

2011 DRAFTING REQUEST

Bill

Received: **01/06/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Melissa Schmidt**

May Contact:

Drafter: **tkuczens**

Subject: **Education - MPS**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Authorize the City of Milwaukee to sell unused or underutilized school buildings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/P1	tkuczens 01/07/2011	csicilia 01/07/2011	phenry 01/07/2011	_____	mbarman 01/07/2011		Local
	tkuczens 01/20/2011	csicilia 01/21/2011		_____			
/P2	tkuczens 01/24/2011	csicilia 01/25/2011	mduchek 01/21/2011	_____	mbarman 01/21/2011		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 01/25/2011	_____	mbarman 01/25/2011	cduerst 02/14/2011	

FE Sent For: *'1' @ intro. 2/22/11*

<END>

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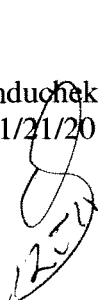
Instructions:

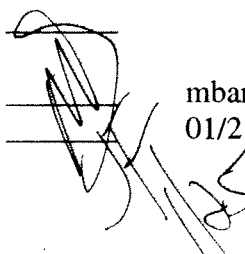
See attached

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	tkuczens 01/20/2011	csicilia 01/21/2011		_____			
/P2			mduchek 01/21/2011	_____	mbarman 01/21/2011		

↑ gjs 1/25
11





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/P1	tkuczens 01/07/2011	csicilia 01/07/2011	phenry 01/07/2011	_____	mbarman 01/07/2011		

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Handwritten notes: /P2 js 1/21, 1/21, and <END>

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FE Sent For:

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January 6, 2011

Meeting with Melissa Schmidt (Leg. Council) X 62298

Sen. Darling would like a draft that authorizes the City of Milwaukee to sell city-owned school buildings that are not being used by MPS


- Journal Sentinel exposure - 27 MPS buildings are vacant

- Charter schools may want to buy

See 119.16(3), 119.60(2)

→ currently, MPS board must approve the sale of school property

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Education

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Hines, Darling vow new rules on empty MPS buildings

By Erin Richards of the Journal Sentinel

Jan. 5, 2011 10:58 a.m. | (52) COMMENTS

Recent Coverage



Rules tie up Milwaukee Public Schools real estate

Milwaukee Common Council President Willie Hines and state Sen. Alberta Darling (R-River Hills) vowed Wednesday morning to change existing legislation - or write new legislation - that would force Milwaukee Public Schools to sell or lease its vacant school buildings to high-performing charter school operators that wish to use them.

In a news conference in front of the vacant Thirty-Eighth Street School, which was sought after by the independent and expanding Milwaukee College Prep charter school before negotiations with the district fell through, Hines and Darling said that they would try to take away the Milwaukee Board of School Directors' authority over selling the buildings and allow the city to control the sale and lease of unused real estate.

The city already owns the empty schoolhouses, but MPS and ultimately the school board control selling or leasing them.

Interactive Map



Map: [Empty MPS property](#)

The district has a deed restriction on the buildings that keeps them from being used as schools that are not part of MPS, or competing schools that might lure students away from the district and further contribute to the decline in MPS enrollment.

The empty building controversy follows a Dec. 31 [Journal Sentinel story](#) about the district's vacant properties, the money it spends every year to maintain them, and the failed attempts by some outside school operators to lease or buy them.

Hines said he's aware of more than a dozen buildings or properties that are empty and that could be filled with high-performing charter schools, authorized to operate by entities such as the Milwaukee Common Council or the University of Wisconsin-Milwaukee.

Charter schools are also public schools, but they have more freedom to experiment with curriculum in exchange for upholding academic performance goals outlined in their charter.

Education[Home](#) » [News](#) » [Education](#)

Rules tie up Milwaukee Public Schools real estate



Gary Porter

Garfield Elementary School at 2215 N. 4th St. was built in 1887 and is one of Milwaukee Public Schools' oldest schools. The facility has been sitting empty since 2006, despite offers by two charter schools.

