



OFFICE OF CORPORATION COUNSEL

*Milwaukee County*

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Acting Corporation Counsel

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MOLLY J. ZILLIG  
Principal Assistant  
Corporation Counsel

1

**DATE:** October 12, 2010

**TO:** Supervisor Willie Johnson, Jr., Chairman  
Committee on Judiciary, Safety and General Services

**FROM:** Robert E. Andrews, Deputy Corporation Counsel

**SUBJECT:** File No. 10-258 – Amendment of Code 9, Code of Ethics as it relates to privileged information.

At the meeting of your committee on September 16, 2010 the above subject file was considered. It proposes that the Code of Ethics be amended to make it a violation of the Code for the unauthorized release of privileged information. The Committee requested that Corporation Counsel provide a report back on six matters. These items will be addressed in the order presented on the referral.

The first request is listed as “Disclosure of confidential information being considered as classified information”. In our view the terms “privileged information”, “confidential information” and “classified information” are interchangeable as each can be used to assist in defining the others. Information that is privileged is protected by a legally recognized right against disclosure. In other words, such information is to remain confidential or classified. The term “privileged information” has been part of our Code of Ethics in one form or another for many years. The present Code already contains a section which prohibits the disclosure of privileged information. Section 9.05(2)(d) reads as follows:

“No county, public official or employee shall use or disclose privileged information gained in the course of, or by reason of, his/her position or activities which in any way could result in financial gain for himself/herself or for any other person.”

The proposal currently before this Committee makes it unnecessary for there to be a “financial gain” in order to have a violation of the Code. The amendment to the Code, if adopted, with the elimination of the financial gain element, would cover a wider range of situations.

The second question asked, “Who decides what is confidential?” The Milwaukee County Ethics Board is vested with the authority to determine whether information is “privileged”. If the Board found that the information at issue was privileged it would follow with a determination as to whether the release of the information violated the Code.

The next question inquired as to the legal impact on the operation of the Code if the proposed amendment is adopted. Any response at this point would be conjecture. However, in my more than 25 years of staffing the Ethics Board I cannot recall an investigation or a complaint that implicated the privileged information provision. As previously stated, the proposed change does broaden the areas that might give rise to allegations that privileged information was improperly released. It is my sense, however, that the adoption of the amendment would not result in a significant impact on the operation of the Ethics Board.

Identifying what is acceptable material for a closed session was also raised. Every meeting of a government body must be held in open session except as provided by Wis. Stat. §19.85. A closed session of a meeting may be held only for those specific purposes listed in that section. Because the legislative mandate weighs heavily in favor of meetings being open, the exceptions to that strong policy are to be narrowly construed.

The exceptions that would permit a closed session that are relevant to the county are: 1) preliminary discussions of personnel problems; 2) considerations about public employees; 3) bargaining; 4) personal information; and 5) litigation strategy. And, it must be stated that simply because an item may be discussed in closed session does not mean that it has to be. This area of the open meetings law is dynamic as appellate court decisions continue to create a more nuanced understanding of the proper application of the facts to the law when determining whether a meeting may be closed.

The fifth item requested that we address making notes in closed session of a meeting. Because there currently is no prohibition to creating hand-written notes in county meetings, I will assume that the request is directed at whether such note taking could be banned. Presently, there is no legal authority one-way or the other in the state of Wisconsin. There is a letter, however, from an assistant attorney general in 2006 to the legal counsel of a school board which discussed this. Although the author declined to take a position on the issue he did present comments of the various forces that are at odds on the subject:

“The powers of the body and the rights of its members must be considered in relation to each other. Individual members, in exercising their own participatory rights, have a duty to not interfere with the concomitant rights of other members or of the body of the whole and, accordingly, must generally obey the procedural rules of the body. Conversely, the body, in regulating its collective proceedings, should not interfere with the participatory rights of an individual member anymore than is necessary to protect the coordinate rights of other members in ability of the body to carry out its public functions...the ability of a member of a governmental body to effectively discharge his or her official duties may require the taking of personal notes in order to occasionally refresh the member’s memory, to assist in effectively

gathering information, or to record the member's own thoughts about matters needing further investigation. On the other hand, as discussed above, the governmental body also has a substantial and legitimate interest in restricting the creation of any tangible, lasting record that might threaten the confidentiality of a lawfully closed meeting." (Assistant AG letter to Mr. Thomas A. Maroney October 31, 2006)

It is my opinion that the County Board does possess the authority to limit or prohibit the creation of hand-written notes in a closed session. It was not that long ago when the Board directed that all closed sessions be tape-recorded. This came about in response to a number of instances in which attendees of the closed session voiced significantly different recollections of what was discussed in the closed session.

The final inquiry of this office is related to the last item. Support has been shown that closed sessions be tape-recorded and any documents along with the tape of the meeting be deposited with this office for the purpose of shielding these items from the public. It is my recollection that for a relatively short period of time the County Board did record the closed sessions of its committees. A review of the tapes was limited to those individuals who had a right to be present at the closed session. The potential vulnerability of those tapes being released to other individuals was demonstrated in the recently concluded major lawsuit involving the County's pension benefits. Opposing counsel pressed hard to obtain access to those recordings. This led to the County Board reversing its policy of making recordings of its closed sessions.

A 2008 Supreme Court decision has further clouded the matter. In the case of *Sands v. Whitnall School Dist.*, 312 Wis.2d 1 (2008), Sands, an employee of the Whitnall School District learned, following a closed session meeting of the school district board that she was fired. She proceeded to file a lawsuit against the school district. During discovery her attorney served interrogatories on the school district inquiring as to the events in closed session. Our supreme court ruled that Sands was entitled to this evidence. In this instance the laws governing the discovery of evidence in civil cases trumped the ability to go into closed session under the open meetings law. Clearly, this is the trend: more access by the public to what formally had been closed. Using the Sands cases as a prelude it is my opinion that our ability to avail ourselves of the protections provided by attorney-client privilege will be further restricted. If there is a record, whether it be hand-written notes or a tape-recording, there will be an effort to bring those matters out into the public eye. It is recommended that the Board proceed cautiously in taking any action that seeks to limit the access of the public to meetings as well as to informationally be disclosed.

/s/ ROBERT E. ANDREWS  
REA/rf

cc: Linda Durham

3 **AN ORDINANCE**

4 Amending Chapter 9, Code of Ethics, of the Milwaukee County Code of General  
5 Ordinances as it relates to confidential information, privileged communications and  
6 information acquired in meetings convened in closed session.

7 The County Board of Supervisors of the County of Milwaukee does ordain as  
8 follows:

9 **SECTION 1.** Section 9.02 (14) of the General Ordinances of Milwaukee County is  
10 amended as follows:

11 9.02 Definitions

12 (14) "Privileged information" means information obtained under government  
13 authority which has not become a part of the body of public  
14 information. including but not limited to information that has been  
15 acquired in a meeting convened in closed session under the provisions  
16 of Wis. Stats. 19.85, or information contained in a communication  
17 labeled as privileged or confidential.

18 **SECTION 2.** Section 9.05 of the General Ordinances of Milwaukee County is  
19 amended as follows:

20 9.05. Standards of conduct.

21 (1) No personal or economic interest in decisions and policies: The county  
22 board hereby reaffirms that a county elected official, appointed official or  
23 employee holds his/her position as a public trust, and any effort to realize  
24 personal gain through official conduct is a violation of that trust. This  
25 chapter shall not prevent any county elected official, appointed official or  
26 employee from accepting other employment or from following any  
27 pursuit which does not interfere with the full and faithful discharge of  
28 his/her duties to the county. The county board further recognizes that in a  
29 representative democracy, the representatives are drawn from society  
30 and, therefore, cannot and should not be without all personal and  
31 economic interest in the decisions and policies of government; that  
32 citizens who serve as public officials or public employees retain their  
33 rights as citizens to interests of a personal or economic nature; that  
34 standards of ethical conduct for public employees and public elected and  
35 appointed officials need to distinguish between those minor and  
36 inconsequential conflicts which are unavoidable in a free society and  
37 those conflicts which are substantial and material; and that county  
38 elected officials, appointed officials or employees may need to engage in

39 employment and/or professional or business activities, other than official  
40 duties, in order to support their families and to maintain a continuity of  
41 professional or business activity or may need to maintain investments.  
42 However, the code maintains that such activities or investments must not  
43 conflict with the specific provisions of this chapter.

44 (2)(a) No financial gain or anything of substantial value: Except as otherwise  
45 provided or approved by the county board, no county public official or  
46 employee shall use his/her public position or office to obtain financial  
47 gain or anything of substantial value for the private benefit of  
48 himself/herself or his/her immediate family, or for an organization with  
49 which he/she is associated. This paragraph does not prohibit a county  
50 elected official from using the title or prestige of his/her office to obtain  
51 campaign contributions that are permitted by and reported as required by  
52 ch. 11, Wis. Stats.

53 (b) No person may offer anything of value: No person shall offer or give to  
54 any public official or employee, directly or indirectly, and no public  
55 official or employee shall solicit or accept from any person, directly or  
56 indirectly, anything of value if it could reasonably be expected to  
57 influence the public official's or employee's vote, official actions or  
58 judgment, or could reasonably be considered as a reward for any official  
59 action or inaction or omission by of the public official or employee. This  
60 section does not prohibit a public official or an employee from engaging  
61 in outside employment.

62 (c) No substantial interest or benefit: Except as otherwise provided in  
63 paragraph (1.), no public official or employee shall:

64 1. Take any official action substantially affecting a matter in which the  
65 public official, employee, a member of his/her immediate family, or  
66 an organization with which the public official or employee is  
67 associated has a substantial financial interest.

68 2. Use his/her office or position in a way that produces or assists in the  
69 production of a substantial benefit, direct or indirect, for the public  
70 official, employee, members of the public official's or employee's  
71 immediate family either separately or together, or an organization  
72 with which the public official or employee is associated.

73 (d) No disclosure of privileged information: No county public official or  
74 employee shall use or disclose privileged information gained in the  
75 course of, or by reason of, his/her position or activities which in any way  
76 could result in financial gain for himself/herself or for any other person.

77 (e) No use of public position to influence or gain unlawful benefits,  
78 advantages or privileges: No county public official or employee shall use  
79 or attempt to use his/her public position to influence or gain unlawful  
80 benefits, advantages, or privileges for himself/herself or others.

81 (f) No offer of gifts or anything of value: No county public official shall offer  
82 or give anything of value to a member or employee of a county  
83 department or entity, while that member or employee is associated with

84 the county department or entity, and no member or employee of a  
85 department shall solicit or accept from any such person anything of value  
86 from a county official or employee.

87 (g) Limits on contracts with county: No county public official or employee  
88 and no business with which he/she or his/her spouse has a significant  
89 fiduciary relationship or any organization with which he/she or his/her  
90 spouse is associated shall enter into any contract with the county unless  
91 that contract has been awarded through a process of public notice and  
92 competitive bidding in conformity with applicable federal and state  
93 statutes and county ordinances.

94 (h) Limits on lease of real estate with county: No county public official or  
95 employee and no business in which that county public official or  
96 employee has a ten (10) percent or greater interest shall enter into a lease  
97 of real property with the county, except that the county board, upon a  
98 publicly filed and considered request, shall waive this subsection when it  
99 is in the best interests of the county.

