



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, Joanna Polanco, 286-2366

Fax: 286-3456, jpolan@milwaukee.gov

**Legislative Liaison, Richard Withers, 286-8532,
rwithe@milwaukee.gov**

Monday, October 24, 2011

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, October 24th, 2011 in Room 301-B, City Hall, 200 E. Wells St., Milwaukee, Wisconsin, pursuant to s. 19.85(1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who will render oral or written advice with respect to litigation in which the city is or is likely to become involved and then will go into open session for the regular agenda.

1. [110848](#) Resolution authorizing settlement of Barbara Mauhar vs. the City of Milwaukee.

 Sponsors: THE CHAIR

 ---\$12,000.00

2. [110825](#) Resolution authorizing payment of the claim of Cynthia Montgomery, in the amount of \$17,000.

 Sponsors: THE CHAIR

 ---\$17,000.00

3. [110294](#) Resolution relating to an appeal from Francisco Guerrido for property damage. (8th Aldermanic District)

 Sponsors: THE CHAIR

 ---\$33.00

4. [110398](#) Resolution relating to an appeal from Lena Roby for property damage. (7th Aldermanic District)

 Sponsors: THE CHAIR

 ---\$1,000.00

5. [110399](#) Resolution relating to an appeal from Danny McFadden for property damage. (5th Aldermanic District)

 Sponsors: THE CHAIR

 ---\$4,472.58

6. [110415](#) Resolution relating to the claim of the Sharon Megna relating to property damage. (6th Aldermanic District)
 Sponsors: THE CHAIR
 ---\$13,455.00

7. [110777](#) Resolution relating to the claims of Erin Karlin, agent for State Farm Insurance Company on behalf of Oakbrook Village Condo Association for property damage.
 Sponsors: THE CHAIR
 ---\$9,155.23

8. [110824](#) Resolution relating to an appeal from Patricia Paige for property damage. (7th Aldermanic District)
 Sponsors: THE CHAIR
 ---\$862.30

9. [110829](#) Resolution relating to the claim of Vincent Tony for personal injuries. (1st Aldermanic District)
 Sponsors: THE CHAIR
 ---\$250,403.26

10. [110793](#) Substitute resolution authorizing the return of real estate located at 3615 North 50th Street, in the 7th Aldermanic District to its former owner. (Anchor Bank)
 Sponsors: THE CHAIR

11. [110794](#) Substitute resolution authorizing the return of real estate located at 3554-56 N Teutonia Ave, in the 6th Aldermanic District to its former owner. (Anchor Bank)
 Sponsors: THE CHAIR

12. [110795](#) Substitute resolution authorizing the return of real estate located at 3237 N Buffum St, in the 6th Aldermanic District to its former owner. (Anchor Bank)
 Sponsors: THE CHAIR

13. [110796](#) Substitute resolution authorizing the return of real estate located at 2236 N 39th St., in the 15th Aldermanic District to its former owner. (Shannon McElroy)
 Sponsors: THE CHAIR

14. [110817](#) Substitute resolution authorizing the return of real estate located at 2412 N 33rd Street, in the 15th Aldermanic District to its former owner. (Genghiskhan Xiong)
 Sponsors: THE CHAIR

15. [110592](#) Communication from the Comptroller's Office relating to the Annual Outstanding Receivables Report.
 Sponsors: THE CHAIR

16. [110764](#) Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby the state to allow agent agreements to enforce regulations in joint overlapping or similar jurisdictions.
- Sponsors:** Ald. Bohl
17. [110149](#) Resolution relative to legislative bills.
- Sponsors:** THE CHAIR
- Staff Offers No Recommendation:*
- SB-175/ *Restricting eligibility for the homestead tax credit.*
AB-244
- SB-182/ *Excluding permits and licenses from the definition of real property for*
AB-262 *property tax purposes.*
- AB-295 *Requiring a referendum before a municipality or county may impose a*
local motor vehicle registration fee.
- SB-237 *Providing instruction in human growth and development.*
- Staff Recommend to Support:*
- AB-269 *Prohibitions against contacting certain persons and providing penalties.*
- *Per city commitment to the Commission on Domestic Violence and Sexual Assault.*
 - *Expands no contact orders to family members.*
- SB-201 *An income and franchise tax credit for hiring unemployed individuals.*
- *Per Legislative Package support for creating employment opportunities for city residents.*
 - *Provides businesses with an incentive to hire unemployed individuals.*
- AB-263 *Costs associated with providing false information to a law enforcement officer.*
- *Per Legislative Package support for diversifying revenue capacity.*
 - *Allows MPD to recover costs related to investigations of false information reports.*
- AB-288/ *Adoption by governmental units of a maintenance program that applies to*
SB-199 *private sewage systems.*
- *Per Legislative Package support for maintaining local control.*
 - *Extends the deadline for meeting this state mandate.*
- SB-196 *Excluding from the calculation of expenditure restraint payments*
expenditures made pursuant to a purchasing agreement with a school
district.
- *Per Legislative Package support for service consolidation efforts.*
 - *Removes a potential barrier to joint purchasing efforts with MPS.*
- AB-179 *Authorizing the creation of a multijurisdictional tax incremental financing*
district.
- *Per Legislative Package support for business growth and the Aerotropolis project.*
 - *Allows municipalities to create joint TID's in border areas.*
- Staff Recommend to Oppose:*

AB-234 Ordinances, regulations, resolutions, or other restrictions of local governmental units that restrict hunting with a bow and arrow.

- *Per Legislative Package support for maintaining local control.*
- *Prohibits the city from restricting "urban bow hunting" citywide but continues to allow restrictions on local government owned property or areas with 150 yards of an occupied building.*

SB-207 Permitting an employer to refuse to employ or to bar or terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony and preempting cities, etc.

- *Per Legislative Package support for creating employment opportunities for city residents.*
- *Reduces the ability of felons to obtain and retain employment.*

AB-311 Creating a sporting recruitment and retention council, programs to encourage recruitment of hunters and trappers, restrictions on expenditures under the Warren Knowles-Gaylord Nelson stewardship program, reduced fees for certain first-time hunting and trapping approvals, high school credit under and administration of the hunter and trapper education programs, waiving fishing license requirements for a weekend ice fishing event, and sturgeon spearing license age requirements.

- *Per Legislative Package support for improving quality of life and increasing public safety.*
- *Prohibits DNR from acquiring land under the stewardship program unless hunting will be allowed on the land or unless every member of the natural resources board approves the land acquisition.*

18. [091369](#)

Communication related to the 2010 activities of the Ethics Board

Sponsors: THE CHAIR

--May be placed on file as no longer needed.

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

Common Council members who are not members of this committee may attend this meeting to participate or to gather information. This meeting may constitute a meeting of the Common Council or any of its standing committees although no formal action will be taken 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 assistance contact the Legislative Services ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Parking for persons attending City Hall meetings is available at reduced rates (5 hour limit) at the Milwaukee Center (southwest corner of E. Kilbourn Ave. and N. Water St.) 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 are required to register with the City Clerk's License Division. 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 #: 110848 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing settlement of Barbara Mauhar vs. the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SUITS PAYMENT, SUITS SETTLEMENT

Attachments: Fiscal Impact Statement, Agreement, City Attorney Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110848
Version
ORIGINAL
Reference

Sponsor
THE CHAIR

Title
Resolution authorizing settlement of Barbara Mauhar vs. the City of Milwaukee.

Analysis

This resolution authorizes settlement for \$12,000.00 of sex and disability claims filed by Barbara Mauhar against the City of Milwaukee, DWD-ERD Case No. CR200902754, EEOC Case No. 26G200901574C.

Body

Whereas, Barbara Mauhar has filed claims against the City of Milwaukee alleging disability and sex discrimination with the Department of Workforce Development Equal Rights Division and the federal Equal Employment Opportunity Commission; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle these claims; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$12,000.00, payable to Barbara Mauhar, in exchange for her release of pending and other potential claims against the City of Milwaukee, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118.

Requestor

City Attorney

Drafter

DLS:Imc

10/7/11

1047-2009-2234:174041



City of Milwaukee Fiscal Impact Statement

A	Date	10/7/2011	File Number	_____	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Substitute
	Subject	Settlement of Barbara Mauhar v. City of Milwaukee, ERD Case No. CR200902754, EEOC Case No. 26G200901574C				

B	Submitted By (Name/Title/Dept./Ext.)	Donald L. Schriefer, Assistant City Attorney, X2601
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C	This File	<input checked="" type="checkbox"/> Increases or decreases previously authorized expenditures.
	<input type="checkbox"/> Suspends expenditure authority.	
	<input type="checkbox"/> Increases or decreases city services.	
	<input type="checkbox"/> Authorizes a department to administer a program affecting the city's fiscal liability.	
	<input type="checkbox"/> Increases or decreases revenue.	
	<input type="checkbox"/> Requests an amendment to the salary or positions ordinance.	
	<input type="checkbox"/> Authorizes borrowing and related debt service.	
	<input type="checkbox"/> Authorizes contingent borrowing (authority only).	
	<input type="checkbox"/> Authorizes the expenditure of funds not authorized in adopted City Budget.	

D	Charge To	<input type="checkbox"/> Department Account	<input type="checkbox"/> Contingent Fund
	<input type="checkbox"/> Capital Projects Fund	<input checked="" type="checkbox"/> Special Purpose Accounts	
	<input type="checkbox"/> Debt Service	<input type="checkbox"/> Grant & Aid Accounts	
	<input type="checkbox"/> Other (Specify) _____		

E	Purpose	Specify Type/Use	Expenditure	Revenue
	Salaries/Wages		\$0.00	\$0.00
			\$0.00	\$0.00
	Supplies/Materials		\$0.00	\$0.00
			\$0.00	\$0.00
	Equipment		\$0.00	\$0.00
			\$0.00	\$0.00
	Services		\$0.00	\$0.00
			\$0.00	\$0.00
	Other	Settlement of Mauhar v. City of Milwaukee	\$12,000.00	\$0.00
			\$0.00	\$0.00
	TOTALS		\$12,000.00	\$ 0.00

F

Assumptions used in arriving at fiscal estimate. _____

G

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.

☐ 1-3 Years ☐ 3-5 Years☐ 1-3 Years ☐ 3-5 Years☐ 1-3 Years ☐ 3-5 Years**H**

List any costs not included in Sections D and E above. _____

I

Additional information. _____

JThis Note ☐ Was requested by committee chair.

BARBARA MAUHAR v. CITY OF MILWAUKEE

SETTLEMENT AGREEMENT AND GENERAL RELEASE

This Settlement Agreement and General Release (hereinafter referred to as "Settlement Agreement and General Release," "Settlement Agreement," or "Agreement") is made and entered into for and in consideration of the commitments set forth herein by and between BARBARA MAUHAR (hereinafter referred to as "Complainant"), and the CITY OF MILWAUKEE (hereinafter referred to as "Respondent" or "City").

WHEREAS, Complainant filed a complaint with the State of Wisconsin, Department of Workforce Development, Equal Rights Division (ERD) and the United States Equal Employment Opportunity Commission (EEOC), ERD Case Number CR200902754 and EEOC Case Number 26G200901574C, alleging, among other things, discrimination on the basis of sex and disability and on the basis of opposition to discrimination with respect to her employment at the City of Milwaukee; and

WHEREAS, Respondent answered the complaints and denies any and all liability or wrongdoing; and

WHEREAS, the parties wish to resolve the expense and disruption of litigation between them by amicably entering into this full and final settlement;

NOW, THEREFORE, in consideration of their mutual promises as set forth herein and with the intent to be mutually and legally bound hereby, the parties covenant and agree as follows:

1. This Settlement Agreement is subject to approval by the Common Council of the City of Milwaukee. It shall be deemed null and void, and have no force or effect, nor shall it be admissible for any purpose, in the event it is not so approved.

2. Except as specified in paragraph 3, below, Complainant, for herself, her heirs, personal representatives, executors, administrators, successors, agents, and assigns, to the maximum extent permitted by law, does hereby release and forever discharge the Respondent, and all departments, officers, employees, and agents thereof, and their successors, from any and all manner of action or actions, cause or causes of action, suits, debts, covenants, contracts, agreements, judgments, executions, claims, demands, and expenses (including attorneys' fees and costs) whatsoever in law or equity, that she has had, now has, or may presently have against the City for or by reason of any transaction, matter, cause, or thing whatsoever up to the date of this Settlement Agreement, whether based upon tort, express or implied contract, or any federal, state, or local law, statute, or regulation, specifically including, but not limited to, any and all claims under Title VII of the Civil Rights Act of 1964, as amended, the Fair Labor Standards Act of 1938, as amended, the Federal Rehabilitation Act of 1973, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, as amended, the federal and state Family and Medical Leave Acts, the Wisconsin Municipal Employment Relations Act, the First or Fourteenth Amendments to the United States Constitution, the Wisconsin Fair Employment Act, and any other applicable statute or authority of law, including common law principles, providing a cause of action as to her employment with the City, including, without limitation, any claims that have arisen or could arise out of or be connected to the facts, issues, or allegations made or referred to in ERD Case Number CR200902754 and EEOC Case Number 26G200901574C and any claims of retaliation or discrimination of any kind up to the date of this Agreement.

3. The parties acknowledge that this Settlement Agreement and release shall have no effect upon, or release, claims by Complainant for worker's compensation benefits, if any, concerning her employment with the City of Milwaukee, and shall have no effect upon, or act as

a release with respect to, Complainant's rights, if any, under the terms of, and subject to the procedures of, the Employees' Retirement System of the City of Milwaukee (hereinafter "ERS"), to the extent such rights are enforceable in an action involving solely Complainant and the ERS or its Board and Chapter 36 of the Milwaukee City Charter. Without any limitation by enumeration, this paragraph is not intended and shall not be construed to allow any allegation or claim by Complainant to or against either the ERS, its Board, or the City (or any Board or City agent, officer, elected official, or employee), in any legal forum (including ERS proceedings), that her last day as an active City employee was other than November 6, 2008, that she was not on a succession of final, unpaid leaves of absence from the City from November 7, 2008 through February 15, 2009, or that her removal from active employment effective November 7, 2009, placement on her final leaves of absence from November 7, 2008 through February 15, 2009, and the non-renewal of her final period of unpaid leave of absence effective February 16, 2009, were not lawful and permissible actions on the part of the City (or its agents, officers, elected officials, or employees).

4. The parties to this Settlement Agreement understand that, except as stated in paragraph 3 herein, this Agreement represents, without limitation and to the fullest extent permitted by law, a complete release of any and all claims or potential claims by Complainant against the City arising out of her employment by the City and her separation from such employment, up to the date of this Agreement.

5. Complainant agrees to execute requests to withdraw and/or stipulations to dismiss ERD Case Number CR200902754 and EEOC Case Number 26G200901574C with prejudice and without further costs upon approval of this Settlement Agreement by the Common Council. Complainant further agrees to execute any other documents that may be required to completely

dismiss any claims, complaints, or actions against the Respondent concerning the allegations raised in the ERD and EEOC complaints and any other actions by her against the City pending in any forum, except for actions, if any, as specified in paragraph 3 of this Agreement.

6. Complainant agrees not to seek or reapply for employment with the City of Milwaukee at any time in the future.

7. In consideration of the promises made by Complainant herein and the releases, discharges, and dismissals of all claims against the City as provided in paragraphs 2 through 5, above, the City of Milwaukee will pay a total of Twelve Thousand and no/100 Dollars (\$12,000.00) to the Complainant, said payment to be made within 30 days after the Common Council's resolution to approve this Settlement Agreement becomes final.

8. With respect to the payment referenced in paragraph 7, the parties acknowledge and agree that said payment is in full and final settlement of all damages that Complainant has, or could have claimed in this or any other matter except those referenced in paragraph 3 of this Agreement, including, without limitation, compensatory damages, punitive damages, attorney's fees, costs, wage loss, back pay, front pay, or other economic damages. The parties aver, based upon the evidence, that Complainant did not sustain wage loss, that the settlement payment provided in paragraph 7 does not represent back pay, front pay, or compensation for other economic losses in this matter, and that, therefore, the City is not withholding state or federal income taxes or employment taxes that might be due or that may be determined to be due and owing as a consequence of that payment. Complainant and her attorney acknowledge and agree that Complainant will be solely responsible for the payment of any state or federal taxes that may be due as a result of that payment, and agree to indemnify, defend, and hold the City harmless from and against any and all loss, liability, damage, deficiency, or claim arising out of the City

not making withholdings from this amount for state and federal income and employment taxes. Complainant further acknowledges and agrees that the sum of Twelve Thousand Dollars is the maximum amount Respondent will pay in this matter, irrespective any tax consequence to Complainant.

9. It is expressly understood and agreed between the parties that by entering into this Settlement Agreement, the Respondent in no way admits that it has violated any federal, state, or local statute or ordinance, or contractual provision, or that it was negligent or violated any common law or other rights of Complainant. It is further understood and agreed that this is a compromise settlement of disputed claims and that neither this Settlement Agreement nor the furnishing of the consideration provided for in this Settlement Agreement shall be deemed or construed at any time or for any purpose as an admission of liability by the Respondent. Liability for any and all claims for relief is expressly denied by the Respondent.

10. Complainant represents and certifies: that she has carefully read and fully understands all of the provisions and effects of this Settlement Agreement and General Release; that she has had the opportunity to thoroughly discuss all aspects of this Settlement Agreement with her attorney and has availed herself of this opportunity; that she is freely and voluntarily entering into this Settlement Agreement; and that neither the Respondent, the Respondent's attorney(s), nor anyone else associated with the Respondent, has made any representations to Complainant or her attorney(s) whatsoever concerning the terms or effects of this Settlement Agreement other than those specifically and expressly contained herein.

11. Each party to this Settlement Agreement and General Release agree that in the event that any party breaches this Agreement the breaching party will indemnify and hold the non-breaching party harmless for any costs, damages, or expenses, including reasonable

attorneys' fees, arising out of the breach or arising out of any suit or claim to enforce the Agreement.

12. This Settlement Agreement and General Release shall in all respects be interpreted, enforced, and governed under the laws of the State of Wisconsin.

13. This Settlement Agreement sets forth the entire agreement between the parties hereto, and fully supersedes any and all prior agreements or understandings between the parties hereto pertaining to the subject matter hereof.

14. Complainant warrants: that, other than her attorney, Sandra Radtke, no other person or other legal entity has any interest in any claims, demands, causes of action, obligations, damages, or liabilities covered by this Agreement; that she has the sole right and exclusive authority to execute this Agreement and to receive the consideration hereunder; and that, other than any agreement she may have with her attorney, she has not sold, assigned, transferred, conveyed, or otherwise disposed of any claim, demand, cause of action, obligation, damage, or liability covered by this Agreement.

15. The effective date of this Agreement shall be the date the Complainant signs and dates it.

IN WITNESS WHEREOF, and intending to be legally bound hereby, Complainant and the Respondent (through its attorneys) have executed the foregoing Settlement Agreement and General Release.

Dated: 9-22-11

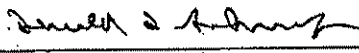
Barbara Mauhar
BARBARA MAUHAR, Complainant

Dated: 9-22-11

Sandra G Radtke

SANDRA RADTKE
Attorney for Complainant

Dated: September 27, 2011



GRANT F. LANGLEY, City Attorney
By: DONALD L. SCHRIEFER
Assistant City Attorney
Attorneys for Respondents

1047-2009-2234:173795

Request to Withdraw Complaint

Authorization for this form is provided under Section 111.375, Wisconsin Statutes.
Completion of this form is voluntary. However, if you wish to file a withdrawal of a discrimination complaint with the Equal Rights Division, you must submit a written document containing the information sought by this form. Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m), Wisconsin Statutes].

Complainant
First Name <i>BARBARA MAUHAN</i>
Middle Name <i>ANN</i>
Last Name <i>MAUHAN</i>
Street Address <i>6645 W. DODGE PL.</i>
City <i>MILWAUKEE</i>
State <i>WISCONSIN</i>
Zip Code <i>53220</i>

Respondent
Respondent Name <i>City of Milwaukee</i>
Street Address
City
State
Zip Code

I wish to withdraw my discrimination complaint against the above named respondent(s) filed with the:

<input checked="" type="checkbox"/> Department of Workforce Development Equal Rights Division	(ERD) Case Number <i>CR 200902754</i>
<input checked="" type="checkbox"/> U.S. Equal Employment Opportunity Commission	(EEOC) Case Number <i>268200901574C</i>
<input type="checkbox"/> City of Madison Equal Opportunities Commission	(MEOC) Case Number

I have been advised that under state, federal and local laws it is unlawful for any person to threaten, intimidate or harass me because I have filed a complaint.

Signature <i>Barbara Mahan</i>	Date Signed <i>9-22-11</i>
I make this request for the following reason(s): 	

Send Completed form to:

☐ THE EQUAL RIGHTS DIVISION
201 E WASHINGTON AVE - ROOM A300
PO BOX 8928
MADISON WI 53708

☒ THE EQUAL RIGHTS DIVISION
819 N 6TH ST
ROOM 255
MILWAUKEE WI 53203

Request to Withdraw Complaint

Authorization for this form is provided under Section 111.375, Wisconsin Statutes.
Completion of this form is voluntary. However, if you wish to file a withdrawal of a discrimination complaint with the Equal Rights Division, you must submit a written document containing the information sought by this form. Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m), Wisconsin Statutes].

Complainant
First Name BARBARA
Middle Name ANN
Last Name MAUHAAR
Street Address 6645 W. Dodge PL.
City MILWAUKEE
State WI
Zip Code 53220

Respondent
Respondent Name City of Milwaukee
Street Address
City
State
Zip Code

I wish to withdraw my discrimination complaint against the above named respondent(s) filed with the:

<input checked="" type="checkbox"/> Department of Workforce Development Equal Rights Division	(ERD) Case Number CR200902754
<input checked="" type="checkbox"/> U.S. Equal Employment Opportunity Commission	(EEOC) Case Number 2662 00901574 C
<input type="checkbox"/> City of Madison Equal Opportunities Commission	(MEOC) Case Number

I have been advised that under state, federal and local laws it is unlawful for any person to threaten, intimidate or harass me because I have filed a complaint.

Signature Barbara Maahan	Date Signed 9-22-11
I make this request for the following reason(s): 	

Send Completed form to:

☐ THE EQUAL RIGHTS DIVISION
201 E WASHINGTON AVE - ROOM A300
PO BOX 8928
MADISON WI 53708

☒ THE EQUAL RIGHTS DIVISION
819 N 6TH ST
ROOM 255
MILWAUKEE WI 53203

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
Assistant City Attorneys

October 6, 2011

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

Re: Resolution to Approve Settlement Agreement in the
Matter of Barbara Mauhar v. City of Milwaukee,
DWD-ERD Case No. CR200902754, EEOC Case No. 26G200901574C

Dear Council Members:

Enclosed please find a resolution to approve a proposed Settlement Agreement and General Release in the matter of Barbara Mauhar v. City of Milwaukee, which is currently pending before the Wisconsin Department of Workforce Development Equal Rights Division and the federal Equal Employment Opportunity Commission. Also enclosed are a copy of the Settlement Agreement and General Release and a Fiscal Note.

This litigation involves claims of disability and sex discrimination advanced by Ms. Mauhar against the City of Milwaukee. Her claims arise out of a decision by the City not to renew a leave of absence for medical reasons that had kept Ms. Mauhar off work from November 7, 2008 through February 15, 2009. On February 3, 2010, the Equal Rights Division issued an Initial Determination in which it found that there was probable cause to believe that discrimination on the basis of disability and sex occurred. A hearing on the merits of the case was scheduled for September 27, 2011; it has been held in abeyance pending the Common Council's consideration of the proposed settlement.

The settlement calls for payment of a flat sum of \$12,000 to Ms. Mauhar in exchange for her waiver and release of all claims against the City. An exception exists for potential Worker's Compensation claims involving injuries potentially sustained by her during her employment (she has no such claims pending) and claims with respect to any rights she may have under the Employees' Retirement System.

Honorable Common Council

October 6, 2011

Page 2

The City requests referral to the Judiciary & Legislation Committee for a meeting in closed session for purposes of conferring with the City Attorney pursuant to 19.85(1)(g), followed by open session for action as part of the regular agenda. We recommend settlement of this matter in the amount indicated and, as noted, have attached an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY

City Attorney

DONALD L. SCHRIEFER

Assistant City Attorney

DLS:lmc

Enclosures

1047-2009-2234:174025

NOTICES SENT TO FOR FILE 110848:

[illegible]



Legislation Details (With Text)

File #: 110825 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing payment of the claim of Cynthia Montgomery, in the amount of \$17,000.

Sponsors: THE CHAIR

Indexes: CLAIMS PAYMENT

Attachments: Fiscal Impact Statement, Settlement Draft Request, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110825

Version

ORIGINAL

Reference

890916

Sponsor

THE CHAIR

Title

Resolution authorizing payment of the claim of Cynthia Montgomery, in the amount of \$17,000.

Analysis

This resolution authorizes payment of the claim of Cynthia Montgomery in the amount of \$17,000.

Body

Whereas, The claimant, Cynthia Montgomery (C.I. File No. 07-V-155), through her attorneys, Schiro & Zarzynski, has filed a claim for damages against the City of Milwaukee pursuant to Wis. Stat. § 62.67, for injuries and damages incurred on July 1, 2007, as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle her claim in the amount of \$17,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello Carlson, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello Carlson, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$17,000.00, payable to Cynthia Montgomery and Schiro & Zarzynski, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2632, Sub Class No. S118; and, be it

Further Resolved, That the law firm of Crivello Carlson, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

Requestor

City Attorney

Drafter

Rudolph M. Konrad

RMK:lmb

09/30/2011

1032-2010-1923:174164



City of Milwaukee Fiscal Impact Statement

A

Date 9/30/2011 File Number _____ ☒ Original ☐ Substitute
Subject Payment of the Uninsured Motorist Claim of Cynthia Montgomery

B

Submitted By (Name/Title/Dept./Ext.) Rudolph M. Konrad, Deputy City Attorney, X2601

C

- This File
- ☒ Increases or decreases previously authorized expenditures.
 - ☐ Suspends expenditure authority.
 - ☐ Increases or decreases city services.
 - ☐ Authorizes a department to administer a program affecting the city's fiscal liability.
 - ☐ Increases or decreases revenue.
 - ☐ Requests an amendment to the salary or positions ordinance.
 - ☐ Authorizes borrowing and related debt service.
 - ☐ Authorizes contingent borrowing (authority only).
 - ☐ Authorizes the expenditure of funds not authorized in adopted City Budget.

D

- Charge To
- | | |
|--|--|
| <input type="checkbox"/> Department Account | <input type="checkbox"/> Contingent Fund |
| <input type="checkbox"/> Capital Projects Fund | <input checked="" type="checkbox"/> Special Purpose Accounts |
| <input type="checkbox"/> Debt Service | <input type="checkbox"/> Grant & Aid Accounts |
| <input type="checkbox"/> Other (Specify) _____ | |

E

Purpose	Specify Type/Use	Expenditure	Revenue
Salaries/Wages		\$0.00	\$0.00
		\$0.00	\$0.00
Supplies/Materials		\$0.00	\$0.00
		\$0.00	\$0.00
Equipment		\$0.00	\$0.00
		\$0.00	\$0.00
Services		\$0.00	\$0.00
		\$0.00	\$0.00
Other	Settlement of Uninsured Motorist Claim of Cynthia Montgomery	\$17,000.00	\$0.00
		\$0.00	\$0.00
TOTALS		\$17,000.00	\$ 0.00

F

Assumptions used in arriving at fiscal estimate. _____

G

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.

☐ 1-3 Years ☐ 3-5 Years☐ 1-3 Years ☐ 3-5 Years☐ 1-3 Years ☐ 3-5 Years**H**

List any costs not included in Sections D and E above. _____

I

Additional information. _____

JThis Note ☐ Was requested by committee chair.

CITY OF MILWAUKEE

SETTLEMENT DRAFT REQUEST

Uninsured Motorist Claim Under Sec. 62.67 Stats.

CASE NAME: Cynthia Montgomery

DATE OF LOSS: July 1, 2007

C.I. FILE NO: 07-V-155

CC FILE NO: 0095-1000213

AMOUNT REQUESTED: \$17,000.00

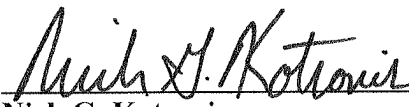
PAYABLE TO: Schiro & Zarzynski and Cynthia Montgomery

REASON FOR REQUEST:

Cynthia Montgomery was a passenger in a City of Milwaukee police vehicle that was traveling eastbound on W. State Street in the City of Milwaukee. As the city vehicle entered the intersection of W. State Street and N. 10th Street, the uninsured motorist, who was traveling northbound on N. 10th Street, failed to yield the right of way and drove through a red traffic signal and collided with the city vehicle causing the accident. As a result of the conduct of the uninsured motorist, there is liability on the City of Milwaukee pursuant to Sec. 62.67 Stats. and the City of Milwaukee's Uninsured Motorist Self Insurance Plan.

Ms. Montgomery sustained injuries to her head, neck, back and right eye. The unpaid medical expenses total \$7,807.22.

DATED: September 30, 2011

BY: 
Nick G. Kotsonis
Crivello Carlson, S.C.

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
Assistant City Attorneys

September 30, 2011

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

Re: Resolution Authorizing Payment of the Uninsured Motorist Claim
of Cynthia Montgomery, C.I. File No. 07-V-155

Dear Council Members:

Enclosed is a resolution recommending settlement of the above-referenced claim, which we ask be introduced and referred to the Committee on Judiciary and Legislation for their recommendation.

Claimant, Cynthia Montgomery, through her attorneys, Schiro & Zarzynski, alleges that on July 1, 2007, while a passenger in a City of Milwaukee police vehicle, she was involved in a vehicle accident with an uninsured motorist, sustaining certain injuries and damages. The claimant has agreed to settle this claim for the amount of \$17,000.00.

Settlement of this claim is recommended based upon the reasons stated on the enclosed Settlement Draft Request from the law firm of Crivello Carlson, S.C. This firm has been retained to administer the City of Milwaukee's uninsured motorist self-insurance plan.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

RMK:lmb
enclosures
1032-2010-1923:174161

NOTICES SENT TO FOR FILE 110825:

[illegible]



Legislation Details (With Text)

File #: 110294 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/6/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to an appeal from Francisco Guerrido for property damage. (8th Aldermanic District)

Sponsors: THE CHAIR

Indexes: ADMINISTRATIVE REVIEW APPEALS BOARD

Attachments: City Attorney Letter, Appeal, Hearing Notice List, Hearing Notice List-10/24/11 Mtg.

Date	Ver.	Action By	Action	Result	Tally
7/6/2011	0	COMMON COUNCIL	ASSIGNED TO		
7/12/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/12/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/12/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/12/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT	Pass	3:0
7/26/2011	0	COMMON COUNCIL	ASSIGNED TO	Pass	14:0
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110294
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution relating to an appeal from Francisco Guerrido for property damage. (8th Aldermanic District)

Drafter
CC-CC
dkf

6/21/11

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
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BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

June 7, 2011

Francisco Guerrido
1800 West Becher Street
Milwaukee, WI 53215

RE: Francisco Guerrido
C.I. File No.: 11-S-61

Dear Mr. Guerrido:

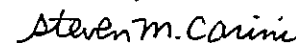
We have received your claim in the amount of \$33.00, relating to damage to the driver's side front tire which was allegedly sustained when your vehicle was towed to the City of Milwaukee Tow Lot.

Our investigation reveals that your vehicle was towed on February 4, 2011 for being Illegally Parked. The forms completed at the time of the tow and arrival / departure from the tow lot do not indicate this damage. The vehicle was released, without incident, to a private towing contractor on that day. You returned on March 2, 2011 and filed a complaint. As such, the City cannot accept liability. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


STEVEN M. CARINI

Investigator Adjuster

SMC:ms
c: David Lawrence
1044-2011-832:169637

OFFICE OF THE CITY ATTORNEY

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

June 15, 2011

To, Milwaukee City Clerk
200 East Wells St
Rm. 205
Milwaukee, WI. 53202

CITY OF MILWAUKEE
RECEIVED
2011 JUN 20 PM 2:41
OFFICE OF
CITY ATTORNEY

I Francisco Guerrero wish to appeal
the decision about the claim in the
Amount of \$33.00 relating to damages
to the driver side front tire which was
allegedly sustained when the vehicle
was towed to the City of Milwaukee
tow lot.

I wish to have a hearing on this
matter:

My C.I. file # is 11-S-61

Sincerely,

Francisco Guerrero

1800 W. Becker Apt. #626, Mil. WI. 53215
(414) 712-5341

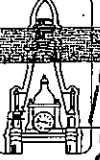
ATTN: Grant F. Langley
Steven M. Carini

CITY OF MILWAUKEE
2011 JUN 17 PM 3:59
RONALD D. LEONARD
CITY CLERK

COMPLAINT AND INVESTIGATION FORM

DEPARTMENT OF PUBLIC WORKS - TOW LOT

53215

 <p>CITY of Milwaukee</p>		<p>DEPARTMENT OF PUBLIC WORKS - TOW LOT</p> <p>Ph: (414) 286-2700 | Fax: (414) 286-5093</p> <p>TOD: (414) 286-2025</p>	
<p>TOW # <u>1487882</u></p>		<p>NAME: <u>FRANCO GUERRA</u></p>	
<p>CLERK ID: <u>33</u></p>		<p>ADDRESS: <u>1800 W Becher St</u></p>	
<p>CLERK ID: <u>33</u></p>		<p>PHONE #: <u>(414) 712-5341</u></p>	

PHOTOS TAKEN ☐ YES ☒ NO

PHOTOS ATTACHED ☐ YES ☒ NO

ALL FORMS COMPLETED ☒ YES ☐ NO

DATE FILED: 3-2-011

***Complaint must be signed by citizen completing form.

CITIZEN'S STATEMENT

My vehicle was towed away on this day at about 4 AM. I had taken time with the assistance of neighbors to clean up the snow in the area, where my car was parked in order to remove it. Besides the inconvenience caused by the construction at the building where I live (Becher Court), my health condition precludes me from doing my normal functions, specially under inclement weather. During the towing of my car, the driver side tire was damaged. I went as soon as I was aware of the situation, to recover my vehicle, with title # DTS 86768D, Ford 1996 and notice the damage on the tire, mentioned above. I retrieved my vehicle and paid the fee at the impound. I also have a sticker provided by housing authority to park on the street due to the construction that's taking place.

***SIGNATURE

2011 MAR -9 PM 1:24

CITY OF MILWAUKEE
RECEIVED

-OVER-

CITY OF MILWAUKEE
11 MAR -8 PM 1:41
RONALD D. LEBLANC
CITY CLERK

2-4-11

MAYAGUEZ TIRE SHOP
3023 W. National Ave.
Milwaukee, WI 53215
(414) 384-2903

M. _____
 Address _____

Reg. No.	Clerk	Account Forward		
1.				
2				
3	2-25-18			
4				
5	Tire			
6				
7				
8	20570-15			
9				
10		33.00		
11				
12				
13				
14				
15				

A-1200/3510/3530 T-45202/46202/46203 Your Account Stated to Date - If Error is Found, Return at Once

City of Milwaukee
 Tow Lot

Workstation ID : towlotreg04
 Drawer ID : TOWCD4

Workstation
 Session No. : 40025
 Drawer
 Session No. : 51972

Receipt Number : 2369328
 Payment Date : 02/04/2011
 Payment Time : 02:58 PM

Item Description : Tow
 Issue # : 1484882
 Pay Plan # :
 Amount Due : \$105.00
 Amount Paid : \$105.00
 Balance Due : \$0.00

Paid by : CASH
 Amount Due : \$105.00
 Amount Paid : \$105.00
 Amount Tendered : \$105.00
 Amount Change : \$0.00
 Cashier ID : TOW18

Thank You For Your Payment

NOTICES SENT TO FOR FILE 110294:

[illegible]



Legislation Details (With Text)

File #: 110398 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/26/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to an appeal from Lena Roby for property damage. (7th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS APPEAL

Attachments: Appeal, City Attorney Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/26/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110398
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Lena Roby for property damage. (7th Aldermanic District)
Drafter
CC-CC
dkf
7/8/11

To Whom it may Concer :

C. I. File No:
11-5-62

I have received the letter yall
write me. I know that on February
20, 2011 it was backwater from the City
sewer backed up into my home at
4633 N 52nd Street.

The investigation yall did was right
that yall proably is right that it was
cleaned on march 2, 2010 but the water
from the sewer still came in to my
house. It was in my basement and
in my bathroom too. So, the city should
be held liable for the damage that happen.

In I am writting to let yall know
that I did call a plumien out by
the name nelson pluming. He said " that
he could not get the water down."
I still had to pay him for coming
out. In then I call the city in the
city left a letter with me saying
I can make a claim to the city.

Thank you
Lena Roby
Lena Roby

P.S. This is my three letter.

CITY OF MILWAUKEE

2011 JUN 30 PM 3:19

RONALD D. LEONHART
CITY CLERK

CITY OF MILWAUKEE
RECEIVED

2011 JUL -5 PM 1:09

OFFICE OF
CITY ATTORNEY

This is what the lady left.

C.T. File No. 11-5-62

OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City, a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

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.)

The following information should also be submitted to allow the City to promptly act on your claim:

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

All information should be submitted to:

City Clerk

ATTN: CLAIMS

200 E. Wells St., Room 205

Milwaukee, WI 53202-3567

286-2150

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.



MVED ✓
272-5700

3768
budzik

To: whom it may concern
I Lena Roby Writing to let you
know that the sewer water in
my house. In there were bm in
my basement and in my second floor
bathroom. I also call a plumber
by the name of Nelson plumbing
man to try to get it down but he
could not get it out. So I call
the state work people out. They tell
me that It was from the sewer. It
mass my basement and second level
floor bathroom up. It happen on 3-26-2011.

Lena Roby
4633 N 52nd street
milwaukee, WI 53218
414-461-0520

CITY ATTORNEY
OFFICE OF

2011 MAR 10 PM 3:08

CITY OF MILWAUKEE
RECEIVED

RONALD D. LUDWIG
CITY CLERK

2011 MAR -9 PM 2:59

4-11-11 10:00 AM

Lena Roby
4

INVOICE

NELSON'S WATER AND SEWER SERVICE

4375 NORTH 27TH STREET
MILWAUKEE, WISCONSIN 53216

PHONE: 414-445-2896 • FAX: 414-873-4354

Date of Order 2/20/11	
Customer's Order No.	Phone 461-0520 Helper SUNDAY
Bill To Mr. Poluy	Order Taken By
Address 4633 N. 52nd St.	<input type="checkbox"/> Day Work
City Milwaukee, WI.	<input type="checkbox"/> Contract
	<input type="checkbox"/> Extra
Job Name and Location	
Work Ordered By	Job Phone

DESCRIPTION OF WORK

Worked on Sewer
Rodded out Sewer line
Worked on Sewer three hours
Found that Sewer was clogged
from City Back up
Cleaned basement Floor & Drain
Charged for Labor
The sum of: **\$300.00**

	TOTAL MATERIALS	
	TOTAL LABOR	
	TAX	
<input type="checkbox"/> No One Home	Date Completed 2/20/11	TOTAL AMOUNT \$ 300.00

Signature _____
I hereby acknowledge the satisfactory completion of the above described work.

☐ Total amount due for above work: or ☐ Total billing to be mailed after completion of work

Paid in Full
2/23/11

3-16-2011

I Lena Roby is writting
the rest of my claim. I had lost
my rug, panit came up, clothes, tv,
kids clothes and toy, sofa. I lost
all this down my basement. I had
just got it done all over from the flood
in July. In it got in to my second floor
bathroom. In I had to throw away my hole
bathroom stuff a way. Now I had to
clean it all over again. In I just
get some cleaning stuff to clean it up
because it left bm on the floor and
wall. So, I think it was a thousand
dollar or more.

Thank You
Lena Roby
414-461-0520
414-793-6242

OFFICE OF
CITY ATTORNEY

2011 MAR 18 PM 2:58

CITY OF MILWAUKEE
RECEIVED

CITY OF MILWAUKEE
2011 MAR 18 PM 1:27
D.D. LEONARD
CITY CLERK

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
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MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

May 13, 2011

Lena Roby
4633 North 52nd Street
Milwaukee, WI 53218

RE: Lena Roby
C.I. File No.: 11-S-62

Dear Ms. Roby:


We have received your claim in the amount of \$1,000.00, relating to costs and personal property loss that you incurred on February 20, 2011 when backwater from the City's sewer backed up into your home at 4633 North 52nd Street.

Our investigation reveals that the sewer in question was on a three year cleaning schedule. The last time the sewer was cleaned was on March 2, 1010. Because the sewer was on a regular cleaning schedule and the City of Milwaukee did not have any notice of any problems with the sewer, the City cannot be held liable and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1029-2011848:169339

OFFICE OF THE CITY ATTORNEY

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

NOTICES SENT TO FOR FILE 110398:

[illegible]



Legislation Details (With Text)

File #: 110399 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/26/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to an appeal from Danny McFadden for property damage. (5th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS APPEAL

Attachments: Appeal, City Attorney Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/26/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110399
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Danny McFadden for property damage. (5th Aldermanic District)
Drafter
CC-CC
dkf
7/8/11

7-1-11

To Grant Langley; City Attorney;
I am Danny McFadden, C.I. file No:
11-V-94. At this time I am requesting a
hearing regarding my damaged vehicle.

