

1
2 By Supervisor Harris

Journal,
3 File No. 12- 81

4 **A RESOLUTION**

5 Authorizing and directing the Manager of the Milwaukee County Election
6 Commission to work with Office of the Sheriff as well as the election officials of
7 the Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at
8 Milwaukee County's correctional facilities for primary and general elections in
9 2012 and further directing the Manager of the Milwaukee County Election
10 Commission to aggregate and report voting irregularities experienced by the
11 electorate as reported by municipal election officials during said elections.

12 WHEREAS, elections in Wisconsin are governed by Wisconsin statutes
13 chapters 5 through 12, which provide in part for the assignment of certain election
14 duties to the executive director of a County Election Commission to administer the
15 duties prescribed therein; and

16 WHEREAS, generally, the Milwaukee County Election Commission
17 ("Commission"), as the functionary assigned the duties under Chapter 7, Wis.
18 Stats, works with municipalities to provide ballots and supplies, serves as the post-
19 election repository for completed ballots, and verifies and certifies federal, state,
20 and county office election results from all of the municipalities; and

21 WHEREAS, municipal election officials, also working within statutory
22 parameters, have "charge and supervision of elections and registration in the
23 municipality" (Wis. Stats. 7.15(1)) and are principally responsible for the conduct
24 of elections has provided by law; and

25 WHEREAS, Milwaukee County houses pre- and post-conviction inmates at
26 the Community Correctional Facility South (CCFS) in Franklin and the Community
27 Correctional Facility Central (CCFC) in Milwaukee and despite their incarceration,
28 many inmates are not legally disqualified as electors and have the right to cast
29 absentee ballots in elections; and

30 WHEREAS, the Milwaukee County Sheriff's Office posts voting information
31 for inmates and works to accommodate ballot requests and in the past has worked
32 with the City of Franklin and the City of Milwaukee to facilitate inmate voting; and

33 WHEREAS, the Milwaukee County Board of Supervisors believes that every
34 qualified elector should be afforded information on and access to election
35 opportunities; and

36 WHEREAS, Wisconsin Act 23, passed in 2011, placed stringent new
37 polling place requirements on the general population, including a photo ID

38 requirement and required signature on the polling list, that may preclude qualified
39 electors from receiving an election ballot; and

40 WHEREAS, the State Government Accountability Board, as required by
41 law, requires municipal election clerks to complete a variety of forms related to
42 the conduct of elections at each polling place, including forms GAB-104 and
43 GAB-104C that document "incidents" related to rejected, defective and
44 challenged ballots; and

45 WHEREAS, the Milwaukee County Board of Supervisors believes it is in the
46 best interest of Milwaukee County residents that the experiences at local polling
47 places be documented and shared publicly in an open forum; and

48 WHEREAS, the Manager of the Election Commission will have access to
49 the information on the forms required by the Government Accountability Board
50 and has the ability to aggregate that information into a summary informational
51 report that shall be presented to the Committee on Judiciary, Safety and General
52 Services at each Committee meeting immediately following any primary or
53 general election; now therefore,

54 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
55 affirms that each and every qualified elector in Milwaukee County should have full
56 access to voting opportunities as authorized by law; and

57 BE IT FURTHER RESOLVED, that the Manager of the Milwaukee County
58 Election Commission is authorized and directed to work with the Milwaukee
59 County Sheriff's Office and appropriate municipal election officials to aid and
60 facilitate inmates housed at CCFS and CCFC who are qualified electors in casting
61 ballots for each primary and general election in 2012; and

62 BE IT FURTHER RESOLVED, that the Manager of the Milwaukee County
63 Election Commission is further directed to collect polling place incident reports as
64 reported by municipal election officials, including if possible the number of denied
65 or rejected ballots and the reason for the denial or rejection, and to provide a
66 summary report of such incidents at the meeting of the Committee on Judiciary,
67 Safety and General Services following primary and general elections in 2012.

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MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: January 6, 2012

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution authorizing and directing the Manager of the Milwaukee County Election Commission to work with Office of the Sheriff as well as the election officials of the Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at Milwaukee County's correctional facilities for primary and general elections in 2012 and further directing the Manager of the Milwaukee County Election Commission to aggregate and report voting irregularities experienced by the electorate as reported by municipal election officials during said elections.

FISCAL EFFECT:

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|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" 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	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

Adoption of this resolution is not expected to result in an increase of expenditures in the Election Commission, but will require an allocation of staff time.

Department/Prepared By County Board / Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

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

JEFFREY A. KREMERS

Chief Judge
Telephone: (414) 278-5116

DAVID A. HANSHER

Deputy Chief Judge
Telephone: (414) 278-5340

MAXINE A. WHITE

Deputy Chief Judge
Telephone: (414) 278-4482

BRUCE M. HARVEY

District Court Administrator
Telephone: (414) 278-5115

BETH BISHOP PERRIGO

Deputy District Court Administrator
Telephone: (414) 278-5025

STATE OF WISCONSIN

FIRST JUDICIAL DISTRICT

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

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



TO: Chairman Lee Holloway
Milwaukee County Board of Supervisors

FROM: Chief Judge Jeffrey A. Kremers *JK*

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

DATE: December 21, 2011

RE: **Item for next Judiciary, Safety & General Services Committee Agenda**

Please place the following item on the next Judiciary, Safety and General Services
Committee agenda:

1. Permission to receive an additional \$22,675 in grant funding from the Wisconsin Department of Transportation in support of the WCS Repeat Intoxicated Driver Intervention Program for the period of January 1, 2012-June 30, 2012 and to increase the "not to exceed amount" on the 2012 WCS Repeat Intoxicated Driver Intervention Program contract from \$485,099 to \$507,774.

Please see the attached resolution and fiscal note in support of this request.

Please contact me if you have any questions.

Thank you.

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive additional funding in the amount of \$22,675 from the State Department of Transportation for provision of services in the Wisconsin Community Services (WCS) Repeat Intoxicated Driver Intervention Program and to modify increase the “not to exceed” amount of the 2012 professional services contract for the WCS Repeat Intoxicated Driver Intervention Program from \$485,099 to \$507,774..

A RESOLUTION

WHEREAS, The Milwaukee County Board of Supervisors adopted the 2012 budget, File No. 11-426, on November 7, 2011, and approved by the County Executive, which included funding for alternatives to incarceration with contract responsibilities to include oversight and administration by the Chief Judge of Milwaukee County; and

WHEREAS, on December 20, 2011 Milwaukee County received from the Wisconsin Department of Transportation a funding award notice that results in increased funding to the program for 2012 in the amount of \$22,675; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive additional grant funds in the amount of \$22,675 from the Wisconsin Department of Transportation for services provided by WCS in the Repeat Intoxicated Driver Intervention Program, and to increase the “not to exceed” amount on the 2012 WCS Repeat Intoxicated Driver Intervention Program contract from \$485,099 to to \$507,774.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 12/21/2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: 2012 WCS Repeat Intoxicated Driver Intervention Program Funding Increase

FISCAL EFFECT:

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|---|--|
| <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
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input checked="" 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 checked="" type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	507,774	
	Revenue	507,774	
	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.

Increase of \$22,675 in operating expenditures in Org. Unit 2900, Alternatives to Incarceration for the period of January 1, 2012-June 30, 2012 will be offset by increase in operating revenue from the Wisconsin Department of Transportation Highway Safety Project #0952-39-08 grant award dated and received from DOT on December 20, 2011. This grant award is in the amount of \$204,201 which is a \$22,675 increase over the original Org. Unit 2900 2012 approved budget. The 2012 Org. Unit 2900 budget reflects OWI revenue in the amount of 181,526

This is no fiscal impact associated with the requested action.

Department/Prepared By Holly Szablewski/Deborah Bachun

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 THE COUNTY CLERK

JOSEPH J. CZARNEZKI • COUNTY CLERK

Memorandum

Date: January 3, 2012

To: Honorable Lee Holloway, Chairman
Milwaukee County Board of Supervisors

From: Joseph J. Czarnezki 
Milwaukee County Clerk

Subject: Proposed Resolution

Attached please find a proposed resolution requesting authorization to transfer the original, handwritten Proceedings of the Milwaukee County Board of Supervisors for the years 1838 through 1905, to the Milwaukee County Historical Society for preservation as historical artifacts.

I respectfully request that this resolution be referred to the Committee on Judiciary, Safety and General Services for action.

I look forward to working with the members of the County Board of Supervisors on this matter.

Cc: Supervisor ,Willie Johnson, Jr., Chair, Committee on Judiciary, Safety and General Services

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(ITEM NO.) From the County Clerk, requesting authorization to transfer the original, handwritten Proceedings of the Milwaukee County Board of Supervisors for the years 1838 through 1905, to the Milwaukee County Historical Society for preservation as historical artifacts

A RESOLUTION

WHEREAS, Section 59.23(2)(a) of the Wisconsin Statutes requires the County Clerk to keep and record minutes of all proceedings of the County Board of Supervisors; and

WHEREAS, the County Clerk has the original, handwritten proceedings of the Milwaukee County Board of Supervisors from 1839 through 1905, as well as typewritten transcriptions of these handwritten proceedings; and

WHEREAS, Section 56.15(7) of the Milwaukee County Code of General Ordinances, provides that the Milwaukee County Historical Society be given the opportunity to preserve old records; and

WHEREAS, the Milwaukee County Historical Society has expressed a desire to preserve the original, handwritten proceeding of the Milwaukee County Board of Supervisors from 1839 through 1905 as historical artifacts; now therefore,

BE IT RESOLVED, that the County Clerk is hereby authorized to enter into a memorandum of understanding with the Milwaukee County Historical Society to transfer the original, handwritten Proceedings of the Milwaukee County Board of Supervisors for the years 1838 through 1905, to the Milwaukee County Historical Society for preservation as historical artifacts.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/28/2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Transfer of Historical Documents

FISCAL EFFECT:

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|---|--|
| <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	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.

From the County Clerk, requesting authorization to transfer the original, handwritten Proceedings of the Milwaukee County Board of Supervisors for the years 1838 through 1905, to the Milwaukee County Historical Society for preservation as historical artifacts.

There are no costs associated with this action.

Department/Prepared By George L. Christenson, Deputy County Clerk

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.

COUNTY OF MILWAUKEE INTER-OFFICE MEMORANDUM

DATE: January 10, 2012

TO: Chairperson Lee Holloway, Milwaukee County Board of Supervisors

FROM: John Barrett, Clerk of Circuit Court/Register in Probate

SUBJECT: Milwaukee Foreclosure Mediation Program

Request

The Clerk of Circuit Court is requesting authorization to seek and receive not more than \$205,000 in funding from the Wisconsin Department of Justice pursuant to a stipulated judgment obtained in a legal action against Countrywide Financial Corporation.

Background

In 2009, DOJ allocated funding to Marquette University for the first fiscal year of the MFMP (June 2009 through June 2010) to provide staffing support for Marquette's costs of participation in the MFMP to provide and other related foreclosure mediation activities throughout the State of Wisconsin.

In 2010, DOJ allocated additional money to Marquette for MFMP's second fiscal year (June 2010 through June 2011). Funding continued and will continue through 2012. Marquette subsequently decided they had fulfilled their commitment and would no longer continue in their role as the administrator of the MFMP. The exact amount of the funding has not been determined as Marquette must end its agreement and prepare a final accounting of its remaining funds.

Since the beginning of the program, the Clerk of Circuit Court has provided space and supported the operation of this project. Administration of the fund by the Clerk is the logical next step given the circumstances and the need to ensure that this important and successful program continues.

DOJ and the Clerk of Circuit Court have had discussions regarding the Clerk of Circuit Court administering the remaining funds from the Marquette agreement. Those remaining funds should be sufficient for 2012. A proposed Memorandum of Agreement between the Department of Justice and the Clerk of Circuit Court is being negotiated. The Clerk intends to contract with the current staff which has incorporated under the name Metro Milwaukee Mediation Services, Inc. to continue providing the foreclosure mediation services.

Fiscal Impact

If approved by the Board, the Milwaukee County Clerk of Circuit Court would be awarded an amount not to exceed \$205,000 from the Wisconsin Department of Justice pursuant to the stipulated judgment against Countrywide Financial Corporation. Funding would be for the remainder of 2012 with a fund transfer request needed in the amount of the award in 2012.

John Barrett
Clerk of Circuit Court/Register in Probate

cc: Supervisor Willie Johnson, Jr., Chair
Judiciary, Safety & General Services Committee
Linda Durham

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(ITEM *) From the Clerk of Circuit Court requesting permission to receive not more than \$205,000 in funding from the Wisconsin Department of Justice (DOJ) pursuant to a Stipulated Judgment obtained in a legal action against Countrywide Financial Corporation, and to execute a professional service contract with Metro Milwaukee Mediation Services, Inc., allowing for expenditures of these funds within the existing Milwaukee Foreclosure Mediation Program formerly run by Marquette University, beginning upon receipt of funds as early as February, 2012 and continuing until funds are depleted, December 31, 2012, or later.