100 (i) No limits on lawful payments: Paragraph (c) does not prohibit an elected  
101 official from taking any action concerning lawful payment of salaries or  
102 employee benefits or reimbursement of actual and necessary expenses, or  
103 prohibit an elected official from taking official action with respect to any  
104 proposal to modify a county ordinance.

105 (j) No solicitation of at-will employees: No elected county official shall  
106 knowingly solicit a campaign contribution from any "at-will employee"  
107 defined as an employee who is not under union or labor contract with  
108 the county, who is hired for an indefinite term or who is under an  
109 independent contract with the county or its subparts or who can be  
110 discharged or terminated at any time for any nondiscriminatory reason.

111 (k) No campaign contributions to county officials with approval authority:  
112 No person(s) with a personal financial interest in the approval or denial of  
113 a contract or proposal being considered by a county department or with  
114 an agency funded and regulated by a county department, shall make a  
115 campaign contribution to any county elected official who has approval  
116 authority over that contract or proposal during its consideration. Contract  
117 or proposal consideration shall begin when a contract or proposal is  
118 submitted directly to a county department or to an agency funded or  
119 regulated by a county department until the contract or proposal has  
120 reached final disposition, including adoption, county executive action,  
121 proceedings on veto (if necessary) or departmental approval. This  
122 provision does not apply to those items covered by section 9.14 unless  
123 an acceptance by an elected official would conflict with this section. The  
124 language in subsection 9.05(2)(k) shall be included in all Requests for  
125 Proposals and bid documents.

126 | (l) ~~(l)~~—Limits on honorarium fees or expense reimbursements: No county  
127 public official or employee shall accept or solicit any honorariums, fees  
128 | or expense reimbursements except in accordance with section 9.14.

129 (m) Closed Session, Confidential Information and Privileged  
130 Communications.

131  
132 (1) No county public official or employee may disclose privileged  
133 information, as defined in Section 9.02, to any individual who was not  
134 authorized to receive such information as defined below, except as  
135 provided in subsection (4) below.

136  
137 (2) For purposes of this section, an individual is authorized to receive  
138 privileged information if:

- 139 a. that individual is a public official as defined in Section 9.02 of this  
140 chapter or a member of the governmental body as defined in Wis.  
141 Stats. 19.89; or  
142 b. that individual was authorized to attend a closed session by the  
143 County Board Chairman or presiding Committee Chair; or  
144 c. that individual was authorized to receive privileged information  
145 presented in a closed session after the fact with the authorization  
146 of the County Board Chairman or the presiding Committee Chair;  
147 or  
148 d. that individual is specified as an addressee or copied recipient of a  
149 privileged communication, or otherwise authorized as a recipient  
150 by the author of such communication.

151  
152 (3) Violation of this section may be addressed by the use of such  
153 remedies as are currently available by law, including but not limited to  
154 the following actions:

- 155 a. Corporation Counsel is authorized to seek injunctive relief to  
156 prevent disclosure or further disclosure of privileged information  
157 obtained in closed session;  
158 b. An investigation request or verified complaint may be filed as  
159 provided in Section 9.09(4) of this chapter, and shall be processed  
160 and disposed in accordance with the procedures contained herein.

161  
162 (4) No action authorized under subsection (3) above may be taken  
163 against a person, nor shall it be deemed a violation of this section, if:

- 164 a. The disclosure of privileged information is part of a confidential  
165 inquiry or complaint to a district attorney concerning a perceived  
166 violation of law, including the disclosure of facts to a district  
167 attorney that are necessary to establish the illegality of an action  
168 taken by a public official or the potential illegality of an action if  
169 that action were to be taken by a public official;  
170 b. The County Board adopts a resolution authorizing the release of  
171 privileged information.

173 (5) Nothing in this section shall be construed to prohibit disclosures  
174 permitted under Subchapters III and IV of Wis. Stats. 230  
175 ("Whistleblower" laws).

176  
177 (6) The Ethics Board shall include the requirements of closed session  
178 confidentiality and notice of the requirements of this section as part of  
179 Ethics training conducted under 9.08 (10).

180  
181 (3) *Limits on contact:*

- 182 (a) *Limits on contact with former county associates:* No former county  
183 public official or employee, for twelve (12) months following the date on  
184 which he/she ceases to be a county public official or employee, shall, for  
185 compensation, on behalf of any person other than a governmental entity,  
186 make any formal or informal appearance before or try to settle or arrange  
187 a matter by calling, writing, or conferring with, any county public official,  
188 officer or employee of the department with which he/she was associated  
189 as a county public official or employee.
- 190 (b) *Limits on contact with judicial or quasi-judicial proceedings:* No former  
191 county public official or employee for twelve (12) months following the  
192 date on which he/she ceases to be a county public official or employee,  
193 shall for compensation on behalf of himself/herself or any person other  
194 than a governmental entity, make any formal or informal appearance  
195 before, or try to settle or arrange a matter by calling, writing, or  
196 conferring with, any county public official, officer or employee of a  
197 department in connection with any judicial or quasi-judicial proceeding,  
198 application, contract, claim, or charge which was under the former public  
199 official's or employee's responsibility as a county public official or  
200 employee.
- 201 (c) *Limits on contacts with judicial or quasi-judicial proceedings where*  
202 *personally participated:* No former county public official or employee  
203 shall, whether for compensation or not, act on behalf of any party other  
204 than the county in connection with any judicial or quasi-judicial  
205 proceeding, application, contract, claim, or charge in which the former  
206 public official or employee participated substantially as a public official  
207 or employee.
- 208 (d) *Consideration of exemptions:* The ethics board shall accept and review  
209 written requests by former appointed officials for an exemption from the  
210 prohibitions of (3). Such exemption requests must be heard and  
211 deliberated during a properly convened open session of an ethics board  
212 meeting and must be included in a written ethics board opinion stating  
213 the reason(s) that the former appointed official should be exempt from the  
214 otherwise prohibited conduct.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** June 2, 2010

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** AN ORDINANCE

Amending Chapter 9, Code of Ethics, of the Milwaukee County Code of General Ordinances as it relates to confidential information, privileged communications and information acquired in meetings convened in closed session.

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact                                     | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required                                       | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

This ordinance amendment addresses disclosure of confidential information obtained through privileged or confidential communications, and information acquired in a meeting convened in closed session. There is no direct fiscal impact, although Ethics Board staff will be required to add training on confidentiality to the Ethics Training materials.

Department/Prepared By County Board / Ceschin

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?  Yes  No

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

**MILWAUKEE COUNTY BOARD OF SUPERVISORS**  
**Committee on Judiciary, Safety and General Services**

**DATE:** September 16, 2010

**AGENDA ITEM No. 2**

**AMENDMENT NO. 1**

**Resolution File No.**

**Ordinance File No. 10-258**

**OFFERED BY SUPERVISOR(S): Sanfelippo**

**1. AMEND Section 1 of the proposed ordinance, beginning on line 11, as follows:**

9.02 Definitions

- (14) "Privileged information" means information obtained under government authority which has not become a part of the body of public information, including but not limited to information that has been acquired in a meeting convened in closed session under the provisions of Wis. Stats. 19.85, or information contained in a communication distributed in a closed session meeting that is labeled as privileged or confidential.

**2. AMEND Section 2 of the proposed ordinance, beginning on line 152, as follows:**

9.05 Standards of Conduct

(3) Violation of this section may be addressed by the use of such remedies as are currently available by law, including but not limited to, the following actions:

- a. Corporation Counsel is authorized to seek injunctive relief to prevent disclosure or further disclosure of privileged information obtained in closed session;

An investigation request or verified complaint may be filed as provided in Section 9.09(4) of this chapter, and shall be processed and disposed in accordance with the procedures contained herein.

(4) No action authorized under subsection (3) above may be taken against a person, nor shall it be deemed a violation of this section, if:

- a. The disclosure of privileged information is part of a confidential inquiry or complaint to a district attorney

concerning a perceived violation of law, including the disclosure of facts to a district attorney that are necessary to establish the illegality of an action taken by a public official or the potential illegality of an action if that action were to be taken by a public official;

~~a.~~b. [The disclosure of privileged information is part of a legal proceeding or judicial action; or](#)

~~b.~~c. The County Board adopts a resolution authorizing the release of privileged information.



OFFICE OF CORPORATION COUNSEL

*Milwaukee County*

TIMOTHY R. SCHOEWE  
Acting Corporation Counsel

ROBERT E. ANDREWS  
Deputy Corporation Counsel

JOHN F. JORGENSEN  
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JEANEEN J. DEHRING  
ROY L. WILLIAMS  
COLLEEN A. FOLEY  
LEE R. JONES  
MOLLY J. ZILLIG  
Principal Assistant  
Corporation Counsel

**DATE:** September 13, 2010

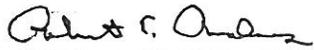
**TO:** Supervisor Willie Johnson, Jr., Chairman  
Committee on Judiciary, Safety and General Services

**FROM:** Robert E. Andrews, Deputy Corporation Counsel

**SUBJECT:** File No. 10-258 – Ordinance by Supervisor Rice, amending Chapter 9, Code of Ethics of the Milwaukee County Code of General Ordinances, as it relates to confidential information, privileged communications and information acquired in meetings convened in closed session.

At your meeting on July 15, 2010, the committee voted to refer the above matter to the Office of Corporation Counsel for further review. The referral did not contain any specific questions or issues.

We have reviewed the proposed amended version of the initial proposal and it is our opinion that there is no legal impediment to the adoption of the resolution/ordinance.

  
\_\_\_\_\_  
REA/rf

cc: Linda Durham

**JEFFREY A. KREMERS**  
Chief Judge  
Telephone: (414) 278-5116

**DAVID A. HANSHER**  
Deputy Chief Judge  
Telephone: (414) 278-5340

**MAXINE A. WHITE**  
Deputy Chief Judge  
Telephone: (414) 278-4482

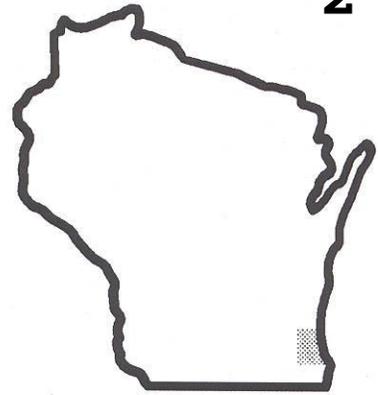
**BRUCE M. HARVEY**  
District Court Administrator  
Telephone: (414) 278-5115

**BETH BISHOP PERRIGO**  
Deputy District Court Administrator  
Telephone: (414) 278-5025

STATE OF WISCONSIN  
**FIRST JUDICIAL DISTRICT**

MILWAUKEE COUNTY COURTHOUSE  
901 NORTH NINTH STREET, ROOM 609  
MILWAUKEE, WISCONSIN 53233-1425

TELEPHONE (414) 278-5112  
FAX (414) 223-1264



DATE: October 8, 2010

TO: Chairman Lee Holloway  
Milwaukee County Board of Supervisors

FROM: Chief Judge Jeffrey A. Kremers *JAK*

C: Supervisor Willie Johnson, Jr., Chair-Judiciary, Safety & Gen. Services Committee

RE: WCS Operating While Intoxicated Program-Additional 2010 DOT Funding

Please place the above item on the next Judiciary, Safety and General Services Committee agenda.