Your investigator, Robert Overholt stated
that the damage to my car is inconsistent
with damage that would be caused by a
plow truck. He never spoke to me or called
me while he was looking at my vehicle.

I have pictures, witnesses, and a police
report taken by Officer Randall Perez,
district 3 that will prove the damage
to my car was caused by City of
Milwaukee plow truck #19600 on
Feb. 1, 2011 @ approximately 10:30 pm.

Again, I am appealing your decision and
await a date for my hearing.

Very truly yours,
Danny R. McFadden

Danny Ray McFadden

OFFICE OF
CITY ATTORNEY

2011 JUL -5 PM 1:09

CITY OF MILWAUKEE
RECEIVED

2/1/2011

To the City of Milwaukee

City plow hit my vehicle on 20th Street between Wright + Meineke. A patrol car came out and seen the car in the middle of the street. I had someone else fix my car ~~for me~~ the flats. The police made me drive the car in the ally where I got stuck. I had to pay a friend of mine who lived on the next block \$200.00 to plow the whole ally on 2/2/2011.

CITY OF MILWAUKEE
RECEIVED

2011 MAY 19 PM 1:17

OFFICE OF
CITY ATTORNEY

Danny McFadden

CITY OF MILWAUKEE
11 MAY 16 PM 3:38
RONALD D. LEONHARDT
CITY CLERK

OFFICE OF
CITY ATTORNEY

2011 MAY 19 PM 1:4

RECEIVED

MACK'S SERVICE CENTER

Road Service • Towing • Used Tires • Wash Jobs
1711 WEST CENTER STREET MILWAUKEE, WI 53206
Phone (414) 265-9822 • PHONE (414) 265-9667

(Lt. Blue)
Towncar
75 Lincoln

CUSTOMER'S ORDER NO.		PHONE	FAX	DATE
		610-5609		02-02-11
NAME				
Danny McFadden				
ADDRESS				
6285 N. Denmark				
Milwaukee				
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.
				MDSE. RET'D.
				PAID OUT
QUANTITY	DESCRIPTION			PRICE
				AMOUNT
	TOW			75
	Tertonia Av. / Knight St.			4.20
				79.20
<div>PAID</div> <div>HAN</div>				
RECEIVED BY		TOTAL		# 79.20
X Danny McFadden				

ALL CLAIMS AND RETURNED GOODS
MUST BE ACCOMPANIED BY THIS BILL

Thank You

JOHN'S A-1 AUTO BODY MILWAUKEE INC.

Federal Tax ID: 39-1977593
9209 W FOND DU LAC AVE.
Milwaukee, WI 53225
Phone #: (414) 358-1967
Fax #: (414) 358-1973
E-Mail: jamatthews@wi.rr.com

Customer No: 2751
Report No: 2730
Claim #:
Assign No:

Estimate

4/18/2011

Vehicle Information		Owner - Danny McFadden	Accident Location		
1995 Lincoln Town Car		6285 N Denmark Apt 203			
Style:		Milwaukee, WI 53225			
Color:		Home Phone: (414) 610-5609			
Color Code:		Work Phone: (414) -	Phone #1:	-	
Production Date: / 0		Fax #: (414) -	Phone #2:	-	
License: State: WI		<u>Insured -</u>	<u>Claimant -</u>		
VIN:					
Miles In: 0					
Miles Out: 0		Home Phone: (414) -	Home Phone: (414) -		
Condition:		Work Phone: (414) -	Work Phone: (414) -		
Estimator: JAMES MATTHEWS		Fax #: (414) -	Fax #: (414) -		
Date Assigned: 4/18/2011		Date of Loss: 4/18/2011	Date of Inspection: 4/18/2011		
Description of Work	Part Number	Price	Labor	Paint	Other
QUARTER PANEL - QUARTER PANEL & COMPONENTS					
Replace LKQ Left Quarter panel	*** LKQ ***	\$300.00 *	17.0 body	2.7	
-Adjacent (0.4) +Clearcoat (0.5)				0.1	
TRUNK LID - LID & COMPONENTS					
Replace LKQ Lid	*** LKQ ***	\$250.00 *	1.2 body	2.5	
+Underside (1.3) +Clearcoat (1.0)				2.3	
REAR LAMPS - COMBINATION LAMPS					
Replace Aftermarket Left TAIL LMP L/HSG LH;90-7	FO28001801	\$146.00 *	0.5 body		
TOWNCAR NO E					
REAR LAMPS - REAR REFLECTOR					
Replace LKQ Rear Reflector panel	*** LKQ ***	\$175.00 *	0.9 body		
REAR BUMPER - BUMPER & COMPONENTS					
* Replace LKQ Rear Bumper cover assembly	*** LKQ ***	\$500.00 *	2.5 body	2.8	
+Clearcoat (0.6)				0.6	
Other operations					
* Refinish tint and blend				2.0*	
* Set up and measure			2.0* frame*		
* rough pull			6.0* frame*		
* Hazardous Waste Disposal					\$5.00* taxed
* Cover car for paint					\$5.00* taxed
* Corrosion protection		\$10.00 *			
Sub Totals		\$1,381.00	30.1	13.0	

GRAND TOTAL 4398.2

JOHN'S A-1 AUTO BODY MILWAUKEE INC.

Estimate

4/18/2011

Federal Tax ID: 39-1977593
9209 W FOND DU LAC AVE.
Milwaukee, WI 53225
Phone #: (414) 358-1967
Fax #: (414) 358-1973
E-Mail: jamatthews@wi.rr.com

Customer No: 2751
Report No: 2730
Claim #:
Assign No:

**IN BUSINESS SINCE 1990

THANK YOU FOR LETTING US SERVE YOU

	Hours	Rate	Total
Body Labor	22.1hrs	\$54.00/hr	\$1,193.40 T
Paint Labor	10.9hrs	\$54.00/hr	\$588.60 T
Clearcoat Labor	2.1hrs	\$54.00/hr	\$113.40 T
Frame Labor	8.0hrs	\$54.00/hr	\$432.00 T
OEM Parts			\$10.00 T
LKQ Parts			\$1,225.00 T
Aftermarket Parts			\$146.00 T
Paint Supplies	10.9hrs	\$34.00/hr	\$370.60 T
Clearcoat	2.1hrs	\$34.00/hr	\$71.40 T
Misc Taxed			\$10.00 T
Tax	\$4160.40 @ 5.6000%		\$232.98
Grand Total			\$4,393.38

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Guide used is (DE2KA90). 10/10

* Indicates Estimator's Judgment

T Indicates Taxed Item

1-Indicates aftermarket part taken from Keystone- Milwaukee pricing guide. Call (800) 924-8230 to order.













POLICE #

ACCIDENT # 110321890

<input checked="" type="checkbox"/> Reportable Accident		<input type="checkbox"/> On Emergency		<input type="checkbox"/> Amended		DOT Document Number 9H0M9Q2		Document Override Number		
Agency Accident Number 110321890				Police Number						
4 - Accident Date 02/01/2011		5 - Time of Accident (Military Time) 2245		6 - Total Units 02		7 - Total Injured 00		8 - Total Killed 00		
2 - County MILWAUKEE - 40		3 - Municipality MILWAUKEE - 57, CITY				11 - Accident Location NON-INTERSECTION				
14 - On Hwy No.		14 - On Street Name 20TH ST N			14 - Bus/Front/Ramp		15 - Est. Dist 80		15 - Hwy. Dir F NORTH	
16 - Fr/At Hwy No.		16 - From/At Street Name MEINECKE AVE W			16 - Business/Frontage/Ramp					
17 - Structure Type HOUSE #		17 - Structure Number 2439		12 - Latitude			13 - Longitude -			
80 - First Harmful Event PARKED MOTOR VEHICLE				93 - Manner of Collision REAR-END						
112 - Access Control NO CONTROL		113 - Road Curvature STRAIGHT		113 - Road Terrain LEVEL/FLAT		Surface Type BLACKTOP (BITUMINOUS) - 2				
115 - Traffic Way NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC)										
117 - Relation To Roadway ON-ROADWAY										
114 - Light Condition DARK-LIGHTED			116 - Road Surface Condition SNOW/SLUSH			118 - Weather SNOW				
9 <input checked="" type="checkbox"/> Hit and Run		9 <input type="checkbox"/> Government Property		9 <input type="checkbox"/> Fire		9 <input type="checkbox"/> Photos Taken		9 <input type="checkbox"/> Trailer or Towed		
9 <input checked="" type="checkbox"/> Truck, Bus, or Hazardous Materials			9 <input type="checkbox"/> Load Spillage		9 <input type="checkbox"/> Construction Zone			9 <input type="checkbox"/> Names Exchanged		
101 <input type="checkbox"/> Supplemental Reports		102 <input type="checkbox"/> Witness Statements			103 <input type="checkbox"/> Measurements Taken			79 - E M S Number		

GENERAL INFORMATION

Operator/Pedestrian

Unit Status H - HIT AND RUN		81 - Most Harmful Event: Collision With PARKED MOTOR VEHICLE		23 - Dir Of Travel SOUTH		24 - Speed Limit 30			
36 - Operating as Classified D CLASS		37 - Endorsements		35 <input type="checkbox"/> Operating Commercial Motor Vehicle					
29 - Driver's License Number		30 - State		31 - Expiration Year		34 - On Duty Accident WINTER-HWY-MAINTENANCE			
25 - Operator/Pedestrian Last Name		25 - First Name		25 - Middle Initial		25 - Suffix			
32 - Date Of Birth		33 - Sex							
28 - Address Street & Number						26 - PO Box			
27 - City			27 - State		27 - Zip Code		28 - Telephone Number (000) 000-0000 EXT.		
39 - Seat Position FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)				40 - Safety Equipment RESTRAINT-USE-UNKNOWN					
38 - Injury Severity N - NO APPARENT INJURY		41 - Airbag UNKNOWN		42 - Ejected UNKNOWN		44 <input type="checkbox"/> Medical Transport			
43 - Trapped/Extricated UNKNOWN		92 - Pedestrian Location		92 - Pedestrian Action					
119 - What Driver Was Doing GOING-STRAIGHT		120 - Traffic Control NO-CONTROL				82 - No. of Citations Issued 00			
64 - 1st Statute No.		64 - 2nd Statute No.		64 - 3rd Statute No.		64 - 4th Statute No.		64 - 5th Statute No.	
122 - Driver Factors INATTENTIVE-DRIVING									
88 - Driver or Pedestrian Cond NOT OBSERVED		89 - Substance Presence UNKNOWN							
90 - Alcohol Test TEST NOT GIVEN		90 - Alcohol Content			91 - Drug Test TEST-NOT-GIVEN				

OPERATOR/PEDESTRIAN 01

91 - Drugs Reported

124 - Highway Factors
SNOW,-ICE,-OR-WET

Vehicle

VEHICLE 01	21 - Unit Type TRUCK		Vehicle Type SNOW-PLOW			22 - Total Occupants 1	
	56 - License Plate Number		57 - Plate Type LTK	58 - State	59 - Exp Year	55 - Vehicle Identification Number	
	50 - Year	51 - Make	52 - Model	53 - Body Style	54 - Color	100 - Skidmarks to Impact (Ft) 00	
	94 - Vehicle Damage UNKNOWN						
	95 - Extent Of Damage UNKNOWN		96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By OPERATOR		
	123 - Vehicle Factors NOT-APPLICABLE						

Vehicle Owner

VEH OWNER 01	45 <input type="checkbox"/> Vehicle Owner Same As Operator						
	46 - Vehicle Owner Last Name		46 - First Name		46 - Middle Initial	46 - Suffix	Date Of Birth
	46 - Company Name						
	47 - Address Street & Number				47 - PO Box		
	48 - City		48 - State	48 - Zip Code		49 - Telephone Number	

Insurance

INS 01	63 - Liability Insurance Company NOT-REQUIRED		60 <input type="checkbox"/> Policy Holder Same As Owner	
	61 - Policy Holder Last Name		81 - Policy Holder First Name	
	61 - Policy Holder Company			

School Bus

BUS 01	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From		School Name	Body Make	Seating Capacity
	School District Contracted With				

Operator/Pedestrian

Unit Status L - LEGALLY PARKED		81 - Most Harmful Event: Collision With MOTOR VEHICLE IN TRANSPORT		23 - Dir Of Travel	24 - Speed Limit 30
36 - Operating as Classified D CLASS		37 - Endorsements		35 <input type="checkbox"/> Operating Commercial Motor Vehicle	
29 - Driver's License Number		30 - State	31 - Expiration Year	34 - On Duty Accident	
25 - Operator/Pedestrian Last Name		25 - First Name		25 - Middle Initial	25 - Suffix
32 - Date Of Birth		33 - Sex			

PK2009

OPERATOR/PEDESTRIAN 02	26 - Address Street & Number				26 - PO Box	
	27 - City		27 - State	27 - Zip Code		26 - Telephone Number
	39 - Seat Position BLANK			40 - Safety Equipment NOT-APPLICABLE-NONMOTORIST		
	38 - Injury Severity		41 - Airbag NOT APPLICABLE		42 - Ejected NOT-APPLICABLE	
					44 <input type="checkbox"/> Medical Transport	
	43 - Trapped/Extricated NOT-APPLICABLE		92 - Pedestrian Location		92 - Pedestrian Action	
	119 - What Driver Was Doing LEGALLY-PARKED		120 - Traffic Control NO-CONTROL		62 - No. of Citations Issued 00	
	64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.	
	122 - Driver Factors NOT-APPLICABLE					
	88 - Driver or Pedestrian Cond		89 - Substance Presence			
90 - Alcohol Test		90 - Alcohol Content		91 - Drug Test		
91 - Drugs Reported						
124 - Highway Factors SNOW,-ICE,-OR-WET						

Vehicle

VEHICLE 02	21 - Unit Type AUTOMOBILE		Vehicle Type PASSENGER-CAR			22 - Total Occupants 0
	56 - License Plate Number 474NUU		57 - Plate Type AUT	58 - State WI	59 - Exp Year 2011	55 - Vehicle Identification Number 1LNL81W4PY776559
	50 - Year 1993	51 - Make LINC	52 - Model TOWNCAR	53 - Body Style 4D	54 - Color GRY	100 - Skidmarks to Impact (Ft) 00
	94 - Vehicle Damage REAR PASSENGER SIDE, REAR, REAR DRIVER SIDE					
	95 - Extent Of Damage MODERATE		96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By OWNER	
	123 - Vehicle Factors NOT-APPLICABLE					

Vehicle Owner

VEH OWNER 02	45 <input type="checkbox"/> Vehicle Owner Same As Operator					
	46 - Vehicle Owner Last Name MCFADDEN		46 - First Name DANNY		46 - Middle Initial R	46 - Suffix
					Date Of Birth 08/23/1959	
	46 - Company Name					
	47 - Address Street & Number 6285 N DENMARK ST APT 203				47 - PO Box	
48 - City MILWAUKEE		48 - State WI	48 - Zip Code 53225		49 - Telephone Number (414) 610-5609 EXT.	

Insurance

Accident Report MV4000e 01/2005

PK2009

INS 02	63 - Liability Insurance Company NOT-REQUIRED		60 <input type="checkbox"/> Policy Holder Same As Owner
	61 - Policy Holder Last Name	61 - Policy Holder First Name	
	61 - Policy Holder Company		

School Bus

BUS 02	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

Diagram and Narrative

DIAGRAM AND NARRATIVE	105 - PHOTOS BY
<p>UNIT NUMBER ONE WHO WAS TRAVELING SOUTH IN THE 2400 BLOCK OF N 20TH STREET STRUCK UNIT NUMBER 2 WHO WAS PARKED ON A MAJOR STREET DURING A SNOW EMERGENCY. UNIT NUMBER 1 CONTINUED SOUTH TO AN UNKNOWN LOCATION.</p> <p>THE AREA WAS CHECKED NO WITNESSES OTHER THAN THOSE LISTED WERE FOUND. UNIT 2 WAS LEGALLY PARKED. WITNESSES ALL STATE THEY SAW A CITY OF MILWAUKEE PLOW TRUCK STRIKE UNIT 2.</p>	

Witness

WITNESS 01	107 - Witness Last Name FRIEND	107 - First Name ROSA	107 - Middle Initial	
	108 - Address Street & Number 2431 N 20TH ST	108 - PO Box		109 - Date of Birth 11/12/1949
	110 - City MILWAUKEE	State WI	110 - Zip Code 53208	111 - Telephone Number (414) 779-4328 EXT.

Witness

WITNESS 02	107 - Witness Last Name NEWTON	107 - First Name ANTHONY	107 - Middle Initial	
	108 - Address Street & Number 2443 N 20TH ST	108 - PO Box		109 - Date of Birth 8/21/1952
	110 - City MILWAUKEE	State WI	110 - Zip Code 53208	111 - Telephone Number (414) 208-6962 EXT.

Witness

WITNESS 03	107 - Witness Last Name WILSON		107 - First Name PATRICIA		107 - Middle Initial	
	108 - Address Street & Number 2423 N 20TH ST			108 - PO Box		109 - Date of Birth 9/13/1947
	110 - City MILWAUKEE			State WI	110 - Zip Code 53208	111 - Telephone Number (414) 671-6337 EXT.

Officer Information

OFFICER INFORMATION	125 - Officer Last Name PEREZ		125 - First Name RANDALL		125 - Middle Initial R		131 - Officer ID 14191
	129 - Law Enforcement Agency No. 32		130 - Law Enforcement Agency Name MILWAUKEE POLICE DEPARTMENT				
	126 - Law Enforcement Agency Address Street & Number 749 WEST STATE STREET						
	127 - City MILWAUKEE		127 - State WI		127 - Zip Code 53233		128 - Telephone Number (414) 933-4444 EXT.
	132 - Date Notified 02/01/2011		133 - Time Notified (Military Time) 2259		134 - Time Arrived (Military Time) 2322		135 - Date Of Report 02/08/2011
	Agency Accident Number 110321890		Police Number		19 - Special Study		
	18 - Agency Space						

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

June 21, 2011

Danny McFadden
6285 North Denmark Street, Apt. 203
Milwaukee, WI 53225

RE: Danny McFadden
C.I. File No.: 11-V-94

Dear Mr. McFadden:

We have received your claim in the amount of \$4,472.58, relating to damage to your vehicle that was allegedly caused by a City of Milwaukee plow truck that struck it on February 1, 2011 at North 20th Street and West Meinecke Avenue.

Our investigation reveals that our office reviewed the Fleet Accident Report and spoke with the Support Services Investigator that investigated this matter, he indicated the damage is inconsistent with damage that would be caused by a plow truck. Since there is no proof to support your belief a City snow plow truck caused your damage, the City cannot accept liability and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink, appearing to read "Robert Overholt".

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1030-2011-1470:170657

OFFICE OF THE CITY ATTORNEY

NOTICES SENT TO FOR FILE 110399:

[illegible]



Legislation Details (With Text)

File #: 110415 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/26/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of the Sharon Megna relating to property damage. (6th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS

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

Date	Ver.	Action By	Action	Result	Tally
7/26/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110415
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to the claim of the Sharon Megna relating to property damage. (6th Aldermanic District)
Requestor
City Attorney
Drafter
JAS:ms
July 8, 2011
1048-2011-798:171097

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
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DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

July 8, 2011

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

Re: Resolution Relating to the Claim of SHARON MEGNA
C.I. File No. 11-L-25

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, Sharon Megna, 1618 West 55th Street, West Milwaukee, WI 53214, alleges that the Milwaukee Water Works had previously not properly turned off the water to her property located at 2616 North Hubbard Street and that she sustained damages when the meter burst. She claims damages in the amount of \$13,455.00.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on October 26, 2009 the claimant called their customer service department regarding a turn off request, due to a foreclosure, at 2616 North Hubbard Street. The MWW dispatched a field investigator who responded, located the stop box and turned off the water at the curb stop. On December 23, 2009, before initiating a final bill, they investigated to determine if there was additional water usage. The MWW noticed that the property was vacant and observed a lock box on the front door. They confirmed that the water status was off and obtained an electronic reading. On July 28, 2010, the MWW received a call from the claimant who just had questions about her water account. On December 15, 2010 a title company called the MWW just to inquire about the property. On January 28, 2011 the claimant reported to the MWW that there was flooding at her vacant property. A MWW field investigator responded that day and confirmed that the water was off at this location. On February 1, 2011 the claimant reported a burst meter at this property. A mutually agreed upon appointment was set for February 8, 2011. On that day the MWW conducted a burst meter investigation and confirmed that the water was off at the curb stop. They exchanged the meter and initiated the burst meter charge for this account. On February 10, 2011 the claimant called the MWW with general questions

To the Honorable Common Council
Of the City of Milwaukee
July 8, 2011
Page 2

about her water account. On February 25, 2011 the claimant informed them that she sold the property the previous day.

The MWW notes that whenever an owner makes a request to turn off the water at a property, it is the MWW policy to inform the owner that they have to make sure that the water is off. It is also the owner's responsibility to check their property and notify the MWW if the water is not off. Their crews do not go inside the property when responding to turn off requests or conducting street repair activity. It is also the owner's responsibility to protect pipes and the water meter from damage during the cold winter months. The MWW records show that when their crews responded to this property, the claimant was not present and there was no evidence of standing water or flooding.

The MWW was not negligent in this matter. As such, the City would not be held liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1048-2011-798:171071

3/1/2011

City Clerk

Attn: CLAIMS

200 East Wells Street, Room 205

Milwaukee, WI 53202-3567

Dear Water Department Claims Department,

I am filing a claim against the city of Milwaukee due to the water company's negligence which caused water damage to my property at 2616 N Hubbard Street in Milwaukee, WI (Account #2442310600). In October of 2009 I called the water department to have them turn off the water because the property was vacant and I had been trying to sell the property. On Friday, January 28th, I got a phone call from a real estate agent who was showing my property to a potential buyer stating that there was 2-3 inches of water in the basement and he could hear water running. I called the water department and they sent over a water man who said that the water was in the off position but not cranked down tight enough so water had gotten into the system. He filed a report stating that he cranked the valve down tight and did not hear any noise in the system anymore. I had to wade through the 3 inches of water to turn off the water valve at the meter and saw that the meter had burst causing the basement to flood. I had to wait till the next day before the water drained out of the basement. Then I had to hire people to remove all of the items in the basement. The water company came and changed out the water meter on Tuesday 2/8/2011. Now because of the water damage caused to the entire building, I can no longer sell the property and had to call the lender to make a settlement to let me out of the lien on the property. The lender, Aurora agreed to the settlement of \$3000 due to the water damage to the property. I had no choice but to transfer the property to a rehabber (at no cost to him) on 2/25/2011. I had the property listed for \$10,000 so that is the potential loss to me due to the water damage and not being able to sell it due to that water damage.

So with this in mind, I am filing a claim for the following amount:

Cost to remove the debris from the basement to prevent mold = \$300.00

Loss of income expected from the sale of the property = \$10,000.00

Aurora Settlement cost = \$3000.00

Transfer Fee = \$155.00

Total amount of claim = \$13,455.00.

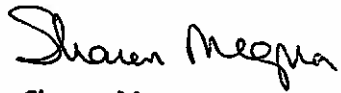
CITY OF MILWAUKEE
RECEIVED
2011 MAR -7 AM 10:35
CITY ATTORNEY

RONALD D. LEONARD
CITY CLERK

2011 MAR -4 AM 7:33
CITY OF MILWAUKEE
RONALD D. LEONARD
CITY CLERK

Please reference the attached listing, photos, check for debris removal, Aurora Settlement cost and Closing Transfer documents.

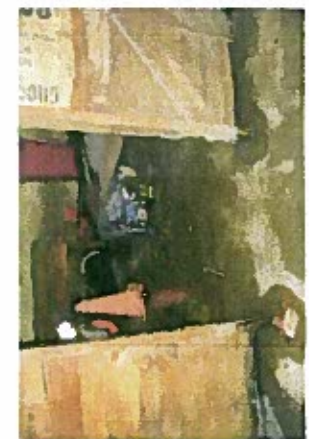
Please advise on the next step in processing this claim.

A handwritten signature in cursive script, appearing to read "Sharon Megna".

Sharon Megna

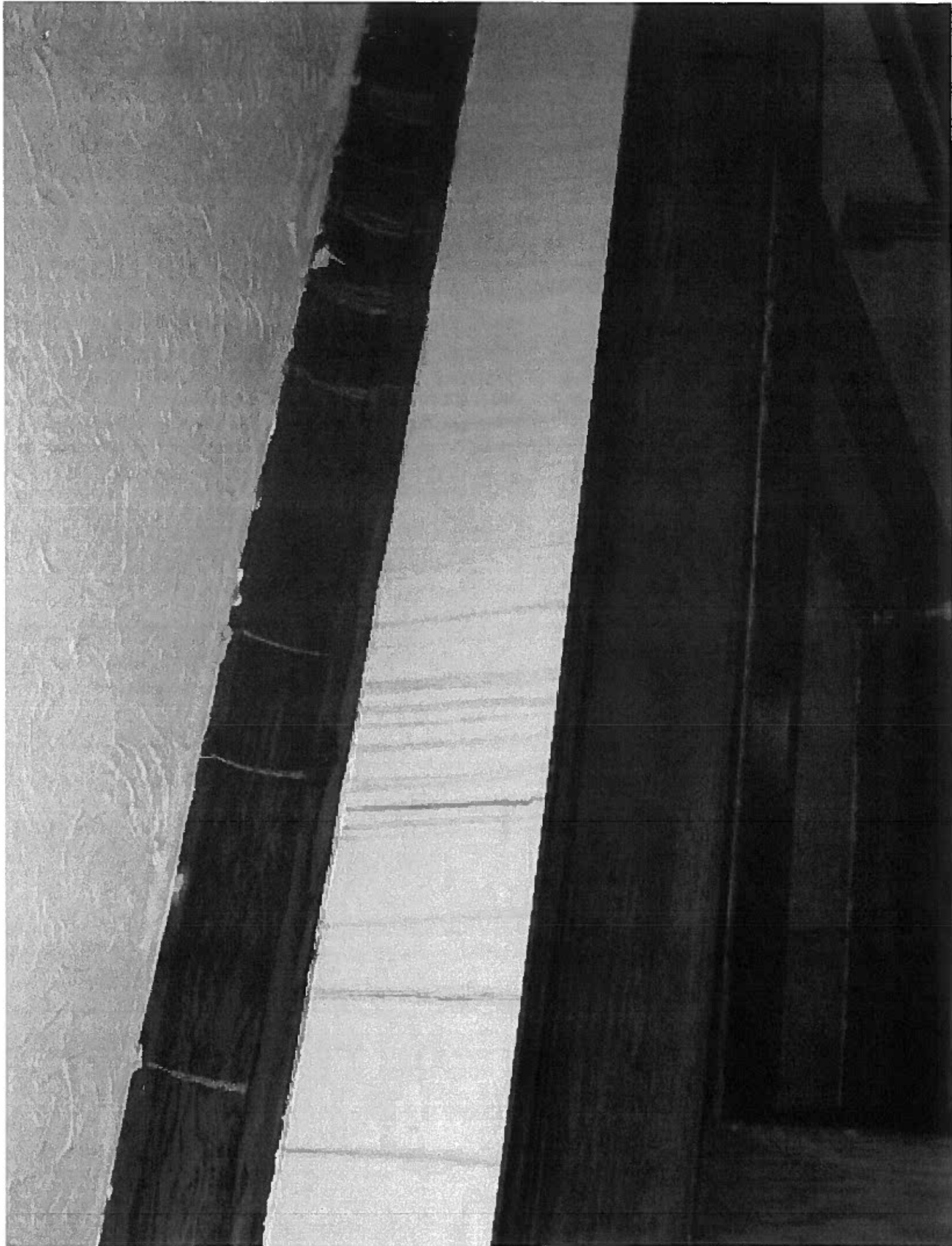
1618 S. 55th Street, West Milwaukee, WI 53214


Phone: 414-379-3339









Address: 2616 N Hubbard St Milwaukee, WI 53212-2847 County: Milwaukee		MLS #: 1182516																																								
	Property Type: Single-Family Status: Active Tax Key: 3220442000 Zoning: residential		List Price: \$9,999 Taxes: \$1,374 Tax Year: 2010																																							
	Bedrooms: 3 Baths: 1 / 0 Garage Spaces: 0 Garage Type: None		Rooms: 6 Sq. Ft.: 1,215 Year Built: 1915 Lot Size: .066 per intax																																							
	Flood Plain: No Conforming Use: No		Occ. Permit Required: N Days On Market: 17																																							
	Directions: Locust east to Palmer south on Palmer to Center St. East on Center to Hubbard South on Hubbard. Coordinates: 26N 2E																																									
School District: MPS	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Name</th> <th style="text-align: left;">Dim</th> <th style="text-align: left;">L</th> <th style="text-align: left;">C</th> <th style="text-align: left;">W</th> </tr> </thead> <tbody> <tr> <td>Master Bedroom</td> <td>10 x 10</td> <td>M</td> <td>Yes</td> <td></td> </tr> <tr> <td>Bedroom 2</td> <td>10 x 10</td> <td>M</td> <td>Yes</td> <td></td> </tr> <tr> <td>Bedroom 3</td> <td>10 x 10</td> <td>U</td> <td>Yes</td> <td></td> </tr> </tbody> </table>	Name	Dim	L	C	W	Master Bedroom	10 x 10	M	Yes		Bedroom 2	10 x 10	M	Yes		Bedroom 3	10 x 10	U	Yes		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Name</th> <th style="text-align: left;">Dim</th> <th style="text-align: left;">L</th> <th style="text-align: left;">C</th> <th style="text-align: left;">W</th> </tr> </thead> <tbody> <tr> <td>Dining Room</td> <td>10 x 10</td> <td>M</td> <td>Yes</td> <td></td> </tr> <tr> <td>Kitchen</td> <td>9 x 10</td> <td>M</td> <td></td> <td></td> </tr> <tr> <td>Living/Great Room</td> <td>10 x 13</td> <td>M</td> <td>Yes</td> <td></td> </tr> </tbody> </table>	Name	Dim	L	C	W	Dining Room	10 x 10	M	Yes		Kitchen	9 x 10	M			Living/Great Room	10 x 13	M	Yes	
Name	Dim	L	C	W																																						
Master Bedroom	10 x 10	M	Yes																																							
Bedroom 2	10 x 10	M	Yes																																							
Bedroom 3	10 x 10	U	Yes																																							
Name	Dim	L	C	W																																						
Dining Room	10 x 10	M	Yes																																							
Kitchen	9 x 10	M																																								
Living/Great Room	10 x 13	M	Yes																																							
Type: Single Family # of Acres: Less than 1/4 Style: 1.5 Story Architecture: Bungalow Garage/Parking: Parking Space Outbuildings: None Exterior: Aluminum Roofing: Composition Basement: Full Heating/Cooling: Natural Gas H/C Type: Forced Air Bath Description: Shower Over Tub; Full on Main		Documents: Seller Condition; Prior Title Policy; Appraisal; LeadPaint Disclosure Appliances Incl.: None Misc. Exterior: Sidewalk; Near Public Transit Misc. Interior: Elec/Artf Fireplace Water/Waste: Municipal Water; Municipal Sewer Tax Includes: Trash Collection Municipality: City Other Rooms: Living Room; Formal Dining Room Estimated Age: 61-100 Years Est. Sq. Footage: 1001-1250 Occupancy: Immediate																																								
Remarks:																																										
Showing Information: Per Seller No More Showings																																										
Sub Agent Comm.: \$900 Buyer Agent Comm.: \$900 Limited/Unserviced: No		Excl. Agency Conctrct: N Var. Comm.: N Named Prospects: N																																								
Ph: 414-475-1900 Fax: 414-453-4910 URL: http://www.ogdenre.com		Broker Owned: Y Owner: Bonus to Broker:																																								
Listing Office: Ogden, The Real Estate Company: ogdn		Listing Agent: Christine J Howard SRES: 1489 LA Address: 8112 W. Bluemound Rd. Suite 101 Wauwatosa, WI 53213																																								
Ph: 414-475-1900 Fax: 414-453-4910 URL: http://www.ogdenre.com		Ph: 414-475-1900 Cell: 414-651-8884 Fax: 414-453-4910 Email: chrish@ogdenre.com																																								

Information is supplied by seller and other third parties and has not been verified.

Copyright 2011 by Multiple Listing Service, Inc. See copyright notice.

Prepared by Sharon P Megna, Ogden The Real Estate Company on Thursday, February 10, 2011 5:09 PM

SHARON P. MEGNA
1618 S. 55TH ST. PH. 414-321-5374
WEST MILWAUKEE, WI 53214

12-5 140
750
0343012829

4155

DATE 2/3/2011

PAY TO THE
ORDER OF

Eric Wein

Three hundred dollars & no/100 → \$ 300.00

DOLLARS



Security Features
Include
DPS II on Back

M&I Marshall & Ilsley Bank

MEMO

Hubbard Dobbs Rental Sharon P. Megna

0750000511

04155



10350 PARK MEADOWS DRIVE • LITTLETON, CO 80124

February 23, 2011

3640040158966534SS02402-23-11

Sharon P Megna
1618 S 55th St
West Milwaukee WI 53214-5244

RE: Borrower(s): Sharon P Megna (herein defined as "Borrower")
Loan Number: 0040158966
Property Address: 2616 N Hubbard St, Milwaukee WI 53212
Original Principal Balance: \$ 114,000

Dear Customer(s):

This letter agreement shall serve to evidence the parties' agreement with respect to the above-referenced loan (the "Subject Loan").

Borrower agrees to remit payment to Aurora Loan Services in the amount of \$3,000.00 as full and final payment of the Borrower's outstanding debt to Aurora Loan Services on the above account. Aurora Loan Services agrees that effective upon its receipt of the above-referenced funds the Subject Loan will be deemed paid in full. Aurora Loan Services will be deemed paid in full. Aurora Loan Services will then forward to the appropriate governing authority the release documents necessary to release any lien interests held by Aurora Loan Services against property secured by the Subject Loan.

Please be advised that time is of the essence. Certified funds must be received by Aurora Loan Services no later than March 4, 2011. If the funds are not received by this date, the offer outlined herein will be rescinded and considered null and void. This letter agreement may not be amended, supplemented or otherwise modified and shall be enforceable and binding against the Borrower on the account.

This letter agreement is to be fully executed by the Borrower and returned to Aurora Loan Services concurrently with the payment outlined herein. Otherwise, this agreement shall be of no force and effect and will not bind or obligate Aurora Loan Services to release its lien secured by the Subject Loan.

IMPORTANT INFORMATION ON PAGE 2



AURORA LOAN SERVICES LLC

**Aurora • Loan Services**

10350 PARK MEADOWS DRIVE • LITTLETON, CO 80124

Loan Number 0040158966

Page 2 of 2

If you have any questions, please contact the undersigned at the address above or by calling 800-550-0509.

Sincerely,

CORY CASON
Loss Mitigation
Aurora Loan Services

Acknowledged and Accepted By:


Sharon P Megna

Aurora Loan Services is a debt collector. Aurora Loan Services is attempting to collect a debt and any information obtained will be used for that purpose. However, if you are in bankruptcy or received a bankruptcy discharge of this debt, this communication is not an attempt to collect the debt against you personally, but is notice of a possible enforcement of the lien against the collateral property.



AURORA LOAN SERVICES LLC

U S TITLE AND CLOSING SERVICES, LLC

8112 W Bluemound Road, Suite 200, Wauwatosa, WI 53213

Phone: 414-454-2333

Fax: 414-454-2337

E-Mail: jtotero@ustitleco.com

CLOSING STATEMENT

DATE: February 24, 2010
PROPERTY: 2616 N Hubbard Street
SELLER: Sharon P. Megna
BUYER: Royal Home Properties, LLC
TIME:
PLACE: U S Title

FILE NO.: 49465

SALE PRICE:	\$	1.00
Title/Closing Costs	\$	598.00
GROSS DUE FROM BUYER:	\$	599.00

CREDITS

Earnest Money	\$	-
---------------	----	---

TOTAL CREDITS	\$	-
----------------------	----	---

NET DUE FROM BUYER:	\$	599.00
----------------------------	----	--------

DISBURSEMENTS

Register of Deeds - Transfer Tax	\$	3.00
Register of Deeds - Record Deed	\$	30.00
City of Milwaukee - DNA Recording/Code Compliance	\$	125.00
Aurora Loan Services -- Payoff	\$	3,000.00
U S Title - Overnight Fee	\$	20.00
U S Title - Owners Policy	\$	350.00
U S Title - Special Assessment Letters	\$	75.00
U S Title - Closing Fee	\$	150.00
TOTAL DISBURSEMENTS TO OTHERS	\$	3,753.00

NET PROCEEDS:	\$	(3,154.00)
----------------------	----	------------

NOTE: Seller to bring a cashiers check for \$3,154.00 made payable to U S Title.

NOTE: The undersigned hereby acknowledges and agrees that U S Title Company is to be held harmless of any and all code compliance charges including but not limited to inspection, delinquent taxes, boardup and delinquent city services not prorated above.

APPROVED

Seller


Sharon Megna

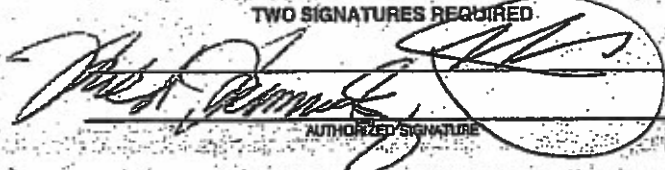
Buyer


Royal Home Properties, LLC

25 - Corynail Rec / CO & Comp
30 - Deed

**** REAL ESTATE CLOSING ****

Buyer/Borrower: Clark
 Seller: Megna
 Lender:
 Property: 2616 North Hubbard Street/Milwaukee WI /
 Settlement Date: February 24, 2011
 Disbursement Date: February 28, 2011
 Check Amount: \$ 3,000.00
 Pay To: Aurora Loan Services
 For:
 Payoff

		29083
U S TITLE & CLOSING SERVICES, LLC CLOSING TRUST 8112 WEST BLUEMOUND ROAD, SUITE 200 WAUWATOSA, WI 53213		49465
		Payoff
		Dollars
—Three Thousand and 00/100—		
	DATE	AMOUNT
	February 28, 2011	\$ *****3,000.00
VOID 6 MONTHS AFTER DATE ISSUED TWO SIGNATURES REQUIRED		
PAY TO THE ORDER OF	 AUTHORIZED SIGNATURE	
Aurora Loan Services		

⑈029083⑈ ⑆071122933⑆0001⑈154⑈570⑈

U S TITLE & CLOSING SERVICES, LLC - CLOSING TRUST

29083

Buyer/Borrower: Clark
 Seller: Megna
 Lender:
 Property: 2616 North Hubbard Street/Milwaukee WI /
 Settlement Date: February 24, 2011
 Disbursement Date: February 28, 2011
 Check Amount: \$ 3,000.00
 Pay To: Aurora Loan Services
 For:
 Payoff

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

M&I Marshall & Ilsley Bank

000530915

Notice - The purchase of an Indemnity Bond may be required before any Official Check on this bank will be replaced or refunded in the event it is lost, misplaced, or stolen.

14000 692 098 02/24/11
780

Remitter ***SHARON MEGNA***

Date February 24, 2011

Amount THREE THOUSAND DOLLARS AND ZERO CENTS

Pay to the order of
US TITLE

\$ *****3,000.00

VOID AFTER 90 DAYS



M&I Marshall & Ilsley Bank

Authorized Signature

MP

⑈000530915⑈ ⑆075000051⑆ 00484⑈ 10098⑈

**LIMITED POWER OF ATTORNEY
TO**

(Attorney-in-Fact)
of
U S TITLE & CLOSING SERVICES, LLC

The undersigned hereby appoints *agent* of U S Title & Closing Services, LLC whose address is 8112 W Bluemound Road, Suite 200, Milwaukee, WI 53213, as our Attorney-in-Fact, to do and perform for me (us) and in my (our) name, the following:

To generally handle the sale of our real estate located at:

2616 N Hubbard Street, Milwaukee, WI

Giving and granting unto said Attorney-in-Fact the right to deliver a general warranty deed and execute other such documents required to convey the Grantor's interest in the real estate and, further, the right to complete any instruments or document needed in the closing of transactions including but not limited to the HUD-1, HUD-1 addendum, Fannie Mae Affidavit, Closing Statements and 1099-S Reporting Form.

Further, giving said *agent* of U S Title & Closing Services, LLC power to do those things necessary and power to close the sale of real estate for and on my (our) behalf.

Persons to whom this instrument may be delivered may rely on its being in effect as of _____, or until revoked in writing.

