

**DATE:** October 14, 2011

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

**FROM:** John Jorgensen, Principal Assistant Corporation Counsel

**SUBJECT:** Proposed ordinances pertaining to carrying concealed weapons and carrying weapons in Milwaukee County facilities

As explained in more detail in the attached report of DTPW Director Jack Takerian and Corporation Counsel Kimberly Walker, 2011 Wisconsin Act 35 substantially changed Wisconsin law governing the carrying of firearms and other dangerous weapons. Among those changes was the creation system under which qualified persons can be licensed to carry concealed weapons, subject to the limitation that, with a few exceptions, licensees will be prohibited from carrying weapons in the offices of law enforcement agencies, courthouses, areas of airports beyond security checkpoints and other specified locations. The act also includes statutory amendments that empower counties and other units of local government to prohibit firearms in their own buildings, in addition to the buildings described above, if they give the public notice of that prohibition by appropriate signage.

County department heads as well as persons responsible for operation of facilities leased from Milwaukee County have met to consider the impact of Act 35 and to formulate an appropriate response. As noted in the report of Mr. Takerian and Ms. Walker, the consensus of that group was that firearms and other weapons should be prohibited in County buildings in conformity with the limitations and requirements contained in Act 35.

The intent of these proposed ordinances is (1) to repeal and recreate the existing County ordinance regulating concealed-carry to conform to the corresponding statute as amended by Act 35, (2) to prohibit firearms and other dangerous weapons in County buildings as authorized in Act 35 and to provide direction regarding the signage required by Act 35, and (3) to reinforce and implement the prohibition against carrying weapons in courthouses and other specified places that is contained in Act 35.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting.

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JOHN JORGENSEN  
Principal Assistant Corporation Counsel

**COUNTY OF MILWAUKEE  
INTER-OFFICE COMMUNICATION**

**DATE:** October 3, 2011

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

**FROM:** Kimberly R. Walker, Corporation Counsel  
Jack H. Takerian, Director, Department of Transportation and Public Works

**SUBJECT:** Compliance With the Conceal Carry Law (Informational Purposes)

**Background**

On July 8, 2011, Wisconsin's Governor legalized the carrying of a concealed weapon when he signed into law Wisconsin Act 35, the Carrying Concealed Weapon Law ("Concealed Carry Law"). This law will go into effect on November 1, 2011. The focus of this memo is to provide information to the Department Directors, Elected Officials and others on the new law and provide guidance to comply with the "Concealed Carry Law".

A group was formed of Departments Directors that owned and operated facilities within Milwaukee County as well as those that operate and lease County facilities (Marcus, Museum, War Memorial etc). The first meeting was held on July 19th and all departments were represented as well as the other cultural institutions. To advise this group in understanding the law that was passed and to minimize any misconception we asked that the District Attorney's Office assist us in understanding the new law. At this meeting Chief Investigator David Budde and Assistant District Attorney Karen Loebel assisted the group in better understanding the law by giving a brief overview. As a group we discussed signage, what can be posted and what cannot, what areas are impacted and brought forward questions that the law was unclear on. It was decided at this meeting that a smaller group would reconvene and perhaps do more investigation into the larger group's questions and look into different options available to the County.

Our second meeting took place on August 9th. At this meeting the smaller group discussed sending a joint letter to the Department of Justice (DOJ) asking for clarification on the legislation as it relates to its implementation within certain county facilities/properties including the County Behavioral Health facility and on buses. First, under the current law, only certain mental health facilities are exempt from conceal carry law; Behavioral Health Division is not among those listed. It is also unclear if the county can ban weapons on all transit vehicles.

**Conceal Carry Law – What It Means:**

The concealed carry law allows Wisconsin citizens to carry concealed weapons once they have received proper training and have received a permit through the DOJ. Under the law, Wisconsin citizens who obtain a permit will be allowed to carry a concealed weapon (including handguns,

knives or tasers) in most public buildings, including city halls, firehouses, community centers, etc., unless a sign is posted saying they are not permitted. The law makes exception for law enforcement offices, courthouses and jails, certain mental health facilities, and school grounds, where concealed weapons remain illegal.

The law does not change the rules regarding the transportation of any firearm in a vehicle, other than a handgun. Firearms other than handguns must be transported in a fully enclosed case and in an unloaded state.

#### Prohibited Locations

A list of categories where the carrying of a concealed or unconcealed weapon is prohibited includes law enforcement facilities, jails, and certain mental health facilities as defined by state law, courthouses (including areas used as municipal courts while in session), and anywhere beyond the security checkpoint at an airport. But it should be kept in mind that this law does not prohibit weapons transported in vehicles driven or parked in the above locations.

#### Conceal Carry License Requirements Overview

This new law allows individuals to carry a concealed weapon off their private property.

#### To legally carry a concealed weapon an individual must:

1. Be over age 21;
2. Be a resident of Wisconsin;
3. Complete a firearm training course; and
4. Have a completed background check.

Once licensed, the individual must carry the license and photographic identification whenever a concealed weapon is carried. The license is valid for five years. To carry concealed, an individual who is not a resident of Wisconsin does not need to have a license from Wisconsin if they have a valid license from another state.

#### Individuals who are not permitted to be licensed in the State of Wisconsin are as following:

1. Prohibited under federal law;
2. Convicted of a felony;
3. Found not guilty of a felony by reason of mental disease or defect;
4. Ordered by a court not to possess a weapon based on clear and convincing evidence that the individual may cause physical harm to another or endanger public safety;
5. Committed for mental health treatment and ordered not to possess a firearm;
6. Ordered by a court not to possess a firearm as bond/bail conditions;
7. Is not a Wisconsin resident unless has a valid license from another state; or
8. Has not provided proof of training.

