

MARVIN PRATT

INTERIM COUNTY EXECUTIVE

Date: February 14, 2011
To: Lee Holloway, Chairman, County Board of Supervisors
From: Marvin Pratt, Interim County Executive
Subject: Appointment to the Milwaukee County Ethics Board

Subject to the confirmation of your Honorable Body and pursuant to the provisions set forth in Sec. 9.07 and Sec. 9.08 of the WI Statutes, I am hereby appointing Rev. Gary B. Manning to the Milwaukee County Ethics Board. Per the statute the Interfaith Conference of Greater Milwaukee recommended Rev. Manning. Rev. Manning's term will expire February 28, 2017. Rev. Manning is being appointed to the vacancy created by the term expiration of Mr. Paul Hinkfuss.

Attached for your review is a copy of Rev. Manning's resume.

Your consideration and confirmation of this appointment will be appreciated.

A handwritten signature in black ink, appearing to read "Marvin Pratt", written over a horizontal line.

Marvin Pratt
Interim Milwaukee County Executive

MEP:db

Cc: Supervisor Willie Johnson, Jr. Chairman Judiciary, Safety, and General Services Committee
Milwaukee County Board of Supervisors
Terry Cooley
Carol Mueller
Linda Durham
Rick Ceschin
Office of Executive Director Ethics Board
Attorney Marcia E. Facey

The Reverend Gary B. Manning
1717 Church Street
Wauwatosa, WI 53213
414-453-4540

<http://www.trinitywauwatosa.org>
<http://www.tosapriest.blogspot.com>

The Reverend Gary B. Manning is the Rector of Trinity Episcopal Church in Wauwatosa, Wisconsin. He has been in ministry together with that congregation since July, 2004. Prior to his arrival in Wauwatosa, he had served as the Associate to the Rector at Christ and St. Luke's Church in Norfolk, Virginia.

Manning received his M.Div. degree (*cum laude*) from The Virginia Theological Seminary in May, 2002. Before beginning his seminary studies in 1999, he worked as the Lay Associate for Administration and Education at St. Peter's Church in Fernandina Beach, Florida for five and a half years. Prior to his full time work in the church, Manning spent many years in the business world as an insurance agent.

During Manning's tenure at Trinity Church, the congregation has continued to strengthen its commitment to outreach and involvement in the community at large. Since 2007, Trinity Church, in partnership with St. James' Episcopal Church on Wisconsin Avenue in Milwaukee, has operated the Red Door Clothes Store, which is housed at St. James'. Red Door Clothes (RDC) provides clothing to men, women and children in need throughout the greater Milwaukee area free of charge. Since its inception, RDC has distributed over 35,000 articles of clothing. In addition to RDC, Trinity Church's Annual Awesome Auction for Outreach raises and distributes funds in support of numerous Milwaukee non-profit, social service providers including: Hunger Task Force, The Gathering, Our Next Generation, Sojourner Truth House and Habitat for Humanity.

Manning was the 2009 recipient of the John Hines Preaching Award from The Virginia Theological Seminary. This annual award recognizes preachers who, through the medium of the spoken word, remind their hearers of the call of the Gospel to care for the poor, the oppressed and those at the margins of society. Manning strongly believes people of all faiths are called, through their religious heritage, to advocate for social justice and to assertively question those systems which perpetuate inequality and fail to respect the dignity of every human being.

Manning has also served the Episcopal Diocese of Milwaukee as a member of its Executive Committee, the Commission on Mission and Development and several other task forces and working groups. For the past four years, he has been a trainer for the Church Development Institute (CDI) in this diocese as well as the Episcopal Dioceses of Northern Indiana and Georgia. In 2008, he completed additional training through the Institute for Professional Excellence in Coaching. He frequently serves as a consultant to parishes, working with clergy and vestries to foster synergistic relationships and clarify congregational mission strategies.



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: March 24, 2011

TO: Chairman Lee Holloway, Milwaukee County Board of Supervisors

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

SUBJECT: Request to apply for and accept Homeland Security grants in the amount of \$151,151

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 assist with enhancing the following: Intelligence and Information Sharing, Hospital Security and Emergency Response and Large Venue Evacuation Capability.

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 available now from the State of Wisconsin Office of Justice Assistance, include:

1. Urban Area Security Initiative (UASI): Intelligence and Information Sharing Grant, intelligence analysis and surveillance, \$135,000. These funds will be used to offset the cost of one deputy position and for a second mobile surveillance camera trailer.

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2. Office of Justice Assistance (OJA): Homeland Security Exercise Assistance Grant, hospital security and emergency response, \$12,701. These funds will be used for an Active Shooter Response Hospital Security Exercise Program at Froedtert Memorial Lutheran Hospital.
3. Office of Justice Assistance (OJA): Homeland Security Exercise Assistance Grant, Large venue evacuation functional exercise, \$3,450. These funds will be used for an Emergency Evacuation Exercise at Potawatomi Casino.