*

Sharon Megna

*Sharon Megna

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE)

Personally came before me this 11th day of February, 2011, the above named **Sharon Megna** to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

[Signature]

*

Notary Public for MIL County,
My Commission Expires: 9.18.11

SUBSTITUTE FORM 1099-S
PROCEEDS FROM REAL ESTATE TRANSACTIONS
FOR THE TAX YEAR:
OMB No. 1545-0997

SETTLEMENT AGENT/FILER'S NAME AND ADDRESS

U S TITLE AND CLOSING SERVICES, LLC
8112 W. Bluemound Road Suite 200
Wauwatosa, WI 53213
(414)454-2333

Filer's Federal Tax ID Number:

File Number:

49465

SELLER/TRANSFEROR'S NAME AND ADDRESS

Sharon Megna

Transferor's Federal Tax ID Number:

1) Date of Closing: 2/14/11	2) Gross Proceeds: 15000.00	4) X here if property or services received:	5) Buyer's part of real estate tax:
3) Address or Legal Description: 2616 North Hubbard Street/Milwaukee WI			

THIS IS IMPORTANT TAX INFORMATION AND IS BEING FURNISHED TO THE INTERNAL REVENUE SERVICE. IF YOU ARE REQUIRED TO FILE A RETURN, A NEGLIGENCE PENALTY OR OTHER SANCTION MAY BE IMPOSED ON YOU IF THIS ITEM IS REQUIRED TO BE REPORTED AND THE IRS DETERMINES THAT IT HAS NOT BEEN REPORTED.

YOU ARE REQUIRED BY LAW TO PROVIDE U S TITLE AND CLOSING SERVICES, LLC WITH YOUR CORRECT FEDERAL TAX IDENTIFICATION NUMBER. IF YOU DO NOT PROVIDE U S TITLE AND CLOSING SERVICES, LLC WITH YOUR CORRECT FEDERAL TAX IDENTIFICATION NUMBER, YOU MAY BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES IMPOSED BY LAW.

UNDER PENALTIES OF PERJURY, I CERTIFY THAT THE NUMBER SHOWN ABOVE ON THIS STATEMENT IS MY CORRECT FEDERAL TAX IDENTIFICATION NUMBER. I ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Sharon Megna
Sharon Megna

2/11/11
Date

Instructions for Transferor

You MUST enter your Federal Tax Identification Number above.

Sign and return a copy of this form immediately to U S TITLE AND CLOSING SERVICES, LLC.

For sales or exchanges of certain real estate, the person responsible for closing a real estate transaction must report the real estate proceeds to the Internal Revenue Service and must furnish this statement to you. To determine if you have to report the sale or exchange of your main home on your tax return, see the Schedule D (Form 1040) instructions. If the real estate was not your main home, report the transaction on Form 4797, Sales of Business Property, Form 6252, Installment Sale Income, and/or Schedule D (Form 1040), Capital Gains and Losses.

You may have to recapture (pay back) all or part of a Federal mortgage subsidy if all the following apply:

- You received a loan provided from the proceeds of a qualified mortgage bond or you received a mortgage credit certificate.
- Your original mortgage loan was provided after 1990, and
- You sold or disposed of your home at a gain during the first 9 years after you received the Federal mortgage subsidy.

This will increase your tax. See Form 8828, Recapture of Federal Mortgage Subsidy, and Pub. 523, Selling Your Home.

If you have already paid the real estate tax for the period that includes the sale date, subtract the amount in box 5 from the amount already paid to determine your deductible real estate tax. But if you have already deducted the real estate tax in a prior year, generally report this amount as income on the "Other Income" line of Form 1040. For more information, see Pub. 523.

U S TITLE AND CLOSING SERVICES, LLC

8112 W Bluemound Road

Suite 200

Wauwatosa, WI 53213

**OWNER'S AFFIDAVIT
AS TO LIENS AND ADVERSE MATTERS**

File No. 49465

STATE OF WISCONSIN
_____ COUNTY

The undersigned affiant(s) being first duly sworn say(s):

1. That affiant is the owner of the real estate described in the commitment bearing the above case number and an effective date of _____, or that affiant has an interest in the entity set forth as owner of said real estate.
2. That affiant has no knowledge of any conveyance delivered to anyone (other than to the Proposed Insured) nor of any matters (other than those set forth in said commitment) adversely affecting title to said real estate.
3. That the said real estate has been in the exclusive and undisputed possession of the owner since acquisition thereof and no leasehold rights exist except: NONE
(If none please write NONE)

STRIKE EITHER 4 OR 5 BELOW, WHICHEVER DOES NOT APPLY.

4. That all buildings and improvements on the property were fully completed over six months prior to the date hereof.
5. That during the period of six months immediately preceding the date of this affidavit certain work has been done and materials furnished in connection with _____
(describe general nature of work) upon said premises in the approximate total sum of \$ _____, but that except as hereinafter stated all of said work and materials have been fully paid for and there are no claims or disputes in existence with reference thereto.
That said work was fully completed on _____, and that no work whatever remains to be done and that no materials remain to be furnished to complete the construction in full compliance with the plans and specifications. **IF NECESSARY, ATTACH A LIST OF ALL PERSONS, FIRMS OR CORPORATIONS WHICH HAVE FURNISHED ANY LABOR OR MATERIAL FROM THE BEGINNING OF THE CONSTRUCTION, TOGETHER WITH WAIVERS IN FULL FROM ALL OF SAID PARTIES.**
Exceptions: _____
6. That as of the date hereof no mortgage, judgment, construction lien, old age assistance lien, repair bill, state or federal tax lien has been filed and is unpaid affecting said real estate; that no action for specific performance, foreclosure, to create a trust, impose a lien, forbidding conveyance, or set aside any deed is now pending with respect thereto; that no sewer, water, sidewalk, curb, gutter, grading surfacing, or paving work has been done which has not been fully paid for, and that general taxes for all prior years are fully paid; except: NONE
(If none please write NONE)

That this affidavit is submitted to induce payment of consideration by purchaser and/or lender and to induce insurance of title by U S Title and Closing Services, LLC.

SUBSCRIBED AND SWORN to before me
this 11th day of February 2011.

[Signature]
Notary Public _____ County
State of Wisconsin
My Commission Expires: 9.18.11

[Signature]
*Sharon Megna


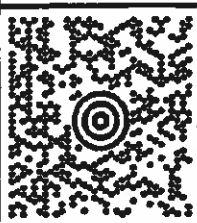


*

UPS Internet Shipping: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
Customers without a Daily Pickup
Schedule a same day or future day Pickup to have a UPS driver pickup all of your internet Shipping packages.
Hand the package to any UPS driver in your area.
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are also accepted at Drop Boxes.
To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup
Your driver will pickup your shipment(s) as usual.

FOLD HERE

JENNY 4144542333 US TITLE AND CLOSING SERVICES 8112 W. BLIEMOUND RD WAUWATOSA WI 53213		0.0 LBS LTR 1 OF 1	
SHIP TO: CORY CARSON, LOSS MITIGATION 800-550-0509 AURORA LOAN SERVICES 10350 PARK MEADOWS DR LITTLETON CO 80124-6800		CO 801 0-04 	
		UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z A12 SWO 13 9396 1015	
			
		BILLING: P/P	
		 1ES 11.1.06 W000070 12.0A 01/2011	

U S TITLE AND CLOSING SERVICES, LLC

8112 W. Bluemound Rd. Suite 200

Wauwatosa, WI 53213

(414) 454-2333

February 24, 2011

ATTN: Loss Mitigation

Aurora Loan Services

FILE NO: 49465

Borrower: Sharon P. Megna

Account Number: 0040158966

Property: 2616 N Hubbard Avenue. Milwaukee, WI 5353212

Pursuant to your attached payoff letter, we are enclosing a check in the amount of \$3,000.00 for payment of your mortgage or equity line. Please prepare a mortgage satisfaction and forward to the following address:

U S TITLE AND CLOSING SERVICES, LLC

8112 W. Bluemound Rd. Suite 200

Wauwatosa, WI 53213

IF THIS IS AN EQUITY LINE OR AN OPEN-ENDED MORTGAGE PLEASE CLOSE THE ACCOUNT IMMEDIATELY.

ACKNOWLEDGED; I acknowledge receipt of the above and agree to deliver the check immediately. I will be responsible for any expenses due to any delay in delivery.

DATE: _____ SIGNED: _____

WARRANTY DEED

Document Number

This Deed, made between Sharon Megna, a single personGrantor, and Royal Home Properties, LLC

Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Milwaukee County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum): The North 10 feet of Lot 24 and the South 25 feet of Lot 25, in Block 215, in John B A Kern's Subdivision No. 2, being a part of the Southeast 1/4 of Section 17, Township 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin.

Recording Area

Name and Return Address

322-0442-8

Parcel Identification Number (PIN)

This is not homestead property.

(is) (is not)

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of the closing and will warrant and defend the same.

Dated this _____ day of February, 2010.

*

* Sharon Megna

*

*

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, _____

*

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

MILWAUKEE County)

Personally came before me this 11th day of February, 2010 the above named Sharon Megna

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

*

Notary Public, State of WISCONSINMy Commission is permanent. (If not, state expiration date: 9.18.11.)

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney William M Judge

(Signatures may be authenticated or acknowledged. Both are not necessary.)

* Names of persons signing in any capacity must be typed or printed below their signature.

WARRANTY DEED

STATE BAR OF WISCONSIN
FORM No. 1 - 2000

INFO-PRO (800)855-2021 www.infoproforms.com

NOTICES SENT TO FOR FILE 110415:

[illegible]



Legislation Details (With Text)

File #: 110777 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claims of Erin Karlin, agent for State Farm Insurance Company on behalf of Oakbrook Village Condo Association for property damage.

Sponsors: THE CHAIR

Indexes: CLAIMS

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

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110777
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution relating to the claims of Erin Karlin, agent for State Farm Insurance Company on behalf of Oakbrook Village Condo Association for property damage.

Requestor
City Attorney
Drafter

JAS:ms
September 27, 2011
1048-2011-1146173966

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
Assistant City Attorneys

September 27, 2011

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

Re: Resolution Relating to the Claim of OAKBROOK VILLAGE
CONDO ASSOCIATION
C.I. File No. 11-S-103

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, Oakbrook Village Condo Association, by its insurance company, State Farm Insurance Companies, Steven Earnest, Claim Representative, P.O. Box 52271, Phoenix, AZ 85072-2271, allege that on March 11, 2011 their insured suffered property loss due to a water main break at/near 3845 South Oakridge Court, Greenfield, WI. They claim damages in the amount of \$9,155.23.

Our investigation reveals that the Milwaukee Water Works (MWW) responded to a leak in the street at 3815 South Oakridge Court. The dispatched MWW investigator confirmed the main break and shut the water off. The area was hotlined for the marking of underground utilities, repairs were commenced and completed. The MWW records did not reflect any calls, reports or complaints for the area or repair activities prior to the receipt of this claim. The MWW responded to the water main break in a timely manner and followed standard procedures

To the Honorable Common Council
September 27, 2011
Page 2

regarding the repair activity. Since this is the case, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
State Farm Claim No.: 49-F335-808
1048-2011-1146:173965

State Farm Insurance Companies



CITY OF MILWAUKEE

2011 APR 12 AM 11:46

April 11, 2011

RONALD D. LEONHARDT
CITY CLERK

State Farm Insurance Companies
PO Box 82543
Lincoln, NE 68501-2543

City Of Milwaukee County Clerk's Office Attn: Claims
200 E Wells St Rm 205
Milwaukee, WI 53202

RE: Claim Number: 49-F335-808
Date of Loss: March 11, 2011
Our Insured: Oakbrook Village Condo Association

Dear Sir or Madam:

We are writing to put you on notice of a March 11, 2011 loss that occurred at 3845 S Oakridge Ct. Greenfield WI. The loss is covered by an insurance policy issued by State Farm Fire and Casualty Company.

Our investigation indicates you or your product may be responsible for the damages incurred by our insured. Therefore, we are placing you on notice of our potential claim against you.

We suggest that you notify your general liability insurance carrier. In addition, please provide us with the name of your insurance company, their address and your policy number. A self-addressed return envelope has been included for your convenience in replying. If you are self-insured, notify us of that status as well.

If you would like to inspect the scene, please make arrangements to do so within the next ten days. You may have your insurance claim representative or other expert contact us at the number below.

Sincerely,

Erin Karlin
Claim Representative
(262) 798-6291

State Farm Fire and Casualty Company

CITY OF MILWAUKEE
2011 APR 12 AM 11:46
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2011 APR 13 PM 3:06
OFFICE OF
CITY ATTORNEY

State Farm Insurance Companies



September 15, 2011

City Of Milwaukee County
200 E Wells St Rm 205
Milwaukee, WI 53202

Attn: Bob Overholt

STATE FARM INSURANCE
PO Box 52271
Phoenix AZ 85072-2271

Phone: 1-888-429-5077
Fax #: 1-888-703-9377

CITY OF MILWAUKEE
2011 SEP 19 AM 11:34
RONALD D. LEONHARDT
CITY CLERK

RE: Claim Number: 49-F335-808
Date of Loss: March 11, 2011
Our Insured: OAKBROOK VILLAGE CONDO ASSOC
Amount of Loss: 9155.23
Payments: 4155.23

Your Insured: City of Milwaukee
Address: 200 E Wells St Rm 205

Dear Mr. Overholt:

We understand you insure City of Milwaukee. We are writing to put you on notice of our subrogation claim against your insured.

Our insured suffered a property loss on March 11, 2011. Our investigation has led us to conclude that your insured is responsible for this loss.

We paid \$4155.23 for our insured's loss. In addition, our insured had a \$5000.00 deductible applied to the loss. I am enclosing a copy of our supporting documents. We are requesting payment for the amount we have paid and our insured's deductible.

If you have questions, or need any additional information, please give us a call. Thank you in advance for your cooperation.

Sincerely,

Steven Earnest
Claim Representative
(402) 327-3738
Ext: 3273738

State Farm Fire and Casualty Company

CITY OF MILWAUKEE
RECEIVED
2011 SEP 19 PM 2:32
OFFICE OF
CITY ATTORNEY

Page 2
September 15, 2011

Enclosure(s): Supporting Documents

PS: Enclosed is the Statement of Loss and a copy of the
contractors estimate



Statement of Loss

Name of Insured **Oakbrook Village Condo Association**Claim Number **49f335808****Coverage A - Building**

Limit of Liability \$ _____

Description

Amount

Kelmann mitigation estimate for items owed by Association\$ **3,402.18****Kelmann general contracting estimate for items owed by Association**\$ **5,753.05**

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total A \$ **9,155.23****Coverage B - Contents**

Limit of Liability \$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total B \$ **0.00****Coverage C - Loss of Use**

Limit of Liability \$ _____

Description

Amount

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Total C \$ **0.00**

Comments/Supplements:

Total A+B+C \$ **9,155.23**

Plus Special Coverage \$ _____

Total Loss \$ **9,155.23**

Less Depreciation - Cov A \$ _____

Less Depreciation - Cov B \$ _____

Subtotal \$ **9,155.23**Less Deductible \$ **5,000.00**

Less Prior Payments \$ _____

Total Payable \$ **4,155.23****Erin Karlin****April 11, 2011**

Name

Date

49F335 808

kelmann 
corporation

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Client: Hunt Management (Stevens, Justine)
Property: 3845 Oakridge Court
Greenfield, WI 53220
Business: 10520 N Baehr, Suite Q
Mequon, WI 53092
LB: kel

Mobile: (262) 490-9763
Business: (262) 238-1480

Operator Info:
Operator: JWHELENI

Estimator: Joe Heleniak
Business: 12001 W. Dearbourn Ave.
Wauwatosa, WI 53213

Business: (414) 727-3635

Reference:
Company: Customer's Request

Type of Estimate: Water Damage
Date Entered: 3/15/2011

Date Assigned: 3/11/2011

Price List: WIMW7X_MAR11
Labor Efficiency: Restoration/Service/Remodel
Estimate: 19952

Following is our summary of mitigation services rendered at the subject property. Commensurate with industry standard practices, overhead and profit markups have not been applied.

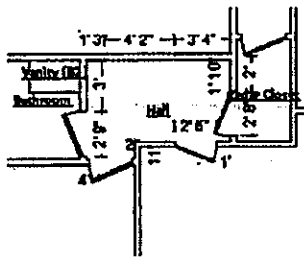
Effective April 22nd, 2010, the EPA mandates that any child occupied building built before 1978 be tested for lead-based paint prior to the disturbance of building materials. Lead-Safe Certified Restorers must use lead-safe practices until it can be determined that no lead exists in painted/finished surfaces. More information about the new lead rule is available at www.epa.gov/lead <<http://www.epa.gov/lead>>.

The State of Wisconsin is administering its own lead law with more stringent requirements. Under Wisconsin's lead rule, there is no op-out clause for the homeowner. More information about the new lead rule is available at www.dhs.wi.gov/lead/WIInfo.htm <<http://www.dhs.wi.gov/lead/WIInfo.htm>>.

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

CONTINUED - Rec Room

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
<i>3 units set for 4 days. Rental capped at 3 days.</i>				
Dehumidifier (per 24 hour period) - XLarge - No monitoring	3.00 EA	0.00	114.72	344.16
<i>1 unit set for 4 days. Rental capped at 3 days.</i>				
Air mover (per 24 hour period) - No monitoring	3.00 EA	0.00	25.61	76.83
<i>1 unit set for 4 days. Rental capped at 3 days.</i>				
Air mover axial fan (per 24 hour period) - No monitoring	18.00 EA	0.00	29.78	536.04
<i>6 units set for 4 days. Rental capped at 3 days.</i>				
Totals: Rec Room				2,403.43



Hall

Height: 8'

204.31 SF Walls
248.87 SF Walls & Ceiling
4.95 SY Flooring
29.00 LF Ceil. Perimeter

44.56 SF Ceiling
44.56 SF Floor
24.85 LF Floor Perimeter

Missing Wall: 1 - 4' 1 13/16" X 6' 8"

Opens into REC_ROOM

Goes to Floor

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
MITIGATION LABOR				
Tear out wet non-salv. cpt, cut/bag-Cat 3 wtr-aft bus. hrs	44.56 SF	0.77	0.00	34.31
Tear out wet carpet pad, cut/bag - Cat 3 wtr-aft bus. hrs	44.56 SF	0.73	0.00	32.53
Tear out tackless strip and bag for disposal - after hours	24.85 LF	0.92	0.00	22.86
Baseboard - Detach - after hours	19.10 LF	0.00	1.25	23.88
Tear out casing and bag for disposal - after bus. hours	30.00 LF	0.87	0.00	26.10
Clean floor	44.56 SF	0.00	0.29	12.92
Apply anti-microbial agent - after hours	44.56 SF	0.00	0.26	11.59
MITIGATION EQUIPMENT				
Dehumidifier (per 24 hour period) - XLarge - No monitoring	3.00 EA	0.00	114.72	344.16

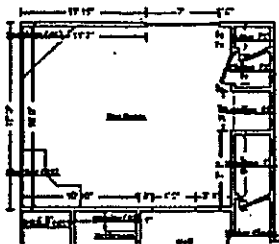
12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

CONTINUED - Rec Room

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
Refrigerator - Remove <i>u/o</i>	1.00 EA	0.00	34.91	34.91
Tear out wet non-salv. cpt, cut/bag-Cat 3 wtr- <i>u/o</i> aft bus. hrs	309.54 SF	0.77	0.00	238.35
Tear out wet carpet pad, cut/bag - Cat 3 wtr- <i>u/o</i> aft.bus.hrs	309.54 SF	0.73	0.00	225.96
Tear out tackless strip and bag for disposal - <i>u/o</i> after hours	48.40 LF	0.92	0.00	44.53
Baseboard - Detach - after hours <i>OK</i>	48.40 LF	0.00	1.25	60.50
Tear out casing and bag for disposal - after <i>OK</i> bus. hours	35.00 LF	0.87	0.00	30.45
Interior door - Detach, slab only <i>OK</i>	2.00 EA	0.00	17.37	34.74
Tear out wet drywall, cleanup, bag, per LF - <i>OK</i> 2' aft/hrs	3.00 LF	3.34	0.00	10.02
Tear out wet drywall, cleanup, bag - after <i>OK</i> business hours	64.00 SF	0.95	0.00	60.80
Remove Polyethylene vapor barrier <i>OK</i>	77.00 SF	0.06	0.00	4.62
Tear out and bag wet insulation - after hours <i>OK</i>	77.00 SF	0.73	0.00	56.21
Clean floor <i>OK</i>	328.66 SF	0.00	0.29	95.31
Apply anti-microbial agent - after hours <i>OK</i>	392.66 SF	0.00	0.26	102.09
Clean window unit (per side) 10 - 20 SF - Heavy <i>OK</i>	6.00 EA	0.00	14.37	86.22
<i>Both sides of 3 windows.</i>				
Clean door / window opening (per side) <i>OK</i>	13.00 LF	0.00	0.52	6.76
Clean sill - wood <i>OK</i>	16.00 LF	0.00	0.52	8.32
Clean stud wall <i>OK</i>	64.00 SF	0.00	0.53	33.92
Remove Cabinetry - lower (base) units <i>OK... by laws</i>	5.25 LF	5.30	0.00	27.83
Remove Cabinet panels - side, end, or back <i>OK</i>	6.00 SF	1.37	0.00	8.22
Remove Sink faucet - Kitchen <i>no, still intact</i>	1.00 EA	13.23	0.00	13.23
Remove Countertop - Flat laid plastic <i>OK</i> laminate	10.67 LF	3.04	0.00	32.44
Tear out wet paneling, bag for disposal - <i>where?</i> after hours	28.00 SF	0.57	0.00	15.96
<i>Sump closet</i>				
MITIGATION EQUIPMENT				
Containment Barrier/Airlock/Decon. Chamber - after hours <i>OK</i>	36.00 SF	0.00	0.83	29.88
Peel & seal zipper - after hours	1.00 EA	0.00	12.00	12.00
Containment Barrier - tension post - per day	9.00 DA	0.00	3.30	29.70

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

19952
Main Level



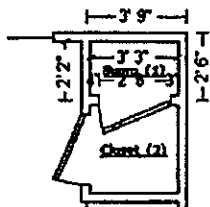
Rec Room

Height: 8'

384.32 SF Walls
712.96 SF Walls & Ceiling
33.19 SY Flooring
68.97 LF Ceil. Perimeter

328.64 SF Ceiling
298.70 SF Floor
35.23 LF Floor Perimeter

Missing Wall: 1 - 4' 1 13/16" X 6' 8" Opens into HALL Goes to Floor

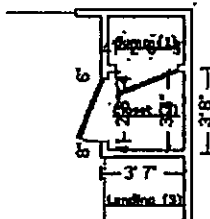


Subroom 1: SUMP

Height: 8'

84.00 SF Walls
90.50 SF Walls & Ceiling
0.72 SY Flooring
10.50 LF Ceil. Perimeter

6.50 SF Ceiling
6.50 SF Floor
10.50 LF Floor Perimeter

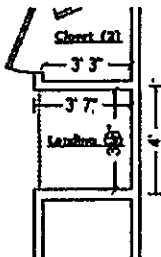


Subroom 2: CLOSET

Height: 8'

105.33 SF Walls
116.17 SF Walls & Ceiling
1.20 SY Flooring
13.17 LF Ceil. Perimeter

10.83 SF Ceiling
10.83 SF Floor
13.17 LF Floor Perimeter



Subroom 3: LANDING

Height: 8'

89.06 SF Walls
101.69 SF Walls & Ceiling
1.40 SY Flooring
10.86 LF Ceil. Perimeter

12.63 SF Ceiling
12.63 SF Floor
10.86 LF Floor Perimeter

Missing Wall: 1 - 3' 8 3/8" X 8' Opens into REC_ROOM Goes to Floor/Ceiling

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
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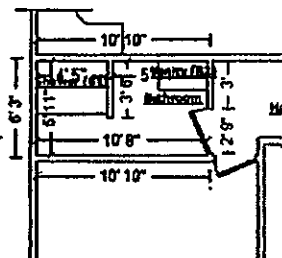
MITIGATION LABOR

Content Manipulation charge - per hour - <i>u/o</i> after hours	2.00 HR	0.00	46.48	92.96
Block and pad furniture in room - after hours <i>u/o</i>	1.00 EA	0.00	50.47	50.47

12001 West Dearborn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

CONTINUED - Hall

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
<i>1 unit set for 4 days. Rental capped at 3 days.</i>				
Air mover axial fan (per 24 hour period) - No monitoring <i>OK</i>	6.00 EA	0.00	29.78	178.68
<i>2 units set for 4 days. Rental capped at 3 days.</i>				
Totals: Hall				687.03



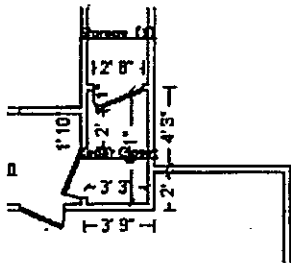
Bathroom

Height: 8'

205.38 SF Walls	61.93 SF Ceiling
267.31 SF Walls & Ceiling	41.60 SF Floor
4.62 SY Flooring	21.37 LF Floor Perimeter
40.23 LF Ceil. Perimeter	

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
MITIGATION LABOR				
Tear out wet non-salv, cpt, cut/bag-Cat 3 wtr- aft bus. hrs <i>U/D</i>	41.60 SF	0.77	0.00	32.03
Tear out wet carpet pad, cut/bag - Cat 3 wtr - aft.bus.hrs	41.60 SF	0.73	0.00	30.37
Tear out tackless strip and bag for disposal - after hours <i>↓</i>	24.37 LF	0.92	0.00	22.42
Baseboard - Detach - after hours <i>OK</i>	17.37 LF	0.00	1.25	21.71
Tear out casing and bag for disposal - after bus. hours <i>OK</i>	7.00 LF	0.87	0.00	6.09
Remove Vanity <i>OK</i>	3.00 LF	5.30	0.00	15.90
Remove Sink faucet - Bathroom <i>still intact</i>	1.00 EA	13.23	0.00	13.23
Clean floor <i>OK</i>	41.60 SF	0.00	0.29	12.06
Apply anti-microbial agent - after hours <i>OK</i>	41.60 SF	0.00	0.26	10.82
MITIGATION EQUIPMENT				
Air mover axial fan (per 24 hour period) - No monitoring <i>OK</i>	6.00 EA	0.00	29.78	178.68
<i>2 units set for 4 days. Rental capped at 3 days.</i>				
Totals: Bathroom				343.31

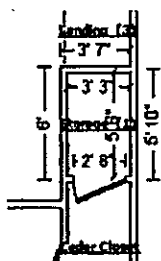
12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612



Cedar Closet

Height: 8'

149.34 SF Walls	19.77 SF Ceiling
169.11 SF Walls & Ceiling	19.77 SF Floor
2.20 SY Flooring	18.67 LF Floor Perimeter
18.67 LF Ceil. Perimeter	



Subroom 1: STORAGE

Height: 8'

139.53 SF Walls	17.78 SF Ceiling
157.31 SF Walls & Ceiling	17.78 SF Floor
1.98 SY Flooring	17.44 LF Floor Perimeter
17.44 LF Ceil. Perimeter	

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
MITIGATION LABOR				
Content Manipulation charge - per hour - after hours <i>U/O</i>	1.00 HR	0.00	46.48	46.48
Tear out wet non-salv. cpt, cut/bag-Cat 3 wtr- aft bus. hrs <i>U/O</i>	37.55 SF	0.77	0.00	28.91
Tear out wet carpet pad, cut/bag - Cat 3 wtr - aft.bus.hrs <i>U/O</i>	37.55 SF	0.73	0.00	27.41
Tear out tackless strip and bag for disposal - after hours <i>U/O</i>	36.11 LF	0.92	0.00	33.22
Baseboard - Detach - after hours <i>OK</i>	18.67 LF	0.00	1.25	23.34
Interior door - Detach, slab only <i>OK</i>	2.00 EA	0.00	17.37	34.74
Apply anti-microbial agent - after hours <i>OK</i>	37.55 SF	0.00	0.26	9.76
Clean floor	37.55 SF	0.00	0.29	10.89
MITIGATION EQUIPMENT				
Air mover axial fan (per 24 hour period) - No monitoring <i>OK</i>	6.00 EA	0.00	29.78	178.68
<i>2 units set for 4 days. Rental capped at 3 days.</i>				
Totals: Cedar Closet				393.43
<hr/>				
Total: Main Level				3,827.20

Contents

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

CONTINUED - Contents

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
Clean chair	U/O	1.00 EA	0.00	56.46	56.46
Clean rug - custom - with fringe - off site	↓	30.00 SF	0.00	0.88	26.40
Clean rug - pick up and relay - additional charge		15.00 SF	0.00	0.21	3.15
Totals: Contents					86.01

General Conditions

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
MITIGATION LABOR					
Equipment monitoring - after hrs	OK	1.00 HR	0.00	56.19	56.19
<i>1 hour initial moisture survey and readings on 3/12/2011</i>					
Equipment setup - after hrs	OK	1.58 HR	0.00	56.19	88.78
<i>2 dehumidifiers x 15 minutes/each = 30 minutes. 13 air movers x 5 minutes/each = 65 minutes.</i>					
Equipment monitoring (hourly charge)	OK	5.50 HR	0.00	37.42	205.81
<i>1.5 hours monitoring on 3/14/2011 1.5 hours monitoring on 3/15/2011 1.5 hours monitoring on 3/16/2011</i>					
Equipment take down, clean up and restocking (hourly charge)		1.58 HR	0.00	37.42	59.12
<i>2 dehumidifiers x 15 minutes/each = 30 minutes. 13 air movers x 5 minutes/each = 65 minutes.</i>					
Single axle dump truck - per load - including dump fees	↓	1.00 EA	188.13	0.00	188.13
Totals: General Conditions					598.03
Line Item Totals: 19952					4,511.24

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Grand Total Areas:

2,545.27 SF Walls	1,115.96 SF Ceiling	3,661.23 SF Walls and Ceiling
1,065.70 SF Floor	118.41 SY Flooring	300.09 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	356.84 LF Ceil. Perimeter
1,065.70 Floor Area	1,204.58 Total Area	2,584.44 Interior Wall Area
1,525.50 Exterior Wall Area	169.50 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

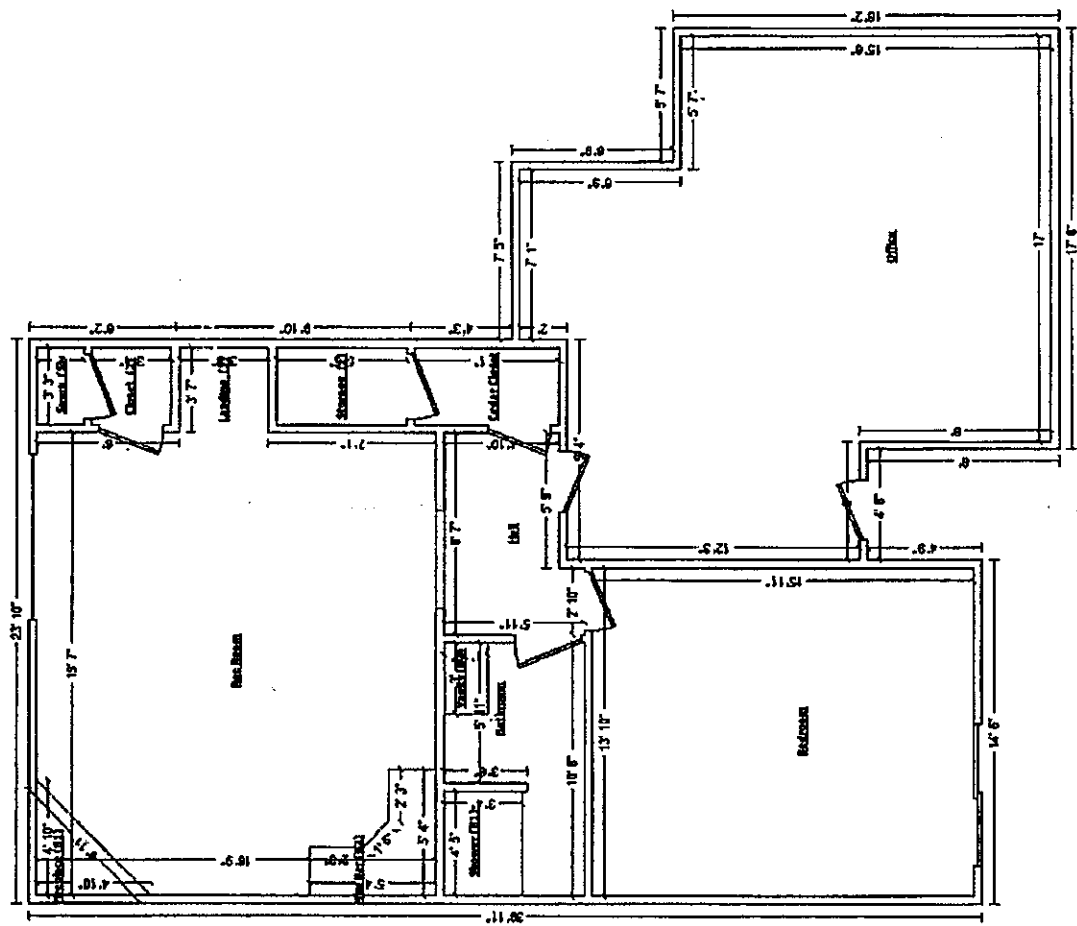
kelmann ~~APR~~
corporation

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Summary

Line Item Total				4,511.24
Material Sales Tax	@	5.600% x	72.96	4.09
Services Mat'l Tax	@	5.600% x	33.68	1.89
Service Sales Tax	@	5.600% x	2,987.17	167.28
Replacement Cost Value				<u>\$4,684.50</u>
Net Claim				<u><u>\$4,684.50</u></u>

Joe Heleniak



kelmann ~~APR~~
corporation

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Recap by Category

Items			Total	%
APPLIANCES			34.91	0.75%
CLEANING			266.40	5.69%
CONTENT MANIPULATION			139.44	2.98%
CONT: CLEAN,UPHOLSTRY & SOFT			86.01	1.84%
GENERAL DEMOLITION			1,282.13	27.37%
DOORS			69.48	1.48%
WATER EXTRACTION & REMEDIATION			2,632.87	56.20%
Subtotal			4,511.24	96.30%
Material Sales Tax	@	5.600%	4.09	0.09%
Services Mat'l Tax	@	5.600%	1.89	0.04%
Service Sales Tax	@	5.600%	167.28	3.57%
Total			4,684.50	100.00%

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Recap by Room

Estimate: 19952

Area: Main Level

Rec Room	2,403.43	53.28%
Hall	687.03	15.23%
Bathroom	343.31	7.61%
Cedar Closet	393.43	8.72%

Area Subtotal: Main Level

Contents	86.01	1.91%
General Conditions	598.03	13.26%

Subtotal of Areas

4,511.24 100.00%

Total

4,511.24 100.00%

kelmann  corporation

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Client: Hunt Management (Stevens, Justine)
Property: 3845 Oakridge Court
Greenfield, WI 53220
Business: 10520 N Baehr, Suite Q
Mequon, WI 53092

Mobile: (262) 490-9763
Business: (262) 238-1480

Operator Info:
Operator: JWHELENI

Estimator: Joe Heleniak
Business: 12001 W. Dearbourn Ave.
Wauwatosa, WI 53213

Business: (414) 727-3635

Reference:
Company: Customer's Request

Type of Estimate: Water Damage
Date Entered: 3/15/2011

Date Assigned: 3/11/2011

Price List: WIMW7X_MAR11
Labor Efficiency: Restoration/Service/Remodel
Estimate: 19952REBUILD

Following is our scope and estimate for restoration services at the subject property.

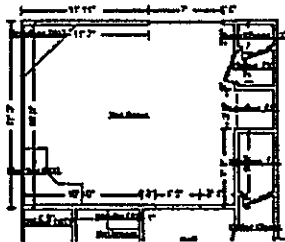
Effective April 22nd, 2010, the EPA mandates that any child occupied building built before 1978 be tested for lead-based paint prior to the disturbance of building materials. Lead-Safe Certified Restorers must use lead-safe practices until it can be determined that no lead exists in painted/finished surfaces. More information about the new lead rule is available at www.epa.gov/lead <<http://www.epa.gov/lead>>.

The State of Wisconsin is administering its own lead law with more stringent requirements. Under Wisconsin's lead rule, there is no op-out clause for the homeowner. More information about the new lead rule is available at www.dhs.wi.gov/lead/WIInfo.htm <<http://www.dhs.wi.gov/lead/WIInfo.htm>>.

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Wauwatosa, WI 53226
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19952REBUILD

Main Level



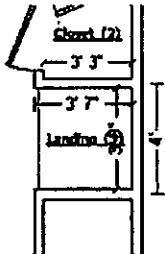
Rec Room

Height: 8'

384.32 SF Walls
712.96 SF Walls & Ceiling
33.19 SY Flooring
68.97 LF Ceil. Perimeter

328.64 SF Ceiling
298.70 SF Floor
35.23 LF Floor Perimeter

Missing Wall: 1 - 4' 1 13/16" X 6' 8" Opens into HALL Goes to Floor



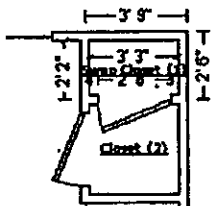
Subroom 1: LANDING

Height: 8'

89.06 SF Walls
101.69 SF Walls & Ceiling
1.40 SY Flooring
10.86 LF Ceil. Perimeter

12.63 SF Ceiling
12.63 SF Floor
10.86 LF Floor Perimeter

Missing Wall: 1 - 3' 8 3/8" X 8' Opens into REC_ROOM Goes to Floor/Ceiling

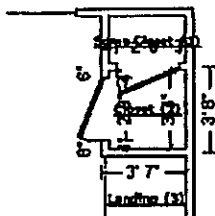


Subroom 2: SUMP_CLOSET

Height: 8'

84.00 SF Walls
90.50 SF Walls & Ceiling
0.72 SY Flooring
10.50 LF Ceil. Perimeter

6.50 SF Ceiling
6.50 SF Floor
10.50 LF Floor Perimeter



Subroom 3: CLOSET

Height: 8'

105.33 SF Walls
116.17 SF Walls & Ceiling
1.20 SY Flooring
13.17 LF Ceil. Perimeter

10.83 SF Ceiling
10.83 SF Floor
13.17 LF Floor Perimeter

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
PREP WORK					
Contents - reset - Large room	u/o	1.00 EA	0.00	71.64	71.64
Refrigerator - Reset	u/o	1.00 EA	0.00	34.91	34.91
General Demolition - per hour	OK	2.00 HR	35.26	0.00	70.52

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CONTINUED - Rec Room

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
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Labor to remove carpet remnants underneath corner fireplace unit. Fireplace unit was added and overlaps flooring by approx. 1". Labor to remove additional drywall from behind fireplace stones on north wall. Fireplace overlaps drywall.

Mask and prep for paint - plastic, paper, tape (per LF)	103.50 LF	0.00	0.86	89.01
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REC ROOM WALLS

Electrical repair - Minimum charge	1.00 EA	0.00	220.00	220.00
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Service call for licensed electrician to check and test outlets in affected wall prior to repair.

Batt insulation - 4" - R13	64.00 SF	0.00	0.71	45.44
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Polyethylene vapor barrier	64.00 SF	0.00	0.25	16.00
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Drywall patch / small repair, ready for paint	3.00 EA	0.00	52.06	156.18
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1/2" drywall - hung, taped, floated, ready for paint	64.00 SF	0.00	1.56	99.84
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Texture drywall - light hand texture	64.00 SF	0.00	0.45	28.80
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Drywall tape joint/repair - per LF	8.00 LF	0.00	7.45	59.60
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Seal then paint the north wall twice (3 coats)	64.00 SF	0.00	0.86	55.04
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SUMP CLOSET WALLS

Drywall patch / small repair, ready for paint	1.00 EA	0.00	52.06	52.06
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Seal then paint east wall (2 coats)	16.00 SF	0.00	0.60	9.60
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Batt insulation - 4" - R13	13.00 SF	0.00	0.71	9.23
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Polyethylene vapor barrier	13.00 SF	0.00	0.25	3.25
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(Material Only) AC plywood - 1/4"	64.00 SF	0.00	0.66	42.24
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Paneling Installer - Finish Carpenter - per hour	2.00 HR	0.00	58.66	117.32
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Labor to install unfinished plywood paneling. (1 sheet per hour). Includes detach/reset of sheet metal on west wall.

