



Legislation Text

File #: 090163, **Version:** 1

090163
SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance establishing the port of Milwaukee fund.

118-99 cr

This ordinance establishes a port of Milwaukee fund. All revenues derived from operation of the port will be deposited in the fund. All port expenditures, including administration, operations, maintenance and capital improvements, will be funded by the fund. At the end of each year, any excess funds in the fund will be deposited into the city's general fund.

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

Part 1. Section 118-99 of the code is created to read:

118-99. Port of Milwaukee Fund. 1. PURPOSE. The purpose of this section is to creation a mechanism to fund the operations, maintenance and improvement of the port of Milwaukee entirely with revenue derived from port operations, so that the general taxpayers of the city will be relieved of any burden to do so under the general tax levy.

2. SPECIAL REVENUE FUND. All revenue derived by the city from operations of the port of Milwaukee shall be entered in the revenue accounts of a special revenue fund for the port. Expenditures by or for the port, whether for operating or for capital purposes, shall be accounted for in this fund.

3. PORT OF MILWAUKEE REVENUE. Revenue to be entered in the port of Milwaukee fund shall be as follows:

- a. Revenue from the leasing of land and buildings under the control of the port, except rent from the leasing of Henry W. Maier festival park.
- b. Revenue from wharfage charges.
- c. Revenue from dockage charges.
- d. Revenue derived from facility through-put charges.
- e. Revenue derived from mooring charges.
- f. Revenue from charges for use of the port's sewer and water systems.
- g. Revenue from the rental of cranes and other equipment.

- h. Revenue from billable labor charges.
- i. Revenue from grants awarded to the port.
- j. Other revenue attributable to the port of Milwaukee.

4. PORT OF MILWAUKEE EXPENDITURES. Port of Milwaukee fund revenues shall be used to defray administrative, operational and maintenance costs related to the port, including but not limited to:

- a. Salary, wages and fringe benefits for all port employes.
- b. Other costs relating to the port's marketing and engineering programs.
- c. Equipment purchases.
- d. Contracts for the maintenance of port facilities.
- e. Costs, including debt service, for any capital improvement projects undertaken by the port.
- f. Provision of a contingent fund for such sum as shall be deemed necessary for emergency and other purposes that may arise during the year requiring the expenditure of money in addition to the sums provided for the several purposes and for purposes relating to port operations for which no express provision is made in the annual city budget. Contingent funds may only be expended upon common council action.

5. PAYMENT OF SURPLUS FUNDS TO THE GENERAL FUND. Excess fund revenues, expressed as revenues derived from any of the items listed in sub. 3 minus expenditures for administration, operation and maintenance of the port identified in sub. 4, shall be deposited into the city's general fund at the end of each year.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to various sources of port of Milwaukee revenue and the application of such revenue to port expenditures are separable. If any provision of this section is held unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB09234-2
JDO
06/17/2009