FISCAL NOTE

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$61,151. The 2011 Adopted Budget anticipated revenue of \$90,000 from the UASI Intelligence and Information Sharing grant. 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 – HOC
Rick Ceschin, Research Analyst, County Board
Josh Fudge, Fiscal and Management Analyst, DAS
Linda Durham, Committee Clerk, County Board

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(ITEM) From the Sheriff requesting authorization to apply for and accept Homeland Security Funding in the amount of \$151,151:

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 assist with enhancing the following: Intelligence and Information Sharing, Hospital Security and Emergency Response and Large Venue Evacuation Capability; 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 available now from the State of Wisconsin Office of Justice Assistance, include:

- 1. Urban Area Security Initiative (UASI): Intelligence and Information Sharing Grant, intelligence analysis and surveillance, \$135,000. These funds will be used to offset the cost of one deputy position and for a second mobile surveillance camera trailer.
- 2. Office of Justice Assistance (OJA): Homeland Security Exercise Assistance Grant, hospital security and emergency response, \$12,701. These funds will be used for an Active Shooter Response Hospital Security Exercise Program at Froedtert Memorial Lutheran Hospital.
- 3. Office of Justice Assistance (OJA): Homeland Security Exercise Assistance Grant, Large venue evacuation functional exercise, \$3,450. These funds will be used for an Emergency Evacuation Exercise at Potawatomi Casino; now, therefore,

BE IT RESOLVED, the Office of the Sheriff is hereby authorized to apply for and accept Homeland Security grant funding of \$151,151.

FISCAL NOTE

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$61,151. The 2011 Adopted Budget anticipated revenue of \$90,000 from the UASI Intelligence and Information Sharing grant. There is no local match to the funding and therefore no tax levy impact.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 3/24/11

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: The Sheriff of Milwaukee County requests the authority to apply for and accept Homeland Security grant funding for 2011.

FISCAL EFFECT:

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	61,151	
	Revenue	61,151	
	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. 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.

The Office of the Sheriff is requesting to apply for and accept Homeland Security Grant funding. Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$61,151. The 2011 Adopted Budget anticipated revenue of \$90,000 from the UASI Intelligence and Information Sharing grant. There is no local match to the funding and therefore no tax levy impact.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

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.

Date : March 24, 2011

To : Supervisor Willie Johnson Jr., Chair, Judiciary, Safety and General Services Committee
Supervisor Peggy West, Chair, Health and Human Needs Committee

From : Laurie Panella, Interim Chief Information Officer, IMSD

Subject: Informational Report: Capital Project WO444 – Electronic Medical Records System

BACKGROUND

The 2010 Budget included an appropriation for capital improvement project WO444 Electronic Medical Records System to replace the current system at the Office of the Sheriff (MCSO) and to implement a new Electronic Medical Records (EMR) System for the Behavioral Health Division (BHD). In January, the Information Management Services Division (IMSD) presented an information report on Phase 1, the Planning and Design phase to the Health and Human Needs Committee and the committee on Judiciary, Safety and General Services.

This document will serve as the second status report and is intended to provide an informational update on the progress of the EMR project and the subsequent phases to complete the project.

ANTICIPATED PROJECT PHASES

The EMR project is broken down into the following four (4) phases:

Phase 1 - Planning and Design

Phase 2 - Request for Proposal (RFP) Process and Vendor Selection

Phase 3 - Implementation

Phase 4 - Closeout and Audit

IMSD has completed Phase 1, the Planning and Design Phase and is currently on Phase 2, RFP Process and Vendor Selection

CURRENT PROJECT STATUS

Phase 2 (RFP and Vendor Selection)

On January 7, 2011, IMSD posted the EMR RFP on the County Business Opportunity Portal, placed an advertisement in the Daily Reporter and sent the RFP to ten (10) select EMR vendors. The RFP was written to solicit a single EMR solution that would address the needs of both MCSO and BHD. It must be noted that the document also included language indicating that IMSD would accept proposals for EMR solutions that specialized in either Corrections or Mental Health services in the event that a single combined EMR solution was not able to be provided by a single vendor. Though IMSD received letters of intent to bid from nine (9) EMR vendors, only four (4) proposals were received for evaluation purposes. A selection committee for MCSO and a committee for BHD were created to review and evaluate the proposals. Individuals on each panel were considered subject matter experts and represented physicians, registered nurses, licensed practice nurses, social service coordinators, medical assistants, unit clerks, and representatives from long-term care, managed care, etc.

Each selection committee began reviewing the four (4) proposals; one was considered not qualified by both committees resulting in three (3) finalists: one solution that would meet the need of MCSO, one that specialized in EMR systems for Behavioral Health and one that could meet the needs of both MCSO and BHD.

In order to ensure the most competitive as well as comprehensive vendor selection process, it was determined by each selection committee that it would be in the County's best interest to re-open the RFP process and solicit additional vendors. Reposting the RFP resulted in seven (7) additional proposals for Corrections and six (6) for Mental Health. Each selection committee will score the new proposals and select additional one (1) to two (2) EMR solutions that best meet the need of their operation. The most qualified vendors for Corrections and for Behavioral Health will be invited to participate in the second round of evaluation process and vendor product demonstrations. Upon completion of the vendor demonstrations the vendors will be scored and based on the three major components: the committee's evaluation score of the proposals, the product demonstrations and the Department of Administrative Services' (DAS) score of the financials.