27 Milwaukee school buildings are vacant, and district restrictions prevent sale to possible competitors

By Becky Vevea of the Journal Sentinel

Dec. 31, 2010 | (135) COMMENTS

The former Garfield Elementary School building, stately and picturesque, looks as if it could be used for a movie set. That would be one way to fill the empty school with life.

For now, the century-old building at 2215 N. 4th St. sits empty.

Just down the road, construction is under way for a \$7 million expansion to St. Marcus Lutheran School, one of the highest performing voucher schools in the city. But before St. Marcus raised millions of dollars, school leaders spent months in conversations with Milwaukee Public Schools about purchasing one of several nearby vacant buildings, including Garfield Elementary.

They were unsuccessful.

For MPS, one less building would mean revenue from the sale and a reduction in maintenance costs. So what happened?

"We were told we could buy them, but could not operate them as a school in competition with MPS," said Henry Tyson, St. Marcus' superintendent. "It became clear that the acquisition of one of those vacant MPS buildings was just not an option."

MPS owns 27 empty school buildings with a total maintenance cost of more than \$1 million each year.

"The biggest barrier to expansion in Milwaukee is a facility," said Tim Sheehy, president of the Metropolitan Milwaukee Association of Commerce and a board member for Milwaukee College Prep, a high-performing charter school that recently expanded after failed negotiations to buy the empty Thirty-Eighth Street School from MPS.

Milwaukee College Prep launched its second campus instead by taking over the struggling Academy of Learning and Leadership at 1530 W. Center St., an independent charter school that lost its contract with Milwaukee's Common Council because of low test scores.

Although the city technically owns these empty schoolhouses, MPS and ultimately the School Board control the sale and lease of district property. MPS maintains a deed restriction on these properties preventing them from being used as schools that are not part of MPS.

"The buildings that are desirable and empty are under the thumb of MPS," said state Sen. Alberta Darling (R-River Hills), who is gearing up to push legislation that would free up these buildings to other entities, specifically independent public charter schools that operate through the University of Wisconsin-Milwaukee or the city.

"They're in no condition to use these buildings because MPS is not growing," Darling said. "It makes no sense at all. What would you want a school for other than to provide some educational environment?"

The value of the vacant schools could vary greatly, but Heather Heaviland, a real estate consultant who works primarily with schools, said it's likely they would have an estimated appraisal amount between \$15 and \$20 per square foot. Using the \$15 estimate, the total value of the buildings alone is roughly \$34.7 million.

District officials did not provide appraisals for any of the buildings because they are done on a case-by-case basis and tend to expire quickly. Michelle Nate, director of facilities and planning, said Heaviland's estimate would be accurate only if the buildings were being sold as schools and not for other development.

In the last several years, only one vacant school - the former Jackie Robinson Middle School - has been sold, said assistant city attorney Tom Gartner, who has worked with MPS building sales for roughly 30 years.

"A number of them have been vacant for years," Heaviland said. "It's not like all of a sudden MPS came upon 27 facilities."

MPS enrollment decline

School Board members and the administration in MPS are well aware of the district's property surplus and declining enrollment. But it's more complicated than just selling the buildings to any interested party, they say.

"Our strategy is fill them with kids that are part of the MPS family," Superintendent Greg Thornton said. "I would not be recommending to the board to lease to anyone that is going to take enrollment."

Because of the budgetary responsibilities MPS has to students outside its enrollment count, Thornton and some board members say it is important to think strategically about these properties.

For example, MPS pays for a portion of the Milwaukee Parental Choice Program out of its budget, which is largely determined by annual student enrollment. Choice students in private schools are not included in MPS' enrollment count, nor are students who attend independent charter schools authorized to operate by the Milwaukee Common Council or UWM.

Additionally, MPS is often obligated to provide transportation and special education services to city students who enroll in charter or private voucher schools, district officials and School Board members said.

"We'd be acting hastily if we made any decisions without having a larger context and without knowing what is going to happen with education in the city," said Peter Blewett, vice president of the School Board. "When we look at the whole educational picture, I'm not sure that the voucher system is serving students of Milwaukee well."