### **Firearms in Milwaukee County Owned Property**

The new law gives Milwaukee County or occupant of a County owned building the ability to prohibit concealed carry. It will be unlawful for any person to enter any part of a building owned or controlled by the County if the County has notified the person not to enter the building while carrying a firearm.

It should be noted that Milwaukee County, as an employer, may prohibit the carrying of a concealed weapon in the course of an employee's employment. However, Milwaukee County cannot prohibit an employee with a firearm permit from carrying a concealed weapon in his or her own motor vehicle. It should be further noted that Milwaukee County cannot prohibit an employee with a permit from carrying a concealed firearm in their vehicle when used as a part of their job or whether the vehicle is parked on property used by the employer.

In addition, the new law will allow individuals to carry a firearm onto a vehicle, including buses, boats and ATVs. This law however does not remove the prohibition of carrying firearms (other than handguns) or crossbows onto vehicles unless the firearm is unloaded and encased and the crossbow is unstrung or enclosed in a carrying case.

### **Special Events**

The law allows for the restriction of concealed firearms during a special event held within Milwaukee County. A special event is defined as being open to the public for a time period not more than three weeks and has either a designated entrance(s) into the event that is locked when the event is closed or if some type of admission is required.

### **Signage**

Under the new law all signs providing notification must be at least 5 inches by 7 inches. The law fails to provide specific information as to the font size, content, or language as to the posted sign. Several Departments and agencies have asked for different size signage for the different types of building under their operation. The Department of Transportation and Public Works is working with all departments within Milwaukee County and the cultural intuitions to ensure like signage for like operations is used. Certain areas like the Courthouse, Safety Building, Vel Phillips Juvenile Justice Center and the Criminal Justice Facilities will have more detailed language prohibiting conceal carry.

### **Conclusion**

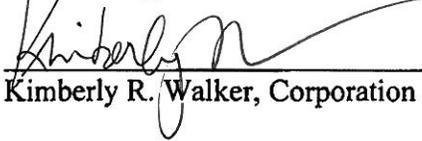
After meeting with all departments and lessees; it has been determined that Milwaukee County should prohibit individuals from carrying concealed weapons within Milwaukee County owned buildings that are not already prohibited under the law. Further, this should include all buildings in the Airport, Parks, Department of Health and Human Services, Behavioral Health, Aging Senior Centers, Transportation and Public Works sites, Wil-O-Way Special Needs facilities and the Zoo

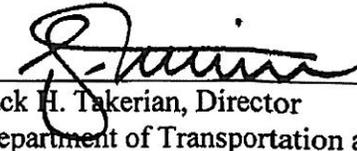
including the grounds at the Zoo. It has also been determined that we cannot prohibit conceal carry on land owned by Milwaukee County as well as our Transit vehicles. Corporation Counsel is currently working on a number of ordinance changes to bring forward to the Milwaukee County Board of Supervisors for consideration. The appropriate signage will be installed once those changes to the ordinance have been approved by the County Board.

**Fiscal**

The fiscal impact to Milwaukee County is unknown. If departments determine that it's necessary to use scanning devices and hire staff to operate them those costs will be the responsibility of each department. The average cost for a walk-through metal detector is approximately \$6,000; staffing could range from \$10 - \$15 per hour. At a minimum, signage will be needed at all entrances to Milwaukee County buildings.

Respectfully,

  
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Kimberly R. Walker, Corporation Counsel

  
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Jack H. Takerian, Director  
Department of Transportation and Public Works

Cc: David Clarke Jr., Sheriff, Milwaukee County  
John Chisholm, District Attorney, Milwaukee County  
Jeffery Kremers, Chief Judge, Milwaukee County  
Joseph Czarnezki, Milwaukee County Clerk  
John Barrett, Clerk of Circuit Courts, Milwaukee County  
George Aldrich, Chief of Staff, Milwaukee County Executive's Office  
Terry Cooley, Chief of Staff, Milwaukee County Board of Supervisors  
Department Heads, Milwaukee County  
Jay Williams, Director Milwaukee Public Museum  
Paul Mathews, Director, Marcus Center for Performing Arts  
David Drent, Director, War Memorial  
Dan Keegan, Director, Milwaukee Art Museum  
Randy Bryant, Director, Historical Society  
Maria Costello, Director, Charles Allis/Villa Terrace

## A RESOLUTION/ORDINANCE

To repeal and recreate s. 63.015 and to create ss. 63.016 and 63.0165 of Milwaukee County General Ordinances governing the carrying of concealed weapons, and the carrying of concealed and unconcealed weapons in Milwaukee County buildings; And to amend s. 63.09 of the Milwaukee County General Ordinances, the schedule of cash deposits and maximum penalties, accordingly.

WHEREAS 2011 Wisconsin Act 35 has significantly amended the statutes that regulate the carrying of firearms and other dangerous weapons and has created a system for licensing qualified individuals to carry concealed weapons, subject to certain restrictions, and

WHEREAS under 2011 Wisconsin Act 35, persons licensed to carry concealed weapons are not permitted to carry weapons in the offices of law enforcement agencies, courthouses, portions of airports, and other specified locations, subject to certain exceptions, and

WHEREAS 2011 Wisconsin Act 35 empowers a county or other unit of local government to forbid persons to enter or remain in buildings owned or otherwise controlled by the unit of government, provided that notice of that prohibition is given by appropriate signage; now, therefore

BE IT RESOLVED that the County Board of Supervisors does hereby approve the following ordinance to govern the carrying of concealed weapons, and the carrying of concealed and unconcealed weapons in Milwaukee County building, and to amend s. 63.09 of the Milwaukee County General Ordinances, the schedule of cash deposits and maximum penalties, accordingly.

