

1
2 By Supervisor Jursik

Journal,
3 File No.

4 **A RESOLUTION**

5 Authorizing and directing the Corporation Counsel and outside counsel to provide
6 the Director, Department of Audit, confidential and privileged access to the
7 unreleased Behavioral Health Division patient security report.
8

9 WHEREAS, in response to citations from the Centers for Medicaid and
10 Medicare Services, on April 30, 2010 the Milwaukee County Board Chairman
11 directed the Department of Audit to conduct an audit of the Behavioral Health
12 Division to address patient safety; and

13 WHEREAS, in the course of audit fieldwork, the Department of Audit was
14 denied access, on the advice of Corporation Counsel and outside legal counsel, to
15 a consultant's report that was prepared as part of an operational review and legal
16 defense strategy in relation to the death of a BHD patient in 2008; and

17 WHEREAS, the Department of Audit duly reported that the scope of their
18 audit was impaired by the denial of access to the report and further reported that,
19 while the patient death was outside the scope of the audit, the Department
20 believed that "the consultant's report may have included material relevant to a
21 review of patient safety at BHD"; and

22 WHEREAS, notwithstanding the scope impairment, the Audit entitled
23 "System Changes are Needed to Help Ensure Patient and Staff Safety at the
24 Milwaukee County Behavioral Health Division" was completed, issued and
25 reported to the Committee on Finance and Audit at the October 28, 2010 meeting
26 of that committee; and

27 WHEREAS, despite the insistence of Corporation Counsel and outside
28 counsel that the consultant's report for the Behavioral Health Division must
29 remain confidential, the unreleased consultant's report may contain information
30 valuable to Milwaukee County that may help prevent a recurrence of tragic
31 circumstances whereby patients or staff at BHD may be put at risk; and

32 WHEREAS, the Director, Department of Audit, is uniquely positioned to be
33 entrusted with any and all information related to the proper operation of any
34 Milwaukee County function, and should therefore be allowed confidential and
35 privileged access to the aforementioned consultant's report; now, therefore,

36 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
37 authorizes and directs the Milwaukee County Corporation Counsel and outside

38 counsel to provide the Director, Department of Audit, confidential and privileged
39 access to the unreleased Behavioral Health Division patient security report; and

40 BE IT FURTHER RESOLVED, that the Director, Department of Audit, shall
41 provide a report, subject to the provisions of Wis. Stats. 19.85(1)(g), to the
42 Committee on Judiciary, Safety and General Services upon completion of the
43 Director's confidential review.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 2, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A RESOLUTION

Authorizing and directing the Corporation Counsel to provide the Director, Department of Audit, confidential and privileged access to the unreleased Behavioral Health Division patient security report.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" 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 type="checkbox"/> Increase Operating Expenditures
(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.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	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.¹ 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.

Adoption of this resolution will authorize and direct Corporation Counsel and outside counsel to provide access to the Director, Department of Audit, to a confidential consultant's report relating to patient and staff safety at the Mental Health Complex. There is no tax levy effect.

Department/Prepared By County Board / Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

¹ 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.

1
2 By Supervisor Jursik

Journal,
File No.

3
4 **A RESOLUTION**

5 Authorizing and directing the Corporation Counsel to release to the Milwaukee
6 County Board of Supervisors the retainer agreement between Corporation Counsel
7 and Reinhart Boerner Van Deuren S.C.
8

9 WHEREAS, in response to incidents relating to patient and staff safety at the
10 Milwaukee County Mental Health Complex and under the Behavioral Health
11 Division, the Office of Corporation Counsel executed a retainer agreement with
12 the law firm of Reinhart Boerner Van Deuren, S.C.; and

13 WHEREAS, the contents of the retainer agreement, including price and
14 scope and any other matters contained therein, and the funding source for the
15 agreement, have never been released to the Milwaukee County Board of
16 Supervisors; now, therefore,

17 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
18 authorizes and directs the Milwaukee County Corporation Counsel to immediately
19 provide a copy of the retainer agreement executed with Reinhart Boerner Van
20 Deuren S.C. to the members of the County Board of Supervisors.

21

22

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 2, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A RESOLUTION

Authorizing and directing the Corporation Counsel to release to the Milwaukee County Board of Supervisors the retainer agreement between Corporation Counsel and Reinhart Boerner Van Deuren S.C.

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| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
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(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
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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.

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	Net Cost	0	0
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- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution will authorize and direct Corporation Counsel to release a copy of the retainer agreement with Reinhard Boerner Van Dueren, S.C. There is no tax levy impact.

Department/Prepared By County Board / Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

¹ 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.