Once the scoring process is complete, the successful vendor will be selected. IMSD will work in conjunction with Corporation Counsel, Risk Management, the Community Business Development Partners Office and DAS to negotiate the terms and conditions of a contract with the chosen vendor. It is anticipated that IMSD will request approval of the County Board of Supervisors during the June cycle for execution of this contract.

Status reports for subsequent phases will be provided once a project plan has been detailed by the successful vendor and approved by MCSO, BHD, IMSD and DAS.

RECOMMENDATION

The Interim Chief Information Officer respectfully requests this report to be received and placed on file.

cc: Marvin Pratt, County Executive
E. Marie Broussard, Assistant Chief of Staff, Office of the County Executive
Chairman Lee Holloway, County Board of Supervisors
Vice Chairman Michael Mayo Sr., County Board of Supervisors
Terrance Cooley, Chief of Staff, County Board of Supervisors
Lynne DeBruin, Vice Chair, Judiciary Committee
Marina Dimitrijevic, Vice Chair, Health and Human Services
Sheriff David Clark
Geri Lyday, Director, Health and Human Services

Linda Durham, Judiciary Committee Clerk
Rich Ceschin, Judiciary Research Analyst
Jodi Mapp, Health and Human Services Committee Clerk
Jennifer Collins, Health and Human Services Research Analyst
Pam Bryant, Capital Finance Manager
Davida Amenta, DAS Budget Analyst
Justin Rodriguez, Capital Finance Analyst
Maggie Mesaros, BHD Fiscal and Management Analyst



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

DATE: March 23, 2011

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

FROM: Mark A. Grady, Principal Assistant Corporation Counsel

SUBJECT: Claim filed by: Acuity Insurance (for John Stoller)
Date of Loss: August 11, 2010
Date Claim Filed: August 24, 2010

On August 11, 2010, a Milwaukee County Parks Department dump truck was traveling in front of the Mr. John Stoller's vehicle, on Hwy 41/45, when it hit a bump. Mr. Stoller's vehicle was immediately showered with loose gravel. This particular dump truck was hauling traffic bond/gravel and had just dumped and was leaving the work site. Drivers are asked to remove all loose stone prior to leaving after dumping their load, but this truck did not get completely emptied.

Mr. Stoller's vehicle is a 1996 Ford Mustang GT. Damage was located on the front bumper, hood and right fender. Acuity Insurance has made payment in the amount of \$1880.22. In addition, Mr. Stoller had a \$250 deductible.

It is the recommendation of Wisconsin County Mutual's insurance adjuster that we settle this matter for \$2,130.22. Corporation Counsel supports this settlement.

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 agreement. Thank you.

MAG/kpe

Cc: Linda Durham
Jennifer Mueller
Barb Pariseau



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

INTER-OFFICE COMMUNICATION

DATE: March 7, 2011

TO: LEE HOLLOWAY, Chairman
Milwaukee County Board of Supervisors

FROM: ROY L. WILLIAMS, Principal Assistant
Corporation Counsel

Subject: Christopher R. Lewis v. Sheriff David A. Clarke, Jr., et al.
Case No. 09C0138

In this Section 1983 lawsuit, Christopher Lewis alleged that several deputies acted improperly and failed to protect him from another inmate who threw “dashing material” (feces, urine and saliva) on him. In June 2008, Lewis claimed that deputies received a note stating that inmate Raynell Jordan had dashing material. Lewis further alleged that the deputies failed to find the dashing material, which was later sprayed on him by Jordan. Mr. Lewis also alleged that Deputy Kordus retaliated against him by filing a false report against him, causing him to be placed in discipline status in prison.

Mr. Lewis filed this lawsuit against Sheriff Clarke, several deputies, and correctional officers. Judge Stadtmueller granted most aspects of my Motion for Summary Judgment with the exception of the retaliation claim against the deputy whom Lewis claimed filed false reports. In September of 2010, the judge ordered mediation. The judge also appointed an attorney, T. Wickham Schmidt, to represent Mr. Lewis at the mediation. On February 9, 2011, the mediation took place before Magistrate Judge Patricia Gorence. The plaintiff’s initial demand was \$25,000.00, and our initial offer was \$250.00. After a lengthy mediation, the case settled for \$2,000.00.

The Office of Corporation Counsel believes this settlement is appropriate in light of the costs of proceeding to trial and the risk of receiving an adverse verdict. Deputy Kordus, the main

defendant for the retaliation claim, no longer works for the Office of the Sheriff. Several years ago she took a position with the U.S. Border Patrol and has been very difficult to reach.

Milwaukee County's insurance company also is in agreement with the settlement. The insurance company gave me authority up to \$2,500.00 to settle the case, but was pleased that the settlement amount was less than the authority.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. At that time, Corporation Counsel will request that the committee recommend to the County Board that Christopher Lewis be paid \$2,000.00 to settle in full his claim. Thank you.