## AN ORDINANCE

To repeal and recreate s. 63.015 and to create ss. 63.016 and 63.0165 of Milwaukee County General Ordinances governing the carrying of concealed weapons, and the carrying of concealed and unconcealed weapons in Milwaukee County buildings; And to amend s. 63.09 of the Milwaukee County General Ordinances, the schedule of cash deposits and maximum penalties, accordingly.

The county Board of Supervisions of the County of Milwaukee does ordain as follows:

**SECTION 1.** Section 63.015 of the General Ordinances of Milwaukee County is repealed and recreated as follows:

### **63.015 Carrying concealed weapon.**

(1) In this section:

(a) "Carry" has the meaning given in Wis. Stat. s. 175.60 (1) (ag).

- (b) "Dangerous weapon" has the meaning given in Wis. Stat. s. 939.22(10)
  - (c) "Destructive device" has the meaning given in 18 USC 921 (a) (4).
  - (d) "Firearm silencer" has the meaning given in Wis. Stat. s. 941.298 (1).
  - (e) "Former officer" means a person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service
  - (f) "Law enforcement agency" has the meaning given in Wis. Stat. s. 175.49 (1) (f).
  - (g) "Law enforcement officer" has the meaning given in Wis. Stat. s. 175.49 (1) (g).
  - (h) "Machine gun" has the meaning given in Wis. Stat. s. 941.27 (1).
  - (i) "Qualified out-of-state law enforcement officer" means a law enforcement officer to whom all of the following apply:
    1. The person is employed by a state or local government agency in another state.
    2. The agency has authorized the person to carry a firearm.
    3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
    4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
    5. The person is not prohibited under federal law from possessing a firearm.
- (2) It shall be unlawful for any person, other than one of the following, to carry a concealed and dangerous weapon.
- (a) A peace officer, but notwithstanding Wis. Stat. 939.22, for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.
  - (b) A qualified out-of-state law enforcement officer. This paragraph applies only if all of the following apply:
    1. The weapon is a firearm but is not a machine gun or a destructive device.
    2. The officer is not carrying a firearm silencer.
    3. The officer is not under the influence of an intoxicant.
  - (c) A former officer. This paragraph applies only if all of the following apply:
    1. The former officer has been issued a photographic identification document described in subsec. (3) (b) 1. or both of the following:
      - a. A photographic identification document described in subsec. (3) (b) 2. (intro.).
      - b. An identification card described in subsec. (3) (b) 2. a., if the former officer resides in this state, or a certification described in subsec. (3) (b) 2. b., if the former officer resides in another state.
    2. The weapon is a firearm that is of the type described in a photographic identification document described in subd. 1. (intro.) or a card or certification described in subd. 1. b.
    3. Within the preceding 12 months, the former officer met the standards of the state in which he or she resides for training and qualification for active law enforcement officers to carry firearms.
    4. The weapon is not a machine gun or a destructive device.
    5. The former officer is not carrying a firearm silencer.
    6. The former officer is not under the influence of an intoxicant.
    7. The former officer is not prohibited under federal law from possessing a firearm.
  - (d) A licensee, as defined in Wis. Stat. s. 175.60 (1) (d), or an out-of-state licensee, as defined in Wis. Stat. s. 175.60 (1) (g), if the dangerous weapon is a weapon, as defined under Wis. Stat. s. 175.60 (1) (j). An individual formerly licensed under Wis. Stat. s. 175.60 whose license has been suspended or revoked under s. 175.60 (14) may not assert his or her refusal to accept a

notice of revocation or suspension mailed under Wis. Stat. s. 175.60 (14) (b) 1. as a defense to prosecution under this subsection, regardless of whether the person has complied with s. 175.60 (11) (b) 1.

(e) An individual who carries a concealed and dangerous weapon, as defined in Wis. Stat. s. 175.60 (1) (j), in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(3) (a) A qualified out-of-state law enforcement officer shall, while carrying a concealed firearm, also have with him or her an identification card that contains his or her photograph and that was issued by the law enforcement agency by which he or she is employed.

(b) A former officer shall, while carrying a concealed firearm, also have with him or her one of the following:

1. A photographic identification document issued by the law enforcement agency from which the former officer separated that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that that law enforcement agency sets for active law enforcement officers to carry a firearm of the same type as the firearm that the former officer is carrying.

2. A photographic identification document issued by the law enforcement agency from which the former officer separated and one of the following:

a. A certification card issued under Wis. Stat. 175.49 (2), if the former officer resides in this state.

b. A certification issued by the state in which the former officer resides, if the former officer resides in another state, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she has been found by the state in which he or she resides, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in that state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type he or she is carrying, that are established by his or her state of residence or, if that state does not establish standards, by any law enforcement agency in his or her state of residence.

(c) A person who violates this subsection shall be exempted from the forfeiture hereinafter prescribed if the person presents, within 48 hours, his or her license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

(d) This subsection does not apply to a licensee, as defined in Wis. Stat.s. 175.60 (1) (d), or an out-of-state licensee, as defined in Wis. Stat. s. 175.60 (1) (g).

(4) Any weapon involved in an offense under subsec. (2) may be seized and shall be forwarded to the sheriff's department for disposition. If the weapon is owned by a person convicted under subsec. (2), it shall be confiscated and destroyed by the sheriff. If it is owned by a person other than the person convicted under subsec. (2), the trial judge may decide whether such weapon shall be returned to its rightful owner or destroyed by the sheriff.

