



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

Date: February 16, 2012

To: Supervisor Lee Holloway, County Board Chairman

From: Chris Abele, County Executive

Subject: Appointment to the Milwaukee County Ethics Board

Subject to the confirmation of your Honorable Body and pursuant to the provisions set forth in Sec. 9.07 and Sec. 9.08 of the Wisconsin Statutes, I am hereby appointing Ms. Carol Wichmann to the Milwaukee County Ethics Board. Per the statute, the League of Women Voters recommended Ms. Wichmann. Ms. Wichmann's term will expire February 28, 2014.

Attached for your review is a copy of Ms. Wichmann's resume.

Your consideration and confirmation of this appointment will be appreciated.



Chris Abele, County Executive

Cc: Supervisor Willie Johnson, Chairman, Judiciary, Safety, and General Services
 Committee Milwaukee County Board of Supervisors
 Terry Cooley, Chief of Staff
 Rick Ceschin, Committee Analyst
 Janelle Jensen, Committee Clerk
 Veronica Robinson, Executive Director, Milwaukee County Ethics Board
 Ms. Carol Wichmann

**Carol L. Wichmann
10300 W. Edgerton Av.
Hales Corners, WI 53130
Phone (414) - 529-4370**

Education:

**BA - Alverno College
Certification in Labor Management Relations – Marquette University**

Boards:

**Customer Advisory Committee - Wisconsin Physicians Service (WPS)
Board of Directors - Health Care Network of WI
Board of Directors – League of Women Voters, Milwaukee County
Personnel Committee – St. Mary Parish, Hales Corners**

Prior Work Experience:

**Personnel Manager - Target Stores
Benefits Manager – Milwaukee Insurance
Benefits Manager – Milwaukee County
Director of Personnel – United Regional Medical Services
Benefits and Insurance Manager – Foley and Lardner LLP**

Retired from Foley in May 2008.

DATE : February 7, 2011

TO : Milwaukee County Board Chairman Lee Holloway

FROM : Kimberly Walker, Corporation Counsel
Mark Grady, Deputy Corporation Counsel
Terrence Cooley, Chief of Staff, County Board
Steve Cady, Fiscal and Budget Analyst, County Board
Carol Mueller, Chief Committee Clerk, County Board

SUBJECT : Recommendations for Chapter 1, Milwaukee County Ordinances – Rules of the County Board of Supervisors

Adopted County Board Resolution File No. 03-482 (attached) authorized “the creation of a work group consisting of Corporation Counsel and County Board staff to review and make recommendations for revisions pertaining to the rules of procedures for the conduct of meetings and the transaction of business, including the application of parliamentary procedures, by the County Board of Supervisors” and to report back to the Committee of Whole.

Considerable time has passed since this resolution was adopted. In the interim, the County has dealt with a number of major issues, including legal matters, and changes in staff, which have delayed the finalization of recommendations for revisions to Chapter 1 of the Milwaukee County Ordinances, as contemplated in the adopted resolution.

Staff has now completed its work and presents the attached revisions to Chapter 1 addressing updates to a number of provisions relating to rules of procedures for the conduct of meetings and the transaction of business. These ordinance revisions address several matters, including, but not limited to:

- Board and Committee meeting times and composition
- Board and Committee motions and voting procedures
- Procedures at annual and special meetings of the County Board
- the order of business, reflecting use of the new Legistar legislative tracking system
- the manner in which County Board citations are approved
- updates of the jurisdictions of Committees
- procedures regarding County Executive budget vetoes
- clarification of the general role of the County Board Chairman as a department head

In addition, there are a number of technical changes that reflect various departmental re-organizations, division name changes, new departments, etc. Also included is modernization and clarification of language and removal of archaic, unnecessary and / or redundant language.

It is worth noting that, County staff involved in developing these revisions over the last several years, in addition to those issuing this communication, have included former Corporation Counsel William Domina, Deputy Corporation Counsel Robert Andrews, Acting Corporation Counsel Timothy Schoewe, former County Board Research Analyst Robert Murphy, former Committee Clerk Maribeth Welchman and former Chief Committee Clerks Lauri Henning and Delores Hervey.

It should also be noted that the County Clerk has been solicited for, and has provided, input into these recommended ordinance revisions.

It is recommended that the County Board adopt these changes, following review by the Committee of Whole as stated in the adopted resolution.

Attachments

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FILE NO. 03-482 *

1 By Supervisors Cesarz and Holloway

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SEP 25 2003

A RESOLUTION

SEP 2003
Referred

to create a work group to review and make recommendations for rules of procedures for the conduct of meetings and the transaction of business by the County Board of Supervisors

WHEREAS, it had been customary for the County Board of Supervisors at the first meeting after each regular election, to which members are elected for full terms, to adopt rules of procedures for the conduct of meetings, the transaction of business, the appointment of committees, etc., and that the last adoption of procedures at the first meeting after a regular election occurred on April 26, 1960; and

WHEREAS, the last major revisions to the rules of procedure of the County Board of Supervisors were adopted (File No. 73-535) on June 26, 1973; and

WHEREAS, on May 16, 1996, the County Board adopted a resolution (File No. 96-300) to reduce the number of Standing Committees from fourteen to nine; and

WHEREAS, the Adopted 2003 Budget had reorganized the independent Departments of Human Resources and Labor Relations by transferring them to the newly created Department of Administrative Services, and further, the County is currently exploring the consolidation of the Departments of Public Works and Parks into one department; and

WHEREAS, the County Board adopted a resolution (File No. 03-235) which approved the policy of reducing the size of the Milwaukee County Board of Supervisors from twenty-five to nineteen Supervisory District, effective with the beginning of the 2004 term of the County Board; and

WHEREAS, the County has implemented changes to streamline county administrative functions and operations but it has not recently examined ways to improve the rules of procedures for the conduct of meetings and the transaction of business by the County Board of Supervisors; now, therefore,

BE IT RESOLVED, that the County Board of Supervisors does hereby authorize the creation of a work group consisting of Corporation Counsel and County Board staff to review and make recommendations for revisions pertaining to the rules of procedures for the conduct of meetings and the transaction of business, including the application of parliamentary procedures, by the County Board of Supervisors and to report back for the February 2004 meeting of the Committee of Whole.

(ITEM) A resolution / ordinance amending Chapter 1, Milwaukee County General Ordinances, Rules of the County Board of Supervisors, by recommending adoption of the following:

A RESOLUTION / AMENDED ORDINANCE

WHEREAS, adopted County Board Resolution File No. 03-482 authorized “the creation of a work group consisting of Corporation Counsel and County Board staff to review and make recommendations for revisions pertaining to the rules of procedures for the conduct of meetings and the transaction of business, including the application of parliamentary procedures, by the County Board of Supervisors” and to report back to the Committee of Whole; and

WHEREAS, following considerable study and review, staff has recommended revisions to Chapter 1 addressing updates to a number of provisions relating to rules of procedures for the conduct of meetings and the transaction of business; and

WHEREAS, these revisions address several procedural matters, including, but not limited to: Board and Committee meeting times and composition (e.g., the change from 25 to 18 Supervisors), Board and Committee motions and voting procedures, updates of the duties of Committees and clarification of the general role of the County Board Chairman as a department head; and

WHEREAS, in addition, the revisions contain a number of technical changes that reflect various departmental re-organizations, division name changes, etc.; now, therefore,

BE IT RESOLVED, that the County Board of Supervisors does hereby adopt the following ordinance amending Chapter 1 of the General Ordinances of Milwaukee County.

AN AMENDED ORDINANCE

To amend Chapter 1 of the General Ordinances of Milwaukee County relating to the Rules of the County Board of Supervisors.

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

SECTION 1. Chapter 1 of the General Ordinances of Milwaukee County, is hereby amended as follows:

Chapter 1 RULES OF THE COUNTY BOARD OF SUPERVISORS

Preamble

- 46 1.01. Meetings.
 47 1.02. Meeting organization.
 48 1.03. Opening of meeting.
 49 1.04. Voting.
 50 1.05. Speaking at meetings.
 51 1.06. Departure from meeting.
 52 1.07. Motions in general.
 53 1.08. Specific motions.
 54 1.09. Resolutions and ordinances.
 55 1.10. Fiscal notes.
 56 1.11. Standing committees.
 57 1.12. Select committees.
 58 1.13. Committee meetings.
 59 1.14. Committee reports.
 60 1.15. Referring resolution, ordinance or report for legal opinion.
 61 1.16. Requests relating to personnel matters.
 62 1.17. Procedures for consideration of personnel requests.
 63 1.18. Communications, reports, departmental requests, reference files.
 64 1.19. Reference of request for appropriation transfers to county executive.
 65 1.20. Requests for impeachments or investigation.
 66 1.21. Treatment of doubtful claims; separate action.
 67 1.221. Consideration and confirmation of appointments.
 68 1.232. Publication of proceedings.
 69 1.243. Repeal, amendment or correction of rules.
 70 1.254. Budgetary procedure.
 71 1.265. Directives of the county board; how enforced.
 72 1.276. Application of Robert's Rules of Order.
 73 1.27 Chairperson of board is head of department
 74 1. 3128. Request relating to appeal of civil actions.
 75 1. 3229. Decorum of supervisors in committee meetings.

76
 77 **Preamble**

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 79 We, the members of the Milwaukee County Board of Supervisors, pursuant to Wisconsin
 80 Statutes and the General Ordinances of Milwaukee County, and to achieve the order
 81 and decorum that expedite the transaction of business and maintain the free and open
 82 discussion which guarantee democracy for our nation and good government for the
 83 citizens of our county, do hereby submit ourselves to be governed in our deliberations by
 84 the following rules of procedure.

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 86 **1.01. Meetings.**

87
 88 (a) Regular Annual meetings. The statutory or annual meeting of the county board
 89 shall be convened at 8:30 a.m. on the Monday next succeeding the regularly scheduled
 90 monthly meeting on the first Thursday in November. ~~Such annual meeting may be~~
 91 ~~adjourned from time to time thereafter as the county board shall determine until the next~~
 92 ~~annual meeting, and such adjourned annual~~ for the purpose of considering reports of the
 93 committee on finance and audit and committee on personnel on new positions for the
 94 next fiscal year as well as recommendations for amendments to the executive's budget.
 95 The county board shall reconvene no less than sixty (60) minutes following the noon
 96 lunch hour recess or by consensus of the county board.

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98 (b) ~~Regular~~ meetings of the county board shall convene at 9:30 a.m. unless
99 otherwise designated. In order to provide an advanced schedule of regular meeting
100 dates, the county board adopts a policy of scheduling a monthly regular meeting of the
101 county board on the third Thursday shall be of scheduled generally on a Thursday within
102 each month, except when otherwise designated by the county board meeting schedule,
103 these rules or by action of the county board. August will not have a regularly scheduled
104 meeting of the county board. The regularly scheduled meeting after summer recess will
105 be determined by the chairperson of the county board. November will have a regularly
106 scheduled monthly meeting on the first Thursday preceding the annual meeting, which
107 shall be the regular meeting of the county board prior to the annual meeting, so as to
108 avoid a conflict with the dates of the budget procedure outlined in section 1.25 of the
109 Code. The county board chairperson shall provide to the county board, following the first
110 meeting of the board after the election of supervisors, a schedule of county board
111 meetings for the remainder of the year and, by September 15, a schedule of county
112 board meetings for the remainder of the term, up to and including the first
113 (organizational) meeting of the next term. The digest (agenda) for each county board
114 meeting shall be established by the county board chairperson or, in his or her absence,
115 by the 1st vice chairperson or the 2nd vice chairperson.

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117 (b) — Budget meetings. The annual meeting of the county board shall be convened at
118 8:30 a.m. on the Monday next succeeding the regularly scheduled monthly meeting on
119 the first Thursday in November for the purpose of considering reports of the committee
120 on finance and committee on personnel on new positions for the next fiscal year as well
121 as recommendations for amendments to the executive's budget. The county board shall
122 reconvene at 1:30 p.m. following the noon lunch hour.

123
124 (ec) Special meetings. A special meeting shall be held only when requested by a
125 majority of the members of the county board, such request to be in writing, addressed
126 and delivered to the county clerk, who shall note the time of such delivery to him/her on
127 such request. Such request shall specify the time and place of such meeting, which shall
128 not be less than forty-eight (48) hours after the delivery of such notice to the county
129 clerk. The request shall identify the purpose of such meeting and shall include reference
130 to such other items as may be required by law, ordinance or board action. Upon
131 receiving such request, the county clerk shall forthwith give notice of the time and place
132 of such meeting by mail to each member of the county board. If the request is delivered
133 to the county clerk less than seventy-two (72) hours before the time of such meeting, the
134 county clerk, in addition to the mailing hereinbefore referred to, shall telephone each
135 supervisor; if any supervisor is not contacted by telephone, the county clerk shall furnish
136 to the sheriff of the county a copy of such notice of time and place of meeting for delivery
137 to unnoticed members of the county board. The sheriff shall thereafter furnish to the
138 county clerk an affidavit of delivery of such notice. The inability of the sheriff to deliver
139 such notice to a supervisor shall not be deemed a defect to the notice requirement under
140 this subsection. Any special meeting may be adjourned from time to time by a vote of a
141 majority of all members of the county board.