CLOSET WALLS

Drywall patch / small repair, ready for paint	2.00 EA	0.00	52.06	104.12
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Seal then paint the closet walls (2 coats)	105.33 SF	0.00	0.60	63.20
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BASE

Baseboard - 3 1/4" hardwood	48.40 LF	0.00	3.59	173.76
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Stain & finish baseboard	48.40 LF	0.00	0.99	47.92
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Finish baseboard - sanding sealer	48.40 LF	0.00	0.67	32.43
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DOORS

Casing - 2 1/4" hardwood	35.00 LF	0.00	2.95	103.25
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Stain & finish casing	35.00 LF	0.00	0.99	34.65
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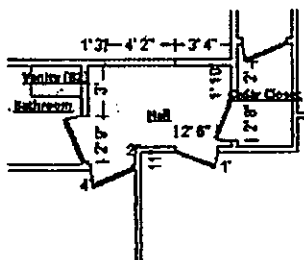
Clean door / window opening (per side)	3.00 EA	0.00	8.83	26.49
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Clean door / window opening (per side)	18.17 LF	0.00	0.52	9.45
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CONTINUED - Rec Room

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
Finish door/win trim & jamb - 1 coat urethane (per side)	OK	3.00 EA	0.00	14.98	44.94
Finish door/win trim & jamb - Lrg - 1 coat urethane	↓	1.00 EA	0.00	17.35	17.35
Interior door - reset - slab only		2.00 EA	0.00	17.37	34.74
CASEWORK					
(Material Only) Bottom plate - 2" x 4" - treated	OK	5.50 LF	0.00	0.66	3.63
Carpenter - General Framer - per hour	OK	1.00 HR	0.00	51.07	51.07
<i>Labor to rebuild support plate for corner cabinets and end panel</i>					
Cabinetry - lower (base) units	OK	5.25 LF	0.00	156.19	820.00
Cabinet panels - side, end, or back	OK	6.00 SF	0.00	15.14	90.84
(Install) Sink faucet - Kitchen	incl w/ ctr top	1.00 EA	0.00	76.52	76.52
(Install) Countertop - Flat laid plastic laminate	OK	10.67 LF	0.00	10.79	115.13
Caulking - acrylic	OK	10.67 LF	0.00	1.55	16.54
POST-CONSTRUCTION CLEANING					
Final cleaning - construction - Residential	OK	328.66 SF	0.00	0.25	82.17
Totals: Rec Room					3,128.88



Hall

Height: 8'

204.31 SF Walls	44.56 SF Ceiling
248.87 SF Walls & Ceiling	44.56 SF Floor
4.95 SY Flooring	24.85 LF Floor Perimeter
29.00 LF Ceil. Perimeter	

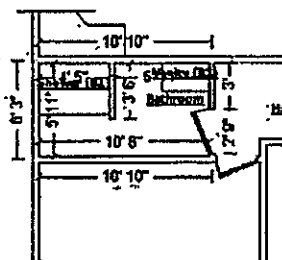
Missing Wall: 1 - 4' 1 13/16" X 6' 8" Opens into REC_ROOM Goes to Floor

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
BASE				
Baseboard - 3 1/4" hardwood	OK 19.10 LF	0.00	3.59	68.57
Stain & finish baseboard	OK 19.10 LF	0.00	0.99	18.91
Finish baseboard - sanding sealer	? 19.10 LF	0.00	0.67	12.80
DOORS				

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CONTINUED - Hall

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
Casing - 2 1/4" hardwood	OK	30.00 LF	0.00	2.95	88.50
Stain & finish casing		30.00 LF	0.00	0.99	29.70
Clean door / window opening (per side)		2.00 EA	0.00	8.83	17.66
Clean door / window opening (per side)		18.17 LF	0.00	0.52	9.45
Finish door/win trim & jamb - 1 coat urethane (per side)		2.00 EA	0.00	14.98	29.96
Finish door/win trim & jamb - Lrg - 1 coat urethane		1.00 EA	0.00	17.35	17.35
Interior door - reset - slab only		1.00 EA	0.00	17.37	17.37
POST-CONSTRUCTION CLEANING					
Final cleaning - construction - Residential		44.56 SF	0.00	0.25	11.14
Totals: Hall					321.41



Bathroom

Height: 8'

205.51 SF Walls	61.93 SF Ceiling
267.44 SF Walls & Ceiling	41.71 SF Floor
4.63 SY Flooring	21.40 LF Floor Perimeter
40.23 LF Ceil. Perimeter	

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
BASE					
Baseboard - 3 1/4" hardwood	OK	17.40 LF	0.00	3.59	62.47
Stain & finish baseboard	OK	17.40 LF	0.00	0.99	17.23
Finish baseboard - sanding sealer	?	21.40 LF	0.00	0.67	14.34
DOORS					
Casing - 2 1/4" hardwood	OK	7.00 LF	0.00	2.95	20.65
Stain & finish casing	OK	7.00 LF	0.00	0.99	6.93
Clean door / window opening (per side)	OK	1.00 EA	0.00	8.83	8.83
Finish door/win trim & jamb - 1 coat urethane (per side)	OK	1.00 EA	0.00	14.98	14.98
CASEWORK					
Remove Angle stop		2.00 EA	3.53	0.00	7.06
(Install) Angle stop		2.00 EA	0.00	26.67	53.34

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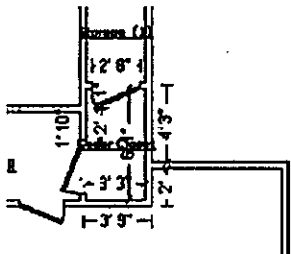
CONTINUED - Bathroom

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
<i>As required to install new vanity.</i>				
Remove Drain/Vent line - PVC pipe with fitting and hanger, 2"	2.00 LF	0.76	0.00	1.52
(Install) Drain/Vent line - PVC pipe with fitting and hanger, 2"	2.00 LF	0.00	11.43	22.86
<i>As required to install new vanity.</i>				
Vanity	3.00 LF	0.00	129.29	387.87
(Install) Vanity top - one sink - cultured marble	3.00 LF	0.00	23.31	69.93
Caulking - acrylic	5.00 LF	0.00	1.55	7.75
(Install) Sink faucet - Bathroom	1.00 EA	0.00	76.52	76.52
POST-CONSTRUCTION CLEANING				
Clean bathroom fixtures	1.00 EA	0.00	57.59	57.59
Final cleaning - construction - Residential	41.71 SF	0.00	0.25	10.43
Totals: Bathroom				840.30

OK



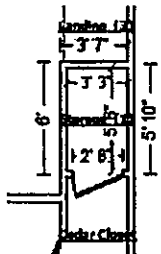
need separate?



Cedar Closet

Height: 8'

149.34 SF Walls	19.77 SF Ceiling
169.11 SF Walls & Ceiling	19.77 SF Floor
2.20 SY Flooring	18.67 LF Floor Perimeter
18.67 LF Ceil. Perimeter	



Subroom 1: STORAGE

Height: 8'

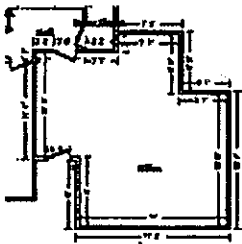
139.53 SF Walls	17.78 SF Ceiling
157.31 SF Walls & Ceiling	17.78 SF Floor
1.98 SY Flooring	17.44 LF Floor Perimeter
17.44 LF Ceil. Perimeter	

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
PREP WORK				
Contents - reset - Small room	1.00 EA	0.00	35.84	35.84
BASE				

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CONTINUED - Cedar Closet

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
Baseboard - 3 1/4" hardwood	OK	18.67 LF	0.00	3.59	67.03
Stain & finish baseboard		18.67 LF	0.00	0.99	18.48
Finish baseboard - sanding sealer	✓	18.67 LF	0.00	0.67	12.51
DOORS					
Interior door - Detach & reset - slab only		2.00 EA	0.00	17.37	34.74
Clean door / window opening (per side)		3.00 EA	0.00	8.83	26.49
Finish door/win trim & jamb - 1 coat urethane (per side)		3.00 EA	0.00	14.98	44.94
POST-CONSTRUCTION CLEANING					
Final cleaning - construction - Residential		37.55 SF	0.00	0.25	9.39
Totals: Cedar Closet					249.42

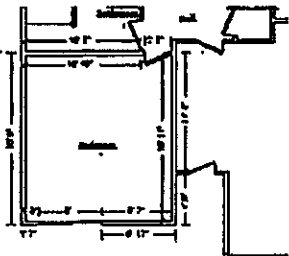


Office

Height: 8'

708.00 SF Walls	393.14 SF Ceiling
1,101.14 SF Walls & Ceiling	393.14 SF Floor
43.68 SY Flooring	88.50 LF Floor Perimeter
88.50 LF Ceil. Perimeter	

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
FLOOR					
Contents - move out then reset - Large room	✓	1.00 EA	0.00	71.64	71.64
Clean and deodorize carpet	✓	393.14 SF	0.00	0.32	125.80
Totals: Office					197.44



Bedroom

Height: 8'

476.00 SF Walls	220.18 SF Ceiling
696.18 SF Walls & Ceiling	220.18 SF Floor
24.46 SY Flooring	59.50 LF Floor Perimeter
59.50 LF Ceil. Perimeter	

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CONTINUED - Bedroom

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
FLOOR				
Contents - move out then reset - Large room U/O	1.00 EA	0.00	71.64	71.64
Clean and deodorize carpet U/O	220.18 SF	0.00	0.32	70.46
Totals: Bedroom				142.10
Total: Main Level				4,879.55

Subcontractors

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
Subcontracted Flooring (Per Nationwide U/O FWC)	1.00 EA	0.00	2,350.24	2,350.24
<i>Includes moving of furniture in rec room.</i>				
Totals: Subcontractors				2,350.24

Contents

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
Clean sofa	15.00 LF	0.00	25.78	386.70
Clean stereo - comp. - speakers - large - ext. wipe down	2.00 EA	0.00	9.33	18.66
Clean stereo stand	1.00 EA	0.00	7.58	7.58
Clean table - coffee	1.00 EA	0.00	10.20	10.20
Clean chest	1.00 EA	0.00	15.79	15.79
Clean table - dining	1.00 EA	0.00	12.57	12.57
Clean table - sofa	1.00 EA	0.00	17.17	17.17
Clean exercise equipment	1.00 EA	0.00	21.98	21.98
Totals: Contents				490.65

General Conditions

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
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CONTINUED - General Conditions

DESCRIPTION		QNTY	REMOVE	REPLACE	TOTAL
CLEANUP AND DEBRIS REMOVAL					
Neg. air fan/Air scrub.-Large (per 24 hr period)-No monit.	OK	1.00 DA	0.00	121.63	121.63
<i>Air scrubber used during repairs to capture airborne dust and debris and minimize post-construction cleanup.</i>					
Cleaning - Remediation Technician - per hour		2.00 HR	0.00	37.42	74.84
<i>Progressive cleanup.</i>					
Haul debris - per pickup truck load - including dump fees		1.00 EA	102.98	0.00	102.98
Totals: General Conditions					299.45
Line Item Totals: 19952REBUILD					8,019.89

Grand Total Areas:

2,545.40 SF Walls	1,115.96 SF Ceiling	3,661.37 SF Walls and Ceiling
1,065.81 SF Floor	118.42 SY Flooring	300.11 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	356.84 LF Ceil. Perimeter
1,065.81 Floor Area	1,204.58 Total Area	2,584.58 Interior Wall Area
1,525.50 Exterior Wall Area	169.50 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

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Summary

Line Item Total				8,019.89
Overhead	@	10.0% x	8,019.89	801.99
Profit	@	10.0% x	8,019.89	801.99
Material Sales Tax	@	5.600% x	1,615.24	90.45
Services Mat'l Tax	@	5.600% x	29.23	1.64
Service Sales Tax	@	5.600% x	1,154.11	64.63
Replacement Cost Value				<u>\$9,780.59</u>
Net Claim				<u><u>\$9,780.59</u></u>

Joe Heleniak

12001 West Dearbourn Avenue
Wauwatosa, WI 53226
Tax ID #: 39-1415612

Recap by Room

Estimate: 19952REBUILD

Area: Main Level

Rec Room	3,128.88	39.01%
Hall	321.41	4.01%
Bathroom	840.30	10.48%
Cedar Closet	249.42	3.11%
Office	197.44	2.46%
Bedroom	142.10	1.77%

Area Subtotal: Main Level	4,879.55	60.84%
Subcontractors	2,350.24	29.31%
Contents	490.65	6.12%
General Conditions	299.45	3.73%

Subtotal of Areas	8,019.89	100.00%
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Total	8,019.89	100.00%
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Recap by Category

O&P Items		Total	%
APPLIANCES		34.91	0.36%
CABINETRY		1,413.84	14.46%
CONT: CLEAN ELECTRIC ITEMS		18.66	0.19%
CONT: CLEAN - HARD FURNITURE		85.29	0.87%
CLEANING		540.19	5.52%
CONTENT MANIPULATION		250.76	2.56%
CONT: CLEAN,UPHOLSTRY & SOFT		386.70	3.95%
GENERAL DEMOLITION		182.08	1.86%
DOORS		86.85	0.89%
DRYWALL		500.60	5.12%
ELECTRICAL		220.00	2.25%
FLOOR COVERING - CARPET		2,350.24	24.03%
FINISH CARPENTRY / TRIMWORK		584.23	5.97%
FRAMING & ROUGH CARPENTRY		96.94	0.99%
INSULATION		73.92	0.76%
MARBLE - CULTURED OR NATURAL		69.93	0.71%
MOISTURE PROTECTION		24.29	0.25%
PLUMBING		229.24	2.34%
PANELING & WOOD WALL FINISHES		117.32	1.20%
PAINTING		632.27	6.46%
WATER EXTRACTION & REMEDIATION		121.63	1.24%
O&P Items Subtotal		8,019.89	82.00%
Overhead	@ 10.0%	801.99	8.20%
Profit	@ 10.0%	801.99	8.20%
Material Sales Tax	@ 5.600%	90.45	0.92%
Services Mat'l Tax	@ 5.600%	1.64	0.02%
Service Sales Tax	@ 5.600%	64.63	0.66%
Total		9,780.59	100.00%

NOTICES SENT TO FOR FILE 110777:

[illegible]



Legislation Details (With Text)

File #: 110824 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Resolution relating to an appeal from Patricia Paige for property damage. (7th Aldermanic District)
Sponsors: THE CHAIR
Indexes: CLAIMS APPEAL
Attachments: Appeal, City Attorney Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110824

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relating to an appeal from Patricia Paige for property damage. (7th Aldermanic District)

Drafter

CC-CC

dkf

10/5/11

MEMO

To: Milwaukee City Clerk ^{9/27/11}
 Re: Appeal Decision File # 11-S-131
 Fr: Patricia Paige

CITY OF MILWAUKEE

11 SEP 27 PM 3:43

RONALD D. LEONARD
CITY CLERK

I am writing this letter to
 appeal the decision not to pay
 my claim relating to the
 damage to my car. I do not
 agree with the decision of the
 investigator. The potholes were

CITY OF MILWAUKEE
RECEIVED

2011 SEP 28 PM 8:06

CITY ATTORNEY

not fixed and my car was
 damaged because of the potholes.
 I came in about the potholes
 because my car was damaged. I
 am also very disappointed at

how my claim was handled.

It took the Claim Investigator

from May to September to make

a decision. When I called about

my claim it was always I am

waiting on the department of

infrastructure. I am asking for

a hearing to come and talk

about my claim, and how

I felt about the treatment

received. Please feel free to call

or write me at the following

address and phone numbers

38110 N. 42nd Street Milwaukee, WI

MEMO

63216, (414) 442-9927 (Home)

(414) 333-1116 (Cell)

Sincerely

P. Pany

CITY OF MILWAUKEE

5/16/11

11 MAY 18 PM 2: 50

RONALD D. LEONHARDT
CITY CLERK

To: City Attorney

Fr: Patricia Paige

Re: Damage to Vehicle due to Pot Holes

I have suffered a great deal of damage to my vehicle due to the pot holes in the street. I drive a 2004 Honda CRV, and on two occasions I was driving down Capital drive towards 124th and Capital, and when I got to 74th and Capital on west Appleton there were huge pot holes on this street my tires went down into the pot holes. I tried to steer away from the holes, but I was in traffic, and I did not want to cause an accident. There were so many pot holes on capital that one didn't know what to do. I called the city, and they said they would take care of it. My car now needs struts and a stabilizer bar. The stabilizer bar is broken and my struts are blown.

This took place on two different occasions I called the city both times and complained about the pot holes. I called the end of February around the 23rd, and I also called in March on the 22nd, and both times the city said they would take care of it.

I also called the city attorney and complained about the damage to my car, and it was stated by the city attorney that "I needed to put it in writing the damage and also get to different estimates". I "stated to the city attorney I was very frustrated with the city because I had a flood complaint that I filed last summer, and I still have not got a response from the city. I am asking that the city pay for the repairs to my vehicle. The pot holes caused the damage, and I really need my car fixed.

All the city has to do is take a drive down Capital drive, and you will see what I am saying. I have enclosed two different estimates with this letter. Please let me know what else I need to do in order to get the city to process my claim. You can reach me at the following address and phone numbers 3810 North 42nd street Milwaukee, Wisconsin 53216, and (414) 442-9927 Home (414) 364-2455 Cell thank you for listening to my concerns and I look forward to hearing from you soon.

Sincerely,
P. Paige
Patricia Paige

OFFICE OF
CITY ATTORNEY

2011 MAY 19 PM 1:40

CITY OF MILWAUKEE
RECEIVED

ESV ONLY

TOMAY

KERNS MUFFLER SHOP
2030 W. HAMPTON AVE
MILWAUKEE WI. 53209
(414) 447-8274

(414)

442-9927

18

349.95 2 Ball Joints
159.95 2 Front stabilizers
159.95 2 Rear stabilizers
159.95 2 Front struts
159.95 2 Front mounts

TOMAY

NAME: Darge Patricia
ADDRESS: 3810 N 42ND ST
CITY: MILWAUKEE WI 53216
PHONE: 463-EMM87155
VEHICLE: Honda CRV
COLOR:
SERIAL NO:
WARRANTY:
SALE:
DATE OF ORDER: 5-11-11
DELIVERY DATE:
TIME PROMISED:
PHONE NO:
LABOR CHARGE:
LUBRICATE ☐
CHANGE OIL ☐
CHANGE OIL FILTER ☐
SERVICE BATTERY ☐
SERVICE AIR CLEANER ☐
ROTATE TIRES ☐
CHANGE TRANS. FLUID ☐
ALIGN FRONT END ☐
SAFETY CONTROL SERVICE ☐
TOTAL PARTS:
NORTH REPAIRS, TOWING:
TOTAL SUBLET REPAIRS:
Gulf, Gargo
Dix, Hill @
Dix, L. House @
TOTAL GAS, OIL & GREASE:
TOTAL MATERIAL:
EXHAUST
SHOCKS
FRONT END
2 Lower
Any warranties on the products sold hereby are those made by the manufacturer. The seller (above named dealership) hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability in connection with the sale of said products.
YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.
1. I request an estimate in writing before you begin repairs.
2. Please proceed with repairs, but call me before continuing if the price will exceed \$
3. I do not want an estimate.
On you want the replaced parts you are entitled to: ☐ Yes ☐ No
Payment will be made by: ☐ Cash ☐ Credit Card ☐ Charge ☐ Yes ☐ No
Main vehicle repair operations not regulated by chapter ATCP 139, Wis. Admin. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 867, Madison, Wisconsin 53708-0867.
This vehicle received without loan-to-own customer contract.
SHOP REPRESENTATIVE SIGNATURE:
INTERNAL SUMMARY:
ACCT. CHARGE COST FACTORY CLAIMS COST COST
TOTAL LABOR
TOTAL PARTS
GAS, OIL & GREASE
PAINT & BODY MATERIALS
SUBLET & TOWING
SUPPLIES
SUB TOTAL
SALES TAX
TOTAL

Shuts - \$1657.30 + tax

Station junk and busnag
\$204.98 + tax

2004 Honda CRV

Russ Darrow
586-5400

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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KURT A. BEHLING
GREGG C. HAGOPIAN
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LEONARD A. TOKUS
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G. O'SULLIVAN-CROWLEY
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ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
Assistant City Attorneys

September 6, 2011

Patricia Paige
3810 North 42nd Street
Milwaukee, WI 53216

RE: Patricia Paige
C.I. File No.: 11-S-131

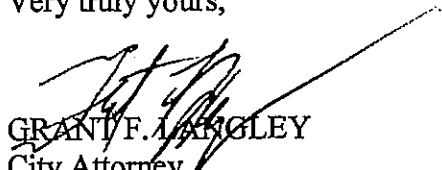
Dear Ms. Paige:


We have received your claim in the amount of \$862.30, relating to alleged damage sustained to your vehicle on February 23, 2011 and March 22, 2011 when it struck potholes along West Capitol Drive, between West Appleton Avenue and North 74th Street.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed its records and those of the DPW Call Center relative to these incidents. They found that they had patched potholes in this area on February 23, 2011 and March 28, 2011 pursuant to a complaint call near each of these dates. The ISD followed its standard procedures and was acting within the City's discretion. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1029-2011-1471:173271

OFFICE OF THE CITY ATTORNEY

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

NOTICES SENT TO FOR FILE 110824:

[illegible]



Legislation Details (With Text)

File #: 110829 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of Vincent Tony for personal injuries. (1st Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS

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

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110829
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to the claim of Vincent Tony for personal injuries. (1st Aldermanic District)
Requestor
City Attorney
Drafter
JAS:ms
October 4, 2011
1058-2011-1892:174264

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
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GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
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G. O'SULLIVAN-CROWLEY
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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
Assistant City Attorneys

October 4, 2011

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

Re: Resolution Relating to the Claim of VINCENT G. TONEY
C.I. File No. 11-L-53

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, Vincent G. Toney, 2721 West Roosevelt Drive, Milwaukee, WI 53216, alleges that on March 10, 2011 he sustained injuries when he slipped and fell on an icy and snow covered City sidewalk located at the southeast side/end of 2319 East Kenwood Boulevard. He claims damages in the amount of \$250,403.26.

Our investigation reveals that pursuant to Wisconsin Statutes § 893.83(1) the accumulation of ice and snow did not exist for the requisite twenty-one days. As such, the City of Milwaukee cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1058-2011-1892:174261

Claim Against the City of Milwaukee

Vincent G. Toney
2721 W. Roosevelt Drive
Milwaukee, WI 53216

Phone: (414)530-1702

On March 10, 2011, I slipped and fell on ice at the southeast side end of the Kenwood Methodist Church, located at 2319 East Kenwood Boulevard, Milwaukee, WI 53211-3396. Due to the freezing temperature, the sidewalk was layered with ice. I called the police department who dispatched the UW-Milwaukee Police; they recorded the incident, but advised me that my fall had taken place on the City of Milwaukee property and that I should call them.

Prior to calling the Milwaukee Police Department, I witness another person, Gery Reinke, who fell on the same spot. I went inside the church and talked to Mr. Don Lybeck advising him of the icy condition. He could see a layer of ice almost covered the entire front and most of the side of the building. While approaching the side of the building, Mr. Lybeck witnessed a man almost fall where I had fallen. He immediately returned to the inside of the building retrieving salt to melt the ice.

The Milwaukee Police Department advised me to go to the City Hall to get instructions on having my fall documented. During this time I had advised my doctor about the fall, know that in the past I have had problems with my back, she instructed me to schedule an appointment. I was able to schedule an appointment that afternoon. By 11:30am that day upon my arrival to the doctors' office, it was extremely difficult for me to get out of my vehicle. My doctor prescribed a low-level narcotic for the pain, which she diagnosed my symptoms as a possibly contused back muscles resulting from the fall. During another visit on 3/23/2011 my doctor instructed me to continue to take the low-level drug and also advised me to add Tylenol 500mg, 2 tabs 4x/day as needed for 3 weeks. She also advised me to start a low-level aerobics class, but I was in too much pain for that routine. During another visit on 6/2/2011 she prescribed Naproxen, 500 mg to take 1 tab 2x/day. The doctor advised me to call in 4 weeks if I was not at all better after I finished that prescription. Please note that during the period covered I also sought treatment from my chiropractor, who was able to relieve some of the pain.

CITY OF MILWAUKEE
11 JUL -8 PM 2:12
RONALD D. LEONHARDT
CITY CLERK

Claim Against the City of Milwaukee

The day of the fall the Milwaukee Police Department recorded the information about the fall and advised me to contact the City Hall. I was under the assumption that this was the process to have my situation recorded for their record. However, the personnel at the City Call only provided instructions about the process to make a claim against the city; that was not my intention.

However, since the fall, none of the drugs nor did the chiropractic service totally relieve my pain. The week of July 4, 2011, I revisited my doctor who ordered x-rays of my lower back. Since I have not been advised of the result and the 120 time-frame is approaching I am filing this information. Additionally, since my doctor has not reviewed those results the long-term affects of my slip and fall, I have no way to estimate a settlement. However, after researching slip and fall cases similar to mine, those settlements were multi-million dollar. Considering time constraints and the fact that I am a 52-year-old male, and that my pain is so excruciating that I can almost not get out of bed in the mornings, I think that a fair settlement would be \$250,000 for pain and suffering. Additionally, if the results of the x-ray prove that my injury is more severe, I have the right to pursue a settlement for further damage.

Attached are copies of the medical claims:

- Aurora Advanced – my primary doctor
- Dr. Steve Johnson – my chiropractor

Note: I have not received the information for my doctor visits this week.

CITY OF MILWAUKEE
RECEIVED
2011 JUL 12 PM 3:34
OFFICE OF
CITY ATTORNEY

Your Claim Recap



#BMNCQXF
#FNA131094A76/DS0#
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE, WI 53216-1833

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11095BK8534

Date Prepared:
04/07/11

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	106.00
Amount allowed by your benefit:	\$	69.96

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	69.96
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	69.96

What Is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

Claim Highlights

Date of Service:

03/10/11

Consumer:

VINCENT TONEY

Provider:

AURORA ADVANCED HEALTHCARE
PO BOX 091700
MILWAUKEE, WI 53209

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your health care dollar.**

Have a question?

Go online to www.anthem.com
or call 1-877-380-1490

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	1,127.77
----------------------------	----	----------

Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	606.24

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	606.24

Maximum for Non Network Providers:	\$999,999.00
Amount Accumulated Towards Maximum to Date:	\$ 606.24

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.



#FNA131094A76/DS0#
P.O. BOX 37010
LOUISVILLE, KY, 40233

0329CD150118-003331

002395020101

MWEVTP28 BOWE 20110328B00 JD0E
20110328 002395 Env [7,967] 5 of 8

Your Claim Recap



*****AUTO**ALL FOR AADC 530
7667 2 AB 0.485 43
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE WI 53216

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11080QR1533

Date Prepared:
03/29/11

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	140.00
Amount allowed by your benefit:	\$	82.28

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	82.28
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	82.28

What is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

Claim Highlights

Date of Service:
03/11/11

Consumer:
VINCENT TONEY

Provider:
STEVEN E JOHNSON DC
14530 W CAPITOL DR
BROOKFIELD, WI 53005

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Have a question?
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or call 1-877-380-1490.

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	1,281.73
----------------------------	----	----------

Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	452.28

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	452.28

Maximum for Non Network Providers:	\$	999,999.00
Amount Accumulated Towards Maximum to Date:	\$	452.28

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.

Si necesita ayuda en español para entender este documento, la puede solicitar sin ningún costo adicional llamando sin cargo al 1-877-380-1490

Your Claim Recap



*****AUT0**3-DIGIT 532 81
25707 1 AT 0.365
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE WI 53216

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11109BF8167

Date Prepared:
04/21/11

Claim Highlights

Date of Service:

03/23/11

Consumer:

VINCENT TONEY

Provider:

AURORA ADVANCED HEALTHCARE
PO BOX 091700
MILWAUKEE, WI 53209

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Have a question?
Go online to www.anthem.com
or call 1-877-380-1490

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	106.00
Amount allowed by your benefit:	\$	69.96

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	69.96
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	69.96

What is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	956.81
----------------------------	----	--------

Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	777.20

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	777.20

Maximum for Non Network Providers:	\$999,999.00
Amount Accumulated Towards Maximum to Date:	\$ 777.20

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.



#FNA131094A76/DS0#
P.O. BOX 37010
LOUISVILLE, KY, 40233

0505CD150118-001768

001326020101

MWEVTP28 BOWE 20110510B00.3525
20110504 001326 Env [42.968] 1 of 2

Your Claim Recap



*****AUT0**3-DIGIT 532
42968 1 AT 0-365 138
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE WI 53216-1833

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11123BQ4324

Date Prepared:
05/05/11

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	106.00
Amount allowed by your benefit:	\$	69.96

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	69.96
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	69.96

What is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

Claim Highlights

Date of Service:
04/14/11

Consumer:
VINCENT TONEY

Provider:
AURORA ADVANCED HEALTHCARE
PO BOX 091700
MILWAUKEE, WI 53209

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	845.71
----------------------------	----	--------

Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	888.30

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	888.30

Maximum for Non Network Providers:	\$	999,999.00
Amount Accumulated Towards Maximum to Date:	\$	888.30

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or call 1-877-380-1490

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.

Si necesita ayuda en español para entender este documento, la puede solicitar sin ningún costo adicional llamando sin cargo al 1-877-380-1490.



MFNA131094A76/DS0#
P.O. BOX 37010
LOUISVILLE, KY, 40233

0630CD150116-001628

001340020101

MWEVTP28 BOWE 2011063000 JFFA
20110630 001340 Env [36,627] 1 of 2

Your Claim Recap

*****AUT0***3-DIGIT 532
35627 1 AT 0.365 103
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE WI 53216-1833

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11179BL3443

Date Prepared:
06/30/11

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	106.00
Amount allowed by your benefit:	\$	69.96

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	69.96
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	69.96

What is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

Claim Highlights

Date of Service:
06/02/11

Consumer:
VINCENT TONEY

Provider:
AURORA ADVANCED HEALTHCARE
PO BOX 091700
MILWAUKEE, WI 53209

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your health care dollar.

Have a question?
Go online to www.anthem.com
or call 1-877-380-1490.

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	198.03
----------------------------	----	--------

Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	1,535.98

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	1,535.98

Maximum for Non Network Providers:	\$	9999999.00
Amount Accumulated Towards Maximum to Date:	\$	1,535.98

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.

Si necesita ayuda en español para entender este documento, la puede solicitar sin ningún costo adicional llamando sin cargo al 1-877-380-1490

Your Claim Recap



*****AUTO**3-DIGIT 532 81
25707 1 AT 0.365
TAFFIE FOSTER TONEY
2721 W ROOSEVELT DRIVE
MILWAUKEE WI 53216-1833

Account Holder:
TAFFIE FOSTER TONEY

Health Program ID:
095A23688

Group Name:
DANA LIMITED

Claim Number:
11110QR1930

Date Prepared:
04/25/11

Claim Highlights

Date of Service:

04/05/11

Consumer:

VINCENT TONEY

Provider:

STEVEN E JOHNSON DC
14530 W CAPITOL DR
BROOKFIELD, WI 53005

1. Summary of this Claim (See next page for details)

How Much was the Expense?

The total charge was:	\$	70.00
Amount allowed by your benefit:	\$	41.14

How Much was Paid Under Your Program?

Amount paid from your Health Account:	\$	41.14
Amount paid by Traditional Health Coverage:	\$	.00
Total paid under your Program:	\$	41.14

What is Your Out-of-Pocket Responsibility?¹

Other out-of-pocket responsibility:	\$	.00
Coinsurance responsibility:	\$	.00

You Are Responsible For This Amount: \$.00

Your Provider should bill you directly for this amount.

**Thank you for choosing
a provider participating
in our network helping
you get the most for
your health care dollar.**

Have a question?

Go online to www.anthem.com
or call 1-877-380-1490.

2. Status of Your Program (After this Claim)²

Your Health Account

Remaining Account balance:	\$	915.67
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Your Traditional Health Coverage

Begins after spending (on covered services):	\$	2,625.00
Amount spent to date:	\$	818.34

Your Annual Out-of-Pocket Maximum

Maximum for Network Providers:	\$	4,125.00
Amount Accumulated Towards Maximum to Date:	\$	818.34

Maximum for Non Network Providers:	\$999,999.00
Amount Accumulated Towards Maximum to Date:	\$ 818.34

¹ Your out-of-pocket responsibility may increase if you do not use a participating network provider. Your out-of-pocket responsibility may increase if you receive a service that is not a covered benefit and may not apply to your out-of-pocket maximum.

² The information above is accurate as of this claim for the benefit year in which it occurred. It may not reflect your most recent account balance and claims activity. Your actual balance depends upon claims that are in process and on services you have received that are not yet processed.



OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed at the bottom of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

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.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.
3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk
ATTN: CLAIMS
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

893.80 Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

NOTICES SENT TO FOR FILE 110829:

[illegible]



Legislation Details (With Text)

File #: 110793 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution authorizing the return of real estate located at 3615 North 50th Street, in the 7th Aldermanic District to its former owner. (Anchor Bank)
Sponsors: THE CHAIR
Indexes: IN REM JUDGMENTS
Attachments: Request for Vacation of In Rem Judgment, DCD letter, Treasurer letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110793

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 3615 North 50th Street, in the 7th Aldermanic District to its former owner. (Anchor Bank)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 3615 North 50th Street, previously owned by Anchor Bank, has delinquent taxes for 2007-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated June 29 110793; and

Whereas, Anchor Bank would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since June 29; and

Whereas, Anchor Bank has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office,

as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3615 North 50th Street, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV 3502 known as the 2011-01 In Rem Parcel 49, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

10/17/11

WAYNE F. WHITTOW
City Treasurer




James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

September 26, 2011

To: Milwaukee Common Council
City Hall, Room 205

From: Wayne F. Whittow 
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 267-0996-000-7
Address: 3615 3615 N 50TH ST
Owner Name: POSITIVE REHABS LLC
Applicant/Requester: ANCHOR BANK
2011-01 Inrem File
Parcel: 49
Case: 11CV 3502

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 6/29/2011.

WFW/ku

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.
5. Complete boxes a, b, c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS

3615 N 50th Street, Milwaukee

TAXKEY NUMBER

267-0996-0007

NAME OF APPLICANT

Anchorbank fsp (by Lonie Bunke, VP)

MAILING ADDRESS

420 S. Koeller Street

Oshkosh

WI

54902

920-303-4925

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

B. FORMER OWNER

YES

NO

X

If no, describe interest in this property

Anchorbank has a security interest in the property.

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

N/A

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES

X

NO

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES

NO

unknown

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. All charges incurred such as water usage, city services, etc. while the City held title to the property are the responsibility of the applicant if request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.

APPLICANT'S SIGNATURE



DATE

8/26/11



Payment Receipt

CT-11

Office of the City Treasurer • City Hall, Room 103
200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240

Received of: Anchor Bank

Tax Account No.: 267-0996-7

Property Address: 3615 N 50th St

Cash \$ _____ Check \$ 1370.00

Installment Payment ☐ Bond Payment ☐

Delinquent Tax Payment ☐ Year: _____

Current Collection Tax Payment ☐

Duplicate Tax Bill Fee ☐ Other ☒ unrated judgment

Received by: Kerry

Date: 9/26/11

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 9/26/2011

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2011 - 01
Taxkey Number: 267-0996-000 - 7
Property Address: 3615 3615 N 50TH ST
Owner Name POSITIVE REHABS LLC

Applicant: ANCHOR BANK

Parcel Number: 49
CaseNumber: 11CV 3502



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 13, 2011

Ms. Joanna Polanco, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Polanco:

Re: File Number 110793
3615 North 50th Street

The Department of City Development reports that the tax foreclosed property located at 3615 North 50th Street, Tax Key No. 267-0996-000-7, is not suitable for use by a public agency or community based organization. Also, said property is not located in an existing or planned project area.

This residential structure is occupied. Administrative costs incurred by our Department total \$574.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,



Clifton W. Crump
Real Estate Project Manager

c: K. Urban, City Treasurer/Customer Service
K. Sullivan, City Attorney's Office



Office of the City Treasurer

City Hall, Room 103 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240 • TTY: (414) 286-2025 • FAX: (414) 286-3186

October 17, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 110793 Reopening and Vacating InRem Judgment
Tax Key No.: 267-0996-000-7
Address: 3615 N 50TH ST
Owner Name: POSITIVE REHABS LLC
Applicant/Requester: ANCHOR BANK
2011-01 in rem, Parcel: 49
Case: 11CV 3502, Acquired: 6/29/2011

Listed below are the outstanding taxes on the above parcel. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN NOV	IF PAID BY DEC 2, 2011
2007-2010	\$19,466.48	\$19,466.48
Interest	\$5,374.42	\$5,561.47
Penalty	\$2,687.21	\$2,780.74
TOTAL*	\$27,528.11	\$27,808.69

***The above figures may change prior to payment due to possible additional costs.**

WFW/slk



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

October 20, 2011

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 110793
Address 3615 N 50th St

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services does not object to the return of this property provided the applicant pays \$675.00 in pending property recording enforcement fees.

Sincerely,

Lynne Steffen
Business Operations Manager

NOTICES SENT TO FOR FILE 110793:

[illegible]



Legislation Details (With Text)

File #: 110794 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution authorizing the return of real estate located at 3554-56 N Teutonia Ave, in the 6th Aldermanic District to its former owner. (Anchor Bank)

Sponsors: THE CHAIR

Indexes: IN REM JUDGMENTS

Attachments: Request for Vacation of In Rem Judgment, DCD letter, Treasurer letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110794

Version
SUBSTITUTE 1

Sponsor
THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 3554-56 N Teutonia Ave, in the 6th Aldermanic District to its former owner. (Anchor Bank)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 3554-56 N Teutonia Ave, previously owned by Anchor Bank, has delinquent taxes for 2007-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated June 29110794; and

Whereas, Anchor Bank would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since June 29; and

Whereas, Anchor Bank has agreed to pay all related city charges up until the point that the property is returned,

as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3554-56 N Teutonia Ave, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV 3502 known as the 2011-01 In Rem Parcel 54, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

10/17/11

WAYNE F. WHITTOW
City Treasurer



James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

September 26, 2011

To: Milwaukee Common Council
City Hall, Room 205

From: Wayne F. Whittow *WFW*
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 271-1617-000-6
Address: 3554 3556 N TEUTONIA AV
Owner Name: JAMES K MORROW SAM GLENN
Applicant/Requester: ANCHOR BANK
2011-01 Inrem File
Parcel: 54
Case: 11CV 3502

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 6/29/2011.

WFW/ku

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.
5. Complete boxes a, b c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 3554-6 N. Tuetonia Avenue
 TAXKEY NUMBER 271-1617-0006
 NAME OF APPLICANT Anchorbank fsb (Lorie Bunke, VP)
 MAILING ADDRESS 420 S. Koeller Street
Oshkosh WI 54902 920-303-4925
 CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES _____ NO X

If no, describe interest in this property Anchorbank has a security interest in the property

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

N/A

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES X NO _____

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES _____ NO unknown

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. All charges incurred such as Water usage, city services, etc. while the City held title to the property are the responsibility of the applicant if request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid

APPLICANT'S SIGNATURE [Signature]

DATE 8/26/11



Payment Receipt

CT-11

Office of the City Treasurer • City Hall, Room 103
200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240

Received of: Anchor Bank

Tax Account No.: 271-1617-6

Property Address: 3554-6 N Teutonia

Cash \$ _____ Check \$ 1370.00

Installment Payment ☐ Bond Payment ☐

Delinquent Tax Payment ☐ Year: _____

Current Collection Tax Payment ☐

Duplicate Tax Bill Fee ☐ Other ☒

Received by: Kerry

Date: 9/26/11

vacated judgment

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 9/26/2011

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2011 - 01
Taxkey Number: 271-1617-000 - 6
Property Address: 3554 3556 N TEUTONIA AV
Owner Name JAMES K MORROW
SAM GLENN
Applicant: ANCHOR BANK

Parcel Number: 54
CaseNumber: 11CV 3502



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 13, 2011

Ms. Joanna Polanco, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Polanco:

Re: File Number 110794
3554-56 North Teutonia Avenue

The Department of City Development reports that the tax foreclosed property located at 3554-56 North Teutonia Avenue, Tax Key No. 271-1617-000-6, is not suitable for use by a public agency or community based organization. Also, said property is not located in an existing or planned project area.

This residential structure is occupied. Administrative costs incurred by our Department total \$474.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,

Clifton W. Crump
Real Estate Project Manager

c: K. Urban, City Treasurer/Customer Service
K. Sullivan, City Attorney's Office



Office of the City Treasurer

City Hall, Room 103 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240 • TTY: (414) 286-2025 • FAX: (414) 286-3186

October 17, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 110794 Reopening and Vacating InRem Judgment
Tax Key No.: 271-1617-000-6
Address: 3554 3556 N TEUTONIA AV
Owner Name: JAMES K MORROW SAM GLENN
Applicant/Requester: ANCHOR BANK
2011-01 in rem, Parcel: 54
Case: 11CV 3502, Acquired: 6/29/2011

Listed below are the outstanding taxes on the above parcel. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN NOV	IF PAID BY DEC 2, 2011
2007-2010	\$15,604.33	\$15,604.33
Interest	\$3,935.85	\$4,086.89
Penalty	\$1,967.92	\$2,043.45
TOTAL*	\$21,508.10	\$21,734.67

***The above figures may change prior to payment due to possible additional costs.**

WFW/slk



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

October 20, 2011

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 110794
Address 3554-56 N Teutonia Av

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request.

Sincerely,

Lynne Steffen
Business Operations Manager

NOTICES SENT TO FOR FILE 110794:

[illegible]



Legislation Details (With Text)

File #: 110795 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution authorizing the return of real estate located at 3237 N Buffum St, in the 6th Aldermanic District to its former owner. (Anchor Bank)
Sponsors: THE CHAIR
Indexes: IN REM JUDGMENTS
Attachments: Request for Vacation of In Rem Judgment, DCD letter, Treasurer letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110795

Version
SUBSTITUTE 1

Sponsor
THE CHAIR

Title
Substitute resolution authorizing the return of real estate located at 3237 N Buffum St, in the 6th Aldermanic District to its former owner. (Anchor Bank)

Analysis
Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body
Whereas, The property located at 3237 N Buffum St, previously owned by Anchor Bank, has delinquent taxes for 2007-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated June 29 110795; and

Whereas, Anchor Bank would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since June 29; and

Whereas, Anchor Bank has agreed to pay all related city charges up until the point that the property is returned,

as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3237 N Buffum St, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV 3502 known as the 2011-01 In Rem Parcel 61, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

10/17//11

WAYNE F. WHITTOW
City Treasurer




James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

September 26, 2011

To: Milwaukee Common Council
City Hall, Room 205

From: Wayne F. Whittow 
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 281-1408-000-6
Address: 3237 3237 N BUFFUM ST
Owner Name: SECURITY LENDING GROUP LLC
Applicant/Requester: ANCHOR BANK
2011-01 Inrem File
Parcel: 61
Case: 11CV 3502

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 6/29/2011.

