
8 justice and for traffic enforcement. Access to these photographs shall be available
9 electronically if the law enforcement agency submits an electronic request bearing
10 an electronic certification or other indicator of authenticity. For an electronic request
11 made by a law enforcement agency of another state, the electronic certification or
12 other indicator of authenticity shall include an electronic signature or verification
13 of the agency making the request and a certification that the request is made for the
14 purpose of administration of criminal justice or traffic enforcement.

15 (b) Any photograph electronically available under this subsection shall contain
16 the notation: "This photograph is subject to the requirements and restrictions of
17 section 165.8287 of the Wisconsin Statutes. The photograph shall not be used for any
18 purpose other than the administration of criminal justice or traffic enforcement.
19 Secondary dissemination is prohibited and the photograph shall be destroyed when
20 no longer necessary for the purpose requested. The photograph shall not be used as
21 part of a photo lineup or photo array."

22 (c) The provisions of s. 343.237 (5), (8), (9), and (10) shall apply to any
23 photograph obtained electronically by a law enforcement agency under this
24 subsection. Any photograph obtained electronically by a law enforcement agency
25 under this subsection may not be used for a photo lineup or photo array. For purposes

ASSEMBLY BILL 230

1 of this paragraph, any photograph obtained electronically by a law enforcement
2 agency under this subsection shall be considered a copy of a photograph obtained
3 under s. 343.237 (3) or (4) with respect to s. 343.237 (5), (8), (9), and (10).

4 (d) The department of justice shall maintain a record, which may be electronic,
5 of each request by a law enforcement agency for a photograph under this subsection
6 and of the response to the request. Except as provided in s. 343.237 (9), the
7 department of justice may not disclose any record or other information concerning
8 or relating to the request to any person other than a court, district attorney, county
9 corporation counsel, city, village, or town attorney, law enforcement agency, the
10 applicant under s. 343.14 (3) or 343.50 (4), or, if the applicant is under 18 years of age,
11 his or her parent or guardian. Records maintained under this paragraph shall be
12 maintained for at least 12 months.

13 (e) The department of justice and the department of transportation shall
14 ensure that, upon submission by law enforcement agencies of electronic requests
15 meeting the requirements under this subsection, access to photographs under this
16 subsection is promptly available to these requesting agencies.

17 **SECTION 2.** 343.237 (2) of the statutes is amended to read:

18 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50
19 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be
20 maintained by the department and, except as provided in this section and s.
21 165.8287, shall be kept confidential. Except as provided in this section and s.
22 165.8287, the department may release a photograph or fingerprint only to the person
23 whose photograph or fingerprint was taken.

24 **SECTION 3.** 343.237 (2) of the statutes, as affected by 2007 Wisconsin Act 20 and
25 2009 Wisconsin Act (this act), is repealed and recreated to read:

ASSEMBLY BILL 230

343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be maintained by the department and, except as provided in this section and s. 165.8287, shall be kept confidential. Except as provided in this section and s. 165.8287, the department may release a photograph or fingerprint only to the person whose photograph or fingerprint was taken or to the driver licensing agency of another jurisdiction.

SECTION 4. Effective dates. This act takes effect on the first day of the 7th month beginning after publication, except as follows:

(1) The repeal and recreation of section 343.237 (2) of the statutes takes effect on the first day of the 7th month beginning after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

(END)

From: Gacek, Gary
Sent: Tuesday, April 28, 2009 10:40 AM
To: Intergovernmental; Rowe, Diana
Cc: Kwaterski, Steve
Subject: RE: AB-230 Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

Importance: High

1) Yes.

2) Support!!!

3) DOT will be making our access to their records much easier and more efficient. We often need to use these photographs for investigative purposes when no other photograph of the subject is available within other law enforcement databases. The proposed Bill will greatly assist law enforcement and should be supported.

4) None.

Lt. Gary Gacek
Planning & Research
935-7918

-----Original Message-----

From: Intergovernmental
Sent: Monday, April 27, 2009 2:44 PM
To: Gacek, Gary; Rowe, Diana
Cc: Kwaterski, Steve
Subject: AB-230 Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

<http://www.legis.state.wi.us/2009/data/AB-230.pdf>

AB-230 was recently introduced.

Please review the proposed legislation for its impact on the City of Milwaukee and respond below by email ('Reply to All') as soon as possible.

Please include the following information:

Is this germane to the City of Milwaukee?

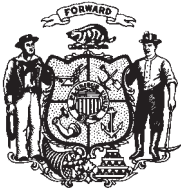
Recommended position:

Specific reason for this position:

Estimated fiscal cost or revenue:

The information you provide will be helpful to the Judiciary and Legislation Committee in formulating the City's position.

Thank you.



2009 ASSEMBLY BILL 284

May 27, 2009 – Introduced by Representatives KRUSICK, A. OTT, BERCEAU, BROOKS, KAUFERT, LOTHIAN, MASON, PASCH, PETROWSKI, POPE-ROBERTS, STEINBRINK, TOWNSEND and A. WILLIAMS, cosponsored by Senators HANSEN and DARLING, by request of IndependenceFirst, Disability Rights Wisconsin, Survival Coalition of Wisconsin Disability Organizations, Wisconsin Coalition of Independent Living Centers, Sauk County Disabled Parking Enforcement Council, City of Madison Parking Council for People with Disabilities, and City of Milwaukee Police Department. Referred to Committee on Transportation.

1 **AN ACT** *to renumber and amend* 343.52 (1m); *to amend* 343.52 (1) (a) and (b);
2 and *to create* 343.52 (1m) (a), (b) and (c) of the statutes; **relating to:** special
3 identification cards issued by the Department of Transportation providing
4 parking privileges for persons with physical disabilities and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person with a disability that limits or impairs the ability to walk may apply for and obtain from the Department of Transportation (DOT) a special identification card (disabled parking card). With limited exceptions, a disabled parking card entitles any motor vehicle parked by or under the direction of the card holder, or any motor vehicle operated by or on behalf of an organization and used to transport a person eligible for a card, to parking privileges. A person or organization may be required to forfeit not less than \$50 nor more than \$300 if the person or organization sells or lends a disabled parking card knowing that the person purchasing or borrowing the card is not authorized by law to use it or displays a disabled parking card on a vehicle knowing that the vehicle is not authorized to have the card displayed on it. In addition, any person or organization that fraudulently procures, makes, alters, reproduces, or duplicates a disabled parking card must forfeit not less than \$200 nor more than \$500.