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143 **1.02. Meeting organization.**

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145 (a) Election of officers at first meeting. The first meeting of the county board, after
146 the election of supervisors (being the meeting at which shall be for the purpose of
147 organizing the county board isand organized) isand is a special meeting to be called as

148 such. The county board, at such meeting, shall be called to order by ~~the chairperson of~~
149 ~~the county board for the preceding term, if still a supervisor; and in his/her absence or~~
150 ~~disability, by the first vice chairperson of the county board for the preceding term, if still a~~
151 ~~supervisor; and in his/her absence or disability, by the second vice chairperson of the~~
152 ~~county board for the preceding term if there be such, if still a supervisor, and in the~~
153 ~~absence or disability of such chairperson and vice chairpersons, by~~ the county clerk. If a
154 majority of the supervisors, duly elected and qualified, answer to their names as called,
155 they shall proceed to elect one of their number as chairperson, one of their number as
156 first vice-chairperson and may further, in their discretion, elect one of their number as
157 second vice-chairperson. Upon election of a chairperson, the chairperson shall
158 immediately preside over the remainder of the meeting.
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160 *(amb) Election of officers other than at first meeting.* The officers specified in
161 subsection (a) of this ~~Rule~~ serve at the pleasure of the county board. The chairperson
162 or a vice-chairperson may be removed from his or her office at any time, ~~for cause,~~ by
163 the election of a successor. The election of a successor to an incumbent county board
164 officer shall require a ~~three-fifthstwo-thirds~~ vote of the members elect. The county board
165 may elect a successor at any regular meeting of the county board or at a special meeting
166 held in conformity with these rules.
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168 i) *Petition for election of officer(s).* Election of a chairperson and/or vice-
169 chairperson during the tenure of an incumbent chair and/or vice-chair at a time
170 other than the organizational meeting under subsection (a) shall be initiated by a
171 petition subscribed by a ~~three-fifthstwo-thirds~~ majority of the members-elect of the
172 county board and submitted to the county clerk, stating that the subscribing
173 supervisors request that an election be held for the office of county board
174 chairperson and/or county board vice-chairperson. The county clerk shall
175 provide a copy of a petition for election of county board chairperson and/or vice-
176 chairperson submitted under this subsection to all members of the county board.
177 The election requested in the petition shall be placed on the agenda of the next
178 regularly scheduled county board meeting following the date the motion is filed,
179 provided that the motion is filed not less than 14 days before the date of that
180 meeting. The order of business specified in Rule 1.0203(c) notwithstanding, an
181 election requested under this subsection shall be taken up as the first item of
182 business after the roll call under Rule 1.0203(b).
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184 (ii) *Petition for election of officers at special meeting.* A special meeting for
185 election of officers shall be held only when requested by a ~~three-fifthstwo-thirds~~
186 majority of the members of the county board, such request to be in writing,
187 addressed and delivered to the county clerk, who shall note the time of such
188 delivery to him/her on such request. A petition for election of county board
189 chairperson and/or vice-chairperson under this subsection may include a request
190 that a special meeting be scheduled and noticed according to the scheduling and
191 noticing provisions of Rule 1.01(c) but not less than 14 days after the petition is
192 filed for the purpose of holding the election requested in the petition, in which
193 case a special meeting shall be convened and an election shall be held as
194 requested in the petition.
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196 (iii) *Conduct of election.* With the exception of a requirement for a ~~two-thirds~~
197 ~~three-fifths~~ majority vote, an election for county board chairperson and/or vice-
198 chairperson under this subsection shall proceed in the same fashion as the

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election of such officer or officers at the organizational meeting under subsection (a) of this Rule. The incumbent vice-~~chairman-chairperson~~ shall preside over an election for the office of chairperson. If a member of the county board other than the incumbent is elected to a county board office in an election under this subsection, the incumbent is thereupon removed from that office and the newly-elected member shall assume that office immediately.

~~(iv) — Candidate statements. A member of the county board who desires to be a candidate for county board chairperson or vice chairperson at an election initiated by a petition under this subsection shall submit a statement of proposed policies and programs as required for that office under Policy R-103, Milwaukee County Administrative Manual (Cty. Bd. File No. 72-434). The statement shall be submitted to the county clerk not less than seven days before the regular or special meeting at which the election will be held, and the county clerk shall provide a copy of the statement to all members of the county board.~~

~~(v) — Content of petition. A petition under this subsection shall not include, either in the petition proper or in any preliminary recitals, charges or insinuations or other matter which impugns the official integrity of the incumbent chairperson or vice chairperson.~~

(bc) *Sergeant at arms; duties.*

(1) The chairperson of the county board shall designate for each meeting a staff member(s) to serve as sergeant at arms. The designated sergeant at arms shall attend meetings of the county board and, under direction of the chairperson, preserve order and decorum. The chairperson of the county board may request the sheriff to detail a deputy sheriff to act as sergeant at arms when, in the discretion of the chairperson, such action is deemed appropriate.

(2) It shall be the duty of the sergeant at arms to exclude from within the bench of the county board room, during its sessions, all persons except the county clerk, ~~deputy~~-county clerk staff, county board staff, corporation counsel, or designees of such persons, ~~former members~~, and reporters, photographers and camera operators for the public press, radio and television, provided they observe general rules of decorum, unless such persons ~~are present for the purpose of receiving an award, for the purpose of participating in the meeting, or~~ receive permission to be on the floor by the chairperson. However, none of those persons so designated shall have the privilege of the floor or the hall area immediately behind the county board room if registered as a lobbyist or directly or indirectly engaged in defeating or promoting any legislation before the county board. Sitting on the railing in the county board room or placing items on the railing is not permitted (except the placement of county board digests or other pertinent information by county board staff) during County Board meetings and any persons engaging in such conduct shall be asked to cease such action or be removed from the county board room by the sergeant at arms.

~~(c) — County board staff. No staff or position shall be assigned to serve the county board or its supervisors unless said staff or position has been authorized by an affirmative majority vote of the county board at a regular county board meeting.~~

249 | ~~Provisions of this rule shall apply regardless of funding source or services contributed on~~
250 | ~~a voluntary basis.~~

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253 | **1.03. Opening of meeting.**

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255 | (a) *Call to order.* ~~Promptly a~~At the hour of meeting, the chairperson of the county
256 | board, or in his/her absence the first vice-chairperson, or in his/her absence the second
257 | vice-chairperson, shall call the members to order ~~and and, except for the first session of~~
258 | ~~the annual meeting,~~ shall request all members present to rise for the pledge of
259 | allegiance and one moment of silent prayer and meditation. In case of the absence of
260 | the chairperson or vice-chairperson, the county board shall elect one of its members
261 | temporary county board chairperson. The ~~first session of the~~ annual meeting shall be
262 | opened with ~~a prayer an invocation~~ offered by a member of the clergy selected in rotation
263 | without discrimination as to race, gender, creed, or religious affiliation, ~~or color~~ who shall
264 | serve without compensation. Regular meetings may be opened with an invocation.
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266 | (b) *Roll call.* The chairperson shall direct the calling of the roll. The county clerk, on
267 | recording the initial roll call at the opening of each county board meeting, shall
268 | mark those supervisors who are present "present," and those who are absent
269 | "absent," and those who are excused by the chairperson "excused," and shall, in
270 | the paragraph immediately following the said roll call, insert the names of those
271 | supervisors who have been marked absent who are present later in the meeting
272 | of the county board, and said county clerk shall further record the appearance of
273 | such supervisors marked absent at the point in the proceedings when they
274 | appear during meetings of the county board. If a majority of the members-elect
275 | answer to their names as called, the chairperson shall announce the presence of
276 | a quorum. If no quorum is present at any regular or special meeting of the county
277 | board, the chairperson may issue a warrant to the sheriff of the county, and
278 | compel the attendance of the members absent without having first been excused
279 | by the county board chairperson, and in such case, said session shall remain
280 | open until the sheriff shall make return on the warrant delivered to him/her. When
281 | such return has been made, it shall be recorded in the journal. If the sheriff's
282 | return shows that he/she is unable to find the absent members or that they are
283 | unable to attend through illness, the meeting shall stand adjourned.
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286 | (c) Order of Business. The order of business shall be as follows:

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288 | 1. Roll call
289 | 2. Presentations by supervisors
290 | 3. Presentation of petitions and communications
291 | 4. Resolutions and ordinances referred to standing committees
292 | 5. Correction and approval of the Journal of Proceedings
293 | 6. Unfinished business
294 | 7. Reports of county officers
295 | 8. Resolutions and ordinances by and from standing committees
296 | 9. Resolutions and ordinances by and from select committees
297 | 10. Transit system claims
298 | 11. County board citations and certificates
299 | 12. Resolutions and ordinances presented under suspension of the rules

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- 13. Announcements and remarks under special privilege
- 14. Adjournment
- ~~(c) Order of business. The order of business shall be as follows:~~
 - ~~1. Correction and approval of the journal of proceedings.~~
 - ~~2. Unfinished business.~~
 - ~~3. Presentation of petitions and communications.~~
 - ~~4. Resolutions and ordinances referred to standing committees.~~
 - ~~5. Reports of county officers.~~
 - ~~6. Resolutions and ordinances by and from standing committees.~~
 - ~~7. Resolutions and ordinances by and from select committees.~~
 - ~~8. Transit system claims.~~
 - ~~9. County board citations and certificates.~~
 - ~~10. Resolutions and ordinances presented under suspension of rules.~~

1.04. Voting.

(a) *Quorum.* A majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business. All questions shall be determined by a majority of the supervisors present, unless otherwise provided by statutes or this chapter.

(b) *Excuse from voting.* No member shall be excused from voting on a question when put, except by ~~the affirmative vote of a majority of the members present, and all motions to excuse a member from voting shall be made before the calling of the ayes and noes on the question pending specific request of that supervisor.~~ Any member wishing to be excused from voting may shall make a brief verbal statement of the reason for making such request; ~~and the question upon such motion shall then be taken without further debate. All members shall be in their seats when voting.~~

(c) *Roll call votes obligatory; when.* When a roll call is ordered by the chairperson, the county clerk shall call the roll in alphabetical order, with the chairperson voting last, and give to the chairperson the final number of those voting on each side. Debate shall be closed with the commencement of the roll call and no motion shall be received until after the result of the voting is announced by the chairperson. All members shall be in the board room when voting. A roll call vote must be taken on:

- 1. Each committee report, and any proposed amendment(s) thereto;
- 2. Any action under suspension of rules;

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3. Any action to suspend the rules, unless unanimous consent be granted;

~~4. Any question at the request of any member, which request may be made after a voice vote but before the next question is stated or motion made;~~

~~5.4.~~ Elections to offices and positions to be filled by the county board unless otherwise provided by law.

(d) *Measures required to be adopted by affirmative vote of two-thirds or more of members-elect of the board.* The following matters require the affirmative vote of two-thirds or more of the members-elect of the county board as hereinafter designated:

(1) Any resolution or ordinance transferring funds from the contingency appropriation, ~~two-thirds.~~

(2) Receipt of revenue appropriation transfers.

~~(32)~~ Any resolution or ordinance creating new, permanent or temporary positions or increasing salaries or other employment benefits which is acted upon by the county board after the adoption of the budget applicable to the period in which the ordinance or budget would become effective, ~~two-thirds.~~

(4) Any resolution or ordinance which has been vetoed by the county executive.

(5) A motion to withdraw a matter from committee unless notice is given as provided in section 1.09(~~b2~~) (4) of the Code.

(e) Temporary borrowing. Temporary borrowing under s. 67.12 Wis. Stats., requires a three-fourths vote of members-elect to be adopted.

(ef) *Procedure on matters vetoed by county executive.* A resolution or ordinance which has been vetoed by the county executive and returned to the county board shall be read by the county clerk along with the county executive's message, after which it shall be presented by the chairperson as follows:

"Shall the foregoing ordinance (resolution) vetoed by his/her honor, the county executive, be adopted? If you wish to override the veto, you vote `aye'; if you wish to sustain the veto, you vote `no.' "

After the presentation of the above question by the chairperson, the following motions are in order for non-budgetary vetoes only:

(1) To lay ~~on the table~~over;

~~(2) To postpone to a day certain;~~

(2) To refer to corporation counsel;

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(3) To refer to a committee.

If the resolution or ordinance is referred to committee, it shall be taken up at the next meeting of the committee and reported to the board at its next meeting. Further, it shall not be subject to amendment or change and on its return to the county board shall again be presented by the chairperson in the manner set forth above.

(f) Changing votes during meetings. Members may change their votes from "aye" to "nay" or from "nay" to "aye" on any matter prior to the chairperson announcing the vote. Once the results of a vote are announced, any member wishing to change their vote, or to be recorded as voting, when such vote does not affect the outcome, shall ask consent of the body. If any member objects to the request, the request shall be voted on and shall be approved if supported by a majority of members voting.

1.05. Speaking at meetings.

(a) *Recognition before speaking.* When any member is about to speak in debate or present any document to the county board, he/she shall rise in his/her place and respectfully address the chairperson. Upon being recognized, such member shall not be interrupted except by a call to order. If called to order by the chairperson, he/she shall take his/her seat and shall not proceed without leave of the chairperson, unless granted leave by appeal from the decision of the chairperson, sustained by the county board. When more than one member desires to speak in debate or make any motion, the first member to rise shall be recognized by the chairperson. If a member is called to order at any time and refuses to take his/her seat after a request by the chairperson, or after being seated, engages in offensive or disruptive conduct, any other ~~member~~ maymember may move to have him/her ejected from the county board room until such time as he/she complies with the rules of the county board and if such motion be adopted, he/she shall be removed by the sergeant at arms. The motion to eject shall be decided without debate.

(b) *Limitations of speech.* No member shall speak a second time on a question during any meeting until any other member who desires to speak on the question shall have been heard. No member shall speak more than twice on a question during any meeting without first obtaining leave-permission from~~of~~ a majority of the members present. Merely asking or answering a question shall not be counted as speaking in debate. When speaking, each member shall confine himself/herself to the merits of the question under consideration, maintain a courteous tone, avoid personalities, refer to officers by title only, refrain from attacking or questioning the motives of any other member and avoid the mention of other members' names in a demeaning or derogatory manner.

1.06. Departure from meeting.

No member present at any meeting of the county board shall withdraw from the county board room without permission from the chairperson. No member, staff person or other individual allowed on the floor shall walk between the chairperson and a member who has the floor.

1.07. Motions in general.

(a) *Presentation and form of motions.*

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(1) Every motion shall be stated by the chairperson and at the request of any member shall be reduced to writing by the county clerk and shall then be read before any action is taken thereon.

