



José G. Pérez

City of Milwaukee Common Council

March 4, 2025

Dear Colleagues,

In his message attached to his veto of Common Council File Number 240821, the Mayor offers three reasons why this legislation is not needed. I will respond to each in turn.

1. This legislation unnecessarily and permanently constrains the membership of BOZA in a way that precludes the selection of a representative, qualified, and diverse panel of city residents.

Plural bodies are vital parts of all levels of government. Beyond the Common Council and its standing committees, they are created by statute and other law to make recommendations and even decisions delegated to them. At present, the City of Milwaukee has just over 100, composed of over 1,000 members. The notion that adding limited qualifications such as seeking “a person with a background in public safety” or “an individual with a demonstrated interest in social welfare or housing issues”, somehow limits our ability to assemble a diverse panel of city residents to serve on any one body is absurd on its face. Many thousands of city residents meet these minimal standards.

2. Wisconsin State Statutes have defined how Boards of Zoning Appeals are composed, the duration of terms, the confirmation process, compensation, and who serves as chair. Those parameters are fully sufficient. Additional conditions for service are counterproductive to the larger purpose of the BOZA.

State Statute is uniform and for boards like the BOZA and the City Plan Commission it applies to all State instrumentalities. The statutes that govern these bodies are prescriptive and allow for limited flexibility. It is a strange argument, however, to suggest that merely because they are what they are, they are sufficient to the needs of every municipality. This Council, joined at the time by the Mayor, saw fit to require that Milwaukee’s BOZA have an attorney as its chair. State statute does not mandate this, but this Council imposed the requirement, presumably to add legal expertise on matters that in their nature can be appealed to circuit court. The Mayor knows this and yet ignores it; as certainly as he knows that the City Attorney has opined that adding requirements for BOZA membership is legal and enforceable.



3. “It is important to note that the current composition of BOZA, members that I have appointed and this council has confirmed, already does comply with the limitations this ordinance would impose. It is similarly significant to reiterate that the Common Council already has the ability to confirm or reject any nomination for membership a mayor were to put forward. Therefore, I have concluded this ordinance is both unnecessary and potentially detrimental.”

It is true that the current board meets the spirit and intent of this ordinance. This suggests that not only is this legislation appropriate, but also that the requirements of it are easily met. However, the board has not always met the standards outlined in this ordinance, and, from 2013 until 2022, no member had a background in public safety. Ordinances are not passed to govern only the present.

Instead of opposing this legislation, what if we imagine that it assists BOZA in making better decisions that result in enhanced business compliance? What if by raising the bar at BOZA, the Milwaukee Police Department receives fewer calls for service at gas stations? What if licensing compliance improves? For all these reasons, not to mention that BOZA, from 2022 to 2024 heard appeals in value over \$1.6 billion dollars, it is reasonable to confirm members with specific skill sets related to land use.

I ask you to stay consistent with your previous vote and override this short-sighted veto.

Respectfully,



José G. Pérez,
Alderman, 12th District