A RESOLUTION

WHEREAS, since 2009, the Milwaukee Foreclosure Mediation Program (MFMP) has been an effective foreclosure intervention strategy, keeping over 420 families in their homes that otherwise would have been displaced by foreclosure (85% in Milwaukee County). Further, the Program has generally served over 2800 homeowners in the metropolitan Milwaukee area. MFMP key staff includes Chief Mediator Attorney Debra Tuttle and Program Coordinator Attorney Amy Koltz, who are assisted by two full-time support people, and a roster of volunteer attorney mediators. By order of the Chief Judge of Milwaukee County Circuit Court, lenders and loan servicers who seek a foreclosure judgment are required to provide notice of and application to the Program. If both parties choose to participate, a licensed attorney conducts a mediation session to discuss loan work outs or graceful exit plans.

WHEREAS, the need for the MFMP persists. The annual rate of residential foreclosures in Milwaukee County is near 5100, more than double the historical average of 1700 for the base year of 2000. Foreclosure represents a significant financial loss and personal tragedy for families who experience it and has far-reaching adverse impacts for Milwaukee neighborhoods, local governments, property values, the real estate market and the lending industry. Economic indicators suggest that foreclosure filings will not return to normal levels for years to come.

WHEREAS, the MFMP is currently administered by Marquette University pursuant to a final Second Revised and Restated Memorandum of Agreement, under which MULS' administrative term expires June 30, 2012. MULS has declined requests to extend their administrative term, and will subsequently return any remaining funds to the DOJ.

41 WHEREAS, the Milwaukee County Clerk of Circuit Court determined that it would
42 administer the program.

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44 WHEREAS, the DOJ has established a Memorandum of Agreement with the
45 Milwaukee County Clerk of Circuit Court covering the period over which program
46 operations can be sustained by the combination of remaining grant funds and program
47 revenue, anticipated to be at least December 31, 2012.

48 WHEREAS, Chief Mediator Attorney Debra Tuttle has created a corporation, Metro
49 Milwaukee Mediation Services, Inc.

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51 WHEREAS, the Milwaukee County Clerk of Circuit Court will establish a
52 professional service contract with Metro Mediation Services, Inc., to continue the MFMP.

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54 BE IT RESOLVED, that, based upon the proven success of the MFMP as a
55 foreclosure intervention strategy, the Milwaukee County Board of Supervisors does hereby
56 authorize the Clerk of Circuit Court to accept not more than \$205,000 in funding from the
57 Wisconsin Department of Justice in support of the Milwaukee Foreclosure Mediation
58 Program and to authorize a professional service contract with Metro Milwaukee Mediation
59 Services, Inc., to expend a total amount not to exceed \$205,000.

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MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: January 6, 2012

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Milwaukee Foreclosure Mediation Program

FISCAL EFFECT:

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|---|--|
| <input checked="" 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 |
|---|--|

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	\$205,000	0
	Revenue	\$205,000	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

An amount of \$205,000 in funding from the Wisconsin Department of Justice will be given to the courts to run the Foreclosure Mediation Program. The program was formerly run by Marquette University. A contract will be established with Metro Milwaukee Mediation Services, Inc. to continue the program. There is no direct county fiscal impact.

Department/Prepared By Deborah Bachun

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.

MEMORANDUM OF AGREEMENT

BETWEEN THE WISCONSIN DEPARTMENT OF JUSTICE AND MILWAUKEE COUNTY

I. PURPOSE

This agreement is entered into between the Wisconsin Department of Justice (DOJ) and Milwaukee County, a Wisconsin Municipal Corporation, by the Clerk of Circuit Court, (Milwaukee County) for the purpose of providing financial support to Milwaukee County for costs related to the Milwaukee Metropolitan Foreclosure Mediation Program (MMFMP) for the period beginning ~~March~~ February 1, 2012 and ending when grant funds are exhausted, estimated at this time to be December 31, 2012.

This agreement shall become effective only upon a resolution passed by the Milwaukee County Board.

II. FUNDING

In 2009, DOJ secured funding pursuant to a Stipulated Judgment obtained by DOJ in a legal action against Countrywide Financial Corporation. At that time, DOJ allocated \$153,581.00 to Marquette University for the first fiscal year of the MMFMP (June 2009 through June 2010) to provide staffing support for Marquette's costs of participation in the MMFMP and other related foreclosure mediation activities throughout the State of Wisconsin.

In 2010, DOJ allocated an additional \$282,802.00 to Marquette for MMFMP's second fiscal year (June 2010 through June 2011). The funds were used to support one fulltime attorney-mediator and/or additional staffing, as well as to defray costs associated with the expansion of the program, including, but not limited to, office and travel expenses, incurred in working with counties outside Milwaukee to establish mediation programs and train potential mediators.

Under the 2010 MOA, DOJ also set aside funds to be used towards a third fiscal year of MMFMP. DOJ and Marquette entered into a Second Revised and Restated Memorandum of Agreement, under which DOJ allocated to Marquette \$230,000.00 to be used towards a third year of operation of the MMFMP program, from July 1, 2011, through June 30, 2012.

It subsequently became apparent that the existing funding would permit the MMFMP program to continue beyond June 30, 2012. Marquette ~~subsequently declined DOJ's request to~~ decided not to continue to sponsor MMFMP beyond June 30, 2012. DOJ, the

principals of MMFMP, and MMFMP's Advisory Committee,¹ determined that they would attempt to transition to a new sponsor before June 30, 2012, in order to facilitate a smooth transition of the program. Marquette agreed to cooperate in this effort by providing information regarding administration and conveying program assets as directed by the DOJ.

Under the Second Revised and Restated Memorandum, DOJ has paid to Marquette \$_____ for the third year of program operation. Of that amount, Marquette has \$_____ ~~some~~ funds received from DOJ under the Second Revised and Restated Memorandum that have not been expended toward MMFMP for periods through December 31, 2011. By a separate MOU, these funds will be returned to DOJ. An accounting by MULS will determine this exact amount, but it will not exceed \$205,000. This amount will be stated in an addendum to this MOA to be completed no later than March 1, 2012. There may also be excess funds for the period between January 1, 2012, and February 29, 2012, the amount of which has not yet been determined.

Following Marquette's decision not to extend administration MMFMP beyond June 30, 2012, the Milwaukee County Clerk of Courts determined that it would administer the program beginning as soon after the County Board of Supervisors adopts the Resolution authorizing it to receive grant funds, ~~anticipated to be in February,~~ beginning on March 1, 2012, in order ensure a smooth transition. DOJ agrees to pay the amount remaining under the Second Revised and Restated Memorandum, \$____, and the excess amounts remaining under prior grant years \$_____ ~~and unused program fees \$_____ held by Marquette,~~ to the Milwaukee County Clerk of Courts for the purposes of administering MFMP. ~~An accounting by MULS will determine this exact amount, but it will not exceed \$205,000. This amount will be stated in an addendum to this MOA to be completed no later than March 1, 2012.~~ Through a separate MOU, Marquette will return excess funds for all periods through February 29, 2012, to DOJ, and DOJ will pay those amounts to the Clerk of Courts for the purposes of administering MMFMP.

III. ADMINISTRATION OF MFMP BY MILWAUKEE COUNTY CLERK OF COURTS

Funds paid pursuant to this Agreement shall be used to support one Attorney-Mediator and one full-time Case Manager/Administrator plus administrative support.

If the Milwaukee County Clerk of Courts determines that it is necessary to redirect or transfer funds allocated under this MOA to effectively implement the mediation program, it may use or transfer funds to vendors ~~it~~ they chooses so long as those funds are used for

¹ The Advisory Committee consists of 12-15 individuals and is the successor to the Milwaukee Foreclosure Partnership Initiative, (intervention Sub-Committee) representing a cross section of community interests all committed to work together to formulate and implement policies and programs to address the foreclosure crisis since 2008.

expenditures directly related to the Milwaukee Metropolitan Foreclosure Mediation Program.

IV. PAYMENT DISTRIBUTION AND REPORTING

Funds provided to Milwaukee County Clerk of Courts shall be distributed on a quarterly basis beginning on March 1, 2012, with such quarterly payments continuing until grant funds are depleted. The Clerk of Courts shall send invoices prior to each quarterly distribution to:

John M. Martin
Bureau of Budget and Finance
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

The Clerk of Courts shall provide the DOJ liaison with periodic reports of the mediation program, and the activities of the positions to be funded under this MOA, and shall include in such reports information on program implementation, program structure, volume of requests and cases, program revenue, and other information requested by DOJ.

V. LIAISONS

Liaison between DOJ and the Milwaukee County Clerk of Courts shall be made through the following contacts:

Steven P. Means
Executive Assistant
Division of Legal Services
Department of Justice

John Barrett
Milwaukee County Clerk of Courts

VI. DURATION

This agreement shall cover the period from the date of execution by all parties and approval by the Milwaukee County Board and ending when grant funds are exhausted, projected to be December 31, 2012.

WISCONSIN DEPARTMENT OF JUSTICE
By: _____

MILWAUKEE COUNTY CLERK OF COURT
By: _____

Dated: _____

Dated: _____

COUNTY OF MILWAUKEE
Inter-Office Communication

DATE: January 9, 2012

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

FROM: James Sullivan, Director, Department of Child Support Services

SUBJECT: AUTHORIZATION TO EXECUTE THE 2012 STATE/COUNTY CONTRACT FOR THE ADMINISTRATION OF THE MILWAUKEE COUNTY CHILD SUPPORT PROGRAM

The Director of the Department of Child Support Services requests authority to execute the 2012 State/County Contract covering the administration of child and spousal support and establishment of paternity and medical support liability program between the State of Wisconsin's Department of Children and Families and Milwaukee County.

Background

For 2012, the method of funding for Child Support continues to include the 66% Federal match for IVD program expenditures, incentive money based upon performance in the federal performance measures (establishment of paternity, establishment of support orders – including the establishment of medical support orders, and the rate of collection of current support and arrears), reimbursement for medical support liability and State general purpose revenue.

Recommendation

I recommend that the County Board of Supervisors authorize and direct the execution of the 2012 State/County Contract.

Respectfully submitted,

James Sullivan, Director
Department of Child Support Services

cc: Chris Abele, County Executive
Patrick Farley, Director – Department of Administrative Services
Willie Johnson Jr., Chairman, Judiciary, Safety and General Services – County Board
Antionette Thomas-Bailey, Analyst – Department of Administrative Services
Rick Ceschin, Analyst - County Board
Linda Durham, Committee Clerk - County Board

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File No. _____
(Journal, _____, 2012)

(ITEM _____) From the Director, Department of Child Support Services, requesting authorization to enter into the 2012 State/County contract for the administration of the Milwaukee County Child Support program, by recommending the adoption of the following:

A RESOLUTION

WHEREAS, Milwaukee County and the Wisconsin Department of Children and Families are required under Wis. Stat. § 59.53(5) to enter into a contract for the implementation and administration of the Child and Spousal Support, Establishment of Paternity and Medical Support Liability Programs under Wis. Stat. § 49.22 ; and

WHEREAS, execution of this contract is necessary to ensure continued administrative reimbursement for child support services as administered by the Department of Child Support Enforcement; and

WHEREAS, the Director, Child Support Services, has requested authorization to execute the 2012 State/County Contract resulting in anticipated 2012 State and Federal Funding under the terms of the contract in the amount of \$9,325,434; and

WHEREAS, the term of the contract shall be from January 1, 2012, through December 31, 2012; and

WHEREAS, the Judiciary, Safety and General Services Committee, at its meeting on _____, 2012, recommended approval of the contract by a vote of _____; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Director of Child Support Services, or her designee, to enter into and execute the 2012 State/County Contract Covering the Administration of Child and Spousal Support and Establishment of Paternity and Medical Support Liability Programs between the Department of Children and Families and Milwaukee County.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 1/9/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request from the Director of the Department of Child Support Services for authorization to execute the 2012 2State/County Contract for the administration of the Milwaukee County Child Support program.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" 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	0	
	Revenue	0	
	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.

A. The Director of CSS requests authorization to execute the 2012 State/County Contract for the administration of the Milwaukee County Child Support Program.

B. Execution of a contract between CSS and the State of Wisconsin, Department of Children and Families, is required under Wis. Stats. 59.53

C. Execution of the 2012 contract was anticipated.

D. Approval of this request will result in no additional levy impact.

D. No further assumptions are made.

Department/Prepared By James Sullivan, Director, Department of Child Support Services

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.



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: January 5, 2012

TO: Supervisor Lee Holloway, County Board Chairman

FROM: Richard Schmidt, Inspector, Milwaukee County Office of the Sheriff

SUBJECT: **Request to establish a monthly parking fee of \$25 for Huber inmates parking at the County Correctional Facility South CCFS**

Pursuant to Chapter 20.01 of the Milwaukee County Ordinances which establishes the fee for Huber Inmates, the Office of the Sheriff is requesting the creation of a \$25 monthly Parking Fee for Vehicles parked by Huber Inmates at the County Correctional Facility South.