(b) *Precedence of motions.* When a question is under debate, no motion shall be received except a motion:

1. To adjourn.
2. To reconsider.
3. To refer to standing committee.
4. To lay over for one meeting.
5. To refer to the corporation counsel for a legal opinion.
6. To lay on the table.
7. For the previous question.
8. To postpone to a certain day.
9. To refer to a select committee.
10. To amend.
11. To postpone indefinitely, to place on file or to reject.

These several motions shall have precedence in the order in which they stand arranged in this subsection.

1.08. Specific motions.

(a) *Reconsideration.* When a question has once been decided, either in the affirmative or the negative, it shall be in order for any member who voted with the prevailing side (or where the county board is evenly divided, for any member) to give notice that he/she will move a reconsideration at the next succeeding meeting, or to move a reconsideration on the same day. If an eligible member has given notice that he/she will move reconsideration at the next succeeding meeting, it shall not be in order for any other eligible member thereafter, and at the same meeting, to move immediate reconsideration unless the rules are suspended. When a majority of the members then present vote in favor of the motion for reconsideration, the subject shall again be before the county board for further action ~~and the question shall be put in the same form as it was in just prior to the vote, which was reconsidered.~~ Once a matter has been reconsidered and acted upon by the county board, the matter shall not be reconsidered unless the rules are suspended. The motion to reconsider shall take precedence over all other motions, except a motion to adjourn. A motion to reconsider, after being put and lost, shall not be renewed. A motion to suspend the rules on a particular question, if adopted, shall not be reconsidered. If an eligible member has given notice that at the

504 next succeeding meeting he/she will move reconsideration of a question resulting in the
505 adoption of an ordinance or resolution, such ordinance or resolution shall be retained by
506 the county clerk until the next succeeding meeting of the county board and shall be
507 noticed on the next county board digest. It shall not be in order for any member to serve
508 notice of a motion to reconsider the vote on any question involving an amendment ~~to~~ or
509 adoption of the budget or the adoption of a tax levy. Action on resolutions or ordinances
510 vetoed by the county executive are not subject to a motion for reconsideration.

511
512 (b) *Rescission*. Any member of the county board may move to rescind any action
513 taken by the county board in the adoption of any resolution or vote of election to an office
514 within the choice of the county board except in the following cases:

515
516 (a~~1~~) After something has been done as a result of that vote that the county
517 board cannot undo; or

518
519 (b~~2~~) Where it is in the nature of a contract and the other party is informed of
520 the fact; or

521
522 (e~~3~~) Where a resignation has been acted upon, or one has been elected to
523 office, and was present at the time of voting or has been officially notified.

524
525 A motion to rescind may be adopted by a majority of the members present and voting of the
526 county board. A motion or resolution to rescind has no privilege but stands on a footing as a
527 new resolution. A motion to amend a resolution previously adopted shall likewise be governed
528 by this subsection.

529
530 (c) *Suspension of rules*. Except as hereinafter provided in this subsection, the rules
531 of the county board may be suspended by unanimous consent of the members present
532 or, if there is objection to the suspension of the rules, by the affirmative vote of two-thirds
533 of the members present. Sections 1.14(b) and 1.15 of the Code shall not be suspended
534 except by unanimous consent of the members present. Citations and certificates of
535 congratulations, commendation or condolence shall not require suspension of rules
536 provided the provisions set forth in section 1.09(g)(2) of the Code are complied with.

537
538 (d) *Division of question*. When a motion, resolution or ordinance relating to a single
539 subject contains several parts, each of which is capable of standing as a complete
540 proposition if the other parts are removed, such parts can may be separated for
541 consideration by the county board, as if they were distinct questions, by adoption of a
542 motion for division of a question. ~~If independent resolutions or ordinances dealing with~~
543 ~~different subjects are offered in one (1) motion, one (1) or more of the several resolutions~~
544 ~~or ordinances must receive separate consideration and vote at the request of any~~
545 ~~member, without a motion for division of a question. A motion to strike out and insert is~~
546 ~~indivisible. Loss of a motion to strike out and insert shall not preclude a motion to amend,~~
547 ~~to strike out or to insert.~~

548
549 (e) *Amendments to amendments; precedence*. A second motion to amend, made
550 while a first motion to amend an original proposition is pending (i.e., a motion to amend a
551 pending amendment to an original motion, resolution or ordinance), shall preclude all
552 other amendments until such second motion to amend is decided. Every amendment
553 proposed to a written notice, resolution or ordinance shall be in writing, shall be given a
554 number according to its precedence, shall bear the name of the supervisor member

555 introducing the same, and once introduced shall be in some manner acted on by the
556 county board or committee thereof. ~~During a meeting of the county board, a supervisor~~
557 ~~may request the county clerk to take an amendment by oral dictation, and the county~~
558 ~~clerk shall forthwith reduce such amendment to written form. If a motion to amend an~~
559 ~~original proposition or a pending amendment to an original motion, resolution or~~
560 ~~ordinance fails of adoption, such motion shall not be renewed at the meeting at which it~~
561 ~~fails of adoption.~~

562
563 (f) ~~Appeals from decision~~Appeal decision of the chairperson. A motion to appeal
564 ~~from~~ a decision of the chairperson shall take precedence over all other business or
565 motions, except the motion to adjourn, and shall be decided forthwith by a majority vote
566 of the members present and voting.

567
568 (g) *Motion to reject or place on file.* A motion to reject or place on file shall be
569 treated as a motion to postpone indefinitely and shall be applicable to main questions
570 only. A negative vote on such motions cannot be reconsidered and cannot be renewed
571 as to the same main question at the same meeting.

572 573 **1.09. Resolutions and ordinances.**

574
575 (a) *Presentation and form.* Every resolution or ordinance presented to the county
576 board shall be in writing, and shall have a title expressing the general subject of the
577 resolution or ordinance ~~and, prior to being considered by the county board.~~ Every
578 ordinance presented to the county board, shall be approved as to form by the
579 corporation counsel prior to being considered by the county board. Resolutions which
580 direct that an action be taken shall specify by name and/or title the official(s) responsible
581 for taking such action.

582
583 ~~(b)~~ (b) *Reference to committees and withdrawal from committees.*

584
585 (1) All resolutions and ordinances other than those embodied in a committee
586 report, as defined in section 1.14(b) of the Code, shall be submitted to the county
587 board chairperson, with a copy to the county board chief committee clerk. The
588 chairperson shall, within five (5) days of receipt of the document, refer the
589 resolution or ordinance to the appropriate standing committee(s) for a report. The
590 date upon which the chairperson refers the resolution or ordinance shall be
591 deemed as the official referral date to the committee(s). Said action by the
592 chairperson shall be deemed as authorization to the appropriate standing
593 committee chairperson(s) to schedule the resolution or ordinance for review. If
594 the cChairperson does not refer the resolution or ordinance to the appropriate
595 standing committee within five days after receipt, that communication, report or
596 request shall automatically be placed on the agenda of the cCounty bBoard at the
597 next meeting for referral to the appropriate standing committee.

598
599 (2) Each member of the county board shall receive a copy of a resolution or
600 ordinance submitted to the county board for adoption under suspension of the
601 ~~rules unless there be unanimous consent to suspend this requirement.~~ If
602 suspension of rules is granted, the question on the passage of the resolution or
603 ordinance shall be put by the chairperson as a matter of course without awaiting
604 a motion from the floor.
605

- 606 | (3) Resolutions or ordinances referred to committees shall be reported at a
607 | succeeding meeting with a recommendation for adoption, or amendment and
608 | adoption, or indefinite postponement, or to place on file, or to reject.
609 |
- 610 | (4) Any member of the county board may give notice that he/she will move to
611 | withdraw a matter from committee at the next succeeding meeting of the county
612 | board and such motion, when made, may be adopted by a majority vote of the
613 | members-elect. If notice is not served, a matter may be withdrawn from
614 | committee by a two-thirds vote of the members-elect.
615 |
- 616 | (5) Except for those resolutions and ordinances which are introduced
617 | subsequent to January 1 of an election year, all resolutions and ordinances
618 | pending before a committee of the county board shall be considered to have
619 | been placed on file at the end of the term of office of the county board. A listing of
620 | all such resolutions and ordinances to be placed on file in this manner shall be
621 | distributed to all county board supervisors by the county board chief committee
622 | clerk in January of the final year of the term.
623 |
- 624 | (c) *Form of amendatory ordinances.* Proposed amendments to the Code shall be
625 | presented in writing. Any such proposed ordinance shall be presented by one (1) of the
626 | following methods:
627 |
- 628 | (1) The section, subsection or paragraph to be amended shall be printed in
629 | full, in which case the matter to be deleted shall, ~~when typewritten~~, be shown with
630 | a line drawn through the same. Matter to be inserted or added shall, when
631 | typewritten, be underscored and shall, when printed in the proceedings, appear in
632 | bold type; when such ordinances are officially published, the subject matter which
633 | was added shall be printed in bold type.
634 |
- 635 | ~~(2) — Where practicable, the method provided in subsection (c)(1) need not be~~
636 | ~~used and the amendment may be accomplished by use of directory language~~
637 | ~~specifying the proposed change and the exact location thereof in the text of the~~
638 | ~~section, subsection or paragraph to be amended.~~
639 |
- 640 | (3) Where the method involved in subsection (c)(1) ~~or (c)(2)~~ would be too
641 | involved, the section may be repealed and recreated.
642 |
- 643 | (d) *Repealer ordinances or resolutions.* All ordinances or resolutions, or sections,
644 | subsections or paragraphs thereof, which are intended to be superseded or repealed,
645 | shall be, so far as practicable, specifically referred to and expressly repealed.
646 |
- 647 | (e) *Limitation of reintroduction of measures.* Whenever any resolution or ordinance
648 | shall have been introduced for the consideration of the county board, and failed of
649 | adoption, or whenever any resolution or ordinance shall have been placed on file, such
650 | resolution or ordinance (unless substantially changed) shall not be reintroduced again
651 | until a lapse of at least ninety (90) days from the date of its indefinite postponement,
652 | failure of adoption or having been placed on file.
653 |
- 654 | (f) *Withdrawal of matters in possession of the county board.* Any member (but not a
655 | committee) introducing a resolution or ordinance may withdraw it or may modify it in
656 | writing without consent of the chairperson at any time prior to any action thereon or

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reference to a committee. Such member may not withdraw or modify an ordinance or resolution introduced by him/her if any action thereon, or reference to a committee, has occurred.

(g) Citations.

(1) A supervisor may move that a county board citation be issued to a particular person, or on a particular occasion, specified in the motion. A supervisor may sponsor a citation on behalf of the county board to a particular person, group, or organization or to commemorate a particular event or occasion as specified in the citation. Citations may be issued during any cycle or during any interim period of the board. Citations are issued without formal approval by vote of the board.

(2) Prior to presenting a motion, the supervisor will secure a request for citation form. Such form is to be completed with the necessary facts, signed and delivered to the county board chairperson's office no later than the day of a county board meeting or prior to making the motion. The chairperson shall have prepared a list with captions and sponsor(s) name(s) of all citations submitted to him/her for action on the day of a county board meeting. The list shall be distributed to all county board members prior to the presentation of citations. Any supervisor wishing to be added as a sponsor shall notify the county clerk prior to the end of the county board meeting. The chairperson shall not read the list for individual citations unless a request is made by a supervisor. If a request for a citation is not submitted in time for action on the day of the county board meeting but the citation is needed prior to the next scheduled meeting of the county board, the citation shall be processed and formal adoption of the citation shall take place at the next meeting of the county board. Citations may be used in place of resolutions for commendations, congratulations, and condolences of persons, groups, or organizations or to give recognition to unusual and important events or occasions, except that the use of citations may not be abused. The chairperson of the board may more specifically interpret this subsection.

(3) All citations of congratulations, commendation or condolence shall be approved by a voice vote unless a supervisor requests a roll call vote. If the motion carries, the county board chairperson will transmit the request for citation to his/her staff for preparation and distribution. Citations recognizing an event or person having countywide significance shall be signed by the chairman of the county board and may also be signed by the supervisor requesting the citation. Citations recognizing an event or organization in a particular supervisory district or a particular constituent in a supervisory district shall be signed by the supervisor representing that district. If desired by the issuing supervisor, a citation on behalf of the board may be coauthored by one or more other supervisors.

(4) Citations may be used in place of resolutions for commendations, congratulations and condolences of present or past county board members and public officials, or to give recognition to an important event. A supervisor sponsoring a citation shall secure a request for citation form from the county board chairperson's office. Such form shall be completed with the necessary facts, signed and delivered to the chairperson's office.

