

OFFICE OF CITY ATTORNEY
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Mission

The City Attorney will provide professional legal representation to the City of Madison as an entity, including ordinance enforcement, legislative counsel services and general counsel services.

Goals and Objectives

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, and
- 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.

As attorneys for the City of Madison, the Office of the City Attorney does not provide legal advice to the general public.

The City Attorney is a statutorily designated officer of the City of Madison whose responsibilities and duties are set forth in Section 62.09(12) of the Wisconsin Statutes and Section 3.07(1) of the Madison General Ordinances:

62.09(12) ATTORNEY. (a) The Attorney shall conduct all the law business in which the City is interested.

(c) The Attorney shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) The Attorney shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) The Attorney shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) The Attorney may appoint an assistant, who shall have power to perform the Attorney's duties and for whose acts he shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.

(g) The Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.

3.07 CITY ATTORNEY

(1) The City Attorney is a statutory office created pursuant to Section 62.09(12) of the Wisconsin Statutes and shall be responsible for the duties contained therein and for the conduct of all legal services of the City and shall serve as legal advisor to the Council, the Mayor and all

departments and officers of the City. The City Attorney shall be in charge of the prosecution of all cases arising out of the violation of the provisions of the City ordinances. The City Attorney shall represent the City in matters in which the municipality is interested before any court or tribunal and shall perform such other duties as may be required by the Mayor or Common Council. It shall be the duty of the City Attorney to call to the attention of the Mayor and Common Council all matters of law affecting the City.

The City Attorney shall be the official reviser of ordinances. No ordinance shall be enacted by the Common Council unless such ordinance is first referred to the City Attorney for a study respecting form and legality. In the revisions of the official codification of the Madison General Ordinances the City Attorney is empowered to renumber sections and subdivisions if in his or her opinion this is necessary, and to make editorial changes which are minor and not substantive in nature.

The position of City Attorney shall be filled according to Sec. 3.54(6) (f), Madison General Ordinances.

In addition to the prosecution of ordinance violators, the City Attorney is responsible for providing all legal services for the City, including serving as legal advisor to the Common Council, Mayor, and all City departments/agencies. The City Attorney also represents the Community Development Authority, and Public Health Madison and Dane County (together with Dane County Corporation Counsel).

The more common services requested of the Attorney's Office are informal advice and counsel, the drafting of ordinances, resolutions, and contracts. City Attorney staff also defend city agency decisions when they are appealed and oversee handling of insured litigation by outside counsel.

Requests for ordinances, resolutions, and legal opinions and advice should be made on forms available in the Council Office. The forms are intended to assist requesters in clarifying their intent, and to assist City Attorney staff in obtaining necessary factual background.

Please feel free to consult the City Attorney and staff when you have legal questions. Our service is limited to representing the City, its officers, agencies and employees in their official activities. We are not authorized to provide private legal advice to constituents or other residents.

Legal Staff

Michael R. Haas, City Attorney

Areas of Law: Office Administration, Government Operations, Council & Committee Procedures, Constitutional Law, Redistricting and Clerk's Office back-up, Litigation, Open Meetings/Public Records back-up

Agencies Primarily Served: Mayor, City Clerk, Common Council, Finance, Treasurer

Patricia A. Lauten, Deputy City Attorney

Areas of Law: Office Administration, Personnel & Employment, Labor Agreements, Arbitration, Discrimination / Harassment, Government Operations, Worker's Comp, Tort/Risk Management/Outside Counsel

Agencies Primarily Served: Human Resources, Finance (WMMIC, Worker's Comp, Risk Management), Personnel Board, EAP

Jennifer Zilavy, Assistant City Attorney

Areas of Law: Alcohol License Enforcement, Training and Outreach, Community Prosecution, Major Nuisance Violations, Special Prosecutions (ALRC), Halloween, Neighborhood Resource Teams Liaison, Emergency Management

Agencies Primarily Served: Police Department, Building Inspection, Neighborhood Resource Teams, Clerk (ALRC)

Lara Mainella, Assistant City Attorney

Areas of Law: Contracts, Software/Technology Contracts, Street Use/Parades, Special Events (Parks), Street Vending, Signs, First Amendment, Municipal Administrative Appeals/Certiorari, Grants Compliance

Agencies Primarily Served: Finance (Purchasing); Building Inspection/Zoning (signs), all agencies (contracts except public works and employee/labor), IT (contracts and licensing), OBR (Street Vending), Parks (Street Use), Administrative Review Board, Vending Oversight Committee, Racial Equity and Social Justice Initiative

Jason Donker, Assistant City Attorney

Areas of Law: Tax Litigation

Agencies Primarily Served: Assessor, Treasurer, Board of Review

Doran Viste, Assistant City Attorney

Areas of Law: Public Works, Intergovernmental Agreements, Cooperative Plans and Boundary Issues, Public Works Projects and Contracts, Developer Agreements, Environmental Regulations, Public Utilities, Condemnation, Litigation, Real Estate (Public Works & ROW Related), Special Assessment/Special Charges and Impact Fees, Special Prosecutions, Privilege in Streets/Encroachments, Right of Way Regulations, IT - Infrastructure

Agencies Primarily Served: Department of Public Works (Engineering, Stormwater, Water/Sewer Utilities, Parks, Streets, Water Utility), Planning (Intergovernmental), Transportation, Traffic Engineering, Real Estate, Parking Division (Operations), IT; Sustainability

Adriana Peguero, Assistant City Attorney

Areas of Law: Civil Rights (EOC, AA and CPD) including AA Contract Compliance, Open Meetings, Public Records, IT Operations, Arts

