

January 5, 2005

Diann S. Kiesel
229 Dunning St.
Madison WI 53704

RE: Pool Referendum

Dear Ms. Kiesel:

Your letter of November 3, 2004, to Ald. Judy Olson was referred to me.

I was the primary person involved in drafting the language that was included on the ballot. For your reference, I include a copy of the resolution which was adopted by the Common Council on September 21, 2004, which adopted the final language for the referendum.

I recognize that there is not likely to be any referendum where all persons are satisfied with the exact language used. I attempted to draft the referendum question as neutrally as possible, while including what I thought were the essential facts necessary for voting on the referendum, and for the public to easily identify whether they wished to vote yes or no.

1. You believe that the referendum language was biased because it referred to the \$2 million gift from the Goodman brothers. I disagree because I thought that it was important to include this to identify the pool at issue. The Goodman brothers had made their gift contingent upon construction starting by July 1, 2005. This referendum was being put on the ballot not to generally approve any future pool. Nor is the referendum intended to authorize a pool that did not use the funds from the Goodman brothers. Since knowledge of the gift from the Goodmans was essential to the question, I felt it was important to include that in the referendum question.

2. Next, you think that the use of the words "other sources" was misleading. In fact, I believe that it was absolutely necessary to make a reference to "other sources". The gift from the Goodman brothers was not nearly enough to fund the pool. We knew that other sources were going to be used for the pool. It might include tax dollars, but it might also include other gifts.

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As time has passed, other gifts have been included. Depending on the number of gifts involved, there may be no tax dollars used for the pool.

3. Your next concern is that the reference to the preservation of shoreline parks ordinances should have given a more general description of that ordinance. I considered that option, but believed that the language of the referendum was already getting rather long and was not certain I could adequately describe the ordinance in a few words. Adding another sentence or two would have made the referendum more confusing, in my judgment.

4. Finally, you suggested that the reference to the gift from the Goodman brothers suggested that the gift would be lost if this referendum did not pass. I frankly don't read the referendum that way at all. It was specifically worded not to make reference to where the pool would be constructed (except for the exclusion on Olin Turville Park), but rather whether the existing ordinance could be superceded for the purpose of constructing a pool.

Thank you for your letter and I trust that this adequately answers your concerns.

Very truly yours,

Michael P. May
City Attorney

MPM:ph

cc: Ald. Judy Olson