708 (5) ~~One (1) copy of each citation shall be furnished by the county board~~
709 ~~chairperson's staff to the county clerk and such citation shall be entered in the~~
710 ~~journal of proceedings under the name of the person or event named in the~~
711 ~~citation, but shall not be printed in full in the proceedings. The names of persons~~
712 ~~or events included in citations which have been processed prior to formal~~
713 ~~adoption by the county board shall also be entered in the journal of proceedings~~
714 ~~for the county board meeting at which the citation is formally adopted by the~~
715 ~~county board in accordance with subsection (g)(2). The county board chairperson~~
716 ~~shall sign a citation on behalf of the board. If so signed, it is considered approved~~
717 ~~by the board and shall be so recorded in the journal of proceedings by the county~~
718 ~~clerk. This issuing supervisor, and any cosponsor, may also sign the citation. A~~
719 ~~copy of the finished citation shall be provided to the issuing supervisor, and~~
720 ~~another copy thereof shall be filed with the county clerk.~~

721
722 (6) ~~Citations may not be used for procedural matters nor in place of~~
723 ~~resolutions memorializing congress, but only when appropriate to express the~~
724 ~~feelings of the county board with reference to a person, organization, or of an~~
725 ~~event. Citations may not be used for procedural matters or in place of resolutions~~
726 ~~memorializing congress, but only when appropriate to express the feelings of the~~
727 ~~county board with reference to a person or event.~~

728 729 **1.10. Fiscal notes.**

730
731 (1) ~~No resolution, or ordinance or communication from any county officer, board or~~
732 ~~commission shall be considered by the county board, or by any committee thereof to~~
733 ~~which it has been referred, unless it shall have attached as a note a reliable estimate of~~
734 ~~the fiscal effect or absence of the same. The fiscal note shall be prepared on a form~~
735 ~~approved by the committee on finance and audit and supplied by the department~~
736 ~~of administration administrative services. With respect to any collective bargaining~~
737 ~~agreement, any amendment to chapter 17 of the general ordinances affecting wages or~~
738 ~~benefits, or any other action affecting the wages or benefits of county employees, the~~
739 ~~fiscal note shall include as much information as is practicable under the circumstances~~
740 ~~about the fiscal impact upon each department affected by the action. In addition, at~~
741 ~~minimum, the fiscal note shall set forth details of the projected annual countywide fiscal~~
742 ~~impact projected for each year of the collective bargaining agreement or, in the case of~~
743 ~~any other action affecting the wages or benefits of county employees, shall contain~~
744 ~~information regarding the projected fiscal impact at least five (5) years into the future.~~
745 ~~When necessary, affected agencies shall may assist the author in the preparation of the~~
746 ~~fiscal note. If a member objects to the content of a fiscal note attached to a resolution or~~
747 ~~ordinance under consideration by the county board, such resolution or ordinance shall,~~
748 ~~upon the affirmative vote of a majority of the members present and voting, be referred to~~
749 ~~the county board staff for a review and report to the county board at its next meeting.~~

750
751 (2) ~~The requirement of this section shall apply to original measures or submissions,~~
752 ~~substitute amendments and minority reports only, and not to substitute amendments,~~
753 ~~amendments or minority reports, provided that with the affirmative vote of a majority of~~
754 ~~the members present and voting, action on any substitute amendment, amendment or~~
755 ~~minority report, together with the original measure or committee report, may be laid over~~
756 ~~pending the attachment of a fiscal note. Such fiscal note shall be attached to each~~
757 ~~substitute amendment, amendment or minority report and presented to the county board~~
758 ~~at its next meeting.~~

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1.11. Standing committees.

(a) As soon as practical, after his/her election, the following standing committees shall be appointed by the chairperson of the county board. Each committee shall consist of seven (7) members except as herein otherwise specifically designated.

1. Committee on personnel.
2. Committee on financial and audit.
3. Committee on health and human needs.
4. Committee on judiciary, safety and general services.
5. Committee on parks, energy and environment.
6. Committee on transportation, public works and transit.
7. Committee on economic and community development.
8. Committee on intergovernmental relations. ~~(Seven (7) members, consisting of the chairperson of the county board, the first vice chair, the second vice chair and four (4) standing committee chairs.~~
9. Committee of the whole. ~~(Twenty-five (25) Eighteen (18) members, chairperson being the chairperson of the county board and vice-chairperson being the first vice-chairperson of the county board.)~~

(b) The chairperson of the board shall make written announcements of his/her appointments to said committees and shall designate a chairperson and vice chairperson of each of said committees. The order of members' names in the chairperson's written announcement of appointment shall denote seniority ~~on each of such committees~~ on the county board. In case of a vacancy in any committee, the same shall be filled by written appointment by the chairperson of the board, ~~and such appointee shall become the junior member of the committee.~~ The chairperson of the board may, at his/her discretion, change the composition of said committees including the designation of the chairperson and vice chairperson. In the event of a vacancy in the office of the county board chairperson and a successor is elected, such successor may, ~~within thirty (30) days~~ after his/her election and in the manner hereinabove provided, make any changes in committee appointments.

(c) The duties of such committees shall be to have charge of the several matters hereinafter designated but such enumeration shall not be exclusive:

- (1) *Committee on personnel.* All matters affecting reclassification and compensation, hours, benefits and conditions of employment of county offices and ~~employee~~ employee personnel, and the classification and pay of additional positions; departmental policy of the civil service commission; administration of employes' award program. (The chairperson of the committee on personnel may appoint an advisory committee consisting of the county executive or designee,

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the corporation counsel or designee, the director of the ~~department of administration~~department of administrative services or designee, the director of ~~the department~~ of human resources or designee, and a member of the committee to assist in the administration of the employees' award program.) Departmental policy of department of labor relations and human resources and divisions of labor relations and employee benefits of department of administrative services.

(2) *Committee on finance and audit.*

1. Departmental policy of: the general office of the county executive, general office of the county board, department of audit, ~~department of administration~~department of administrative services (divisions of administration & fiscal affairs, information management services, procurement, and risk management), department of human resources and divisions of employee benefits and labor relations, and county treasurer.

2. County budget matters.

3. Issuance of debt.

3.4. Taxation matters.

~~4. Serve as equalization committee required by s. 73.05(4), Wis. Stats.~~

5. Insurance matters.

6. Need for additional positions.

7. Policy matters having a fiscal effect outside the current budget.

7.8. Review the reports of the audit department to ensure that departments implement the many program improvements and cost saving recommendations so that the county board can provide the best service at the lowest possible cost to the taxpayer. (The chairperson of the committee on finance and audit may appoint a special audit implementing subcommittee to spearhead the implementation of audit department report recommendations.)

8-9. Other financial matters of concern to the county.

(3) *Committee on health and human needs.*

1. Departmental policy of the department of health and human services ~~(DHS), including the divisions of behavioral health, housing, economic support, delinquency & court services, disabilities services, management services, county health programs~~ and director's office ~~administration, mental health complex, the DHS--adult services division, department of aging, division of county supported health programs~~

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~~including the emergency medical services (paramedic program),
International Health Training Center.~~

~~2. All matters pertaining to the county's primary health care program.~~

~~3. All programmatic policy matters related to the General Assistant-
Medical Program (GA-MP).~~

~~2.4. All policy matters related to the office ~~on~~ for persons with
disabilities in the department of administrative services. ~~and~~~~

~~3. All matters pertaining to the department ~~of~~ on aging.~~

~~4. All matters pertaining to the department of family care.~~

~~3.5. All matters pertaining to the county executive's veterans service
office.~~

(4) *Committee on judiciary, safety and general services.*

1. Departmental policy of: county funded state court services, family court commissioner, jury commission, register in probate, election commission, county clerk, register of deeds, sheriff, medical examiner, legal resource center, district attorney, ~~house of correction~~, department of child support ~~enforcement services~~, and corporation counsel, ~~emergency government.~~

2. Review of all matters pertaining to suits or claims by or against the county, including those for personal injuries and property damage. The committee has the authority to approve the payment of claims against the county in an amount not to exceed \$10,000 and to recommend to the board to approve the payment of claims in excess of that amount. The committee shall be afforded confidential access to privileged attorney-client communication and to attorney work product in any matter where Milwaukee County or a Milwaukee County officer or employee is named as a part in an action or proceeding arising from the commission of official duties.

~~3. Claims for workers compensation.~~

~~4. Personal injuries.~~

~~5. Property damage.~~

~~6.3. Applications for licenses requiring action by the county board.~~

~~7.4. Purchase of surety bonds.~~

~~8.5. Action required by state statute.~~

(5) *Committee on parks, energy and environment.*

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1. Departmental policy of department of parks, recreation and culture, stadium, zoological gardens, public museum, cultural activities (including funds for the arts), university extension service and the environmental ~~division~~ section of the department of ~~transportation and public works~~ administrative services.
2. County parks and parkways.
3. Matters pertaining to war memorial board of trustees.
4. All functions to be performed by a committee on extension education under the provisions of s. 59.9756, Wis. Stats.
5. All matters pertaining to protection of environment including, but not limited to, water pollution, noise pollution, insecticide control, lakeshore erosion, community beautification activities, land utilization, street tree replacement studies and other environmental control oriented programs over which the county has authority to exercise control or in relation to which the county has an interest requiring the expression of policy. The term "environment" also encompasses the concept of home environment as well as natural environment.
6. All matters relating to the conservation of all uses of energy, including, but not limited to, oil, coal, wind, nuclear and solar energy by all county programs and departments; the study, review and recommendation of plans and solutions relating to energy conservation in the county which may be submitted by citizens or county employees; and the review of energy-related matters being considered by the public service commission which will have a substantial effect on the county. The term "energy" also encompasses residential energy as well as industrial and commercial energy.
7. All matters relating to the conservation of air, water, energy and all other resources. ~~which are being consumed in such wasteful manner that the supplies will be exhausted or so diminished that future generations will suffer hardship.~~
8. All matters pertaining to consumer education and protection, particularly in the area of public service providers.
9. This committee shall exercise the powers and duties of county land conservation committees required by ch. 92, Wis. Stats., and the county board shall appoint the chairperson of the county agricultural stabilization and conservation committee created under 16 USC 590h(b), or a member of such committee designated by him/her, to the land conservation committee of the county.

(6) *Committee on transportation, public works and transit.*

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1. Departmental policy of: [Department of Transportation](#) airport, ~~DPW professional transportation~~ services, highway, ~~_maintenance division, fleet _management, maintenance division,~~ county transit/~~paratransit~~ system, administration; [and Department of Administrative Services](#) ~~and~~ facilities management division, [including architectural, engineering & environmental services and sustainability section](#) ~~institutions administration and facilities management, paratransit services.~~

2. All policy matters pertaining to the construction, maintenance, control and operation of county airports.

3. All policy matters pertaining to the construction and maintenance of highways and bridges, the vacation or opening of public streets, alleys, highways or roads, for which the county has jurisdiction.

4. All powers and duties authorized to be performed by the highway committee except those duties which are authorized to be performed by the highway commissioner as prescribed in state statutes.

5. All policy matters under its jurisdiction pertaining to railroads and public utilities in the county.

6. All policy matters relating to erection, major alterations and repair of public buildings and structures.

7. All mass transit policy matters pertaining to the establishment of fares and other charges, standard of service, route locations, capital improvements, and service improvements.

~~8. Approves all county grounds land leases.~~

98. All transportation matters pertaining to disadvantaged business enterprises.

(7) *Committee on economic and community development.*

1. All matters pertaining to economic development and the disposition of excess or surplus county lands, including but not limited to sale or lease of property and financing terms.

2. All matters pertaining to the Research Park and Airport Business Park.

3. The study and recommendations of all plans, projects and programs for fostering community development throughout the county, including the urban county development block grant program and the survey of available improved and unimproved housing sites and funds for county housing purposes.

- 1011 | 4. Overview the administration of all federal, state and local housing
 1012 | programs at the county level.
- 1013 |
- 1014 | 5. The study, review and recommendation of plans and solutions of
 1015 | housing persons displaced from their dwellings by governmental actions
 1016 | of the county or the municipalities which compose it, and the coordination
 1017 | and implementation of relocation plans and procedures with federal, state
 1018 | and local agencies and units of government within the county.
- 1019 |
- 1020 | 6. Veteran's housing.
- 1021 |
- 1022 | 7. All policy matters pertaining to disadvantaged business
 1023 | enterprises.
- 1024 |
- 1025 | (8) *Committee on intergovernmental relations.* Proposed federal, state or
 1026 | municipal legislation affecting the county government. The committee shall
 1027 | consider such proposed legislation and make its recommendation thereon to the
 1028 | county board. Such recommendations until altered by the county board, shall
 1029 | guide the legislative representative of the county board in his/her work before
 1030 | legislative bodies. The committee may appear before the congress, the
 1031 | legislature and the government bodies of other municipalities, as may be
 1032 | necessary on pending legislation to support policies advocated by the county
 1033 | board.
- 1034 |
- 1035 | (9) *Committee of the whole.* Subject to the call of the county board
 1036 | chairperson to review matters and files to be acted upon by the county board.
- 1037 |
- 1038 | **1.12. Select committees.**
- 1039 |
- 1040 | Select committees shall be constituted with membership as determined by ordinance,
 1041 | resolution or the chairperson of the county board.
- 1042 |
- 1043 | If the resolution or ordinance creating the committee does not designate the member
 1044 | who is to act as chairperson of the committee, a chairperson shall be elected by the members of
 1045 | the committee.
- 1046 |
- 1047 | **1.13. Committee meetings.**
- 1048 |
- 1049 | (a) *Regular committee meetings.*
- 1050 |
- 1051 | (1) Except when otherwise determined by the respective chairperson, regular
 1052 | meetings of standing committees shall be held on the days hereinafter specified.
 1053 | If the meeting day falls on an election day for a county-wide election or special
 1054 | election of county board supervisor or Election Day for President, the chairperson
 1055 | of the committee shall reschedule the meeting to a day other than the election
 1056 | day. The meeting shall be called to order promptly on the days and at the hour
 1057 | hereinafter specified, or such time as is designated in the notice of meeting by the
 1058 | chairperson of the committee (or in his/her absence, the ranking member
 1059 | thereof). Meeting days of standing committees shall be as follows:
- 1060 |

- 1061 | (a) Transportation, public works and transit--third Wednesday before
 1062 | county board meeting--9:00 a.m.
- 1063 |
- 1064 | (b) Judiciary, safety and general services--second Thursday before
 1065 | county board meeting--9:00 a.m.
- 1066 |
- 1067 | (c) Economic and community development--second Monday before
 1068 | county board meeting--9:00 a.m.
- 1069 |
- 1070 | (d) Parks, energy and environment--second Tuesday before county
 1071 | board meeting--9:00 a.m.
- 1072 |
- 1073 | (e) Health and human needs--second Wednesday before county
 1074 | board meeting--9:00 a.m.
- 1075 |
- 1076 | (f) Finance and audit--first Thursday before county board meeting--
 1077 | 9:00 a.m.
- 1078 |
- 1079 | (g) Personnel--first Friday before county board meeting--9:00 a.m.
- 1080 |
- 1081 | (h) Intergovernmental relations--~~on~~ at call of chairperson.
- 1082 |
- 1083 | (i) Committee of the Whole--~~on~~ at call of chairperson.
- 1084 |

1085 | (b) *Special committee meetings.* Special meetings of the standing committees may
 1086 | be called by the chairperson of the committee, and must be called upon written request
 1087 | to the chairperson by a majority of the members of such committee. At least twenty-four
 1088 | (24) hours prior notice of such special meeting shall be given by the committee clerk to
 1089 | each member of such committee, unless for good cause such notice is
 1090 | ~~impossible~~ impracticable, in which case shorter notice may be given, but not less than
 1091 | two (2) hours in advance of the meeting. An announcement by the chairperson of the
 1092 | board while the board is in session, of the time, place and subject matter of a special
 1093 | meeting of a committee to be held during a recess, shall be sufficient notice to the
 1094 | members of the committee.

