

Group planning legal offensive against city

Code enforcements, sidewalks among items being targeted

By Neil Johnson

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JANESVILLE

A group of Janesville residents is trying to mount a legal defense fund aimed at forcing the city to change its ways on sidewalks, code enforcement and even the city's at-large city council structure.

A Janesville citizens group calling itself the Citizens Association for Rights and Dignity, or CARD, unveiled plans for a "citizen defense fund" at a meeting of residents



Briarmoon

last week in the community room at Basics Cooperative Natural Foods.

CARD bills itself on its website as a nonpolitical citizens advocacy group that was established in 2003. The group's organizer, K. Andreah Briarmoon, said it's trying to raise membership fees of \$10,000 to hire an attorney, and raise an additional \$100,000 to \$120,000 a year to establish a legal war chest.

The group's mission, according to a mailer sent to residents, is to collect membership fees of \$50 per person to retain a lawyer who would file lawsuits to "protect the rights" of residents. As of last week, the group had about 20 donations, Briarmoon said.

The group says it seeks to raise funds every year to pay an attorney to fight against city decisions, including the city's seven-year sidewalk plan.

The fund could fuel court ac-

tions to block repeated city code inspection fines for property owners, which the group argues amounts to "code stalking." And it could establish legal protection for people who would face relocation because of city projects that would mean demolition of their homes.

The group's first meeting for its legal fund last week came on the heels of it sending out mailers to more than 2,100 people who Briarmoon said live within the footprint of the city's sidewalk construction schedule.

In past years, some residents have lobbied the city council to halt plans to fill in gaps in the city where no sidewalks exist, arguing that it's a cost burden on residents who can't afford the construction.

Briarmoon said the mailers were sent to residents in the sidewalk plan to "get a base" of people who may feel disenfranchised by city decisions.

"This is the bottom line: We want a corporate litigation attorney that represents the rights of the citizens, period. That would give a balance of power to the people," Briarmoon said.

The power would be limited to the scope of battles chosen by the group's lawyer, she said.

CITIZEN DEFENSE FUND

What is it? Janesville-based advocacy group Citizens Association for Rights and Dignity, or CARD, is establishing a "citizen defense fund" that would pay retainer fees and fill a rolling fund for an attorney who would work to halt city of Janesville projects, including its seven-year sidewalk plan, change the way city code inspection fines are handled, and push for court action to establish a ward alderman system.

How it would work? Janesville residents would donate to the fund, which would be paid to a lawyer. The lawyer would research city plans and ordinances and decide legal strategies the group should take. The attorney would then represent residents in potential lawsuits against the city.

For more information: Visit the CARD of Janesville website at changeforjanesville.com.

Members would not get to vote on what issues the lawyer would pursue.

Members of the legal fund would have meetings once or twice a month for updates, but a lawyer would research and strategize what issues to focus on, Briarmoon said.

The group's plan, Briarmoon said, could be to flood Rock County Court with dozens of lawsuits against the city.

Briarmoon said the group is advertising sidewalks as its top issue, "but the key strategy might be to start with 40 jury trials against individual code fines. That could be one strategy," Briarmoon said.

Other goals of the legal defense fund, according to the mailer, include:

- Court actions against city wheel taxes, garbage taxes.

- Court actions to force the city to switch to a ward alderman system instead of an at-large council system.

The group, has been in touch with two lawyers, including a Milwaukee lawyer the group says has handled citizen lawsuits against insurance companies and municipalities.

Briarmoon said one lawyer has told the group if they hired him, he'd exclusively represent the legal defense fund and "have a lot of fun in Janesville."

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The Gazette

WEATHER • 9A

TODAY
78°/57°

Intervals of clouds
and sunshine



THURSDAY
82°/58°

A t-storm around
in the p.m.



The Gazette

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McCoy set to file petitions

Effort aimed at halting fire station project

By **Neil Johnson**

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JAMESVILLE

Resident Billy McCoy says he has more than enough signatures on a pair of petitions he's circulated to try to halt the planned Milton Avenue fire station and force referendums for big-ticket city projects.

McCoy said Tuesday he plans to

submit the petitions to the city clerk's office sometime later this week after he and a team of six who helped circulate petitions make a final count of signatures.



McCoy

Submitted petitions will light the fuse on a campaign by McCoy to blow holes in the city's plans for a controversial, \$9 million fire station that was approved by the city

council last fall.

One petition demands the city council vote to delay construction of the new fire station until voters decide through referendum whether to build it at the proposed location near the current Fire Station No. 1 location along Milton Avenue.

The petition also includes a clause that would force a referendum if the council takes no action.

McCoy's other petition seeks to force the council to establish a charter city ordinance that would require a referendum to approve

any city project with a price tag of more than \$2 million.

The petition includes a clause that would push it to referendum if the council fails to act on it.

