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# Information on the Office of the City Attorney



# Mission

- A. CITY ATTORNEY
- B. ATTORNEY STAFF IN OCA
- C. NON-ATTORNEY STAFF IN OCA
- D. ROLE OF THE OCA

# Mission

The City Attorney provides legal representation to the City of Madison as an entity. As the City's lawyers, the Office of the City Attorney engages in three major activities. First, we prosecute violations of the City's laws, enforcing ordinances adopted by the Common Council. Second, we provide legislative counsel, drafting and revising the City's code of ordinances and advising the Common Council and City Boards, Committees and Commissions on the meaning of legislative enactments. Third, we provide general legal counsel and representation to the City, drafting documents, advising City officials and managers on compliance with the law, representing the City in court, negotiating on the City's behalf, and otherwise using legal procedures to support and defend the lawful decisions of City officials and agencies.

# Mission cont.

- CITY ATTORNEY
  - Statutory office pursuant to sec. 62.09(12), Wis. Stats.
  - Attorney is to “conduct all the law business in which the City is interested.”
  - Appointed by the Mayor and confirmed by the Common Council.
  - Five year contract, renewable.
- ATTORNEY STAFF IN OCA
  - One Deputy City Attorney, who has full authority to act on all matters entrusted to the City Attorney.
  - Fourteen Assistant City Attorneys.
  - Five ACAs serve primarily as prosecuting attorneys for ordinance violations, from parking and traffic to building inspection to health to alcohol. They are in municipal court every day. One serves as lead prosecutor and supervisor.
  - The OCA does not prosecute criminal cases. All convictions result in a fine or forfeiture.
  - Other ACAs are assigned duties related to City agency functions and legal areas of expertise that cut across City agencies.
  - All ACAs are supervised by the City Attorney. All are under the Madison civil service.

# Mission cont.

## NON-ATTORNEY STAFF IN OCA

- Assisted by 5 legal secretaries, two of whom act as office co-managers.
- One litigation assistant / paralegal.
- One legal office assistant
- Two (1.5 FTE) ordinance revision specialists.
- One receptionist.
- Student law clerks.

## Role of the OCA

- City Attorney does not give general legal advice to the public. The City is the client. Alders seeking ordinance amendments are requested to use the form available.

Date: \_\_\_\_\_  
Date Received: \_\_\_\_\_

## Request to City Attorney

TO: Michael P. May, City Attorney

FROM:

SUBJECT: Request for: Legal Opinion   
Legal Advice   
Assistance

Please include background information which you consider necessary or helpful. Attach separate sheet if necessary.

Documentation: Please attach documents and papers necessary or which may be helpful in responding to your request. Comments, if any:

Other Agencies: Please indicate any other agencies which may be involved in the subject of your request.

Time: Please state when response is needed. Please indicate any related scheduling.

**Request for Amendment to the Madison General Ordinance**

TO: Michael P. May, City Attorney Proposed/Current Section No. \_\_\_\_\_

FROM: Amendment:   
Repeal:   
Creation:

Please draft the following ordinance:

Note: Is this ordinance exempt from the provisions of Section 2.05(6)?

- Yes
- No. The signature of the Mayor or the Alderperson who will sponsor this ordinance is provided below.

Date to be Presented:

Referral(s):

Fiscal Note:

Sponsor(s):

When completed:

Send DRAFT to:   
(original will be held until otherwise notified)

Send copy to:

Submit directly to Common Council.

If request is to rezone property, the following additional information must be furnished before the ordinance can be drafted.