This bill increases the penalty for selling a disabled parking card to an unauthorized user from a potential forfeiture of not less than \$50 nor more than \$300

ASSEMBLY BILL 284

to a mandatory forfeiture of not less than \$200 nor more than \$500. The bill also prohibits fraudulent use of a disabled parking card, which is subject to a potential forfeiture of not less than \$50 nor more than \$300 if the violator was issued the disabled parking card by DOT and a mandatory forfeiture of not less than \$200 nor more than \$500 if the violator was not issued the disabled parking card by DOT. The bill also eliminates the requirement that, to constitute a violation for displaying a disabled parking card on a vehicle not authorized to have the card displayed on it, the violator must know that the vehicle is not authorized to have the card displayed on it.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.52 (1) (a) and (b) of the statutes are amended to read:

343.52 (1) (a) ~~Sells or lends~~ Lends to another a special identification card issued under s. 343.51, knowing that the person ~~purchasing or~~ borrowing the card is not authorized by law to use it.

(b) Displays a special identification card issued under s. 343.51 upon a vehicle knowing that the vehicle is not authorized by law to have the card displayed thereon or otherwise fraudulently uses a special identification card issued under s. 343.51 to the person or organization.

SECTION 2. 343.52 (1m) of the statutes is renumbered 343.52 (1m) (intro.) and amended to read:

343.52 (1m) (intro.) Any person or organization that fraudulently ~~procures, makes, alters, reproduces, or duplicates a special identification card issued under s. 343.51, except as authorized by the department,~~ does any of the following shall forfeit not less than \$200 nor more than \$500.;

SECTION 3. 343.52 (1m) (a), (b) and (c) of the statutes are created to read:

ASSEMBLY BILL 284

343.52 **(1m)** (a) Fraudulently procures, makes, alters, reproduces, or duplicates a special identification card issued under s. 343.51, except as authorized by the department.

(b) Fraudulently uses a special identification card issued under s. 343.51 that was not issued to the person or organization by the department.

(c) Sells to another a special identification card issued under s. 343.51, knowing that the person purchasing the card is not authorized by law to use it.

SECTION 4. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

(END)

SE RTA Timeline

Governor's Budget Proposal – SE RTA would be created if the governing body of Milwaukee County, or Kenosha County, or any municipality located within Racine County East of I-94 adopt a resolution authorizing the county or municipality to become a member. If Milwaukee or Kenosha County joined, then all municipalities would be part of the SE RTA. Racine County could join after the creation of the SE RTA. Allowed Waukesha, Washington and Ozaukee Counties to join upon approval of the SE RTA board of directors. Lastly, allowed the SE RTA to levy up to a 0.5 sales tax for transit.

Joint Committee on Finance – Deletes the Governor's provision, and replaced it with the following:

Milwaukee County Transit Authority

- The RTA board would be made up of the following members: 2 members appointed by the Milwaukee County Board Chair, 2 members appointed by the Mayor of Milwaukee, and 1 appointed by the Governor.
- RTA would have the same powers and authorities that would be provided under the Governor's recommendation for the SE RTA.
- Authority to impose up to 1.0% sales and use tax
- Revenues could be used to fund transit, parks, cultural and emergency services throughout Milwaukee County.
- 0.15% of revenues would be paid to the City of Milwaukee for public safety.
- Milwaukee County would be the fiscal agent for the RTA.
- The Milwaukee Downtown Connector study was enumerated as a major transit capital project.

KRM Authority

- Powers of the authority would be limited to the creation, construction and management of the KRM commuter rail line.
- KRM Board Membership
 - 2 members from Milwaukee County appointed by the Milwaukee County Board Chair
 - 2 members from the City of Milwaukee appointed by the Mayor of Milwaukee
 - 1 member from the City of Racine appointed by the Mayor of Racine
 - 1 member from Racine County appointed by the Racine County Board Chair
 - 1 member from the City of Kenosha appointed by the Mayor of Kenosha
 - 1 member from Kenosha County appointed by the Kenosha County Executive.
 - 1 member, who resides within the geographic area of the Authority, appointed by the Governor.
- Specify that the KRM would have to include a stop where the line intersects W. National Avenue in the City of Milwaukee.
- Provide that the KRM board impose up to a \$16/transaction vehicle rental fee within the jurisdictional area of the Authority, and be indexed annually to the CPI.

Assembly – Modified Joint Committee on Finance actions with the following:

Milwaukee Transit Authority

- Delete the proposed Milwaukee County Regional Transit Authority, and instead create a Milwaukee Transit Authority, with the same governing body specified under the JCF version.
- Milwaukee County Board would have the authority to adopt a resolution imposing a 0.5% sales and use tax for transit services.
- Provide the Milwaukee County Board with the authority to levy a 0.15% sales and use tax to the underlying municipalities, using the proportion of police and fire employees within each municipality.
- The board could take action upon a majority vote of the members present, unless bylaws require a larger number.

Southeastern Regional Transit Authority

- Rename the KRM Authority, in the JCF substitute amendment, the Southeastern Regional Transit Authority (SERTA).
- Increase the vehicle rental fee from \$16 to \$18 per rental transaction, continued to be indexed annually.
- \$1 derived from the rental fee would be provided both to the City of Kenosha and the City of Racine for their respective transit systems if they provide matching funds.
- SERTA board of directors would remain the same as proposed by JCF, except that the Kenosha County member would be appointed by the Kenosha County Board Chair.
- Require the KRM have a stop in the City of Milwaukee at the intersection of Lincoln Avenue and Bay Street.

Senate – Modified Joint Committee on Finance actions with the following:

Milwaukee County Sales Tax

- Delete the Milwaukee County Regional Transit Authority proposed by JCF.
- Provide Milwaukee County the authority to impose sales and use taxes at a rate of 1.0%, in addition to its current authority to impose such taxes at a rate of 0.5%.
- Require the county to use 85% of the revenues it receives from the new taxes for transit, parks, culture and emergency medical services, and that county cannot raise property taxes for such purposes.
- Require Milwaukee County to distribute the other 15% of the sales and use taxes to municipalities for police and fire on a per capita basis.

Southeastern Regional Transit Authority

- Rename the KRM Authority the Southeastern Regional Transit Authority.
- Modify the Kenosha County appointment to be made by the County Board chair.
- Require the KRM have a stop in the City of Milwaukee at the intersection of Lincoln Avenue and Bay Street.

Conference Committee

Milwaukee Transit Authority – Adopt the Assembly version, with some modifications:

- If the 0.5% sales and use taxes are imposed, require Milwaukee County to indicate on each taxpayer's property tax bill the amount of the reduction in property taxes associated with the requirement to remove transit expenditures from the property tax levy.
- 0.15% sales and use taxes for municipal public safety can be imposed only if the 0.5% sales tax is imposed. Distribution for the 0.15% would be based on the number of sworn police and fire officers in each municipality.
- Governance: 3 members appointed by the Milwaukee County Board Chair, 2 members appointed by the Mayor of Milwaukee, 2 members appointed by the Governor. Appointees of the County Board Chair and the Mayor have to be elected officials representing the County and City respectively.

