

CITY OF WAUWATOSA

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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Meeting - Tuesday, March 14, 2006

Committee Room #2

PRESENT: Alds. Birschel, Grimm, Krull, Subotich, Sullivan, Treis -6

ALSO PRESENT: Alds. Maher, Herzog, Stepaniak; T. Wontorek, City Admin.; A. Kesner, City Attorney; B. Weber, Police Chief

Ald. Treis as Chair called the meeting to order at 7:30 p.m.

Proposed State Taxpayer Amendment AJR77/SJR63

Ald. Maher said he asked the city to look at the so-called Taxpayers Bill of Rights or Taxpayer Protection Act because he feels it is important for the city to take a stand in opposition to an act that will have a significant impact on the city. He spoke of his academic background and said he is well versed on the subject matter.

Ald. Maher pointed out some of the most compelling reasons why the city needs to oppose this legislation. This is the second iteration of what is known as the Taxpayer Bill of Rights (TABOR). This idea has been proposed in a number of states starting with California's Proposition 13. Once these were enacted, they caused serious fiscal problems that Ald. Maher said he doesn't want to see happen in Wisconsin. This legislation basically usurps local authority in that the Council would not have a say in local budgetary matters. The Common Council is elected to make decisions for the city, how can we do that if the state sets the parameters. The act doesn't address the heart of the problem of why there are high taxes in this state and in fact may make it worse by putting caps on the revenue stream. Ald. Maher pointed out the proposed act is being given only limited exposure for public comment. A constitutional amendment such as this should be given considerable opportunity for public input. From the city's perspective, it will have an impact on bonding and the city's bond rating. When the bonding auditors were here a few weeks ago, they were asked to comment on whether this act would impact the city's ability to bond and they agreed that it would.

This act plays favorites across municipalities. For some reason, most towns are exempt from this act and most incorporated villages and cities are not. This is a constitutional amendment and it needs to have a pretty high litmus test before being enacted. For all of these reasons and more, Ald. Maher strongly encouraged the city to take a position of opposition to this act.

Ald. Krill said he strongly agreed with Ald. Maher's analysis. This act assumes other restrictions that are a challenge to the integrity of the local Council. He said he has witnessed the city's budget process and the Budget Committee trying to keep the tax rate down. If the city adopts a budget the people are opposed to, the people have total control through their vote. There is no reason to distrust people or their Common Council.

Moved by Ald. Krill, seconded by Ald. Sullivan to recommend the city's opposition to Taxpayer Amendment AJR77/SJR63 and that the city attorney be directed to draft a letter to send to state legislators --

Ald. Birschel asked how the provision in the Act that limits revenue would affect the city. Mr. Wontorek said actual figures would depend on the specific language of the act if it should pass. Ald. Birschel said a key issue is whether the city wants to oppose the entire act or parts of it. He felt the act takes away local control. Municipalities with growing populations such as Oak Creek and Franklin are at a much greater advantage under this legislation.

Mr. Braier said as with most legislation involving financial matters, this would be handed over to the Department of Revenue to come up with how to enforce the new law. The act says municipalities are allowed so much revenue to be raised and any money over that cap would have to be returned to the taxpayers, but there are no procedures set in place to do this.

Ald. Sullivan thanked Ald. Maher for bringing this issue forward. He felt TABOR is a bad idea for all of the reasons Ald. Maher listed and more. He pointed to the education system in California both before and after Proposition 13 as an example. Ald. Sullivan said the city is trying to provide services that people expect without increasing taxes. This legislation would only cut services. He felt the city would be handing over authority to the wrong people.

There was discussion on whether this issue should be discussed at a Committee of the Whole meeting. Because of time constraints, it was felt discussion could take place at the Council meeting on March 21st.

Vote on the motion was Ayes: 6

Request by Rob Messinger for a liquor license extension for Hector's-A Mexican Restaurant, 7118 W. State Street to include the parking lot on May 5th

Mr. Messinger said Hector's does a similar outdoor event in the fall, Hectorfest, with a tent in the parking lot food and live music. He proposes an event celebrating Cinco de Mayo, the Mexican Independence Day, on May 5th from 3-9 p.m., with live music from 4-8 p.m. He stated he has made arrangements with Pick 'N Save for additional parking for the event.

Chief Weber said his department has no objections to the event. Ald. Grimm said he has received no complaints from neighbors with Hectorfest, and has no objection to the event.

Moved by Ald. Grimm, seconded by Ald. Krill to recommend approval of the liquor license extension to include the parking lot on May 5th from 3-9 p.m. -6

Operator license application by Matthew Graff, 1824 Sunkist Ave., Waukesha

Mr. Graff did not appear. It was the consensus of the committee to hold this item for two weeks.

License applications forwarded for review

The committee reviewed the operator license application by Tracy Grabski, 2403 Springdale Road, Waukesha. The committee decided to request the applicant to appear on March 28th

The meeting adjourned at 8:02 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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