Rezone following property:

Address: \_\_\_\_\_ Aldermanic District \_\_\_\_\_

From: \_\_\_\_\_ District To: \_\_\_\_\_ District

Has this property previously been rezoned?  Yes  No

If yes, please give the following information:

Ord. No.: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsorship Approval:

\_\_\_\_\_  
Signature of Mayor/Alderperson/Dept. or Div. Head Date

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date: August 26, 2010

**MEMORANDUM**

TO: Mayor Cieslewicz  
All Alders  
Department/Division Heads

FROM: Michael P. May  
City Attorney

RE: Revised Assignments in the Office of the City Attorney

With Deputy City Attorney Patricia Lauten joining our office, I have made a number of revisions in the assignments to Assistant City Attorneys and DCA Lauten. The new assignments are shown on the attached charts.

I regularly review the assignments to attorneys in the OCA in an effort to balance workloads and to effectively and efficiently deliver legal services to the City. If experience demonstrates that I have miscalculated the impacts of some changes, I may make adjustments in the future.

Without going into all the details, some of the major changes are:

1. DCA Lauten will be the primary attorney for personnel, labor and employment matters. She will also be the lead for handling claims in which the City has outside counsel (WMMIC matters) along with worker's compensation, unemployment compensation and risk management matters. ACA Roger Allen may continue to assist on some employment law issues, as needed.
2. In addition to maintaining his work on public records and open meetings across city government, ACA Allen will become lead attorney for the ALRC. ACA Steve Brist may continue to assist on some alcohol-related matters, as needed.
3. ACA Steve Brist will become the lead attorney on several matters relating to the City Clerk's office, including lobbying, elections and the Ethics Board. He will also be the lead for the Library, City Channel and Monona Terrace. As with other reassignments, existing attorneys may assist as needed.
4. Some changes done on a temporary basis will remain, such as assignment of the Department of Civil Rights to ACA Adriana Peguero and Building Inspection prosecution work to ACA Lana Mades. You will notice other changes in the charts.

If for some reason we have failed to pick up any department or division, or you think the charts could more clearly show that assignment, or if you have any questions on these assignments, feel free to contact me or DCA Lauten.

The changes are effective September 1, 2010.

CC: MY Group  
AT Group



**OFFICE OF CITY ATTORNEY**  
**210 Martin Luther King, Jr. Blvd., Suite 401**  
**Telephone: 266-4511, TDD: 866-704-2340, Fax: 267-8715**  
(Updated 8/19/10)

**LEGAL STAFF**

<b>Name Position</b>	<b>Areas of Law</b>	<b>Agencies Primarily Served</b>
<b>Michael P. May</b> City Attorney	Office Administration Government Operations Council & Committee Procedures Constitutional Law / First Amendment Litigation	Mayor City Clerk Common Council Comptroller
<b>Patricia A. Lauten</b> Deputy City Attorney	Office Administration Personal & Employment Labor Agreements Arbitration Discrimination / Harassment Government Operations Worker's Comp Unemployment Comp Tort/Risk Management / Outside Counsel	Human Resources Comptroller (WMMIC, WC, UC and Risk Management) Personnel Board
<b>Carolyn Hogg</b> Assistant City Attorney	Transportation (Metro / RTA) Emergency Government Hazardous Materials Police & Fire (recruitment, selection, policy matters, commissioned personnel matters)	Police Department Fire Department Madison Metro RTA
<b>Anne Zellhoefer</b> Assistant City Attorney	Bonds Tax Incremental Financing Economic Development AA Contract Compliance Surety & Letters of Credit Real Estate Development Public Works Contracts Parking Utility	Comptroller (TIF Financing / Purchasing / Bonds) CDA (Development) Engineering / Public Works CEDU (Development) CDBG (Development) Real Estate Overture Parking Utility (non-prosecution)

