

*William C. Carey  
950 Churchill Lane  
Fond du Lac, WI 54935*

February 19, 2010

City Atty. Grant Langley  
841 N. Broadway #716  
Milwaukee, WI 53202

Dear Mr. Langley:

As a member of the City of Milwaukee Pension & Annuity Board and a Pension Fund trustee representing the 25,000 active and retired members of the Employee Retirement System, I am registering concern over a Chapter 36 amendment that has been introduced in the Common Council.

The amendment ( File #0912774) is in the Finance and Personnel Committee and, ironically, was introduced by its chairman Ald. Murphy, who also sits as a trustee on the Pension & Annuity Board. The question arises as to whether such action constitutes a conflict.

As your office is legal counsel to the Pension Board and its trustees, I recognize that as a trustee I have a fiduciary duty to protect the Pension Trust Fund. Therefore, I respectfully request a legal opinion as to whether I have the obligation to protect the Trust Fund through legal action.

Historically, under Chapter 36, which the proposed amendment would eliminate, the Pension Board trustees by law determined with the assistance of its actuary, the amount the City had to pay into the Pension Trust when it

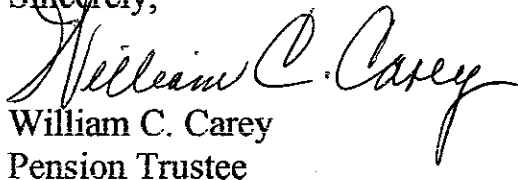
*Retiree Trustee, City of Milwaukee Pension and Annuity Board  
Wisconsin Commissioner, Great Lakes Commission (Ret)*

was not fully funded. The amendment would take financial matters out of the hands of the Pension Fund trustees and put them into the hands of elected politicians.

In addition, it appears that the amendment also eliminates the longstanding rule that the Pension Trust be 100 percent fully funded.

Your legal opinion would be appreciated as we share the obligation to protect the Pension Trust Fund. Also, I would request that you send copies of your opinion to the other members of the Pension & Annuity Board. Thank you.

Sincerely,

  
William C. Carey  
Pension Trustee