1095 |

1096 | (c) *Committee general procedure.* All meetings of a committee shall be conducted
 1097 | in accordance with the provisions of ss. 19.81--19.98, Wis. Stats. The attendance of a
 1098 | majority of the members thereof shall be requisite for the transaction of business of a
 1099 | committee. Without a majority in attendance, a committee may consider informational
 1100 | items only. Committee agenda are to be prepared so that members of the county board
 1101 | and other interested parties will receive the agenda by United States, electronic or
 1102 | interoffice mail at least ~~the day~~ 24 hours before the scheduled committee meeting. All
 1103 | matters to be placed on the agenda must be received prior to the agenda deadline as
 1104 | established by the respective committee chairperson(s).

1105 |

1106 | The committee clerk shall enter in appropriate files kept for that purpose, a complete
 1107 | record of all such committee meetings, including ~~the attendance, thereat,~~ appearances for and
 1108 | against pending matters, and minutes of the proceedings, including all motions made and by
 1109 | whom, how each member voted upon each matter considered, together with the final action by
 1110 | the committee thereon. All actions taken by the committee shall be by roll call vote. No action
 1111 | shall be taken on any proposed ordinance unless it be in written form before the committee.

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Except as herein provided and so far as applicable, the rules of procedure of the county board shall apply to committee meetings. Minority rules shall not apply to committee meetings.

After the conclusion of the committee meeting, the committee clerk shall prepare a separate, written report of the action of the committee upon those matters considered by it which require county board approval, for submission to the county board for action of that body. Such report shall be made up in such manner that the county board may take action upon it as a whole, or may set aside any portion of it for separate action. Any member of any committee may make a minority report of said committee on any recommendation to the board contained in the committee report. Such minority report must be presented when the matter is considered at the meeting of the county board.

Except as provided in the preceding sentence, it is the duty of the committee to make a report to the county board on matters referred to such committee with some definite recommendation for disposition of such matters.

When members of a committee or joint committee present at any meeting thereof, are, by recorded vote, evenly divided as to the disposition to be made of any subject matter referred to and pending before such committee or joint committee, such subject matter shall be returned to the next meeting of the county board without recommendation and the committee or joint committee shall thereupon be deemed to be discharged from consideration thereof.

(d) Committee motions and voting procedure.

(1) If an item is on the agenda "for information only unless otherwise directed by the committee," a motion to place on file is not needed. The committee will just receive the item. However, if a motion is made and a roll call is taken, said item will be reported to the board.

(2) If a motion to adopt an item fails, it will be reported to the board with a recommendation to reject.

(3) To take any other action on an item after it has been rejected, a motion to reconsider must be made and passed. Only a supervisor who voted on the prevailing side of the rejection action can make the motion to reconsider.

(4) If a motion to place on file or to reject fails, the matter is still before the committee and another motion shall be in order.

(5) If a motion to adopt, postpone indefinitely, place on file or reject receives a tie vote in committee, the matter shall be reported to the county board without recommendation.

(6) If a motion to refer, lay over or amend receives a tie vote, said motion fails and another motion is in order.

(7) No motions, or debate on motions, shall be made from the chairperson. If the chairperson wishes to make, or to speak at any length on, a motion, the chairperson shall turn over the gavel to the vice chairperson or next senior member for the remainder of the item. This provision shall not prevent a

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chairperson from questioning a witness concerning testimony being presented to the committee.

(8) Once a committee comes to order, and attendance is taken to establish a quorum, any item on the agenda can only be removed by concurrence of a majority of the committee. Prior to the committee coming to order, an item can be removed by the chairperson.

(9). Supervisors wishing to add their names as co-sponsors of resolutions or ordinances introduced by supervisors shall, prior to a committee's final vote on said resolution or ordinance, obtain the permission of the primary sponsor, and be added if there is no objection from a member of the committee. If there is objection, a vote of the committee shall be taken regarding adding the co-sponsor(s).

1.14. Committee reports.

(a) *Consideration of committee reports.*

(1) A committee report is the written record of its recommendation upon a matter referred to it by the county board. It is the duty of a committee to report to the county board on all matters referred to it. ~~Under the fifth order of business,~~ ~~the~~ county clerk may read, upon request by any member and direction from the chairperson, the ~~digest of~~ reports of the standing and select committees in the order that such committees are designated in section 1.11(a) except that the order may be changed by the affirmative vote of a majority of the members present. Any items on which separate action is required or ~~has been~~ requested ~~should shall~~ be read by the county clerk in their entirety, as outlined on the digest, if so requested by a supervisor and directed by the chairperson. When a committee report has been submitted to and is before the county board for action, the question on the adoption of the committee report shall be put by the chairperson as a matter of course without awaiting a motion from the floor, shall put the question: Shall the report of the _____ committee be adopted?. The chairperson shall then inquire whether separate action on any item in the report is desired. It shall then be in order for any member to request separate action on any matter contained in such report, and such item shall be laid aside. When a minority report is filed, the item to which it pertains shall be laid aside. The chairperson shall then put the main question. Upon disposition thereof, each matter laid aside for separate action shall be considered in its turn and, as to each, the chairperson shall put the question in the form which carries out the recommendation of the committee, provided that where a minority report has been filed, the question shall be: Shall the minority report be substituted for the ~~majority report recommendation of the committee~~? Upon request by any member and direction from the chairperson the minority report shall be read by the county clerk. ~~A roll call shall be taken on each committee report and also upon all action taken on any resolution under suspension of the rules.~~

(2) When a resolution or ordinance has been referred under section 1.09(b) to more than one committee, the county board may take action on such resolution or ordinance after the report from one of such committees.

1214 | (b) *Committee report laid over on request.* Action on the report of any committee as
1215 | defined in subsection (a) of this section, when it first makes its report, shall be deferred
1216 | until the next meeting of the county board ~~other than a special meeting~~ if one-third of the
1217 | members present and voting so request. If the report of said committee is re-referred to
1218 | said committee or any other committee and thereafter the subject matter is again
1219 | returned to the county board, action thereon shall not be deferred except as provided by
1220 | section 1.15 or by a majority vote of the members present.

1221 |
1222 | The above rule shall not apply to the report of the committee on ~~finance~~finance and audit
1223 | on the executive budget, including resolutions proposing tax levies and recommendations on
1224 | new positions to become effective in and included in the budget for the following fiscal year.

1225 |
1226 |
1227 | **1.15. Referring resolution, ordinance or report for legal opinion.**

1228 |
1229 | With the affirmative vote of one-third of the members present and voting at any meeting
1230 | of the county board, any resolution, ordinance or report shall be referred to the corporation
1231 | counsel and the written opinion of the latter secured as to the legality of the resolution or
1232 | ordinance offered, or the recommendation made in any report presented to the county board for
1233 | adoption. Such opinion shall be rendered to the county board at its next meeting held not less
1234 | than forty-eight (48) hours after the referral, and copies distributed to all members. The
1235 | resolution, ordinance or report, ~~unless substantially changed by amendment,~~ shall not be
1236 | rereferred again to the corporation counsel for a legal opinion except by a majority vote of the
1237 | members present. ~~The question of whether the resolution, ordinance or report has been~~
1238 | ~~substantially changed by amendment shall be decided by the chairperson following consultation~~
1239 | ~~with the corporation counsel.~~

1240 |
1241 | The above rule shall not apply to:

- 1242 |
- 1243 | (1) The report of the committee on ~~finance~~finance and audit on the executive
1244 | budget.
 - 1245 |
 - 1246 | (2) Resolutions proposing amendments to the executive budget.
 - 1247 |
 - 1248 | (3) Resolutions proposing tax levies.
 - 1249 |
 - 1250 | (4) Recommendations of the committee on ~~finance~~finance and audit on new
1251 | positions to become effective in, and to be included in, the budget for the
1252 | following fiscal year.

1253 |
1254 | **1.16. Requests relating to personnel matters.**

1255 |
1256 | (a) *Reclassifications, reallocations, appointments and advancements.*
1257 | Reclassifications of existing positions, reallocations of non-represented positions,
1258 | appointments at an advanced step of a pay range and advancements within a pay range
1259 | shall be submitted to the director of human resources and processed in accordance with
1260 | the provisions of chapter 17 of the Code.

1261 |
1262 | (b) *New positions.* Personnel requests relating to the creation of new positions,
1263 | which are required during a current fiscal year because of an urgent need, may be
1264 | submitted to the county board at any time during such year. Personnel requests relating

1265 to the creation of new positions to become effective and to be included in the budget of
1266 the following fiscal year shall be submitted to the county executive by such date as
1267 determined by the county executive. All requests for current year new positions shall be
1268 referred to the committee on financefinance and audit, committee on personnel, the
1269 department of human resources and the department of administrationdepartment of
1270 administrative services. The department of administrationdepartment of administrative
1271 services shall submit a recommendation regarding the necessity for the requested
1272 positions to the committee on financefinance and audit, and the department of human
1273 resources shall submit its recommendations regarding the classification of new positions
1274 to be created during the current budget year as soon as reasonably possible. The
1275 department of administrationdepartment of administrative services shall submit
1276 recommendations regarding the necessity for new positions requested for the next fiscal
1277 year to the county executive for consideration in the subsequent year's executive budget.
1278 The committee on financefinance and audit shall review positions recommended for
1279 creation by the county executive during its hearings on the executive budget and report
1280 its recommendations to the county board on or before the second-Monday of-next
1281 succeeding the regularly scheduled monthly meeting on the first Thursday in November.
1282 The department of human resources shall submit its recommendations to the committee
1283 on personnel regarding the classification and pay for new positions for the next fiscal
1284 year recommended by the county executive and/or committee on financefinance and
1285 audit, so the committee on personnel can report its recommendations to the county
1286 board on or before the second-Monday next succeeding the regularly scheduled monthly
1287 meeting on the first Thursday in of November.

1288
1289 (c) *Review by county board staff.* If the personnel request is for new positions in the
1290 department of administrationdepartment of administrative services, it shall also be
1291 reviewed by the county board staff and a recommendation regarding the necessity for
1292 the requested positions submitted to the committee on financefinance and audit. If the
1293 request relates to reclassifications, reallocations, appointments at an advanced step of
1294 the pay range and advancements within the pay range in the department of human
1295 resources, it shall be reviewed by the county board staff and processed in a manner
1296 consistent with the authority granted to the director of human resources under chapter
1297 17 of the Code.

1298
1299 (d) *Urgent requests.* Any personnel request requiring county board action which is
1300 considered sufficiently urgent and necessary to require that it become effective in the
1301 current year, shall not become effective unless an ordinance or resolution relating
1302 thereto is adopted by an affirmative vote of two-thirds or more of the members-elect of
1303 the county board. If such ordinance or resolution is not adopted by such vote, but
1304 nevertheless receives the affirmative vote of a majority of a quorum of the county board,
1305 the provisions of section 17.06 of the Code shall apply. Any ordinance or resolution
1306 relating to a personnel request which requires an appropriation of funds must contain a
1307 provision for the necessary transfer of funds.

1308
1309 **1.17. Procedures for consideration of personnel requests.**

1310
1311 (a) *Definitions.* Where used in this subsection, the following words shall mean:

1312
1313 (1) County board shall mean the county board of supervisors.

1314
1315 (2) Commission shall mean the county civil service commission.

1316
1317 (3) Committee shall mean the committee on personnel.
1318
1319 (4) Petitioner shall mean the person or organization, including a member of
1320 the county board, making or sponsoring the request, resolution or ordinance, or
1321 the authorized representative of such person or organization.
1322
1323 (5) Code shall mean the Milwaukee County Code of General Ordinances.
1324
1325 (b) *Filing of personnel request.* All personnel requests by whomsoever made (in any
1326 way affecting county offices and employe positions, compensation, hours of labor or
1327 conditions of employment, specification of duties and any other matters referred to in
1328 chapter 17 of the Code relating thereto) for salary increases, reclassifications, fringe
1329 benefits, additional positions and other personnel requests which would require a
1330 change of the provisions of chapter 17 of the Code, shall be filed ~~in triplicate~~ with the
1331 chairperson of the county board for presentation to the county board and reference to
1332 the commission.
1333
1334 (c) *Hearing on personnel request.* At such hearing, the procedure in considering
1335 such personnel request shall be as follows:
1336
1337 (1) The petitioner, or his/her representative, shall be given a reasonable time
1338 to present his/her case and any supporting data to the committee, and during
1339 such period shall not be subject to interruption by any person other than
1340 members of the committee.
1341
1342 (2) When the petitioner has concluded his/her argument, the commission
1343 shall present its report and recommendation to the committee.
1344
1345 (3) After the commission has concluded its presentation, the petitioner shall
1346 have a reasonable opportunity to comment upon the commission's
1347 recommendations and, while so doing, shall not be subject to interruption by any
1348 person other than members of the committee or representatives of the
1349 commission.
1350
1351 (4) After the procedures specified in said subsections (1), (2) and (3) have
1352 been concluded, the committee shall hear any person desiring to speak on the
1353 request.
1354
1355 (4a) Where circumstances require, the chairperson of the committee shall
1356 have the right to vary the order of the procedure outlined in subsections (c)(1),
1357 (2), (3) and (4).
1358
1359 (5) Thereafter the committee, in public session, shall consider and make
1360 such recommendations as it sees fit pertaining to said request. If the committee's
1361 recommendation is to deny the request, the recommendation shall be in the form
1362 of a resolution so indicating. If the committee's recommendation grants such
1363 request in whole or in part, such recommendation shall be evidenced by a
1364 resolution or ordinance, as the case requires. The effective date of such
1365 resolution or ordinance shall be stated therein.
1366

1367 (6) In the event that the committee requires more time than originally
1368 scheduled to determine its position with respect to such request, it may adjourn
1369 recess such hearing from time to time as may be determined by it, and on said
1370 adjourned-recessed day reconvene resume and resume its consideration, ~~but~~
1371 ~~recommendations on all matters referred to the committee must be submitted to~~
1372 ~~the county board not later than October 10 of each year.~~

1374 (7) The committee shall submit a report and recommendation on each such
1375 request to the county board, at the next meeting of the county board, following
1376 determination of the committee's recommendation.