ROY L. WILLIAMS
Principal Assistant Corporation Counsel

RLW/amb

cc: Linda Durham
Jennifer Mueller



OFFICE OF CORPORATION COUNSEL

Milwaukee County

6 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
ROY L. WILLIAMS
COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: March 17, 2011

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

FROM: John E. Schapekahn, Principal Assistant Corporation Counsel

SUBJECT: Claimant: Dorothy Boness
3377 S. 34th St.,
Milwaukee, WI 53215.

Date Dorothy Boness Claim Filed: January 22, 2010

Corporation Counsel respectfully requests that the Chairman of the Milwaukee County Board of Supervisors refer this settlement proposal to the Judiciary, Safety and General Services Committee.

LIABILITY

The subject motor vehicle accident occurred February 1, 2008 around 10:15 AM, in the intersection of Beloit Road with South 100th Street, Milwaukee, WI. Milwaukee County snowplow truck operator Douglas Tersen was performing routine winter plowing operations in a 1998 Ford Sterling plow truck. He was traveling northwesterly on West Beloit Road as he approached South 100th Street. As Douglas Tersen attempted to brake for the red light the plow truck slid out of control. The front plow on the truck struck the passenger rear of the Boness 1998 Toyota Avalon. Dorothy Boness was a passenger in the vehicle being driven by her husband Fred Boness. The Boness vehicle was traveling northbound on South 100th Street. It was almost through the intersection when Douglas Tersen's plow truck struck the rear passenger side of Boness vehicle. A witness statement favors the claimants.

100% of the causal negligence rests with Milwaukee County snowplow truck operator Douglas Tersen.

DAMAGES

PROPERTY DAMAGE

The Boness vehicle was a 1998 Toyota Avalon. The vehicle was a total loss with an actual cash value of \$5710. The damages were located on the rear passenger side of the

vehicle. The Judiciary Committee previously approved settlement of the property damage claim with Miller's First Insurance Companies in the amount of \$5,614.76 (deducting sales tax and salvage value) on July 10, 2008 and the County Board approved on July 24, 2008.

BODILY INJURIES, DOROTHY BONESS

Dorothy Boness refused transportation by ambulance at the scene. She did later that day get to get treatment at West Allis Memorial Hospital because of a sore neck and back. The hospital took X-Rays of her cervical spine. The X-Rays Results were negative for any fracture, but showed mild to moderate degenerative change was noted in the C4-5 intervertebral.

On March 04, 2008, Dorothy Boness went to Columbia St. Mary's-Columbia Campus where she received an MRI of the Spine Lumbar. The stated reason for the exam was a Spinal Stenosis. The findings of the Lumbar Spine MRI were of degenerative changes with narrowed L2-L3, L3-L4, L4-L5 interspaces, as well as Degenerative type I anterolisthesis. It appears that the accident aggravated a pre-existing underlying condition¹.

On April 02, 2008 Dr. John Stoffers, with Orthopedic Hospital of WI, did inject an epidural shot in the L 1 to S2 region on the spine. This was the first injection due to continual back pain. A second epidural injection was given on April 17, 2008 by Dr. John Stoffers in the LI to S2 region of the spine. The claimants back pain continued therefore requiring the claimant to have another injection on September 23, 2008 and November 11, 2008. There were a total of 4 injections administered by Dr. John Stoffers at Orthopedic Hospital of WI.

Dorothy Boness underwent a decompression procedure at L3-4 and L4-5 on December 23, 2008 for spondylolisthesis and stenosis with sciatica. Dr. John Sanidas, with Orthopedic Associates of Milwaukee completed this surgery. These charges are below at \$26,904.00. Over half of the total specials related to this procedure.

Starting in February 2009 Dorothy Boness attended physical therapy. She [participated in twenty sessions from February 20, 2009 through June 05, 2009, at Aurora Sinai Aurora Health Care Clinic.

Due to concern that this accident aggravated of a pre-existing condition of spondylolisthesis and stenosis, Wisconsin County Mutual Insurance Corporation obtained a Medical Records Analysis of prior medical records from Pro Care Physical Therapy. The analysis also concludes that the auto accident 'on February 01, 2008 more than likely aggravated the claimants pre-existing lumbar spinal stenosis condition. This resulted in the need for conservative medical treatment and lumbar spinal fusion surgery on December 23, 2008.

¹ Medical notes also indicate that Mrs. Boness was seen prior to the February 01, 2008 accident on January 10, 2008 with Dr. John Stoffers regarding her history of Lumbar Spine Stenosis. She had recently completed physical therapy as pain continued on a daily basis.

MEDICAL EXPENSES, DOROTHY BONESS

LIST OF MEDICAL EXPENSES:

Aurora West Allis:	\$627.75
ERMED S.C.:	\$267.00
Great Lakes Radiology:	\$52.00
Dr. John Roffers:	\$5677.00
Madison Medical:	\$1117.00
Columbia St. Mary's:	\$3359.46
Orthopedic Hospital of WI:	\$4172.00
Orthopedic Assoc. of Milwaukee:	\$26,904.00
Aurora Sinai Health Care:	\$8501.75
Prospect Medical Commons:	\$861.63
<hr/>	
Total:	\$51,539.59

EVALUATION AND SETTLEMENT PROPOSAL

The value of Dorothy Boness' claim, in light of what a jury might award probably award, could easily come to \$150,000.00 for pain, suffering, disability, including the \$51,539.59 medical expense incurred.