(5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

**SECTION 2.** Section 63.016 of the General Ordinances of Milwaukee County is created as follows:

**63.016 Carrying firearm or other dangerous weapon in County building.**

- (1) It shall be unlawful for any person carrying a concealed or unconcealed dangerous weapon as defined in in Wis. Stat. s. 939.22(10) to enter or remain in any part of a building that is owned, occupied or controlled by Milwaukee County.
- (2) To provide notice of the prohibition stated in subsec. (1) as required under Wis. Stat. ss. 943.13(1m)(c)4. and 943.12(2)(bm), the director of transportation and public works and any other Milwaukee County administrator having management and control of a building or part of a building that is owned, occupied or controlled by Milwaukee County shall post or cause to be posted signs informing the public that firearms and other dangerous weapons are forbidden in Milwaukee County buildings and that entering or remaining in a Milwaukee County building while carrying a concealed weapon is a violation of Wis. Stat. s. 943.13(1m)(c) and Milwaukee County Ordinances. Such signs shall be at least 5 inches by 7 inches and shall be posted in prominent places near all entrances to all such buildings or parts of buildings in locations where an individual entering the building can be reasonably expected to see the signs.
- (3) This section does not apply to a person who leases residential or business premises in a building owned by Milwaukee County or, if the dangerous weapon is a firearm and the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used a parking facility.
- (4) This section does not apply to a building or portion of a building described in Wis. Stat. s. 175.60(16)(a).
- (5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

**SECTION 3.** Section 63.0165 of the General Ordinances of Milwaukee County is created as follows:

**63.0165 Carrying firearm or other dangerous weapon in the Milwaukee County Courthouse Complex and other specified County buildings.**

- (1) Except as provided in subsec. (2), it shall be unlawful for any person to knowingly carry a concealed and dangerous weapon or a dangerous weapon that is not concealed in any place identified in Wis. Stat. s. 175.60(16)(a), including the following: Any building or portion of a building used by the Office of the Sheriff; Milwaukee County Correction Facilities Central and

South, the Milwaukee County Juvenile Detention Center and any other secured detention or correctional facility under the control of Milwaukee County; Milwaukee County Courthouse Complex (including Milwaukee County Courthouse, Safety Building, Criminal Justice Facility and all interconnecting structures); Vel R. Phillips Juvenile Justice Centers; any portion of the the Behavioral Health Division facility used to conduct hearings in civil commitment, incompetency or protective placement cases; and any place beyond a security checkpoint at General Mitchell International Airport.

(2) The prohibitions under par. (1) do not apply to any of the following:

(a) A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location under subsec. (1).

(b) A weapon in a courthouse or courtroom if a judge who is a licensee under Wis. Stat s. 175.60 is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

(c) A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee under Wis. Stat. s. 175.60 is carrying the weapon.

(3) No person may lawfully carry a weapon in a courthouse or courtroom under subsec. (2)(b) or (2)(c) unless that person has first filed his or her license or written permission, or a copy thereof, in the office of the chief judge.

(4) The director of transportation and public works and any other Milwaukee County administrator having management and control of a building or part of a building that is identified in subsec. (1) shall post or cause to be posted signs informing the public that carrying firearms and other dangerous weapons is forbidden in that building or location and is punishable as a violation of Wis. Stat. s. 175.60(16) and Milwaukee County Ordinances. Such signs shall be at least 5 inches by 7 inches and shall be posted in prominent places near all entrances to all such buildings or locations where an individual entering the building can be reasonably expected to see the signs. For the Milwaukee County Courthouse Complex and the Vel Phillips Juvenile Justice Center, such signs shall additionally inform the public that written authority to carry a weapon under Wis. Stat. s 175.60(16)(b) must be filed in the office of the chief judge.

(5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

**SECTION 4.** Section 63.09(2)(d) of the Milwaukee County General Ordinances (schedule of cash deposits and penalties) is amended to include the following deposits and penalties, which the clerk shall insert in the appropriate location:

<i>Section Number</i>	<i>Subject Matter</i>	<i>Amount of Cash Deposit</i>	<i>Maximum Penalty</i>
63.15	Carrying concealed weapon	\$100	\$500
63.016	Carrying weapon in Courthouse		

	Complex, etc.	\$100	\$500
63.0165	Entering or remaining in posted County building while armed	\$100	\$500

**SECTION 5.** The provisions of this ordinance shall be effective upon passage and publication.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** October 18, 2011

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution to adopt ordinances governing carrying concealed weapons and carrying weapons in Milwaukee County buildings

**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><input type="checkbox"/> Decrease Operating Expenditures<br><input 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	Approx. \$10,000	0
	Revenue	0	0
	Net Cost	0	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.

If adopted, this resolution would conform the existing concealed carry ordinance to the corresponding state statute as amended by 2011 Wis. Act 35 and prohibit firearms and other dangerous weapons on Milwaukee County buildings. Because these new ordinances would not prohibit any conduct that has not previously been illegal, no additional costs or revenues attributable to enforcement are anticipated. The only anticipated additional cost will be for signage mandated by Wis. Act 35 to provide notice that weapons are prohibited. The cost of those signs will be spread across the budgets of the various departments that have jurisdiction of their buildings and absorbed in the budgets of those departments.

Department/Prepared By Corporation Counsel/John Jorgensen

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

Did DAS-Fiscal Staff Review?  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.