Milwaukee County will receive an additional \$16,986 in funding from the Wisconsin Department of Transportation for the above program.

I am requesting permission to receive these additional funds and to execute an amendment to WCS' professional services contract to allow expenditure of these funds in 2010.

Please contact me if you have any questions.

Thank you.

JAK:bjs

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive additional funding in the amount of \$16,986 from the State Department of Transportation for provision of services in the Wisconsin Community Services (WCS) Repeat Intoxicated Driver Intervention Program and to modify WCS' 2010 Repeat Intoxicated Driver Intervention Program Contract.

### **A RESOLUTION**

WHEREAS, The Milwaukee County Board of Supervisors adopted the 2010 budget on November 18, 2009, and approved by the County Executive, which included funding for alternatives to incarceration with contract responsibilities to include oversight and administration by the Chief Judge of Milwaukee County; and

WHEREAS, on February 5, 2010 the Chief Judge executed a professional services contract with WCS for the period of January 1, 2010 through December 31, 2010; and

WHEREAS, on April 29, 2010 Milwaukee County received from the State Department of Transportation a funding award notice that results in increased funding to the program for 2010 in the amount of \$16,986; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive additional grant funds in the amount of \$16,986 from the State Department of Transportation for services provided by WCS in the Repeat Intoxicated Driver Intervention Program and to modify WCS' Repeat Intoxicated Driver Intervention Program contract to reflect total 2010 expenditures not to exceed \$490,872.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** 10/8/10

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** WCS Repeat Intoxicated Driver Intervention Program Funding

**FISCAL EFFECT:**

- |   |  |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact<br><input type="checkbox"/> Existing Staff Time Required<br><input checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input checked="" type="checkbox"/> Absorbed Within Agency's Budget<br><input type="checkbox"/> Not Absorbed Within Agency's Budget<br><br><input type="checkbox"/> Decrease Operating Expenditures<br><br><input checked="" type="checkbox"/> Increase Operating Revenues<br><br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><br><input type="checkbox"/> Decrease Capital Expenditures<br><br><input type="checkbox"/> Increase Capital Revenues<br><br><input type="checkbox"/> Decrease Capital Revenues<br><br><input type="checkbox"/> Use of contingent funds |
|---|--|

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	\$16,986	
	Revenue	\$16,986	
	Net Cost	\$0	
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.<sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Increase of \$16,986 in operating expenditures in Org. Unit 2857, Alternatives to Incarceration, will be offset by an increase in operating revenue from the State Department of Transportation in the amount of \$16,986.

On April 29, 2010, Milwaukee County received an award notice for additional funding from the Wisconsin Department of Transportation for the WCS Repeat Intoxicated Driver Intervention Program. As a result of this award, 2010 operating expenditures in Org. Unit 2857, Alternatives to Incarceration will increase by \$16,986 to be offset by an increase in operating revenue in the amount of \$16,986 from the State Department of Transportation.

The 2010 WCS professional services contract for provision of services in this program shall be modified to reflect that total expenditures for this contract shall not exceed \$490,872.

Department/Prepared By Holly Szablewski/Deborah Bachun

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?  Yes  No

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

**Office of the Ethics Board**  
INTER-OFFICE COMMUNICATION

**DATE:** October 7 , 2010

**TO:** Chairwoman Elizabeth Coggs, Committee on Finance and Audit  
Chairman Johnson, Committee on Judiciary, Safety and General Services

**FROM:** Veronica W. Robinson, Executive Director/Secretary, Ethics Board/PRB

**SUBJECT:** **Status Report on the Ethics Education Program**  
*For Informational Purposes Only*

**Policy Issue**

In accordance with Section 9.08(10) - Public Education of the Milwaukee County Ethics Code, ethics training and education of public employees is being developed and implemented in-house.

**Background on Ethics Education Initiative**

• *History of current ethics training initiative*

Pursuant to recommendations of the Code of Ethics Study Committee of the County Board of Supervisors, M.C.G.O., Chapter 9 - Code of Ethics was repealed, revised, and adopted in 2008 (see File No. 06-283 (a)(a)). Section 9.08 "*Duties of the Ethics Board*" was expanded and the Board's educational duties were modified. The Code includes a provision requiring the Ethics Board to "assist and cooperate with other county entities in the public education regarding the Code, amendments to the code, and advisory and formal opinions issued by the Ethics Board (Milwaukee, 2008)." The Committee recommended a "robust education component . . . so that those covered may be properly informed about the principles and policies of the County Ethics Code (Rice, et al, 2007)."

- ✓ In its 2009 Adopted Budget, the Milwaukee County Board had approved the expenditure of \$175,000 for the Ethics Board's educational duties. The funds were placed in the Allocated Contingency Fund with \$5,000 earmarked for a one-time cost to develop a computerized program for the County Clerk's office, which would allow lobbyists to register online.
- ✓ The Milwaukee County Board of Supervisors and the Committee on Judiciary, Safety and General Services approved a request-for-proposal (RFP) to develop a three-year, \$170,000 ethics training and education program. In August 2009, a RFP was let to expend the \$170,000 ethics training allocation over a three-year period.
- ✓ At its December 10, 2009 meeting, the Committee on Finance and Audit approved a modified recommendation to allocate funding not-to-exceed \$56,660 in 2010, year one

of the program.

- ✓ A professional services contract was finally awarded to Centofanti and Phillips, S.C., which promised hard-copy and on-line training and education materials, including videos, but exclusive of production of hard-copy documents. A limited number of in-person training sessions were also projected by year three of the project, assuming the contract would be renewed.

In March 2010, the current Executive Director reviewed the contract goals and determined that they could be met by using in-house resources, including labor, and by partnering with other County departments /divisions, thereby incurring significantly reduced costs to Milwaukee County. As a result, the Milwaukee County Ethics Board voted at its April 29, 2010 meeting to cancel the education contract and allow the Executive Director to develop and implement a multi-faceted ethics training and education program using existing County resources.

### **Description of the Current Ethics Education Initiative**

- ***Goals and Expectations***

The goals of the current program follow or exceed the tasks and timeframes outlined in the cancelled contract (*see Attachment A*) and are intended to:

- 1) inform county elective officials, employees, and the general public about the principles and policies of the Ethics Code;
- 2) encourage voluntary compliance with the code; and
- 3) prevent unintentional violations of its provisions.

At all times it is the expectation of the Office of the Ethics Board to continue to:

- Offer relevant ethics training to all County employees and officials;
- Enhance and develop ethics training offerings on a continual basis;
- Work cooperatively with County employees and officials;
- Exceed prior service standards of the Office of the Ethics Board;
- Promote an open door policy;
- Develop staff appropriately to meet these expectations.

- ***Multi-faceted approach***

It is imperative that the totality of the ethics training and education program include hard copy, online, and in-person segments and that a review of forms and tools offered to employees are examined for usability and efficiency.

- ✓ Hard copy and in-person training materials will be developed by the Ethics Board's staff, under the direction of the Executive Director.

- ✓ A partnership with IMSD has been initiated to create and implement various online training options, such as tutorials, web videos, PowerPoint presentations, recorded demonstrations, and, possibly, webinars. This partnership will allow continued advancements to the Ethics Board's webpages and to its overall education, training, and development opportunities.
- ✓ Modules related to financial disclosure and the Statement of Economic Interests (SEI) will be developed, such as what to include on the form; completing and submitting the form; how financial disclosure data is housed, used, or reviewed; who can access the data – how, where, and when; and discussion about types of data that might be required or excluded on the form, for example honorariums and fees.
- ✓ Form development will be included as a necessary aspect of the program and current research considers 1) updating the existing online SEI form to allow electronic submission; and 2) using captured data to create a basic online index modeled after the Wisconsin Government Accountability Board's "Eye on Financial Relationships" webpages. A separate submission related to this aspect will be provided as research on the topic continues.

### **Change in Scope**

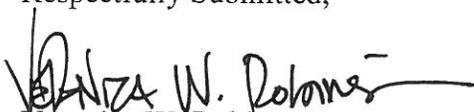
The goals of the original contract serve as a model for achievements in year one of the in-house training. The first-year focus is primarily on hard copy training materials and distribution methods; years two and three focus primarily on video and in-person training sessions. A side-by-side comparison (*see Attachment A*) shows achievements ahead of schedule and at a reduced cost. Currently, two, and likely three, of the results (*Items 5-7, Attachment A*) proposed in the original contract are either not required or not applicable to Milwaukee County. Of the remaining four items, two have been completed (*Items 1 & 3, Attachment A*) and one is currently underway (*Item 4, Attachment A*). Where possible, items will be consolidated. Where appropriate, items will be eliminated.

### **Fiscal Impact**

As of the date of this memo, approximately one-fifth of the \$56,660 has been used by the Office of the Ethics Board toward developing and implementing the first-year goals prescribed in the training contract. It is anticipated that the remaining item (*Item 2, Attachment A*) will be completed by the end of 2010. The cost-savings realized by keeping the training in-house – slightly over \$44,700 to-date – allows the Ethics Board to expand its training and education initiatives to include, for example, enhancing the interactivity of its online SEI form.

The cost-savings associated with keeping the training in-house has already been shown (*see Attachment A*) significantly large enough to offset the cost of additional tools, materials, licenses, or services, should they be required. Current research and planning continues to support the position that a multi-faceted ethics and training program can be successfully completed in-house using existing County resources, including labor. As a result, the fiscal impact is expected to be positive.

Respectfully Submitted,

  
Veronica W. Robinson

- c: Scott Walker, County Executive
- Cindy Archer, Director – DAS
- Steve Kreklow, Fiscal & Budget Administrator – DAS
- David Amenta – Budget Analyst – DAS
- Fran F Lanigan, Project Manager – DAS
- Laurie Panella, Interim CIO – DAS
- Linda Durham, County Board Committee Clerk
- Carol Mueller, County Board Committee Clerk
- Supervisor Joseph A. Rice, District 6
- Finance & Audit Committee Members
- Judiciary Committee Members

## References

Milwaukee County Ethics Code. (2008). Section 9.08(10) , Duties of the Ethics Board. *Public Education*.

Rice, J.A., Andrews, R., Ceschin, R.J., Dugan, H., Mulcahy, C.C., Prince, Dr., J. (2007). Milwaukee County Code of Ethics Study Committee. *Final Report*. Pg. 9.