The attorney for the Dorothy Boness negotiated a settlement with Wisconsin County Mutual Insurance Corporation and has agreed to a negotiated settlement of Dorothy Boness' claims, for pain, suffering and disability, together with medical expense, subject to County Board approval, in the total amount of the \$100,000.00.

CONCLUSION

Corporation Counsel requests that the Judiciary, Safety and General Services Committee recommend to the Milwaukee County Board of Supervisors approval of the settlement of the claims of Dorothy Boness in return for the dismissal of the pending lawsuit, to be paid as follows:

Dorothy Boness. \$100,000.00

Respectfully submitted,



JOHN E. SCHAPEKAHM
Principal Assistant Corporation Counsel

JES/kcm

cc: Linda Durham
Jennifer Mueller
Barbara Pariseau

RESOLUTION

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By the Committee on Judiciary, Safety and General Services

(Item __)

WHEREAS, Dorothy Boness was involved as a passenger in a motor vehicle accident occurring February 1, 2008 at about 10:15 AM, in the intersection of Beloit Road with South 100th Street, Milwaukee, WI, due entirely to the causal negligence of Milwaukee County Employee Douglas Tersen, while in the course of his employment with Milwaukee County, and while operating a Milwaukee County snow plow truck; and

WHEREAS, in consequence of the February 1, 2008 motor vehicle accident, Dorothy Boness was injured, and endured resulting pain suffering and disability, as well as medical expense; and

WHEREAS, Wisconsin County Mutual Insurance Corporation reached a tentative settlement agreement with plaintiff's counsel, subject to Milwaukee County Board approval, in the amount of \$100,000.00; and

WHEREAS, the Committee on Judiciary, Safety and General Services, at its April 7, 2011 meeting, approved the recommended settlement with a vote of ___-___; now therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors approves payment of \$100,000.00 to Dorothy Boness and her attorneys in full settlement and release of all her claims arising out of the said accident of February 1, 2008 and in return for a dismissal of her pending lawsuit.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 3/17/11

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Boness vs. Milwaukee County: Claim

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	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

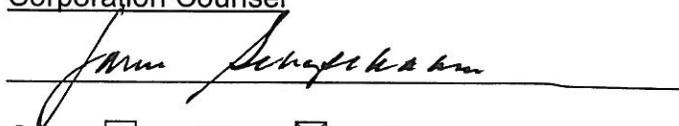
In the space below, you must provide the following information. Attach additional pages if necessary.

- 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.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.

Approval of this Resolution will result in a charge being applied to Milwaukee County's 2008 deductible with Wisconsin County Mutual Insurance Corporation in the amount of \$100,000.00.

Department/Prepared By Corporation Counsel

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.



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

INTEROFFICE MEMORANDUM

DATE: March 24, 2011

TO: LEE HOLLOWAY, Chairman
Milwaukee County Board of Supervisors

FROM: ROY L. WILLIAMS, Principal Assistant
Corporation Counsel

SUBJECT: Raffael Nash v. Milwaukee County House of Correction
ERD Case No. CR200801933
EEOC Case No. 26G200801342C

Allamont Perine v. Milwaukee County House of Correction
ERD Case No. CR200801931
EEOC Case No. 26G200801340C

Steven Stahl v. Milwaukee County House of Correction
ERD Case No. CR200801932
EEOC Case No. 26G200801341C

This case relates to the attempted termination of Steven Stahl, Rafael Nash, and Allamont Perine because of the alleged improper handling of inmate Freddie Dudley at the Huber facility. In 2007 Freddie Dudley, a Huber inmate, claimed that he committed a homicide while he was out on release. A check of various logs and records revealed poor record keeping and confusion about the whereabouts of Mr. Dudley. Former County Executive Scott Walker made comments to the media regarding his concern about the incident. Eventually, former Superintendent Ronald Malone sought the termination of Raffael Nash, Allamont Perine, Steven Stahl and a female supervisor. Milwaukee County's Personnel Review Board did not uphold the termination of the female supervisor. Prior to the hearing for Nash, Perine and Stahl, Milwaukee County withdrew the charges against them. The female supervisor received compensation for

the time she missed from work because of her suspension. Nash, Perine and Stahl did not receive such compensation.

The three officers filed a discrimination complaint against Milwaukee County, alleging gender discrimination. Officer Nash threatened to add a claim against the County Executive for slander because of comments Nash claimed the executive made about him and the other officers. After an investigation, the Equal Rights Division made a finding of no probable cause to believe that the officers were the victims of gender discrimination. The officers, through their lawyers, then appealed and a hearing was set. After depositions and other discovery, it was decided that the cases would settle. Officer Perine is to receive \$6,900.00 as damages. Officer Stahl is to receive \$10,600.00 as damages. Finally, Officer Nash is to receive \$5,000.00 in attorney's fees and \$9,000.00 in damages. These amounts (with the exception of the attorney's fees) reflect the wages they should have received at the close of the case before the Personnel Review Board.