Background

The Office of the Sheriff assumed operation of the home detention and Huber programs formerly run by the House of Correction (HOC) with the adoption of the 2009 Budget. Employed Home detention and Huber inmates pay a daily fee of \$24.00, as established by County Ordinance. The Sheriff closed the Community Correctional Center in January of 2009 and temporarily relocated the inmates to the County Correctional Facility Central awaiting the results of a County taskforce on the best location of a new Huber facility.

In December of 2011, the decision was made by the Office of the Sheriff to relocate the Huber inmates to the County Correctional Facility South. As an option to ease the transportation issue, it was determined to allow Huber inmates to park a vehicle at the County Correctional Facility South with a monthly fee of \$25.

The Office of the Sheriff contacted Corporation Counsel who determined that this fee was a change to the Huber fee and therefore requires an Ordinance Change. Chapter 20.01 of the Milwaukee County Ordinances establishes the Huber Fee. A copy of the amended ordinance is attached.

Recommendation

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 414-278-4766 • <http://www.mksheriff.org>

It is requested that the Milwaukee County Board of Supervisors approve the request of the Office of the Sheriff to establish a \$25 monthly parking fee for vehicles parked by Huber Inmates at the County Correctional Facility South.

Fiscal Note: With the recent relocation of the Huber inmates, it is unknown at this time how many will park vehicles at the CCFS. It is anticipated that approximately 10 inmates will park on average per month resulting in an increase in revenue of \$3,000 for 2012.



Richard Schmidt, Inspector
Office of the Sheriff, Milwaukee County

cc: Chris Abele, County Executive
Supervisor Willie Johnson, Jr., Chair, Judiciary, Safety & General
Services Committee
Jon Priebe, Public Safety Fiscal Administrator, Sheriff's Office
Pamela Bryant, Interim Fiscal and Budget Administrator, DAS
Linda Durham, Committee Clerk
Rick Ceschin, Research Analyst

Service to the Community Since 1835

821 West State Street • Milwaukee, Wisconsin 53233-1488
414-278-4766 • <http://www.mksheriff.org>

3 **AN ORDINANCE**

4 Amending Chapter 20.01 of the Milwaukee County Code of General Ordinances as
5 it relates to the establishment of a Huber Inmate Parking Fee at the County
6 Correctional Facility South.

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

9 **SECTION 1.** Section 20.01 of the General Ordinances of Milwaukee County is
10 amended as follows:

11 20.01 The cost of maintenance for prisoners confined in county jail or the house of
12 correction for violation of city or village ordinances, resolutions or bylaws is
13 hereby fixed at the per diem cost of each establishment as determined by the
14 county department of administration on April 1 of each year and based upon
15 out of pocket expenses of the preceding calendar year for each separate
16 institution. The sheriff and superintendent of the house of correction,
17 respectively, shall at regular intervals bill cities and villages for the above
18 maintenance charges of their prisoners, and shall specify therein such data as
19 may reasonably be required for such purposes.

20 Each prisoner listed in s. 303.08(4), Wis. Stats. is liable for charges in an
21 amount of twenty-four dollars (\$24.00) per day, which represents the cost
22 of his/her board in the jail or house of correction if confined pursuant to s.
23 303.08, Wis. Stats., Huber Law or s. 973.09(4), Wis. Stats., conditions of
24 probation. In addition, those inmates on electronic surveillance shall be
25 charged a rate of twenty four dollars (\$24.00) per day. The superintendent
26 of the house of correction is authorized to accept credit cards for the
27 payment of board provided that any charges imposed by the credit card
28 firm are added to the daily board rate. In addition, the superintendent of the
29 house of correction is authorized to impose a reasonable charge, not to
30 exceed costs, for random urine tests for controlled substances, which result
31 in a positive finding. And if the result of the random test is positive, the
32 superintendent may impose a reasonable charge, not to exceed the cost for
33 regular follow-up urine tests for all controlled substances. The county
34 department of administration on April 1 of each year shall render a report to
35 the county board detailing the costs of maintenance and board experienced
36 for the preceding calendar year. The sheriff and superintendent of the house
37 of correction shall charge the account of each prisoner gainfully employed
38 accordingly and shall collect and disburse to the county treasurer all such
39 proceeds from the wages or salaries of employed prisoners. Any Huber
40 Inmate who parks a vehicle at the County Correctional Facility South shall
41 be charged a monthly fee of \$25.00

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 1/5/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request to establish a \$25 monthly parking fee for Huber Inmates parking a vehicle at the County Correctional Facility South.

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 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 checked="" type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	3,000	3,000
	Net Cost	-3,000	-3,000
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.

From the Sheriff, a request to establish a \$25 monthly parking fee for Huber inmates parking a vehicle at the County Correctional Facility South. In December of 2011 Huber Inmates were relocated to the County Correctional Facility South. As an option to ease the transportation issue, it was determined to allow Huber inmates to park a vehicle at the County Correctional Facility South with a monthly fee of \$25.

The Office of the Sheriff contacted Corporation Counsel who determined that this fee was a change to the Huber fee and therefore requires an Ordinance Change. Chapter 20.01 of the Milwaukee County Ordinances establishes the Huber Fee.

Fiscal Note: With the recent relocation of the Huber inmates, it is unknown at this time how many will park vehicles at the CCFS. It is anticipated that approximately 10 inmates will park on average per month resulting in an increase in revenue of \$3,000 for 2012.

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.



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

Date: January 5, 2012

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

From: Jon C. Priebe, Public Safety Fiscal Administrator, Office of the Sheriff

Subject: **Request to Execute a Professional Service Contract with Century Link Correctional Communication Service to provide telephone service at the Milwaukee County Correctional Facilities**

Pursuant to Milwaukee County Ordinance Chapter 56, the Sheriff is requesting referral to proper board committee for review and disposition, authorization to execute an inmate telephone contract at the Milwaukee County Correctional Facilities.

Background

Under a current contract, Embarq Payphone Services, Inc. (now known as Century Link Correctional Communication Services) is providing inmate telephone services at the Milwaukee County Correctional Facilities. In June of 2011 a request for proposals to provide inmate telephone services for the Sheriff was released. Proposals were due on July 26, 2011. An evaluation committee of seven members reviewed the proposals. The Sheriff is anticipating entering into a contract with the successful vendor by February 1, 2012.

The Sheriff's Office received six proposals in response to the RFP. The evaluation committee reviewed and scored the proposals. Century Link Correctional Communication Service, the existing vendor, was scored the highest by all evaluators.

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 414-278-4766 • <http://www.mksheriff.org>

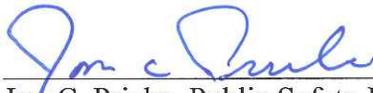
Century Link Correctional Communication Service submitted a proposed minimum commission rate of 67.9% which is an increase over the current commission rate of 51.3%. Under the new contract, the cost for collect calls would remain at \$5.55. Debit card calls would remain at \$3.30.

Recommendation

It is requested that the Milwaukee County Board of Supervisors approve the Sheriff's request to execute a professional services contract to provide inmate telephone service with Century Link Correctional Communication Service at the County Correctional Facilities.

The contract will be for a minimum two-year period with two one-year renewal options for an additional 3rd and 4th year or for a four-year period.

Fiscal Note: The 2012 Adopted Budget included revenue of \$1,890,000. The 2011 projected Actual is \$1,816,250. The 2012 projected actual with the increased rate is \$2,100,000. The anticipated increase in revenue in 2012 will be used to partially offset a projected 2012 budget shortfall.



Jon C. Priebe, Public Safety Fiscal Administrator
Office of the Sheriff, Milwaukee County

cc: Chris Abele, County Executive
Supervisor Willie Johnson, Jr., Chair, Judiciary, Safety & General
Services Committee
Pamela Bryant, Interim Fiscal and Budget Administrator, DAS
Linda Durham, Committee Clerk
Rick Ceschin, Research Analyst

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2
3 (ITEM) From the Sheriff requesting to execute a Contract with Century Link Correctional
4 Communication Services for the provision of inmate phone service at the
5 County Correctional Facilities:

6 A RESOLUTION

7 WHEREAS, pursuant to Milwaukee County Ordinance Chapter 56, the Sheriff is
8 requesting referral to proper board committee for review and disposition, authorization to
9 execute an inmate telephone contract at the Milwaukee County Correctional Facilities; and
10

11 WHEREAS, under a current contract, Embarq Payphone Services, Inc. (now known
12 as Century Link Correctional Communication Services) is providing inmate telephone
13 services at the Milwaukee County Correctional Facilities; and
14

15 WHEREAS, in June of 2011 a request for proposals which were due on July 26, 2011
16 was released and an evaluation committee of seven members reviewed the proposals and the
17 Sheriff is anticipating entering into a contract with the successful vendor by February 1, 2012;
18 and
19

20 WHEREAS, the Sheriff's Office received six proposals in response to the RFP and the
21 evaluation committee reviewed and scored the proposals and Century Link Correctional
22 Communication Service, the existing vendor, was scored the highest by all evaluators; and
23

24 WHEREAS, Century Link Correctional Communication Service submitted a proposed
25 minimum commission rate of 67.9% which is an increase over the current commission rate
26 of 51.3% and under the new contract, the cost for collect calls would remain at \$5.55 and
27 debit card calls would remain at \$3.30; and
28

29 WHEREAS, the contract will be for a minimum two-year period with two one-year
30 renewal options for an additional 3rd and 4th year or for a four-year period; now, therefore,
31

32 BE IT RESOLVED, the Sheriff is hereby authorized to execute a Contract with
33 Century Link Correctional Communication Services for the provision of inmate phone service
34 at the County Correctional Facilities.
35

36 **Fiscal Note:** The 2012 Adopted Budget included revenue of \$1,890,000. The 2011
37 projected Actual is \$1,816,250. The 2012 projected actual with the increased rate is
38 \$2,100,000. The anticipated increase in revenue in 2012 will be used to partially offset a
39 projected 2012 budget shortfall.
40
41
42

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 1/5/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request to execute a contract with Century Link Correctional Communication Services for inmate phone service at the County Correctional Facilities.

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 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 checked="" type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	210,000	210,000
	Net Cost	-210,000	-210,000
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.

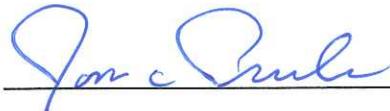
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current 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.
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- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

From the Sheriff, a request to execute a contract with Century Link Correctional Communication Services for the provision of inmate phone service at the County Correctional Facilities.

Century Link Correctional Communication Service submitted a proposed minimum commission rate of 67.9% which is an increase over the current commission rate of 51.3%. Under the new contract, the cost for collect calls would remain at \$5.55. Debit card calls would remain at \$3.30.

The 2012 Adopted Budget included revenue of \$1,890,000. The 2011 projected Actual is \$1,816,250. The 2012 projected actual with the increased rate is \$2,100,000. The anticipated increase in revenue in 2012 will be used to partially offset 2012 budget shortfall.

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.



Law Enforcement Analytics Implementation
Milwaukee County Sheriff's Office / IMSD




WebFocus LEA Business Intelligence Solution

Collaborative effort between;

- ~ Milwaukee County Sheriff's Office
- ~ IMSD
- ~ Information Builders

~ Law Enforcement Analytics Solution (LEA)

~ Implement an agency wide platform that delivers rich, interactive information to a wide range of command staff, deputies, and other employees via solutions such as dashboards, portable analytics, and true do-it-yourself ad hoc reporting.