Tyson and Sheehy said they recognize that MPS doesn't want to contribute to its own declining enrollment, and they both agree MPS needs to continue to be an option to students in Milwaukee. But they also see a community need to fill buildings with quality educational programs, regardless of who is running them.

"The goal here from a community standpoint isn't to save MPS;

the goal is to serve students," Tyson said. "There's absolutely no doubt in my mind that if the restriction on the sale of these buildings remains in place, the expansion and replication of great schools in our city will be inhibited."

MPS may push charters

Thornton said his administration is in the process of solidifying negotiations with several national charter providers to start schools under the umbrella of MPS. By having these schools charter with MPS, the students would count toward the district's enrollment numbers, which would increase the amount of state funding the district is granted. "That's a win-win-win," Thornton said.

In theory, it is.

But the district has been criticized for not being aggressive in seeking - and now in keeping - national charter school operators with a track record of academic success with urban children. Charters are public schools given more autonomy over curriculum in exchange for meeting goals outlined in contracts with chartering agencies.

As recently as last month, a national nonprofit charter provider, Lighthouse Academies, pulled out of contract negotiations that would've brought a school to the old Garfield building for the 2011-2012 school year.

"When MPS negotiates its contracts, it seems to have an interesting process," said Mike Ronan, president and CEO of Lighthouse Academies, which operates high-performing schools across the country. "We finally got to the point where we had a charter contract that had several issues in it that needed to be resolved."

Those issues: building space and per pupil funding. When a draft of the contract landed on Ronan's desk, the document listed less building space than the school needed and required Lighthouse to pay for the building's upgrades, including bringing it into compliance with the Americans with Disabilities Act, Ronan said.

Lighthouse is now applying for two charters, one through UWM and one through the city, and is working with a Chicago-based company to either buy buildings on the private market or build new schools, Ronan said.

Ronan said the goal is to have 250 students in both schools during their first year, with an expected growth to 650 each within five years. If that goal is attained, those 1,300 students will likely be drawn out of MPS.

"We would've been two additional schools within the MPS portfolio," Ronan said.

Even if MPS contracted with national charter providers, filling all or most of the vacant buildings would be challenging.

"I don't care who owns the building, people aren't going to rush in to buy these properties," Thornton said, adding that the real estate market still hasn't turned around since the recession started.

Property market

But Heaviland said despite the hard economic times, the education sector is one of the few that is growing. Finding school facilities on the private market is very difficult because not all buildings have things such as a playground or a gym, she said.

In May, Chicago-based nonprofit IFF released a study revealing a scarcity of good schools on the north and northwest sides of Milwaukee, identifying eight ZIP codes with the highest needs. Eleven of the 27 vacant properties are in those areas.

The study focused on the importance of bringing quality schools into every neighborhood - a familiar concept that MPS championed in 2000, when it launched the \$102 million Neighborhood Schools Initiative. The massive construction project became the subject of a 2008 Journal Sentinel investigation that revealed most of those additions sat empty.

Thornton said the IFF study is a guiding light for him as he begins to look at what buildings the school needs to work to fill.

"Certainly it's not our intent to use all 27 sites, but there are areas of the city where we need to have those real estate options," Thornton said.

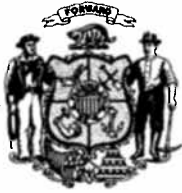
As far as the buildings that MPS doesn't have interest in using, Thornton said he's been working with the Common Council and the mayor to find community uses for them, but some are too old and should probably be torn down. With a lack of performing schools in areas where some of these buildings sit empty, there should be a collective sense of urgency to fill them, Heaviland said.

"The longer it takes for charter schools and other schools that want to expand to find buildings, the more time a student has to wait for a better educational opportunity," Heaviland said.