WFW/ku

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.
5. Complete boxes a, b c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 3237- N. Buffum Street, Milwaukee
TAXKEY NUMBER 281-1408-0006
NAME OF APPLICANT Anchorbank tsb (by Lorie Bunke, VP)
MAILING ADDRESS 420 S. Koeller Street
Oshkosh WI 54902 920-303-4925
CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES _____ NO X

If no, describe interest in this property Anchorbank has a security interest in the property.

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

N/A

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES X NO _____

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES _____ NO unknown

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. All charges incurred such as water usage, city services, etc. while the City held title to the property are the responsibility of the applicant if request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.

APPLICANT'S SIGNATURE [Signature]

DATE 8/26/11



Payment Receipt

CT-11

Office of the City Treasurer • City Hall, Room 103
200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240

Received of: Anchor Bank

Tax Account No.: 281-1408-6

Property Address: 3237 W Buffum

Cash \$ _____ Check \$ 13,200.00

Installment Payment ☐ Bond Payment ☐

Delinquent Tax Payment ☐ Year: _____

Current Collection Tax Payment ☐

Duplicate Tax Bill Fee ☐ Other ☒ Vacated Judgment

Received by: Kerry

Date: 9/26/11

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 9/26/2011

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2011 - 01
Taxkey Number: 281-1408-000 - 6
Property Address: 3237 3237 N BUFFUM ST
Owner Name SECURITY LENDING GROUP LLC

Applicant: ANCHOR BANK

Parcel Number: 61
CaseNumber: 11CV 3502



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 13, 2011

Ms. Joanna Polanco, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Polanco:

Re: File Number 110795
3237 North Buffum Street

The Department of City Development reports that the tax foreclosed property located at 3237 North Buffum Street, Tax Key No. 281-1408-000-6, is not suitable for use by a public agency or community based organization. Also, said property is not located in an existing or planned project area.

This residential structure is vacant. Administrative costs incurred by our Department total \$450.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,

Clifton W. Crump
Real Estate Project Manager

c: K. Urban, City Treasurer/Customer Service
K. Sullivan, City Attorney's Office



Office of the City Treasurer

City Hall, Room 103 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240 • TTY: (414) 286-2025 • FAX: (414) 286-3186

October 17, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 110795 Reopening and Vacating InRem Judgment
Tax Key No.: 281-1408-000-6
Address: 3237 N BUFFUM ST
Owner Name: SECURITY LENDING GROUP LLC
Applicant/Requester: ANCHOR BANK
2011-01 in rem, Parcel: 61
Case: 11CV 3502, Acquired: 6/29/2011

Listed below are the outstanding taxes on the above parcel. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN NOV	IF PAID BY DEC 2, 2011
2007-2010	\$4,792.78	\$4,792.78
Interest	\$1,247.29	\$1,293.86
Penalty	\$623.64	\$646.93
TOTAL*	\$6,663.71	\$6,733.57

***The above figures may change prior to payment due to possible additional costs.**

WFW/slk



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

October 20, 2011

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 110795
 Address 3237 N Buffum St

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request.

Sincerely,

Lynne Steffen
Business Operations Manager

NOTICES SENT TO FOR FILE 110795:

[illegible]



Legislation Details (With Text)

File #: 110796 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution authorizing the return of real estate located at 2236 N 39th St., in the 15th Aldermanic District to its former owner. (Shannon McElroy)
Sponsors: THE CHAIR
Indexes: IN REM JUDGMENTS
Attachments: Request for Vacation of In Rem Judgment, DCD letter, Treasurer letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110796

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 2236 N 39th St., in the 15th Aldermanic District to its former owner. (Shannon McElroy)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 2236 N 39th St., previously owned by Shannon McElroy, has delinquent taxes for 2007-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated June 29 110796; and

Whereas, Shannon McElroy would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since June 29; and

Whereas, Shannon McElroy has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 2236 N 39th St., a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV 3502 known as the 2011-01 In Rem Parcel 166, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

10/17//11

WAYNE F. WHITTOW
City Treasurer




James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

September 26, 2011

To: Milwaukee Common Council
City Hall, Room 205

From: Wayne F. Whittow 
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 348-0974-000-7
Address: 2236 2236 N 39TH ST
Owner Name: SHANNON MCELROY
Applicant/Requester: SHANNAN MCELROY
2011-01 Inrem File
Parcel: 166
Case: 11CV 3502

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 6/29/2011.

WFW/ku

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. **Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.**
5. Complete boxes a, b c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 2236^N 39th St. Milw. WI
TAXKEY NUMBER 348-0974-7
NAME OF APPLICANT Shannan McElroy
MAILING ADDRESS 5977^N 62nd St.
Milwaukee WI 53218 414-350-1269
CITY STATE ZIP CODE TELEPHONE NUMBER 1527

B. FORMER OWNER YES ☒ NO ☐

If no, describe interest in this property _____

Shannan McElroy

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

5977^N 62nd St, 1624-1626^N 33rd St, 1948-1948A^N 38th St.
Milw. WI

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES ☒ NO ☐

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES ☒ NO ☐

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. **All charges incurred such as Water usage, city services, etc. while the City held title to the property are the responsibility of the applicant if request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.**

APPLICANT'S SIGNATURE

Shannan McElroy

DATE

9-26-11



Payment Receipt

CT-11

Office of the City Treasurer • City Hall, Room 103
200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240

Received of: Shannon McElroy

Tax Account No.: 348-0974-7

Property Address: 2236 N 39th St

Cash \$ 1370.00 Check \$ _____

Installment Payment ☐ Bond Payment ☐

Delinquent Tax Payment ☐ Year: _____

Current Collection Tax Payment ☐

Duplicate Tax Bill Fee ☐

Other ☒

Received by: Kerry *Vacated Subgment*

Date: 9/26/11

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 9/26/2011

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2011 - 01
Taxkey Number: 348-0974-000 - 7
Property Address: 2236 2236 N 39TH ST
Owner Name SHANNON MCELROY

Applicant: SHANNAN MCELROY

Parcel Number: 166
CaseNumber: 11CV 3502



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 13, 2011

Ms. Joanna Polanco, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Polanco:


Re: File Number 110796
2236 North 39th Street

The Department of City Development reports that the tax foreclosed property located at 2236 North 39th Street, Tax Key No. 348-0974-000-7, is not suitable for use by a public agency or community based organization. The property is located in the Washington Park planning area, but is not needed to implement the plan.

This residential structure is occupied. Administrative costs incurred by our Department total \$450.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,



Clifton W. Crump
Real Estate Project Manager

c: K. Urban, City Treasurer/Customer Service
K. Sullivan, City Attorney's Office



Office of the City Treasurer

City Hall, Room 103 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240 • TTY: (414) 286-2025 • FAX: (414) 286-3186

October 17, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 110796 Reopening and Vacating InRem Judgment
Tax Key No.: 348-0974-000-7
Address: 2236 N 39TH ST
Owner Name: SHANNON MCELROY
Applicant/Requester: SHANNON MCELROY
2011-01 in rem, Parcel: 166
Case: 11CV 3502, Acquired: 6/29/2011

Listed below are the outstanding taxes on the above parcel. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN NOV	IF PAID BY DEC 2, 2011
2007-2010	\$8,004.45	\$8,004.45
Interest	\$1,666.68	\$1,744.34
Penalty	833.35	\$872.18
TOTAL*	\$10,504.48	\$10,620.97

***The above figures may change prior to payment due to possible additional costs.**

The applicant also lists ownership interest in the following properties:

5975-5977 N 62nd St - Tax Key #174-1201-0 with taxes paid in full.

1624-1626 N 33rd St - Tax Key #365-0979-5 with taxes paid in full.

1948 N 38th St - Tax Key #348-0325-8 with delinquent 2008-2010 taxes totaling \$8,060.48. **This property is in foreclosure (in rem 2011-4).** The redemption date is 11/30/11.

WFW/slk



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

October 20, 2011

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 110796
Address 2236 N 39th St

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request.

The applicant also owns the property located at 5977 N 62nd St, which has a pending reinspection fee of \$125.00. DNS requests payment of this fee.

Sincerely,

Lynne Steffen
Business Operations Manager

NOTICES SENT TO FOR FILE 110796:

[illegible]



Legislation Details (With Text)

File #:	110817	Version:	1
Type:	Resolution	Status:	In Committee
File created:	10/11/2011	In control:	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		Final action:	
Effective date:			
Title:	Substitute resolution authorizing the return of real estate located at 2412 N 33rd Street, in the 15th Aldermanic District to its former owner. (Genghiskhan Xiong)		
Sponsors:	THE CHAIR		
Indexes:	IN REM JUDGMENTS		
Attachments:	Request for Vacation of In Rem Judgment, DCD letter, Treasurer letter, Hearing Notice list		

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110817

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 2412 N 33rd Street, in the 15th Aldermanic District to its former owner. (Genghiskhan Xiong)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 2412 N 33rd Street, previously owned by Genghiskhan Xiong, has delinquent taxes for 15th and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16 110817; and

Whereas, Genghiskhan Xiong would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16; and

Whereas, Genghiskhan Xiong has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 2412 N 33rd Street, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 1 known as the 2011-01 In Rem Parcel 165, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

10/17/11

WAYNE F. WHITTOW
City Treasurer



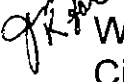
James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

September 30, 2011

To: Milwaukee Common Council
City Hall, Room 205

From:  Wayne F. Whittow
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 326-0873-000-0
Address: 2412 N 33RD ST
Owner Name: GENGHISKHAN XIONG
Applicant/Requester: GENGHISKHAN XIONG
2011-2 Inrem File
Parcel: 165
Case: 11CV7456

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 09/16/2011.

WFW/slk

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

Return by 12-15-11

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. **Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.**
5. Complete boxes a, b c, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 2412 N. 33RD ST
 TAXKEY NUMBER 326 - 0873 - 000 - 0
 NAME OF APPLICANT GENGHISKHAN XIONG
 MAILING ADDRESS 2412 N. 33RD ST / P.O. BOX 841 Milwaukee 53201
MILWAUKEE WI 53210 773 383 3086
 CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES ☒ NO ☐

If no, describe interest in this property _____

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

NONE.

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES ☒ NO ☒

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5.

YES ☐ NO ☒

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. **All charges incurred such as water usage, city services, etc. while the City held title to the property are the responsibility of the applicant if request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.**

APPLICANT'S SIGNATURE *Genghis Khan Xiong* DATE 9/30/2011

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00 ✓
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 9/30/2011

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2011 - 2
Taxkey Number: 326-0873-000 - 0
Property Address: 2412 2412 N 33RD ST
Owner Name GENGHISKHAN XIONG

Applicant: GENGHISKHAN XIONG

Parcel Number: 165
CaseNumber: 11CV7456



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 13, 2011

Ms. Joanna Polanco, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Polanco:

Re: File Number 110817
2412 North 33rd Street

The Department of City Development reports that the tax foreclosed property located at 2412 North 33rd Street, Tax Key No. 326-0873-000-0, is not suitable for use by a public agency or community based organization. The property is located in the 30th Street Corridor planning area, the property is not needed for implementation of the plan.

This residential structure is occupied. Administrative costs incurred by our Department total \$450.00.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,

Clifton W. Crump
Real Estate Project Manager

c: K. Urban, City Treasurer/Customer Service
K. Sullivan, City Attorney's Office



Office of the City Treasurer

City Hall, Room 103 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240 • TTY: (414) 286-2025 • FAX: (414) 286-3186

October 17, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 110817 Reopening and Vacating InRem Judgment
Tax Key No.: 326-0873-000-0
Address: 2412 N 33RD ST
Owner Name: GENGHISKHAN XIONG
Applicant/Requester: GENGHISKHAN XIONG
2011-2 in rem, Parcel: 165
Case: 11CV7456, Acquired: 09/16/2011

Listed below are the outstanding taxes on the above parcel. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN NOV	IF PAID BY DEC 2, 2011
2008-2010	\$6,111.81	\$6,111.81
Interest	\$1,345.34	\$1,405.1
Penalty	\$672.67	\$702.56
TOTAL*	\$8,129.82	\$8,219.47

***The above figures may change prior to payment due to possible additional costs.**

WFW/slk



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

October 20, 2011

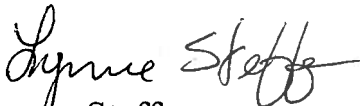
Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 110817
Address 2412 N 33rd St

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request.

Sincerely,


Lynne Steffen
Business Operations Manager

NOTICES SENT TO FOR FILE 110817:

[illegible]



Legislation Details (With Text)

File #: 110592 **Version:** 0

Type: Communication **Status:** In Committee

File created: 9/1/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Communication from the Comptroller's Office relating to the Annual Outstanding Receivables Report.

Sponsors: THE CHAIR

Indexes: COMPTROLLER, REPORTS AND STUDIES

Attachments: Annual Outstanding Receivables Report, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
8/26/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110592
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Communication from the Comptroller's Office relating to the Annual Outstanding Receivables Report.
Analysis

Body

Requestor

Drafter
Comptroller
tb
8/29/2011



Office of the Comptroller

August 23, 2011

W. Martin Morics, C.P.A.
Comptroller

Michael J. Daun
Deputy Comptroller

John M. Egan, C.P.A.
Special Deputy Comptroller

Craig D. Kammholz
Special Deputy Comptroller

To the Honorable, The Common Council
City of Milwaukee

RE: Annual Outstanding Receivables Report

Dear Council Members:

Attached you will find the Comptroller's 2011 Report on Outstanding Receivables as of December 31, 2010. This is the third annual report being issued as required by Ordinance 304-1-5. The report provides summary information on City outstanding receivables. These receivables include:

- Delinquent Taxes;
- Parking Violations;
- Municipal Court Judgments; and
- Miscellaneous Accounts Receivable.

Miscellaneous Accounts Receivable includes various billings by general city departments with the exception of Fire Department Advanced Life Support (ALS) billings. ALS billings, which were handled by Milwaukee County prior to 2007, are currently handled by an outside vendor under contract with the City. ALS receivables are not currently accounted for as City receivables. The Comptroller's Office will be conducting an audit of this contract and associated billings in 2012, which in part will determine the level of outstanding receivables related to this function.

Should you have any questions or need further information, please feel free to contact Craig Kammholz of my staff at extension 2304.

Sincerely,

W. MARTIN MORICS
Comptroller

CC: Alderman Terry L. Witkowski



City of Milwaukee

Outstanding Receivables Report



W. Martin Morics
Comptroller

August 2011

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V. Outstanding Miscellaneous Receivables Trends, 2006-2010	5

Introduction

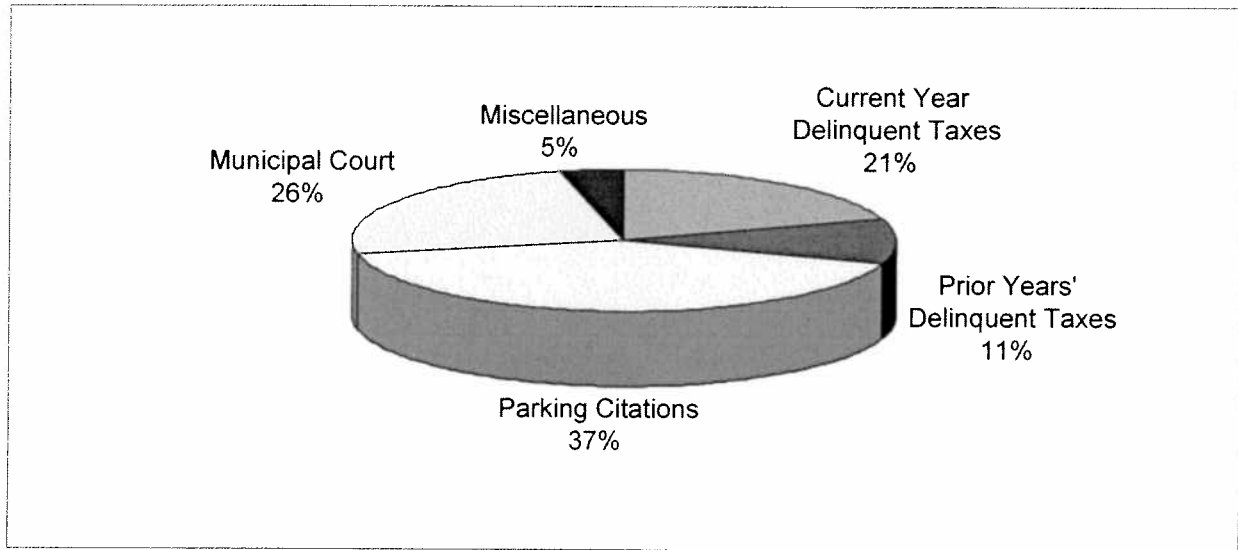
The City of Milwaukee Outstanding Debt Task Force was created in April 2005, by Common Council File Number 041446, to evaluate and make recommendations related to the collection of delinquent taxes, forfeitures, judgments and fees owed to the City. The Task Force submitted its final report and recommendations, contained in File 051098, to the Common Council in December 2005.

The report included a recommendation that the Comptroller's Office provide reports annually analyzing delinquent outstanding debt. This recommendation resulted in the adoption of ordinance 304-1-5, which requires the City Comptroller to submit a written annual report to the Common Council analyzing outstanding delinquent debt.

The Comptroller's 2011 Report on Outstanding Receivables as of December 31, 2010, is being issued as required by Ordinance 304-1-5. The report provides summary information on City outstanding receivables including Delinquent Taxes; Parking Fund Citations; Municipal Court Judgments; and Miscellaneous Accounts Receivable.

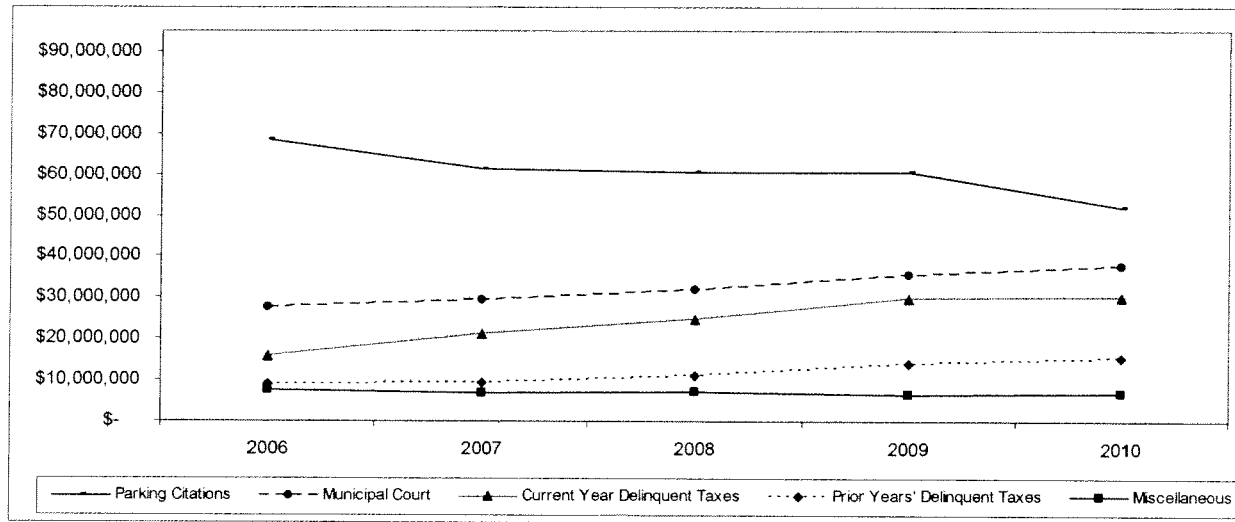
Miscellaneous Accounts Receivable includes various billings by general city departments with the exception of Fire Department Advanced Life Support (ALS) billings. ALS billings, which were handled by Milwaukee County prior to 2007, are handled by an outside vendor under contract with the City. ALS receivables are not currently accounted for as City receivables. The Comptroller's Office will be conducting an audit of this contract and associated billings in 2012, which in part will determine the level of outstanding receivables related to this function.

Outstanding Receivables as of December 31, 2010



Outstanding receivables for the City of Milwaukee as of December 31, 2010, total approximately \$142.1 million. The largest category of outstanding receivables is Parking Citations at 37%, followed by Delinquent Taxes totaling 32%. Of the Delinquent Taxes total, 21% is related to current year Delinquent Taxes (2009 taxes for 2010 purposes) and 11% to prior years' Delinquent Taxes (2008 taxes and prior). Municipal Court outstanding judgments make up 26% of total outstanding receivables. Miscellaneous Accounts Receivable is the smallest category totaling 5%.

Outstanding Receivables at Year End 2006-2010



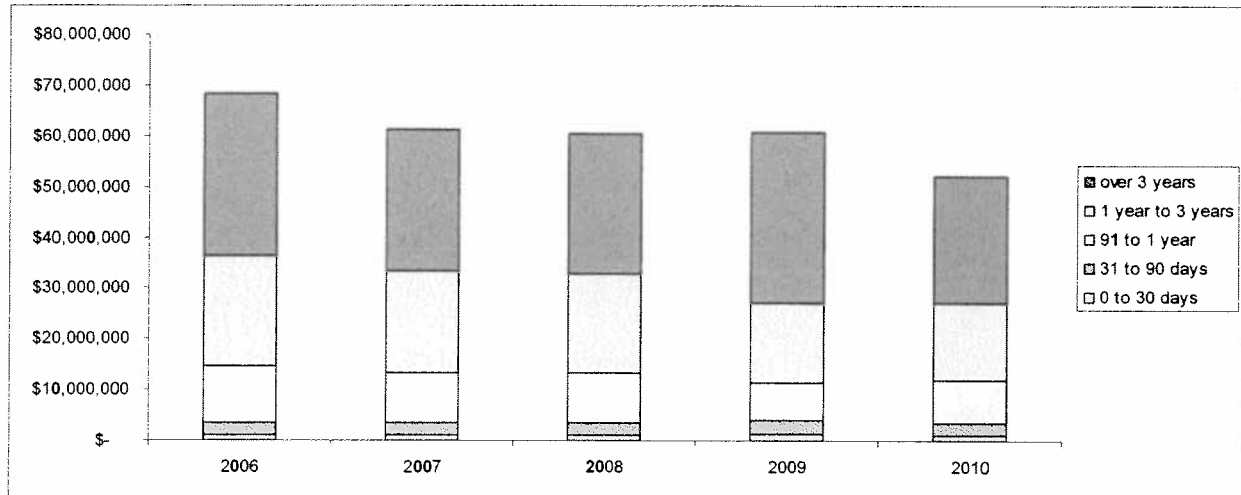
	2006	2007	2008	2009	2010
Parking Citations	\$ 68,400,000	\$ 61,212,000	\$ 60,606,000	\$ 60,679,000	\$ 52,158,000
Municipal Court	27,650,000	29,494,000	32,076,000	35,487,000	37,479,000
Current Year Delinquent Taxes	15,615,000	21,079,000	24,675,000	29,872,000	30,237,000
Prior Years' Delinquent Taxes	8,929,000	9,297,000	11,004,000	13,940,000	15,465,000
Miscellaneous	7,508,000	6,937,000	7,250,000	6,439,000	6,734,000
TOTAL	\$ 128,102,000	\$ 128,019,000	\$ 135,611,000	\$ 146,417,000	\$ 142,073,000

The chart and table above show outstanding receivables by category from 2006 through 2010. Current year delinquent tax receivables have increased at the greatest rate over time, going from \$15.6 million in 2006 to \$30.2 million in 2010. Prior years' delinquent taxes have also increased over time, but at a slower rate, going from \$8.9 million in 2006 to \$15.5 million in 2010. Outstanding Municipal Court judgments including fees, fines and forfeitures increased from \$27.7 million in 2006 to \$37.5 million in 2010.

Miscellaneous accounts receivable, which include various billings by general city departments, have decreased from \$7.5 million in 2006 to \$6.7 million in 2010. Parking citation outstanding receivables decreased from \$68.4 million in 2006 to \$52.2 million in 2010. Parking receivables are down considerably in 2010 due to the lowering of the threshold from \$45 to \$40 for outstanding citations submitted to the Department of Revenue for the Tax Refund Interception Program (TRIP). This change resulted in an additional \$3 million in TRIP revenue for outstanding parking citations in 2010.

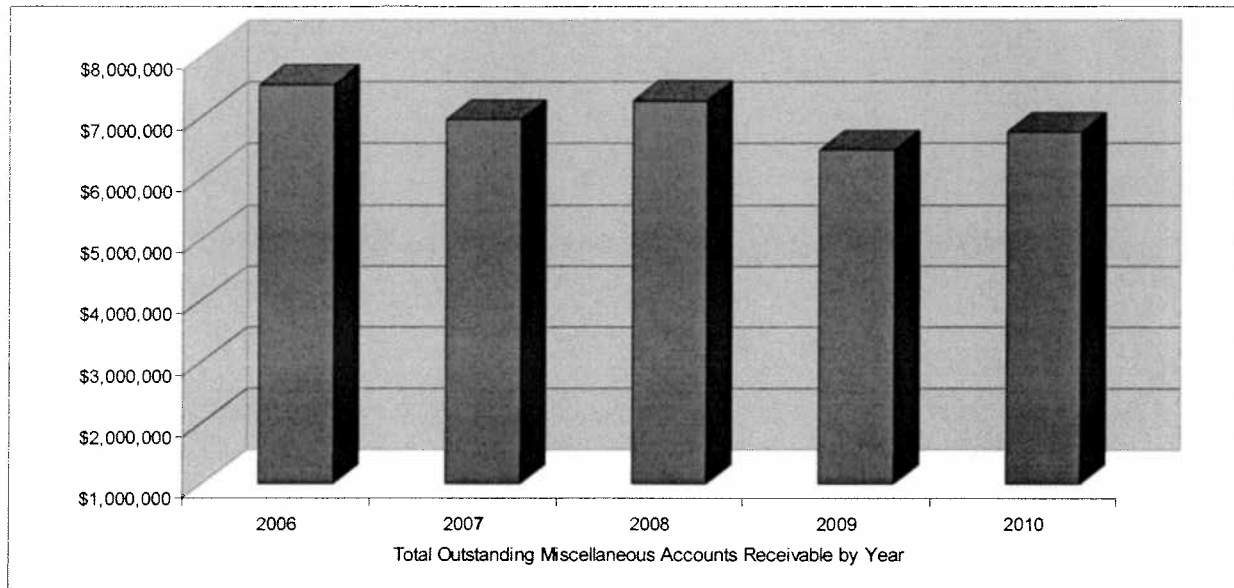
The Parking Fund writes off delinquencies that are six years old or older, due to the statute of limitations rendering these uncollectible. Miscellaneous accounts receivable and tax delinquencies of \$5,000 may be cancelled or adjusted through Common Council action. An interdepartmental process is followed for delinquencies less than \$5,000. Municipal Court judgments are settled either through cash fines, jail time or community service. Judgments that are at least seven years old, and meet City Attorney criteria, may be written off pursuant to Common Council resolution authorizing such write-offs.

Parking Fund Receivables Aging



The chart above shows the aging of parking citation outstanding receivables from 2006 through 2010. More than half of the current outstanding balance for parking citation receivables is considered uncollectible due to lack of registered owner information, citations issued to out of state vehicles, and the age of outstanding citations.

Outstanding Miscellaneous Accounts Receivable



	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Change 2006-2010</u>
City Clerk	\$ -	\$ 151,000	\$ 60,000	\$ -	\$ 1,000	\$ 1,000
City Attorney	128,000	78,000	-	38,000	83,000	(45,000)
City Development	299,000	297,000	297,000	297,000	297,000	(2,000)
Comptroller	105,000	258,000	195,000	193,000	222,000	117,000
Employee Relations	1,011,000	598,000	352,000	920,000	1,269,000	258,000
Dept of Administration	29,000	21,000	23,000	94,000	22,000	(7,000)
Fire Department	97,000	88,000	137,000	92,000	60,000	(37,000)
Health Department	857,000	193,000	92,000	101,000	101,000	(756,000)
Police Department	1,645,000	1,645,000	1,652,000	1,640,000	1,640,000	(5,000)
Port of Milwaukee	919,000	1,602,000	2,234,000	994,000	957,000	38,000
Public Works	2,409,000	1,998,000	2,198,000	2,055,000	2,066,000	(343,000)
Treasurer	9,000	8,000	10,000	15,000	16,000	7,000
TOTAL	\$ 7,508,000	\$ 6,937,000	\$ 7,250,000	\$ 6,439,000	\$ 6,734,000	\$ (774,000)

The above chart and table show the change in outstanding miscellaneous accounts receivable by year for various city departments. In total, the year end balance for outstanding miscellaneous receivables decreased by approximately \$774,000, or 10%, from 2006 to 2010.

Outstanding miscellaneous receivable balances decreased for most city departments between 2006 and 2010. The largest decrease between 2006 and 2010 was in the Health Department. The Department of Public Works also had a significant decrease from 2006 to 2010. These decreases were due to substantial write offs of uncollectible invoices. The miscellaneous accounts receivable balance for the Comptroller's Office and the Department of Employee Relations increased overall from 2006 to 2010. These increases were mainly due to invoices issued late in 2010, with associated payments not received until the following year.

NOTICES SENT TO FOR FILE 110592:

[illegible]



Legislation Details (With Text)

File #: 110764 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/11/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby the state to allow agent agreements to enforce regulations in joint overlapping or similar jurisdictions.
Sponsors: ALD. BOHL
Indexes: AGREEMENTS, DAY CARE CENTERS, MOBILE HOME PARKS, STATE LEGISLATION
Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

110764

Version

ORIGINAL

Reference

Sponsor

ALD. BOHL

Title

Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby the state to allow agent agreements to enforce regulations in joint overlapping or similar jurisdictions.

Analysis

This resolution directs the Department of Administration - Intergovernmental Relations Division to lobby the state, including the Commission on Waste, Fraud and Abuse, to allow agent agreements to enforce regulations in joint overlapping or similar jurisdictions.

Body

Whereas, The state of Wisconsin presently allows agent agreements for enforcement of some regulations such as for mobile home parks, where the Department of Neighborhood Services conducts inspections on behalf of both the city and the state; and

Whereas, The expansion of the use of agent agreements in other situations where there are joint overlapping or similar jurisdictions would be more efficient and potentially save the state money; and

Whereas, Other examples where agent agreements could be used to allow the Department of Neighborhood Services to enforce regulations present in state statutes include community based residential facilities and family daycare homes; and

Whereas, The Governor's Commission on Waste, Fraud and Abuse has been set up to identify efficiencies and to eliminate waste, fraud and abuse throughout state government and shall issue a report in January of 2012; and

Whereas, The duplicative inspections required in some situations avail themselves of the attention of this Commission

and could be remedied utilizing agent agreements with the Department of Neighborhood Services; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, the Common Council directs the Department of Administration - Intergovernmental Relations Division to lobby the state, including the Commission on Waste, Fraud and Abuse, to allow agent agreements to enforce regulations in joint overlapping or similar jurisdictions.

.Requestor
Drafter
Mary E. Turk
LRB133988-1
9/26/11

NOTICES SENT TO FOR FILE 110764:

[illegible]



Legislation Details (With Text)

File #: 110149 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 5/24/2011 **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 10-24-11.pdf, sb175.pdf, ab244.pdf, sb182.pdf, ab262.pdf, ab295.pdf, sb237.pdf, ab269.pdf, sb201.pdf, ab263.pdf, ab288.pdf, sb199.pdf, sb196.pdf, ab179.pdf, ab234.pdf, sb207.pdf, ab311.pdf, Hearing Notice List -10/24/11 mtg.

Date	Ver.	Action By	Action	Result	Tally
5/24/2011	0	COMMON COUNCIL	ASSIGNED TO		
6/2/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/6/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
6/22/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/22/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/27/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
110149
Version
ORIGINAL
Reference

Sponsor
THE CHAIR

Title
Resolution relative to legislative bills.

Drafter

IRD

Mo

5/18/11

LEGISLATIVE HEARING CALENDAR

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, OCTOBER 24, 2011 AT 1:30PM

Room 301-B City Hall

- SB-175/
AB-244** **Restricting eligibility for the homestead tax credit.**
- SB-182/
AB-262** **Excluding permits and licenses from the definition of real property for property tax purposes.**
- AB-295** **Requiring a referendum before a municipality or county may impose a local motor vehicle registration fee.**
- SB-237** **Providing instruction in human growth and development.**

Recommend Support:

- AB-269** **Prohibitions against contacting certain persons and providing penalties.**
- Per city commitment to the Commission on Domestic Violence and Sexual Assault.
 - Expands no contact orders to family members.
- SB-201** **An income and franchise tax credit for hiring unemployed individuals.**
- Per Legislative Package support for creating employment opportunities for city residents.
 - Provides businesses with an incentive to hire unemployed individuals.
- AB-263** **Costs associated with providing false information to a law enforcement officer.**
- Per Legislative Package support for diversifying revenue capacity.
 - Allows MPD to recover costs related to investigations of false information reports.
- AB-288/
SB-199** **Adoption by governmental units of a maintenance program that applies to private sewage systems.**
- Per Legislative Package support for maintaining local control.
 - Extends the deadline for meeting this state mandate.

- SB-196** **Excluding from the calculation of expenditure restraint payments expenditures made pursuant to a purchasing agreement with a school district.**
- Per Legislative Package support for service consolidation efforts.
 - Removes a potential barrier to joint purchasing efforts with MPS.
- AB-179** **Authorizing the creation of a multijurisdictional tax incremental financing district.**
- Per Legislative Package support for business growth and the Aerotropolis project.
 - Allows municipalities to create joint TID's in border areas.

Recommend Oppose:

- AB-234** **Ordinances, regulations, resolutions, or other restrictions of local governmental units that restrict hunting with a bow and arrow.**
- Per Legislative Package support for maintaining local control.
 - Prohibits the city from restricting "urban bow hunting" citywide but continues to allow restrictions on local government owned property or areas with 150 yards of an occupied building.
- SB-207** **Permitting an employer to refuse to employ or to bar or terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony and preempting cities, etc.**
- Per Legislative Package support for creating employment opportunities for city residents.
 - Reduces the ability of felons to obtain and retain employment.
- AB-311** **Creating a sporting recruitment and retention council, programs to encourage recruitment of hunters and trappers, restrictions on expenditures under the Warren Knowles-Gaylord Nelson stewardship program, reduced fees for certain first-time hunting and trapping approvals, high school credit under and administration of the hunter and trapper education programs, waiving fishing license requirements for a weekend ice fishing event, and sturgeon spearing license age requirements.**
- Per Legislative Package support for improving quality of life and increasing public safety.
 - Prohibits DNR from acquiring land under the stewardship program unless hunting will be allowed on the land or unless every member of the natural resources board approves the land acquisition.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2188/3
MES:sbb&jld:rs

2011 SENATE BILL 175

August 30, 2011 – Introduced by Senators LASEE and GALLOWAY, cosponsored by Representatives THIESFELDT, KAPENGA, KOOYENGA, CRAIG, STRACHOTA and LEMAHIEU. Referred to Committee on Public Health, Human Services, and Revenue.

1 **AN ACT to amend** 71.54 (1) (f) (intro.), 71.54 (1) (g) (intro.) and 71.75 (2); and **to**
2 **create** 71.55 (10) and 71.55 (11) of the statutes; **relating to:** restricting
3 eligibility for the homestead tax credit.

Analysis by the Legislative Reference Bureau

Generally, under current law, an individual who lives for an entire year in housing that is exempt from property taxes is not eligible to claim the homestead tax credit. If such a claimant lives in tax-exempt housing for only part of a year, the claimant may claim the credit for the part of the year in which he or she lived in housing that was subject to property taxes.

Under this bill, a claimant must reduce by one-twelfth the homestead tax credit for which he or she is otherwise eligible for each month, during the year to which the claim relates, the claimant or the claimant's spouse receives a housing subsidy under Section 8 of the federal government's general program of assisted housing.

Generally, under current law, an individual may file an amended income tax return within four years of the return's original unextended due date to claim a refund that was not claimed when the return was originally filed. Under this bill, a claimant may not file an amended return to claim the homestead tax credit.

SENATE BILL 175

For further information see the *state* 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.** 71.54 (1) (f) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act 32, is amended to read:

3 71.54 (1) (f) *2001 to 2011.* (intro.) Subject to sub. (2m) and s. 71.55 (10), the
4 amount of any claim filed in 2001 to 2011 and based on property taxes accrued or rent
5 constituting property taxes accrued during the previous year is limited as follows:

6 **SECTION 2.** 71.54 (1) (g) (intro.) of the statutes, as created by 2011 Wisconsin
7 Act 32, is amended to read:

8 71.54 (1) (g) *2012 and thereafter.* (intro.) The Subject to s. 71.55 (10), the
9 amount of any claim filed in 2012 and thereafter and based on property taxes accrued
10 or rent constituting property taxes accrued during the previous year is limited as
11 follows:

12 **SECTION 3.** 71.55 (10) of the statutes is created to read:

13 **71.55 (10) SUBSIDIZED HOUSING.** A claimant shall reduce by one-twelfth the
14 amount of the credit he or she is otherwise eligible for under s. 71.54 for each month
15 for which the claimant or any member of the claimant's household receives a housing
16 subsidy from the federal government under subchapter I of chapter 8 of title 42 of the
17 United States Code, in the year to which the claim relates.

18 **SECTION 4.** 71.55 (11) of the statutes is created to read:

19 **71.55 (11) AMENDED RETURNS PROHIBITED.** A claimant may not file an amended
20 return under s. 71.75 (2) for the purpose of claiming a refund for a credit for which
21 the claimant is otherwise eligible under this subchapter.

SECTION 5

SECTION 5. 71.75 (2) of the statutes is amended to read:

71.75 (2) With respect to income taxes and franchise taxes, except as otherwise provided in subs. (5) and (9) and ss. 71.30 (4) ~~and, 71.55 (11), and~~ 71.77 (5) and (7) (b), refunds may be made if the claim therefor is filed within 4 years of the unextended date under this section on which the tax return was due.

SECTION 6. Initial applicability.

(1) This act first applies to claims filed for years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 this act first applies to claims filed for years beginning on January 1 of the year following the year in which this subsection takes effect.

(END)



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Paul Vornholt
Director of Intergovernmental Relations

2011-12 Legislative Session:

Summary of SB-175 relating to: Restricting eligibility for the homestead tax credit

Under current law, individuals who live in housing that is exempt from property taxes are not eligible to claim the homestead tax credit. In addition, those who live in tax-exempt housing for a portion of the year may only claim the tax credit for the portion of the year they did not live in tax-exempt housing. Property owned by a municipal housing authority is not considered tax-exempt for homestead purposes if the authority makes payments in lieu of taxes to the city in which it is located.

The Housing Authority of the City of Milwaukee makes an annual PILOT payment to the city, therefore, its residents are able to claim the homestead tax credit. SB-175 seeks to end the ability of residents of housing authorities and those receiving section 8 housing vouchers to claim the homestead credit. Under the bill, claimants must reduce by one-twelfth the homestead tax credit for each month during the year that the claimant or their spouse receives a housing subsidy under section 8 of the federal program of assisted housing.

Additionally, current law allows residents to claim the homestead credit for up to 5 years after the original claim year. The bill would eliminate the ability of residents to file an amended return for the purpose of claiming the homestead credit.

Although the goal of this legislation seems to be to reduce homestead credit expenses and bring subsidized housing in line with the treatment of W-2, it will have the effect of reducing the disposable income for some of Milwaukee's poorest residents. In addition, a large number of eligible individuals do not claim the homestead credit during the year in which they are eligible. Regardless of the reason for not filing originally, these individuals would lose the ability to amend past returns and claim the homestead credit for prior years.

For more information, please contact:

Joe'Mar Hooper, Legislative Fiscal Manager
(414) 286-3336 or jhoope@milwaukee.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1629/3
MES:sbb&jld:rs

2011 ASSEMBLY BILL 244

September 7, 2011 - Introduced by Representatives THIESFELDT, KAPENGA, STRACHOTA, CRAIG, KOORYENGA and LEMAHIEU, cosponsored by Senators LASEE and GALLOWAY. Referred to Committee on Housing.

1 **AN ACT to amend** 71.54 (1) (f) (intro.), 71.54 (1) (g) (intro.) and 71.75 (2); and **to**
2 **create** 71.55 (10) and 71.55 (11) of the statutes; **relating to:** restricting
3 eligibility for the homestead tax credit.