1378 (8) Compliance with the procedure outlined in subsections (1) to (7) inclusive,
1379 of this subsection, is intended to be in compliance with the requirements of s.
1380 111.70(2), Wis. Stats.

1381
1382 **1.18. Communications, reports, departmental requests, reference files.**

1383
1384 (a) *Reference of communications and reports.* All communications to the county
1385 board, reports of county officers, requests of county officers, requests of department
1386 heads and employes, and communications from the county executive, which are not in
1387 response to an existing county board file, or a previous request from a committee, shall
1388 be addressed to the county board chairperson who shall, within five (5) business days of
1389 receipt of the document, refer said document to the appropriate standing committee(s)
1390 for a report. The date upon which the chairperson refers the said document(s) shall be
1391 deemed as the official referral date to the committee(s). Said action by the county board
1392 chairperson shall be deemed as authorization to the appropriate standing committee
1393 chairperson(s) to schedule the matter for review. If the Chairperson does not refer the
1394 communication, report or request to the appropriate standing committee within five days
1395 after receipt, that communication, report or request shall automatically be placed on the
1396 agenda of the County Board at the next meeting for referral to the appropriate standing
1397 committee. Items that are for information only shall be addressed to the respective
1398 committee chairperson and a copy shall be provided to the county board chairperson.
1399 Except for those communications and reports which are introduced subsequent to
1400 January 1 of an election year, all communications and reports pending before a
1401 committee of the county board shall be considered to have been placed on file at the end
1402 of the term of office of the county board. A listing of all such communications and reports
1403 to be placed on file in this manner shall be distributed to all supervisors by the county
1404 board chief committee clerk in January of the final year of the term.

1406 (b) *Copy of communications and reports to chief committee clerk.* A copy of all such
1407 communications and reports, submitted to the county board chairperson, shall also be
1408 transmitted to the county board chief committee clerk or other committee clerks.

1410 ~~(c) *Form of departmental request for county board action.* Whenever a county~~
1411 ~~department head or employe requests action by the county board upon any subject~~
1412 ~~matter, he/she shall make written request there for in the following form in duplicate:-~~

1414 From _____
1415 (Insert name of department officer)

1416 Subject _____
1417

1418 (Insert title descriptive of subject)

1419

1420 Such request shall be delivered to the county clerk, or county board chairperson, by 10:00 a.m.
1421 on the day preceding the regularly scheduled meeting of the county board and shall be
1422 accompanied by a draft of an appropriate resolution or ordinance to be adopted by the county
1423 board in the event the request is approved.

1424

1425 (dc) *Reference files.* The county board chairperson, upon request from the standing
1426 chief committee ~~chairperson(s), clerk,~~ shall be authorized to establish reference files to
1427 be utilized by the standing committees for submission of recommendations to the county
1428 board concerning matters referred to the committees on an ongoing or continuous basis,
1429 or for receipt of informational reports from ~~departments~~ departments concerning said
1430 matters.

1431

1432 **1.19. Reference of request for appropriation transfers to county executive.**

1433

1434 All requests for appropriation transfers between principal objects of expenditures or from
1435 the contingent fund shall be transferred to the county executive. He/She shall promptly consider
1436 same and report his/her recommendation thereon to the committee on finance finance and audit
1437 of the county board. If the county executive fails to make a recommendation within ten (10) days
1438 after the submission of a request for transfer, the committee on finance finance and audit may
1439 act upon such request without his/her recommendation.

1440

1441 **1.20. Requests for impeachments or investigation.**

1442

1443 All resolutions, motions and communications causing the institution of proceedings of
1444 impeachment, or investigation into the conduct of any officer or employe of this county, shall be
1445 accompanied by a specification of charges, duly signed by the members introducing the same,
1446 verified by oath of the person making such charges if such person is not a member of this
1447 county board. No resolution, motion or communication making charges or insinuations, or
1448 otherwise impugning the official integrity of any officer or employe of this county, shall be
1449 entertained by the chairperson, nor spread upon or referred to and mentioned in the journal,
1450 unless the same shall be introduced in accordance with the provisions of this section.

1451

1452 ~~**1.21.—Treatment of doubtful claims; separate action.**~~

1453

1454 ~~The department of administration shall obtain a legal opinion from the corporation~~
1455 ~~counsel on all claims which, in its opinion, are doubtful. In the event the corporation counsel~~
1456 ~~advises that the claim is not legal, the claim is to be taken up with the committee in charge of~~
1457 ~~the departmental policy of the department against which such claim is chargeable,~~
1458 ~~recommending disallowance. Such claims shall be disallowed by separate resolution of the~~
1459 ~~county board.~~

1460

1461 **1.212. Consideration and confirmation of appointments.**

1462

1463 Every nomination by the county executive for appointment of department head
1464 individuals set forth under Sec. 17.30, County Ordinances, or appointment by the county
1465 executive or county board chairperson of a member of a board or commission required to be
1466 confirmed by the county board shall, when presented to the county board by the county
1467 executive, be referred to the standing committee having jurisdiction over the office, board or
1468 commission. At least five (5) business days prior to the date of the meeting at which the

1469 appointment is to be considered, the nominee shall be notified in writing by the appointing
1470 authority to appear before the committee. ~~A report recommending either that the appointment~~
1471 ~~be confirmed or that it be rejected shall be submitted to the county board by at least the second~~
1472 ~~board meeting following the date of reference to such committee.~~ Confirmation of such
1473 appointment shall be determined by roll call vote. The foregoing requirement of references shall
1474 not apply to members of the county board nor to members of any board or commission
1475 nominated for reappointment to their own position. The county clerk shall notify the county
1476 executive or county board chairperson, in writing, of the rejection of confirmation by the county
1477 board of all appointments.

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1480 **1.223. Publication of proceedings.**

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The proceedings of the county board shall be published in the English language in
pamphlet electronic form ~~of such convenient size and in such quantity as shall from time to time~~
~~be determined. Communications addressed to the county or to the county board, including~~
~~reports from county officers and department heads and contracts approved by the county board~~
~~for execution, shall not be printed at length in the proceedings unless the chairperson shall so~~
~~order.~~

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1489

1489 **1.234. Repeal, amendment or correction of rules.**

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(a) *Repeal or amendment of rules.* No rule shall be rescinded or amended nor a
new rule adopted until after the ordinance proposing the same has been referred to, and
a report thereon has been received from, the committee on judiciary, safety and general
services.

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(b) ~~Clerical~~ Correction of errors. The county clerk shall have authority to correct
any ordinance, resolution or memorial for:

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- (1) Spelling errors,
- (2) Punctuation,
- (3) The use of one word for another (i.e.e.g. affect for effect),
- (4) Mistakes in numbering/lettering of sections and subsections,
- (5) Insertion of an "ordaining" clause in an ordinance when such clause has
been inadvertently omitted,
- (6) Insertion of a current department, division, board, commission, committee
or council ~~to name to that~~ replaces s that of a former name,
- (7) Insertion of a current position title to replace that of a former position title,
and
- (8) Insertion of a current state statute number to replace that of a former
state statute number.

1519 | The county clerk shall operate within the framework of the corrections
1520 | enumerated here, with corporation counsel approval as appropriate, and the
1521 | authority granted herein shall in no way usurp the proper legislative process.
1522 |

1523 | **1.245. Budgetary procedure.**

1524 |
1525 | (1) *Executive budget.*

1526 |
1527 | (a) Pursuant to state statutes, the county executive shall hold public hearings
1528 | at which the head or a representative of every department shall appear and give
1529 | information with regards to the appropriations requested. The department head
1530 | shall also provide to policymakers a written and concise summary of the
1531 | programmatic impacts that would occur if the department's requested annual
1532 | budget were adopted without any additional changes.
1533 |

1534 | (b) Pursuant to state statutes, the county executive shall, on or before
1535 | October 1, submit to the county board the executive budget. The county board
1536 | may hold a regular meeting in either September or October for the purpose of
1537 | hearing the county executive's budget message, should he/she elect to deliver a
1538 | budget message.
1539 |

1540 | (c) Upon receipt of the county executive's budget, county board staff shall
1541 | prepare, for distribution to all county supervisors and any interested county
1542 | officials and citizens, a written overview of the budget, including sections
1543 | addressing major tax levy changes, overview/policy changes, issues, concerns
1544 | and questions and capital improvements.
1545 |

1546 | (2) *Public hearings on the budget.* Pursuant to state statutes, the county board shall
1547 | hold a public hearing on the executive budget not less than fourteen (14) days after
1548 | publication of the summary of the executive budget, but not later than the first Monday in
1549 | November, at which time citizens may appear and express their opinions.
1550 |

1551 | (3) *Committee on financial and audit hearings.*

1552 |
1553 | (a) The committee on financial and audit shall not commence its review of
1554 | the executive budget until at least seven (7) days succeeding the official receipt
1555 | of the executive budget, in order to allow financial and audit members and county
1556 | board staff sufficient time to review the budget, meet with departmental personnel
1557 | and develop suggested amendments to the budget. It is also intended that this
1558 | period will be utilized by other supervisors not on the committee to familiarize
1559 | themselves with the budget and to begin preparation of budget amendments so
1560 | as to allow for introduction of those amendments during the time the committee is
1561 | conducting hearings.
1562 |

1563 | (b) Committee hearings shall be conducted during the month of October and
1564 | shall be concluded no later than the last working day of October except that the
1565 | committee shall hold a final hearing on a day following the public hearing. The
1566 | final hearing shall be held for the purpose of considering public hearing
1567 | comments and final amendments offered by supervisors, hearing the county
1568 | executive's comments on the committee's actions and taking final action on the
1569 | committee's amendments and the recommended tax levy.

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(4) *Supervisor amendments.*

(a) Supervisors ~~should be~~ encouraged to participate in the hearing process as early as possible. Early submission of supervisor amendments ~~would~~ allow for public comment and debate and ~~would~~ provide departments time to review and react to amendments, thus resulting in more informed decision making. In order for supervisor amendments to be considered by the committee, they must be submitted during the period when hearings are being conducted. ~~Supervisor amendments shall be considered by the committee during the time hearings are being conducted.~~ Supervisor amendments submitted after committee hearings are concluded shall require suspension ~~of~~ the rules. Amendments considered by the committee, but not approved, shall, ~~at the request of the supervisor,~~ be forwarded to the full county board for its consideration without requiring suspension of the rules unless the sponsoring supervisor(s) request that said amendments not be forwarded.

(b) The ~~department of administration~~ department of administrative services shall present all actions of the committee, including personnel changes and amendments to operating and capital budgets, as well as individual supervisor amendments, in a format that will allow the county board to consider all recommended changes to a department/organization budget in a comprehensive manner. The budget shall be considered in numerical order by organizational unit and the county board shall adopt the budget with such changes as it deems proper and advisable.

(5) *Executive budget vetoes.*

The budget as adopted with amendments under subsection (4)(b) above shall be presented to the county executive, who may approve it in whole or in part. If the budget or any portion thereof is vetoed by the county executive and returned to the county board, the county board shall reconsider the veto at a meeting specially noticed and scheduled for that purpose not less than six days, Sundays excepted, after the budget as adopted under subsection (4)(b) has been presented to the county executive, in conformity with Wis. Stats. 59.17(6). At that meeting, the county clerk shall read those items or appropriations as to which the county executive has exercised his veto authority along with the county executive's veto message.

The chairperson shall then put the following question to the county board:

"Shall the ~~item~~ as approved by the county board in the budget resolution and vetoed by his/her honor, the county executive, be adopted? If you wish to override the veto, you vote 'aye'; if you wish to sustain the veto, you vote 'no'."