<u>Centofanti Phillips</u>	<u>Est . Cost</u>	<u>Ethics Board Staff</u>	<u>Est . Cost</u>
<b>YEAR ONE –</b> 1. Develop orientation materials for all new employees, including copy drafting and graphic design.	\$14,250; labor only	Primary document completed. No centralized employee orientation.	\$11,051.29; hardware, software & licenses, periodical. Costs for items 1 through 4.  Mailing, postage, and printing costs not yet available.
2. Develop orientation package for newly elected officials to inform about ethics code requirements.	\$14,250; labor only	Not started yet. Anticipate completion in 2010.	
3. Develop exit package for county employees who are leaving county government to inform them of restrictions which apply to them after they leave county service.	\$2,250; labor only	Primary document completed. No centralized exit process.	
4. Develop a vendor/contractor brochure/handbook/reference guide on how to deal with government officials ethically.	\$5,875; labor only	In progress. Anticipate completion in 2010.	
5. Develop generic reference document “ <i>Common Questions and Answers to Ethical Behavior</i> ” in hard copy and electronic form.	\$2,700; labor only	Ongoing as other materials develop.	No cost to County. Current web development tool supports FAQ.
6. Recommend a system for the distribution of ethics information and materials to county payroll clerks and administrators, as well as county workers who do not have access to computers.	\$2,250	N/A	No cost to County. These systems are already in place and project management, etc. included in existing staff responsibilities
7. Project management, meetings, planning, creative direction, incidental costs.	\$11,400	As needed; in-house.	
<b>TOTAL COSTS YEAR ONE</b>	<b>\$56,600</b>		<b>\$11,051.29 (YTD)</b>
<b>Year Two –</b> Largely online training developments	<b>\$56,660</b>	In discussion.	<b>\$30,000; Estimated</b>
<b>Year Three –</b> Largely focused on in-person training options	<b>\$56,660</b>	Will utilize materials developed in-house.	<b>\$30,000; Estimated</b>
<b>Three Year Estimated Total Year-to-Date</b>	<b>\$169,980</b>		<b>\$71,051</b>

## Milwaukee County

Interoffice Communication

**DATE:** September 29, 2010

**TO:** Supervisor Willie Johnson, Jr., Chairman, Judiciary, Safety and General Services Committee

**FROM:** Lisa Catlin Weiner, Election Commission Administrator  
*Prepared by: Fran Flanigan, Business Development Lead - IMSD*

**SUBJECT: INFORMATIONAL REPORT – Election Commission Electronic Campaign Finance Reporting**

### SUMMARY

State law requires candidates and county elected officials to file campaign registration statements and campaign finance reports with the Milwaukee County Election Commission. Previously, these reports were only available to the public for viewing or purchasing copies by visiting the Courthouse or requests made by mail (including e-mail) and telephone. Other government entities (the State Government Accountability Board and the City of Milwaukee Election Commission) have implemented systems that allow these reports to be filed electronically and viewed through the Internet. This report will discuss various options and recommendations to allow electronic entry and public access to reports via the Internet, thus reducing paper usage, eliminating the need to travel to the Courthouse for copies and promoting transparent and accessible government.

### BACKGROUND

On March 25, 2009, the County Board Chairman established the Committee on County Board Information Technology with a goal of reducing paper usage and making more public information available through the Internet and other technologies. Toward this goal, various technology initiatives, including the Milwaukee County Accountability Portal and Legistar, are being developed to offer full access to the public.

Supervisor Dimitrijevic introduced a resolution at the July, 2010 meeting of the Judiciary, Safety and General Services Committee regarding campaign finance reports on the Internet. Resolution File No. 10-278 was passed authorizing and directing the Administrator of the Election Commission to place campaign finance reports on the Internet and to research the technology necessary so that candidates and County elected officials may file reports directly on-line. The resolution called for the Election Commission Administrator to scan and make campaign finance reports filed in 2010 available on the County website by September 1, 2010 as an interim step toward full on-line filing and that the Election Commission staff shall investigate the resources necessary and most effective manner in which to implement on-line electronic filing and report to the Committee on Judiciary, Safety and General Services no later than October 1, 2010.

On September 1, 2010, the July campaign finance reports for the period of January 1, 2010 through June 30, 2010 were available on the Election Commission web pages to implement the first phase of this project. The pre-primary reports for those Milwaukee County candidates on the Fall Primary Election ballot were posted on September 14, 2010. Currently, IMSD staff has been researching various options to implement on-line filing and viewing of reports. The alternatives and implications are discussed with recommendations.

## **OPTIONS EXAMINED**

There was a review of the Wisconsin's Government Accountability Board's website. The site has information in several views and has broad search capabilities by candidate, receipts and contributions. After discussing the site with Richard Bohringer, State Campaign and Lead Auditor, it was determined that Milwaukee County would not be able to share the application because they purchased the system from a company (PCC Technologies) that supplies Campaign Finance software. The state project took one and a half years to implement due to customizations out of scope with the initial project plan.

One option would be to hire a contractor to work with IMSD to develop an in-house application. The development cycle would take less time with a dedicated developer, but there are costs associated with this alternative. IMSD will need direct client involvement throughout the project for development and support, as well as, a funding source.

Another option explored would be to purchase a system and customize for Milwaukee County. The advantage of this approach is that the development would be completed sooner than an in-house solution, however, IMSD currently has limited time and resources due to furloughs and other project priorities. Purchasing an application may include necessary customizations and modifications to adapt it to County processes. This alternative requires some IMSD involvement through implementation and support. This option requires a funding source and may have continued impact upon the departments' operating budget depending on licensing and maintenance agreements.

Milwaukee County currently contracts with Northwoods as our website vendor. A third option would be to leverage this contract with them to design and develop a database with search capabilities. Again costs will be incurred to develop and maintain the database.

Option number four would be to utilize the current functionality in the Northwood's Content Management System used for website administration, but the search capabilities will be very limited. There would only be one search page per election, working similarly to the current Milwaukee.gov site. To allow searches by each contributor or receipt, each name would need to be "tagged" or entered manually, which would be staff time prohibitive.

A fifth option would be to explore partnering with other departments in the County with similar needs to plan and implement on-line forms creation and posting. Departments could work collaboratively to pool resources and funding so that they both could benefit.

Lastly, IMSD applications staff could develop the on-line forms and database. This is the most cost effective way to move forward. This option, however, also requires the longest duration to complete, again, due to limited staff time and availability.

It should also be noted that, in order for the Milwaukee County Election Commission to continue to provide on-line access to filed campaign registration statements and finance reports, it will be necessary to upgrade the department's copy machine so that it has scanning capability at an estimated cost of \$1,000. While IMSD allowed the Election Commission to utilize their equipment to scan the initial set of reports, access to IMSD's equipment will not be possible in the future due to the relocation of the IMSD offices in 2011. Due to the timing of the resolution by the County Board, such funds have not been included in the Election Commission's 2011 budget request and would like this additional expenditure considered during the budget adoption process.

### **RECOMMENDATION**

Based upon the options presented above it is recommended that if funding is secured, the preferred option would be to hire a contractor to work with IMSD to develop an in-house application to satisfy the needs of the Election Commissions requirements as defined by the County Board resolution.

Absent additional funding the recommendation would be to leverage IMSD staff to, again, develop the application in-house, but with the realization that the development duration may be significantly longer than securing additional outside resources.

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Lisa Weiner, Election Commission Administrator

CC: Judiciary Committee Members  
Marina Dimitrijevic, County Board Supervisor  
Rick Ceschin, County Board Research Analyst  
Linda Durham, Committee Clerk, Judiciary, Safety and General Services Committee

MILWAUKEE COUNTY  
REGISTER OF DEEDS OFFICE

Inter-Office Communication

Date: October 5, 2010

To: Willie Johnson, Jr., Chair  
Judiciary, Safety and General Services Committee

From: John La Fave, Register of Deeds

Subject: Recording of Documents in the Order Received (Informational Report)

A concern was raised at the September 16, 2010 meeting of the Judiciary, Safety and General Services Committee regarding the Register of Deeds policy in which documents presented at our counter window are not recorded immediately as had been the practice in the past.

The Register of Deeds ended “immediate recording” of documents at the counter window on February 2, 2009. The purpose of this change was to bring this office into greater compliance with state law governing the recording process.

In 1995 State Statute 59.43 was amended to add this sentence: “Instruments shall be recorded in the order in which they are received.” Until 2009 Milwaukee County Register of Deeds made no attempt to come into compliance with this change to state law. Even during extreme backlogs of 17 business days in recording, customers at the window were allowed to bypass the queue. At that time Milwaukee County Corporation Counsel advised the Register of Deeds that a policy allowing for the immediate recording of documents at the window ahead of other documents that had been received earlier via mail or bulk delivery was not consistent with Wis. Stat. S. 59.43 (1).

Most often the reason documents presented at the counter in other county Register of Deeds offices are recorded almost immediately is because of their very small volume of activity. This office has chosen to comply with state statutes to the best of our ability to record documents in the order received. Our business partners throughout the Milwaukee area have adjusted to the change very well.

Attachments:

- Milwaukee County Corporation Counsel Advisory Legal Memorandum, 10/19/09
- Register of Deeds Memo to Public, 12/24/08
- Knight-Barry Title Group Memo to WI Land Title Association, 1/12/09



OFFICE OF CORPORATION COUNSEL

# Milwaukee County

WILLIAM J. DOMINA  
Corporation Counsel

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Deputy Corporation  
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ROY L. WILLIAMS  
COLLEEN A. FOLEY  
LEE R. JONES  
MOLLY J. ZILLIG  
Principal Assistant  
Corporation Counsel

## INTER-OFFICE COMMUNICATION

**DATE :** October 19, 2009

**TO:** Honorable Committee on Finance and Audit

**FROM:** William J. Domina, Corporation Counsel

**SUBJECT:** **Advisory Legal Memorandum:** Org. Unit 3400

According to the October 17, 2009, e-mail we received from the clerk of your honorable committee, the above referenced departmental budget was laid over for an opinion from this office "regarding the new procedure, instituted by the Register of Deeds office, that deeds cannot be taken to the teller's window and be recorded simultaneously when appearing. This change may be in violation of state law".

Insofar as the question pertains to the treatment of conveyances personally delivered to the Register of Deed's cashier window compared to the treatment of other conveyances received in paper form by mail or other forms of bulk delivery (for example, from title companies), we do not believe the Register of Deeds is in violation of state law.

This office previously expressed concern about the former practice of the Register of Deeds. At one time, documents that were brought directly to the cashiers' windows ("walk-ups") were time-stamped, numbered, and processed for complete recording immediately. However, documents received by mail or in bundled deliveries from title companies might remain unopened and unprocessed for days. That protocol appeared inconsistent with the applicable statute describing the recording duties of the Register of Deeds, Wis. Stat. s. 59.43(1)(e) and (1)(f). Under those subsections, the register of deeds "shall":

(e) Endorse upon each instrument or writing received by the register for record a certificate of the date and time when it was received, specifying the day, hour and minute of reception, which shall be evidence of such facts. Instruments shall be recorded in the order in which they are received.

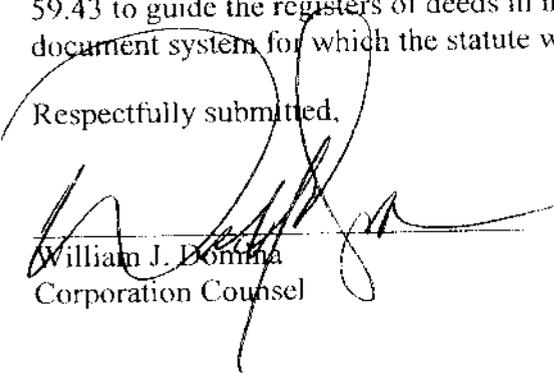
(f) Endorse plainly on each instrument a number consecutive to the number assigned to the immediately previously recorded or filed instrument, such that all numbers are unique for each instrument within a

group of public records that are kept together as a unit and relate to a particular subject.