Project Participants



MCSO Project Lead – Capt. **Brian Barkow**

MCSO Technical Lead – Sgt. **Fernando Santiago**



IMSD Public Safety Business Development Lead – **Andrew Carrion**



Project Manager – Stan Cooper

Developer – Abdulah Nassim

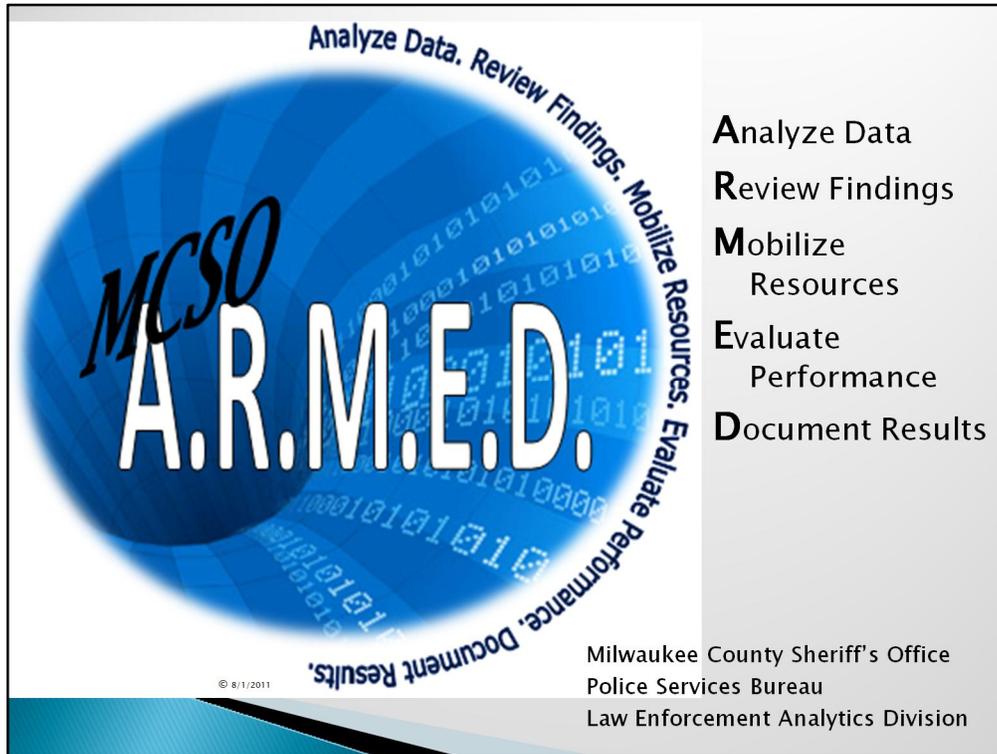
Developer – Tony Yoder

Collaborative project involving;

~ Milwaukee County Sheriff's Office

~ IMSD

~ Information Builders



Responsible for:

- ~ leveraging technology to provide timely, targeted information related to crime patterns and trends.
- ~ Provide actionable information and intelligence support to Sheriff operations
- ~ Develop dashboards, reports, alerts, maps
- ~ Further the goal of being a data driven organization

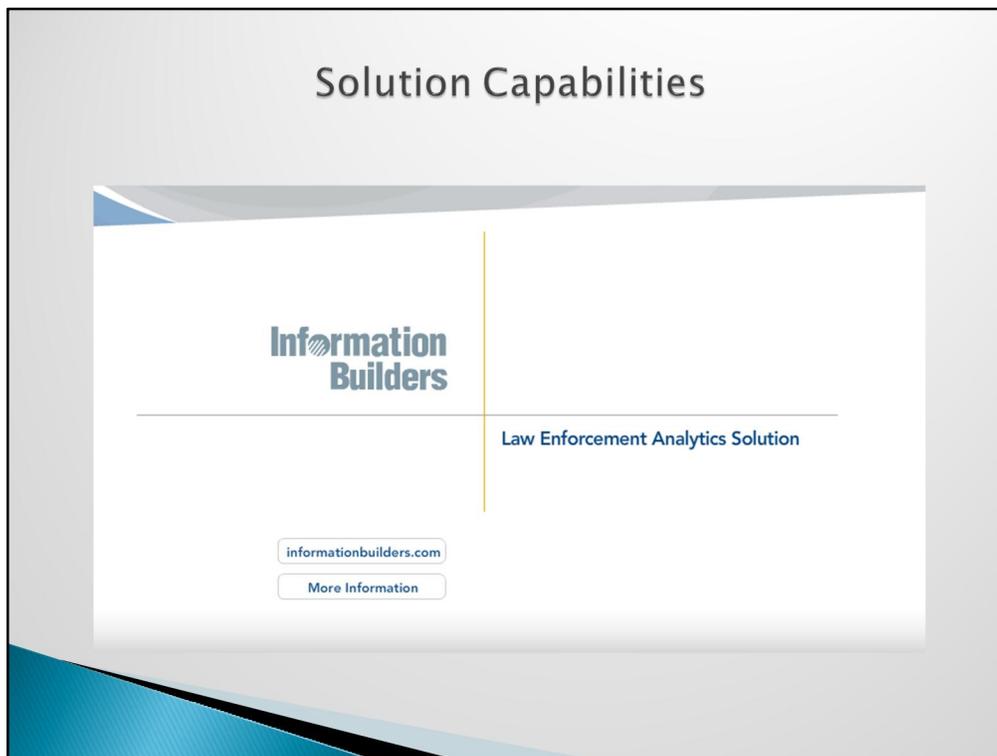
Fighting Crime With Smart, Timely, and Thorough Data Analysis



To further the goal of being a data driven agency, the Sheriff desired a “Completely Integrated Business Intelligence System”

- “ Reporting with multiple delivery formats
- “ Custom Application
- “ Dashboard
- “ Maps
- “ Analysis

Solution Capabilities



The Law Enforcement Analytics Solution offered by Information Builders provided A “Completely Integrated Business Intelligence System” and was selected to meet The needs of the Sheriff’s Office.

WebFOCUS users don't need training and it is easy for developers to create and maintain the BI solutions.

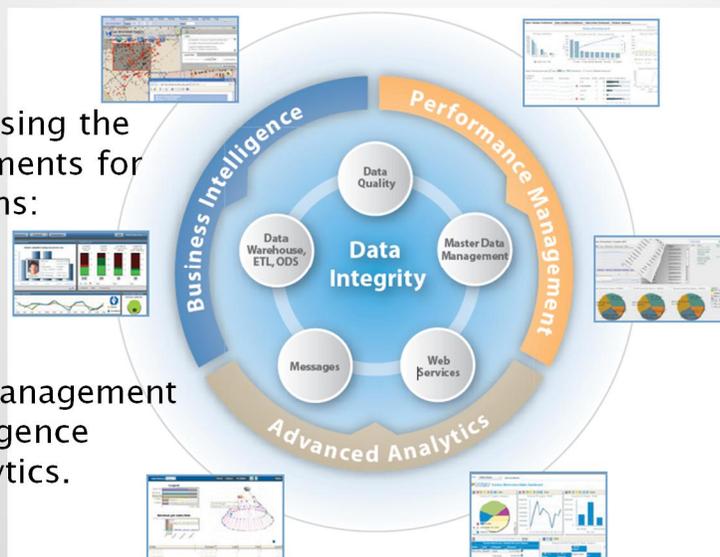
All levels of users who want access to raw data, can easily create their own reports and analysis using the latest technology for ribbon-based interfaces.

Every bit of content in WebFOCUS is shareable and reusable.

WebFOCUS Dashboards, Scorecards, and Mashups

Visualize data using the four critical elements for smarter decisions:

- Data integrity
- Performance management
- Business intelligence
- Advanced analytics.



A Comprehensive, Flexible Platform with cutting-edge features and capabilities

WebFOCUS integrates the four critical elements for smarter decisions:

- ~ Data integrity
- ~ Performance management
- ~ Business intelligence
- ~ Advanced analytics

Data Integrity

- ~ Includes a comprehensive data quality management to ensure data quality
- ~ Centralized data management to create a single source of validated data derived from disparate sources
- ~ Real-time extract, transform, and load (ETL) capabilities and full integration with real-time data adapters to ensure the timeliness of dashboard content

Performance Management

An out-of-the box solution for monitoring, tracking, and driving performance by communicating goals, measuring execution, and assessing enterprise risk.

Business Intelligence

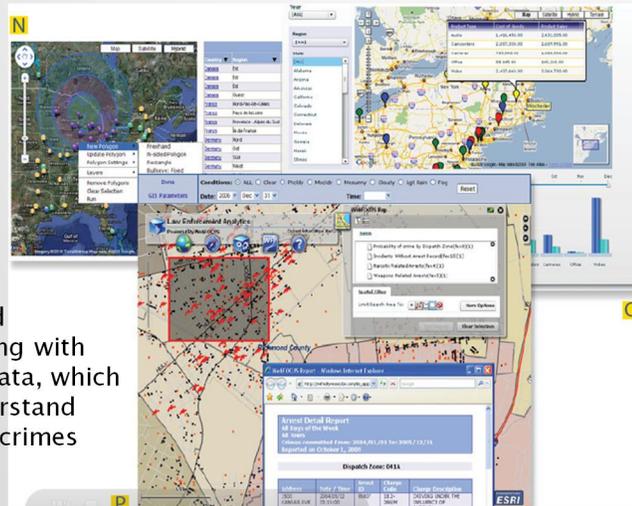
- ~ WebFOCUS helps all users make smarter decisions by delivering rich, real-time, consumable, interactive dashboards and reports to a wide audience.
- ~ WebFOCUS empowers analysts and decision makers with portable dashboards that use Active Technologies for offline analysis or with portable devices such as laptops, netbooks, smartphones, or PDAs
- ~ End users at any level can create their own dashboards, subscribe to existing ones, and schedule them for automatic e-mail delivery
- ~ WebFOCUS maximizes the communication and comprehension of information through data visualization and the ability to output dashboards in any format, such as Adobe Flex, Excel, Adobe PDF, and portable dashboards (with Active Technologies)

Advanced Analytics

- ~ Analysts have access to in-memory analytic dashboard tools offering cutting-edge visualization capabilities for intuitive visual-based OLAP and multivariate analysis, such as identifying key trends and root causes.
- ~ WebFOCUS Visual Discovery uniquely provides data-driven conditional formatting (also known as traffic lights or stop-lighting), where outliers are rendered visually without the need to create thresholds and conditions
- ~ WebFOCUS Visual Discovery visualizations, color coordination, and interactivity provides context-based analysis so users can drill down while simultaneously viewing higher-level data
- ~ In-memory capabilities leverage the 64-bit architecture of desktop computers to represent more than 100 million rows of data in interactive visual displays

Location Intelligence and Geographic Information Systems

Integrates GIS and predictive modeling with real-time crime data, which helps users understand when and where crimes may occur



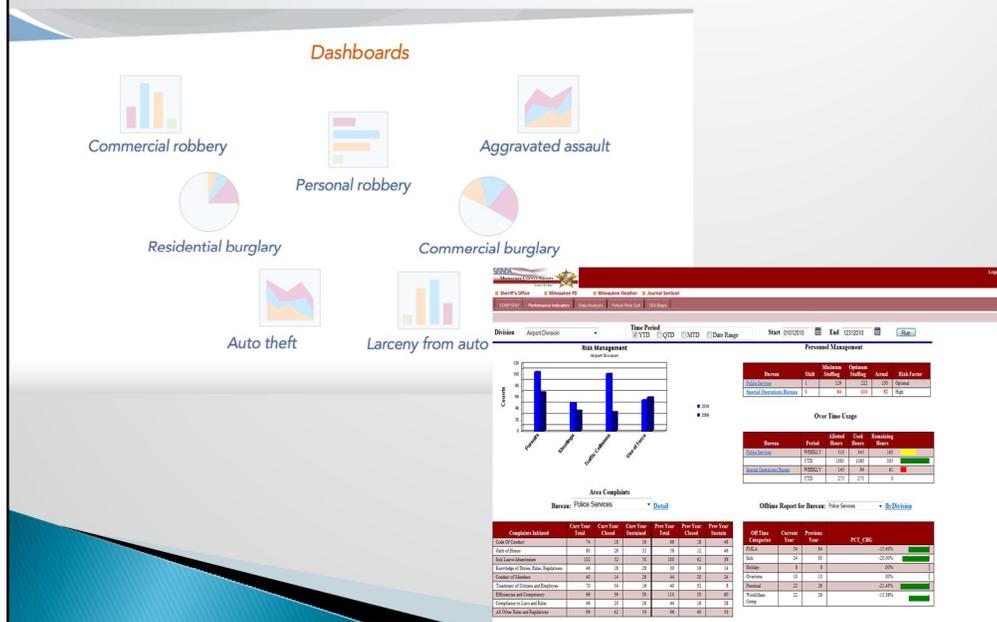
“ Solution integrates WebFOCUS and leading mapping solutions from ESRI, Google, and Adobe Flex.

“ Lets users more intuitively process and comprehend spatially oriented data to better visualize and understand information so they can more rapidly discern critical patterns and trends.

“ Aggregate real-time information from disparate databases and spreadsheets

“ build individual ad hoc queries and formatted reports, and instantly transform the results into compelling geographic maps.

Dashboards



Dashboards can be deployed in any format – including HTML, Adobe PDF, Flash, and Excel – and can be accessed on any device – from desktops to laptops to smartphones.