1 By Supervisor Biddle

Journal,  
File No. 11-

3 **A RESOLUTION**

4 Establishing the Milwaukee County Task Force on Human Trafficking to  
5 study and make recommendations on policies, practices, prevention and service  
6 models that will protect Milwaukee County's youth from being victimized and  
7 sexually exploited.

8 WHEREAS, "Human trafficking exists in Wisconsin" according to a survey  
9 conducted by the Human Trafficking Committee of the Wisconsin Office of Justice  
10 Assistance, and published in a 2008 report titled Hidden in Plain Sight;; and

11 WHEREAS, the key findings of that report include:

- 12 • Service providers and/or justice system agencies have encountered as
- 13 many as 200 victims of sex and labor trafficking
- 14 • Wisconsin experiences domestic and international human trafficking
- 15 • Service providers and justice system agencies recognize their limited
- 16 knowledge on the topic, but are eager to engage on the topic
- 17 • Human trafficking is both a rural and urban concern
- 18 • In most cases, trafficking is perpetuated by family members, prostitution
- 19 clients and pimps
- 20 ; and;

21 WHEREAS, the Polaris Project, an organization dedicated to combating  
22 human trafficking and modern-day slavery, evaluates all states on statutory  
23 categories that are vital to forming an anti-trafficking framework, has identified  
24 Wisconsin as being deficient in 6 of 10 statutory categories, including:

- 25 • Forfeiture of assets acquired through the crime of human trafficking
- 26 • Tools for law enforcement in investigations of human trafficking
- 27 • Law enforcement training on human trafficking
- 28 • Establishing a human trafficking hotline
- 29 • Establishing a safe harbor for the protection of sex trafficked minors
- 30 • Programs and services, or funding for same, for victim assistance
- 31 • Expungement or vacation of prostitution convictions committed by a
- 32 trafficking victim
- 33 ; and

34 WHEREAS, due to the lack of laws, awareness of the problem, services  
35 and culturally-competent resources, victims of human trafficking often experience  
36 homelessness, loss of family, drug and/or alcohol addiction, joblessness and a  
37 general disassociation with society; and

38 WHEREAS, there have been legislative efforts in the Wisconsin legislature  
39 to help address some of the statutory deficiencies highlighted in the Polaris Project  
40 report including 2007 Wisconsin Act 116 which made human trafficking and  
41 trafficking of a child specific criminal offenses; and

42 WHEREAS, Milwaukee County has the subject matter experts, law  
43 enforcement officials, and “experts on the ground” to confront this problem and  
44 produce viable and achievable results including, establishing statutory, judicial  
45 and law enforcement intervention, increasing public awareness, and developing  
46 appropriate service models that meet the human, economic and legal needs of  
47 victims; now, therefore,

48 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
49 establishes the Milwaukee County Task Force on Human Trafficking, with  
50 membership appointed by the County Board Chairman from the following  
51 agencies or disciplines: Milwaukee District Attorney’s Office, Chief Judge of  
52 Milwaukee County, Milwaukee Police, Milwaukee County Sheriff, Bureau of  
53 Milwaukee Child Welfare, Milwaukee Public Schools, Office of Justice Assistance  
54 Human Trafficking Committee, ASHA Family Services, Benedict Center,  
55 Pathfinders, Meta House, and Milwaukee’s LGBT community; and

56 BE IT FURTHER RESOLVED, that the Milwaukee County Task Force on  
57 Human Trafficking shall have the ability to enroll additional subject matter experts  
58 as deemed necessary at no cost to Milwaukee County; and

59 BE IT FURTHER RESOLVED, that the Task Force shall make  
60 recommendations, no later than September 30, 2012, to the Committee on  
61 Judiciary, Safety and General Services on:

- 62 • Appropriate service models, including culturally competent services
- 63 • Policies and practices, including changes to state laws, that protect both
- 64 children and adults from trafficking
- 65 • Policies and practices on judicial and law enforcement interventions
- 66 • Job training and recovery for victims
- 67 • Establishing transitional housing or safe houses for victims.

69

70 biddle.human trafficking.doc

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** October 6, 2011

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution establishing the Milwaukee County Task Force on Human Trafficking to study and make recommendations on policies, practices, prevention and service models that will protect Milwaukee County's youth from being victimized and sexually exploited.

**FISCAL EFFECT:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact<br><input type="checkbox"/> Existing Staff Time Required<br><input 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 type="checkbox"/> Not Absorbed Within Agency's Budget<br><input type="checkbox"/> Decrease Operating Expenditures<br><input 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	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.

Adoption of this resolution will establish the Milwaukee County Task Force on Human Trafficking to study and make recommendations on policies, practices, prevention and service models that will protect Milwaukee County's youth from being victimized and sexually exploited.

An expenditure of tax levy will not be required.

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.

3.

**COUNTY OF MILWAUKEE  
INTEROFFICE COMMUNICATION**

**DATE** : July 1, 2009

**TO** : County Executive Scott Walker  
Chairman Lee Holloway, County Board of Supervisors  
Sheriff David A. Clarke, Jr.  
Members of the Community Justice Council

**FROM** : The Huber Work Release Relocation Work Group

**SUBJECT:** **Report on Huber Work Release Relocation**

The 2009 Adopted Budget created a work group consisting of staff from the Department of Administrative Services (DAS), the Sheriff's Office, the Courts and County Board that shall "develop options for locating a new Huber work release center, either on the existing site [Community Correctional Center] or a new location."