In our opinion, documents sent by mail or in bundled deliveries are “received” within the meaning of Wis. Stat. s. 59.43(1) when those deliveries arrive in the Register of Deeds’ office. The few reported decisions which define “received” in connection mail delivery reach the unsurprising conclusion that “received” means “received”, *see, e.g., Carrasco v. City of Monterey*, 18 F.Supp. 2d 1072 (C.D.Cal. 1998) (Title VII claimant “received” right to sue letter from EEOC, so as to trigger 90 day limit within which to sue, when letter arrived in the mail); *Central State Pension Fund v. Ditello*, 974 F.2d 887 (7<sup>th</sup> Cir. 1992) (Notice required under pension plan document “received” when mail delivery received.) Also, as a general rule, non-technical words in the statutes should be construed “according to common and approved usage”, Wis. Stat. s. 990.01(1). Therefore, we advised the Register of Deeds that a policy under which “walk-ups” were recorded immediately while mail and other bulk deliveries, which had been received earlier, were recorded at a later time as staff became available, was not consistent with Wis. Stat. s. 59.43(1). To the best of our knowledge, the currently procedures in the Register of Deeds office for handling paper conveyances substantially conform to our advice.

The recent advent of electronic recording of scanned conveyances has given rise to new issues which we have not previously addressed. The legislature authorized electronic recording by enacting 2005 Wis. Act 421, which adopts the uniform real property electronic recording act, now codified at Wis. Stat. s. 706.25. The Wisconsin Department of Administration has promulgated rules for electronic recording, ch. Adm. 70, Wis. Adm. Code. However, there have been no corresponding amendments to Wis. Stat. 59.43 to guide the registers of deeds in integrating this new technology with the paper document system for which the statute was written.

Respectfully submitted,



William J. Domina  
Corporation Counsel

To Whom It May Concern:

On Monday, February 2, 2009 the Milwaukee County Register of Deeds will **discontinue the immediate recording** of documents brought to the front counter window.

Individuals will still be able to bring a few documents to the counter window to be reviewed by Register of Deeds staff, as time permits. After review the documents will be left with us to be put in with other documents that are waiting to be recorded. As per State Statute 59.43 (e), documents “shall be recorded in the order in which they are received.”

Title companies will be required to drop off their folders and documents. The only documents that title companies, their couriers or municipalities will have reviewed at the counter will be Subdivision Plats and CSMs. All other documents and folders will be dropped off and will not be reviewed at the counter windows. Documents will be placed into the sequence of documents in the order they are received for recording.

This change will bring the Milwaukee County Register of Deeds into greater compliance with state statutes. Just as important, this change will result in greater efficiency in the processing of documents and should result in speedier recording of documents for everyone.

Sincerely,

John La Fave  
Register of Deeds  
Milwaukee County

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**INTEROFFICE MEMORANDUM**

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**TO:** WISCONSIN LAND TITLE ASSOCIATION BOARD OF DIRECTORS  
**FROM:** CRAIG HASKINS, KNIGHT-BARRY TITLE GROUP  
**SUBJECT:** MILWAUKEE ROD – NEW PRACTICES  
**DATE:** 01/12/2009  
**CC:** KAREN GILSTER

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The Board and the membership of the WLTA may be interested in the new rule at Milwaukee County Register of Deeds office. I'm not certain how many other counties have practices that are inconsistent with Section 59.43(1)(e), Wis. Stats., but one can only assume that others may be interested in following Milwaukee's lead. Then again, it is very possible that Milwaukee was the only county with this bad habit.

**Milwaukee ROD to end "immediate recordings" – sort of**

The Milwaukee County Register of Deeds ("ROD") has issued a memo regarding the end of "immediate recordings" as of February 2, 2009. There has been banter on message boards and frantic calls to our offices from customers asking for guidance. This article should shed a little light on the topic.

**Order of Recording**

In order to understand the changes coming February 2<sup>nd</sup>, it is important to understand how documents are delivered to the ROD. Currently, there are four common ways:

1. **Title company courier:** Title companies deliver batches of documents to the ROD daily at random times throughout the day.
2. **Mail:** Documents are delivered to the ROD via USPS, UPS, FedEx, etc... at random times throughout the day.
3. **Counter:** Citizens, title people, lawyers, bankers, etc... deliver documents to the ROD in person by standing at the ROD's counter and reviewing documents with the ROD's staff at random times throughout the day.
4. **eRecordings:** Documents are submitted to the ROD via an eRecording vendor through the internet at random times throughout the day. This is the newest way to record documents.

Section 59.43(1)(e), Wis. Stats., is driving the February 2<sup>nd</sup> rule in Milwaukee. It states:

***(1) ... the Register of Deeds shall: (e) Endorse upon each instrument or writing received by the register for record a certificate of the date and time when it was received, specifying the day, hour and minute of reception, which shall be evidence of such facts. Instruments shall be recorded in the order in which they are received.***

Please take a moment to re-read that last sentence. Documents must be kept in order as they are received. In Milwaukee County, the ROD records about 500 documents per day. Imagine yourself as the ROD with 500 documents arriving at random times throughout the day. Title companies are dropping off packages, FedEx/UPS/USPS is walking in the door, Regular Joe (who is completely illiterate to recordings)

is conveying the rear 10 feet of his lot to his neighbor, and the computer is beeping every time a document is eRecorded. This is all being done simultaneously. What do you, as the ROD, do in order to keep documents in order and comply with 59.43(1)(e)?

### **End of Counter/Walk-in Recordings**

To complicate matters, it's been a long-standing practice that the Milwaukee County ROD accepts a document from the person at the counter and immediately records it ahead of the documents coming in via the other three methods described above. The ROD realizes that allowing a document at the counter to "jump" ahead of documents that arrived first does not comply with §59.43(1)(e) – thus the decision to stop "immediate recordings" as of February 2, 2009.

Although the Milwaukee County ROD will not immediately record counter recordings, after February 2<sup>nd</sup> it will continue to perform *counter reviews for Regular Joes only (thus no counter reviews for title companies)*, whereby the ROD's staff will review Regular Joe's documents at the counter for recordability then place the document in order behind the other documents that arrived first. The hope is that Regular Joe feels confident that the document was accepted by the ROD for recording and future assignment of a document number is assured.

### **But I Need a Document Recorded Immediately Today!**

There are some of us non-Regular Joes who need instant gratification that our document has been accepted and recorded today. As of February 2<sup>nd</sup>, the only way to satisfy this need for instant gratification is *eRecording*. *eRecording* allows for the submission of documents through the internet without the hassle of delivering the actual document to the courthouse, and typically an *eRecorded* document is recorded and assigned a document number within a day of the closing. Without *eRecording*, notice that a document has been recorded and assigned a document number will take several weeks in Milwaukee County, as first evidenced by the return of the original document in the mail. In addition to the instant gratification of receiving the recorded document the day of (or day after) the closing, the benefits of *eRecording* include:

1. The original document with the wet signature never leaves your possession.
2. Elimination of some of the title gap risk by not allowing documents to sit around after a closing.
3. Documents will not be lost in transit to the ROD since the original remains in your possession post-closing.
4. eRecorded documents are almost always accepted the first time because the eRecording software addresses the most common recordability problems.

The only possible detriment to eRecording is that there is a nominal additional recording fee payable to the eRecording vendor – which detriment to us is heavily outweighed by the listed benefits.

### **Final Thoughts**

It's not a huge issue, but currently there is no way to eRecord a subdivision plat or a Certified Survey Map. These documents must be delivered to the ROD for a counter review.

In addition to Milwaukee County, currently there are 16 counties accepting documents electronically. For a list of these counties, please visit:

<http://www.wrdaonline.org/RealEstateRecords/ElectronicRecording.htm> (note - not all of these counties will accept deeds electronically).

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

**DATE:** October 6, 2010

**TO:** Lee Holloway, Chairman, Milwaukee County Board of Supervisors

**FROM:** Lisa Marks, Director, Department of Child Support Enforcement 

**SUBJECT: REPORT FROM THE DIRECTOR, CHILD SUPPORT ENFORCEMENT REQUESTING AUTHORIZATION TO EXTEND ACCEPTANCE OF A FEDERAL SPECIAL IMPROVEMENT PROJECT GRANT AND EXTEND ITS CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE GRANT**

Per section 56.06 of the County Ordinances, the Director of Child Support Enforcement (CSE) requests authorization to accept the second and third years of funding from grant no. 90FI0103 from the federal Department of Health and Human Services, Administration of Children and Families (ACF) and continue its contract with Policy Studies Inc. for professional services related to the grant. This grant funds a Special Improvement Project to improve the delivery of child support services for children in the foster care system.

**Background**

On December 17, 2009, the Milwaukee County Board of Supervisors authorized CSE to accept the first year's funding for this grant and to contract with Policy Studies Inc (PSI) for professional services related to the grant (File No. 09-440 and 09-441, respectively). Authorization covered the period December 1, 2009, through August 31, 2010, and inadvertently failed to reference the second and third years of the grant. Funding for the second and third years of this grant is available at the rate of \$25,000 per year, which will be used for technology and software supporting the project and PSI services required by ACF to monitor, document and evaluate the project.

In the project funded by this grant, 'Ensuring Timely Child Support Services for Foster Care Cases; Unifying Child Support and Child Welfare Court Proceedings', PSI, CSE and Vel R. Phillips Juvenile Justice Center (JJC) personnel are developing policies and procedures to allow CSE to intervene in foster care cases earlier than currently occurs. We are in the process of expanding unified court hearings for child welfare and child support and implementing videoconferencing between the JJC and CSE. PSI has coordinated meetings between CSE and JJC staff, established workflows for information and orders between the two offices, documented industry standards for videoconferencing and system administration, generated required quarterly progress reports, and developed an evaluation plan for the project.

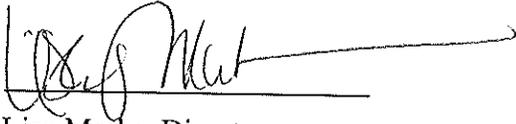
**Recommendation**

It is recommended that the County Board of Supervisors authorize the Director of CSE to accept funds from ACF for grant no. 90FI0103 for the period September 1, 2010, through August 31, 2012, and extend its contract with PSI through this period.

**Fiscal Effect**

Approval of this request will result in a zero impact upon the tax levy. A fiscal note is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Marks", is written over a horizontal line. The signature is stylized and includes a long horizontal stroke extending to the right.