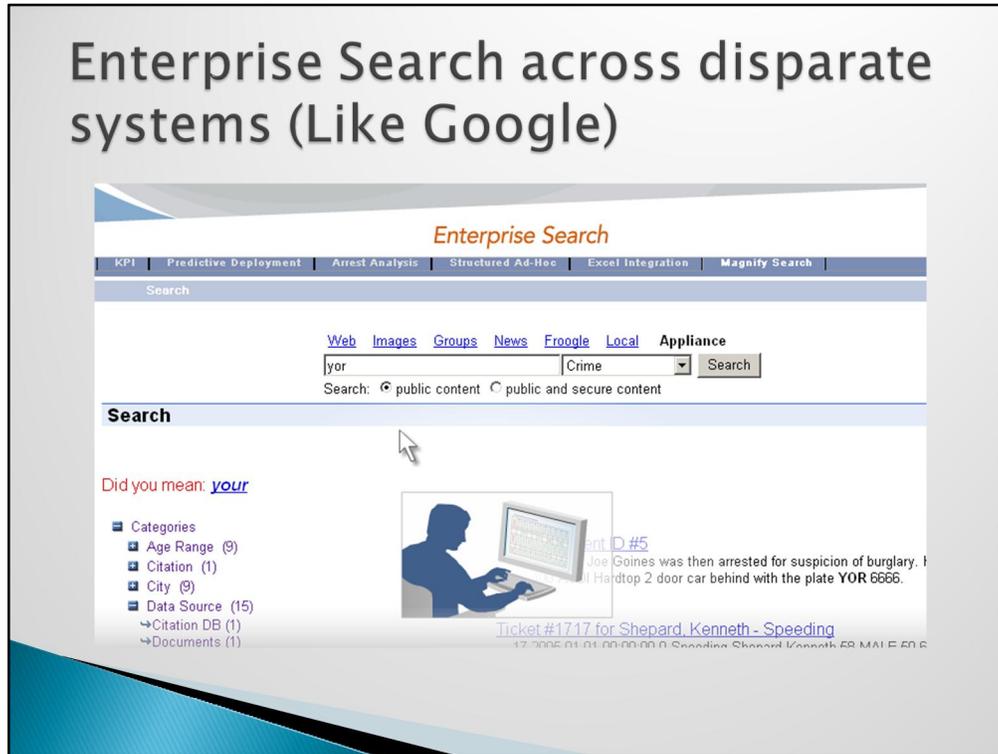
Dashboards can also be distributed dynamically via e-mail, to printers, Web portals, or report archives – at schedule-driven intervals or when critical business events occur.

Dashboards allow organizations to define, share, and monitor crucial metrics and performance indicators across all levels of the business.

Fully customizable according to user roles, dashboards enable executives to obtain a high-level view of broad-reaching strategies, while line-of-business managers can track the day-to-day tactical activities that link to those strategies.

This allows everyone to actively participate in corporate performance monitoring, ensuring that all projects or initiatives are fully aligned and that all goals are being reached.

Enterprise Search across disparate systems (Like Google)



Enterprise information can often be extremely difficult to retrieve.

With WebFOCUS Magnify, any structured or unstructured data, regardless of its source or location, is easy to index and search. Magnify allows users to leverage a familiar and intuitive Google-like interface to instantly access detailed records, unstructured documents, aggregate summaries, and more.

Example:

1. Search multiple systems based on specific text such as red bird tattoo. This will return results where "Red Bird" was entered in any text field or written report and present those results to the user for review
2. Retrieve all contacts the department has had with an individual across multiple systems to aid in investigations (warrants, civil papers, witness, victim, offender, tickets, accident, arrest, mugshots, etc...)

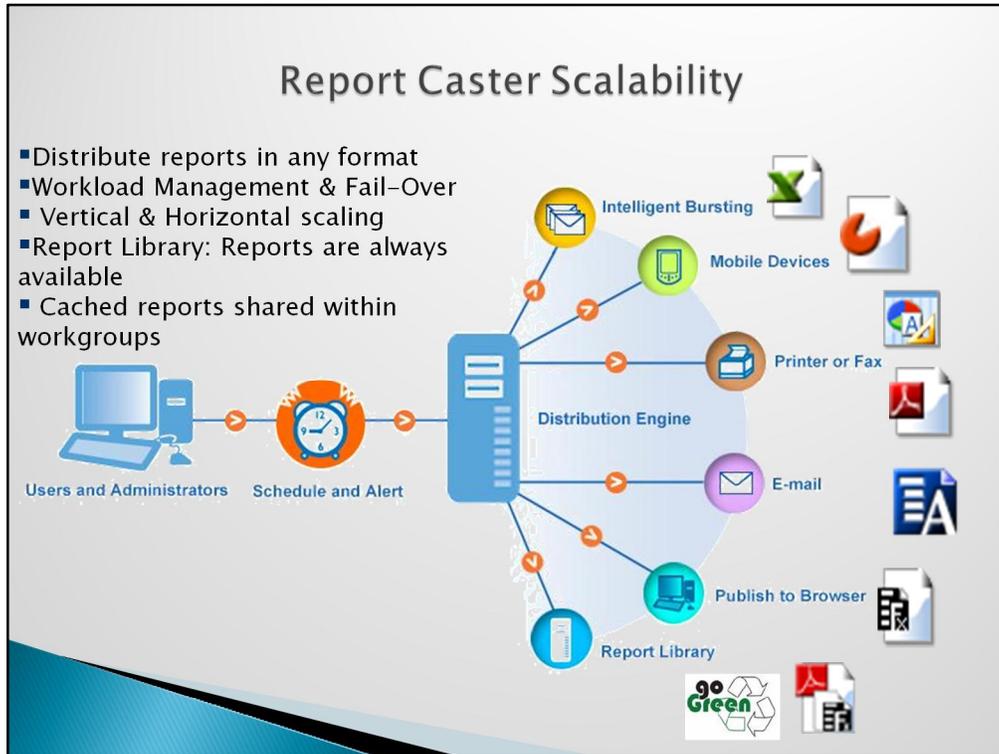
Easy Ad Hoc Reporting



Ad Hoc Dashboards

“ WebFOCUS InfoAssist gives users greater control over their content with comprehensive ad hoc reporting, querying, and cube-browsing capabilities.

“ Dashboards can be constructed from any data source, and output in a variety of formats including Active Dashboards, Excel, PowerPoint, and Adobe PDF, Flash, and Flex PDF.



Scheduling and distribution capabilities for delivery via e-mail, to a report archive, printer, or FTP site.

Report distribution is arguably one of today's most critical business tasks.

Companies are inundated with data, an ever-growing glut of documentation, which they must be able to easily distribute to anyone, anywhere, at any time, and in any format.

The WebFOCUS report distribution solution meets these enterprise challenges through dynamic delivery and storage of vital business intelligence (BI) information.

- “ Robust information management features,
- “ A complete, just-in-time business report distribution platform.
- “ A single point of control for real-time alerts, scheduling, and storing information
- “ distributing it to anyone within or outside the organization.

Other Law Enforcement Agencies



The WebFocus and LEA customers with similar solutions

- ~ Milwaukee County Office of the Sheriff
- ~ Houston PD
- ~ Charlotte Mecklenburg PD
- ~ Michigan State Police
- ~ Jacksonville Office of the Sheriff
- ~ Erlanger Kentucky PD
- ~ Irving PD
- ~ Richmond Virginia PD
- ~ ???

Objectives

- ▶ Significantly Enhance Operational Efficiencies
- ▶ Aid Officers in Devising Strategies and Tactics
- ▶ Improve Officer Safety
- ▶ Reduce Crime
- ▶ Improve Quality of Life In Service Areas
- ▶ Visualization of Incidents, Patterns, and Trends.

Significantly Enhance Operational Efficiencies

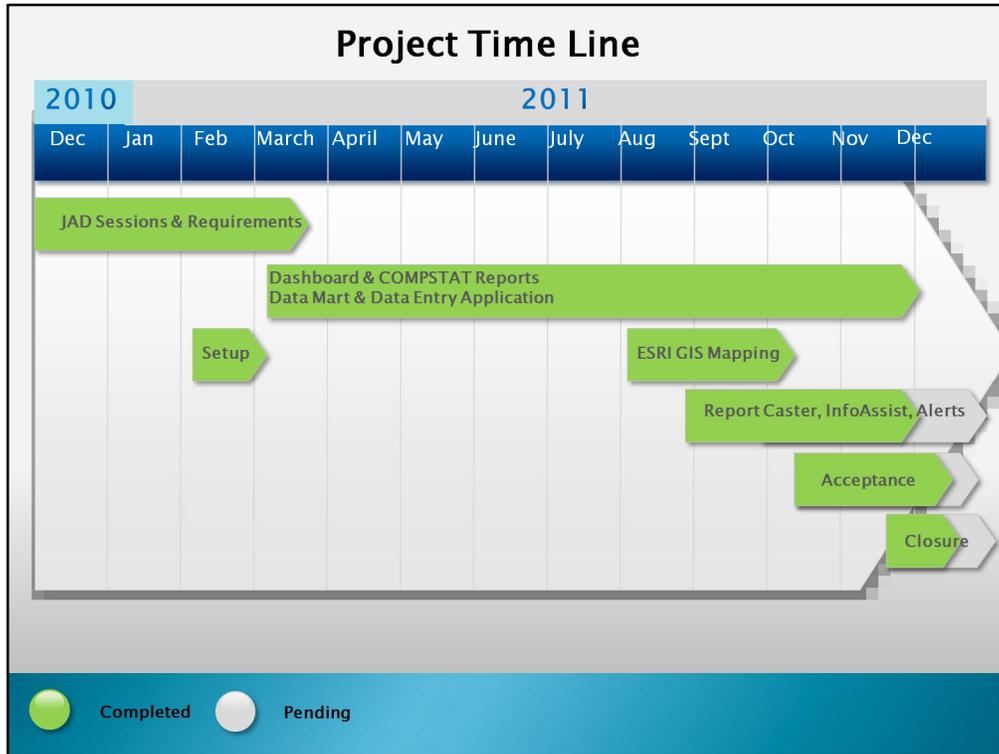
Automate CompStat Reporting Process
Command Staff resources focus on analyzing operations
Improving Quality and Timeliness of Information
Eliminating Outmoded and Redundant Operations

Aid Officers in Devising Strategies and Tactics

Information Alerts and Triggers
Enable enterprise wide information access

Reduce Crime

Quickly recognize important trends
Decisions based on current and credible information
Provide actionable information



December 2010 – Finalized project plan and prioritization

January 2011 – JAD sessions with all divisions to gather reporting requirements
Setup of technical environment

March 2011 – Started Dashboard and CompStat report development
Developed flexible web-based data entry application

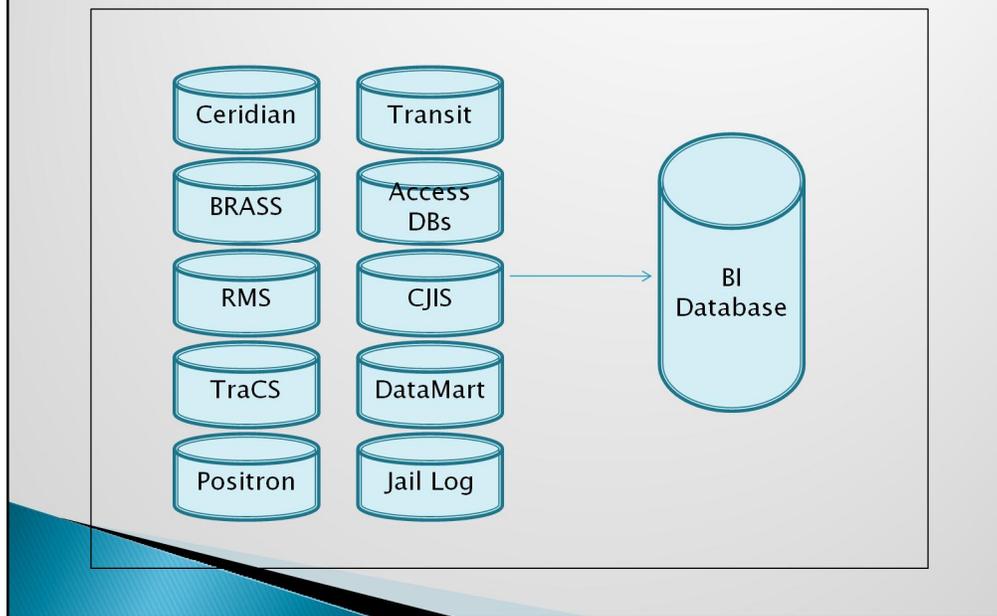
August 2011 – Integrated ESRI GIS Mapping to visually represent accidents, citation, incidents

September 2011 – Implemented ad hoc reporting tools, report distribution, and alerts

October 2011 – Continued working on reports, started acceptance process

December 2011 – Started project closure process, transition to internal staff

Operation Data Stores



Multiple data stores all accessed through a single BI Database using views and stored procedures.

“ Simplifies data management and decouples report from its data source.

“ Place to store data that requires transformation or snapshots in time

“ Alter data source in a single location rather than touching each report

Data Entry App and Report Packages

- ▶ Created custom form-based **data entry web application** to electronically capture data and statistics, facilitating real time data entry
- ▶ Built 12 **Command Level Report Packages** to Support Briefings and Weekly CompStat Sessions
- ▶ Developed **GIS based maps** to visually represent incident, accident, and citation locations

Data Entry Application allows for the customized creation of form templates, with user defined fields, data types, drop down values for the purpose of eliminating paper processes.

Each report package consists of multiple reports, charts, and maps which are then presented through a dashboard.