Analysis by the Legislative Reference Bureau

Generally, under current law, an individual who lives for an entire year in housing that is exempt from property taxes is not eligible to claim the homestead tax credit. If such a claimant lives in tax-exempt housing for only part of a year, the claimant may claim the credit for the part of the year in which he or she lived in housing that was subject to property taxes.

Under this bill, a claimant must reduce by one-twelfth the homestead tax credit for which he or she is otherwise eligible for each month, during the year to which the claim relates, the claimant or the claimant's spouse receives a housing subsidy under Section 8 of the federal government's general program of assisted housing.

Generally, under current law, an individual may file an amended income tax return within four years of the return's original unextended due date to claim a refund that was not claimed when the return was originally filed. Under this bill, a claimant may not file an amended return to claim the homestead tax credit.

ASSEMBLY BILL 244

For further information see the *state* 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.** 71.54 (1) (f) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act 32, is amended to read:

3 71.54 (1) (f) *2001 to 2011.* (intro.) Subject to sub. (2m) and s. 71.55 (10), the
4 amount of any claim filed in 2001 to 2011 and based on property taxes accrued or rent
5 constituting property taxes accrued during the previous year is limited as follows:

6 **SECTION 2.** 71.54 (1) (g) (intro.) of the statutes, as created by 2011 Wisconsin
7 Act 32, is amended to read:

8 71.54 (1) (g) *2012 and thereafter.* (intro.) The Subject to s. 71.55 (10), the
9 amount of any claim filed in 2012 and thereafter and based on property taxes accrued
10 or rent constituting property taxes accrued during the previous year is limited as
11 follows:

12 **SECTION 3.** 71.55 (10) of the statutes is created to read:

13 **71.55 (10) SUBSIDIZED HOUSING.** A claimant shall reduce by one-twelfth the
14 amount of the credit he or she is otherwise eligible for under s. 71.54 for each month
15 for which the claimant or any member of the claimant's household receives a housing
16 subsidy from the federal government under subchapter I of chapter 8 of title 42 of the
17 United States Code, in the year to which the claim relates.

18 **SECTION 4.** 71.55 (11) of the statutes is created to read:

19 **71.55 (11) AMENDED RETURNS PROHIBITED.** A claimant may not file an amended
20 return under s. 71.75 (2) for the purpose of claiming a refund for a credit for which
21 the claimant is otherwise eligible under this subchapter.

SECTION 5

SECTION 5. 71.75 (2) of the statutes is amended to read:

71.75 (2) With respect to income taxes and franchise taxes, except as otherwise provided in subs. (5) and (9) and ss. 71.30 (4) ~~and, 71.55 (11), and~~ 71.77 (5) and (7) (b), refunds may be made if the claim therefor is filed within 4 years of the unextended date under this section on which the tax return was due.

SECTION 6. Initial applicability.

(1) This act first applies to claims filed for years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 this act first applies to claims filed for years beginning on January 1 of the year following the year in which this subsection takes effect.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1683/1
JK:jld:rs

2011 SENATE BILL 182

September 14, 2011 - Introduced by Senators ZIPPERER, GALLOWAY, GROTHMAN, HANSEN, HOLPERIN, LASEE, LAZICH, MOULTON, OLSEN, SCHULTZ and VUKMIR, cosponsored by Representatives KNODL, AUGUST, BROOKS, CRAIG, ENDSLEY, KERKMAN, KESTELL, KLEEFISCH, KOOYENGA, KRUG, LeMAHIEU, MURSAU, NASS, NYGREN, A. OTT, PETERSEN, RIVARD, SPANBAUER, STEINEKE, THIESFELDT, WYNN and WEININGER. Referred to Committee on Public Health, Human Services, and Revenue.

1 **AN ACT** *to amend* 70.03 and 70.112 (1) of the statutes; **relating to:** excluding
2 permits and licenses from the definition of real property for property tax
3 purposes.

Analysis by the Legislative Reference Bureau

Under current law, for property tax purposes, “real property” includes land and all buildings and improvements on the land and all fixtures and rights and privileges related to the real property. Under this bill, “real property” does not include permits and licenses related to real property.

Under current law, money and intangible personal property, including credit, checks, share drafts, notes, bonds, stocks, and other written instruments, are exempt from property taxes. The bill clarifies that permits and licenses are also intangible property for purposes of the property tax exemption for money and intangible personal property.

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:

4 **SECTION 1.** 70.03 of the statutes is amended to read:

SENATE BILL 182**SECTION 1**

1 **70.03 Definition of real property.** “Real property”, “real estate” and “land”,
2 when used in chs. 70 to 76, 78 and 79, include not only the land itself but all buildings
3 and improvements thereon, and all fixtures and rights and privileges appertaining
4 thereto, not including permits and licenses appertaining thereto, and except that for
5 the purpose of time-share property, as defined in s. 707.02 (32), real property does
6 not include recurrent exclusive use and occupancy on a periodic basis or other rights,
7 including, but not limited to, membership rights, vacation services and club
8 memberships.

9 **SECTION 2.** 70.112 (1) of the statutes is amended to read:

10 70.112 (1) MONEY AND INTANGIBLE PERSONALTY. Money and all intangible
11 personal property, such as credit, checks, share drafts, other drafts, notes, bonds,
12 stocks, permits, licenses, and other written instruments.

13 **SECTION 3. Initial applicability.**

14 (1) This act first applies to property tax assessments as of January 1, 2011.

15 **(END)**



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1684/1
JK:sbb&jld:md

2011 ASSEMBLY BILL 262

September 15, 2011 - Introduced by Representatives KNODL, AUGUST, BROOKS, CRAIG, ENDSLEY, KERKMAN, KESTELL, KLEEFISCH, KOOYENGA, KRUG, LEMAHIEU, MURSAU, NASS, NYGREN, A. OTT, PETERSEN, RIVARD, SPANBAUER, STEINEKE, THIESFELDT, WYNN and WEININGER, cosponsored by Senators ZIPPERER, GALLOWAY, GROTHMAN, HANSEN, HOLPERIN, LASEE, LAZICH, MOULTON, OLSEN, SCHULTZ and VUKMIR. Referred to Committee on Ways and Means.

1 **AN ACT** *to amend* 70.03 and 70.112 (1) of the statutes; **relating to:** excluding
2 permits and licenses from the definition of real property for property tax
3 purposes.

Analysis by the Legislative Reference Bureau

Under current law, for property tax purposes, “real property” includes land and all buildings and improvements on the land and all fixtures and rights and privileges related to the real property. Under this bill, “real property” does not include permits and licenses related to real property.

Under current law, money and intangible personal property, including credit, checks, share drafts, notes, bonds, stocks, and other written instruments, are exempt from property taxes. The bill clarifies that permits and licenses are also intangible personal property for purposes of the property tax exemption for money and intangible personal property.

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:

4 **SECTION 1.** 70.03 of the statutes is amended to read:

ASSEMBLY BILL 262

SECTION 1

70.03 Definition of real property. “Real property”, “real estate” and “land”, when used in chs. 70 to 76, 78 and 79, include not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto, not including permits and licenses appertaining thereto, and except that for the purpose of time-share property, as defined in s. 707.02 (32), real property does not include recurrent exclusive use and occupancy on a periodic basis or other rights, including, but not limited to, membership rights, vacation services and club memberships.

SECTION 2. 70.112 (1) of the statutes is amended to read:

70.112 (1) MONEY AND INTANGIBLE PERSONALTY. Money and all intangible personal property, such as credit, checks, share drafts, other drafts, notes, bonds, stocks, permits, licenses, and other written instruments.

SECTION 3. Initial applicability.

(1) This act first applies to property tax assessments as of January 1, 2011.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1742/1
ARG:kjf:rs

2011 ASSEMBLY BILL 295

September 29, 2011 – Introduced by Representatives KNUDSON, BROOKS, JACQUE, AUGUST, BIES, KLEEFISCH, KOOYENGA, LITJENS, NASS, STROEBEL, WYNN and WEININGER, cosponsored by Senators LASEE and WANGGAARD. Referred to Committee on Transportation.

- 1 **AN ACT** *to amend* 341.35 (1) and 341.35 (4); and *to create* 341.35 (1m) of the
2 statutes; **relating to:** requiring a referendum before a municipality or county
3 may impose a local motor vehicle registration fee.

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or county may, by ordinance, impose an annual motor vehicle registration fee on most automobiles and light-duty trucks customarily kept in the municipality or county. The Department of Transportation (DOT) collects this local registration fee, which is in addition to the state registration fee, at the time DOT collects the state registration fee and remits the local registration fee, minus administrative costs of collection, to the applicable municipality or county. The local registration fee may only be used by a municipality or county for transportation purposes.

This bill requires an ordinance imposing a local registration fee to be ratified by the electors at a referendum held in the municipality or county before the ordinance may take effect. The question on the referendum ballot must specify the amount of the local registration fee. If the local registration fee is approved by referendum, the amount of the local registration fee cannot thereafter be changed unless the new fee amount is adopted by ordinance and approved by referendum. If a municipality or county has in effect an ordinance imposing a local registration fee prior to the effective date of this bill, that ordinance may remain valid and in effect without ratification by referendum only until the next general election. After the next general election, any preexisting local registration fee becomes invalid until it is ratified by referendum.

ASSEMBLY BILL 295

For further information see the *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.** 341.35 (1) of the statutes is amended to read:

2 341.35 (1) ANNUAL REGISTRATION FEE. In this section “municipality” means a
3 town, village or city and “motor vehicle” means an automobile or motor truck
4 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.
5 ~~The Subject to sub. (1m), the~~ governing body of a municipality or county may enact
6 an ordinance imposing an annual flat municipal or county registration fee on all
7 motor vehicles registered in this state which are customarily kept in the municipality
8 or county. A registration fee imposed under this section shall be in addition to state
9 registration fees.

10 **SECTION 2.** 341.35 (1m) of the statutes is created to read:

11 341.35 (1m) REFERENDUM REQUIRED. An ordinance enacted under this section
12 may not take effect until the ordinance is ratified by the electors at a referendum held
13 in the municipality or county enacting the ordinance. The question on the
14 referendum ballot shall specify the amount of the registration fee to be imposed by
15 the municipality or county under the ordinance.

16 **SECTION 3.** 341.35 (4) of the statutes is amended to read:

17 341.35 (4) NOTICE OF FEES. The governing body of a municipality or county
18 which enacts a municipal or county vehicle registration fee shall notify the
19 department ~~that it has so elected~~ after the ordinance imposing the fee has been
20 ratified as provided in sub. (1m) and shall report the amount of such the fee to the
21 department. ~~The municipality or county shall report any~~ may not change in such the

ASSEMBLY BILL 295

1 ~~amount to the department. The notification shall be made at the time and in the form~~
2 ~~prescribed by the department~~ of the fee except by ordinance and referendum as
3 provided in subs. (1) and (1m).

4 **SECTION 4. Nonstatutory provisions.**

5 (1) Notwithstanding section 341.135 (1m) of the statutes, as created by this act,
6 if a municipality or county enacted an ordinance under section 341.135 (1) of the
7 statutes imposing a registration fee prior to the effective date of this subsection, that
8 ordinance may remain valid and in effect without ratification by referendum until
9 the next general election after the effective date of this subsection.

10 **(END)**



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Paul Vornholt
Director of Intergovernmental Relations

Date: October 21, 2011

To: Members of the Common Council

From: Intergovernmental Relations Division

Re: **Assembly Bill 295 – Relating to requiring a referendum before a municipality or county may impose a local motor vehicle registration fee.**

Under current law, both counties and municipalities are allowed to implement motor vehicle registration fees. Other than Milwaukee, only the City of Beloit and St. Croix County currently have a fee. Given stricter levy limits and reduced Shared Revenues, many other communities are considering a fee this year.

If enacted, Assembly Bill 295 would require local governments to hold a referendum prior to implementing a vehicle registration fee. Local governments, like Milwaukee, who have already adopted a fee would be allowed to continue collecting their fee until the next general election, at which time we would be required to hold a referendum affirming the ordinance. A referendum would also be required to increase the fee.

Our fee of \$20 generates approximately \$6.3 million this year.

Intergovernmental Relations Division staff met with the bill's author, Rep. Dean Knudson on October 12, 2011 to discuss preliminary concerns including the following:

- Local control/local accountability
- Informing residents about the referendum would be costly
- About 900 miles of city streets are not eligible for state and federal funding
- Our local road replacement cycle is unacceptable at >100 years
- WI has low vehicle registration fees compared to neighboring states
- The bill leaves it unclear how a repeal of the fee/ordinance would work
- Our ordinance was adopted with a supermajority
- Could we be grandfathered in?

Representative Knudson indicated the following:

- He was also hearing concerns from other parties
- He is concerned about the proliferation of fees given reduced revenues
- We would be allowed to choose our own wording for the referendum
- Leadership told him he may or may not get a hearing before the end of the year
- He would take our comments under consideration and explore some other options for communities who already have adopted a vehicle registration fee, including the possibility of an abrogative referendum rather than an obligatory one.



2011 SENATE BILL 237

October 14, 2011 - Introduced by Senators LAZICH, GALLOWAY, GROTHMAN and LEIBHAM, cosponsored by Representatives THIESFELDT, BERNIER, BIES, BROOKS, CRAIG, JACQUE, KLEEFISCH, KNODL, KOoyENGA, T. LARSON, LITJENS, MEYER, NASS, NYGREN, A. OTT, PRIDEMORE, RIPP, SPANBAUER, STRACHOTA, STROEBEL, WYNN, ZIEGELBAUER and LEMAHIEU. Referred to Committee on Education.

1 **AN ACT** *to repeal* 118.019 (1m) (b) 1., 2. and 3., 118.019 (2) (a) 3., 118.019 (2) (a)
2 4., 118.019 (2) (a) 6., 118.019 (2) (b), 118.019 (2m) (b) (intro.), 118.019 (2r) (intro.)
3 and 118.019 (3) (a), (b) and (c); **to renumber and amend** 118.019 (1m) (b)
4 (intro.), 118.019 (2m) (a), 118.019 (2m) (b) 1., 118.019 (2m) (b) 2., 118.019 (2r)
5 (a), 118.019 (2r) (b) and 118.019 (3) (intro.); **to amend** 115.29 (7), 118.019 (1),
6 118.019 (1m) (a), 118.019 (2) (intro.), 118.019 (2) (a) (intro.), 118.019 (2) (a) 1.,
7 118.019 (2) (a) 2., 118.019 (2) (a) 5., 118.019 (2) (c), 118.019 (4), 118.019 (5) and
8 146.89 (3r) (e); and **to create** 118.019 (2) (a) 10., 118.019 (2) (a) 11., 118.019 (2)
9 (e), 118.019 (2) (f), 118.019 (2m) (e), 118.019 (2m) (f) and 118.019 (2s) of the
10 statutes; **relating to:** providing instruction in human growth and
11 development.

Analysis by the Legislative Reference Bureau

Under current law, a school board may offer an instructional program in human growth and development (instructional program). If the school board offers an instructional program, the instructional program must provide medically accurate information and, when age appropriate, address all of the following: 1)

SENATE BILL 237

communication between the pupil and the pupil's parents or guardians about sexuality; 2) reproductive and sexual anatomy and physiology; 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make responsible decisions about sexuality and sexual behavior throughout the pupil's life span, including how to recognize, rebuff, and report unwanted or inappropriate verbal, physical, or sexual behaviors; 5) the benefits of and reasons for abstaining from sexual activity; 6) the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the federal Food and Drug Administration (FDA) to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections; 7) methods for developing healthy life skills, including setting goals, responsible decision making, communication, and stress management; 8) how alcohol or drug use affects responsible decision making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. If a school board provides instruction in any of the subject areas enumerated in items 1 to 9, it must do all of the following: a) ensure that instruction in marriage and family responsibility is provided, but not necessarily in the same course or during the same school year; b) instruct pupils about the criminal penalties for engaging in sexual activities involving a child; and c) instruct pupils about sex offender registration requirements.

This bill recommends, rather than requires, instructional topics for a school board that elects to provide an instructional program and restructures the recommended curriculum. The bill eliminates from the current law curriculum items 3 and 6, above, but retains discussion of pregnancy, parenting, and gender stereotypes in other portions of the recommended curriculum. The bill modifies item 4 by adding discussion of bullying, and modifies item 5 to require the instruction under that item to identify the skills necessary to remain abstinent. The bill also adds the following subjects to the recommended topics, instruction of which is to be medically accurate and provided when age appropriate: adoption resources, prenatal care, and postnatal supports, and the nature and treatment of sexually transmitted infections, personal responsibility, and the positive connection between marriage and parenting.

The bill requires a school board that offers an instructional program to do all of the following in the same course and during the same year: 1) present abstinence as the preferred choice of behavior for unmarried pupils; 2) emphasize that abstinence is the only reliable way to prevent pregnancy and avoid sexually transmitted infections; 3) provide instruction in parental responsibility and the socioeconomic benefits of marriage; and 4) explain pregnancy, prenatal development, and childbirth. The bill also permits a school board to provide the instructional program to pupils while the pupils are separated from members of the opposite sex.

Under current law, the instructional program must also do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities; 2) promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and

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assault, including resources for escaping violent relationships. This bill replaces item 1, above, with a reference to a provision under current law that prohibits discrimination in public schools.

Current law defines “medically accurate information” as information that satisfies all of the following: 1) the information is supported by the weight of research conducted in compliance with accepted scientific methods; 2) where appropriate, the information is published in peer-reviewed journals; and 3) the information is recognized as accurate by relevant leading professional organizations or agencies, such as the American Medical Association, the American Public Health Association, or the American Academy of Pediatrics. Current law defines “age appropriate” as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group. Current law permits a school district to eliminate from the human sexuality and development curriculum information that is not age appropriate.

This bill modifies the definition for “medically accurate information” to mean information that is scientifically-based and published, where appropriate, in peer-reviewed journals and textbooks. The bill also modifies the definition of “age-appropriate” to mean suitable to a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.

Current law permits a pupil’s parent or guardian to request that the pupil be exempt from participating in the instructional program. Current law also requires each school board that provides an instructional program to distribute an outline of the curriculum to the parents or guardians of each pupil enrolled in the district. This bill modifies the exemption to clarify that an exempted pupil will still receive instruction on how to recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations. The bill also modifies the exemption to clarify that an exempted high school pupil will receive instruction in physiology and hygiene and the effects of alcohol and controlled substances on the body unless the pupil has also been exempted from this instruction. The bill provides that the school district must provide an explanation of these exemptions along with the outline of the curriculum.

Current law requires each school board that elects not to offer an instructional program to notify each pupil’s parent or guardian of this fact. This bill eliminates that requirement. Current law also requires the state superintendent to apply for federal funds to implement an evidence-based teen pregnancy prevention program. This bill requires the state superintendent to apply for all federal funds allocated for providing instruction in any of the recommended or required topics.

Current law requires each school district that offers an instructional program to appoint an advisory committee composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district. The committee is required under current law to review the curriculum at least every three years. This bill specifies that the purpose of the committee is to advise the school board on the design and implementation of the curriculum and to review the curriculum every three years. The bill also provides

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that no one category of member may constitute more than one fifth of the membership of the committee and no more than one quarter of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses.

Under current law, a volunteer health care provider (provider) may apply to the Department of Administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide services at a school, the provider must file the application jointly with the school board or, if the school is a charter school, the governing body of the school. "Volunteer health care provider" is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above. This bill prevents a provider from providing instruction in human growth and development.

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.** 115.29 (7) of the statutes is amended to read:

2 115.29 (7) TEEN PREGNANCY PREVENTION. Apply for all federal funds allocated
3 ~~to evidence-based teen pregnancy prevention programs that have been proven~~
4 ~~through rigorous evaluation to delay sexual activity, increase contraceptive use, and~~
5 ~~reduce teen pregnancy in order to implement such a program~~ for providing
6 instruction in any of the subjects identified in s. 118.019.

7 **SECTION 2.** 118.019 (1) of the statutes is amended to read:

8 118.019 (1) PURPOSE. The purpose of this section is to encourage all school
9 ~~boards to ensure that pupils in their districts are provided age-appropriate~~
10 ~~instruction in human growth and development. The instruction should support and~~
11 ~~enhance communication between pupils and their parents and provide pupils with~~
12 ~~the knowledge, skills, and support necessary to make healthy decisions now and~~

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1 ~~throughout their lifetimes and to make responsible decisions about sexual behavior~~
2 foster a partnership between parents of pupils attending schools in the school district
3 and the schools in the school district to promote the optimal health and well-being
4 of the pupils. The provisions of this section are in addition to, and do not supplant,
5 the requirements under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical
6 to maintaining the physical and psychological health of each pupil.

7 **SECTION 3.** 118.019 (1m) (a) of the statutes is amended to read:

8 118.019 (1m) (a) "Age-appropriate" means suitable to a particular age group
9 of pupils based on the their developing cognitive and emotional capacity of and
10 behaviors typical for the age group consistent with adolescent development and
11 community standards.

12 **SECTION 4.** 118.019 (1m) (b) (intro.) of the statutes is renumbered 118.019 (1m)
13 (b) and amended to read:

14 118.019 (1m) (b) "Medically accurate information" means information that
15 ~~satisfies all of the following:~~ is scientifically-based and published, where
16 appropriate, in peer-reviewed journals and textbooks.

17 **SECTION 5.** 118.019 (1m) (b) 1., 2. and 3. of the statutes are repealed.

18 **SECTION 6.** 118.019 (2) (intro.) of the statutes is amended to read:

19 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional
20 program in human growth and development in grades kindergarten to 12. If
21 provided, the following instructional program ~~shall do all of the following is~~
22 recommended:

23 **SECTION 7.** 118.019 (2) (a) (intro.) of the statutes is amended to read:

24 118.019 (2) (a) (intro.) Present medically accurate information to pupils and,
25 when age-appropriate, ~~shall~~ address the following topics:

SENATE BILL 237

SECTION 8. 118.019 (2) (a) 1. of the statutes is amended to read:

118.019 **(2)** (a) 1. The importance of communication about sexuality and decision making about sexual behavior between the pupil and the pupil's parents, or guardians, ~~or other family members.~~

SECTION 9. 118.019 (2) (a) 2. of the statutes is amended to read:

118.019 **(2)** (a) 2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional, and intellectual changes that accompany maturation.

SECTION 10. 118.019 (2) (a) 3. of the statutes is repealed.

SECTION 11. 118.019 (2) (a) 4. of the statutes is repealed.

SECTION 12. 118.019 (2) (a) 5. of the statutes is amended to read:

118.019 **(2)** (a) 5. The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the most only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent.

SECTION 13. 118.019 (2) (a) 6. of the statutes is repealed.

SECTION 14. 118.019 (2) (a) 10. of the statutes is created to read:

118.019 **(2)** (a) 10. Adoption resources, prenatal care, and postnatal supports.

SECTION 15. 118.019 (2) (a) 11. of the statutes is created to read:

118.019 **(2)** (a) 11. The nature and treatment of sexually transmitted infections.

SECTION 16. 118.019 (2) (b) of the statutes is repealed.

SECTION 17. 118.019 (2) (c) of the statutes is amended to read:

118.019 **(2)** (c) ~~Promote~~ Address self-esteem and personal responsibility, positive interpersonal skills, ~~with an emphasis on~~ and healthy relationships, ~~including friendships, marriage, and romantic and familial relationships.~~

SENATE BILL 237

1 **SECTION 18.** 118.019 (2) (e) of the statutes is created to read:

2 118.019 **(2)** (e) Address the positive connection between marriage and
3 parenting.

4 **SECTION 19.** 118.019 (2) (f) of the statutes is created to read:

5 118.019 **(2)** (f) Present information about avoiding stereotyping and bullying,
6 including how to refrain from making inappropriate remarks, avoiding engaging in
7 inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report
8 any unwanted or inappropriate remarks or physical or sexual behaviors.

9 **SECTION 20.** 118.019 (2m) (a) of the statutes is renumbered 118.019 (2m)
10 (intro.) and amended to read:

11 118.019 **(2m)** REQUIRED SUBJECTS. (intro.) If a school board provides instruction
12 in any of the areas under sub. (2) (a), the school board shall ensure that instruction
13 ~~in marriage and parental responsibility is provided.~~ conforms to s. 118.13 (1) and that
14 the following is provided, when age appropriate, in the same course and during the
15 same year:

16 **SECTION 21.** 118.019 (2m) (b) (intro.) of the statutes is repealed.

17 **SECTION 22.** 118.019 (2m) (b) 1. of the statutes is renumbered 118.019 (2m) (c)
18 and amended to read:

19 118.019 **(2m)** (c) Presents abstinence from sexual activity as the preferred
20 choice of behavior ~~in relationship to all sexual activity~~ for unmarried pupils.

21 **SECTION 23.** 118.019 (2m) (b) 2. of the statutes is renumbered 118.019 (2m) (d)
22 and amended to read:

23 118.019 **(2m)** (d) Emphasizes that abstinence from sexual activity before
24 marriage is the most effective only reliable way to prevent pregnancy and sexually

SENATE BILL 237**SECTION 23**

transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

SECTION 24. 118.019 (2m) (e) of the statutes is created to read:

118.019 **(2m)** (e) Provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children.

SECTION 25. 118.019 (2m) (f) of the statutes is created to read:

118.019 **(2m)** (f) Explains pregnancy, prenatal development, and childbirth.

SECTION 26. 118.019 (2r) (intro.) of the statutes is repealed.

SECTION 27. 118.019 (2r) (a) of the statutes is renumbered 118.019 (2m) (g) and amended to read:

118.019 **(2m)** (g) The Explains the criminal penalties under ch. 948 for engaging in sexual activities involving a child ~~under ch. 948~~.

SECTION 28. 118.019 (2r) (b) of the statutes is renumbered 118.019 (2m) (h) and amended to read:

118.019 **(2m)** (h) The Explains the sex offender registration requirements under s. 301.45. Instruction under this paragraph shall include who is required to report under s. 301.45, what information must be reported, who has access to the information reported, and the implications of being registered under s. 301.45.

SECTION 29. 118.019 (2s) of the statutes is created to read:

118.019 **(2s)** PROVISION OF INSTRUCTION. Subject to s. 120.13 (37m), nothing in this section prohibits a school district from providing instruction under this section, in whole or in part, to pupils while the pupils are separated from members of the opposite sex.

SECTION 30. 118.019 (3) (intro.) of the statutes is renumbered 118.019 (3) and amended to read:

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1 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. Each school board
2 that provides an instructional program in human growth and development shall
3 annually provide the parents or guardians of each pupil enrolled in the school district
4 with an outline of the human growth and development curriculum used in the pupil's
5 grade level and, information regarding how the parent or guardian may inspect the
6 complete curriculum and instructional materials, an explanation of the exemption
7 under sub. (4), and a statement that pupils exempted from instruction under this
8 section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. c., unless
9 exempted, and s. 118.01 (2) (d) 8. The school board shall make the complete human
10 growth and development curriculum and all instructional materials available for
11 inspection by a parent or guardian upon his or her request at any time, including
12 prior to their use in the classroom. ~~A school board that elects not to provide an~~
13 ~~instructional program in human growth and development under this section shall,~~
14 ~~by September 30 of each school year, send home to the parent or guardian of each~~
15 ~~pupil enrolled in the school district a notice that includes all of the following:~~

16 **SECTION 31.** 118.019 (3) (a), (b) and (c) of the statutes are repealed.

17 **SECTION 32.** 118.019 (4) of the statutes is amended to read:

18 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
19 instruction in human growth and development or in the specific subjects under subs.
20 (2) and ~~(2r)~~ (2m) if the pupil's parent or guardian files with the teacher or school
21 principal a written request that the pupil be exempted.

22 **SECTION 33.** 118.019 (5) of the statutes is amended to read:

23 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
24 growth and development curriculum, the school board shall appoint an ad hoc
25 ~~advisory committee composed of parents,~~ whose role is to advise the school board on

SENATE BILL 237**SECTION 33**

1 the design and implementation of the human growth and development curriculum
2 and to review the curriculum. Parents, teachers, school administrators, pupils,
3 health care professionals, members of the clergy, and other residents of the school
4 district shall comprise the committee, and no one category of member shall
5 constitute more than one fifth of the membership of the committee. No more than
6 one quarter of the members of the committee may be made up of employees of the
7 school district or their spouses or members of the school board or their spouses The
8 advisory committee shall develop the human growth and development curriculum
9 and advise the school board on the design, review and implementation of the advisory
10 committee's human growth and development curriculum. The advisory committee
11 shall review the curriculum at least every 3 years.

12 **SECTION 34.** 146.89 (3r) (e) of the statutes is amended to read:

13 146.89 **(3r)** (e) Under this subsection, a volunteer health care provider may not
14 provide instruction in human growth and development if the instructional program
15 is in compliance with requirements of under s. 118.019.

16 (END)

Written Testimony From the City of Milwaukee Health Department
Senate Bill 237
October 19, 2011

Senate Bill 237 (SB237) proposes several changes to the state mandates for the Healthy Youth Act (Assembly Bill 454, 2009-10 session). The Healthy Youth Act provides Wisconsin students with a comprehensive, longitudinal experience regarding puberty, the risks of early sexual activity, methods to prevent unintended pregnancy and sexually transmitted diseases, life skills, peer pressure, and substance abuse issues. The law was passed in response to Wisconsin's public health crisis that included rising teen birth rates and STI rates in 2006 and 2007. The law set a minimum standard for sex education in Wisconsin – requiring that sex education taught in Wisconsin public schools to be medically accurate, age-appropriate and comprehensive. The law preserved the local control of parents, teachers and school administrators who have long made the human growth and development curriculum decisions in Wisconsin.

In Milwaukee, the teenage birth rate has dropped four years in a row, down to 35.7 per 1000 15-17 year olds in 2010. It was also reported by the CDC that condom use among male teens has increased 9% of the last 4 years. Also, earlier this month, the State of Wisconsin Department of Health Services reported that abortions declined by 8.4% in 2010, the sixth decrease in seven years. All of these figures should be considered successes. They are successes because if abortions are declining, they cannot be cited as the cause for the reduction in teen births. It means less people are getting pregnant, and for those that are pregnant, more are choosing to keep their baby. We attribute this stunning success in large part to the Human Growth and Development Curriculum being implemented in Milwaukee Public Schools – thanks to the Healthy Youth Act.

The most egregious proposal in SB237 is the elimination of curricula topics focusing on the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the FDA to prevent pregnancy and STDs. The science and evaluation of abstinence-only education shows that it is largely a failure. A congressionally mandated study of four popular abstinence-only programs by the Mathematica found that they were entirely ineffective. Students who participated in the programs were no more likely to abstain from sex than other students. On the other hand, numerous studies have shown comprehensive sexual education to be effective. Researchers studied the National Survey of Family Growth to determine the impact of sexuality education on youth sexual risk-taking for young people ages 15-19, and found that teens who received comprehensive sex education were 50 percent less likely to experience pregnancy than those who received abstinence-only education. The Healthy Youth Act ensures that both abstinence and contraception are taught at age-appropriate times. Hiding information about contraception from teens does not make the problem of teenage sexual behavior go away; rather it places teens at greater risk.

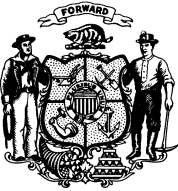
In addition, SB237 proposes to eliminate unique curricula addressing puberty, pregnancy, parenting, body image and gender stereotypes. The scientific literature informs us that early puberty and poor body image lead to high-risk behavior among teenage girls, include sexual activity, pregnancy, and substance abuse issues. Educating our young girls, through age-

appropriate curriculum, at a time before changes to their body occur, serves as an important tool in the prevention of high-risk behavior.

A second problem is that in SB237, the school board is not required to notify parents that their school district will not offer a human growth and development curriculum. Why? If we cut the program from schools, and do not inform families that the program has been cut, who will educate children about abstinence or safe sex?

A third significant problem with SB 237 is that it also prevents physicians or nurses from providing medically accurate information in schools. The only rationale for this rule change seems to be to keep medically accurate information out of schools. The same is applicable to the new bill's attempt to back away from scientific, peer-reviewed medical scholarship. In addition, the inclusion of "community standards" as a litmus test for medically accurate information is inappropriate. The Healthy Youth Act sets the community standard for the entire State of Wisconsin. The research and statistics show that the human growth and development curriculum is effective, with abortions and teenage pregnancy declining and condom use increasing.

We ask that all committee members step away from ideological perspectives, listen to the medical professionals that are trained as experts in this area, review the science behind teen pregnancy curricula, and keep the Healthy Youth Act intact. The Healthy Youth Act is good policy which is producing good results. SB237 is bad policy that will reverse a decade worth of gains that have been made in keeping teens healthy, safe, and in a position to succeed in life.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2647/2
CMH:wlj:jf

2011 ASSEMBLY BILL 269

September 20, 2011 – Introduced by Representatives BALLWEG, WYNN, BERCEAU, BROOKS, CLARK, ENDSLEY, HINTZ, JACQUE, KAUFERT, KERKMAN, KLEEFISCH, KRUG, T. LARSON, MARKLEIN, MILROY, MOLEPSKE JR, A. OTT, PASCH, PETROWSKI, RADCLIFFE, ROYS, SINICKI, SPANBAUER, STASKUNAS, STEINEKE, SUDER, C. TAYLOR and WILLIAMS, cosponsored by Senators WANGGAARD, OLSEN, ERPENBACH, HANSEN, C. LARSON, LASSA, LAZICH and TAYLOR. Referred to Committee on Public Health and Public Safety.

1 **AN ACT** *to renumber and amend* 941.39; *to amend* 968.075 (5) (a) 2. and
2 973.049 (2) and (3); and *to create* 941.39 (1) of the statutes; **relating to:**
3 prohibitions against contacting certain persons and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, an individual who has been arrested for a domestic abuse incident must, unless the victim of the alleged domestic abuse signs a waiver, avoid the victim's residence and avoid contacting the victim for 72 hours following the arrest. If the individual intentionally violates this requirement, the individual must forfeit not more than \$1,000 (a civil penalty). Under this bill, the individual is guilty of a misdemeanor and is subject to a fine of up to \$10,000 or imprisonment of up to nine months, or both.

Under current law, when a court imposes a sentence on an individual or places an individual on probation for a conviction for a crime, the court may prohibit the individual, during his or her sentence or probation period, from contacting victims of, or co-actors in, a crime considered at sentencing if the court determines that such a prohibition would be in the interest of public protection. An individual who violates the prohibition is guilty of a Class A misdemeanor. This bill adds that a court may also prohibit the individual from contacting witnesses to the crime. In addition, this bill changes the penalty for violating a prohibition imposed following a conviction for a felony to a Class H felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

ASSEMBLY BILL 269

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 941.39 of the statutes is renumbered 941.39 (intro.) and amended
2 to read:

3 **941.39 Victim, witness, or co-actor contact.** (intro.) Whoever intentionally
4 violates a court order issued under s. 973.049 (2) is guilty of one of the following:

5 (2) If the court order results from a conviction for a misdemeanor, a Class A
6 misdemeanor.

7 **SECTION 2.** 941.39 (1) of the statutes is created to read:

8 941.39 (1) If the court order results from a conviction for a felony, a Class H
9 felony.

10 **SECTION 3.** 968.075 (5) (a) 2. of the statutes is amended to read:

11 968.075 (5) (a) 2. An arrested person who intentionally violates this paragraph
12 shall be required to forfeit may be fined not more than \$1,000 \$10,000 or imprisoned
13 for not more than 9 months or both.

14 **SECTION 4.** 973.049 (2) and (3) of the statutes are amended to read:

15 973.049 (2) When a court imposes a sentence on an individual or places an
16 individual on probation for the conviction of a crime, the court may prohibit the
17 individual from contacting victims of, witnesses to, or co-actors in, a crime
18 considered at sentencing during any part of the individual's sentence or period of
19 probation if the court determines that the prohibition would be in the interest of

ASSEMBLY BILL 269

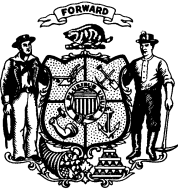
1 public protection. For purposes of the prohibition, the court may determine who are
2 the victims of or witnesses to any crime considered at sentencing.

3 (3) If a court issues an order under sub. (2), the court shall inform the individual
4 of the prohibition and ~~of the penalty under s. 941.39~~ include the prohibition in the
5 judgment of conviction for the crime.

6 **SECTION 5. Initial applicability.**

7 (1) The treatment of section 973.049 (2) and (3) of the statutes first applies to
8 sentences imposed or placements made on the effective date of this subsection.

9 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2471/1
JK:jld:rs

2011 SENATE BILL 201

September 27, 2011 - Introduced by Senator WANGGAARD, cosponsored by Representatives PETRYK, BIES, E. COGGS and DOYLE. Referred to Committee on Economic Development and Veterans and Military Affairs.

1 **AN ACT** *to amend* 71.05 (6) (a) 15., 71.21 (4), 71.26 (2) (a) 4., 71.34 (1k) (g), 71.45
2 (2) (a) 10. and 77.92 (4); and *to create* 71.07 (5p), 71.10 (4) (cs), 71.28 (5p), 71.30
3 (3) (dp), 71.47 (5p) and 71.49 (1) (dp) of the statutes; **relating to:** an income and
4 franchise tax credit for hiring unemployed individuals.

Analysis by the Legislative Reference Bureau

This bill allows a taxpayer to claim an income and franchise tax credit equal to \$5,000 for each unemployed state resident hired by the taxpayer in the taxable year to work a full-time job at the taxpayer's business in this state. The maximum amount of all such credits that a taxpayer may claim is \$250,000. If the amount of the credit exceeds the taxpayer's tax liability, the taxpayer does not receive a refund, but may carry forward the amount of any unused credit to subsequent taxable years.

For further information see the **state** 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:

5 **SECTION 1.** 71.05 (6) (a) 15. of the statutes, as affected by 2011 Wisconsin Act
6 32, is amended to read:

SENATE BILL 201**SECTION 1**

1 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
2 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
3 (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5h), (5i), (5j), (5k), (5n), (5p), (5r), (5rm), and
4 (8r) and not passed through by a partnership, limited liability company, or
5 tax-option corporation that has added that amount to the partnership's, company's,
6 or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

7 **SECTION 2.** 71.07 (5p) of the statutes is created to read:

8 71.07 **(5p)** HIRING THE UNEMPLOYED CREDIT. (a) *Definitions.* In this subsection:

9 1. "Claimant" means a person who files a claim under this subsection.

10 2. "Full-time job" means a regular, nonseasonal full-time position in which an
11 individual, as a condition of employment, is required to work at least 2,080 hours per
12 year, including paid leave and holidays.

13 3. "Qualified individual" means a person who, on the date that the claimant
14 hires the individual to work at the claimant's business in this state, is a resident of
15 this state, has been receiving unemployment insurance benefits for at least 60 days
16 prior to being hired by the claimant, and has not been employed by the claimant at
17 any time during the 60 days prior to the first day on which the individual is eligible
18 to receive unemployment insurance benefits.

19 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
20 taxable years beginning after December 31, 2011, a claimant may claim as a credit
21 against the tax imposed under s. 71.02, up to the amount of the tax, an amount equal
22 to \$5,000 for each qualified individual hired by the claimant in the taxable year to
23 work at a full-time job at the claimant's business in this state.

24 (c) *Limitations.* 1. The maximum amount of all credits that a claimant may
25 claim under this subsection is \$250,000.

SENATE BILL 201**SECTION 2**

1 2. Partnerships, limited liability companies, and tax-option corporations may
2 not claim the credit under this subsection, but the eligibility for, and the amount of,
3 the credit are based on hiring individuals described under par. (b). A partnership,
4 limited liability company, or tax-option corporation shall compute the amount of
5 credit that each of its partners, members, or shareholders may claim and shall
6 provide that information to each of them. Partners, members of limited liability
7 companies, and shareholders of tax-option corporations may claim the credit in
8 proportion to their ownership interests.

9 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
10 s. 71.28 (4), applies to the credit under this subsection.

11 **SECTION 3.** 71.10 (4) (cs) of the statutes is created to read:

12 71.10 (4) (cs) Hiring the unemployed credit under s. 71.07 (5p).

13 **SECTION 4.** 71.21 (4) of the statutes, as affected by 2011 Wisconsin Act 32, is
14 amended to read:

15 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
16 (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3s),
17 (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5n), (5p), (5r), (5rm), and (8r) and passed
18 through to partners shall be added to the partnership's income.

19 **SECTION 5.** 71.26 (2) (a) 4. of the statutes, as affected by 2011 Wisconsin Act 32,
20 is amended to read:

21 71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd),
22 (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3q), (3r),
23 (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5n), (5p), (5r), (5rm), (8r),
24 and (9s) and not passed through by a partnership, limited liability company, or
25 tax-option corporation that has added that amount to the partnership's, limited

SENATE BILL 201**SECTION 5**

1 liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k)
2 (g).

3 **SECTION 6.** 71.28 (5p) of the statutes is created to read:

4 **71.28 (5p) HIRING THE UNEMPLOYED CREDIT.** (a) *Definitions.* In this subsection:

5 1. "Claimant" means a person who files a claim under this subsection.

6 2. "Full-time job" means a regular, nonseasonal full-time position in which an
7 individual, as a condition of employment, is required to work at least 2,080 hours per
8 year, including paid leave and holidays.