McCoy has said he hopes to have one or both petitions placed on the November ballot.

Whether McCoy's two petitions are firecrackers or duds will hinge in part on whether the city validates them.

That call will come from the city clerk's office, which by law must ei-

Turn to **PETITIONS** on Page 9A

Petitions/At least

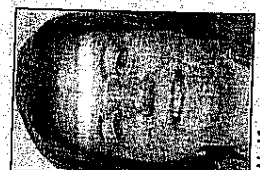
3,156 names required

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They validate or invalidate the petitions within 15 days of submission, City Clerk Jean Wulf said Tuesday.

If the petitions are validated, the council will then have 30 days to decide how—or whether—to act on them.



Wulf

The city first must determine whether the petitions have enough valid signatures, Wulf said.

By law, McCoy needs



Severson

3,156 signatures—15 percent of local votes cast in the last gubernatorial election—for both petitions to be valid under statutes as direct legislation. McCoy says he's collected more than that; he estimates he could have upwards of 3,500 signatures.

READ THE PETITIONS

The petitions circulated by Billy McCoy and others can be read online at gazetteextra.com/docs/v/petitions.

Specifically allowed under state statutes.

At the very least, McCoy said, he hopes the city council will view both petitions as advisory and will act on one or both.

"The integrity of each signature should tell the people who run this city. Look, we do not like what you did or how you did this. We want it to stop, and you'd better start listening," McCoy said.

If the city throws out the petitions or the council ultimately ignores them?

"I guess we'll have to go out and start getting money together to hire an attorney and sue them. I don't want to see it go that far. I hope they just listen and not throw up a stink," McCoy said.

He's said he and others have been going door-to-door and setting up drives at local events to get signatures.

"I've been going for the golden apple, for whatever I can get," McCoy said.

The stickier question, Wulf said, is whether the city will consider the petitions lawful under state statute.

That determination must be made within the city's 15-day timeframe for validating the petitions.

Wulf said she'll be working with City Attorney Waid Klimczyk and others in the city attorney's office on a legal crosscheck of the petitions.

The Gazette could not immediately reach Klimczyk or Assistant City Attorney Tim Wellnitz for comment.

Klimczyk earlier said McCoy's petition to halt the fire station was invalid because it attempts to use direct legislation to roll back a city council decision, something Klimczyk said is "improper" and not

Coy said.

City Council President DuWayne Severson was guarded in an interview Tuesday, saying he hadn't heard about McCoy's plans to turn in the petitions.

He said he's withholding comment on both petitions until after he's had a chance to speak with city officials.

"If they are valid, we'll have to work with the city attorney to see to what extent we need to react to the signatures and to what extent we don't," he said.

Severson said people should be mindful that the council represents all residents in Janesville, not just a group of petition signers.

"There's more than 60,000 people in the city, and many more people (than just petition signers) voted for city council members in the last two years," he said.

Meanwhile, the city continues to close on houses along Milton Avenue in the footprint of the planned fire station.

As of Monday, the city had closed on seven of 12 homes slated for demolition at the future fire station site, and it could close on two more homes by the end of this week, City Manager Mark Freitag said.



Klimczyk

Klimczyk or Assistant City Attorney Tim Wellnitz for comment.

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Thursday, July 31, 2014

McCoy files referendum petitions

By Neil Johnson

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JANESVILLE

Resident Billy McCoy has officially filed two petitions to try to block a fire station project and to set limits on how much city can spend on projects without voter approval.

On Wednesday at the city clerk's office, McCoy filed a petition that asks the city council to delay construction of the planned \$9 million fire station along Milton Avenue, pending a voter referendum on the station.

He also filed a petition asking the council to enact a charter ordinance requiring voter referendums to approve any city project with a price tag in excess of \$2 million.

Both petitions include a clause that would push them to voter referendum if the council fails to act on them. McCoy has said he hopes to have one or both petitions placed on the November ballot.

By law, McCoy needed 3,156 signatures—15 percent of local votes cast in the last gubernatorial election—on each petition for them to be valid as direct legislation.

According to a count Wednesday by City Clerk Jean Wulf and Deputy Clerk-Treasurer Dave Godek, McCoy submitted 366 pages of signatures for the fire station petition. McCoy said his preliminary count showed 3,601 people signed the fire station petition.

McCoy said there could be 10 more valid signatures on one page of that petition, but the page was improperly numbered and needs further review by the clerk's office.

Wulf and Godek counted 374 pages of signatures on the petition to cap city project spending. A preliminary count by McCoy showed 3,694 signatures, he said.

The city clerk's office has 15

days to validate each of the signatures to consider whether either petition is valid based on state statute. That means the city would have to notify McCoy whether the petitions are valid no later than Aug. 14, Godek said.

If the petitions are valid, the city council will have 30 days to decide whether and how to act on them.



McCoy