Collaborated with the county GIS department to leverage existing ESRI GIS tools and service to create the presentation layer

Key Tools

- ▶ **WebFocus Managed Reporting** is a complete web-ready enterprise data access and reporting system
- ▶ **InfoAssist**, which is a powerful report generation tool that enables business users to leverage state of the art ad hoc functionality
- ▶ **Active Report technology** that is designed for offline analysis and allows for filtering, sorting, charting and much more
- ▶ **Dashboard** integrates the reporting environment into one user-friendly interface, allowing for personalized portal analytical tools, drill downs

The tools discussed are currently licenses to the Milwaukee County Sheriff's Office, but special license pricing has been pre-negotiated to allow any other county department or municipality to utilize a county hosted WebFocus server.

Currently just scratching the surface of many of the capabilities of these tools.

Key Tools

- ▶ **Report Caster** scheduling and distribution application that centralizes the execution and distribution of WebFocus reports
- ▶ **Magnify** to search structure and unstructured content across multiple data sources and systems
- ▶ **Adapters** to consume data from any data source in the county
- ▶ **Visual Discovery**, advanced data visualization for executive level dashboards
- ▶ **Other tools** include report assistant, charting tool, two-way email, mobile support

Opportunities

- **Expand use** to other county departments and municipalities
- **Leverage investment** and build on experience and lessons learned
- **Provide insight** into performance to facilitate better decision making
- **Empower** the county by linking core operations directly to strategic objectives and real time monitoring

“ Shared licensing will allow other departments and municipalities to leverage the benefits of business intelligence at a fraction of the cost.

“ Share existing LEA solution with minor alterations

“ Reaching out to other police agencies to demo solution and gauge interest to participate

“ County hosted model (4-Core Server) means lower initial cost, leverage county IT services, quick deployment, centralized management, timely software updates, re-use of already developed solutions.

Opportunities

- **Unprecedented, controlled access** to system data
- **Integration** with existing desktop tools like Excel and Adobe PDF
- **Accurate, timely, and interactive information** – right at the fingertips of any user that needs it. This is the key to ensuring success at all levels

Questions



Captain **Brian Barkow**



IMSD Public Safety Business Lead
Andrew Carrion

Report Examples

For Reference Only

Compstat Report: Correctional Facility Central | Period: 2011 | 2011/11/13 - 2011/12/10 | Report Output: PDF, Print, Refresh



COMPSTAT
 Milwaukee County Detention Services Bureau (Central)
 11/13/2011 -12/10/2011



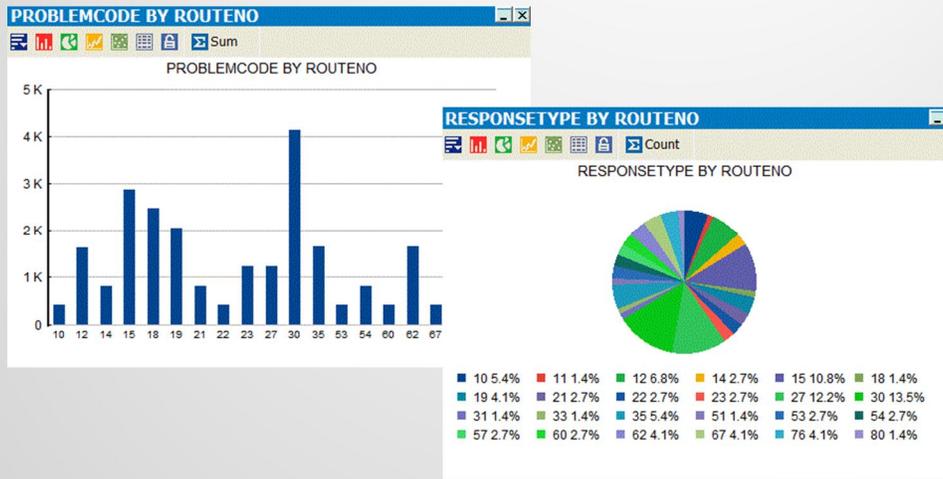
	11/13/2011 TO 12/10/2011	10/16/2011 TO 11/12/2011	% Change	10/16/2011 TO 11/12/2011	9/18/2011 TO 10/15/2011	% Change	YTD 2011	YTD 2010	% Change	YTD 2011	YTD 2009	% Change
Criminal												
Assault	0	1	-100%	1	2	-50%	49	49	0%	49	77	-36%
Death Investigation	0	0	0%	0	0	0%	13	10	30%	13	9	44%
Narcotics	0	0	0%	0	0	0%	6	11	-45%	6	12	-50%
Weapons	0	0	0%	0	4	-100%	11	23	-52%	11	18	-39%
Disturbance												
Fight	0	0	0%	0	0	0%	32	38	-16%	32	64	-50%
Crimes vs. person	0	7	-100%	7	12	-42%	99	61	62%	99	94	5%

Drill Down Reports

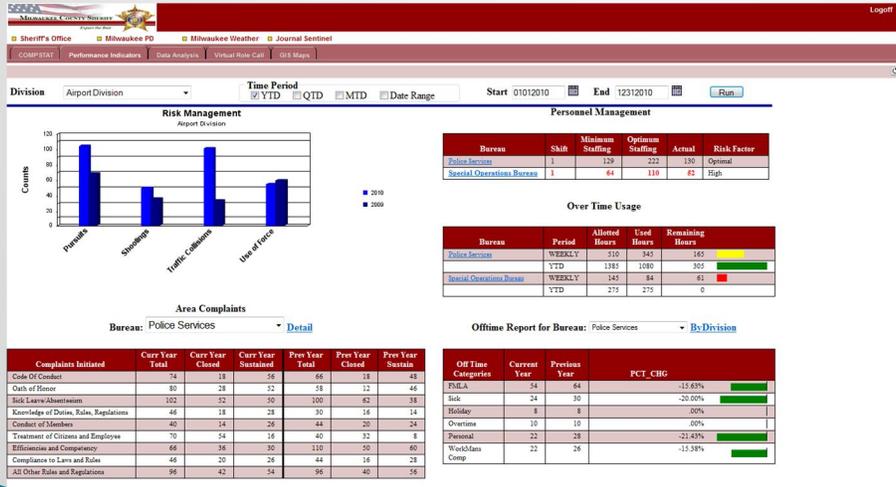
INCIDENTS	INCIDENTNO	ORIGDATE	PROBLEMCODE	MAINCATDESCRIP	SUBCATDESCRIP	RESPONSETYPE	ROUTENO	BUSNO
Disorderly Conduct	4092598	2010/11/14 00:00:00.000			Off Bus	S	15	4419
	4111343	2010/11/15 00:00:00.000			Intoxicated Person(s)	S	19	4432
	4112000	2010/11/15 00:00:00.000			Vulgar Language	S	12	4334
	4116660	2010/11/16 00:00:00.000			Off Bus	S	23	4825
	4128609	2010/11/16 00:00:00.000			Intoxicated Person(s)	S	15	4627
	4128673	2010/11/16 00:00:00.000					30	5003
	4161510	2010/11/18 00:00:00.000					18	4634
	4161743	2010/11/18 00:00:00.000					18	4634
	4162908	2010/11/18 00:00:00.000					62	4729
	4165344	2010/11/18 00:00:00.000					10	4710
	4167716	2010/11/18 00:00:00.000					80	4419
	4177069	2010/11/19 00:00:00.000					27	4734
	4177941	2010/11/19 00:00:00.000					53	4119
	4187986	2010/11/20 00:00:00.000			Intoxicated		15	5148
	4193036	2010/11/20 00:00:00.000			Vulgar Language		76	4708
	4198070	2010/11/21 00:00:00.000			Intoxicated		22	5109
	4200063	2010/11/21 00:00:00.000			Operator T		22	5103
	4200090	2010/11/21 00:00:00.000			Off Bus	S	22	5103
	4202890	2010/11/21 00:00:00.000			Intoxicated Person(s)	S	60	4463
	4221836	2010/11/22 00:00:00.000			Intoxicated Person(s)	S	30	4387
	4235404	2010/11/23 00:00:00.000			Vulgar Language	S	53	4406
	4235920	2010/11/23 00:00:00.000			Off Bus	S	60	5129
	4260599	2010/11/24 00:00:00.000			Vulgar Language	S	12	4334
	4263724	2010/11/24 00:00:00.000			Vulgar Language	S	21	4817
	4268381	2010/11/25 00:00:00.000			Off Bus	S	7700	917

Active Reports

Generate Graphs and Reports Which Can Be Emailed



Performance Indicators Report



Performance Indicators – Pay

Sheiff's Organization Pay Types Report Format

4002 Administration 2A-HOL ACCRUED
 4010 Emergency Mgmt Bure 2H-HOL PAID
 4016 Airport Security 2U-HOL USED
 4017 County Grounds Secur 3F-FMLA WRK WOP
 4018 Canine Unit 3H-FMLA HOLIDAY

HTML PDF
 Excel 2000 HTML Active Report Run

20 of 20 records, Page 1 of 1

Offline Report for Selected Pay Type

Organization	Pay Year	Pay Code	Hours
4016 Airport Security	2008	2A	3186.20
		2H	1195.80
		2U	2421.30
		3F	403.80
		3H	
*TOTAL 2008			
	2009	2A	2842.00
		2H	1110.00
		2U	2520.10
		3F	25.90
		3H	72.00
*TOTAL 2009			
	2010	2A	6570.00
		2H	3416.10
		2U	1022.90
		2U	2206.70

Pay Code BY Pay Code

Group By (X)
 HIGHORG
 LOWORG
 Organization
 Pay Year
 Pay Code
 Pay Description
 Hours

2H 20% 2U 20% 3F 15% 3H 25%

Types Showing Active Report With Pie Chart Reports output into HTML, Excel, PDF or Active Report

Overtime and Off Time Reports

With graphic indicators

Risk Analysis | Offtime & Over Time

Period: 2011-09 | Organization: ALL | Run

OverTime
All Organizations

Organization	Period Hours 2011-09	Period Dollars 2011-09	YTD Hours 2011-09	YTD Dollars 2011-09	Budget Dollars 2011	Remaining Dollars 2011
4082 Central Records	12	\$331.34	13	\$355.98	\$0.00	-\$355.98
4002 Administration	85	\$1,652.14	849	\$15,552.09	\$43,992.00	\$28,439.91
4010 Emergency Mgmt Bureau	73	\$1,233.49	297	\$5,410.85	\$14,172.00	\$9,761.35
4016 Airport Security	518	\$10,092.95	3378	\$76,499.81	\$385,620.00	\$289,130.39
3017 County Grounds Security	58	\$2,452.19	574	\$18,038.53	\$80,652.00	\$62,613.47
4018 Canine Unit	34	\$1,481.41	288	\$9,699.17	\$36,660.00	\$26,960.83
4019 Park Patrol	179	\$4,447.35	1524	\$43,718.19	\$300,812.00	\$256,893.81
4021 Expressway Patrol	731	\$21,676.32	5445	\$165,289.99	\$249,288.00	\$83,998.01
4029 Communications	86	\$2,036.59	686	\$13,342.63	\$70,392.00	\$57,049.37
4030 Community Relations	0	\$0.00	79	\$1,679.96	\$43,020.00	\$41,340.04
4036 Inmate Transportation	7	\$41.79	217	\$5,172.96	\$0.00	-\$5,172.96
4038 Criminal Justice Center	1784	\$47,159.51	16517	\$434,810.71	\$730,776.00	\$295,965.29
4039 Medical Unit	170	\$7,273.61	982	\$37,673.73	\$53,772.00	\$16,098.27
4041 Psychiatric Services	0	\$0.00	26	\$1,050.50	\$4,404.00	\$3,353.50

Off Time Report
All Organizations

Pay Category	YTD 2011-09	YTD 2010-09	Percent Change
FMLA	2463	1360	81.10%
Holiday	1526	1416	7.77%
Overtime	4873	3002	62.33%
Personal	847	749	13.08%
Sick	701	1031	-32.01%
Workmans Comp	496	455	9.01%

Risk Management Report

Risk Management Report
 Bureau: Police Services
 Airport Division

Unit	Risk Management	Current Year	Last Year	Percent Change
Unit 1	Pursuits	34	45	-24.44%
	Use of Force	33	16	106.25%
	Traffic Collisions	22	12	83.33%
	Shootings	11	11	.00%
Unit 2	Pursuits	56	11	409.09%
	Use of Force	11	23	-52.17%
	Traffic Collisions	56	11	409.09%
	Shootings	33	21	57.14%
Unit 3	Pursuits	14	13	7.69%
	Use of Force	11	21	-47.62%
	Traffic Collisions	23	11	109.09%
	Shootings	6	4	50.00%
*TOTAL RISK_MGMT RISK_MGMT DIVISION Airport Division		**	**	55.78%