Find this article at:

<http://www.jsonline.com/news/education/112699029.html>

Check the box to include the list of links referenced in the article.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-09032 P1

TKK:;:...

gjs RMP/UN
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/7/11 TODAY

D-note

Gen Cat

city-owned property
used for
purposes

1 AN ACT...; relating to: authorizing the City of Milwaukee to sell school buildings
2 owned by the City.

Analysis by the Legislative Reference Bureau

Under current law, the board of school directors of Milwaukee Public Schools (MPS) is vested with authority to purchase, lease, control, and manage the schools and property of the school district. School buildings located in the City of Milwaukee (city), and the sites on which the school buildings sit, however, are the property of the city, and deeds and conveyances of property are made to the city. MPS must adopt a resolution prior to purchasing or leasing a building site or constructing a school house. The city must sell city-owned property used for school purposes if MPS submits a written request to the city and the common council adopts a resolution approving the sale.

This bill authorizes the city to sell city-owned property used for school purposes if the common council finds that the property has been unused or underutilized for at least 24 consecutive months and the common council adopts a resolution approving the sale.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓A

1 SECTION 1. 119.60 (2) of the statutes is renumbered 119.60 (2) (a) and amended
2 to read:

3 119.60 (2) (a) ~~City-owned~~ Except as provided in par. (b), city-owned property
4 used for school purposes shall be sold by the city upon written request of the board
5 if the common council adopts a resolution approving the sale. If, within 12 months
6 after a written request by the board, the city has not disposed of the property, has
7 failed to obtain a written agreement to dispose of the property or has not provided
8 the board with a written report giving specific reasons, which are not identified by
9 the city attorney as constituting a conflict of interest, for its failure to dispose of the
10 property or to obtain an agreement to dispose of the property, the board may retain
11 a real estate agent to represent the board in its real estate transactions.

History: 1983 a. 224; 2005 a. 453.

12 SECTION 2. 119.60 (2) (b) of the statutes is created to read:

✓A

13 119.60 (2) (b) City-owned property used for school purposes may be sold by the
14 city if the common council finds that the property has been unused or underutilized
15 for at least 24 consecutive months and adopts a resolution approving the sale.

16 (END)

Insert 2-16

D-note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0903/P1ins
TKK:.....

1 **Insert 2-16**

2 **SECTION 1.** 119.60 (3) of the statutes is amended to read:

3 119.60 (3) The board's authority to retain a real estate agent under sub. (2) (a)
4 is limited to the actual sale of property. The board may compensate the real estate
5 agent for his or her services only on the basis of a commission for specific property
6 sold, and no property taxes may be levied for the purpose of providing funds to pay
7 such commissions.

History: 1983 a. 224; 2005 a. 453.

plain
space
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✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0903/P1dn

TKK:.....

gs

- date -

Senator Darling:

This bill authorizes the Milwaukee common council to adopt a resolution approving the sale of city-owned property used for school purposes if the common council finds that the property has been unused or underutilized for at least 24 consecutive months. Do you wish to establish any other circumstances under which the common council can approve the sale of property used for school purposes?

Current law permits the MPS board to direct the proceeds of a sale of real ^{or} property used for school purposes to either the school operations fund under s. 119.46 or the school construction fund under s. 119.48. See s. 119.60 (1). Do you want to permit the common council to specify where the proceeds of a sale initiated by the common council would go?

✓✓

Let me know if you have any questions or wish to make any changes.

✓

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0903/P1dn
TKK:cjs:ph

January 7, 2011

Senator Darling:

This bill authorizes the Milwaukee common council to adopt a resolution approving the sale of city-owned property used for school purposes if the common council finds that the property has been unused or underutilized for at least 24 consecutive months. Do you wish to establish any other circumstances under which the common council can approve the sale of property used for school purposes?