The county board has a duty to promptly ~~re~~consider the county executive's budget vetoes. Therefore, Section 1.04(f), which governs procedure on other matters vetoed by the county executive, shall not apply to ~~re~~consideration of budget vetoes under this subsection. At the meeting under this subsection, motions to lay on the table and to refer to a committee shall be considered out of

1621 order. If the county board determines that the period of time between the return
1622 of the county executive's vetoes and the meeting scheduled under this
1623 subsection is so short that additional time is necessary to evaluate and
1624 reconsider the vetoes, or if some other exigent circumstance precludes
1625 immediate reconsideration of the vetoes at the meeting scheduled under this
1626 subsection, the county board may recess the meeting for a period not to exceed
1627 48 hours.
1628
1629

1630 **1.256. Directives of the county board; how enforced.**
1631

1632 (1) *County clerk; responsibilities.* Whenever the county board adopts a resolution or
1633 ordinance which directs any county officer, board or commission to perform a certain act
1634 or to make a report, it shall be the responsibility of the county clerk, with respect to
1635 resolutions or ordinances adopted by the county board, to immediately notify the county
1636 officer, board or commission concerned of this directive and to transmit a copy of the
1637 resolution or ordinance which was adopted to the county officer, board or commission-
1638 He/She shall at the same time transmit a copy of the resolution or ordinance to and the
1639 county executive.
1640

1641 (2) *County executive; responsibilities.* It shall be the responsibility of the county
1642 executive to see that all resolutions or ordinances adopted by the county board are
1643 properly carried out and to inform the county board should the officer, board or
1644 commission directed to perform a duty or make a report fail to do so within a reasonable
1645 period of time.
1646

1647 (3) *Departments; responsibilities.* County officers, boards or commissions shall from
1648 time to time report to the county executive the steps that have been taken in carrying out
1649 any directive and shall also submit to him/her a copy of their final report on the action
1650 taken.
1651

1652 **1.267. Application of Robert's Rules of Order.**
1653

1654 "Robert's Rules of Order Newly Revised" shall govern the proceedings of the county
1655 board in all cases to which they are applicable and in which they are not inconsistent with these
1656 rules or the laws of the state.
1657

1658 **1.27 Chairperson of board is head of department.**
1659

1660 The chairperson of the county board is the head of the department of the county board
1661 for purposes of having budgeting and personnel oversight authority over all county board staff,
1662 overseeing departmental operations, approving departmental expenditures and submitting
1663 requested budgets.
1664

1665 **1.3428. Request relating to appeal of civil actions.**
1666

1667 (1) All requests by county officers, department heads and employes for corporation
1668 counsel representation pertaining to appeals of civil actions to the state supreme
1669 appellate court or federal courts above the district court level shall be referred to the
1670 committee on judiciary, safety and general services for a recommendation prior to
1671 authorization and approval by the county board. Such requests for leave to implement or

1672 begin the appeal shall be set forth in writing with sufficient explanation to validate the
1673 need to appeal as well as a reliable estimate of the fiscal effect.

1674 |
1675 | (2) Whenever time limits do not permit making application to meet this section in
1676 | cases of imminent emergency, prior authorization may be acquired by oral or written
1677 | approval of the following public officials: county executive and county board chairperson.
1678 | A written report by the corporation counsel must be submitted to each member of the
1679 | county board when this section is invoked, as soon as is convenient thereafter.

1680 |
1681 | **1.3229. Decorum of supervisors in committee meetings.**

1682 |
1683 | Representatives of the news media, county executive and all staff, county supervisors
1684 | and designated staff, constitutional officers, department heads and all other officers and
1685 | employes of county government, as well as other public and private citizens, who either
1686 | participate at or appear before any meetings of the county board or of the any standing
1687 | committees or any special or select committees s-members, are entitled to the greatest measure
1688 | of respect and courtesy. In order to ensure such standard requiring individual board or
1689 | committee members to adhere to the highest ideals of official conduct, and for the board or
1690 | committee to maintain its own dignity and respect, the chairperson is responsible and obligated
1691 | to protect persons in attendance, or who are either appearing or responding to inquiries or
1692 | questioning, from any harassment or insulting remarks or colloquy. Committee Board and
1693 | committee members must be ever mindful of their obligation to be temperate, courteous,
1694 | attentive, patient and impartial so as to advance these ideals of official conduct and to avoid
1695 | offensive or discourteous remarks or verbal chastisement which are offensive in nature and
1696 | detract from the dignity and decorum expected while conducting the public business, and
1697 | thereby eventually degrade the atmosphere within the public meeting. Supervisors should
1698 | always bear in mind the need of scrupulous adherence to the rules of fair play and the necessity
1699 | of being considerate and courteous to each other and to all others in attendance so as not to
1700 | leave any impression that a fellow supervisor, a participant in attendance, or any person making
1701 | an appearance, is being placed at a disadvantage because of any exercise of arbitrary power or
1702 | any unjustified verbal accusation by any board or committee member.

1703 |
1704 | **SECTION 2.** This ordinance shall become effective upon passage and publication.

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1706 |
1707 | H:\Shared\COMCLERK\Committees\2012\Feb\Whole\Resolutions\12-162.doc
1708 |

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 2/7/2012

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Amendments to Chapter 1, Milwaukee County Ordinances - Rules of the County Board of Supervisors

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	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.

A. Changes to Chapter, 1 Milwaukee County Ordinances - Rules of the County Board of Supervisors, as directed by Adopted Resolution 03-482.

B. There are no direct costs associated with this Ordinance change.

C. There are no budgetary impacts associated with this Ordinance change.

D. No particular assumptions or interpretations were used in filling out this form

4

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.

Department/Prepared By Terrence Cooley

Authorized Signature

Terrence Cooley

Did DAS-Fiscal Staff Review? Yes No

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 1

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): De Bruin

ADD AND/OR DELETE AS FOLLOWS:

Amend the paragraph beginning on line 700 to strike as follows:

(2) The requirement of this section shall apply to original measures or submissions, substitute amendments and minority reports only, and not to ~~substitute amendments, amendments or minority reports~~, provided that with the affirmative vote of a majority of ~~the members present and voting~~, action on any substitute amendment, amendment or minority report, together with the original measure or committee report, may be laid over pending the attachment of a fiscal note. Such fiscal note shall be attached to each ~~substitute amendment, amendment or minority report and presented to the county board at its next meeting.~~

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 2 (REVISED)

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Jursik

(Amended language is **bolded** and double-underlined)

1. **AMEND** the proposed Ordinance beginning on line 826, Chapter 1.11 (c) (4) 2, relating to the Committee on Judiciary, Safety and General Services, as follows:

2. ~~Review~~ **Approval** of all matters pertaining to **initiating or answering** suits or claims by or against the county, **subject to full board review and approval**, **including those for personal injuries and property damage**. **The committee has the authority to approve the payment of claims against the county in an amount not to exceed \$10,000 and to recommend to the board to approve the payment of claims in excess of that amount.** The committee shall be afforded confidential access to privileged attorney-client communication and to attorney work product in any matter where Milwaukee County or a Milwaukee County officer or employee is named as a part in an action or proceeding arising from the commission of official duties.

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 3

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Jursik

(Amended language is **bolded** and double-underlined)

1. **AMEND** the proposed Ordinance beginning on line 727, Chapter 1.11 (a) 8, to restore and amend existing language, as follows:

8. Committee on intergovernmental relations. ~~(Seven (7) members, consisting of the chairperson of the county board, the first vice-chair, the second vice-chair and four (4) standing committee chairs.)~~ **(Seven (7) members, consisting of the chairperson of the county board, the first vice-chair, the second vice-chair and four (4) standing committee chairs that are not also serving as first or second vice-chair.)**

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO: 4

Resolution File No: 1
Ordinance File No: 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Jursik

1. **AMEND** the proposed Ordinance beginning on line 878, Chapter 1.11 (c) (5) 7, relating to the Committee on Parks, Energy, and Environment, as follows:

7. All matters relating to the conservation of air, water, energy and all other resources, ~~which are being consumed in such wasteful manner that the supplies will be exhausted or so diminished that future generations will suffer hardship.~~

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

COMMITTEE: Committee of the Whole

Ordinance File No. 12-162

AMENDMENT# 5

OFFERED BY SUPERVISOR(S): Jursik

MODIFY the proposed Ordinance beginning on line 922, Chapter 1.11, (6), relating to the Committee on Transportation, Public Works and Transit as follows:

~~8. Approves all county grounds land leases.~~

~~98. All transportation matters pertaining to disadvantaged business enterprises.~~

8. Approves all facility and land leases.

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 6

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Dimitrijevic

ADD AND/OR DELETE AS FOLLOWS:

Amend the paragraph beginning on line 1018 as follows:

(Amended language is double-underlined or double-struck)

(c) Committee general procedure. All meetings of a committee shall be conducted in accordance with the provisions of ss. 19.81--19.98, Wis. Stats. The attendance of a majority of the members thereof shall be requisite for the transaction of business of a committee. Without a majority in attendance, a committee may consider informational items only. Committee agenda are to be prepared so that members of the county board and other interested parties will receive the agenda by United States, electronic or interoffice mail at least ~~the day~~ 24 hours before the scheduled committee meeting. All matters to be placed on the agenda must be received prior to the agenda deadline as established by the respective committee chairperson(s). Committee chairperson(s) must schedule a properly referred item within a maximum of two regular county board committee cycles.

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 7

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Jursik

(Amended language is bolded and ~~double-underlined or double struck~~)

1. **AMEND** the proposed Ordinance beginning on line 750, Chapter 1.11 (c) 1, relating to the Committee on Personnel, as follows:

(1) *Committee on personnel.* All matters affecting reclassification and compensation, hours, benefits and conditions of employment of county offices and employee employee personnel, and the classification and pay of additional positions; departmental policy of the civil service commission; administration of employees' award program. (The chairperson of the committee on personnel may appoint an advisory committee consisting of the county executive or designee, the corporation counsel or designee, the director of the ~~department of administration~~ department of administrative services or designee, the director of ~~the department~~ of human resources or designee, and a member of the committee to assist in the administration of the employees' award program.) Departmental policy of department of labor relations and human resources and divisions of labor relations and of employee benefits of department of administrative services. Final offers in Mandatory Arbitration must be approved by both a majority of the committee on personnel and a majority of the committee on intergovernmental relations before submission as a final offer in mandatory arbitration.

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 8

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Lipscomb and Dimitrijevic

ADD AND/OR DELETE AS FOLLOWS:

Amend the paragraph beginning on line 540 as follows:

(Amended language is double-underlined or double-struck)

1.09. Resolutions and ordinances.

(a) *Presentation and form.* Every resolution ~~or ordinance~~ presented to the county board shall be in writing, and shall have a title expressing the general subject of the resolution ~~or ordinance and, prior to being considered by the county board.~~ Every ordinance presented to the county board, shall be ~~approved~~ reviewed as to form by the corporation counsel prior to being considered by the county board. Resolutions which direct that an action be taken shall specify by name and/or title the official(s) responsible for taking such action.

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: February 14, 2012

AMENDMENT NO. 9

Resolution File No.

Ordinance File No. 12-162

COMMITTEE: Committee of the Whole

OFFERED BY SUPERVISOR(S): Holloway

ADD AND/OR DELETE AS FOLLOWS:

Add the following language after the sentence on line 227:

(Amended language is double-underlined or double-struck)

The use of cellular telephones in the County Board room by anyone during the County Board meeting is prohibited.

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: February 22, 2012

TO: Judiciary, Safety and General Services Committee

FROM: Kimberly Walker, Corporation Counsel *KW*
Mark A. Grady, Deputy Corporation Counsel, *MAG*

SUBJECT: File No. 12-162; Chapter 1 amendments

The Committee of the Whole directed that this office provide an opinion and guidance to the Committee on Judiciary, Safety and General Services on several matters related to the above item.

Amendment No. 2

This amendment would require approval by the Judiciary Committee, subject to Board review and approval, of all matters pertaining to initiating or answering suits or claims by or against the county. We perceive legal and practical concerns with this amendment as currently drafted.

Milwaukee County Circuit Court Judge Carroll recently ruled that the County Executive has the authority, and, at times, the responsibility, to initiate lawsuits against others without prior County Board approval. A copy of a portion of the transcript setting forth that ruling is attached, as well as a copy of the order reciting that ruling. Thus, the authority to initiate lawsuits against others does not reside solely within the control of the County Board. In our opinion, an ordinance that purported to restrict this authority of the County Executive is contrary to the court's ruling and, whether or not it were agreeable to the current County Executive, would not bind any future County Executive.

However, we believe that an ordinance provision can be written to address the concerns of the Board as fully as possible without invading the County Executive's authority recognized by the circuit court. Language could be adopted that recognizes the County Executive's exercise of authority, but that requires an immediate report to the Chair of the Committee when that authority is intended to be exercised. The Chair can then take any action deemed appropriate by the Committee Chair.

The ordinance would continue to preserve the County Board's exclusive authority to resolve claims or suits against the county.

On a related matter, Corporation Counsel has traditionally pursued the collection of debts owed to the county, generally smaller matters, without approval of the County Board. Presumably this has occurred because of the practical problem that would be created if Committee approval were required for every small collection action. Assuming the County Board wishes to continue this past practice, language could be included in the ordinances to explicitly authorize the Corporation Counsel to initiate small claim suits (under \$10,000.00) against other persons in order to facilitate collection of smaller debts, without further approval of the Board.

In addition, there was discussion of the statutory authority that exists for Corporation Counsel to be authorized to settle claims against the county up to \$500.00. Sec. 59.52(12)(b) of the statutes provides that the board may

(b) Delegate its power in regard to any claim, demand or cause of action not exceeding \$500 to the corporation counsel. If the corporation counsel finds that payment of the claim to a claimant is justified, the corporation counsel may order the claim paid. The claim shall be paid upon certification of the corporation counsel and shall be annually reported to the board.

Corporation Counsel has always exercised this authority. However, it is recommended that this delegation of authority be recited in the ordinances.

To address all of these matters, the following is a possible draft for consideration:

2. Except for labor relations negotiation or arbitration matters subject to the authority of the Committee on Personnel, the Committee shall review and approve of all matters pertaining to suits or claims by or against the county, including those for personal injury and property damage. The committee has the authority to approve the payment of claims against the county in an amount not to exceed \$10,000 and to recommend to the board approval or denial of claims or settlements in excess of \$10,000.00. Except when authorized by the County Executive, the Committee shall review and approve of all matters pertaining to suits or claims by the county against other persons or entities where the amount claimed exceeds \$10,000.00 or where the rights sought to be declared have a potential fiscal effect on the county in excess of \$10,000.00. In the event Corporation Counsel is authorized by the County Executive to assert or file a claim or suit, Corporation Counsel shall provide a report to the Chair of the Committee immediately upon receiving the County Executive's authorization of such action. Corporation Counsel is delegated authority to approve the payment of claims against the county where the payment is no more than \$500.00, pursuant to §59.52(12)(b) of the statutes. Corporation Counsel is authorized to initiate claims or suits by the county against other persons or entities where the amount claimed is \$10,000.00 or less. The Committee shall be afforded confidential access to privileged attorney-client communications and to attorney work product in any matter where Milwaukee County or

a Milwaukee County officer or employee is named as a party in an action or proceeding arising from the commission of official duties.