Lisa Marks, Director  
Department of Child Support Enforcement

cc: County Executive Scott Walker  
Tom Nardelli, Chief of Staff - County Executive's Office  
Willie Johnson Jr., Chair, Judiciary, Safety and General Services – County Board  
Cindy Archer, Director - DAS  
Rick Ceschin, Analyst - County Board  
Antionette Thomas-Bailey, Analyst - DAS  
Linda Durham, Committee Clerk - County Board

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(Item \_\_\_\_\_) From the Director, Department of Child Support Enforcement, requesting authorization to accept an additional two years of funding from a grant from the Department of Health and Human Services' Administration of Children and Families, in the amount of \$50,000 (\$25,000 per calendar year), and to extend its contract with Policy Studies Inc. for professional services related to the grant for an additional two years, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, the Department of Child Support Enforcement (CSE) applied to the Administration of Children and Families for a Special Improvement Project grant in the priority area of improving child support enforcement and court collaboration, entitled 'Ensuring Timely Child Support Services for Foster Care Cases: Unifying Child Support and Child Welfare Court Proceedings'; and

WHEREAS, the Milwaukee County Board of Supervisors approved acceptance of this grant and authorized a contract with Policy Studies Inc. for professional services related to the grant on December 17, 2009; and

WHEREAS, the resolution approving acceptance and authorization to contract inadvertently referenced only the first year of grant, and two more years of funding is available, CSE requests authorization to accept such funds per Section 56.06 of the Code of General Ordinances and to extend its contract for professional services with Policy Studies Inc. through the end of the grant period; and

WHEREAS, this project is developing policies and procedures to allow CSE to intervene in foster care cases earlier through the expansion of unified court hearings for child welfare and child support hearings and implementation of videoconferencing between the Vel R. Phillips Juvenile Justice Center and CSE; and

WHEREAS, approval of this grant award would result in zero tax levy for Milwaukee County; and

WHEREAS, the Judiciary, Safety and General Services Committee, at its meeting on \_\_\_\_\_, 2010, recommended authorizing Child Support to accept the grant; now therefore,

BE IT RESOLVED, that the County Board of Supervisors hereby authorizes the Director of Child Support Enforcement to accept the second and third years of funding available under grant 90FI0103 from the Department of Health and Human Services' Administration of Children and Families; and

46           BE IT FURTHER RESOLVED, that the County Board of Supervisors hereby  
47 authorizes the Director of Child Support Enforcement to extend its contract with Policy  
48 Studies Inc. to provide professional services related to the grant from September 1, 2010,  
49 through August 31, 2012.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** 8/25/10

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Request from the Director of the Child Support Enforcement for authorization to accept the second and third years of funding under grant no. 90F10103 from the Department of Health and Human Services, Administration of Children and Families, for a Special Improvement Project to improve the delivery of child support services for children in foster care, and to extend its contract with Policy Studies Inc. for professional services related to the grant.

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact<br><input checked="" type="checkbox"/> Existing Staff Time Required<br><input checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input type="checkbox"/> Absorbed Within Agency's Budget<br><input checked="" type="checkbox"/> Not Absorbed Within Agency's Budget<br><input type="checkbox"/> Decrease Operating Expenditures<br><input checked="" type="checkbox"/> Increase Operating Revenues<br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><input type="checkbox"/> Decrease Capital Expenditures<br><input type="checkbox"/> Increase Capital Revenues<br><input type="checkbox"/> Decrease Capital Revenues<br><input type="checkbox"/> Use of contingent funds |
|--|--|

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	0	25,000
	Revenue	0	25,000
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

A. The Director of CSE has requested approval to accept the second and third years of funding, for \$25,000 per year, from the federal Administration of Children and Families for a Special Improvement Project to improve the delivery of child support services for children in the foster care system, and to extend CSE's current contract with Policy Studies Inc. for professional services related to the grant. No local match is required. The funding period is 9/1/2010 through 8/31/2012.

B. Approval of this request will result in \$25,000 additional revenue and \$25,000 additional expenditures in 2011 and \$25,000 additional revenue and \$25,000 additional expenditures in 2012, resulting in a zero impact upon the levy.

C. Revenues and expenditures were included in Departments 2011 budget request. Approval of this request will have no tax levy impact upon the County in either of the next two years of the grant.

D. No further assumptions are made.

Department/Prepared By Lisa Marks, Director, Department of Child Support Enforcement

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?  Yes  No

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.



# MILWAUKEE COUNTY SHERIFF'S OFFICE

DATE: October 13, 2010

## REPORT

**TO:** Supervisor Willie Johnson Jr., Judiciary Chairman  
Milwaukee County Board of Supervisors

**Cc:** Supervisor Lynne DeBruin, Vice Chair  
Gerry Broderick, Supervisor  
Paul Cesarz, Supervisor  
Patricia Jursik, Supervisor  
Christopher Larson, Supervisor  
Joe Sanfelippo, Supervisor

**RE:** Judiciary Committee's Question Regarding the Number of Inmates ICE  
Requested to Have Turned Over to Their Agency in the Last Twelve Months

Immigration and Customs Enforcement (ICE) places holds on specific inmates detained at the Milwaukee County Correctional Central and South facilities. The number of inmates by month who were turned over to ICE based on their "HOLD" is listed below. The specific numbers were obtained from a Criminal Justice Information System (CJIS) mainframe query performed by the Milwaukee County Information Management System Development (IMSD) department.

2010

August	13
July	19
June	13
May	12
April	11
March	14
February	8
January	9

2009

December	9
November	12
October	15
September	17
August	14

The additional question that was asked concerned what information is provided to ICE. There are three main queries that are provided to ICE of information that we are required to keep based on statutory requirements.

1. A query of the previous days bookings of all who were foreign born.
2. A query of the previous days bookings that claimed Citizenship other than the United States.
3. A query including the names of all inmates who are no longer needed by Milwaukee County who have an active ICE hold.

What ICE chooses to do with the information they requested is one hundred percent up to them.

**Applicable State Statutes:**

**59.27 Sheriff; duties.** The sheriff of a county shall do all of the following:

- (1) Take the charge and custody of the jail maintained by the county and the persons in the jail, and keep the persons in the jail personally or by a deputy or jailer.
- (2) Keep a true and exact register of all prisoners committed to any jail under the sheriff's charge, in a book for that purpose, which shall contain the names of all persons who are committed to any such jail, their residence, the time when committed and cause of commitment, and the authority by which they were committed; and if for a criminal offense, a description of the person; and when any prisoner is liberated, state the time when and the authority by which the prisoner was liberated; and if any person escapes, state the particulars of the time and manner of such escape.

**302.17 (1) Register of inmates (State)** When any inmate is received into any state penal institution the department shall register the date of admission, the name, age, nativity and nationality and such other facts as may be obtained as to parentage, education and previous history and environments of such inmate.

**19.35(1) Records: Right to inspection.**

**19.35(1)(a)** Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect.

**19.35(1)(b)** Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record. If a requester appears personally to request a copy of a record that permits photocopying, the authority having custody of the record may, at its option, permit the requester to photocopy the record or provide the requester with a copy substantially as readable as the original.

Respectfully Submitted,



Inspector Richard R. Schmidt



*County of Milwaukee*  
**Office of the Sheriff**

---

David A. Clarke, Jr.  
*Sheriff*

**Date:** October 14, 2010

**To:** Supervisor Lee Holloway, Chairman, Milwaukee County Board of Supervisors

**From:** Richard Schmidt, Inspector, Office of the Sheriff, Milwaukee County

**Subject:** Request authorization to apply for and accept State of Wisconsin Department of Health Services Comprehensive STD Prevention Project funding of \$24,533

### REQUEST

The Sheriff's Office requests the approval to apply for and accept State of Wisconsin Department Of Health Services grant funding to be used for a Comprehensive STD prevention project in the Milwaukee County Jail in the amount of \$24,533.

### BACKGROUND

The State of Wisconsin Department of Health Services has contacted the Office of the Sheriff to provide grant funding for a comprehensive STD prevention program in the Milwaukee County Jail. The Jail will provide Gonorrhea (GC) and Chlamydia trachomatis infection (CT) disease screening for 400 female inmates 39 years of age and younger. The Jail medical staff will provide basic STD education pamphlets and Chlamydia and gonorrhea non-invasive urine-based testing during booking. Inmates testing positive who are still in custody will receive an antibiotic. Inmates testing positive who are released prior to treatment will be referred to the City of Milwaukee Health Department STD/HIV clinics for treatment and follow-up.

The Jail will provide ongoing communication and daily faxed log sheets of all inmates that have been tested and treated and ongoing communication with the State of Wisconsin Department of Health Services STD Control Section shall be maintained.

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The program is set to run for three months. Funding of \$24,533 is provided to partially offset the personnel costs of three positions. One state employee, an office operations associate and two county employees, one nurse practitioner and one medical assistant, are included in the grant. In addition, funds are provided for test kits, treatment packets, condoms and STD/HIV pamphlets.

There is no local match. The testing period for the grant is from October 1, 2010 to December 31, 2010.

#### **FISCAL NOTE**

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$24,533. There is no local match to the funding and therefore no tax levy impact.

Sincerely,



Richard Schmidt, Inspector  
Milwaukee County Sheriff's Office

cc: Willie Johnson, Jr., Chair, Judiciary, Safety and General Services Committee  
Jon Priebe, Public Safety Fiscal Administrator, Office of the Sheriff  
Molly Pahl, Fiscal Operations Manager, Office of the Sheriff  
Rick Ceschin, Research Analyst, County Board  
Linda Durham, Committee Clerk, County Board

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(ITEM ) From the Sheriff requesting to apply for and accept State of Wisconsin Department of Health Services grant funding of \$24,533 for an STD prevention program at the Milwaukee County Jail:

A RESOLUTION

WHEREAS, the Sheriff's Office requests the approval to apply for and accept State of Wisconsin Department Of Health Services grant funding to be used for a Comprehensive STD prevention project in the Milwaukee County Jail in the amount of \$24,533; and

WHEREAS, The State of Wisconsin Department of Health Services has contacted the Office of the Sheriff to provide grant funding for a comprehensive STD prevention program in the Milwaukee County Jail. The Jail will provide Gonorrhea (GC) and Chlamydia trachomatis infection (CT) disease screening for 400 female inmates 39 years of age and younger; and

WHEREAS, the Jail medical staff will provide basic STD education pamphlets and Chlamydia and gonorrhea non-invasive urine-based testing during booking; and

WHEREAS, inmates testing positive who are still in custody will receive an antibiotic and inmates testing positive who are released prior to treatment will be referred to the City of Milwaukee Health Department STD/HIV clinics for treatment and follow-up; and

WHEREAS, the Jail will provide ongoing communication and daily faxed log sheets of all inmates that have been tested and treated and ongoing communication with the State of Wisconsin Department of Health Services STD Control Section shall be maintained; and

WHEREAS, the program is set to run for three months and funding of \$24,533 is provided to partially offset the personnel costs and funds are provided for test kits, treatment packets, condoms and STD/HIV pamphlets; and

WHEREAS, there is no local match and the testing period for the grant is from October 1, 2010 to December 31, 2010; now, therefore,

BE IT RESOLVED, the Office of the Sheriff is hereby authorized to apply for and accept State of Wisconsin Department Of Health Services grant funding to be used for a Comprehensive STD prevention project in the Milwaukee County Jail in the amount of \$24,533.

FISCAL NOTE

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$24,533. There is no local match to the funding and therefore no tax levy impact.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/7/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Authorization to apply for and accept Grant funding for the State of Wisconsin Department of Health Services STD prevention program.

FISCAL EFFECT:

- No Direct County Fiscal Impact
- Existing Staff Time Required
- Increase Operating Expenditures  
(If checked, check one of two boxes below)
  - Absorbed Within Agency's Budget
  - Not Absorbed Within Agency's Budget
- Decrease Operating Expenditures
- Increase Operating Revenues
- Decrease Operating Revenues
- Increase Capital Expenditures
- Decrease Capital Expenditures
- Increase Capital Revenues
- Decrease Capital Revenues
- Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	24,533	
	Revenue	24,533	
	Net Cost	0	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

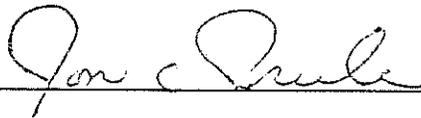
In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.<sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

The Sheriff is requesting authorization to apply for and accept grant funding of \$24,533 to conduct a STD prevention program at the Milwaukee County Jail. The grant period is from October 1, 2010 to December 31, 2010. There is no tax levy impact.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

**Wisconsin STD Control Section 2010 Budget Justification  
Comprehensive STD Prevention System,  
Special Projects**

**Contracts..... Total      \$24,533.00**

**Name of Contractor:**                      Milwaukee County Sherriff's Office

**Period of Performance:**                      October 1, 2010 – January 30, 2011

**Method of Selection:**                      Sole Source

**Amount Requested:**                      \$24,533.00

**Method of Accountability:**                      The 3 month contract will be monitored by Anthony Wade, Wisconsin STD Control Section Director. An audit may be required from the State of Wisconsin Department of Health Services.