Name Position	Areas of Law	Agencies Primarily Served
<b>Katherine C. Noonan</b> <b>Assistant City Attorney</b>	Planning Zoning Boundary & Annexation Privilege in Streets / Right of Way Copyright / Trademark Subdivision Regulations	Planning Zoning Real Estate Information Services
<b>Roger Allen</b> <b>Assistant City Attorney</b>	ALRC (Advisor) Liquor Reg. Public Records Open Meetings Madison Arts Commission	City Clerk (ALRC) MAC
<b>Lara Mainella</b> <b>Assistant City Attorney</b>	Intergovernmental Agmts. Street Use / Parades Contracts Special Events Street Vending Signs First Amendment Muni. Adm. Appeals/certiorari	Comptroller (Purchasing) Building Inspection (signs and vending) Contracts (except public works and employee/labor) OBR (Vending) Parks (Street Use) Admin. Review Bd.
<b>Jennifer Zilavy</b> <b>Assistant City Attorney</b>	Community Prosecution Major nuisance violations Special Prosecutions (ALRC) Halloween	Police Department Building Inspection
<b>Steve Brist</b> <b>Assistant City Attorney</b>	Clerk's Office (Lobbying, Elections, Ethics Code) Library City Channel Railroads Senior Center Monona Terrace Special Prosecution (PFC)	City Clerk Traffic Engineering Library City Channel Senior Center Monona Terrace
<b>Jaime Staffaroni</b> <b>Assistant City Attorney</b>	Tax Litigation Delinquent Personal Prop. Foreclosures Treasurer Bankruptcies	Assessor Treasurer Board of Review

Name Position	Areas of Law	Agencies Primarily Served
Doran Viste Assistant City Attorney	Intergovernmental Agmts. Contracts / Public Works Boundary & Annexation disputes Environmental Regs. Condemnation Litigation Real Estate Special Prosecutions	Engineering / Public Works Stormwater, Water, and Wastewater Utilities Planning (Intergovernmental) Traffic Engineering Parks Real Estate Forestry

PROSECUTION / ORDINANCE ENFORCEMENT TEAM		
Marci Paulsen (70%) Assistant City Attorney Lead Prosecutor	Lead Prosecutor Traffic, general ordinance Violations, Fire Code Health / Smoking Law HIPAA OCS (Inc. Child Care)	Police Fire Municipal Court Health OCS
Adriana Peguero Assistant City Attorney	Traffic, general ordinance Violations Taxis Civil Rights (EOC, AA and CPD)	Police DCR: EOC, AA, CPD
Maureen O'Brien Assistant City Attorney	Traffic, general ordinance Violations Parking Enforcement Bicycle Registration CDA Evictions CDA Sec. 8 Housing	Police Parking CDA
John Strange Assistant City Attorney	Traffic, general ordinance Violations, Health, Vending, Forestry, and Engineering. Special Prosecution (VOC)	Police Fire
Lana Mades Assistant City Attorney	Traffic, general ordinance Violations BI, Housing Special Prosecution (Dane County)	Police Building Inspection

PARALEGAL STAFF		
<b>Pat Gehler</b> Litigation Assistant	Long Form Complaints Discovery Requests Contract Review Document / Exhibit Prep General Legal Research Bankruptcy Worker's Comp	

SUPPORT STAFF		
Diane Althaus, Ordinance Revision Specialist Patty Hustad, Legal Secretary 3 Sue Mautz, Legal Secretary 3 Sue O'Brien, Legal Secretary 2 Jill Bender, Legal Secretary 2 Patti Mendez-Smith, Legal Secretary 2 (Vacant), Legal Secretary 2 (50%) Anita Cunegin, Legal Office Assistant Marie Berman, Receptionist		

## **Personnel and Employment Practice Group**

Patricia Lauten  
Carolyn Hogg  
Roger Allen  
Michael P. May

This team meets as necessary to coordinate legal advice on grievances, discrimination, affirmative action, Americans with Disabilities Act (ADA), employee discipline issues and general employment law, i.e., Family Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), etc.

## **In-House Training Committee**

Roger Allen  
Steve Brist  
Michael P. May

This team meets as necessary to coordinate in-house CLE training for attorneys.