9 3. "Qualified individual" means a person who, on the date that the claimant
10 hires the individual to work at the claimant's business in this state, is a resident of
11 this state, has been receiving unemployment insurance benefits for at least 60 days
12 prior to being hired by the claimant, and has not been employed by the claimant at
13 any time during the 60 days prior to the first day on which the individual is eligible
14 to receive unemployment insurance benefits.

15 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
16 taxable years beginning after December 31, 2011, a claimant may claim as a credit
17 against the tax imposed under s. 71.23, up to the amount of the tax, an amount equal
18 to \$5,000 for each qualified individual hired by the claimant in the taxable year to
19 work at a full-time job at the claimant's business in this state.

20 (c) *Limitations.* 1. The maximum amount of all credits that a claimant may
21 claim under this subsection is \$250,000.

22 2. Partnerships, limited liability companies, and tax-option corporations may
23 not claim the credit under this subsection, but the eligibility for, and the amount of,
24 the credit are based on hiring individuals described under par. (b). A partnership,
25 limited liability company, or tax-option corporation shall compute the amount of

SENATE BILL 201**SECTION 6**

1 credit that each of its partners, members, or shareholders may claim and shall
2 provide that information to each of them. Partners, members of limited liability
3 companies, and shareholders of tax-option corporations may claim the credit in
4 proportion to their ownership interests.

5 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
6 sub. (4), applies to the credit under this subsection.

7 **SECTION 7.** 71.30 (3) (dp) of the statutes is created to read:

8 71.30 (3) (dp) Hiring the unemployed credit under s. 71.28 (5p).

9 **SECTION 8.** 71.34 (1k) (g) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is amended to read:

11 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option
12 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),
13 (3), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j),
14 (5k), (5n), (5p), (5r), (5rm), and (8r) and passed through to shareholders.

15 **SECTION 9.** 71.45 (2) (a) 10. of the statutes, as affected by 2011 Wisconsin Act
16 32, is amended to read:

17 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
18 computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3rm), (3rn),
19 (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5n), (5p), (5r), (5rm), (8r), and (9s) and not
20 passed through by a partnership, limited liability company, or tax-option
21 corporation that has added that amount to the partnership's, limited liability
22 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g) and
23 the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

24 **SECTION 10.** 71.47 (5p) of the statutes is created to read:

25 71.47 (5p) **HIRING THE UNEMPLOYED CREDIT.** (a) *Definitions.* In this subsection:

SENATE BILL 201**SECTION 10**

1 1. "Claimant" means a person who files a claim under this subsection.

2 2. "Full-time job" means a regular, nonseasonal full-time position in which an
3 individual, as a condition of employment, is required to work at least 2,080 hours per
4 year, including paid leave and holidays.

5 3. "Qualified individual" means a person who, on the date that the claimant
6 hires the individual to work at the claimant's business in this state, is a resident of
7 this state, has been receiving unemployment insurance benefits for at least 60 days
8 prior to being hired by the claimant, and has not been employed by the claimant at
9 any time during the 60 days prior to the first day on which the individual is eligible
10 to receive unemployment insurance benefits.

11 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
12 taxable years beginning after December 31, 2011, a claimant may claim as a credit
13 against the tax imposed under s. 71.43, up to the amount of the tax, an amount equal
14 to \$5,000 for each qualified individual hired by the claimant in the taxable year to
15 work at a full-time job at the claimant's business in this state.

16 (c) *Limitations.* 1. The maximum amount of all credits that a claimant may
17 claim under this subsection is \$250,000.

18 2. Partnerships, limited liability companies, and tax-option corporations may
19 not claim the credit under this subsection, but the eligibility for, and the amount of,
20 the credit are based on hiring individuals described under par. (b). A partnership,
21 limited liability company, or tax-option corporation shall compute the amount of
22 credit that each of its partners, members, or shareholders may claim and shall
23 provide that information to each of them. Partners, members of limited liability
24 companies, and shareholders of tax-option corporations may claim the credit in
25 proportion to their ownership interests.

SENATE BILL 201

1 (d) *Administration*. Section 71.28 (4) (e) to (h), as it applies to the credit under
2 s. 71.28 (4), applies to the credit under this subsection.

3 **SECTION 11.** 71.49 (1) (dp) of the statutes is created to read:

4 71.49 (1) (dp) Hiring the unemployed credit under s. 71.47 (5p).

5 **SECTION 12.** 77.92 (4) of the statutes, as affected by 2011 Wisconsin Act 32, is
6 amended to read:

7 77.92 (4) “Net business income,” with respect to a partnership, means taxable
8 income as calculated under section 703 of the Internal Revenue Code; plus the items
9 of income and gain under section 702 of the Internal Revenue Code, including taxable
10 state and municipal bond interest and excluding nontaxable interest income or
11 dividend income from federal government obligations; minus the items of loss and
12 deduction under section 702 of the Internal Revenue Code, except items that are not
13 deductible under s. 71.21; plus guaranteed payments to partners under section 707
14 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
15 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r),
16 (3rm), (3rn), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), (5k), (5n), ~~(5p)~~, (5r), (5rm),
17 and (8r); and plus or minus, as appropriate, transitional adjustments, depreciation
18 differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but
19 excluding income, gain, loss, and deductions from farming. “Net business income,”
20 with respect to a natural person, estate, or trust, means profit from a trade or
21 business for federal income tax purposes and includes net income derived as an
22 employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

23 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2470/1
PJH:kjf:rs

2011 ASSEMBLY BILL 263

September 15, 2011 - Introduced by Representatives KNODL, KRUG, BIES, BROOKS, JACQUE, KERKMAN, KUGLITSCH, MARKLEIN, MURSAU, RIVARD, SINICKI, STRACHOTA and STROEBEL, cosponsored by Senators DARLING, GALLOWAY, LASSA, SCHULTZ and WANGGAARD. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to create* 973.06 (1) (av) of the statutes; **relating to:** costs associated
2 with providing false information to a law enforcement officer.

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of a crime may be assessed certain costs associated with his or her crime. Current law allows a court to assess costs and fees incurred in connection with the arrest, preliminary examination, and trial of the person, but generally, a person may not be assessed the costs of routine investigations. Under current law, a person who is convicted of certain crimes may be assessed specific costs that are related to those particular crimes.

Under this bill, a person who is convicted of obstructing a law enforcement officer by providing false information to the officer or placing physical evidence with the intent to mislead the officer may be assessed the costs incurred by the law enforcement agency when it investigated or responded to the false information or evidence.

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:

3 **SECTION 1.** 973.06 (1) (av) of the statutes is created to read:

973.06 (1) (av) If the defendant violated s. 946.41 by obstructing an officer, the reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate the false information that the defendant provided or the physical evidence that the defendant placed. Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2804/1
MGG:wlj:ph

2011 ASSEMBLY BILL 288

September 29, 2011 - Introduced by Representatives TAUCHEN, PETROWSKI, WILLIAMS and SUDER, cosponsored by Senator GALLOWAY. Referred to Committee on Rural Economic Development and Rural Affairs.

1 **AN ACT** *to amend* 145.20 (5) (am) of the statutes; **relating to:** adoption by
2 governmental units of a maintenance program that applies to private sewage
3 systems.

Analysis by the Legislative Reference Bureau

Under current law, a maintenance program for private sewage systems (systems) is administered jointly by the Department of Safety and Professional Services (DSPS) and governmental units (counties in which the systems are located or, for counties with a population of at least 500,000, cities, villages, or towns in which the systems are located). This maintenance program applies to all new or replacement systems constructed in the governmental unit after the date on which the local governmental unit adopts the program and may be applied by DSPS to systems in the governmental unit constructed before that date.

Under current law, a governmental unit must complete an inventory of all systems in its jurisdiction before October 1, 2013, and must implement the maintenance program before October 1, 2015. This bill delays the deadline for the inventory to October 1, 2019, and the deadline for the program implementation to October 1, 2021.

For further information see the **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:

ASSEMBLY BILL 288**SECTION 1**

SECTION 1. 145.20 (5) (am) of the statutes is amended to read:

145.20 **(5)** (am) Each governmental unit responsible for the regulation of private sewage systems shall adopt and begin the administration of the program established under par. (a) before October 1, ~~2015~~ 2021. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private sewage systems located in the governmental unit and shall complete the initial inventory before October 1, ~~2013~~ 2019. In order to be eligible for grant funding under s. 145.245, a governmental unit must comply with these deadlines.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2960/1
MGG:wlj:jf

2011 SENATE BILL 199

September 26, 2011 - Introduced by Senator GALLOWAY, cosponsored by Representatives TAUCHEN, PETROWSKI, WILLIAMS and SUDER. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT to amend** 145.20 (5) (am) of the statutes; **relating to:** adoption by
2 governmental units of a maintenance program that applies to private sewage
3 systems.

Analysis by the Legislative Reference Bureau

Under current law, a maintenance program for private sewage systems (systems) is administered jointly by the Department of Safety and Professional Services (DSPS) and governmental units (counties in which the systems are located or, for counties with a population of at least 500,000, cities, villages, or towns in which the systems are located). This maintenance program applies to all new or replacement systems constructed in the governmental unit after the date on which the local governmental unit adopts the program and may be applied by DSPS to systems in the governmental unit constructed before that date.

Under current law, a governmental unit must complete an inventory of all systems in its jurisdiction before October 1, 2013, and must implement the maintenance program before October 1, 2015. This bill delays the deadline for the inventory to October 1, 2019, and the deadline for the program implementation to October 1, 2021.

For further information see the *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:

SENATE BILL 199**SECTION 1**

SECTION 1. 145.20 (5) (am) of the statutes is amended to read:

145.20 **(5)** (am) Each governmental unit responsible for the regulation of private sewage systems shall adopt and begin the administration of the program established under par. (a) before October 1, ~~2015~~ 2021. As part of adopting and administering the program, the governmental unit shall conduct and maintain an inventory of all the private sewage systems located in the governmental unit and shall complete the initial inventory before October 1, ~~2013~~ 2019. In order to be eligible for grant funding under s. 145.245, a governmental unit must comply with these deadlines.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2922/1
JK:sbb&jld:rs

2011 SENATE BILL 196

September 21, 2011 - Introduced by Senators OLSEN, SCHULTZ and LASSA, cosponsored by Representatives PETROWSKI, MOLEPSKE JR, SPANBAUER, PETRYK, WYNN, STASKUNAS, RIPP, RIVARD, THIESFELDT, LEMAHIEU, STRACHOTA, MURSAU, BROOKS and BALLWEG. Referred to Committee on Education.

1 **AN ACT** *to amend* 79.05 (2) (c) of the statutes; **relating to:** excluding from the
2 calculation of expenditure restraint payments expenditures made pursuant to
3 a purchasing agreement with a school district.

Analysis by the Legislative Reference Bureau

Under current law, for purposes of determining a municipality's eligibility to receive expenditure restraint payments, a comparison of a municipality's current budget with its previous budget excludes principal and interest on long-term debt, certain revenue sharing payments, recycling fee payments, and expenditures from moneys received under the federal American Recovery and Reinvestment Act. Under this bill, expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district are also excluded from municipal budget comparisons for purposes of determining a municipality's eligibility to receive expenditure restraint payments.

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:

4 **SECTION 1.** 79.05 (2) (c) of the statutes is amended to read:

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79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., and 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., and 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

SECTION 2. Initial applicability.

(1) This act first applies to payments made in 2011.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1856/2
MES:jld:rs

2011 ASSEMBLY BILL 179

June 13, 2011 - Introduced by Representatives WEININGER, JACQUE, KLENKE, NYGREN, STEINEKE and VAN ROY, cosponsored by Senator COWLES. Referred to Committee on Ways and Means.

1 **AN ACT** *to amend* 66.1105 (4) (gm) 3., 66.1105 (4) (gm) 4. c., 66.1105 (4m) (a),
2 66.1105 (4m) (ae), 66.1105 (4m) (b) 2., 66.1105 (6) (a) (intro.) and 66.1105 (10)
3 (a); and *to create* 66.1105 (4m) (as), 66.1105 (6) (ag), 66.1105 (10) (d) and
4 66.1105 (18) of the statutes; **relating to:** authorizing the creation of a
5 multijurisdictional tax incremental financing district.

Analysis by the Legislative Reference Bureau

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50 percent of the area to be included in the TID is blighted, in need of rehabilitation or conservation, suitable for industrial sites, or suitable for mixed-use development. Currently, towns and counties also have a limited ability to create a TID under certain circumstances. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID within specified time frames, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board, approval of the city's or village's proposed TID by a joint review board that consists of members who represent the overlying taxation districts, and adoption of a resolution by the common council or village board that creates the TID as of a date provided in the resolution.

Also under current law, once a TID has been created, the Department of Revenue (DOR) calculates the "tax incremental base" value of the TID, which is the

ASSEMBLY BILL 179

equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a “value increment” is created. That portion of taxes collected on the value increment in excess of the base value is called a “tax increment.” The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID. The costs of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created. Under certain circumstances, the life of the TID and the allocation period may be extended.

Under current law, a planning commission may adopt an amendment to a project plan, which requires the approval of the common council or village board and the same findings that current law requires for the creation of a new TID. Current law also authorizes the amendment of a project plan up to four times during a TID’s existence to change the district’s boundaries by adding or subtracting territory.

Currently, before a TID may be created or its project plan amended, the city or village must adopt a resolution containing a finding that the equalized value of taxable property of the TID plus the value increment of all existing TIDs does not exceed 12 percent of the total equalized value of taxable property in the city or village (the “12 percent test”), subject to one exception. Under the exception, a city or village may simultaneously create a new TID and subtract territory from an existing TID without adopting a resolution containing the 12 percent test if the city or village demonstrates to DOR that the value of the territory that is subtracted at least equals the amount that DOR believes is necessary to ensure that, when the new TID is created, the 12 percent test is met. The city or village must also certify to DOR that no other district created under this exception currently exists in the city or village.

Under certain limited circumstances, a TID that has paid off all of its project costs but has not reached its mandatory termination date may become a donor TID, continue to receive tax increments, and forward those increments to a recipient TID created by the same city or village.

This bill authorizes any number of cities and villages (municipalities) to jointly create a multijurisdictional TID (MJTID). Towns may not participate in a MJTID. To create a MJTID, municipalities must enter into an intergovernmental cooperation agreement to create the MJTID. The agreement must specify a number of things, including the proposed membership of the joint review board; a binding procedure to resolve disputes; a procedure to dissolve the MJTID before it would otherwise be required to terminate; a description of the responsibilities of each municipality’s clerk, treasurer, and assessor; specification of a lead municipality for purposes of completing and submitting required documents; and procedures that will be followed to amend the project plan or boundaries of the MJTID. A copy of the agreement must be sent to DOR.

With regard to an MJTID, the district must be contiguous, its borders must contain territory in all municipalities that are a party to the agreement, and at least

ASSEMBLY BILL 179

one parcel in each municipality must touch at least one parcel in at least one of the other municipalities. The agreement must specify that the MJTID's application to DOR will be submitted to DOR as one complete application and that the MJTID will terminate at one time as a single entity.

Generally under the bill, the current law provisions that apply to all TIDs apply to MJTIDs. There are, however, a number of provisions that apply only to MJTIDs, including the following:

1. A MJTID may not become a donor TID or receive tax increments from a donor TID.

2. The 12 percent test applies in the aggregate to the municipalities that participate in a MJTID, but an individual participating municipality may exceed the 12 percent limit for the part of the MJTID that is in that municipality, provided all of the overlaying taxation districts agree to that municipality exceeding the 12 percent limit.

3. DOR may allocate positive tax increments to each participating municipality only to the extent that the municipality's component of the MJTID has generated a positive value increment.

4. Each participating municipality may appoint one public member to the joint review board.

5. Generally, each school district, union high school district, elementary school district, technical college district, and county that may levy taxes on the property within the MJTID may select a representative to the joint review board unless the unit of government's governing body opts out of this authority.

6. Besides the generally required joint review board majority vote to approve the creation of a TID or the amendment of its project plan, all representatives of a participating municipality must be in the majority that votes for such approvals for a MJTID.

7. A MJTID may not incur project costs for an area that is outside the boundaries of the MJTID.

This bill grants DOR the authority to require each participating municipality to submit any forms prescribed by DOR without regard to whether a particular municipality is the lead municipality or what the agreement specifies as the responsibility of a particular municipality. DOR is also authorized to resolve any ambiguity regarding the creation, amendment, administration, and termination of a MJTID and may use the agreement as a guide to resolving the ambiguity.

Generally, DOR may impose only one \$1,000 fee, as authorized under current law, for determining or redetermining the tax incremental base of a MJTID no matter how many participating municipalities are part of the district, and DOR may charge only the lead municipality the \$150 annual administrative fee.

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:

ASSEMBLY BILL 179**SECTION 1**

SECTION 1. 66.1105 (4) (gm) 3. of the statutes is amended to read:

66.1105 (4) (gm) 3. Assigns a name to the district for identification purposes.

The first district created shall be known as "Tax Incremental District Number One, City of" and the first district created under sub. (18) shall be known as "Multijurisdictional District Number One, City of ...". Each subsequently created district shall be assigned the next consecutive number.

SECTION 2. 66.1105 (4) (gm) 4. c. of the statutes is amended to read:

66.1105 (4) (gm) 4. c. Except as provided in subs. (10) (c) ~~and~~, (17), and (18) (c) 3., the equalized value of taxable property of the district plus the value increment of all existing districts does not exceed 12 percent of the total equalized value of taxable property within the city. In determining the equalized value of taxable property under this subd. 4. c., the department of revenue shall base its calculations on the most recent equalized value of taxable property of the district that is reported under s. 70.57 (1m) before the date on which the resolution under this paragraph is adopted. If the department of revenue determines that a local legislative body exceeds the 12 percent limit described in this subd. 4. c., the department shall notify the city of its noncompliance, in writing, not later than December 31 of the year in which the department receives the completed application or amendment forms described in sub. (5) (b).

SECTION 3. 66.1105 (4m) (a) of the statutes is amended to read:

66.1105 (4m) (a) Any city that seeks to create a tax incremental district, amend a project plan, or incur project costs as described in sub. (2) (f) 1. n. for an area that is outside of a district's boundaries, shall convene a temporary joint review board under this paragraph, or a standing joint review board under sub. (3) (g), to review the proposal. Except as provided in par. (am) and (as), and subject to par. (ae), the

ASSEMBLY BILL 179

board shall consist of one representative chosen by the school district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the technical college district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the county that has power to levy taxes on the property within the tax incremental district, one representative chosen by the city, and one public member. If more than one school district, more than one union high school district, more than one elementary school district, more than one technical college district or more than one county has the power to levy taxes on the property within the tax incremental district, the unit in which is located property of the tax incremental district that has the greatest value shall choose that representative to the board. The public member and the board's chairperson shall be selected by a majority of the other board members before the public hearing under sub. (4) (a) or (h) 1. is held. All board members shall be appointed and the first board meeting held within 14 days after the notice is published under sub. (4) (a) or (h) 1. Additional meetings of the board shall be held upon the call of any member. The city that seeks to create the tax incremental district, amend its project plan, or make or incur an expenditure as described in sub. (2) (f) 1. n. for an area that is outside of a district's boundaries shall provide administrative support for the board. By majority vote, the board may disband following approval or rejection of the proposal, unless the board is a standing board that is created by the city under sub. (3) (g).

SECTION 4. 66.1105 (4m) (ae) of the statutes is amended to read:

66.1105 (**4m**) (ae) 1. A representative chosen by a school district under par. (a) ~~or~~, (am), or (as) shall be the president of the school board, or his or her designee. If the school board president appoints a designee, he or she shall give preference to the

ASSEMBLY BILL 179**SECTION 4**

1 school district's finance director or another person with knowledge of local
2 government finances.

3 2. The representative chosen by the county under par. (a) or (as) shall be the
4 county executive or, if the county does not have a county executive, the chairperson
5 of the county board, or the executive's or chairperson's designee. If the county
6 executive or county board chairperson appoints a designee, he or she shall give
7 preference to the county treasurer or another person with knowledge of local
8 government finances.

9 3. The representative chosen by the city under par. (a) or (as) shall be the mayor,
10 or city manager, or his or her designee. If the mayor or city manager appoints a
11 designee, he or she shall give preference to the person in charge of administering the
12 city's economic development programs, the city treasurer, or another person with
13 knowledge of local government finances.

14 4. The representative chosen by the technical college district under par. (a) or
15 (as) shall be the district's director or his or her designee. If the technical college
16 district's director appoints a designee, he or she shall give preference to the district's
17 chief financial officer or another person with knowledge of local government
18 finances.

19 **SECTION 5.** 66.1105 (4m) (as) of the statutes is created to read:

20 66.1105 (4m) (as) With regard to a multijurisdictional tax incremental district
21 created under this section, all of the following apply:

22 1. Each participating city may appoint one public member to the joint review
23 board under par. (a).

24 2. If more than one school district, more than one union high school district,
25 more than one elementary school district, more than one technical college district,

ASSEMBLY BILL 179

1 or more than one county has the power to levy taxes on the property within the tax
2 incremental district, each such jurisdiction may select a representative to the joint
3 review board under par. (a), or 2 representatives as provided under par. (am), unless
4 the jurisdiction's governing body opts out of this authority by adopting a resolution
5 to that effect.

6 **SECTION 6.** 66.1105 (4m) (b) 2. of the statutes is amended to read:

7 66.1105 (**4m**) (b) 2. Except as provided in subd. 2m., no tax incremental district
8 may be created and no project plan may be amended unless the board approves the
9 resolution adopted under sub. (4) (gm) or (h) 1. by a majority vote within 30 days after
10 receiving the resolution. With regard to a multijurisdictional tax incremental
11 district created under this section, each public member of a participating city must
12 be part of the majority that votes for approval of the resolution or the district may
13 not be created. The board may not approve the resolution under this subdivision
14 unless the board's approval contains a positive assertion that, in its judgment, the
15 development described in the documents the board has reviewed under subd. 1.
16 would not occur without the creation of a tax incremental district. The board may
17 not approve the resolution under this subdivision unless the board finds that, with
18 regard to a tax incremental district that is proposed to be created by a city under sub.
19 (17) (a), such a district would be the only existing district created under that
20 subsection by that city.

21 **SECTION 7.** 66.1105 (6) (a) (intro.) of the statutes is amended to read:

22 66.1105 (**6**) (a) (intro.) If the joint review board approves the creation of the tax
23 incremental district under sub. (4m), and subject to ~~par.~~ pars. (ae) and (ag), positive
24 tax increments with respect to a tax incremental district are allocated to the city
25 which created the district for each year commencing after the date when a project

ASSEMBLY BILL 179**SECTION 7**

1 plan is adopted under sub. (4) (g). The department of revenue may not authorize
2 allocation of tax increments until it determines from timely evidence submitted by
3 the city that each of the procedures and documents required under sub. (4) (d) to (f)
4 has been completed and all related notices given in a timely manner. The
5 department of revenue may authorize allocation of tax increments for any tax
6 incremental district only if the city clerk and assessor annually submit to the
7 department all required information on or before the 2nd Monday in June. The facts
8 supporting any document adopted or action taken to comply with sub. (4) (d) to (f) are
9 not subject to review by the department of revenue under this paragraph. After the
10 allocation of tax increments is authorized, the department of revenue shall annually
11 authorize allocation of the tax increment to the city that created the district until the
12 soonest of the following events:

13 **SECTION 8.** 66.1105 (6) (ag) of the statutes is created to read:

14 66.1105 (6) (ag) With regard to a multijurisdictional tax incremental district,
15 the department of revenue may allocate positive tax increments to each participating
16 city only to the extent that a city's component of the district has generated a positive
17 value increment.

18 **SECTION 9.** 66.1105 (10) (a) of the statutes is amended to read:

19 66.1105 (10) (a) Subject to any agreement with bondholders, and except as
20 provided in par. (d), a tax incremental district may be created, the boundaries of
21 which overlap one or more existing districts, except that districts created as of the
22 same date may not have overlapping boundaries.

23 **SECTION 10.** 66.1105 (10) (d) of the statutes is created to read:

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1 66.1105 (10) (d) A proposed tax incremental district, the boundaries of which
2 would overlap an existing multijurisdictional tax incremental district, may be
3 created only if all of the following apply:

4 1. The creation is approved by a resolution adopted by the governing body of
5 each of the multijurisdictional district's participating cities.

6 2. The creation is approved by a resolution adopted by the multijurisdictional
7 district's joint review board.

8 **SECTION 11.** 66.1105 (18) of the statutes is created to read:

9 66.1105 (18) MULTIJURISDICTIONAL DISTRICTS. (a) *Requirements.* Two or more
10 cities may enter into an intergovernmental cooperation agreement under s. 66.0301
11 to jointly create a multijurisdictional tax incremental district under this section if all
12 of the following apply:

13 1. The district's borders contain territory in all of the cities that are a party to
14 the agreement.

15 2. The district is contiguous.

16 3. At least one parcel in each participating city touches at least one parcel in
17 at least one of the other cities.

18 (b) *Contents of an agreement.* The agreement described under par. (a) shall
19 contain provisions that specify at least all of the following with regard to the proposed
20 multijurisdictional tax incremental district:

21 1. A detailed description of how all of the participating cities will be able to
22 exercise the powers authorized under sub. (3) and meet the requirements under sub.

23 (4).

ASSEMBLY BILL 179**SECTION 11**

1 2. A detailed description of how determinations will be made that relate to
2 incurring debt, expending funds for project costs, and distributing positive tax
3 increments allocated by the department of revenue.

4 3. The extent to which one of the cities will be authorized by all of the other
5 participating cities to act on behalf of all of the participating cities on some or all
6 matters relating to the district.

7 4. A binding dispute resolution procedure to be used by the cities to resolve in
8 a timely fashion any disputes between the participating cities related to the
9 agreement or to the district, except that this procedure does not apply to any issue
10 resolved by the department of revenue under par. (d) 2. The dispute resolution
11 procedure shall include a dissolution provision that allows all of the participating
12 cities to agree to jointly dissolve the district at any time before a dispute is settled
13 by the binding dispute resolution procedure and before the district would otherwise
14 terminate under sub. (7). The dissolution provision shall describe in detail how and
15 under what circumstances the district may be dissolved before it would otherwise
16 terminate under sub. (7) and shall specify how the district's assets, liabilities, and
17 any other outstanding obligations will be distributed among the participating cities.

18 5. A detailed description of the proposed membership of the joint review board.

19 6. A detailed description of the responsibilities of each city's planning
20 commission, the membership and authority of the planning commission for the
21 district, and the operating procedures to be followed by the district's planning
22 commission.

23 7. A detailed description of the responsibilities of each city's clerk, treasurer,
24 assessor, and any other officer or official to carry out the requirements of this section,

ASSEMBLY BILL 179

1 and a detailed description of which clerk, treasurer, assessor, officer, or official will
2 be responsible for each task specified in this section.

3 8. Which city will be the lead city for purposes of completing any documents or
4 tasks that this section or the department of revenue require to be completed, which
5 city will be responsible for submitting the district's creation documents, and which
6 city will be responsible for submitting the district's project plan amendment
7 documents.

8 9. That all of the participating cities agree that the district's application will
9 be submitted in its entirety as one complete application by the lead city, as
10 determined by the department of revenue.

11 10. Consistent with the requirements of sub. (7), a statement that the entire
12 district will terminate at one time as a single entity and that the lead city shall
13 submit to the department of revenue all necessary notices and reports relating to the
14 termination of the district.

15 11. A detailed description of the procedures the participating cities will follow
16 to determine all of the following:

17 a. Whether the district's life may be extended under sub. (6) (g) 1. or (7) (am)
18 2. or 3.

19 b. How the project plan or boundaries of the district may be amended under
20 sub. (4) (h) 1. or 2.

21 12. A description of how any annexation costs incurred by a participating city
22 under s. 66.0219 (10) (a) 1. will be shared among all of the participating cities if the
23 annexed territory is part of the district.

ASSEMBLY BILL 179**SECTION 11**

1 (c) *Limitations.* 1. Notwithstanding the provisions under sub. (6) (d), (dm), (e),
2 or (f), a multijurisdictional tax incremental district may not become a donor district,
3 or receive tax increments from a donor district.

4 2. Notwithstanding the provisions under sub. (2) (f) 1. k., m., and n., a
5 multijurisdictional tax incremental district may not incur project costs for any area
6 that is outside of the district's boundaries.

7 3. The 12 percent limit findings requirement under sub. (4) (gm) 4. c. apply on
8 an aggregate basis to all cities that are part of a multijurisdictional district except,
9 for one or more of the participating cities in the multijurisdictional district, the part
10 of the district that is in an individual city may cause that city to exceed the 12 percent
11 limit if the governing bodies of all the taxation districts that overlay that city adopt
12 a resolution approving the creation of the district even though that city exceeds the
13 12 percent limit.

14 4. No town may be part of a multijurisdictional tax incremental district.

15 (d) *Role of the department of revenue.* 1. The department of revenue may
16 require each participating city to submit any forms prescribed by the department
17 without regard to whether a particular city is the lead city as described under par.
18 (b) 8. and without regard to the responsibility of each participating city as specified
19 in the agreement described under par. (a).

20 2. Consistent with the provisions of this section, the department of revenue
21 may resolve any ambiguity regarding the creation, amendment, administration, and
22 termination of a multijurisdictional tax incremental district. The department may
23 use the agreement described under par. (a) as a guide to the resolution of any such
24 ambiguity.

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1 (e) *Miscellaneous provisions.* 1. A copy of the agreement described under par.
2 (a), as signed by all of the participating cities, shall be forwarded to the department
3 of revenue by the lead city as described under par. (b) 8.

4 2. Without regard to the number of participating cities in the
5 multijurisdictional tax incremental district, the department of revenue may impose
6 only one fee under sub. (5) (a) for each action taken by the department under that
7 paragraph for such a district. Unless the agreement under par. (a) provides
8 otherwise, the lead city, as described under par. (b) 8., is responsible for any fees
9 imposed by the department under sub. (5) (a).

10 3. Without regard to the number of participating cities in the
11 multijurisdictional tax incremental district, the department of revenue may impose
12 only one annual administrative fee described in sub. (6) (ae) in the amount specified
13 in that paragraph. Unless the agreement under par. (a) provides otherwise, the lead
14 city, as described under par. (b) 8., is responsible for the annual fee and shall submit
15 it to the department.

16 **SECTION 12. Effective date.**

17 (1) This act takes effect on October 1, 2012.

18 **(END)**



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0729/1
RNK:kjf:md

2011 ASSEMBLY BILL 234

August 30, 2011 - Introduced by Representatives KLEEFISCH, STROEBEL, KNILANS and THIESFELDT. Referred to Committee on Natural Resources.

- 1 **AN ACT** *to renumber and amend* 29.038 (3); and *to create* 29.038 (3) (b) of the
2 statutes; **relating to:** ordinances, regulations, resolutions, or other restrictions
3 of local governmental units that restrict hunting with a bow and arrow.

Analysis by the Legislative Reference Bureau

Current statutes generally prohibit a local governmental unit from enacting any ordinance or adopting any regulation, resolution, or other restriction (local law) that regulates hunting, fishing, trapping, or management of wild animals except on land that the local governmental unit owns or leases or unless state law specifically authorizes the local governmental unit to enact or adopt such a local law. Current statutes also specify that a local governmental unit may enact or adopt a local law that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public health or safety.

This bill provides, with an exception, that a local governmental unit may not enact or enforce a local law that prohibits hunting with a bow and arrow within the jurisdiction of that local governmental unit. Under the exception provided in the bill, a local governmental unit may prohibit hunting with a bow and arrow within 150 yards of an occupied building.

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

ASSEMBLY BILL 234

SECTION 1. 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended to read:

29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may enact an ordinance or adopt a regulation, resolution or other restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety.

SECTION 2. 29.038 (3) (b) of the statutes is created to read:

29.038 **(3)** (b) No local governmental unit may enact or enforce an ordinance or adopt or enforce a regulation, resolution, or other restriction that prohibits hunting with a bow and arrow within the jurisdiction of that local governmental unit except that a local governmental unit may prohibit hunting with a bow and arrow within 150 yards of an occupied building.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2989/1
GMM:wlj:jf

2011 SENATE BILL 207

September 28, 2011 – Introduced by Senators DARLING, LAZICH, ZIPPERER, MOULTON and GALLOWAY, cosponsored by Representatives KLEEFISCH, LEMAHIEU, JACQUE, CRAIG, KNODL, PRIDEMORE, ZIEGELBAUER, THIESFELDT, NASS, ENDSLEY, PETERSEN, KUGLITSCH, LITJENS, T. LARSON and STROEBEL. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1 **AN ACT *to repeal*** 111.335 (1) (cg) 3. and 111.335 (1) (cv); ***to renumber and***
2 ***amend*** 111.335 (1) (cm); ***to amend*** 111.335 (1) (c); and ***to create*** 111.31 (6),
3 111.335 (1) (cm) 2. to 4. and 111.335 (2) of the statutes; **relating to:** permitting
4 an employer to refuse to employ or to bar or terminate from employment an
5 individual who has been convicted of a felony and who has not been pardoned
6 for that felony and preempting cities, villages, towns, and counties from
7 adopting provisions concerning employment discrimination based on arrest or
8 conviction record that prohibit activity that is allowed under the state fair
9 employment law.

Analysis by the Legislative Reference Bureau

The current state fair employment law, subject to certain exceptions, prohibits discrimination in employment based on arrest or conviction record. That law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an employer to

SENATE BILL 207

refuse to employ or to bar or terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under current constitutional and statutory home rule provisions, a city or village may determine its own local affairs subject only to the Wisconsin Constitution and to any enactment of the legislature that is of statewide concern and that affects every city or village with uniformity. This bill states that the prohibition against discrimination in employment based on arrest or conviction record under the state fair employment law is a matter of statewide concern, requiring uniform enforcement at the state, county, and municipal levels. As such, the bill prohibits any county, city, village, or town from adopting any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under the state fair employment law.

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.** 111.31 (6) of the statutes is created to read:

2 111.31 **(6)** The legislature finds that the prohibition against discrimination on
3 the basis of arrest or conviction record under s. 111.335 is a matter of statewide
4 concern, requiring uniform enforcement at the state, county, and municipal levels.

5 **SECTION 2.** 111.335 (1) (c) of the statutes is amended to read:

6 111.335 **(1)** (c) Notwithstanding s. 111.322, it is not employment discrimination
7 because of conviction record to refuse to employ or license, or to bar or terminate from
8 employment or licensing, any individual who of the following:

9 1. Has An individual who has been convicted of any felony, misdemeanor, or
10 other offense the circumstances of which substantially relate to the circumstances
11 of the particular job or licensed activity; or.

SENATE BILL 207

1 2. Is An individual who is not bondable under a standard fidelity bond or an
2 equivalent bond where when such bondability is required by state or federal law, or
3 administrative regulation ~~or established business practice of the employer.~~

4 **SECTION 3.** 111.335 (1) (cg) 3. of the statutes is repealed.

5 **SECTION 4.** 111.335 (1) (cm) of the statutes is renumbered 111.335 (1) (cm)
6 (intro.) and amended to read:

7 111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment
8 discrimination because of conviction record to refuse to employ ~~as an installer of~~
9 ~~burglar alarms a person, or to bar or terminate from employment, any of the~~
10 following:

11 1. An individual who has been convicted of a felony and who has not been
12 pardoned for that felony.

13 **SECTION 5.** 111.335 (1) (cm) 2. to 4. of the statutes are created to read:

14 111.335 (1) (cm) 2. An individual who has been convicted of a felony, the
15 circumstances of which substantially relate to the circumstances of the particular
16 job, and who has been pardoned for that felony.

17 3. An individual who has been convicted of a misdemeanor or other offense, the
18 circumstances of which substantially relate to the circumstances of the particular
19 job.

20 4. An individual who is not bondable under a standard fidelity bond or an
21 equivalent bond when such bondability is required by state or federal law,
22 administrative regulation, or established business practice of the employer.

23 **SECTION 6.** 111.335 (1) (cv) of the statutes, as affected by 2011 Wisconsin Act
24 32, is repealed.

25 **SECTION 7.** 111.335 (2) of the statutes is created to read:

SENATE BILL 207

111.335 (2) No county, city, village, or town may adopt any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under this section.

SECTION 8. Initial applicability.

(1) EMPLOYMENT DISCRIMINATION; CONVICTION FOR FELONY. The treatment of section 111.335 (1) (c), (cg) 3. and (cv) of the statutes, the renumbering and amendment of section 111.335 (1) (cm) of the statutes, and the creation of section 111.331 (1) (cm) 2. to 4. of the statutes first apply to a decision to refuse to employ or to terminate from employment an individual made on the effective date of this subsection.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2818/2
RNK:cjs&wlj:rs

2011 ASSEMBLY BILL 311

October 6, 2011 – Introduced by Representatives STEINEKE, RIVARD, SUDER, BIES, BERNIER, ENDSLEY, JACQUE, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KNILANS, KRUG, LEMAHIEU, LITJENS, MARKLEIN, MEYER, MURTHA, NASS, NYGREN, A. OTT, PETRYK, SEVERSON, SPANBAUER, STRACHOTA, STROEBEL, TIFFANY, TRANEL, WILLIAMS and MURSAU, cosponsored by Senators GALLOWAY, MOULTON and TAYLOR. Referred to Committee on Natural Resources.

1 **AN ACT** *to renumber and amend* 29.591 (2); *to amend* 29.197 (3), 29.237 (1m),
2 29.563 (2) (intro.), 29.597 (1) (a) and 29.597 (1) (c); and *to create* 15.347 (21),
3 23.0917 (8) (f), 23.0917 (8) (g), 29.036, 29.084, 29.563 (2t), 29.591 (1) (am),
4 29.591 (2) (b), 29.597 (1m), 29.597 (2) (c), 29.597 (2) (d) and 120.12 (26) of the
5 statutes; **relating to:** creating a sporting recruitment and retention council,
6 programs to encourage recruitment of hunters and trappers, restrictions on
7 expenditures under the Warren Knowles–Gaylord Nelson stewardship
8 program, reduced fees for certain first–time hunting and trapping approvals,
9 high school credit under and administration of the hunter and trapper
10 education programs, waiving fishing license requirements for a weekend ice
11 fishing event, and sturgeon spearing license age requirements.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws regulating hunting, fishing, and trapping. This bill makes various changes to those laws.

ASSEMBLY BILL 311**FEES**

Current law requires, with certain exceptions, a person to obtain a license, permit, or other approval (approval) from DNR in order to hunt or trap wild animals or to fish. The fees for these approvals vary depending on the type of animal for which hunting or trapping is authorized under the approval, the age of the applicant for the approval, and whether the approval is issued to a resident of this state or to a nonresident. Generally, fees for nonresident approvals are higher than fees for resident approvals. The fees for fishing approvals also vary based on similar factors. This bill requires DNR to charge a reduced fee for certain hunting approvals, including small game, deer, and wild turkey licenses, issued to persons who have not received that type of approval in any of the ten years preceding the date on which the application for the approval is made. For these approvals issued to residents of this state, the bill requires DNR to charge a reduced fee of \$4.25 and for these approvals issued to nonresidents, the bill requires DNR to charge a reduced fee of one-half of the fee that would otherwise apply for the approval.

HUNTER AND TRAPPER EDUCATION

Current law requires DNR to establish a hunter education program, a bow hunter education program, and a trapper education program and to issue a certificate of accomplishment to a person who successfully completes the course of instruction under the respective program. Generally, with certain exceptions, a person may not obtain a hunting or trapping approval unless the person has been issued a certificate of accomplishment by DNR under the relevant hunter education or trapper education program. This bill requires school boards to award one-half high school credit to a pupil who successfully completes the hunter education program, the bow hunter education program, or the trapper education program.

This bill also requires DNR to offer an online course of instruction under the hunter education program and under the trapper education program for persons who are at least 18 years old. In addition, the bill provides that if the online course of instruction under the hunter education program or the trapper education program requires field testing or completion of a written test, DNR must make that testing available at each DNR service center at least bimonthly for persons who take the online course of instruction.

HUNTER AND TRAPPER RECRUITMENT

This bill requires DNR to establish a program to recognize people who recruit others as hunters and trappers. The bill requires the program to include a component under which a person who is issued his or her first hunting or trapping approval may designate one person as the person who encouraged the applicant to obtain the approval. The bill establishes requirements for DNR to keep record of these designations and to establish a method for issuing a credit toward future fees or, under certain conditions a donated prize, to a person who receives a designation a specified number of times.

The bill also creates a 15-member sporting recruitment and retention council (council). The bill requires the council to study, and advise and make recommendations to the natural resources board and the legislature on, ways to improve the recruitment and retention of hunters and trappers. The bill requires the

ASSEMBLY BILL 311

council to conduct an initial study of options and recommendations for increasing access to private land for hunting and trapping and options and recommendations for simplifying DNR hunting and trapping rules.

STEWARDSHIP PROGRAM

Current law authorizes the state to incur public debt for certain conservation activities under the stewardship program, which is administered by DNR. The state may incur this debt to acquire land for the state and may award grants to certain local governmental units and nonprofit conservation organizations to acquire lands for these conservation activities.

This bill prohibits DNR from awarding a grant under the stewardship program unless DNR first considers whether the grant will benefit local businesses and the economy of this state. It also prohibits DNR from acquiring land under the stewardship program unless hunting, fishing, trapping, hiking, and cross-country skiing will be allowed on the land acquired or unless every member of the natural resources board approves the land acquisition.