Southeastern Regional Transit Authority – Adopt the Assembly version, with modifications:

- Specify that SERTA is the only entity that can apply to the FTA for federal new starts funding for the KRM rail project.
- Powers of the SERTA would be vested in its board of directors
 - A majority of the board constitutes a quorum.
 - Any action can be taken with a simple majority, unless the bylaws of SERTA require a larger number.

Governor's Vetoes

Milwaukee Transit Authority

- Vetoes the entire provision from the Conference Committee. Asked the legislature to start over.
- Milwaukee County would be unable to levy an additional sales tax.

Southeastern Regional Transit Authority

- Partial veto removing the transfer of \$1 from the \$18 car rental tax to the City of Racine and City of Kenosha for funding local transit (using City matching funds).
- Partial veto of the requirements of certain stops along the KRM line, because it jeopardizes the application to the FTA's New Starts grant program – this would violate FTA regulations.
- Although opposed to the use of the car rental tax, the Governor will not veto it because the SERTA needs to have a local funding source to move forward on the federal application process.
- Recommendation to the board of SERTA not to impose the full \$18/transaction tax until New Starts plans are approved by the FTA.

City of Milwaukee - 2009-11 State Budget Tracking

City of Milwaukee Issues	Governor Proposed Budget - 2/17/2009	Joint Committee on Finance - March/April/May 2009	Assembly Action - 6/11/2009	Senate Action - 6/17/2009	Conference Committee Action - 6/25-6/26/2009	Governor - Veto - 6/29/2009
Shared Revenue	Reduce the 2010 appropriation by 1% based on equalized value factor.	Due to increase in projected state budget deficit, reduce the 2010 appropriation by 3.5% based on equalized value factor. This would account to a \$2.657 million cut to the City of Milwaukee's shared revenue payment. Include a requirement of maintenance of effort for municipal police and fire services.	Passed JCF Proposal	Modify maintenance of effort for police and fire, by solely placing the requirement on shared revenue payments from the state.	Senate Version	Made no change. Senate/Conference Committee version prevails.
School Choice Funding Flaw	Phases in a 50% count of MPCP students over 5 years for the determination of equalization aid payments, beginning in 2010. Provide \$8 million in High Poverty Aid Payments	Reduce the MPS aid reduction related to the choice program from the current law of 45% to 41.6% in 2009-2010 and 38.4% in 2010-2011. Reduce the MPS aid reduction by \$4.49 million in 2009-2010 and \$8.7 million in 2010-2011. Money would be remitted directly to the City of Milwaukee. Also, increase High Poverty Aid payments, so that MPS would receive \$9.9 million annually over the bienium.	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.
Tipping Fees & REI Grants	Increases the environmental repail and rcycling tipping fees by a total of \$4.40 per ton. Estimated cost to the city = \$1.3 million annually. Eliminates the REI Grant, costing \$400,000 annually.	Increased the Governor's proposal by an overall increase of \$7.10 per ton. Estimated increased cost to the city = \$2.05 million.	Passed JCF Proposal	Provide \$5 million from the general fund to the recycling and renewable energy fund on a one-time basis.	Transfer \$2,000,000 from the petroleum inspection fund to the recycling and renewable energy fund, in each year, on a one-time basis during the 2009-11 biennium. Provide \$2,000,000 recycling and renewable energy fund SEG annually for the municipal and county recycling grant program. This would provide a total of \$31,098,100 in 2009-10 and \$32,098,100 in 2010-11 for recycling grants to local governments.	Made no change. Conference Committee version prevails.
Columbus Park - Senior Housing Tax Exemption	No Proposal	If the fair market value of the individual dwelling unit is less than 160 percent of the average equalized value in the county where it is located is exempt from property taxation. In addition, this proposal exempts low income housing and senior housing that is less than 160%.	Deleted JCF proposal	Exempts property tax payments for low income housing and senior housing less than 100% of the average equalized value in the county where it is located.	Exempts property tax payments for low income housing and senior housing less than 130% of the average equalized value in the county where it is located.	Made no change. Conference Committee version prevails.

City of Milwaukee - 2009-11 State Budget Tracking

City of Milwaukee Issues	Governor Proposed Budget - 2/17/2009	Joint Committee on Finance - March/April/May 2009	Assembly Action - 6/11/2009	Senate Action - 6/17/2009	Conference Committee Action - 6/25-6/26/2009	Governor - Veto - 6/29/2009
Joint & Several Liability	Reverts to pre-1995 law, where a party that is found to 1% liable could pay for 100% damages in a civil proceeding	Increased threshold to 20%	Deleted JCF proposal	Deleted JCF proposal	Deleted JCF Proposal	None
Prevailing Wage	All public works and publicly funded private construction projects with estimated cost of completion greater than \$2000 would be subject to pay prevailing wages. Require local units of government to process weekly wage/benefit reports from contractors.	Increased public works threshold to \$25,000 of direct financial assistance and publicly funded private construction projects to \$1 million of direct financial assistance. Provide exemptions to volunteer and maintenance work, residential buildings with less than 4 units and certain affordable housing projects. Monthly reports to DWD rather than to local government.	Passed JCF Proposal	Modifies and provides clarifying definitions on prevailing wage provisions included in the JCF version. Provides a definition on “direct financial assistance” for publicly funded private construction projects. Includes an exemption on the definition of direct financial assistance for any moneys allocated by the City of Milwaukee for the purchase of public easements that are located entirely in the Milwaukee Riverwalk Site Plan Review Overlay District established by the City of Milwaukee, as amended to June 1, 2009, or for the construction of dockwalls, walkways, plazas, parks, private roadways open to the public, or similar improvements, or for any other public infrastructure improvements, that are located entirely in the district, if the work would be subject to, or specifically exempted from, the municipal prevailing wage law.	Senate Version	Made partial vetoes to the Senate/Conference Committee version. Of note, the Governor made partial vetoes that expanded the exemptions for affordable housing, by striking the requirement that affordable housing projects be owner-occupied to be exempt from the prevailing wage law, and removing the restriction that affordable housing projects have no retail, office or commercial components.