**Description of Activities:** The Milwaukee County Jail of the Milwaukee County Sheriffs Office will provide gonorrhea (GC) and *Chlamydia trachomatis* infection (CT) disease screening for 400 female inmates 39 years of age and under. The Milwaukee County Jail medical staff will provide basic STD education and chlamydia and gonorrhea non-invasive urine-based testing during booking. Urine specimen is collected for pregnancy testing at Booking. A portion of each urine specimen will be reserved for gonorrhea (GC) and *Chlamydia trachomatis* infection (CT) testing. Inmates testing positive who are still in jail will receive an antibiotic preferably selected by the clinician per CDC guidelines. The treatment regimens will include a single dose of Azithromycin 500mg for Chlamydia and a single dose of Ceftriaxone 125mg IM for gonorrhea. Alternate regimens will be used when appropriate and direct communication by clinician at time of treatment will be provide, based on 24 to 48 hours after testing. Inmates testing positive who are released prior to treatment will be referred to the City of Milwaukee Health Department STD/HIV clinics for treatment and follow-up. The Milwaukee County Jail will provide ongoing communication and daily faxed log sheet of all inmates that have been tested and treated, and ongoing communication with the State of Wisconsin Department of Health Services, STD Control Section.

**A. Personnel**

**Personnel.....Total \$11,474.00**

<b>POSITION, TITLE, NAME Requested</b>	<b>Annual</b>	<b>Time</b>	<b>Months</b>	<b>Amount</b>
<b>Office Operations Associate, Phan Loung</b>	\$32,400	33.5%	3 Months	\$2,714
<b>Nurse Practitioner, Pamela Prince, WHNP</b>	\$115,200	20%	3 Months	\$5,760
<b>Medical Assistant, Tony Rubio, CMA</b>	\$40,000	40%	3 Months	\$3,000

**Justification:**

These funds are essential to support the State of Wisconsin Department of Health Services, STD Control Section, activities in the City of Milwaukee and surrounding areas. These funds support one office operations associate, one nurse practitioner, and one medical assistant. The office operations associate also completes data entry for the positive reports, monthly reports, as well as ongoing morbidity reports, and assists with quality assurance procedures for the State of Wisconsin Department of Health Services, STD Control Section. These funds will also support one nurse Practitioner, to notify, counsel and provide treatment and direct observation of one dose antibiotic treatment therapy for those who test positive for gonorrhea or chlamydia.

These funds will also be used to support one Medical Assistant to collect urine specimens for gonorrhea (GC) and *Chlamydia trachomatis* infection (CT) screening upon intake, to maintain a daily list of inmates that have been tested and treated, and also provide a faxed daily log sheet with test results to the State of Wisconsin Department of Health Services, STD Control Section. The STD Control Section will be conducting two contract-monitoring sessions during the three month project in calendar year 2010.

**B. Fringe Benefits**

**Fringe Benefits..... Total \$5,209**

The Fringe Benefit rate for the Office Operations Associate is calculated at 45.40% of the federally funded salary total and includes the basis state employee's benefit package. The Fringe Benefit rate for the Nurse Practitioner, is calculated at 45.40% and the Fringe Benefit rate for the Medical Assistant, is calculated at 45.40% of the federally funded salary total.

<b>Office Operations Associate:</b>	Employees salary \$2,714 x 45.4% = \$1,232
<b>Nurse Practitioner:</b>	Employees salary \$5,760 x 45.4% = \$2,615
<b>Medical Assistant:</b>	Employees salary \$3,000 x 45.4% = \$1,362

**C. Laboratory Costs and Supplies**

**Laboratory Costs and Supplies..... Total \$5,200**

Description	Tests	Price per test	Total
GC/CT LCR Tests	400	\$13.00	\$5,200

**D. Treatment..... Total \$1,990**

Description	Price per dose/estimate. # of positives	Total
Azithromycin (treatment for chlamydia)	\$6.00/165	\$990.00
Ceftriaxone	\$5.00/200	\$1000.00

**E. Other**

Description	Cases	Price per Case	Total \$660.00
Condoms	1	\$60.00 (1000/case)	\$ 60.00
STD/HIV Pamphlets	1	\$600 (800/case)	\$600.00



*County of Milwaukee*  
**Office of the Sheriff**

---

**David A. Clarke, Jr.**  
*Sheriff*

**DATE:** October 7, 2010

**TO:** Lee Holloway, Chairman, County Board

**FROM:** Richard Schmidt, Inspector, Milwaukee County Sheriff's Office

**SUBJECT:** Request to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for specific projects.

**REQUEST**

The Sheriff's Office requests the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance to be used to mitigate property and infrastructure damage, improve multi-agency response, and provide for security capability enhancements.

**BACKGROUND**

Under Chapter 99 of the County Ordinances and Wisconsin State Statute 323, County Emergency Management has certain responsibilities in the preparation, mitigation, response, and recovery of emergency situations. The state annually offers opportunities for counties to apply for federal and state homeland security grant dollars to assist with meeting these responsibilities.

Homeland Security grant opportunities that are designated for Milwaukee County under the Urban Area Security Initiative (UASI) grant funding, and available now from the State of Wisconsin Office of Justice Assistance, include:

Source	Item	Funds
UASI	CBRNE Response equipment & supplies	\$30,000
UASI	EOD Equipment and Supplies	\$30,000
UASI	Tactical (SWAT) Armored Response Vehicle	\$200,000
UASI	Regional Credentialing/Identification System	\$55,000
UASI	Tactical EMS Interoperability Training	\$25,000
UASI	EMS Disaster Life Support Training	\$15,000
UASI	Enhance Disaster Response Assistance Information	\$25,000
	<b>TOTAL FUNDING</b>	<b>\$380,000</b>

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## **PROGRAM EFFECT**

The approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance will assist with enhancing the following:

1. Chemical Biological Radioactive Nuclear Explosives (CBRNE) Response
2. Explosive Ordnance Disposal (EOD) Response
3. Special Weapons and Tactics (SWAT) Tactical Response
4. Regional Credentialing and Identification
5. Tactical Emergency Medical Services (EMS) Interoperability
6. Emergency Medical Services (EMS) Disaster Life Support Capability
7. Disaster Response Assistance Information System

## **FISCAL NOTE**

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$380,000. There is no local match to the funding and therefore no tax levy impact.

Sincerely,

Richard Schmidt, Inspector  
Milwaukee County Sheriff's Office

cc: Willie Johnson, Jr., Chair, Judiciary, Safety and General Services Committee  
Jon Priebe, Public Safety Fiscal Administrator  
Molly Pahl, Fiscal Operations Manager  
Rick Ceschin, Research Analyst, County Board  
Linda Durham, Committee Clerk, County Board

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(ITEM ) From the Sheriff requesting to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for specific projects:

#### A RESOLUTION

WHEREAS, the Sheriff's Office requests the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance to be used to mitigate property and infrastructure damage, improve multi-agency response, and provide for security capability enhancements; and

WHEREAS, under Chapter 99 of the County Ordinances and Wisconsin State Statute 323, County Emergency Management has certain responsibilities in the preparation, mitigation, response, and recovery of emergency situations and the state annually offers opportunities for counties to apply for federal and state homeland security grant dollars to assist with meeting these responsibilities; and

WHEREAS, Homeland Security grant opportunities that are designated for Milwaukee County and available now from the State of Wisconsin Office of Justice Assistance, include:

1. CBRNE Response equipment & supplies = \$30,000
2. EOD Equipment and Supplies = \$30,000
3. Tactical (SWAT) Armored Response Vehicle = \$200,000
4. Regional Credentialing/Identification System = \$55,000
5. Tactical EMS Interoperability Training = \$25,000
6. EMS Disaster Life Support Training = \$15,000
7. Enhance Disaster Response Assistance Information = \$25,000

WHEREAS, the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance will assist with enhancing the following:

1. Chemical Biological Radioactive Nuclear Explosives (CBRNE) Response
2. Explosive Ordnance Disposal (EOD) Response
3. Special Weapons and Tactics (SWAT) Tactical Response
4. Regional Credentialing and Identification
5. Tactical Emergency Medical Services (EMS) Interoperability
6. Emergency Medical Services (EMS) Disaster Life Support Capability
7. Disaster Response Assistance Information System; now, therefore,

BE IT RESOLVED, the Office of the Sheriff is hereby authorized to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for the following projects and amounts:

1. CBRNE Response equipment & supplies = \$30,000
2. EOD Equipment and Supplies = \$30,000
3. Tactical (SWAT) Armored Response Vehicle = \$200,000

- 49        4. Regional Credentialing/Identification System = \$55,000
- 50        5. Tactical EMS Interoperability Training = \$25,000
- 51        6. EMS Disaster Life Support Training = \$15,000
- 52        7. Enhance Disaster Response Assistance Information = \$25,000

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55        FISCAL NOTE

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57        Upon receipt of grant funds, an appropriation transfer request will be prepared to  
58        recognize the grant revenue and establish expenditure authority of \$380,000. There  
59        is no local match to the funding and therefore no tax levy impact

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 10/7/10

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Authorization to apply for and accept state and federal homeland security funding from the State of Wisconsin Office of Justice Assistance to be used to mitigate property and infrastructure damage, improve multi-agency response and provide for security capability enhancements in the amount of \$380,000..

**FISCAL EFFECT:**

- |   |  |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact   | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required   | <input type="checkbox"/> Decrease Capital Expenditures |
| <input checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget  | <input type="checkbox"/> Decrease Capital Revenues     |
| <input checked="" type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures  | <input type="checkbox"/> Use of contingent funds       |
| <input checked="" type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues  |  |

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	315,000	65,000
	Revenue	315,000	65,000
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

The Sheriff is requesting authorization to apply for and accept homeland security grant funding of \$380,000 from the State of Wisconsin Office of Justice Assistance to be used to mitigate property and infrastructure damage, improve multi-agency response, and provide for security capability enhancements. Homeland Security grant opportunities that are designated for Milwaukee County under the Urban Area Security Initiative (UASI) grant funding, and available now from the State of Wisconsin Office of Justice Assistance, include:

CBRNE Response equipment & supplies	\$30,000
EOD Equipment and Supplies	\$30,000
Tactical (SWAT) Armored Response Vehicle	\$200,000
Regional Credentialing/Identification System	\$55,000
Tactical EMS Interoperability Training	\$25,000
EMS Disaster Life Support Training	\$15,000
Enhance Disaster Response Assistance Information	\$25,000

There is no tax levy impact.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?  Yes  No

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.