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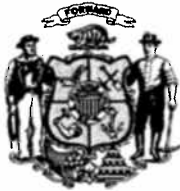
LRB - 0903 (Sen. Darling)

January 18, 2010

The Emerson X 65830

- Change period of time from 24 months to 18 months - retroactive
- permit the city to sell or lease the property (last 18 mos.)
- proceeds should be applied to tax relief

* require Milwaukee Public School to provide access to documents re: the property and to the property itself.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0903/P2 P2
TKK:cjs:ph

stays
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/26/11

wanted 1/21/11

Rege Cat

1 AN ACT *to renumber and amend* 119.60 (2); *to amend* 119.60 (3); and *to create*
2 119.60 (2) (b) of the statutes; **relating to:** authorizing the City of Milwaukee
3 to sell city-owned property used for school purposes.

currently

Analysis by the Legislative Reference Bureau

Under current law, the board of school directors of Milwaukee Public Schools (MPS) is vested with authority to purchase, lease, control, and manage the schools and property of the school district. School buildings located in the City of Milwaukee (city), and the sites on which the school buildings sit, however, are the property of the city, and deeds and conveyances of property are made to the city. MPS must adopt a resolution prior to purchasing or leasing a building site or constructing a school house. The city must sell city-owned property used for school purposes if MPS submits a written request to the city and the common council adopts a resolution approving the sale.

Insert analysis A

Insert analysis B

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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← Fix Component

119.60 (2) (a) ~~City-owned~~ Except as provided in ~~par. (b)~~ ^{sub (2m)} city-owned property used for school purposes shall be sold by the city upon written request of the board if the common council adopts a resolution approving the sale. If, within 12 months after a written request by the board, the city has not disposed of the property, has failed to obtain a written agreement to dispose of the property or has not provided the board with a written report giving specific reasons, which are not identified by the city attorney as constituting a conflict of interest, for its failure to dispose of the property or to obtain an agreement to dispose of the property, the board may retain a real estate agent to represent the board in its real estate transactions.

SECTION 2. 119.60 (2) (b) of the statutes is created to read:

119.60 (2) (b) City-owned property used for school purposes may be sold by the city if the common council finds that the property has been unused or underutilized for at least 24 consecutive months and adopts a resolution approving the sale.

SECTION 3. 119.60 (3) of the statutes is amended to read:

119.60 (3) The board's authority to retain a real estate agent under sub. (2) (a) is limited to the actual sale of property. The board may compensate the real estate agent for his or her services only on the basis of a commission for specific property sold, and no property taxes may be levied for the purpose of providing funds to pay such commissions.

(END)

Insert 2-12

Insert 2-1A

Insert 2-1B

1 **Insert analysis A**

not The board determines whether proceeds of the sale of city-owned property used for school purposes are deposited into the school operations fund or the school construction fund. In general, if the proceeds are deposited into the school operations fund, the moneys must be used to pay the principal and other fees and premiums due on bonds issued for school facilities.

2 **Insert analysis B**

Under this bill, if the common council finds that city-owned property used for school purposes has been unused or under utilized for at least 18 consecutive months, the common council may *sell* adopt a resolution to approve the sale or lease of the property. The bill requires the board to provide the common council and city employees and agents copies of all documents related to the property and access to the property for purposes related to the sale or leasing of the property. Proceeds from the sale or lease of property, when authorized by the common council as provided in the bill, are deposited in the school operations fund and *are* to be applied to *reduce* offset taxes levied by the city for MPS.

3 **Insert 2-1A**

4 **SECTION 1.** 119.16 (3) (b) of the statutes is amended to read:

5 119.16 (3) (b) Except as provided in par. (c), schoolhouses and the sites on which
6 they are situated shall be the property of the city. ~~No Except as provided in s. 119.60~~
7 ~~(2m) (a), no site may be purchased or leased and no schoolhouse may be constructed~~
8 ~~unless a resolution therefor is duly adopted by the board. Except as provided in par.~~
9 ~~(c), deeds of conveyance and leases shall be made to the city.~~

10 **History:** 1973 c. 17, 188; 1975 c. 353; 1977 c. 109; 1983 a. 391; 1985 a. 29; 1987 a. 395; 1989 a. 290; 1993 a. 492; 1999 a. 9; 2001 a. 30; 2009 a. 215.