City of Milwaukee - 2009-11 State Budget Tracking

City of Milwaukee Issues	Governor Proposed Budget - 2/17/2009	Joint Committee on Finance - March/April/May 2009	Assembly Action - 6/11/2009	Senate Action - 6/17/2009	Conference Committee Action - 6/25-6/26/2009	Governor - Veto - 6/29/2009
RTA	Regional authority in Milwaukee, and Kenosha counties, and the City of Racine. RTA could levy up to a 0.5 percent sales tax within the service region.	2 authorities created - Milwaukee County RTA, which could levy up to a 1 percent sales tax, and 0.15 percent of the proceeds would be distributed to the City of Milwaukee for public safety. An additional KRM authority, which comprises Kenosha, Racine and Milwaukee, and would require a \$16/transaction for rental car purchases.	<p>The Kenosha-Racine-Milwaukee commuter rail line would be funded by a \$16 car rental tax, as approved by the JFC earlier. But the amendments adds another \$2 to the tax (\$18/transaction total), \$1 for the city of Racine and \$1 for the city of Kenosha, to improve their bus systems. But the cities can only get the money if they match it.</p> <p>The amendment also creates a Milwaukee Transit Authority, and gives the Milwaukee County Board the option to create a 0.65 cents tax to pay for it. Of that tax, 0.50 cents would go toward transit operations, and the remaining 0.15 cents would go toward offsetting police and fire costs in communities in Milwaukee County. This calculation is based upon police and fire staffing levels amongst the Milwaukee County municipalities.</p>	Deletes Milwaukee County RTA and allows Milwaukee County to be eligible applicant of capital assistance transit program. Milwaukee County can impose a 1% sales tax. 85% of revenue can be used for transit, parks, culture, ems and the county cannot levy property taxes for such purposes. Requires Milwaukee County to distribute 15% of sales tax revenue to all municipalities in Milwaukee County for police fire and ems. Funds would be allocated on a per capita basis. Maintains JFC language for funding SERTA.	Assembly Version with modifications - 0.5 cent sales tax dedicated to transit, and 0.15 cent dedicated to municipal police and fire costs, determined by sworn officer staffing levels. Governance - 3 members of the RTA board appointed by the County Board Chair, 2 members appointed by the Mayor, and 2 members appointed by the Governor. Appointees from the Mayor and County Board Chair are elected officials representing the City or County respectively.	Deleted Milwaukee Transit Authority, along with the associated .15 sales tax for public safety. Kept SERTA and the car rental tax, in order for the the SERTA to be eligible to apply for federal funds. The \$1 transfers to Racine and Kenosha for transit purposes was removed. Finally, veto removed required stops at the intersections of Lincoln Avenue & Bay Street, and where the line crosses National Avenue.
Local Sales Tax - Public Safety	No Proposal	See RTA	See RTA	See RTA	See RTA	See RTA
911 Surcharge	No Proposal	Impose a \$.75 per line fee to backfill shared revenue payments.	Passed JCF Proposal	Sunsets shared revenue backfilling payments, and gives the 911 surcharge payments to counties after all capital upgrades in 2011.	Senate Version	Vetoed to remove the sunset of the shared revenue backfilling payments, due to objections of the loss of direct aid to local governments.
Primary Seat Belt Enforcement	Change state law from secondary enforcement to primary enforcement. State would receive a federal grant of \$15 million for changing to primary enforcement.	Approved Governor's proposal.	Passed JCF Proposal	Eliminate primary seat belt enforcement and fines if budget bill does not become law on or before June 30th.	Senate Version	Made no change. Senate/Conference Committee version prevails.
Data Collection from Traffic Stops	Data collected on all stops in 11 most populous counties. Data forwarded to DOJ which would analyze for any statistical disparities	Amended to all 72 counties. Makes OJA the responsible agency, and requires OJA to promulgate rules to determine methodology of data collection subject to legislative oversight.	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.

City of Milwaukee - 2009-11 State Budget Tracking

City of Milwaukee Issues	Governor Proposed Budget - 2/17/2009	Joint Committee on Finance - March/April/May 2009	Assembly Action - 6/11/2009	Senate Action - 6/17/2009	Conference Committee Action - 6/25-6/26/2009	Governor - Veto - 6/29/2009
Red Light Running	Allows for the use of photographic traffic control systems to identify failure to stop at red light controlled intersections	Provision deleted from budget.	None	None	None	None
Vehicle Registration Stickers & Single License Plate	Eliminate use of registration stickers and require only 1 license plate.	Deleted the Governor's proposal.	None	None	None	None
Fireworks Deregulation	No Proposal	Inserted provision which would loosen restrictions on issuing a fireworks user permit, and make it easier to obtain fireworks.	Deleted JCF proposal	Passed JCF Proposal	Senate Version	Made no change. Senate/Conference Committee version prevails.
Beer & Wine provided by a non-profit organization during fundraising events	No Proposal	Remove requirement to for non-profits to obtain a license to serve alcohol at an event	Deleted JCF proposal	Deletes JCF action. Allows a non-profit organization holding a fundraising event to qualify for a picnic beer and wine license. Specify that temporary licenses issued to a non-profit for purposes of a fundraising event would be exempt from the restriction that no license may be granted for any premises where any other business is conducted inconnection with the premises.	Assembly Version	Made no change. Assembly/Conference Committee version prevails.
Limitation on Driver's License Suspension	No Proposal	Reduced the maximum time of a suspended license to 90 days for failure to pay a traffic forfeiture	Deleted JCF proposal	Deleted JCF proposal	Deleted JCF Proposal	None
Legal Notices	No Proposal	Delete the requirement that state agencies and constitutionally recognized offices provide legal notices in the official state newspaper, and instead place that same information on the agency's website in accordance with any existing statutory timeline.	Delete the JCF action relating to legal notices in the official state newspaper and request the Legislative Council create a study committee on the use of the Internet to post legal notices.	Deleted JCF proposal	Senate Version	None
Expenditure Restraint Program	No Proposal	Modify the definition of "inflation factor" under the expenditure restraint program to limit it to no less than 0%.	Passed JCF Proposal	Increase the inflation factor's floor under ERP to 3%. Modifies the maintenance of effort for Police & Fire to only apply to shared revenue payments.	Senate Version	Made no change. Senate/Conference Committee version prevails.
Library System Aid & Service Contracts	Maintain current funding levels, but switch from GPR to SEG using the Universal Service Fund	ATB 5.135% cut.	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.
UW Milwaukee	Authorization of Schools of Public Health and Freshwater Science	Accept Governor's Proposal	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.

