

CITY OF MADISON, WISCONSIN

REPORT OF THE CITY ATTORNEY

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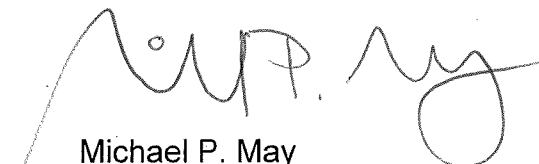
TO THE MAYOR AND COMMON COUNCIL:

RE: Repeal void language regarding prevailing wages on publicly funded and public works projects.

Wis. Stats. Sec. 66.0903(1m) prohibits Wisconsin municipalities from enacting or administering local ordinances regarding the payment of prevailing wage to laborers employed on publicly-funded private construction projects and public works projects. Therefore, Section 4.23, MGO is void. In addition, Sec. 23.01, MGO is void and the City shall follow the requirements set forth in Sec. 66.0903 requiring prevailing wages on certain public works projects. On September 4, 2012, Ald. Subeck made a motion to refer this matter to the City Attorney's Office.

The City has created the new 77 Square Miles ordinance, Sec. 45.07, MGO, as a repository for ordinances that are void or are unenforceable and the sections covered by this proposed ordinance are now in 77 Square Miles. Therefore, the City Attorney recommends that the matter be placed on file.

Respectfully submitted,



Michael P. May
City Attorney