11 **SECTION 2.** 119.46 (1) of the statutes is amended to read:

12 119.46 (1) As part of the budget transmitted annually to the common council
13 under s. 119.16 (8) (b), the board shall report the amount of money required for the
14 ensuing school year to operate all public schools in the city under this chapter, to
15 repair and keep in order school buildings and equipment, to make material
improvements to school property, and to purchase necessary additions to school sites.

1 The report shall specify the ^{the} amount of proceeds from the sale or lease of
 2 city-owned property used for school purposes deposited in the immediately
 3 preceding school year into the school operations fund as specified under s. 119.60
 4 (2m) (c). The amount included in the report for the purpose of supporting the
 5 Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount
 6 of aid received by the board under s. 121.136 and by the amount specified in the
 7 notice received by the board under s. 121.137 (2). The common council shall levy and
 8 collect a tax upon all the property subject to taxation in the city, which shall be equal
 9 to the amount of money required by the board for the purposes set forth in this
 10 subsection less the amount of the proceeds from the sale or lease of city-owned
 11 property used for school purposes deposited in the immediately preceding school
 12 year into the school operations fund as specified under s. 119.60 (2m) (c), at the same
 13 time and in the same manner as other taxes are levied and collected. Such taxes shall
 14 be in addition to all other taxes which the city is authorized to levy. The taxes so
 15 levied and collected, any other funds provided by law and placed at the disposal of
 16 the city for the same purposes, and the moneys deposited in the school operations
 17 fund under s. 119.60 (1), shall constitute the school operations fund.

History: 1975 c. 353; 1993 a. 437; 1995 a. 27; 2005 a. 453; 2007 a. 20; 2009 a. 28.

and (2m)(c)

Insert 2-12

SECTION 3. 119.60 (2m) of the statutes is created to read:

18
 19
 20 119.60 (2m) (a) If the common council finds that city-owned property used for
 21 school purposes has been unused or under ^{utilized} utilized for at least 18 consecutive months,
 22 including the 18 months preceding the effective date of this paragraph [LRB
 23 inserts date], the common council may approve the sale or lease of that property if
 24 it adopts a resolution approving the sale or lease. ^{sell}

1 (b) If a resolution is adopted as provided under par. (a), the board shall provide
2 the common council and city employees and agents copies of all documents related
3 to the property and access to and entry upon and into the property for purposes
4 related to the sale or leasing of the property.

5 (c) If any real property within the city which is used for school purposes is sold
6 as provided in this subsection, the proceeds of the sale shall be deposited in the school
7 operations fund under s. 119.46.

Insert 2-1B

→ ⑨ SEC. #. AM; 119.60(1)

119.60

119.60 Real property: c

119.60(1)

Except as provided in sub. (2m)(c), if

⑨

(1) If any real property within the city which is used for school purposes is sold, the board shall determine whether the proceeds of the sale are deposited in the school operations fund under s. 119.46 or are deposited in the school construction fund under s. 119.48.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0903/P2

TKK:cjs:md

stays
RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/24/11

soon

MA ✓

Gen Cat

1 AN ACT to amend 119.46 (1), 119.60 (1) and 119.60 (2); and to create 119.60 (2m)
2 of the statutes; relating to: authorizing the City of Milwaukee to sell
3 city-owned property used for school purposes.

Analysis by the Legislative Reference Bureau

Currently, the board of school directors of Milwaukee Public Schools (MPS) is vested with authority to purchase, lease, control, and manage the schools and property of the school district. School buildings located in the City of Milwaukee (city), and the sites on which the school buildings sit, however, are the property of the city, and deeds and conveyances of property are made to the city. MPS must adopt a resolution prior to purchasing or leasing a building site or constructing a school house. The city must sell city-owned property used for school purposes if MPS submits a written request to the city and the common council adopts a resolution approving the sale. The board determines whether proceeds of the sale of city-owned property used for school purposes are deposited into the school operations fund or the school construction fund. In general, if the proceeds are deposited into the school operations fund, the moneys must be used to pay the principal and other fees and premiums due on bonds issued for school facilities.