**BACKGROUND**

The 2008 Adopted Budget anticipated full closure of the Community Correctional Center (CCC) in 2008. The inmates in the Huber work-release program were to be transferred to an expanded home detention program that incorporated the use of global position surveillance (GPS) technology. The home detention program was budgeted for 710 inmates, an increase of 360 inmates over the 2007 Adopted Budget, and 36.0 FTEs were abolished. Before that implementation could occur, the plan was to be reviewed by the newly created Milwaukee County Community Justice Council (CJC) and the Milwaukee County Board of Supervisors.

The closure of the CCC was deemed necessary for several reasons including code violations and security issues.

At the time of budget deliberations for 2009, the CCC had not been closed and because the review by the CJC and County Board had not yet occurred, the House of Correction (HOC) requested approximately \$4,796,572 in expenditures to support the Huber program in 2009, offset by revenue of \$2,900,240. The County Executive, with support from the Sheriff, proposed a recommended budget that closed the CCC and transferred control of the HOC management and programming to the Sheriff's Office. The County Board concurred with this recommendation and the Sheriff began plans late in 2008 for transitioning all Huber inmates out of the CCC by January 1, 2009.

Pursuant to the Milwaukee County Sheriff's Office and House of Correction Merger Quarterly Report, the last inmate was transferred out of the CCC on January 2, 2009 and all inmates on work release are now housed in the Criminal Justice Facility. Additional changes have since been implemented to the work release and electronic monitoring programs. The Sheriff reported positive changes in security, staffing, overtime control, and accountability of inmates in these programs.

### **Status of Huber and Criminal Justice Facility (CJF)**

The CJF was retrofitted to expedite the entry and exit of the employed inmates with community access privileges. Work release inmates that have verified employed are housed in the CJF, and inmates who have other forms of community access are housed at the HOC and transported downtown as necessary.

### **ISSUES**

Because the closure of CCC and the corresponding loss of jail bed space could potentially strain the criminal justice system, DAS was instructed to convene a work group to review alternative options for housing Huber individuals.

The work group has convened and from these discussions, it is apparent that although a new facility would be ideal, the County lacks much of the information necessary to make an informed and cost effective decision. Determining the long-range needs of the County's criminal justice system and policy priorities for the system should precede any inmate relocation recommendation.

### **Inmate Population Analysis**

Prior to the addition of jail bed space, review of various indicators can help explain the growing inmate population and enable the County to meet the demand for jail space in an effective manner over time. According to the National Institute of Corrections, a detailed analysis of the data contained in a jail's information system is necessary to provide information on the populations that disproportionately increase jail space demands. An inmate Population analysis is currently being undertaken on a contract basis by the Pretrial Justice Institute from Washington, D.C. that will provide a solid base of information to assess future demands on the criminal justice system. It is anticipated this study will be complete in the fall.

## **Criminal Justice Master Plan**

The inmate population study is only a small tool in the larger evaluation that should be conducted within the County's criminal justice system. The Milwaukee County Community Justice Council was recently convened to "efficiently and collaboratively coordinate services and to effectively allocate financial resources to ensure crime reduction, victim support, offender accountability, and restorative community-based programs. Through strategic planning and research the Council will identify, evaluate, and develop strategies to improve the justice system to enhance public safety and the quality of life in Milwaukee County." These are essential components to make informed and evidence-based policy decisions to regulate the inmate population. Without the tools necessary to regulate the annual increase in the County's inmate population, the inmate population could continue to grow beyond today's capacity, and any future capacity added to the system.

## **Summary**

With the full closure of the CCC on January 2, 2009, inmates have been successfully transferred to either the CJF or HOC depending on their employment and community access privileges. The Sheriff has implemented an expedited system for Huber inmates to enter and exit the building and is confident that security at the CJF is not jeopardized by this system. Although the Huber inmates have displaced other inmates from the CJF to the HOC creating unforeseen strains on the system, the Sheriff has been working through these issues to establish better practices and procedures.

The completion of the inmate population study will provide information key to planning for potential future inmate population growth. It is recommended that this study be completed before a relocation plan is created.

## **Recommendation**

This report is for informational purposes only. No action is necessary.

**All members of the Work Group have reviewed this report and concur with its findings.**



Milwaukee County Board of Supervisors

Lee Holloway

Chairman of the Board

September 13, 2011

Sheriff David A. Clarke, Jr.  
Office of the Sheriff  
Safety Building, Room 107

Dear Sheriff Clarke:

Thank you for copying me on the letters you sent to County Executive Chris Abele and Chief Judge Jeffrey Kremers regarding your intent to relocate the Huber program housing from the Criminal Justice Facility (CJF) to the House of Correction. I agree that locating the Huber detainees in the CJF was intended to be a temporary solution to the closing of the Community Correctional Center, and I also agree that a permanent solution is necessary.

However, we both know that housing Huber detainees at the outer edges of the County without any provision for transporting those inmates back to the center of the city does a disservice to that population. By moving those detainees to Franklin, you are making it much more likely that they will be unable to meet the terms of their court-ordered Huber programming, and employed inmates would run the risk of losing their jobs. In short, you would be setting them up to fail. I don't see how that serves the interest of taxpayers. If you insist on not providing transportation solutions for Huber detainees, we will find a transportation solution and transfer funding from your budget to cover the expense.

We are in agreement that a permanent facility is needed. I've instructed my staff to work with your office and the Department of Administrative Services to renew efforts to develop options for locating a new Huber work release center. We share this goal, and I am confident that we can work collaboratively to resolve these Huber housing issues.

