



Tom Barrett
Mayor, City of Milwaukee

March 9, 2020

The Honorable, Members of the Common Council of
The City of Milwaukee
City Hall Room 205

Honorable Council Members:

I am vetoing Common Council File Number 181544. The adoption of this file sets a precedent for special treatment of individual vendors, those under contract and those seeking to do business with the City. It opens the City up to both allegations and liability for improper conduct, and goes against the City Charter.

The resolution singles out a vendor and directs cancellation of its contract for a Council directed City program for reasons unrelated to performance. It also directs special Council approval of future contracts with that specific vendor, regardless of the contracting authority being utilized under the City Charter. The Council has resolved to treat that vendor differently from all others in all City business.

The City Attorney's Office was not asked to review this resolution. In an email to Deputy Commissioner of City Development Martha Brown after passage, Assistant City Attorney Kathy Block stated: "Had I been aware of the resolution prior to its passing, I would have advised the [Council] against passing it. It can only expose them to allegations of improper conduct."

As drafted and adopted, the resolution is not legally enforceable and goes against the purchasing provisions in the City Charter. In the City Attorney's view, which I share, Council action against a single vendor without a connection to its performance under contract leaves the City open to allegations of improper conduct and liability.

The nuisance property and compliance issues on private property cited in the resolution can be addressed through a number of legal tools that the City frequently uses. Targeted

code enforcement, nuisance property designation, and receivership are just a few of the approaches we have successfully used to address nuisance properties.

If a contract was improperly awarded, the Charter allows for cancellation and re-bid, as well as appeals initiated by Council members. If contractors fail to perform or breach the terms of contracts with the City, the Code provides a number of remedies and consequences. If bidders or contractors show they are not responsible, they can be legally excluded from bidding. The City regularly uses all these tools to make sure City work is being done well and in the best interests of the City.

This resolution makes an end run around the City Charter and undermines our credibility to conduct City business. It very clearly singles out one vendor and uses the Council's authority to send an intimidating message over an unrelated dispute.

I ask that you sustain my veto.

Sincerely,

A handwritten signature in cursive script that reads "Tom Barrett". The signature is written in black ink and is positioned to the left of the typed name.

Tom Barrett
Mayor