Run Date: July 28, 2011

Incident Calls For Service Interactive Mapping



View Existing Form Data

Data Form Contents

add new save return insert

Inmate
Grievance
Form-
CCFC

FILE# 0			
Last Name	First Name	M.I.	Date of Birth
Sex M	Race W	Pod Cell	Today's Date
This Grievance Concerns Inmate Health/Welfare			
Have you tried to solve this problem by speaking w Yes			
Describe the problem			
Inmate's Signature			
Your grievance has been received, and will be inve			
Received By	Date	Time 0	

add new save return insert

Data Analysis

Incidents from the RMS system for the last 7 days

Milwaukee County Sheriff's Office Dashboard

Incident Report for last 7 days
Run Date: March 14, 2011

CASENO	INCIDENT	REPORT	OFFICER	OFFICER NAME	ACTIVITYTYPE	OFFICER NAME	REPORT	RANK	REPORT STATUS	OFF CODE	FORCLOSED
201101466	11171000711446	11171000711446	11170000001295	McCann, Dep Craig A.	AC	Worren, Deputy Eric B.	20110225	D1	5	A725	N
					RD	McCann, Deputy Craig A.	20110225	D1	5	A725	N
					SO	Adcock, Tony	20110225	D1	5	A725	N
					SUB	Thomas, Eric S.	20110225	D1	5	A725	N
					SV	Mulvey, Sergeant Celeste D.	20110225	D1	5	A725	N
201101466	111710007113978	11171000711398	11171000577809	O'Guin, CO Christopher J.	ACD	Schoon, CO Kevin	20110225	CO	2	J303	N
					ACD	Stewart, CO Howard	20110225	CO	2	J303	N
					CO	O'Guin, CO Christopher J.	20110225	CO	2	J303	N
					RM	Campbell/Terrance Rudolph	20110225	CO	2	J303	N
					O	George Jensen D.	20110225	CO	2	J303	N
					SV	Hennick, Lieutenant Steven	20110225	CO	2	J303	N
					SV	Hennick, Lieutenant Jose	20110225	CO	2	J303	N
201101466	111710007114239	111710000001215	Crespo, Dep Reynaldo	ACD	Vance, CO Jaime	20110225	DB	5			
					ACD	Finley, CO Melvin	20110225	DB	5		
					ACD	Triggs, CO Jerald	20110225	DB	5		
					ACD	Baker, CO Pamela	20110225	DB	5		
					AD	Crespo, Deputy Reynaldo	20110225	DB	5		
					RM	Wilder, Jehmyl	20110225	DB	5		
					RCD	Leete, CO Matthew S.	20110225	DB	5		
					SV	Jesuit, Captain Peter R.	20110225	DB	5		
					SV	Grabar, Sergeant Richard P.	20110225	DB	5		
					SV	Nivotry, Sergeant James J.	20110225	DB	5		
					SV	Colman, Sergeant Gary A.	20110225	DB	5		
					SV	Dwan, Sergeant Kyle C.	20110225	DB	5		
					SV	Nykwiz, Dep Inspector Kevin	20110225	DB	5		
					ACD	Baker, CO Pamela	20110225	DB	5		
					ACD	Vance, CO Jaime	20110225	CO	5		
					ACD	Finley, CO Melvin	20110225	CO	5		
					ACD	Triggs, CO Jerald	20110225	CO	5		
					ACD	Baker, CO Pamela	20110225	CO	5		
					AD	Crespo, Deputy Reynaldo	20110225	CO	5		
					RM	Wilder, Jehmyl	20110225	CO	5		

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: January 5, 2012

TO: Lee Holloway, Chairman, County Board of Supervisors

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Resolution to Authorize a Contract with Whyte, Hirschboeck & Dudek S.C. relating to O'Donnell Park

It is requested that this matter be referred to the Committee on Finance and Audit and the Committee on Judiciary, Safety & General Services.

Authority is requested to enter into a contract with Whyte, Hirschboeck & Dudek S.C. ("WHD") to represent Milwaukee County for the prosecution of Milwaukee County's claims against potentially responsible parties for loss or damages relating to the failure of the O'Donnell Park parking structure. Milwaukee County is currently a defendant in several lawsuits related to the death of Jared Kellner and injuries to the Kellners and Wosinskis. Wisconsin County Mutual Insurance Corporation has selected WHD to represent Milwaukee County in those lawsuits. As a result, WHD has become intimately familiar with the construction history of O'Donnell Park and the voluminous documents involved. WHD is therefore uniquely qualified to represent Milwaukee County for its claims against others for potential recovery of repair costs and lost revenue. In addition, use of WHD is fiscally efficient. Milwaukee County will be required to pay WHD for only those fees that are uniquely related to pursuing Milwaukee County's claims; any fees generated by WHD for the defense of Milwaukee County are covered by the insurance policy with the Mutual.

A potential contract has been negotiated with WHD that will provide for payment at a reduced hourly rate of \$220. Because of the efficiency of utilizing WHD for this work, the contract will be for hourly fees not to exceed \$50,000.00. In addition, a contingency fee has been agreed to in the event of recovery by Milwaukee County. Any hourly fees that have been paid will be deducted from any contingency fee. The contract will be exempt from the provisions of §56.30 of the County Ordinances.

Sufficient funds exist in the Litigation Reserve Account for these fees.



Mark A. Grady

cc: County Executive Chris Abele
Carol Mueller
Linda Durham

A RESOLUTION

To authorize Corporation Counsel to contract with Whyte, Hirschboeck & Dudek S.C. (“WHD”) to represent Milwaukee County in matters relating to prosecution of any claims that it may have against potentially responsible parties for loss or damages relating to the failure of the O’Donnell Park parking structure.

WHEREAS, a parapet wall of the O’Donnell Park parking structure fell on June 24, 2010 resulting in the death of Jared Kellner and injuries to the Wosinskis and Kellners, and

WHEREAS, the O’Donnell Park parking structure was closed for an extended period of time, resulting in a loss of revenue to Milwaukee County, and extensive repairs were required to the structure at a significant cost to Milwaukee County, and

WHEREAS, various parties have filed multiple suits against Milwaukee County and others related to the death and injuries that occurred and WHD has been retained by the Wisconsin County Mutual Insurance Corporation to represent and defend Milwaukee County’s interests in those lawsuits, and

WHEREAS, WHD has acquired extensive knowledge and experience of the facts and issues related to the parking structure construction, repair and related matters, and

WHEREAS, WHD has extensive specialized knowledge and experience in the area of construction litigation, and

WHEREAS, it is advantageous to Milwaukee County to retain the services of WHD to utilize its general legal experience and its specific legal experience related to the parking structure in order to prosecute Milwaukee County’s claims against potentially responsible parties for loss or damages relating to the failure of the O’Donnell Park parking structure, and

WHEREAS, the cost for this representation will relate only to those legal services that are required to prosecute Milwaukee County’s claims and will not include under this contract the cost of legal services incurred to defend Milwaukee County’s interests in the pending litigation, and

WHEREAS, Corporation Counsel has negotiated a contract that provides for an hourly rate not to exceed \$220 with total hourly fees not to exceed \$50,000.00 and, in the event of a recovery by Milwaukee County, a contingency fee reduced by any fees paid at the hourly rate, and

WHEREAS, there are sufficient funds in the litigation reserve account to pay for those legal fees,

NOW THEREFORE,

BE IT RESOLVED that the Corporation Counsel is authorized and directed to contract with Whyte, Hirschboeck & Dudek S.C. to represent and to prosecute Milwaukee County's claims against potentially responsible parties for loss or damages relating to the failure of the O'Donnell Park parking structure, with an hourly rate not to exceed \$220.00 and total hourly fees not to exceed \$50,000.00 and, in the event of a recovery by Milwaukee County, a contingency fee reduced by any fees paid at the hourly rate, and the contract shall be exempt from the provisions of §56.30 of the County Ordinances.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: January 5, 2012

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Resolution to Authorize a Contract with Whyte, Hirschboeck & Dudek S.C. relating to O'Donnell Park.

FISCAL EFFECT:

No Direct County Fiscal Impact

Increase Capital Expenditures

Existing Staff Time Required

Decrease Capital Expenditures

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

Increase Capital Revenues

X Absorbed Within Agency's Budget

Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures

Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	\$50,000.00	0
	Revenue	0	0
	Net Cost	\$50,000.00	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 authorize a contract with Whyte, Hirschboeck & Dudek S.C. for representation of Milwaukee County to pursue Milwaukee County's claims against responsible parties for the damages suffered by Milwaukee County relating to the O'Donnell Park parking structure. The hourly fees are not anticipated to exceed \$50,000.00. A contingency fee is included from any recovery by Milwaukee County. Budgeted funds would not be utilized or needed for any contingency fee.

Department/Prepared By Corporation Counsel

Authorized Signature Mark A. Body

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.

By Corporation Counsel

A RESOLUTION

To create a process by which resolutions, ordinances or reports are formally referred to the Office of Corporation Counsel for legal opinion.

WHEREAS, over the years, the Office of Corporation Counsel has received requests for legal opinion by the full County Board, by the County Board Chairman, and by the various Standing Committees, and

WHEREAS, the Office of Corporation Counsel has received requests for legal opinion with county-wide significance from individual County Board Supervisors and,

WHEREAS, the Office of Corporation Counsel, needs to prioritize requests for legal opinion, and desires to provide effective, efficient legal advice without regard to partisanship, with clarity and transparency to the entire Milwaukee County Board, and

WHEREAS, given the reduction of staff over the years, it is vitally important to establish a process by which resolutions, ordinances or reports are formally referred to the Office of Corporation Counsel for legal opinion; now therefore,

BE IT RESOLVED that there is hereby created a process by which resolutions, ordinances or reports are formally referred to the Office of Corporation Counsel for legal opinion in priority order: (1) directive of the full County Board, (2) directive of the County Board Chairman, (3) directive of Standing Committee(s). Requests for legal opinion received from individual members of the County Board will be reviewed on a case by cases basis. Individual members' requests will generally be considered (4) in order of priority, and must be determined by the Office of Corporation Counsel to lack county-wide significance to be appropriately received outside of the established process.

BE IT FURTHER RESOLVED that resolutions, ordinances or reports referred to the Office of Corporation Counsel for legal opinion shall be sent via electronic mail directed to the Corporation Counsel, with a carbon copy to the Deputy Corporation Counsel, and with specificity, will articulate the legal question(s) for which advice is requested.

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

MILWAUKEE COUNTY,

Plaintiff,

v.

Case No.
Case Codes 30704 and 30701
Injunctive and Declaratory ReliefDAVID CLARKE JR.,
in his official capacity as
SHERIFF OF MILWAUKEE COUNTY

Defendant.

**MEMORANDUM IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAINING ORDER**

Neither the statutory powers of the Sheriff nor his constitutionally protected “immemorial duties” empower him to continue the employment of deputies whose salaries and benefits are not covered by the appropriations in the 2012 adopted County budget, whose positions were abolished in that budget, and who were consequently laid off in conformity with the applicable provisions of the Milwaukee County Civil Service Rules and the collective bargaining agreement between the County and the deputies’ union.

I. The constitutional officers of the County, including Sheriff Clarke, are subject to reasonable budgetary constraints.

Although the Wisconsin constitution affords the Sheriff a measure of protection from interference in the discharge of those “immemorial, principal, and important duties of the sheriff at common law that are peculiar to the office of the sheriff and that

characterize and distinguish the office”, *Kocken v. Wisconsin Council 40, AFSCME*, 301 Wis. 2d 266, 282, 732 N.W.2d 828 (2007), that protection is not without limits. The Sheriff, along with the other elected constitutional officers of a county, is subject to reasonable budgetary constraints imposed by the County Board.

While it may be said that an elected county constitutional officer is answerable to no one but the electorate in the faithful discharge of his or her constitutional and statutory duties, ***such officers are, and always have been, subject to reasonable budget constraints.*** The courts will refrain from interfering with the exercise of discretion by the county board and county executive in the adoption of the county budget, even though their actions may not appear wise or best calculated to serve the public interest, unless they act in violation of the law. (Emphasis added)

OAG 25-88 (May 23, 1988)

In the case of the 2012 operating budget for Milwaukee County, Sheriff Clarke’s department, along with other departments of County government, has been subjected to reasonable budgetary constraints. Sheriff Clarke is not uniquely immune to such constraints.

Likewise, there is nothing unique about the office of the Sheriff that insulates his department from the operational impact of such reasonable budgetary constraints. The sum appropriated to a County department for a specified purpose constitutes a legal limitation on the ability the head of that department has to spend money or to incur obligations against the County. The appropriated sums are, in the words of the budget statute, “legal appropriations” for the ensuing year, Wis. Stat. s. 59.60(7). Therefore, County officers are legally forbidden to make payments or incur obligations against the County “unless the county has sufficient appropriations for payment”, Wis. Stat. s. 59.60(12). An officer who violates that statute may be held liable for the resulting payment, and that violation is cause for removal from office.

With regard to personnel costs, the limitations of Wis. Stat. s. 59.60(7) are implemented and reinforced by County ordinances.

Creation of additional positions. *Each department is limited to the total number of positions or staffing authorized in the adopted annual budget unless an increase or decrease in the number of authorized positions or staffing is approved by the county board, subject to the review of the county executive, during the year. . .*

Sec. 17.05(1), M.C.G.O.