Under this bill, if the common council finds that city-owned property used for school purposes has been unused or underutilized for at least 18 consecutive months, the common council may sell or lease the property. The bill requires the board to provide the common council and city employees and agents copies of all documents related to the property and access to the property for purposes related to the sale or leasing of the property. Proceeds from the sale or lease of property, when authorized

Net

by the common council as provided in the bill, are deposited in the school operations fund and are to be applied to reduce taxes levied by the city for MPS.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 119.46 (1) of the statutes is amended to read:

2 119.46 (1) As part of the budget transmitted annually to the common council
3 under s. 119.16 (8) (b), the board shall report the amount of money required for the
4 ensuing school year to operate all public schools in the city under this chapter, to
5 repair and keep in order school buildings and equipment, to make material
6 improvements to school property, and to purchase necessary additions to school sites.

7 The report shall specify the amount of ^{net}proceeds from the sale or lease of city-owned
8 property used for school purposes deposited in the immediately preceding school
9 year into the school operations fund as specified under s. 119.60 (2m) (c). The amount

10 included in the report for the purpose of supporting the Milwaukee Parental Choice
11 Program under s. 119.23 shall be reduced by the amount of aid received by the board
12 under s. 121.136 and by the amount specified in the notice received by the board
13 under s. 121.137 (2). The common council shall levy and collect a tax upon all the
14 property subject to taxation in the city, which shall be equal to the amount of money
15 required by the board for the purposes set forth in this subsection less the amount

16 of ^{the net}proceeds from the sale or lease of city-owned property used for school purposes
17 deposited in the immediately preceding school year into the school operations fund

18 as specified under s. 119.60 (2m) (c), at the same time and in the same manner as
19 other taxes are levied and collected. Such taxes shall be in addition to all other taxes
20 which the city is authorized to levy. The taxes so levied and collected, any other funds

1 provided by law and placed at the disposal of the city for the same purposes, and the
2 moneys deposited in the school operations fund under s. 119.60 (1) and (2m) (c), shall
3 constitute the school operations fund.

4 **SECTION 2.** 119.60 (1) of the statutes is amended to read:

5 119.60 (1) If Except as provided in sub. (2m) (c), if any real property within the
6 city which is used for school purposes is sold, the board shall determine whether the
7 proceeds of the sale are deposited in the school operations fund under s. 119.46 or are
8 deposited in the school construction fund under s. 119.48.

9 **SECTION 3.** 119.60 (2) of the statutes is amended to read:

10 119.60 (2) ~~City-owned~~ Except as provided in sub. (2m), city-owned property
11 used for school purposes shall be sold by the city upon written request of the board
12 if the common council adopts a resolution approving the sale. If, within 12 months
13 after a written request by the board, the city has not disposed of the property, has
14 failed to obtain a written agreement to dispose of the property or has not provided
15 the board with a written report giving specific reasons, which are not identified by
16 the city attorney as constituting a conflict of interest, for its failure to dispose of the
17 property or to obtain an agreement to dispose of the property, the board may retain
18 a real estate agent to represent the board in its real estate transactions.

19 **SECTION 4.** 119.60 (2m) of the statutes is created to read:

20 119.60 (2m) (a) If the common council finds that city-owned property used for
21 school purposes has been unused or underutilized for at least 18 consecutive months,
22 including the 18 months preceding the effective date of this paragraph [LRB
23 inserts date], the common council may sell or lease that property if it adopts a
24 resolution approving the sale or lease.

1 (b) If a resolution is adopted as provided under par. (a), the board shall provide
2 the common council and city employees and agents copies of all documents related
3 to the property and access to and entry upon and into the property for purposes
4 related to the sale or leasing of the property.

5 (c) If any real property within the city which is used for school purposes is sold
6 as provided in this subsection, the ^{net} proceeds of the sale shall be deposited in the school
7 operations fund under s. 119.46. ^{or leased}
^{or lease}

8 (END)

Duerst, Christina

From: Emerson, James
Sent: Monday, February 14, 2011 6:33 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0903/1 Topic: Authorize the City of Milwaukee to sell unused or underutilized school buildings

Please Jacket LRB 11-0903/1 for the SENATE.