City of Milwaukee - 2009-11 State Budget Tracking

City of Milwaukee Issues	Governor Proposed Budget - 2/17/2009	Joint Committee on Finance - March/April/May 2009	Assembly Action - 6/11/2009	Senate Action - 6/17/2009	Conference Committee Action - 6/25-6/26/2009	Governor - Veto - 6/29/2009
Community Policing Grants	Reduce funding from \$250,000/year to \$247,500/year	ATB 5.135% cut from 2008 base funding of \$250,000	Restored WI Department of Justice funding that was deleted as a part of increased agency across-the board reductions.	Passed JCF Proposal	Assembly Version	Made no change. Assembly/Conference Committee version prevails. Annual funding at \$247,500
Summer Youth Jobs Program	Reduce funding from \$500,000 to \$495,000/year	ATB 5.135% cut from 2008 base funding of \$500,000	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails. Annual cut of \$30,700, and annual funding of \$469,300
Family Planning Waiver for Men	The department may request an amended waiver to provide family planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family.	Accept Governor's Proposal	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.
GAB - Municipal Reimbursement Program	No Proposal	No Proposal	No Proposal	Delete sunset of the municipal reimbursement program which reimburses municipalities for additional costs incurred to adjust polling hours to begin at 7 a.m. at any election held after April 29, 2006.	Senate Version	Made no change. Senate/Conference Committee version prevails.
Workforce Development - MAWIB	No Proposal	No Proposal	DWD provides a \$2 million grant over the 2009-2011 bienium to MAWIB if during the bienium the City of Milwaukee provides \$1.5 million in matching funds to MAWIB.	No Proposal	Assembly Version	Partial veto. Reduced the amount of the grant to MAWIB to \$500,000, along with matching funds from the City.
School Aids	Increased funding.	Cut funding by 3.1% based on the equalization formula.	Passed JCF Proposal	Passed JCF Proposal	JCF Version	Made no change. JCF Version prevails.
Police Pay	No Proposal	No Proposal	No Proposal	Cuts off pay and benefits for all terminated officers.	Senate Version	Made no change. Senate/Conference Committee version prevails.
One Year Extension of TIF Districts for Affordable Housing Purposes	No Proposal	No Proposal	No Proposal	A city may extend the life of a paid-off TI district for one year, in order to improve its housing stock. Require that the city must use at least 75% of the increments received to benefit affordable housing in the city.	Senate Version	Made no change. Senate/Conference Committee version prevails.
Drivers Cards for Undocumented Immigrants	No Proposal	Issue driver card to applicants who cannot prove legal residence. These cards can only be used for driving and cannot be utilized for any other type of identification purposes. Require that these cards are renewed every 2 years.	Passed JCF Proposal	Deleted JCF proposal	Senate Version	None

City of Milwaukee - 2009-11 State Budget Tracking

[illegible]

Estimated Impact of State Funding Decisions on the City of Milwaukee

City Department	1. Name of Payment/Grant Received from State of WI	State Agency	2008 Base Amount	Anticipated 5.135% ATB or Other Cut	Estimated Reduced Funding Level
Redevelopment Authority	30th Street Corridor	Energy Independence	\$24,500.00	\$0.00	\$24,500.00
Redevelopment Authority	Mid-Town Economic Development	DOT	\$125,000.00	\$6,418.75	\$118,581.25
Redevelopment Authority	Coastal Management	DOA	\$30,000.00	\$1,540.50	\$28,459.50
Redevelopment Authority	Legacy Development Grant	DNR	\$200,000.00	\$10,270.00	\$189,730.00
Redevelopment Authority	Brownfield Site Assessment Grant - Various Projects	DNR	\$72,000.00	\$0.00	\$72,000.00
Police Department	Homeland Security - LETPP Equipment	State OJA -US Dept of Homeland Security	\$29,983.09	\$0.00	\$29,983.09
Police Department	HS UASI LETPP Critical Infrastructure	State OJA -US Dept of Homeland Security	\$120,000.00	\$0.00	\$120,000.00
Police Department	HS UASI Planning	State OJA -US Dept of Homeland Security	\$4,538.34	\$0.00	\$4,538.34
Police Department	HS UASI Planning	State OJA -US Dept of Homeland Security	\$652,600.00	\$0.00	\$652,600.00
Police Department	HS - TEWS	State OJA -US Dept of Homeland Security	\$167,388.96	\$0.00	\$167,388.96
Police Department	HS - Critical Infrastructure	State OJA -US Dept of Homeland Security	\$243,585.95	\$0.00	\$243,585.95
Police Department	Alcohol Enforcement	DOT	\$22,022.58	\$0.00	\$22,022.58
Police Department	Bicycle Safety	DOT	\$3,914.79	\$0.00	\$3,914.79
Police Department	Pedestrian Safety	DOT	\$5,925.48	\$0.00	\$5,925.48
Police Department	Speed & Aggressive Driving	DOT	\$24,869.54	\$0.00	\$24,869.54
Police Department	TraCS Project	DOT	\$60,343.01	\$3,098.61	\$57,244.40
Police Department	TraCS Project - Motorcycles	DOT	\$115,875.60	\$5,950.21	\$109,925.39
Police Department	Traffic Mitigation	DOT	\$45,797.00	\$0.00	\$45,797.00
Police Department	Training-Supervision Police personnel	DOJ - Training & Standards Bureau	\$19,000.00	\$0.00	\$19,000.00
Police Department	Training-Supervision Police personnel	DOJ - Training & Standards Bureau	\$19,000.00	\$0.00	\$19,000.00
Police Department	Training-Police Ethics	DOJ - Training & Standards Bureau	\$23,000.00	\$0.00	\$23,000.00
Police Department	Training-Proactive Leadership	DOJ - Training & Standards Bureau	\$11,000.00	\$0.00	\$11,000.00
Police Department	Training-Roll Call Law	DOJ - Training & Standards Bureau	\$4,734.02	\$0.00	\$4,734.02
Police Department	Training-Surviving	DOJ - Training & Standards Bureau	\$23,000.00	\$0.00	\$23,000.00
Police Department	Training-Leadership ICAP	DOJ - Training & Standards Bureau	\$38,496.00	\$0.00	\$38,496.00
Police Department	Training-Leadership ICAP	DOJ - Training & Standards Bureau	\$40,000.00	\$0.00	\$40,000.00
Police Department	Impaired Driving	DOJ	\$249,800.00	\$0.00	\$249,800.00
Police Department	Neighborhood Safety Initiative	DOJ	\$250,000.00	\$0.00	\$250,000.00
Police Department	Neighborhood Safety Initiative	DOJ	\$250,000.00	\$0.00	\$250,000.00
Police Department	Internet Crimes Against Children	DOA-OJA - Division of Criminal Investigation	\$35,588.97	\$1,827.49	\$33,761.48
Police Department	Beat Grant	DOA-OJA	\$150,000.00	\$0.00	\$150,000.00
Police Department	In-service Training	State Department of Justice- Law Enforcement Standards Bureau	\$333,800.00	\$0.00	\$333,800.00
Police Department	Recruit Training	State Department of Justice- Law Enforcement Standards Bureau	\$389,200.00	\$0.00	\$389,200.00
Police Department	Water Patrol	DNR	\$267,900.00	\$13,756.67	\$254,143.34
Police Department	Wireless 911 System - Grant Program ends in 2009	PSC Through Milwaukee County	\$1,105,800.00	\$1,105,800.00	\$0.00
Health Department	BIOTERRORISM-FOCUS C-Lab - State-Federal Passthru	State of WI-State Lab of Hygiene	\$49,938.03	\$0.00	\$49,938.03
Health Department	Family Case Coordination Service - Various \$ Reimbursement Claims - Billings to increase for 2009 and beyond	State of WI-Medicaid/T-19/HMO	\$1,922.00	\$0.00	\$1,922.00
Health Department	Nursing Education Visits - Average \$48/claim	State of WI-Medicaid/T-19/HMO	\$2,170.00	\$0.00	\$2,170.00
Health Department	Environmental Lead Inspections - Average \$118/claim	State of WI-Medicaid/T-19/HMO	\$8,684.00	\$0.00	\$8,684.00
Health Department	TB Medicaid Services - Average \$89/claim	State of WI-Medicaid/T-19/HMO	\$36,670.00	\$0.00	\$36,670.00
Health Department	Preventive Health Care Services (Imms/Health Screenings) - Average \$15.47/claim	State of WI-Medicaid/T-19/HMO	\$48,292.00	\$0.00	\$48,292.00
Health Department	Lead Tests-Whole Blood Lead - Average \$13.46/claim	State of WI-Medicaid/T-19/HMO	\$34,474.00	\$0.00	\$34,474.00
Health Department	STD Services - Began billing in 2009 - Estimated \$200,000/year	State of WI-Medicaid/T-19/HMO	\$0.00	\$0.00	\$0.00
Health Department	BEACH MONITORING - State-Federal Passthru	State of WI-DNR from USEPA	\$20,070.00	\$0.00	\$20,070.00
Health Department	UASI - State-Federal Passthru	Office of Justice Assistance	\$796,429.28	\$0.00	\$796,429.28
Health Department	MAPPP-Milw. Adol. Preg. Prev. Partnership - MCW/State-Federal Passthru	MCW/Dept. of Health and Family Services	\$4,778.87	\$0.00	\$4,778.87
Health Department	REFUGEE HEALTH - State-Federal Passthru	Div. of Workforce Development	\$154,844.62	\$0.00	\$154,844.62
Health Department	STD-Dual Protection Initiative - State	Div. of Public Health-Family Planning Program	\$658.82	\$0.00	\$658.82