Agencies Primarily Served: Department of Civil Rights (Equal Opportunities Commission, Affirmative Action, Commission on People with Disabilities), Equity Core Team, SBE Appeals, Information Technology including City Channel, Arts Commission

Kate Smith, Assistant City Attorney

Areas of Law: Planning, Zoning, Boundary and Annexation, Subdivision Regulations

Agencies Primarily Served: DPCED (Planning & Zoning)

Amber McReynolds, Assistant City Attorney

Areas of Law: ALRC Advisor (Liquor Reg.), Clerk's Office (Lobbying, Elections), Library, Senior Center, Monona Terrace, Intellectual Property (Trademark, Copyright), Landlord-Tenant Law (Chapter 32 MGOs); Ethics Code

Agencies Primarily Served: ALRC, City Clerk, Library, Senior Center, Monona Terrace, Room Tax Commission, Landlord Tenant Issues Committees, Ethics Board

Matt Robles, Assistant City Attorney

Areas of Law: Bonds, Tax Incremental Financing, Economic Development, Surety & Letters of Credit, Real Estate Development, Developer's Agreements, Public Works Contracts, Parking Utility, Real Estate (Transactional, Leases, Operational)

Agencies Primarily Served: Finance (TIF Financing/ Purchasing/ Bonds), CDA (Development), Engineering / Public Works, CEDU (Development), CDBG (Real Estate Only), Real Estate, Parking Utility (Finance), BID

Eric Finch, Assistant City Attorney

Areas of Law: Transportation, Public Transit (Metro, BRT) Contracts, Software/IT Contracts, Grants, FTA and Title VI Compliance, Railroads, Transportation Demand Management (TDM), Parking (except enforcement), BRT Infrastructure Agreements with DOT and other municipalities

Agencies Primarily Served: Metro, Transportation, IT, Parking, Traffic Engineering (Railroad/OCR), Transportation Comm., Greater Madison MPO, IT Contracts (backup for all agencies)

Andrew Schauer, Assistant City Attorney

Areas of Law: Police and Fire, Policy, Recruitment, Commissioned Personnel, Discipline, PFC Prosecution, Contracts, 1st Amendment surrounding MPD, Drones

Agencies Primarily Served: Police, Fire, Civilian Oversight Board

Claire MacLachlan, Assistant City Attorney

Areas of Law: Bonds, Tax Incremental Financing, Economic Development, Surety and Letters of Credit, Real Estate Development, Parking Utility, Foreclosure (EDD)

Agencies Primarily Served: Finance (TIF Financing, Purchasing/Bonds), CDA (Development), CEDU (Development), CDBG (Real Estate only), Real Estate, Parking Utility (Finance), BID

Prosecution/Ordinance Enforcement Team

Marci Kurtz, Assistant City Attorney (Lead Prosecutor)

Areas of Law: Traffic, General Ordinance Violations, Homeless Restorative Justice (HRJ) Project, Animal Control, Infectious Disease, Worker's Comp Hearings; MPD Lead Con Law Instructor

Agencies Primarily Served: Police, Public Health

Brittany Wilson, Assistant City Attorney

Areas of Law: Traffic, General Ordinance Violations, CDA Housing, Evictions and Section 8, return of MPD seized property, Subpoena issues surrounding MPD

Agencies Primarily Served: Police, Community Development Authority (CDA)

Avery Schulman, Assistant City Attorney

Areas of Law: Traffic, General Ordinance Violations, Health and Fire Code Long Forms, HIPAA, AODA and Menth Health, Street Vending Prosecution, MFD Open Records surrounding calls for service

Agencies Primarily Served: Police, Health, Fire

Ben Becker, Assistant City Attorney

Areas of Law: Traffic, General Ordinance Violations, Building Inspection/Zoning/Sign Code Long Forms, Taxis, Unemployment Compensation Hearings, Affirmative Action/Civil Rights Enforcement, Water Utility and Engineering Prosecution

Agencies Primarily Services: Police, Civil Rights, Parking Enforcement, Transportation (Parking Division), Court Services (Parking, Towing and Impound), OCR/Affirmative Action, Water Utility

Ryan Riley, Assistant City Attorney

Areas of Law: Traffic, General Ordinance Violations, Parking Enforcement & Towing, Vehicle and Micromobility (bikes, scooters, golf carts, etc.), MPD Con Law Instructor Back-up; Animal Control

Agencies Primarily Served: Police, Parking Enforcement, Transportation (Parking Division), Court Services (Parking, Towing and Impound), Public Health

Paralegal Staff

Derek Schuld, Paralegal

Long Form Complaints, Discovery Requests, Contract Review, Document / Exhibit Preparation, General Legal Research, Bankruptcy, Worker's Comp

Support Staff

Sue Mautz, Administrative Supervisor

Patti Mendez-Smith, Legal Administrative Assistant 2

Andrew Briceño, Administrative Assistant 2

Rebecca Braselton, Administrative Assistant 2

Jennifer Janke-Bartholomew, Legal Office Assistant

Megan Glaeser, Ordinance Revision Specialist

Marie Berman, Receptionist/Clerk Typist

Personnel and Employment Practice Group

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, e.g., Family Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), etc.

- Patricia Lauten
- Adriana Peguero
- Michael R. Haas

In-House Training Group

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

- Adriana Peguero
- Michael R. Haas

Contract Group

This is a staff group with representation from all City agencies that meets regularly to review and provide training about City contract procedures and issues. It is led by ACA Lara Mainella, with representatives from Purchasing, DCR, IT and Risk Management.