The application of these laws to this case is clear. Sheriff Clarke may not lawfully retain the services of deputies whose positions have been abolished or “unfunded” in the adopted 2012 County budget and whose salary and benefit costs are therefore not covered by appropriations in that budget.

II. Hiring, retention and termination of employees in the Sheriff’s department is subject to civil service laws and rules and applicable collective bargaining provisions.

When, as in this case, it is necessary, due to lack of funds and a concomitant reduction in authorized positions, to reduce the number of represented employees in a classification in the classified service of Milwaukee County, layoffs must ensue in conformity with the Civil Service Rules and (for employees represented by a union) applicable contract provisions. That is true for every department of County government, including the Office of the Sheriff.

The Wisconsin Supreme Court long ago rejected the proposition that the civil service rules do not apply to the Sheriff:

It is contended by appellant [Sheriff Buech] that the so-called civil service law is unconstitutional in so far as it applies to the office of sheriff of any county. It is said that at common law the sheriff had power to appoint deputies, and it is not competent for the Legislature to detract materially from the powers, duties, and liabilities of the sheriff, and reference is made to the case of *State ex rel. Kennedy v. Brunst*, 26 Wis. 412, 7 Am.

Rep. 84. In that case it was held that a law which assumed to take from the sheriff the duties of jailer of a county and confer them upon another officer appointed by the county board was unconstitutional, because it took from the sheriff an important common-law duty which was impliedly attached to the office by the Constitution.

...
With no disposition to question the doctrine of that case, we do not think it should be extended to the extent here urged. We think it should be confined to those immemorial principal and important duties that characterized and distinguished the office. While at common law the sheriff possessed the power to appoint deputies, it was not a power or authority that gave character and distinction to the office. Many other officers as well as sheriffs possessed the power. It was more in the nature of a general power possessed by all officers to a more or less extent, and was not peculiar to the office of sheriff. It should not be held, in our judgment, that the Constitution prohibits any legislative change in the powers, duties, functions, and liabilities of a sheriff as they existed at common law. If that were true, a constitutional amendment would be necessary in order to change the duties of sheriffs in the slightest degree, and in this respect "the state would be stretched on a bed of Procrustes."

State ex rel. Milwaukee County v. Buech, 171 Wis. 575, 177 N.W. 781 (1920).

Citing the *Buech* decision, the Wisconsin Supreme Court held more recently that a sheriff is *not* constitutionally empowered to hire and fire food service worker in the jail without regard to limitations in a collective bargaining agreement, *Kocken v. Wisconsin Council 40, AFSCME*, 301 Wis. 2d 266, 732 N.W.2d 828 (2007).

III. Milwaukee County will suffer irreparable harm if the Sheriff is permitted to disregard reasonable budgetary constraints and the applicable provisions of the Civil Service Rules and collective bargaining agreements.

The harm that the Sheriff will cause if he is allowed to retain employees in his department in defiance of the constraints of the County budget and the civil service system is obvious. Most obviously, he will expose the County to liability for wages, benefits and other employment-related costs that the County does not have the money to pay.

In addition, it is reasonable to assume that individuals who are arrested or searched by or who receive traffic citations from or have other unpleasant encounters with the laid-off deputies will cite the unlawful nature of their continued employment as grounds to challenge the validity the deputies' actions. The resulting damage to the County could run from lost citation revenue to significant liability for civil rights violations.

Finally, the County has an obligation under the law, and a duty to the citizens, to manage its employment relations and conduct its personnel transactions in an orderly and equitable manner, in conformity with the civil service laws and other applicable statutes and ordinances, and to manage its finances responsibly. It will be impossible to fulfill those obligations if one County officer is allowed to operate outside the bounds of the law and the constraints of the County budget by employing whichever employees and however many employees he sees fit to employ. Such arrogant and unlawful conduct will cause irremediable harm to Milwaukee County, as a municipal body corporate and as a community.

CONCLUSION

For the foregoing reasons, Milwaukee County respectfully urges the court to grant an order to temporarily enjoin and restrain Sheriff Clarke from taking any action which would have, or intend or purport to have, the effect of retaining or continuing the employment or the services of any or all of the 27 deputies who have been laid off, in accordance with Milwaukee County Civil Service Rules and applicable collective bargaining agreements, due to the fiscal constraints of the Adopted 2012 Operating Budget for Milwaukee County.

Dated at Milwaukee, Wisconsin this _____ day of January, 2012.

OFFICE OF CORPORATION COUNSEL

By: _____

Kimberly R. Walker
Corporation Counsel
SBN 1031431
Attorneys for Milwaukee County

P.O. Mailing Address:
Milwaukee County Courthouse
901 North 9th Street, #303
Milwaukee, WI 53233

6. There are not authorized positions for those 27 deputy sheriffs. If the Sheriff retains the services of those deputies, Milwaukee County would incur liability for salaries, benefits and other employment-related costs which exceed the amount appropriated in the Adopted 2012 Operating Budget for those purposes.

PAMELA BRYANT

Subscribed and sworn to
before me this _____
day of January, 2012.

Notary Public
My commission _____

MILWAUKEE COUNTY,

Plaintiff,

v.

Case No.
Case Codes 30704 and 30701
Injunctive and Declaratory Relief

DAVID CLARKE JR.,
in his official capacity as
SHERIFF OF MILWAUKEE COUNTY

Defendant.

COMPLAINT

NOW comes the Plaintiff, Milwaukee County, as a complainant for injunctive and declaratory relief against the defendant David Clarke Jr., Milwaukee County Sheriff. Plaintiff Milwaukee County, by the Office of the Corporation Counsel, alleges and shows to the court as follows:

NATURE OF ACTION

1. This is an action for temporary and permanent injunctive relief under Wis. Stat. ch. 813 and for a declaratory judgment under Wis. Stat. s. 806.04.

PARTIES

2. Plaintiff Milwaukee County is a body corporate under Wis. Stat. s. 59.01, with the authority to sue and be sued. Its principal offices are at 901 N. 9th St., Milwaukee, Wisconsin 53233.

3. Defendant David Clarke Jr. is an adult resident of Milwaukee County, and he is the elected Sheriff of Milwaukee County, whose powers and duties are described in Wis. Stat. ss.

59.26 through 59.33 and other applicable provisions of the Wisconsin States and the ordinances and civil service rules of Milwaukee County. Sheriff Clarke's principal offices are at 821 W. State St., Milwaukee, Wisconsin 53233.

FACTS

4. Appointment, termination and, layoff of employees in the classified service of Milwaukee County, including deputy sheriffs in the Office of the Sheriff, are governed by the Milwaukee County civil service law, Wis. Stat. ss. 63.01 through 63.17, the rules of the Milwaukee County Civil Commission adopted pursuant to those statutes, and, in the case of deputy sheriffs, by the applicable provisions of the collective bargaining agreement between Milwaukee County and the Milwaukee County Deputy Sheriffs Association (MCDSA).

5. The annual budget for Milwaukee County is governed by Wis. Stat. s. 59.60. Upon adoption of the budget, the appropriations therein, including the appropriation for personnel expenses for each of the departments of County government, constitute the legal appropriations for the ensuing year. Officers of Milwaukee County are forbidden to authorize any payment or incur any obligation against the County if the budget does not include sufficient appropriations for payment of the resulting obligation.

6. Under s. 17.05 of the Milwaukee County General Ordinances (M.C.G.O), the adoption of the annual budget has the explicit effect of limiting the number of positions and the staffing level in each department of County government to the number and level specified in the budget, unless additional positions or staff are authorized by the County Board and the County Executive.

7. The adopted Milwaukee County Operating Budget for 2012 does not include sufficient appropriations to maintain existing staffing in the Office of the Sheriff, and it reduced deputy sheriff positions.

8. Consequently, it is necessary, due to lack of funds and a reduction in the number of authorized positions, to reduce the number of deputy sheriffs through the layoff procedure prescribed in Rule VIII, sec. 4 of the Milwaukee County Civil Service Rules and the corresponding provisions of the collective bargaining agreement between Milwaukee County and the MCDSA.

9. In conformity with the procedures described in the foregoing paragraph, the Milwaukee County Department of Administrative Services and its Department of Human Resources have determined that it will be necessary to lay off 27 deputy sheriffs. The 27 deputy sheriffs subject to layoff under those procedures have been identified, based on the criteria specified in the Civil Service Rules and the collective bargaining agreement, and they have been notified of the impending layoff.

10. Sheriff Clarke has directed his Human Resources Manager, Marlo Knox, to contact those deputies sheriffs who received layoff notices, and order them to report to work as usual, disregarding the action taken by Milwaukee County Department of Administrative Services and its Department of Human Resources with respect to the layoffs.

11. Any act by Sheriff Clarke that purports to retain the services of deputies who are laid off for the reasons and under the procedures described in the foregoing paragraphs violates Wis. Stat. 946.12(2) because such an act is in excess of his lawful authority, and any such act is forbidden by law, for the reasons hereinabove explained. Such an act violates the limitations of Wis. Stat. s. 59.60(7), s. 17.05, M.C.G.O., the provisions of the civil service law and the

applicable provisions of the Rules of the Milwaukee County Civil Service Commission governing layoff of represented employees.

12. Any act by Sheriff Clarke that purports to retain the services of deputies who are laid off for the reasons and under the procedures described in the foregoing paragraphs will cause irreparable harm to Milwaukee County for reasons including but not necessarily limited to the following:

a. Such acts expose Milwaukee County to liability for wages and benefits, and to liability for other employment related costs such as worker's compensation, unemployment insurance, and vicarious liability for employee acts and omissions, arising from the wrongful retention of those deputies, and no funds have been appropriated to pay those costs.

b. Such acts expose Milwaukee County to liability for failure to adhere to the terms agreed upon between Milwaukee County and the deputies' union related to the collective bargaining agreement.

c. Such acts expose Milwaukee County to liability for alleged violation of the civil rights of persons arrested or otherwise detained by the unlawfully retained deputies because of uncertainty concerning the status of the those deputies as law enforcement officers.

d. Such acts impairs the enforcement of the Milwaukee County motor vehicle code and other ordinances enforced by issuing citations, with resulting loss of revenue, because of uncertainty concerning the status of those deputies as law enforcement officers authorized to issue citations.

PRAYER FOR RELIEF

WHEREFORE, Milwaukee County demands judgment as follows:

1. A declaratory judgment under Wis. Stat. s. 806.04, declaring that Sheriff Clarke has no authority to disregard the actions of the Milwaukee County Department of Administrative Services and its Department of Human Resources with respect to the layoff of employees in his department for lack of funds, and that he has no authority retain or continue the services of deputies who have been laid off due to lack of funds in accordance with Milwaukee County Civil Service Rules and applicable collective bargaining agreements.

2. An order enjoining Sheriff Clarke from disregarding the actions of the Milwaukee County Department of Administrative Services and its Department of Human Resources with respect to the layoff of employees in his department for lack of funds, and enjoining him from taking any action which has, intends or purports to have, the effect of retaining or continuing the employment or the services of deputies who have been laid off due to lack of funds in accordance with Milwaukee County Civil Service Rules and applicable collective bargaining agreements.

Dated at Milwaukee, Wisconsin this _____ day of January, 2012.

OFFICE OF CORPORATION COUNSEL

By: _____
Kimberly R. Walker
Corporation Counsel
SBN 1031431
Attorneys for Milwaukee County

P.O. Mailing Address:
Milwaukee County Courthouse
901 North 9th Street, #303
Milwaukee, WI 53233

MILWAUKEE COUNTY,

Plaintiff,

v.

Case No.
Case Codes 30704 and 30701
Injunctive and Declaratory Relief

DAVID CLARKE JR.,
in his official capacity as
SHERIFF OF MILWAUKEE COUNTY

Defendant.

**NOTICE OF MOTION AND MOTION
FOR TEMPORARY RESTRAINING ORDER**

Plaintiff Milwaukee County, by the Office of the Corporation Counsel, hereby moves the Court pursuant to Wis. Stat. s. 813.02 for an order to temporarily enjoin and restrain the defendant, David Clarke Jr., from taking any action which would have, or intend or purport to have, the effect of retaining or continuing the employment or the services of any or all of the 27 deputies who have been laid off, in accordance with Milwaukee County Civil Service Rules and applicable collective bargaining agreements, due to the fiscal constraints of the Adopted 2012 Operating Budget for Milwaukee County.

This motion is based on the facts set forth in the Complaint, the memorandum and affidavit submitted in support of the motion, and all files, records and proceedings herein.

This motion shall be heard:

Before: Milwaukee County Circuit Court Br. _____
Honorable _____ presiding

Place: Room ____ Milwaukee County Courthouse
901 N. 9th St.
Milwaukee, WI 53233

Date: _____

Time: _____

Dated at Milwaukee, Wisconsin this _____ day of January, 2012.

OFFICE OF CORPORATION COUNSEL

By: _____
Kimberly R. Walker
Corporation Counsel
SBN 1431431
Attorneys for Milwaukee County

P.O. Mailing Address:
Milwaukee County Courthouse
901 North 9th Street, #303
Milwaukee, WI 53233