Sincerely,

Lee Holloway  
Chairman, Milwaukee County Board of Supervisors

Cc: Milwaukee County Board of Supervisors  
Milwaukee County Executive Chris Abele  
Chief Judge Jeffrey Kremers

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



**David A. Clarke Jr.**  
Sheriff

July 19, 2011

Chris Abele, County Executive  
Milwaukee County Courthouse  
901 North 9<sup>th</sup> Street, Room 306  
Milwaukee, WI 53223

Dear County Executive Abele:

In the fourth quarter of 2008, Dr. Jeffrey Schwartz, the National Institute of Corrections consultant to the former House of Correction, recommended to the County Executive that the Huber facility known as the Community Correctional Center (CCC) should be closed down. The recommendation was based on the facility structure being inappropriate for a Huber facility and the dilapidated conditions of the building. Dr. Schwartz recommended that a new Huber facility be constructed that would meet the appropriate standards for the level of security required for the housing of Huber inmates.

On January 1, 2009, when Sheriff David A. Clarke Jr. took over the House of Correction, including the CCC Huber facility, the CCC was permanently closed and the active Huber inmates were placed in what was originally designed to be temporary housing in the Milwaukee County Jail, (also known as the County Correctional Facility-Central).

The County Board ordered the formation of a committee to study and recommend solutions to replace the Huber facility, to result in the County Correctional Facility-Central getting back the needed space to house 250 high security inmates, who currently are housed at the County Correctional Facility South (CCF-South). The following was included in the County Executive's 2009 approved budget:

A work group consisting of staff from DAS, the Sheriff's Office, the Courts, and County Board staff will be convened by DAS in January 2009 to develop options for locating a new Huber work release center, either on the existing site or a new location, and will submit recommendations to the Sheriff, the County Executive, the Community Justice Council, and the County Board by July 1, 2009.

*Service to the Community Since 1835*

821 West State Street • Milwaukee, Wisconsin 53233-1488  
414-278-4766 • Fax 414-223-1386 • [www.mksheriff.org](http://www.mksheriff.org)

County Executive Chris Abele  
Page Two  
July 19, 2011

The temporary location has been in place for 30 months without any known progress being made on determining a new and proper secure permanent facility for the Huber program.

Based on the significant number of pre-trial felons being housed at the CCF-South, it is imperative that there be a sense of urgency regarding a new Huber facility, which would result in the removal of the Huber inmates from the maximum-security facility. The CCF-Central is the most expensive and secure facility that I oversee. In short order, I intend to move the Huber inmates to the CCF-South in Franklin, and move the most dangerous felons from CCF-South to CCF-Central. This will result in an efficient utilization of the maximum-security space, and provide the best option for public safety.

The unintended consequence is the increased travel time that Huber inmates will have to their jobs and court-ordered appointments. There are few bus routes that are easily accessible to the CCF-South, and this will increase the need for the Huber inmates to find appropriate transportation. However, my highest priority is public safety, and moving the most dangerous inmates to the CCF-Central maximum-security facility is the right thing to do. My intention is to relocate the Huber site to the CCF-South facility on December 1, 2011.

I look to the leadership of the Milwaukee County Board to expedite the long-awaited recommendation on the new Huber facility. Several of my staff members have expertise in corrections and correctional facilities and would provide beneficial assistance in expediting the plans for an appropriate Huber facility. I will demonstrate my willingness to assist the process by assigning these individuals as needed to the planning and execution committee. What I request in return is that the County Board follow-through to make the recommendations a reality. This will result in enhanced public safety by keeping the most serious offenders in the maximum security CCF-Central, and placing Huber inmates in an appropriate Wisconsin Department of Corrections approved housing facility.

Please contact Inspector Richard Schmidt for further discussion at 278-4342.

Sincerely,

  
David A. Clarke Jr., Sheriff  
Milwaukee County

c: Lee Holloway, Chairman, Milwaukee County Board of Supervisors  
Patricia Jursik, Supervisor, Chairman Planning Committee



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

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

August 16, 2011

The Honorable Jeffrey A. Kremers  
Chief Judge First Judicial District  
Milwaukee County Courthouse, Room 609  
901 N. 9<sup>th</sup> Street  
Milwaukee, WI 53233

Dear Judge Kremers:

Enclosed is a letter I sent to newly elected County Executive Chris Abele to bring to his attention an issue that had been left over from the last administration. My intent was also to renew a sense of urgency within the County Board of Supervisors about this issue, which has obviously become dormant: that being a proper, secure permanent site for the Huber program. All involved parties are aware that its location in the Criminal Justice Facility (CJF) was a temporary site. "Temporary" has turned into 31 months with no action.

The letter indicates my intention to relocate the Huber program housing from its temporary location inside the County Correctional Facility-Central (CCF-C) in downtown Milwaukee to the County Correctional Facility-South (CCF-S) on December 1, 2011, for safety and security reasons. A recent heroin overdose by a returning Huber inmate that occurred in a public bathroom in the lobby of the CJF served as a reminder to me that it is past time for a permanent solution.

This change will require inmates placed on the Huber program to make different transportation arrangements to get from the CCF-S to wherever they need to be. This is the responsibility of the inmate, not the taxpayer. Overcoming obstacles is a virtue which many inmates don't possess, and which our cradle-to-grave society doesn't demand of them. People are resourceful when they want to be and have to be, and learning to overcome obstacles will serve inmates well down the road. All of us have to be, and I would ask why we don't require it of this population. They can, and should, reach out to family, friends, and work associates for their transportation needs, not to county government or the sheriff. After all, they put themselves in their situation of confinement. I have to ask, who was providing transportation for them before they were arrested?