7/14/2009

Estimated Impact of State Funding Decisions on the City of Milwaukee

City Department	1. Name of Payment/Grant Received from State of WI	State Agency	2008 Base Amount	Anticipated 5.135% ATB or Other Cut	Estimated Reduced Funding Level
Health Department	TB Dispensary - Average \$93.50/claim	DHS - WI TB Program	\$94,739.00	\$0.00	\$94,739.00
Health Department	HOME VISITING - State	Dept. of Health and Family Services	\$907,236.58	\$0.00	\$907,236.58
Health Department	LEAD DETECTION - State	Dept. of Health and Family Services	\$315,675.29	\$0.00	\$315,675.29
Health Department	MBCAP AWARENESS GPR - State	Dept. of Health and Family Services	\$133,479.30	\$0.00	\$133,479.30
Health Department	MBCAP CASE MANAGEMENT - State	Dept. of Health and Family Services	\$157,355.88	\$0.00	\$157,355.88
Health Department	CONGENITAL DISORDERS/NEWBORN SCREENING - State	Dept. of Health and Family Services	\$140,628.62	\$0.00	\$140,628.62
Health Department	TOBACCO CONTROL COALITION - State	Dept. of Health and Family Services	\$329,939.25	\$0.00	\$329,939.25
Health Department	MBCAP-WELL WOMEN - State GPR	Dept. of Health and Family Services	\$144,250.92	\$0.00	\$144,250.92
Health Department	BIOTERRORISM-CRI - State-Federal Passthru	Dept. of Health and Family Services	\$309,320.88	\$0.00	\$309,320.88
Health Department	BIOTERRORISM-FOCUS A - State-Federal Passthru	Dept. of Health and Family Services	\$415,814.52	\$0.00	\$415,814.52
Health Department	BREAST & CERVICAL CANCER SCREENING - State-Federal Passthru	Dept. of Health and Family Services	\$97,676.93	\$0.00	\$97,676.93
Health Department	EIDP-Early Detection Pregnancy - State-Federal Passthru	Dept. of Health and Family Services	\$48,526.17	\$0.00	\$48,526.17
Health Department	HEP B - State-Federal Passthru	Dept. of Health and Family Services	\$45,071.99	\$0.00	\$45,071.99
Health Department	IMMUNIZATION GRANT - State-Federal Passthru	Dept. of Health and Family Services	\$303,205.90	\$0.00	\$303,205.90
Health Department	LEAD POISONING PREVENTION - State-Federal Passthru	Dept. of Health and Family Services	\$652,600.80	\$0.00	\$652,600.80
Health Department	MCH - ACHP/ASHP - State-Federal Passthru	Dept. of Health and Family Services	\$554,077.72	\$0.00	\$554,077.72
Health Department	PANDEMIC FLU GRANT - State-Federal Passthru	Dept. of Health and Family Services	\$98,603.34	\$0.00	\$98,603.34
Health Department	PREVENTIVE HEALTH - State-Federal Passthru	Dept. of Health and Family Services	\$70,200.10	\$0.00	\$70,200.10
Health Department	STD - State-Federal Passthru	Dept. of Health and Family Services	\$598,589.42	\$0.00	\$598,589.42
Health Department	SURVNET - State-Federal Passthru	Dept. of Health and Family Services	\$56,000.00	\$0.00	\$56,000.00
Health Department	WEST NILE VIRUS - State-Federal Passthru	Dept. of Health and Family Services	\$5,000.00	\$0.00	\$5,000.00
Health Department	WIC - State-Federal Passthru	Dept. of Health and Family Services	\$1,084,630.02	\$0.00	\$1,084,630.02
Health Department	Vending Machine Inspections - Average \$4.37/claim	Bureau of Environmental & Occupational Health	\$4,089.00	\$0.00	\$4,089.00
Fire Department	Hazardous Materials Cost Recovery	Military Affairs	\$285,943.00	\$0.00	\$285,943.00
Fire Department	February 2008 Snow Removal Emergency Cost Recovery - Comptroller on Behalf of MFD	FEMA	\$860.00	\$0.00	\$860.00
Fire Department	07-08 UASI Task Force Team Equipment Grant	DOA-OJA	\$299,964.98	\$0.00	\$299,964.98
Fire Department	05-07 UASI Planning Coordinator Grant	DOA-OJA	\$1,850.26	\$0.00	\$1,850.26
Fire Department	05-07 UASI Equipment Grant	DOA-OJA	\$9,907.95	\$0.00	\$9,907.95
Fire Department	06-08 UASI Fire Service Project Manager & NIMS IMT	DOA-OJA	\$155,576.70	\$0.00	\$155,576.70
Fire Department	06-08 UASI Terrorism Early Warning System Grant	DOA-OJA	\$72,843.45	\$0.00	\$72,843.45
Fire Department	05-07 UASI Equipment Grant (Generators)	DOA-OJA	\$175,000.00	\$0.00	\$175,000.00
Fire Department	2008 Project Safe Neighborhoods Gun Safety Grant	DOA-OJA	\$30,561.18	\$0.00	\$30,561.18
Fire Department	2% Fire Insurance Premium Dues - Comptroller on Behalf of MFD	Commerce	\$1,007,509.00	\$0.00	\$1,007,509.00
DPW-Sewer Fund	Clean Water Fund Program Loan - for Sewer Maintenance Fund	DNR	\$36,185,944.00	\$0.00	\$36,185,944.00
DPW-OPS-Fleet	Excise Tax Refund for Off-Road Diesel Vehicles	DOR	\$40,526.00	\$0.00	\$40,526.00
DPW-OPS-Fleet	Congestion Mitigation and Air Quality - Diesel Emission Reduction	DNR	\$264,476.00	\$0.00	\$264,476.00
DPW-OPS-Fleet	Diesel Emission Reduction	DNR	\$102.00	\$0.00	\$102.00
DPW-OPS Facilities	Hartung Quarry park Development - Phase 1 - One time grant	DNR	\$250,000.00	\$0.00	\$250,000.00
DPW-OPS Facilities	Refund	DNR	\$500.00	\$0.00	\$500.00
DPW-OPS Environmental Services	Urban Forestry Grant Program	DNR	\$25,000.00	\$0.00	\$25,000.00
DPW-OPS Environmental Services	Recycling Grants to Responsible Units Program	DNR	\$3,535,679.00	\$114,888.00	\$3,420,791.00
DPW-OPS Environmental Services	Recycling Efficiency incentive Grant Program - Program Eliminated	DNR	\$381,399.00	\$381,399.00	\$0.00
DPW-Infrastructure	Highway Aids - 17 cents on the 6 year average of all street expenditures	DOT	\$2,375,058.72	\$0.00	\$2,375,058.72
DPW-Infrastructure	State and/or Federal Aid Projects	DOT	\$10,450,352.66	\$0.00	\$10,450,352.66
DPW-Infrastructure	Connecting Highways - State funds 100% for streets designated as a connecting highway	DOT	\$1,893,204.46	\$97,216.05	\$1,795,988.41
DPW-Infrastructure	Swing & Lift Bridge Aids	DOT	\$719,750.01	\$36,959.16	\$682,790.85
Department of Neighborhood Services	Asbestos Inspection Program	DNR	\$11,650.00	\$598.23	\$11,051.77