Milwaukee County's insurance company is aware of the settlement and is in agreement with it. Milwaukee County's Office of Corporation Counsel also agrees with the settlement. Essentially, the officers will receive the amount to which they were entitled several years ago. Further, the settlement eliminates the costs and risks of further litigation.

ROY L. WILLIAMS
Principal Assistant Corporation Counsel

RLW/amb

cc: Linda Durham

RESOLUTION

Re: Rafael Nash v. Milwaukee County House of Correction
ERD Case No. CR200801933
EEOC Case No. 26G200801342C

WHEREAS, incidents allegedly occurred in 2007 in the County of Milwaukee, State of Wisconsin, more particularly described in ERD case number CR200801933 as a result of Rafael Nash claimed to have received damages; and,

WHEREAS, the Rafael Nash desires and intends to fully settle all disputes and claims arising from the incidents above described, whether past or present, known or unknown, actual or potential; and,

WHEREAS, consideration of the payment of Five Thousand and No/100 Dollars (\$5,000), in attorney's fees and Nine Thousand and No/100 Dollars (\$9000.00) in back pay, receipt and sufficiency of which is hereby acknowledged, Rafael Nash, fully releases, acquits and forever discharges Milwaukee County, Sheriff David A. Clarke Jr. and all other persons, firms or corporations, together with their respective employees, officers, agents, heirs, representatives, executors, successors, insurers and assigns, of and from any and all actions, causes of action, claims, demands, liabilities, damages, loss of services, expenses and compensation on account of or in any way growing out of the damages of Rafael Nash resulting from the incidents described above; and,

WHEREAS, Rafael Nash further agrees not to present any further claim whatsoever against any person or corporation, including, but not limited to, Milwaukee County, Sheriff David A. Clarke Jr. as a result of the damages sustained by Rafael Nash in the incidents described above; and,

WHEREAS, Rafael Nash further agrees to indemnify and save harmless the said parties released above from all claims and demands, actions and causes of action, damages, costs, loss of services, expenses, loss of society and companionship, and compensation on account of or in any way growing out of the damages of Rafael Nash, including, but not limited to, any actions for subrogation, derivation, contribution or indemnification. Said party further agrees to satisfy all outstanding liens arising from these incidents, if any; and,

WHEREAS, Rafael Nash further agrees to keep the terms of this agreement confidential, however, he may disclose said terms to his accountant, attorney, or other professionals who may assist him with his financial affairs; and,

WHEREAS, it is agreed that the payment made herein is not to be construed as an admission by or on behalf of the parties released of any liability whatsoever on account of the damages of Rafael Nash, such liability being expressly denied; and,

WHEREAS, This agreement shall be and is deemed to be entered into under the laws of the State of Wisconsin and shall be construed and be given effect in accordance with the laws of that state on the effective date of this agreement and not otherwise; and,

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on April 7, 2011 voted (_____) to recommend the payment as proposed; now,

BE IT RESOLVED, that Milwaukee County approves the payment of \$14,000 to Rafael Nash to settle in full all claims arising out of this case.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: March 24, 2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Raffael Nash v. Milwaukee County House of Correction
ERD Case No. CR200801933 / EEOC Case No. 26G200801342C

FISCAL EFFECT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<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
Operating Budget	Expenditure	\$9,000.00 and \$5,000.00	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	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. 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.

Payment of these claims will result in the amount of \$9,000.00 + \$5,000.00 (totaling \$14,000.00) being applied to Milwaukee County's 2008 deductible with the Wisconsin Mutual Insurance Corporation.

Department/Prepared By Corporation Counsel

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.



OFFICE OF CORPORATION COUNSEL

Milwaukee County

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

INTEROFFICE MEMORANDUM

DATE: March 24, 2011

TO: LEE HOLLOWAY, Chairman
Milwaukee County Board of Supervisors

FROM: ROY L. WILLIAMS, Principal Assistant
Corporation Counsel

SUBJECT: Raffael Nash v. Milwaukee County House of Correction
ERD Case No. CR200801933
EEOC Case No. 26G200801342C

Allamont Perine v. Milwaukee County House of Correction
ERD Case No. CR200801931
EEOC Case No. 26G200801340C

Steven Stahl v. Milwaukee County House of Correction
ERD Case No. CR200801932
EEOC Case No. 26G200801341C

This case relates to the attempted termination of Steven Stahl, Rafael Nash, and Allamont Perine because of the alleged improper handling of inmate Freddie Dudley at the Huber facility. In 2007 Freddie Dudley, a Huber inmate, claimed that he committed a homicide while he was out on release. A check of various logs and records revealed poor record keeping and confusion about the whereabouts of Mr. Dudley. Former County Executive Scott Walker made comments to the media regarding his concern about the incident. Eventually, former Superintendent Ronald Malone sought the termination of Raffael Nash, Allamont Perine, Steven Stahl and a female supervisor. Milwaukee County's Personnel Review Board did not uphold the termination of the female supervisor. Prior to the hearing for Nash, Perine and Stahl, Milwaukee County withdrew the charges against them. The female supervisor received compensation for

the time she missed from work because of her suspension. Nash, Perine and Stahl did not receive such compensation.