OFFICE OF CORPORATION COUNSEL

## *Milwaukee County*

TIMOTHY R.  
SCHOEWE  
Acting Corporation  
Counsel

ROBERT E. ANDREWS  
Deputy Corporation  
Counsel

JOHN F. JORGENSEN  
MARK A. GRADY  
JOHN E.  
SCHAPEKAHM  
TIMOTHY R.  
KARASKIEWICZ  
JEANEEN J. DEHRING  
BOYD WILLIAMS

10

**DATE:** October 19, 2010

**TO:** The Honorable Lee Holloway, County Board Chairman

**FROM:** Mark A. Grady, Principal Assistant Corporation Counsel

**SUBJECT: Shannon Chachere-Mindingall v. Milwaukee County**  
**ERD Case No.: CR2007-02765**  
**EEOC Charge No.:443-2007-02279C**

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$32,500.00. Of this amount, \$7,500.00 will be paid by the Wisconsin County Mutual Insurance Corporation and \$25,000.00 will be paid by Milwaukee County.

Like many discrimination matters, this one has a complicated history. Ms. Chachere-Mindingall (hereafter "Mindingall") was a clerical assistant 2 in the Sheriff's office. She was hired in 1992. In 2002, she sustained a severe injury to her back. She underwent multiple surgeries. As a consequence, she received a series of extended leaves of absence from 2002 to May of 2005.

A few months after she returned to work in May of 2005, an investigation was opened in the Sheriff's office alleging possible falsification of her time sheets. She was alleged to have falsified her time sheets on three occasions. On June 19, 2005, her timesheet reflected that she had worked 8 hours when she had called in sick. On June 21, 2005, her timesheet stated that she worked 8 hours when she had requested and received permission to leave for one hour during her shift. On June 28, 2005, her timesheet reflected that she had worked 8 hours when she had been given permission to leave work one and one-half hours early. A total of 10.5 hours were involved. In response, Ms. Mindingall stated that the procedure for completing timesheets had changed while she was on her leave. In addition, she stated that the practice was that the timesheets were completely filled in at the beginning of the pay period showing work for all of the hours for which employees were scheduled and then corrections were made at the end of the pay period if needed. However, before she was able to make the corrections, her supervisor had taken the timesheets for processing. She sent e-mails to superiors

asking to change her timesheets. The Internal Affairs investigation sustained the charges against her in October of 2005. The file was ready for the Sheriff's decision by mid-October of 2005. However, it was not reviewed at that time.

Ms. Mindingall was granted another series of leaves of absence starting January 31, 2006. That leave of absence eventually ended on January 31, 2007 and she was expected to return to work on February 1, 2007.

On February 1, 2007, Ms. Mindingall came to work, but presented a doctor's note stating that until she was seen by the doctor again on February 15<sup>th</sup>, she could only work half-time and that she had other restrictions on her ability to work. The Sheriff's Office had expected her to return to full-duty, regular work. Ms. Mindingall was not entitled to any further leave of absence if she was not ready to return to work. She was not allowed to return to work without a full medical clearance. On February 7, 2007, Ms. Mindingall sent a short letter stating that she was disabled and wanted a reasonable accommodation. She did not provide any additional medical information.

The Sheriff's office, with the involvement of Corporation Counsel, took the position that she had not presented evidence of a permanent disability, but rather, merely evidence that she was continuing to recover with medical treatment, and therefore she was not protected by the ADA. Consequently, no response to her letter was provided.

As a result of her failure and/or inability to return from her leave of absence, an Internal Affairs investigation was opened. At about the same time, the Sheriff reviewed the prior investigation from 2005. On March 15, 2007, the Sheriff decided to suspend her pending discharge based on the 2005 allegations related to her timesheet. Once the investigation was completed related to her failure to return from her leave of absence, on June 4, 2007 the Sheriff added that basis to the charges for her discharge.

Ms. Mindingall filed her disability discrimination complaint with the EEOC on June 21, 2007. On August 14, 2007, the PRB held its hearing and discharged Ms. Mindingall, relying on both grounds.

The EEOC investigation took a long time and included her discharge that had occurred after she filed her complaint. The EEOC ultimately decided in March of 2008 not to pursue her complaint. However, Ms. Mindingall then asked the State of Wisconsin Equal Rights Division (ERD) to investigate her complaint under state law.

In April of 2009, ERD found probable cause to believe that Milwaukee County had discriminated against her on the basis of a disability and ordered a hearing. ERD's initial determination found that Milwaukee County possessed enough information to recognize that Ms. Mindingall was an individual with a disability and that in response to her letter of February 7, 2007, it had an obligation to engage in an interactive process with her to discuss possible accommodations. Ms. Mindingall also claimed that the allegations related to her timesheets that were a part of her discharge were brought as a pretext to cover up the disability discrimination. She pointed to the fact that these allegations related to occurrences two years before they were filed as support for her discharge and that they were not pursued until after she was not allowed to return to work due to her medical condition. At the time the Internal Affairs investigation of the timesheet allegations was completed in October of 2005, she was still working.

There were a number of procedural complications before the ERD hearing was finally scheduled in September of this year. At that time, the parties engaged in a mediation session with Administrative Law Judge Schacht and reached this proposed settlement.

If a violation were found at hearing, Ms. Mindingall could be entitled to reinstatement to her position, back pay from February, 2007 until that reinstatement, compensation for the lack of fringe benefits during that time (such as medical bills she had to pay because of the lack of health insurance) and attorneys' fees. Ms. Mindingall claims she has been unable to locate employment despite efforts to do so. Because of the passage of time, if the matter went to a hearing, by the time a decision was received the potential backpay award, by itself, could be approximately \$130,000.00 or more.

In order to resolve the pending discrimination complaint, I request approval of a proposed settlement. As part of the settlement, Ms. Chachere-Mindingall would be reinstated to a currently vacant clerical assistant 1 position within the Clerk of

Honorable Lee Holloway

10/19/2010

Page 4 of 4

Circuit Court division. In addition, she would be placed on certification lists for clerical assistant 2 positions that become available, other than in the Sheriff's Office, and would be able to competitively interview for those positions (no preference for hiring would be given to her for those openings). Milwaukee County has tentatively agreed that payments totaling \$13,000.00 will be made to the attorney (Carroll & McDonald LLC) representing Ms. Chachere-Mindingall, and a payment of \$19,500.00 for back pay will be made to Ms. Chachere-Mindingall . Wisconsin County Mutual Insurance Company has agreed to pay the attorney directly for \$7,500.00 of the attorneys' fees. Consequently, Milwaukee County's portion of the settlement would be \$25,000.00, which consists of \$19,500.00 of back pay to Ms. Chachere-Mindingall and \$5,500.00 to the attorney representing Ms.Chachere-Mindingall . The ERD case would be dismissed and she would sign a release of all claims against Milwaukee County.

cc: Linda Durham  
Robert Andrews

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A RESOLUTION

WHEREAS Shannon Chachere-Mindingall worked as a Clerical Assistant 2 in the Sheriff's Office; and

WHEREAS Chachere-Mindingall claimed that she was an individual with a disability and requested reasonable accommodations in 2007 due to her condition; and

WHEREAS, Milwaukee County did not believe that she had presented information to substantiate that she was an individual with a disability and did not respond to her request for accommodations; and

WHEREAS, in August of 2007, Chachere-Mindingall was discharged from employment by the Personnel Review Board based on allegations of falsification of her timesheets involving 10.5 hours and based on her failure to return from a leave of absence; and

WHEREAS, Chachere-Mindingall claimed that the allegations for her discharge related to her timesheets involved matters in 2005 and were a pretext that demonstrates that her discharge was for disability discrimination; and

WHEREAS Chachere-Mindignall has filed a claim of disability discrimination with the State Equal Rights Division alleging, among other things, that Milwaukee County refused to reasonably accommodate her disability and that her discharge was in retaliation for her requesting such reasonable accommodations; and

WHEREAS the Equal Rights Division has found probable cause to believe that Milwaukee County discriminated against Chachere-Mindingall for failing to accommodate her disability and a hearing on the merits of her disability discrimination complaint was scheduled; and

WHEREAS the parties engaged in settlement discussions and reached a tentative settlement agreement; and

WHEREAS the tentative settlement agreement provides for a dismissal of all complaints and a release of all claims against Milwaukee County in return for placement of Chachere-Mindingall into a vacant clerical assistant 1 position in the Clerk of Circuit Court division, placement of Chachere-Mindingall's name on

45 certification lists for vacant clerical assistant 2 positions other than in the Sheriff's  
46 Office, a payment by Wisconsin County Mutual Insurance Corporation in the  
47 amount of \$7,500.00 to the trust account of Chachere-Mindingall's attorney, a  
48 payment by Milwaukee County of \$5,500.00 to the trust account of Chachere-  
49 Mindingall's attorney, and a payment of \$19,500.00 to Chachere-Mindingall,  
50 with appropriate tax withholdings, for back pay; and

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52 WHEREAS the Office of Corporation Counsel recommends this settlement;  
53 and

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55 WHEREAS the Committee on Judiciary, Safety and General Services  
56 approved this settlement at its meeting on October 21, 2010 by a vote of \_\_\_\_;

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58 NOW, THEREFORE, BE IT RESOLVED, that Milwaukee County approves the  
59 placement of Chachere-Mindingall into a clerical assistant 1 position in the Clerk  
60 of Circuit Court's division, the placement of her name on certification lists for  
61 clerical assistant 2 positions other than in the Sheriff's Office, a payment to be  
62 made by the Wisconsin County Mutual Insurance Corporation to the trust  
63 account of Chachere-Mindingall's attorney, Carroll & McDonald LLC, in the  
64 amount of \$7,500.00, a payment to be made by Milwaukee County to the trust  
65 account of Chachere-Mindingall's attorney, Carroll & McDonald LLC, in the  
66 amount of \$5,500.00, and a payment to be made by Milwaukee County to  
67 Chachere-Mindingall in the amount of \$19,500.00, with appropriate tax  
68 withholdings, in return for a dismissal of the pending discrimination complaint  
69 and a release of all employment claims against the County.

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**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** October 19, 2010

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A RESOLUTION to approve a settlement agreement related to discrimination and other claims by Shannon Chachere-Mindingall.

**FISCAL EFFECT:**

No Direct County Fiscal Impact

Increase Capital Expenditures

Existing Staff Time Required

Decrease Capital Expenditures

X Increase Operating Expenditures  
(If checked, check one of two boxes below)

Increase Capital Revenues

Absorbed Within Agency's Budget

Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures

Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	25,000.00	0
	Revenue	(0.00)	0
	Net Cost	25,000.00	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. The County is proposing a settlement to employee Chachere-Mindingall. Adoption of this settlement will result in payments to Ms. Chachere-Mindingall and her attorney, and an expense charge to the Sheriff Department for these payments
- B. Approval of this Resolution authorizes a payment of \$7,500.00 to Carroll & McDonald LLC by Wisconsin County Mutual Insurance Corporation, a payment of \$5,500.00 to Carroll & McDonald LLC by Milwaukee County and a back pay payment of \$19,500.00 to Ms. Chachere-Mindingall, with appropriate tax withholdings. The Wisconsin County Mutual Insurance Corporation will pay the attorney directly for \$7,500.00. The County's payments of \$25,000.00 will be charged to the Sheriff's Office's. No contingent funds are required to pay the costs of the settlement by the County Sheriff Department.
- C. No changes are required to the 2010 budget in order to adopt this resolution, since funding for the County portion of the settlement will come from available 2010 budgeted appropriations.
- D. No assumptions were used in the development of this fiscal note.

Department/Prepared By Corporation Counsel

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?      X      Yes      No

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<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.