7/14/2009

Estimated Impact of State Funding Decisions on the City of Milwaukee

<i>City Department</i>	<i>1. Name of Payment/Grant Received from State of WI</i>	<i>State Agency</i>	<i>2008 Base Amount</i>	<i>Anticipated 5.135% ATB or Other Cut</i>	<i>Estimated Reduced Funding Level</i>
Department of Neighborhood Services	Fire Department Dues Program	Commerce	\$1,031,904.00	\$0.00	\$1,031,904.00
Department of City Development	WI Arts Board Grant	WI Arts Board	\$32,900.00	\$1,689.42	\$31,210.59
Department of City Development	Summer Youth Employment	DWD	\$500,000.00	\$30,700.00	\$469,300.00
Department of City Development	30th Street Corridor	DNR	\$68,300.00	\$0.00	\$68,300.00
Department of City Development	Brownfield Site Assessment Grant - Various Projects	DNR	\$107,980.00	\$0.00	\$107,980.00
Department of Administration	Juvenile Accountability Grants	DOA-OJA	\$65,953.00	\$3,386.69	\$62,566.31
Milwaukee Public Library	Regional Library for the Blind & Physically Handicapped	DPI	\$920,300.00	\$47,257.41	\$873,042.60
Milwaukee Public Library	Interlibrary Loan Services	DPI	\$52,900.00	\$2,716.42	\$50,183.59
General City Revenue	Computer Exemption Aid	DOR	\$2,802,599.00	\$0.00	\$2,802,599.00
General City Revenue	Local Street Aids	DOT	\$23,754,058.53	\$0.00	\$23,754,058.53
General City Revenue	Shared Revenue	DOR	\$230,605,773.00	\$2,657,211.00	\$227,948,562.00
General City Revenue	Payment for Municipal Services	DOR	\$2,226,352.00	\$133,581.12	\$2,092,770.88
General City Revenue	ERP	DOR	\$7,090,559.00	\$0.00	\$7,090,559.00
General City Revenue	DNR Pilot	DNR	\$7,034.00	\$0.00	\$7,034.00
Total			\$340,324,577.48	\$4,656,264.72	\$335,668,312.76

Estimated Impact of State Funding Decisions on the City of Milwaukee

<i>City Department</i>	<i>2. Name of Fees or Charges Paid to State of WI</i>	<i>Agency</i>	<i>2008 Amount Paid</i>	<i>Anticipated Increased Payments to State of WI</i>	<i>Estimated Future Annual Fees Paid to State of WI</i>
Water Works	Great Lakes Compact Fee - Amount to be Determined by DNR subject to rule - \$1.00 charged per million gallons of water for 38 billion gallons	DNR	\$38,000.00	\$0.00	\$38,000.00
Redevelopment Authority	Tipping Fee Associated with Building Demolition	DNR	-----	-----	-----
Police Department	TIME System Fees		\$76,620.00	\$12,000.00	\$88,620.00
Police Department	TIME System Fees for Fusion Center		\$7,380.00	\$0.00	\$7,380.00
Police Department	Crime Information Bureau - Bartenders, Public Passenger Vehicle, Liquor and Used Car Dealership Licenses		\$15,905.00	\$0.00	\$15,905.00
Police Department	Boiler Licenses	Commerce	\$200.00	\$0.00	\$200.00
Police Department	Citation Books	DOT	\$2,560.00	\$0.00	\$2,560.00
Police Department	Fees for Gas Pumps	Emergency Management	\$1,230.00	\$0.00	\$1,230.00
Police Department	SAS License for Safety	DOT	\$1,104.00	\$0.00	\$1,104.00
Municipal Court	Driver Improvement Fee	DOT	\$115,339.00	\$0.00	\$115,339.00
Municipal Court	State Clerk Fee		\$293,962.00	\$0.00	\$293,962.00
Municipal Court	State Penalty Surcharge		\$920,676.00	\$0.00	\$920,676.00
Municipal Court	State Crime Lab	DOJ	\$409,424.00	\$0.00	\$409,424.00
Municipal Court	Weights & Measures	DOT	\$32.23	\$0.00	\$32.23
Health Department	Agent Fees from Food Sales - Potentially Hazardous Food Sales - Average \$13.83/Operator	DATCP	\$14,093.00	\$0.00	\$14,093.00
Health Department	Tattoo & Body Piercing Establishments - Average \$11.64/Operator	Bureau of Environmental & Occupational Health	\$920.00	\$0.00	\$920.00
Health Department	Administrative Fee from Food Licenses - Average \$18.90/permit	Bureau of Environmental & Occupational Health	\$38,490.00	\$0.00	\$38,490.00
Health Department	Vital Statistics - Birth Certificates - \$7/Birth Certificate	Children's Trust Fund	\$48,377.00	\$0.00	\$48,377.00
Health Department	Vital Statistics - Birth & Death Certificates - \$8/Birth Certificate; \$13/Death Certificate; \$10/Expediate Death	State of WI - Electronic Birth & Death Certificate System	\$133,595.00	\$0.00	\$133,595.00
DPW-Sewer Fund	Annual Storm Water Discharge Permit Fee - from Sewer Maintenance Fund	DNR	\$20,000.00	\$0.00	\$20,000.00
DPW-OPS-Fleet	Excise Tax on Gasoline and Diesel	DOR	\$583,916.52	\$0.00	\$583,916.52
DPW-OPS Facilities	Sara Title III Tier Two Reporting Fees	Emergency Management	\$2,760.00	\$0.00	\$2,760.00
DPW-OPS Facilities	Hazardous Waste Generator Fees	DNR	\$240.11	\$0.00	\$240.11
DPW-OPS Facilities	Staff Asbestos Certification	DHFS	\$700.00	\$0.00	\$700.00
DPW-OPS Facilities	Lead (Pb) Certification Exam	DHFS	\$50.00	\$0.00	\$50.00
DPW-OPS Facilities	Permits to Operate Pressure Vessels	Commerce	\$315.00	\$0.00	\$315.00
DPW-OPS Environmental Services	Solid Waste Tipping Fees	DNR	\$1,778,052.01	\$2,050,572.00	\$3,828,624.01
Department of Neighborhood Services	Various License Fees - State Portion	Commerce	\$5,062.75	\$0.00	\$5,062.75
Total			\$4,509,003.62	\$2,062,572.00	\$6,571,575.62