The three officers filed a discrimination complaint against Milwaukee County, alleging gender discrimination. Officer Nash threatened to add a claim against the County Executive for slander because of comments Nash claimed the executive made about him and the other officers. After an investigation, the Equal Rights Division made a finding of no probable cause to believe that the officers were the victims of gender discrimination. The officers, through their lawyers, then appealed and a hearing was set. After depositions and other discovery, it was decided that the cases would settle. Officer Perine is to receive \$6,900.00 as damages. Officer Stahl is to receive \$10,600.00 as damages. Finally, Officer Nash is to receive \$5,000.00 in attorney's fees and \$9,000.00 in damages. These amounts (with the exception of the attorney's fees) reflect the wages they should have received at the close of the case before the Personnel Review Board.

Milwaukee County's insurance company is aware of the settlement and is in agreement with it. Milwaukee County's Office of Corporation Counsel also agrees with the settlement. Essentially, the officers will receive the amount to which they were entitled several years ago. Further, the settlement eliminates the costs and risks of further litigation.

ROY L. WILLIAMS
Principal Assistant Corporation Counsel

RLW/amb

cc: Linda Durham

RESOLUTION

Re: Steven Stahl v. Milwaukee County House of Correction
ERD Case No. CR200801932
EEOC Case No. 26G200801341C

WHEREAS, incidents allegedly occurred in 2007 in the County of Milwaukee, State of Wisconsin, more particularly described in ERD case number CR200801932 as a result of Steven Stahl claimed to have received damages; and,

WHEREAS, the Steven Stahl desires and intends to fully settle all disputes and claims arising from the incidents above described, whether past or present, known or unknown, actual or potential; and,

WHEREAS, consideration of the payment of Ten Thousand Six Hundred and No/100 Dollars (\$10,600) in back pay, receipt and sufficiency of which is hereby acknowledged, Steven Stahl, fully releases, acquits and forever discharges Milwaukee County, Sheriff David A. Clarke Jr. and all other persons, firms or corporations, together with their respective employees, officers, agents, heirs, representatives, executors, successors, insurers and assigns, of and from any and all actions, causes of action, claims, demands, liabilities, damages, loss of services, expenses and compensation on account of or in any way growing out of the damages of Steven Stahl resulting from the incidents described above; and,

WHEREAS, Steven Stahl further agrees not to present any further claim whatsoever against any person or corporation, including, but not limited to, Milwaukee County, Sheriff David A. Clarke Jr. as a result of the damages sustained by Steven Stahl in the incidents described above; and,

WHEREAS, Steven Stahl further agrees to indemnify and save harmless the said parties released above from all claims and demands, actions and causes of action, damages, costs, loss of services, expenses, loss of society and companionship, and compensation on account of or in any way growing out of the damages of Steven Stahl, including, but not limited to, any actions for subrogation, derivation, contribution or indemnification. Said party further agrees to satisfy all outstanding liens arising from these incidents, if any; and,

WHEREAS, Steven Stahl further agrees to keep the terms of this agreement confidential, however, he may disclose said terms to his accountant, attorney, or other professionals who may assist him with his financial affairs; and,

WHEREAS, it is agreed that the payment made herein is not to be construed as an admission by or on behalf of the parties released of any liability whatsoever on account of the damages of Steven Stahl, such liability being expressly denied; and,

WHEREAS, This agreement shall be and is deemed to be entered into under the laws of the State of Wisconsin and shall be construed and be given effect in accordance with the laws of that state on the effective date of this agreement and not otherwise; and,

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on April 7, 2011 voted () to recommend the payment as proposed; now,

BE IT RESOLVED, that Milwaukee County approves the payment of \$10,600 to Steven Stahl to settle in full all claims arising out of this case.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: March 24, 2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Steven Stahl v. Milwaukee County House of Correction
ERD Case No. CR200801932 / EEOC Case No. 26G200801341C

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	\$10,600.00	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	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.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.

Payment of these claims will result in the amount of \$10,600.00 being applied to Milwaukee County's 2008 deductible with the Wisconsin Mutual Insurance Corporation.

Department/Prepared By Corporation Counsel

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.



OFFICE OF CORPORATION COUNSEL

*Milwaukee County*TIMOTHY R. SCHOEWE
Acting Corporation CounselROBERT E. ANDREWS
Deputy Corporation CounselJOHN F. JORGENSEN
MARK A. GRADY
JOHN E. SCHAPEKAHM
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JEANEEN J. DEHRING
ROY L. WILLIAMS
COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

INTEROFFICE MEMORANDUM

DATE: March 24, 2011

TO: LEE HOLLOWAY, Chairman
Milwaukee County Board of Supervisors

FROM: ROY L. WILLIAMS, Principal Assistant
Corporation Counsel

SUBJECT: Raffael Nash v. Milwaukee County House of Correction
ERD Case No. CR200801933
EEOC Case No. 26G200801342C

Allamont Perine v. Milwaukee County House of Correction
ERD Case No. CR200801931
EEOC Case No. 26G200801340C