*Service to the Community Since 1835*

The Honorable Jeffrey A. Kremers  
Page Two  
August 16, 2011

On September 1, 2011, we will begin to notify those currently in the Huber program of the location change and that they will have to make transportation adjustments starting December 1, 2011. This is more than enough time for them to make arrangements. I have already received a plan to accomplish the changeover from my Detention Services Bureau.

I am requesting that when a decision is made to place someone on Huber that they be notified that they are responsible for transportation arrangements to and from the CCF-S.

Sincerely,

  
David A. Clarke Jr., Sheriff  
Milwaukee County

Enc.

**DATE:** October 4, 2011

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

**FROM:** John Jorgensen, Principal Assistant Corporation Counsel

**SUBJECT:** *April West et al. v. Dennis Smith, et al.* (originally *West v. Timberlake*)  
Case No. 08CV0670 (E.D. Wis.)

The above referenced action was filed in July, 2008, on behalf of thirteen Milwaukee County residents who were applicants for or recipients of benefits under the FoodShare (formerly known as Food Stamp), Medical Assistance and/or Badger Care programs. The plaintiffs alleged that applications for benefits, periodic eligibility reviews and verification of supporting documents were not processed within the time limits prescribed by law and that as a result they suffered the loss, delayed receipt or interruption of benefits to which they were entitled. The defendants were officials of the Wisconsin Department of Health Services and the Milwaukee County Department of Health and Human Services, the departments responsible for the administration of those programs and at the state and county levels.

The allegations of the complaint were substantially accurate. The difficulties described by the plaintiffs were representative of problems experienced by many applicants and recipients, which were widely reported at the time. As the case progressed, additional plaintiffs and claims were added and the case was certified as a federal class action.

While the action was pending, legislation was enacted that transferred responsibility for the administration of income maintenance programs in Milwaukee County from the County to the State (2009 Wis. Act 15). Thereafter, counsel for the plaintiffs dealt primarily with counsel for the State and negotiated a settlement agreement with the State which set certain benchmarks for timely action on cases in the programs that were the subject of the lawsuit. Statistical reports indicate that those benchmarks were achieved. On September 8, 2011, after a fairness hearing, Judge Stadtmueller approved the settlement agreement and dismissed the action.

Under Judge Stadtmueller's order, the plaintiffs are entitled to reasonable attorney fees, which have been calculated to be \$92,808.20. Counsel for the parties have agreed that

the state defendants will be liable for \$82,808.20 and the county defendants will be liable for \$10,000.00.

Corporation Counsel believes it is fair and reasonable that Milwaukee County pay this share of the attorney fees, which is a portion of the fees generated during the early stages of the litigation when administration of these programs was still a County responsibility. The state has agreed to pay a much larger share, in recognition of their much greater role in the litigation since the enactment of 2009 Wis. Act 15. Corporation Counsel is recommending payment of \$10,000.00 toward the plaintiffs' attorney fees.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. At that time we will appear seeking approval of the payment described above. Thank you.

---

JOHN JORGENSEN  
Principal Assistant Corporation Counsel

## RESOLUTION

Re: *April West et al. v. Dennis Smith, et al.* (originally *West v. Timberlake*)  
Case No. 08CV0670 (E.D. Wis.)

WHEREAS, the above referenced action was filed in July, 2008, on behalf of thirteen Milwaukee County residents who were applicants for or recipients of benefits under the FoodShare (formerly known as Food Stamp), Medical Assistance and/or Badger Care programs who alleged that their applications for benefits, periodic eligibility reviews and verification of supporting documents were not processed within the time limits prescribed by law and that as a result they suffered loss, delayed receipt or interruption of benefits to which they were entitled, and

WHEREAS the defendants were officials of the Wisconsin Department of Health Services and the Milwaukee County Department of Health and Human Services, the departments responsible for the administration of those programs and at the state and county levels, and

WHEREAS after the action was commenced, legislation was enacted that transferred responsibility for the administration of income maintenance programs in Milwaukee County from the County to the State, and

WHEREAS on September 8, 2011, after a fairness hearing, Judge Stadtmueller approved the settlement agreement negotiated between the plaintiffs and the state defendants and dismissed the action, and

WHEREAS under Judge Stadtmueller's order the plaintiffs are entitled to reasonable attorney fees, which have been calculated to be \$92,808.20, to be paid to plaintiffs' counsel, Anne L. De Leo of the firm Nelson, Irvings & Waeffler S.C., and

WHEREAS counsel have agreed to split the attorney fee award as follows:  
State defendants - \$82,808.20      County defendants - \$10,000      and,

WHEREAS Corporation Counsel recommends such payment, and

WHEREAS the Committee on Judiciary, Safety and General Services at its meeting on October 20, 2011 voted (                      ) to recommend the payment as proposed; now,

BE IT RESOLVED that Milwaukee County approves the payment of \$10,000.00 to Anne L. De Leo of the firm Nelson, Irvings & Waeffler S.C. as the Milwaukee County defendants' share of the attorney fee award in the above described action.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** October 18, 2011

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution to authorize payment of \$10,000.00 to Anne De Leo, Nelson, of Nelson, Irvings & Waeffler S.C., as Milwaukee County's share of attorney fee award in *West v. Smith*, Case No. 08-CV-0670 (E.D. Wis.)

**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 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	\$10,000	0
	Revenue	0	0
	Net Cost	0	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.

If adopted, this resolution would authorize payment of \$10,000 to Attorney Anne L. De Leo, counsel for the plaintiff class in *West v. Smith*, as Milwaukee County's share of the attorney fee award in that case. The Department of Administrative Services will determine the appropriate account for payment.

Department/Prepared By Corporation Counsel/John Jorgensen

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

Did DAS-Fiscal Staff Review?  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.