SHARED REVENUE PROPOSALS

Status Quo - Frozen Aid Payment

2009 Payment: \$ 229,856,534

Doyle's Proposal - 1% Reduction based on Equalized Value

2009 Payment: \$ 229,386,813
Change from Status Quo: \$ (469,721)
% Change 0.20%

Joint Finance Proposal - 3.5% Reduction based on Equalized Value

2009 Payment: \$ 227,219,469
Change from Status Quo: \$ (2,637,065)
% Change -1.10%

Worst Case Scenario - Flat 3.5% Reduction to all Recipients

2009 Payment: \$ 221,811,556
Change from Status Quo: \$ (8,044,979)
% Change -3.50%

SCHOOL CHOICE FUNDING FLAW PROPOSALS

Status Quo - High Poverty Aid only

	2009-10	2010-11	2011-12	2012-13	2013-14	5-Yr Total	Difference from Doyle Proposal
Eq Aid Fix	-	-	-	-	-		
HPA	9,900,000	9,900,000	9,900,000	9,900,000	9,900,000		
Total	9,900,000	9,900,000	9,900,000	9,900,000	9,900,000	49,500,000	(55,800,000)
% Paid by State	62.7%	62.7%	62.7%	62.7%	62.7%		
% Paid By MPS	37.3%	37.3%	37.3%	37.3%	37.3%		

Doyle's Proposal - 5-Yr Phase-in of Count Plus High Poverty Aid

	2009-10	2010-11	2011-12	2012-13	2013-14	5-Yr Total	
Eq Aid Fix	4,600,000	9,000,000	13,200,000	17,300,000	21,200,000		
HPA	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000		
Total	12,600,000	17,000,000	21,200,000	25,300,000	29,200,000	105,300,000	0
% Paid by State	64.8%	68.2%	71.4%	74.6%	77.7%		
% Paid By MPS	35.2%	31.8%	28.6%	25.4%	22.3%		

Joint Finance Proposal - Two-Year Phase-In and hold MPS harmless on HPA (\$9.9 million)

	2009-10	2010-11	2011-12	2012-13	2013-14	5-Yr Total	
45% Reduction	4,600,000	9,000,000	9,000,000	9,000,000	9,000,000		
HPA	9,900,000	9,900,000	9,900,000	9,900,000	9,900,000		
Total	14,500,000	18,900,000	18,900,000	18,900,000	18,900,000	90,100,000	(15,200,000)
% Paid by State	66.2%	69.7%	69.7%	69.7%	69.7%		
% Paid By MPS	33.8%	30.3%	30.3%	30.3%	30.3%		

Footnotes:

Doyle's AB 75 was \$4 million short of funding High Poverty Aid to hold MPS harmless on its \$9.9 million payment. The funding will also follow the kids when they return to MPS next year, thereby increasing MPS' aid. A 3rd count for purposes of determining enrollment in MPS will also increase MPS' aid.

NOTICES SENT TO FOR FILE 090229:

[illegible]



Legislation Details (With Text)

File #: 090275 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution relating to the spending of federal economic recovery monies to maximize the creation of American jobs restoring economic growth.

Sponsors: ALD. ZIELINSKI

Indexes: AMERICAN RECOVERY AND REINVESTMENT ACT, ECONOMIC DEVELOPMENT, FEDERAL GRANTS, JOBS

Attachments: Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
7/13/2009	1	CITY CLERK	DRAFT SUBMITTED		
7/14/2009	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/14/2009	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

090275

Version

SUBSTITUTE 1

Reference**Sponsor**

ALD. ZIELINSKI

Title

Substitute resolution relating to the spending of federal economic recovery monies to maximize the creation of American jobs restoring economic growth.

Analysis

This resolution affirms that the City of Milwaukee will work to maximize the creation of American jobs and restoring economic growth by spending federal economic recovery plan funds on products and services that both create jobs and keep Americans employed.

Body

Whereas, The economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult economic environment; and

Whereas, Those same Americans are the taxpayers that provide the revenue needed for operating essential government services; and

Whereas, Congress approved and President Obama signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

Whereas, Taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of the nation; and

Whereas, Any domestically-produced products that are purchased with economic recovery plan monies will immediately help struggling American families and help stabilize the economy; and

Whereas, Any economic recovery plan spending should, to every extent possible, include a commitment from the City of Milwaukee to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee shall work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and keep Americans employed; and, be it

Further Resolved, That the City of Milwaukee commits to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Milwaukee by American taxpayers; and, be it

Further Resolved, That the City of Milwaukee is committed to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of the nation's economic

recovery program.

Requestor

Drafter

LRB09263-2

MET

6/22/09

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 7/14/09

FILE NUMBER: 090275

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Substitute resolution relating to the spending of federal economic recovery monies to maximize the creation of American jobs restoring economic growth.

B) SUBMITTED BY (Name/title/dept./ext.): Rhonda Kelsey – Purchasing Director x3639

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Publication of requests to waive the procurement requirements will add a cost that is impossible to determine at this time.

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

NOTICES SENT TO FOR FILE 090275:

[illegible]