Steven Stahl v. Milwaukee County House of Correction
ERD Case No. CR200801932
EEOC Case No. 26G200801341C

This case relates to the attempted termination of Steven Stahl, Rafael Nash, and Allamont Perine because of the alleged improper handling of inmate Freddie Dudley at the Huber facility. In 2007 Freddie Dudley, a Huber inmate, claimed that he committed a homicide while he was out on release. A check of various logs and records revealed poor record keeping and confusion about the whereabouts of Mr. Dudley. Former County Executive Scott Walker made comments to the media regarding his concern about the incident. Eventually, former Superintendent Ronald Malone sought the termination of Raffael Nash, Allamont Perine, Steven Stahl and a female supervisor. Milwaukee County's Personnel Review Board did not uphold the termination of the female supervisor. Prior to the hearing for Nash, Perine and Stahl, Milwaukee County withdrew the charges against them. The female supervisor received compensation for

the time she missed from work because of her suspension. Nash, Perine and Stahl did not receive such compensation.

The three officers filed a discrimination complaint against Milwaukee County, alleging gender discrimination. Officer Nash threatened to add a claim against the County Executive for slander because of comments Nash claimed the executive made about him and the other officers. After an investigation, the Equal Rights Division made a finding of no probable cause to believe that the officers were the victims of gender discrimination. The officers, through their lawyers, then appealed and a hearing was set. After depositions and other discovery, it was decided that the cases would settle. Officer Perine is to receive \$6,900.00 as damages. Officer Stahl is to receive \$10,600.00 as damages. Finally, Officer Nash is to receive \$5,000.00 in attorney's fees and \$9,000.00 in damages. These amounts (with the exception of the attorney's fees) reflect the wages they should have received at the close of the case before the Personnel Review Board.

Milwaukee County's insurance company is aware of the settlement and is in agreement with it. Milwaukee County's Office of Corporation Counsel also agrees with the settlement. Essentially, the officers will receive the amount to which they were entitled several years ago. Further, the settlement eliminates the costs and risks of further litigation.

ROY L. WILLIAMS
Principal Assistant Corporation Counsel

RLW/amb

cc: Linda Durham

RESOLUTION

Re: Allamont Perine v. Milwaukee County House of Correction
ERD Case No. CR200801931
EEOC Case No. 26G200801340C

WHEREAS, incidents allegedly occurred in 2007 in the County of Milwaukee, State of Wisconsin, more particularly described in ERD case number CR200801931 as a result of Allamont Perine claimed to have received damages; and,

WHEREAS, the Allamont Perine desires and intends to fully settle all disputes and claims arising from the incidents above described, whether past or present, known or unknown, actual or potential; and,

WHEREAS, consideration of the payment of Six Thousand Nine Hundred and No/100 Dollars (\$6,900) in back pay, receipt and sufficiency of which is hereby acknowledged, Allamont Perine, fully releases, acquits and forever discharges Milwaukee County, Sheriff David A. Clarke Jr. and all other persons, firms or corporations, together with their respective employees, officers, agents, heirs, representatives, executors, successors, insurers and assigns, of and from any and all actions, causes of action, claims, demands, liabilities, damages, loss of services, expenses and compensation on account of or in any way growing out of the damages of Allamont Perine resulting from the incidents described above; and,

WHEREAS, Allamont Perine further agrees not to present any further claim whatsoever against any person or corporation, including, but not limited to, Milwaukee County, Sheriff David A. Clarke Jr. as a result of the damages sustained by Allamont Perine in the incidents described above; and,

WHEREAS, Allamont Perine further agrees to indemnify and save harmless the said parties released above from all claims and demands, actions and causes of action, damages, costs, loss of services, expenses, loss of society and companionship, and compensation on account of or in any way growing out of the damages of Allamont Perine, including, but not limited to, any actions for subrogation, derivation, contribution or indemnification. Said party further agrees to satisfy all outstanding liens arising from these incidents, if any; and,

WHEREAS, Allamont Perine further agrees to keep the terms of this agreement confidential, however, he may disclose said terms to his accountant, attorney, or other professionals who may assist him with his financial affairs; and,

WHEREAS, it is agreed that the payment made herein is not to be construed as an admission by or on behalf of the parties released of any liability whatsoever on account of the damages of Allamont Perine, such liability being expressly denied; and,

WHEREAS, This agreement shall be and is deemed to be entered into under the laws of the State of Wisconsin and shall be construed and be given effect in accordance with the laws of that state on the effective date of this agreement and not otherwise; and,

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on April 7, 2011 voted (_____) to recommend the payment as proposed; now,

BE IT RESOLVED, that Milwaukee County approves the payment of \$6,900 to Allamont Perine to settle in full all claims arising out of this case.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: March 24, 2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Allamont Perine v. Milwaukee County House of Correction
ERD Case No. CR200801931 / EEOC Case No. 26G200801340C

FISCAL EFFECT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<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
Operating Budget	Expenditure	\$6,900.00	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	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.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.

Payment of these claims will result in the amount of \$6,900.00 being applied to Milwaukee County's 2008 deductible with the Wisconsin Mutual Insurance Corporation.

Department/Prepared By Corporation Counsel

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.