## **Contract Committee**

Michael May, City Attorney  
Anne Zellhoefer, Assistant City Attorney  
Lara Mainella, Assistant City Attorney  
Randy Whitehead, Purchasing Supervisor  
Eric Veum, Risk Manager  
Rob Phillips, City Engineer  
Norman Davis, Affirmative Action  
Patti Brill, Comptroller's Office  
Dave Faust, Information Services  
James Whitney, Building Inspection  
Dean Brassler, Comptroller's Office  
Craig Franklin, Comptroller's Office  
Alan Larson, Water Utility  
Monette McGuire, Purchasing

This group meets quarterly to review contracting practices, templates, and issues.

**OFFICE OF THE CITY ATTORNEY  
AGENCY ASSIGNMENTS BY GROUP / AGENCY  
(Updated August 24, 2010)**

**A. COMMUNITY SERVICES GROUP**

City Agencies

Lead Attorneys

1. City Channel / Cable Franchise	Brist
2. Community Services / Child Care	Paulsen
3. Library	Brist
4. Madison Arts Commission	Allen
5. Monona Terrace	Brist
6. Overture	Zellhoefer
7. Parks (Street Use) Parks (All other)	Mainella Viste
8. Senior Center	Brist

**B. EMPLOYMENT GROUP**

City Agencies

Lead Attorneys

1. Civil Rights (AA, CPD & EOC)	Peguero
2. Human Resources	Lauten
3. Police/Fire (Civilian Personnel)	Lauten
4. Police/Fire (Commissioned Personnel)	Hogg

**C. FINANCE GROUP**

City Agencies

Lead Attorneys

1. Assessor / Treasurer	Staffaroni
2. Comptroller – General	May
3. Comptroller - Risk Management	Lauten
4. Comptroller – Issuer's Bond Counsel	Zellhoefer
5. Comptroller - Purchasing	Mainella

**D. GOVERNMENT OPERATIONS GROUP**

City Agencies

Lead Attorneys

1. City Clerk	Brist
2. Common Council	May
3. Mayor	May
4. Municipal Court (Operations)	May
5. Information Technology	Noonan, Allen
6. Ethics	Brist

**E. PUBLIC WORKS / INFRASTRUCTURE**

City Agencies

Lead Attorneys

1. Engineering / Public Works	Viste
2. Stormwater Utility	Viste
3. Water Utility	Viste
4. Wastewater Utility	Viste
5. Parking Utility (non-Prosecution)	Zellhoefer

**F. PLANNING / DEVELOPMENT**

City Agencies

Lead Attorneys

1. CDA (Development)	Zellhoefer
2. CEDU	Zellhoefer
3. CDBG	Zellhoefer

**G. PLANNING / ZONING**

City Agencies

Lead Attorneys

1. Zoning (Signs)	Mainella
2. Zoning	Noonan
3. Real Estate	Noonan, Zellhoefer
4. Subdivision Regulation	Noonan, Viste
5. Intergovernmental Relations / Boundaries	Viste

**H. PROSECUTION / MUNICIPAL COURT**

City Agencies

Lead Attorneys

1. Police, Fire, Building, Parking, Health, etc.	Paulsen, Peguero, M. O'Brien, Strange, Mades
2. Community Prosecution / Nuisance	Zilavy



**I. PUBLIC HEALTH & SAFETY**

City Agencies

Lead Attorneys

1. ALRC	Allen
2. Police Department (non-prosecution)	Hogg
3. Fire Department (non-prosecution)	Hogg
4. Building Inspection/Landlord –Tenant (Ch 32)	Mades
5. Health Department	Paulsen
6. CDA Housing: Evictions and Section 8	O’Brien
7. OBR – Street Vending	Mainella

**J. TRANSPORTATION**

City Agencies

Lead Attorneys

1. Madison Metro	Hogg
2. Parking	O’Brien (Prosecution), Zellhoefer (Utility)
3. Streets / Sanitation	Viste
4. Traffic Engineering	Viste