OTHER PROVISIONS

Under current law, a person must have a sturgeon spearing license issued by DNR in order to spear lake sturgeon. Current law requires a person to be at least 14 years old to obtain a sturgeon spearing license. Under this bill, a person may obtain a sturgeon spearing license if the person is at least 12 years old.

This bill also requires DNR to designate the first full weekend in January as a special event weekend during which a person may engage in ice fishing without holding or paying a fee for a fishing license.

For further information see the *state* 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.** 15.347 (21) of the statutes is created to read:
- 2 15.347 (21) SPORTING RECRUITMENT AND RETENTION COUNCIL. (a) There is created
- 3 in the department of natural resources a sporting recruitment and retention council
- 4 consisting of the following members:
- 5 1. The secretary of natural resources, or his or her designee, who shall serve
- 6 as chairperson.
- 7 2. Two members, appointed by the governor.

ASSEMBLY BILL 311**SECTION 1**

1 3. Two members, appointed by the speaker of the assembly, who may not be
2 members of the same political party.

3 4. Two members, appointed by the senate majority leader, who may not be
4 members of the same political party.

5 5. Five members, appointed by the secretary of natural resources from
6 nominations provided by sporting organizations that have as their primary objective
7 the promotion of hunting or trapping. Of the 5 members, one shall represent the
8 interests of deer hunters, one shall represent the interests of bear hunters, one shall
9 represent the interests of waterfowl hunters, one shall represent the interests of
10 upland game hunters, and one shall represent the interests of furbearing animal
11 hunters and trappers.

12 6. One member, appointed by the executive committee of the conservation
13 congress, who is a member of the conservation congress.

14 7. Two members, appointed by the secretary of natural resources, each of whom
15 has held a conservation patron license for 2 of the 3 license years preceding the date
16 of the member's appointment.

17 (b) The members of the sporting recruitment and retention council appointed
18 under par. (a) 2. to 7. shall be appointed for 3-year terms.

19 **SECTION 2.** 23.0917 (8) (f) of the statutes is created to read:

20 23.0917 (8) (f) The department may not obligate moneys from the
21 appropriation under s. 20.866 (2) (ta) to award a grant under sub. (3) or sub. (4)
22 unless the department first considers whether the grant will benefit local businesses
23 and the economy of this state.

24 **SECTION 3.** 23.0917 (8) (g) of the statutes is created to read:

ASSEMBLY BILL 311

1 23.0917 (8) (g) The department may not obligate moneys from the
2 appropriation under s. 20.866 (2) (ta) to acquire land under sub. (3) unless hunting,
3 fishing, trapping, hiking, and cross-country skiing will be allowed on the land
4 acquired or unless every member of the natural resources board approves the land
5 acquisition.

6 **SECTION 4.** 29.036 of the statutes is created to read:

7 **29.036 Sporting recruitment and retention council.** The sporting
8 recruitment and retention council shall study, and advise and make
9 recommendations to the natural resources board and to the legislature on, ways to
10 improve the recruitment and retention of hunters and trappers. The sporting
11 recruitment and retention council shall prepare a biennial report on the status of the
12 recruitment and retention of hunters and trappers in this state. The sporting
13 recruitment and retention council shall submit its initial report under this
14 subsection no later than July 1, 2014, and shall submit subsequent reports no later
15 than July 1 of each even-numbered year thereafter, for distribution to the natural
16 resources board and to the appropriate standing committees of the legislature under
17 s. 13.172 (3).

18 **SECTION 5.** 29.084 of the statutes is created to read:

19 **29.084 Incentives for recruitment.** The department shall establish a
20 program to recognize people who recruit others as hunters and trappers. The
21 program shall include a component under which a person who is issued his or her
22 first hunting or trapping approval in his or her lifetime may designate one person
23 as the person who encouraged the applicant to obtain the license. The program shall
24 provide for all of the following:

ASSEMBLY BILL 311**SECTION 5**

1 (1) A method for maintaining a record of persons designated as provided under
2 this section.

3 (2) A method for issuing a credit of \$20 to any person who is designated as
4 provided under this section a specified number of times, as determined by the
5 department, in any license year. The department may not require a person to be
6 designated more than 5 times in a license year in order to be eligible for a credit under
7 this subsection. In this subsection, "license year" means the period between April
8 1 and the following March 31.

9 (3) A method under which a person who is issued a credit as provided under
10 sub. (2) may use the credit toward the cost of a hunting or trapping approval issued
11 by the department.

12 (4) A method under which a person who is designated as provided under this
13 section by more than 20 different people may be entered in a drawing for prizes
14 awarded by the department.

15 (5) A method under which a person may donate a prize to the department to
16 be awarded in a drawing under sub. (4).

17 **SECTION 6.** 29.197 (3) of the statutes is amended to read:

18 29.197 (3) **WEEKEND EVENT EVENTS**. In addition to any special event or program
19 sponsored under sub. (2), the department shall, by rule, ~~for a~~ designate 2 special
20 event ~~for one weekend~~ weekends per year, during which it shall waive the
21 requirement that persons be issued fishing licenses and pay the applicable fees in
22 order to fish in the waters of this state. One of the special event weekends shall be
23 designated for the purpose of ice fishing during the first full weekend in January.
24 The department shall, by rule, designate to which inland or outlying waters this
25 waiver these waivers shall apply.

ASSEMBLY BILL 311

1 **SECTION 7.** 29.237 (1m) of the statutes is amended to read:

2 29.237 **(1m)** Subject to s. 29.024 and any limit imposed under s. 29.192 (3), a
3 sturgeon spearing license shall be issued by the department to any person applying
4 for this license who is at least 14 12 years old.

5 **SECTION 8.** 29.563 (2) (intro.) of the statutes is amended to read:

6 29.563 **(2)** HUNTING APPROVALS. (intro.) Except as provided in sub. (2m) and,
7 (2r), and (2t), the fees for hunting approvals are as follows:

8 **SECTION 9.** 29.563 (2t) of the statutes is created to read:

9 29.563 **(2t)** REDUCED FEES FOR CERTAIN FIRST-TIME APPROVALS. (a) The fee for an
10 approval that is listed under sub. (2) (a) 1., 2., 4. to 5g., or 7. to 9. or (6) (a) is \$4.25
11 if the approval is issued to a person who has not received that type of approval, or
12 has not been conferred the privileges of that type of approval under a license issued
13 under s. 29.231 or s. 29.235, in any of the 10 years preceding the date of application.

14 (b) The fee for an approval listed under sub. (2) (b) 1. to 3. or 5. to 8. or (6) (am)
15 is one-half of the fee listed for the respective approval if the approval is issued to a
16 person who has not received that type of approval by the department, or has not been
17 conferred the privileges of that type of approval under a license issued under s.
18 29.231 or s. 29.235, in any of the 10 years preceding the date of application.

19 **SECTION 10.** 29.591 (1) (am) of the statutes is created to read:

20 29.591 **(1)** (am) The department shall offer an online course of instruction
21 under the hunter education program for persons who are at least 18 years of age.

22 **SECTION 11.** 29.591 (2) of the statutes is renumbered 29.591 (2) (am) and
23 amended to read:

24 29.591 **(2)** (am) ADMINISTRATION. The department may appoint county, regional
25 and statewide directors and categories of hunter education instructors necessary for

ASSEMBLY BILL 311**SECTION 11**

1 the hunter education program and the bow hunter education program. These
2 appointees are responsible to the department and shall serve on a voluntary basis
3 without compensation. This paragraph does not apply to the online course of
4 instruction under sub. (1) (am).

5 **SECTION 12.** 29.591 (2) (b) of the statutes is created to read:

6 29.591 (2) (b) 1. If the online course of instruction under the hunter education
7 program requires field testing for a person to demonstrate successful completion of
8 the course, the department shall make field testing available through each
9 department service center at least bimonthly for persons who are at least 18 years
10 of age.

11 2. If the online course of instruction under the hunter education program
12 requires a written test for a person to demonstrate successful completion of the
13 course, the department shall offer the test at each department service center at least
14 bimonthly to persons who are at least 18 years of age.

15 **SECTION 13.** 29.597 (1) (a) of the statutes is amended to read:

16 29.597 (1) ESTABLISHMENT; PROGRAM REQUIREMENTS. (a) The department shall
17 establish and supervise the administration of a trapper education program funded
18 from the appropriations under s. 20.370 (1) (Lq) and (ma). The Except with respect
19 to the online course of instruction under sub. (1m), the department shall enter into
20 an agreement with an organization that has demonstrated ability and experience in
21 the field of trapper education to assist in the establishment and administration of the
22 program.

23 **SECTION 14.** 29.597 (1) (c) of the statutes is amended to read:

24 29.597 (1) (c) The trapper education program shall use certified instructors
25 when providing the instruction on techniques of trapping fur-bearing animals. The

ASSEMBLY BILL 311

department shall establish criteria and standards for certifying these instructors.

This paragraph does not apply to the online course of instruction under sub. (1m).

SECTION 15. 29.597 (1m) of the statutes is created to read:

29.597 **(1m)** ONLINE COURSE OF INSTRUCTION FOR ADULTS. The department shall offer an online course of instruction under the trapper education program for persons who are at least 18 years of age.

SECTION 16. 29.597 (2) (c) of the statutes is created to read:

29.597 **(2)** (c) 1. If the online course of instruction under the trapper education program requires field testing for a person to demonstrate successful completion of the course, the department shall make field testing available through each department service center at least bimonthly for persons who are at least 18 years of age.

2. If the online course of instruction under the trapper education program requires a written test for a person to demonstrate successful completion of the course, the department shall offer the test at each department service center at least bimonthly to persons who are at least 18 years of age.

SECTION 17. 29.597 (2) (d) of the statutes is created to read:

29.597 **(2)** (d) Paragraphs (a) and (b) do not apply to the online course of instruction under the trapper education program.

SECTION 18. 120.12 (26) of the statutes is created to read:

120.12 **(26)** HUNTER EDUCATION PROGRAMS. A school board shall award 0.5 high school credit to a pupil who successfully completes while in the high school grades a course of instruction under the hunter education program or bow hunter education program under s. 29.591 or the trapper education program under s. 29.597. A school

ASSEMBLY BILL 311**SECTION 18**

board may award credit to a pupil under this subsection for completion of only one program.

SECTION 19. Nonstatutory provisions.

(1) SPORTING RECRUITMENT AND RETENTION COUNCIL; INITIAL STUDY REQUIREMENTS.

Before June 30, 2014, the sporting recruitment and retention council shall study each of the following:

(a) Options and recommendations for increasing access to private land for hunting and trapping, especially in all of the following areas of this state:

1. Areas with a high population density.

2. Areas with a percentage of land open for public hunting that is lower than the statewide average.

(b) Options and recommendations for simplifying hunting and trapping rules promulgated by the department of natural resources.

(2) SPORTING RECRUITMENT AND RETENTION COUNCIL; INITIAL MEMBERSHIP.

Notwithstanding the length of terms specified for the appointed members of the sporting recruitment and retention council under section 15.347 (21) (b) of the statutes, as created by this act, 4 of the initial members shall be appointed for terms expiring on July 1, 2013, 4 of the initial members shall be appointed for terms expiring on July 1, 2014, 4 of the initial members shall be appointed for terms expiring on July 1, 2015, and 2 of the initial members shall be appointed for terms expiring on July 1, 2016.

SECTION 20. Initial applicability.

(1) The treatment of section 23.0917 (8) (f) and (g) of the statutes first applies to land acquired and grants awarded on the effective date of this subsection.

ASSEMBLY BILL 311

(2) The treatment of section 120.12 (26) of the statutes first applies to courses of instruction taken in the hunter education program or bow hunter education program under section 29.591 of the statutes or the trapper education program under section 29.597 of the statutes during the first school year beginning after the effective date of this subsection.

SECTION 21. Effective dates. This act takes effect on the day after publication, except as follows:

(1) Except as provided in subsection (2), the treatment of sections 29.084 and 29.563 (2) (intro.) and (2t) of the statutes takes effect on March 1, 2011.

(2) If this subsection takes effect after October 31, 2011, the treatment of sections 29.084 and 29.563 (2) (intro.) and (2t) of the statutes takes effect on March 1, 2013.

(END)



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Paul Vornholt
Director of Intergovernmental Relations

2011-2012 Legislative Session:

Opposition to Senate Bill 182 and Assembly Bill 262 relating to: excluding permits and licenses from the definition of real property for property tax purposes.

Wisconsin Statutes currently allow a property tax assessor to include the value of permits and licenses in a real property's assessed valuation (Wis. Stat. 70.03). This has been repeatedly upheld in the Wisconsin courts, including the Supreme Court. In practice, this statutory provision can result in a greater assessed value for parcels of real estate where permits or licenses result in an increased market value - or selling price - of the attached real estate.

For example, billboard permits are frequently included in real property valuations. A billboard generates significant income, which is directly related to the location of the real estate on which it is constructed. A billboard located along a rural highway is not as valuable as a billboard located along the Marquette Interchange. Thus, billboard permits may be considered in the value of the property on which they are erected. This provision also applies to other uses of property, such as landfills, where the landfill license is specific to the landfill's location.

This legislation proposes to exclude the value derived from a license or permit from assessed value. It would significantly decrease the value of thousands of parcels of real estate statewide, thereby shifting property taxes onto the vast majority of Wisconsin taxpayers. The proposal would overturn principles outlined in multiple Wisconsin court decisions. Due to the broad nature of the proposed tax exemption, it would also expose local governmental units to a costly new spate of litigation. These concerns are outlined in more detail as follows:

1) Current Wisconsin law regarding license and permit value is clear and easily applied: when the value of a license or permit is directly dependent upon the location of a real estate parcel, that value is properly included in the total assessed valuation of the parcel.

- In *Adams Outdoor Advertising, Ltd. v. Madison* (2006), the Supreme Court set a clear framework for billboard valuation for assessment purposes:
 - a. The value of a billboard permit is part of real property value, not personal property value.
 - b. A billboard permit is real property because it "confers a right...to erect and operate a billboard on a designated piece of land."
 - c. Real property value attributable to the permit should not be transferred to the owner of land who entered into a lease with the billboard owner.
- In *Clear Channel Outdoor, Inc. v. Milwaukee* (2011), the Appeals Court concluded that a property tax valuation must include the "permit that allows the [billboard] to sit on the land."

2) Property taxes will be shifted onto all other taxpayers if the value of licenses and permits is excluded for some parcels, because total tax levies will remain the same.

- One property taxpayer should not be harmed for the benefit of another.
- In Milwaukee alone, property taxes related to \$55 million in reduced billboard value would be shifted to other taxpayers, both homeowners and businesses.
- In municipalities where permitted and/or licensed commercial parcels make up a significant portion of their tax base, this legislation would cause a large shift in property taxes to other taxpayers.
- This legislation may create a uniformity problem because all other parcels are assessed according to the fair market value (or selling price) of their properties.

3) Fair market value should have one consistent definition for both condemnation purposes and property tax assessment purposes.

- Real estate permits and licenses are currently included in the definition of fair market value of condemned property in Wis. Stat. 32.01.
- Creating this statutory inconsistency would unfairly require a governmental unit to pay out a larger fair market value in a condemnation action than the value used for property tax collections.
- In *Vivid, Inc. v. Fiedler et al.* (1998), the Supreme Court held that a billboard permit must be included in the fair market value of condemned real estate because “the value of the sign is derived largely from the location of the sign.”

4) This broad tax exemption would potentially impact the value of thousands of parcels statewide.

- Many types of real property have valuations based in part upon a locationally-specific permit or license.
- Drycleaners, oil terminals, landfills, hotels, motels, mobile home parks, theme parks, restaurants, taverns, and parking lots are all examples of property that have increased property value due to site-specific permits and licenses.
- In *Waste Management v. Kenosha* (1994), the Supreme Court held that a landfill license is part of the “inherent value” of the real estate and was properly included in the assessed valuation.

5) Local governments and their taxpayers cannot afford to be exposed to the foreseeable economic burden this legislation would create.

- “Me too” effect will incentivize other property owners holding licenses and permits to contest their property tax assessment under this provision.
- Overturns multiple Supreme Court precedents, creating a new landscape for property tax litigation. Local governments will spend years and millions in court over the uncertainty created by this blanket exclusion from taxation.
- Taxpayers and local governments both currently benefit from clear rules and legal precedent in this area of the law.

NOTICES SENT TO FOR FILE 110149:

[illegible]



Legislation Details (With Text)

File #: 091369 **Version:** 0
Type: Communication-Report **Status:** In Committee
File created: 2/9/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Communication related to the 2010 activities of the Ethics Board

Sponsors: THE CHAIR

Indexes: ETHICS BOARD, REPORTS AND STUDIES

Attachments: Minutes of the December 15th Meeting, Minutes of the October 20th Meeting, Recording of the October 20th Meeting Part 2, Recording of the October 20th Meeting Part 1, Minutes of the August 4th Meeting, Recording of the August 4th Meeting, Minutes of the June 16th Meeting, Recording of the June 16th Meeting Part 1, Recording of the June 16th Meeting Part 2, Minutes of the May 19th Meeting, Recording of the May 19th Meeting, Minutes of the April 21st Meeting, Recording of the April 21st Meeting, Minutes of the March 17th Meeting, Recording of the March 17th Meeting, Minutes of the February 17th Meeting, Recording of the February 17th Meeting, Minutes of the January 20th Meeting, Recording of the January 20th Meeting

Date	Ver.	Action By	Action	Result	Tally
2/9/2010	0	COMMON COUNCIL	ASSIGNED TO		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/18/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
091369
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Communication related to the 2010 activities of the Ethics Board.
Requestor

Drafter
2/3/10
LME



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ETHICS BOARD

DWIGHT ELLIS III, CHAIR

Annie Wacker, Vice Chair

**Devon Turner, Patricia Hintz, Martha Toran, Joanne Barndt,
and Robert Shelledy**

Staff Assistant, Joanna Polanco, 286-2366

Fax: 286-3456, jpolan@milwaukee.gov

**Legislative Liaison: Richard Watt, 286-2253,
rwatt@milwaukee.gov**

Wednesday, December 15, 2010

9:00 AM

Room 301-A, City Hall

Meeting convened: 9:06 A.M.

Present: 4 - Ellis, Wacker, Barndt, Shelledy

Excused: 3 - Turner, Toran, Hintz

1. Roll call and approval of the minutes from the October 20th meeting.

Mr. Shelledy moved, seconded by Ms. Barndt, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

There were no matters for closed session.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

4. Review and approval of the 2010 annual report.

The Board reviewed and approved the report.

5. Report from staff assistant relating to office activities since the last meeting.

The staff assistant noted that the 2011 filings are ready to go out and will be e-mailed this week or next week. The Board supported having the person who resigned from the Skywalk Design Task Force still be required to pay the late-filing fee unless requesting a waiver from the Board. The staff assistant will contact that individual

with this decision.

The staff assistant will draft a letter asking Ald. Zielinski and Ald. Hamilton to consider asking members of the African American Male Unemployment Task Force to voluntarily submit Statements of Economic Interest to the Board because the task force is making commendations as to how public funds should be spent. This would be a voluntary filing rather than a required filing and not a suggestion that the task force be added to the positions ordinance at this time. The letter should also note that it is being written to avoid potential criticism of any funding recommendations the task force might make.

6. Review newly filed Statement of Economic Interest Forms for clarity and completeness.

The Board reviewed and approved the statements of Amy Heart, David Schroeder, Christine Quinn, Jennie Macaluso-Ruditys, Mariano Schifalacqua, Wayne Johnson and Daniel Brosseau.

7. Set next meeting date(s).

January 26th at 9 a.m.

*Meeting adjourned: 10:05 A.M.
Linda M. Elmer
Staff Assistant*



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ETHICS BOARD

DWIGHT ELLIS III, CHAIR

Annie Wacker, Vice Chair

**Devon Turner, Patricia Hintz, Martha Toran, Joanne Barndt,
and Robert Shelledy**

**Staff Assistant: Linda Elmer, 286-2232, Fax 286-3456,
lelmer@milwaukee.gov**

**Legislative Liaison: Richard Watt, 286-2253,
rwatt@milwaukee.gov:**

Wednesday, October 20, 2010

9:00 AM

Room 303, City Hall

Meeting convened: 9:09 A.M.

Present: 4 - Ellis, Hintz, Barndt, Shelledy

Excused: 3 - Turner, Toran, Wacker

1. Roll call and approval of the minutes from the August 4th meeting.

Ms. Barndt, seconded by Ms. Hintz, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

Ms. Barndt moved, seconded by Mr. Shelledy, to convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats. There were no objections.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

The Board considered one request for confidential advice during the closed session and will be responding to the requester.

4. Consideration of job descriptions for addition/removal of the (Y) footnote.

The Board reviewed the job description of an ITMD employee whose position has involved more contact with vendors and voted to have both individuals with the same job duties file statements or have the department amend the job duties to reflect what the employees are actually doing. The staff assistant will contact the department to see how they wish to proceed.

For the City Clerk's employee who works for the Historic Preservation Commission, the Board supported having the employee file a statement based upon his providing vendor recommendations to building owners and the job description.

The Board supported having all License Division employees file statements as requested by the City Clerk

5. Consideration of required filing for the Bronzeville Advisory Committee.

The Board voted to have members file statements based upon the duties as detailed in the creating legislation.

6. Required filing for provisional and under filling employees.

The Board approved requiring provisional and underfilling employees to file statements as they are performing the same job duties as regular employees.

7. Review of the 2010 Statement of Economic Interests form.

The Board reviewed the form and approved it.

8. Report from staff assistant relating to office activities of the previous month.

Pretty quiet this month.

9. Review newly filed Statement of Economic Interest forms for clarity and completeness.

The Board reviewed and approved the forms of Kristin Connelly, Claudine O'Leary, Kelly Reid, Desiree Matel-Anderson, Lanie Wasserman, Abigail Behl, Leslie LaBonte and Abdulkadir Omar and Amanda Williams.

10. Set next meeting date(s).

Nov. 17th at 9 a.m.

*Meeting adjourned: 10:20 A.M.
Linda M. Elmer
Staff Assistant*



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Meeting Minutes ETHICS BOARD

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lelmer@milwaukee.gov**

**Legislative Liaison: Richard Watt, 286-2253,
rwatt@milwaukee.gov:**

Wednesday, August 4, 2010

9:00 AM

Room 301-B, City Hall

Meeting convened: 9:03 A.M.

Present: 6 - Turner, Ellis, Hintz, Wacker, Barndt, Shelledy

Excused: 1 - Toran

1. Roll call and approval of the minutes from the June 16th meeting.

Ms. Turner moved, seconded by Ms. Hintz, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

Ms. Wacker moved, seconded by Ms. Hintz, to go into closed session. There were no objections.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

The Board discussed four items during the closed session and will be responding to the requesters.

4. Discussion relating to filing of the Statement of Economic Interests by the Capital Improvements Committee and the Skywalk Design Task Force.

The Board voted to have the Capital Improvements Committee and Skywalk Design Committee added to the list of committees whose members are required to file Statements of Economic Interests.

5. Possible revision to the Complaint Form.

The Board approved the revised complaint form drafted by Ms. Elmer. It will be loaded onto the Ethics Board's web site to replace the form currently online.

6. Annual letter sent in September relating to the Y footnote in the Positions Ordinance.

The Board agreed to modify the September letter to encourage departments to add "Y" footnotes as positions are created, but will also continue the annual mailing asking departments for any positions which should have Y footnotes, but which currently do not have them. The Staff Assistant will also review positions as they are created to see if a Y footnote needs to be added and that information will be provided to the Board for its review.

7. Update on the late filing fees for 2009 and 2010 filings.

In 2009, there were 10 individuals who haven't yet paid. Of those individuals, 7 are current city employees. All individuals were contacted by Ms. Elmer, but none paid the overdue amounts. The Board approved sending letters to the employees' supervisors with a copy to the employee.

8. Online submission of the Statement of Economic Interests.

Ms. Elmer can strike "(e.g. City of Milwaukee)" from the form, but that text will stay in the annual form. The online form was approved by the Board which praised City Clerk's staff for the work done.

9. Distribution of the Statement of Economic Interests to Council committee members.

The Board was informed that the first statement is online as part of a Common Council file with a mayoral appointment to the Fire and Police Commission.

10. Report from staff assistant relating to office activities of the previous month.

Ms. Elmer reported on what she had done relating to the Ethics Board in the past six weeks.

11. Review newly filed Statement of Economic Interest Forms for clarity and completeness.

The Board reviewed and approved the forms of: Angelique Pettigrew, Robert McInnes, Keith Stanley, Veerinder Taneja, Frederick Radmer, Robyn Warobick, Erick Yanke, Tim McCollow, Gwendolyn Altheimer, Mark Rohlfing, Grace Fuhr, Ann-Elizabeth Shapera, Chimere Roundtree, Aaron Robinette, Coretta Herring, Joel Plant and Matthew Howard.

12. Set next meeting date(s).

Sept. 8th at 9 a.m.

Meeting adjourned: 10:35 A.M.
Linda M. Elmer
Staff Assistant



City of Milwaukee

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Meeting Minutes ETHICS BOARD

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**Staff Assistant: Linda Elmer, 286-2232, Fax 286-3456,
lelmer@milwaukee.gov**

**Legislative Liaison: Richard Watt, 286-2253,
rwatt@milwaukee.gov:**

Wednesday, June 16, 2010

9:00 AM

Room 303, City Hall

Meeting convened: 9:03 A.M.

Present: 6 - Turner, Ellis, Hintz, Wacker, Barndt, Shelledy

Excused: 1 - Toran

1. Roll call and approval of the minutes from the May 19th meeting.

Ms. Turner moved, seconded by Mr. Shelledy, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice relating to complaint 10-1 pursuant to s. 19.85(1)(h), Wis. Stats.

Ms. Wacker moved, seconded by Ms. Hintz, to go into closed session. There were no objections.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

During closed session the Board considered a complaint against a public official and determined no prima facie evidence exists of a violation of the ethics code.

4. Report from the staff assistant relating to office activities of the previous month.

Ms. Elmer said that she scanned the Mayor's Statement of Economic Interests (SEI) to send to his campaign, had the appointment SEI posted online to replace the annual form, and e-mailed out the Rules and Procedures to all department heads. The Board's papers and rulings were also moved to the Legislative Reference Bureau and secured as needed.

5. Discussion relating to a possible late filing of a Statement of Economic Interests.

The Board discussed the individual who filed late and determined that the \$25 late-filing fee billing was justified. Ms. Wacker moved, seconded by Mr. Shelledy to waive the late fees for those employees who were not previously notified that they were required to file (with the 21-day deadline to be imposed once they are notified that they need to file).

6. Discussion relating to retention of Board records.

*Of its records, the Board wished to retain the legislative history of the ethics code as that may be useful in the future.
Ms. Boarndt moved, seconded by Ms. Hintz, to ask that the its record retention schedule be changed relating to opinion requests and complaints for seven years.
There were no objections, except that of Ms. Wacker.*

7. Discussion relating to posting of 2010 Statements of Economic Interests online.

The Board was supportive of posting elected officials' SEIs online for 2010.

8. Open records law and updating of the Statement of Economic Interests.

The Board wanted to retain the date on the annual filings of the Statements.

9. Report relating to the research assistant position hiring process and the possibility of using City Clerk staff to meet the job duties of the research assistant.

*The subcommittee members did review some of the resumes that were forwarded to them from the Staff Assistant. Mr. Ellis said that he was surprised by how many lawyers applied for this position.
The Board discussed the benefits of having the City Clerk's Office staff this body, rather than an independent contractor.
Ms. Wacker moved, seconded by Ms. Barndt, to retain the City Clerk staff in the position of Research Assistant.*

10. Review newly filed Statement of Economic Interests Forms for clarity and completeness.

The Board reviewed and approved the forms of: Christine Arkenberg, Eamon Guerin, Andrea Luecke and Kori Schneider Peragine.

11. Set next meeting date(s).

August 4th

Meeting adjourned: 10:48 A.M.

Linda M. Elmer

Staff Assistant



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Meeting Minutes ETHICS BOARD

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and Robert Shelledy**

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lelmer@milwaukee.gov**

**Legislative Liaison: Richard Watt, 286-2253,
rwatt@milwaukee.gov:**

Wednesday, May 19, 2010

9:00 AM

Room 301-A, City Hall

Meeting convened: 9:03 A.M.

Present: 5 - Turner, Ellis, Wacker, Barndt, Shelledy

Excused: 2 - Toran, Hintz

1. Roll call and approval of the minutes from the April 21st meeting.

Mr. Shelledy moved, seconded by Ms. Barndt, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

Ms. Wacker moved, seconded by Ms. Barndt, to go into closed session. There were no objections.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

During the closed session the Board discussed how a complaint from a citizen would be handled administratively by the Board.

4. Report from the staff assistant relating to recruiting a research assistant for the Board.

Ms. Elmer reported that approximately 65 candidates have applied for the position; of which 29 are viable candidates. The position was listed on a number of web sites and will be open through May 27th. Subcommittee members would like to receive the information from all the viable candidates and the entire Board will receive a name listing of all the individuals who applied. After May 27th, all the viable candidates will be asked to write a letter to determine their levels of writing skills and that will be forwarded to Subcommittee members as part of their consideration of the

viable candidates.

Roll call taken at 9:45 A.M.

Present: 4 - Turner, Ellis, Barndt, Shelledy

Excused: 3 - Toran, Hintz, Wacker

5. Report from the staff assistant relative to office activities of the previous month.

The work load has been very light since the Research Assistant left the position. Ms. Elmer brought up the possibility that she might assume the duties of the position and not hire another individual. Ms. Elmer also mentioned moving the Board's work and forms away from paper and into electronic format, which would result in a decreased workload overall, as well as more customer-friendly service. The Board will discuss the future of the position at its next meeting as well as the possible candidates.

6. Report from the staff assistant relating to billing of late filers of the statements of economic interest.

All late filers were processed to be billed by Ms. Devereaux prior to her leaving the Research Assistant position. There have only been a few phone calls relating to the billings of these 35 individuals - and those were from individuals who were volunteer board members complaining about having to pay for filing late.

7. 2011 budget estimates for the Board.

Mr. Ellis submitted the 2011 budget request to the City Clerk's Office at the end of April.

8. Review newly filed Statement of Economic Interest Forms for clarity and completeness.

The board reviewed and approved the forms of Andrew Baniukiewicz, Martin Collins and Konrad Ellenberger.

9. Set next meeting date(s).

June 16th at 9 a.m.



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Meeting Minutes ETHICS BOARD

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**Devon Turner, Patricia Hintz, Martha Toran, Joanne Barndt,
and Robert Shelledy**

**Staff Assistant, Linda Elmer, (414)-286-2232, E-mail:
lelmer@milwaukee.gov**

Wednesday, April 21, 2010

9:00 AM

Room 301-C, City Hall

Meeting convened: 9:03 A.M.

Present: 4 - Ellis, Hintz, Wacker, Barndt

Excused: 3 - Turner, Toran, Shelledy

1. Roll call and approval of the minutes from the March 17, 2010 meeting.

Ms. Wacker moved, seconded by Ms. Hintz, for approval of the minutes. There were no objections.

Roll call taken at 9:04 A.M.

Present: 5 - Ellis, Hintz, Wacker, Barndt, Shelledy

Excused: 2 - Turner, Toran

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

There were no matters for closed session.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

4. Report from research assistant relative to office activities of the previous month.

Ms. Devereaux reported that she has accepted a full-time job with the Dept. of Employee Relations and her last day with the Board will be April 29th. She has worked for the Board for 13 years and will miss everyone. She was off for a few days

around Easter, but the work has been relatively quiet. She mailed off information on filing a complaint to a citizen, but has not received the completed form back yet. The City Clerk's Office is working on invoicing individuals who filed their statements of economic interest late. All of the statements have been filed partially due to assistance from the Mayor's Office in calling individuals and encouraging them to file their statements. Ms. Devereaux has also begun cleaning out her files in preparation for her departure. The Board chose of subcommittee composed of Ms. Ellis, Ms. Hintz and Ms. Barndt to interview candidates. The Board discussed how the position will be advertised and Mr. Ehrlich will research whether candidates need to be city residents at the time of application or at the time of accepting the position.

5. Update on the proposed Ethics Board Rules and Procedures.

The file was heard at the Judiciary and Legislation Committee with Ms. Wacker and Mr. Ellis in attendance to speak on it. One alderman wanted a copy in the file showing what changes were made, so Mr. Ellis provided that prior to the Council meeting. The file is currently in the Mayor's Office awaiting his signature.

6. Update on returns of the 2009 Statement of Economic Interest forms.

All statements have been filed and the late filers, approximately 40 of 463 filers, are in the process of being invoiced for filing late. This item was also discussed as part of item 4 (report from the Research Assistant).

7. Review draft of the 2009 Ethics Board annual report.

Ms. Devereaux provided the Board a copy of the draft 2009 annual report, which is shorter than in previous years as there were fewer requests for confidential opinions. Ms. Wacker moved, seconded by Mr. Shelledy, for approval of the report. There were no objections.

8. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.

The Board reviewed and approved the statement of Mark Knapp.

9. Set next meeting date(s).

May 19th at 9 a.m.

*Meeting adjourned: 9:32 A.M.
Linda M. Elmer
Staff Assistant*



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Meeting Minutes ETHICS BOARD

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and Robert Shelledy**

Research Assistant, Nola Devereaux 286-8641, E-mail:

ndeaver@milwaukee.gov

Fax: (414) 286-0723

Staff Assistant, Linda Elmer, (414)-286-2232, E-mail:

lelmer@milwaukee.gov

Wednesday, March 17, 2010

9:00 AM

Room 301-B, City Hall

Meeting convened: 9:06 A.M.

Present: 6 - Turner, Ellis, Hintz, Wacker, Barndt, Shelledy

Excused: 1 - Toran

1. Roll call and approval of the minutes from the February 17, 2010 meeting.

Ms. Wacker moved, seconded by Mr. Shelledy, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

There were no matters for closed session.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

4. Report from research assistant relative to office activities of the previous month.

Ms. Devereaux has spoken to three individuals about closed sessions, but there have been no formal requests. Ms. Devereaux notes that there are still some statements of economic interests (approximately 25) still outstanding. She also responded to one open records request.

5. Update on revisions to the proposed Ethics Board Rules and Procedures.

Ms. Wacker, Ms. Barndt and Mr. Shelledy met on March 10th to discuss the Rules and Procedures. Ms. Wacker noted that the Board is opposed to the City Clerk's recommendation to not include the Code as part of its Rules and also feels the office of the City Clerk is attempting to overstep its authority as it relates to this Board. The Subcommittee changed the font on the Rules and Procedures and added text to note that if the Rules and Ordinance are in conflict, that the Ordinance will rule. The Board did add text related to timely requests for confidential opinions to require a minimum of five business days. Prior to finalization, two people will read both the Code and the Rules to ensure that they're in compliance.

Ms. Devereaux also removed the word "confidential" from the Rules as it relates to advisory opinions so it conforms to the Code. Atty. Ehrlich said that the Board should err on the side of caution and treat all requests for advisory opinions as confidential.

Mr. Shelledy moved, seconded by Ms. Wacker, to have the Code amended to note that all requests for advisory opinions are confidential. Ms. Devereaux will contact the Legislative Reference Bureau drafter to have this change made.

Ms. Devereaux will provide to the Council file a redlined version that shows the changes from the current version of the Rules.

Ms. Wacker moved, seconded by Mr. Shelledy, for approval of the Rules, with the understanding that the Code references will be double-checked prior to introduction. There were no objections.

6. Update on returns of the 2009 Statement of Economic Interest forms.

Ms. Devereaux notified Mayor Barrett and Pres. Hines relating to their appointees who did not file statements. She also notified the City Clerk's Office of those individuals who filed late and owe \$25 (there are four). There are two employees who have not filed and the remaining approximately 25 individuals are board members. Ms. Devereaux did reminder e-mails and mailings in an attempt to reach 100% compliance.

7. Review newly filed Statement of Economic Interests forms for clarity and completeness.

The Board reviewed and approved the forms of Audra Brennan, Carlos Amador, Michael Sanfelippo and Williams Morales.

8. Set next meeting date(s).

April 21st

Meeting adjourned: 9:41 A.M.

Linda M. Elmer

Staff Assistant



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ndeaver@milwaukee.gov

Fax: (414) 286-0723

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lelmer@milwaukee.gov

Wednesday, February 17, 2010

9:00 AM

Room 301-A, City Hall

Meeting convened: 9:05 A.M.

Present: 4 - Ellis, Wacker, Barndt, Shelledy

Excused: 3 - Turner, Toran, Hintz

1. Roll call and approval of the minutes from the January 20, 2010 meeting.

Ms. Wacker moved, seconded by Mr. Shelledy, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

Ms. Wacker moved, seconded by Ms. Barndt, to go into closed session. There were no objections.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

The Board heard one matter in closed session and will be rendering its opinion on the matter.

4. Report from research assistant relative to office activities of the previous month.

Ms. Devereaux noted that she and the Chair met with the Deputy City Clerk related to the Ethics Board Rules and Procedures and Ms. Barndt has taken her oath to serve again. The 2010 contract for Ms. Devereaux was signed and she received one open records request in the past month and she is in the process of creating a report related to outstanding invoices for non-filers at the request of the Comptroller's Office.

5. Update on revisions to the proposed Ethics Board Rules and Procedures.

Jim Owczarski, Deputy City Clerk, appeared before the Board on this matter. Mr. Ellis noted that the Rules and Procedures don't make sense without the Code language contained within them. Ms. Wacker was concerned that if the Code is not cited, it isn't very public friendly as citizens then need to go back to the Code. Ms. Barndt noted that as a new Board member it was helpful for her to have the Code citations in the Rules so she could review one document, rather than two. Ms. Barndt suggested a compromise of citing the code section in the Rules when the Code is cited. Ms. Wacker said that it is an important duty of the Board to ensure that its Rules are in compliance with the Code.

Ms. Wacker moved, seconded by Mr. Shelledy, to appoint a subcommittee to review the Rules and Procedures. There were no objections.

6. Update on returns of the 2009 Statement of Economic Interests forms.

Ms. Devereaux noted that 210 returns have been filed. They are due on February 28th, which is a Sunday, so statements will be accepted through Monday, March 1. Mr. Ehrlich will research on how the due/late dates are calculated.

7. Review newly filed Statement of Economic Interests forms for clarity and completeness.

There are no statements for review.

*Meeting adjourned: 10:40 A.M.
Linda M. Elmer
Staff Assistant*



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lelmer@milwaukee.gov

Wednesday, January 20, 2010

9:00 AM

Room 301-B, City Hall

Meeting convened: 9:00 A.M.

Present: 4 - Ellis, Hintz, Wacker, Shelledy

Excused: 2 - Turner, Toran

1. Roll call and approval of the minutes from the November 18, 2009 meeting.

Ms. Wacker moved, seconded by Mr. Shelledy, for approval of the minutes. There were no objections.

2. The Board may convene into closed session to hear disciplinary matters and related information pursuant to s. 19.85(1)(b) and/or (f), Wis. Stats., and to consider and render confidential advice pursuant to s. 19.85(1)(h), Wis. Stats.

There were no matters for closed session.

3. The Board may then convene into open session as authorized by s. 19.85(2), Wis. Stats.

4. Report from research assistant relative to office activities of the previous month.

The Research Assistant learned on January 19, 2010 that the Rules and Procedure file introduced on November 23, 2009 was "Held" by Council Administration. At this time, the Deputy City Clerk hopes to schedule a meeting re. the proposed Ethic Board Rules and Procedures to look at further revisions. For the record, the Chair feels that it is outrageous that the Ethics Board was not informed that the file was held.

The League of Women Voters has recommended Joanne Barndt for reappointment

to the Ethics Board and the reappointment will be introduced to the Common Council on January 20, 2010.

The Statement of Economic Interest forms were printed and received in mid-December. The Statements were mailed the week of January 4, 2010. The employee total was 333, and the Board/Commission total was 156, total 489 Statements mailed. So far, 99 forms have been received completed.

The 2010 Payroll Stuffer was printed and received by the Treasurer's office for distribution in the January 21, 2010 payroll.

The 2007 Statement of Economic Interest forms were delivered to Records Retention.

5. Election of Ethics Board officers.

Chair: Annie Wacker nominated Dwight Ellis as Ethics Board President. Seconded by Joanne Barndt. There were no other nominations.

Vice Chair: The Chair asked for volunteers to the position of Vice Chair. Annie Wacker volunteered to serve as Ethics Board Vice President. Rob Shelledy nominated Annie Wacker as Ethics Board Vice Chair. Seconded by Pat Hintz. There were no other nominations.

There being no other nominations Dwight Ellis, was elected Chair and Annie Wacker elected Vice Chair unanimously.

6. Update on returns of the 2009 Statement of Economic Interest Forms.

Ninety-nine forms have been returned completed. There have been minimal questions regarding filling out the form from filers.

7. Review newly-filed Statement of Economic Interest Forms for clarity and completeness.

The Board reviewed and approved the statements of Gust Petropoulos and Steve Smith.

8. Set next meeting date(s).

February 17th and March 17th.

*Meeting adjourned: 9:22 A.M.
Nola Devereaux, Research Assistant*