Seconding of Motions

The County Board has traditionally not required motions to be seconded, but Chapter 1 has not documented this practice. Whether to require motions to be seconded is entirely within the discretion of the County Board. If the Board wishes to maintain its past practice, it is recommended that Chapter 1 be amended to document that decision.

Abstention from voting

Section 1.04 contains voting rules for the County Board relating to abstentions. The question is whether the Board can adopt a rule that requires a member to state a reason for an abstention in order to be excused from voting.

In our opinion, a member is only answerable to the electorate with respect to voting or failing or declining to vote. The Board cannot censure or remove a member for failing to vote on any matter. Except when attendance is mandated in order to obtain a quorum, in our opinion only the electorate can hold a member accountable for failing to attend meetings, or for failing or declining to vote on any or all matters. It is inconsistent with the notion of elected office that an elected official can be required to act in any manner on any policy matter. Therefore, it is our opinion that a member cannot be required to state a reason for abstaining from voting, in the same manner that a member cannot be required to state a reason for missing any vote.

COPY

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

MILWAUKEE COUNTY,

Plaintiffs,

Case No. 12-CV-000350

v.

Case Code: 30704 and 30701

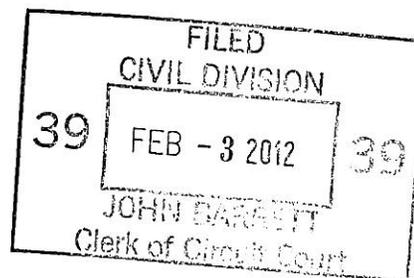
DAVID A. CLARK, JR., in his official capacity as
Sheriff of Milwaukee County,

Defendant.

v.

MILWAUKEE DEPUTY SHERIFFS'
ASSOCIATION,

Intervenor-Defendant.



ORDER DENYING DEFENDANT DAVID A. CLARKE, JR.'S MOTION TO DISMISS

Hearings having been held in the above-entitled matter on January 13, 2012 and January 27, 2012, on Defendant David A. Clarke, Jr.'s Motion to Dismiss, before the Honorable Jane V. Carroll, Circuit Court Judge, with Plaintiff, Milwaukee County, having appeared by Daniel J. Vaccaro and Charles B. Palmer of Michael Best & Friedrich, LLP; Defendant, Sheriff David A. Clarke, Jr., having appeared by Michael A.I. Whitcomb of the Law Offices of Michael A.I. Whitcomb; Intervenor-Defendant, Milwaukee Deputy Sheriffs' Association, having appeared by Christopher J. MacGillis of MacGillis Wiemer, LLC; and the Court having received Defendant Sheriff David A. Clarke, Jr.'s Motion to Dismiss and brief in support thereof, Plaintiff Milwaukee County's Response Brief in opposition and supporting materials, Defendant Sheriff David A. Clarke, Jr.'s Reply Brief and heard oral arguments of the parties; and upon the Court's finding that the County Executive could properly authorize the filing of this lawsuit against the

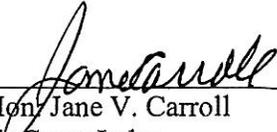
Sheriff of Milwaukee County, and for the other reasons set forth on the record at the January 27, 2012 hearing;

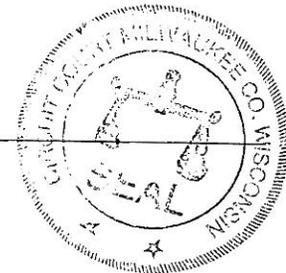
IT IS HEREBY ORDERED:

That Defendant David A. Clarke, Jr.'s Motion to Dismiss is hereby DENIED.

Entered at Milwaukee, Wisconsin this 3 day of February, 2012.

BY THE COURT:


The Hon. Jane V. Carroll
Circuit Court Judge



066164-0003\10944753.1

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TRANSCRIPT OF PROCEEDINGS - EXCERPT

THE COURT: All right. And that last part that you said there about the pending WRC decision may play into whether a temporary injunction is appropriate in this case, and I'm not going to reach the issue of whether the judiciary committee may, on behalf of the county board, authorize a lawsuit, because on further review of the ordinances and statutes, I do believe that the county executive could properly authorize this particular lawsuit for the following reasons:

Wisconsin Statute 59.02(1) provides that the powers of a county as a body corporate can only be exercised by the board, or in pursuance of a resolution or ordinance enacted by the board.

One of the powers of the county as a body corporate is the power to sue, and that is found in 59.01. The role of the county executive is found both in the statutes and in the ordinances.

Wisconsin statute 59.17 addresses the power of the county executive as follows: The county executive shall be the chief executive

1 officer of the county. The county executive
2 shall take care that every county ordinance and
3 state or Federal law is observed, enforced, and
4 administered within his or her county, if the
5 ordinance or law is subject to enforcement by
6 the county executive, or any person supervised
7 by the county executive.

8 County ordinance 1.26, which is
9 entitled "Directives of the County Board How
10 Enforced" states in part:

11 It shall be the responsibility of the
12 county executive to see that all resolutions or
13 ordinances adopted by the county board are
14 properly carried out and to inform the county
15 board should the officer, board, or commission
16 directed to perform a duty or make a report
17 fail to do so within a reasonable period of
18 time.

19 The Milwaukee County general code of
20 ordinances consists of the ordinances of
21 Milwaukee County, which were adopted by
22 Milwaukee County board of supervisors.

23 It appears, then, from reading this
24 statute and this ordinance that the county
25 board has not only authorized, but has required

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that the county board -- executive act to enforce the ordinances and resolutions passed by the county board.

In this particular case, the county board passed resolutions adopting the 2012 budget and the collective bargaining agreement between the county and the Milwaukee Deputy Sheriffs' Association; therefore, pursuant to the ordinance and the statute mentioned above, it appears that the county executive is not only authorized, but is, in fact, required to enforce those adopted resolutions.

One of the most -- one of the ways that the county executive can act to enforce those resolutions is via a -- this particular lawsuit.

59.02(1) again states that the powers of a county as a body corporate can only be exercised by the board or -- and this language is important -- in pursuance of a resolution adopted, or an ordinance enacted by the board.

The county's ability to sue may be exercised in carrying out a resolution that the county board adopted in furtherance of a resolution that the county board adopted or

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enacted.

It follows, therefore, that the county executive has authority to initiate a lawsuit in order to enforce one of the county board's adopted or enacted resolutions or ordinance, not only because the county board has required such action, but because the county executive must have some mechanism available to him by which he can enforce the resolutions and ordinances.

It appears that the county board, via Milwaukee County ordinance 1.26(2), has explicitly authorized the county executive to authorize a lawsuit if the purpose of that lawsuit is to enforce a county board or resolution such as the case is here.

By authorizing this present lawsuit, the county executive complied with the county board's requirement via ordinance of the county board -- that the county executive act to enforce the 2012 budget resolution, and the resolution which adopted the collective bargaining agreement; therefore, the motion to dismiss is denied.

What is the county's position--

COUNTY OF MILWAUKEE
Behavioral Health Division Administration
INTER-OFFICE COMMUNICATION

DATE: February 15, 2012

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

FROM: Héctor Colón, Director, Department of Health and Human Services
Prepared by Paula Lucey, Administrator, Behavioral Health Division

SUBJECT: **From the Director, Department of Health and Human Services, submitting an informational report regarding an update on the study group activities to study the possible transfer of management of inmate mental health and health care services to DHHS**

Background

As part of the 2012 Budget, the County Board passed an amendment directing the Director of the Department of Health and Human Services (DHHS) to study and make recommendations related to the possible transfer of management of the physical and mental health services for inmates from the Office of the Sheriff to DHHS. The Sheriff had proposed to out-source this service as part of his 2012 Requested Budget, but concerns were raised and the direction was given to study this potential transfer with county departments or to identify alternatives. A report was submitted in February to outline the study group and the work plan for the group. This report seeks to offer a brief summary of activities.

Discussion

The physical and mental health care of inmates has been a point of discussion for many years. The Christiansen Consent Decree outlines the standards of care to which the Milwaukee County Sheriff is accountable. The method or agent to provide services to achieve those standards is not defined and a number of alternatives could exist. As discussed within the budget process, there is an interest in exploring alternative options for the management of inmate physical and mental health services, with one possible option being the transfer of the service management to DHHS.

Any change of this magnitude, and with the consideration of human lives at stake, requires a careful and thoughtful process to ensure the best outcomes are achieved.

To achieve that a work plan has been developed to manage the process, the objectives of the study group were also developed.

Work Group

An initial meeting of the work group was held on February 7, 2012. The membership includes representatives from clinical and fiscal staff DHHS/BHD, Corporation Counsel, Milwaukee County Sheriff's Office staff, county board staff and the Christensen Decree Medical Monitor.

Plan of Work

Based on the established plan of work, the initial meeting had a focus of orientation and data review. Members of the Sheriff's Office presented a review of the activity of the health services within both facilities. The data indicated that of the approximately 33,000 inmates screened at booking, approximately 50% or 18,000 inmates are screened as having a medical or mental health issue requiring additional assessment and potential treatment. Information was shared about the most common medications administered and the volume of medication administered annually.

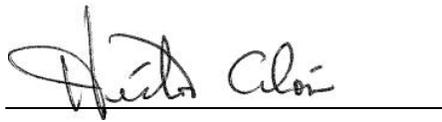
At the meeting, the Sheriff's Office announced they were recruiting for a medical director and had a potential candidate. In addition, the Sheriff's Office announced that they were anticipating the release of an RFP for health services.

Next Steps

The work group will continue to meet aggressively to address the work plan as outlined in the previous report. The next meeting, scheduled for March 28, will focus on standards of care for inmates and accreditation standards.

Recommendation

This is an informational report. No action is necessary.



Héctor Colón, Director
Department of Health and Human Services

cc: County Executive Chris Abele
Tia Torhorst, County Executive's Office
Terrence Cooley, Chief of Staff – County Board
Pat Farley, Director - DAS
Pamela Bryant, Interim Fiscal and Budget Administrator – DAS
CJ Pahl, Assistant Fiscal and Budget Administrator – DAS
Antoinette Thomas-Bailey, Fiscal and Management Analyst – DAS
Rick Ceschin, County Board Staff
Jennifer Collins, County Board Staff
Jodi Mapp, County Board Staff
Inspector Richard Schmidt, Sheriff's Office
Jon Priebe, Sheriff's Office
Molly Pahl, Sheriff's Office



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

Date: February 10, 2012

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

From: Richard Schmidt, Inspector, Office of the Sheriff

Subject: **Request to Execute a Professional Service Contract with Wisconsin Physicians Service Government Programs for the processing of inmate claims.**

Pursuant to Milwaukee County Ordinance Chapter 56, the Sheriff is requesting referral to proper board committee for review and disposition, authorization to execute a claims processing services contract for the Milwaukee County Sheriff's Office.

Background

The Office of the Sheriff operates two Correctional Facilities with medical and mental health services provided at each location. At times, the care required by an inmate exceeds that which can be offered on site and the inmate is taken to an outside medical provider for services. Funding of \$1.1 million is included in the 2012 Adopted Budget of the Office of the Sheriff to pay for these outside services.

Prior to 2011, Milwaukee County had utilized Wisconsin Physicians Service Government Program to process the claims for these medical services through an existing agreement between the Department on Aging and WPS. Beginning in 2011, the county position that was responsible for submitting the claims to WPS to determine eligibility was transferred to the Office of the Sheriff from the

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Department on Aging. At that point, the Office of the Sheriff began to pay directly to WPS for the claims processing services.

The Office of the Sheriff has been informed by Central Accounting that it should have its own agreement with WPS now that it is directly paying for claims processing. The Office of the Sheriff intends to enter into a contract with WPS for claims processing services related to Inmate medical services performed by non-County providers at their location.

The agreement will be effective January 1, 2012 and will be complete December 31, 2013. The County shall pay WPS at a rate of \$6.32 per paper claims, or \$2.50 per electronic claim plus a \$500 monthly maintenance fee. Based on prior experience it is anticipated that the County will pay WPS \$15,000 in 2012.

Recommendation

It is requested that the Milwaukee County Board of Supervisors approve the Sheriff's request to execute a professional services contract to provide claims processing services with Wisconsin Physicians Service Government Programs for the Milwaukee County Sheriff's Office.

The contract term is January 1, 2012 – December 31, 2013.

Fiscal Note: The County shall pay WPS at a rate of \$6.32 per paper claims, or \$2.50 per electronic claim plus a \$500 monthly maintenance fee. Based on prior experience it is anticipated that the County will pay WPS \$15,000 in 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
Pamela Bryant, Interim Fiscal and Budget Administrator, DAS
Janelle Jensen, Committee Clerk
Rick Ceschin, Research Analyst

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(ITEM) From the Sheriff requesting to execute a Professional Service Contract with Wisconsin Physicians Service Government Programs for the processing of inmate claims:

A RESOLUTION

WHEREAS, pursuant to Milwaukee County Ordinance Chapter 56, the Sheriff is requesting referral to proper board committee for review and disposition, authorization to execute a contract for the processing of inmate claims at the Milwaukee County Correctional Facilities; and

WHEREAS, the Office of the Sheriff operates two Correctional Facilities with medical and mental health services provided at each location and at times, the care required by an inmate exceeds that which can be offered on site and the inmate is taken to an outside medical provider for services; and

WHEREAS, funding of \$1.1 million is included in the 2012 Adopted Budget of the Office of the Sheriff to pay for these outside services; and

WHEREAS, prior to 2011, Milwaukee County had utilized Wisconsin Physicians Service Government Program to process the claims for these medical services through an existing agreement between the Department on Aging and WPS and beginning in 2011, the county position that was responsible for submitting the claims to WPS to determine eligibility was transferred to the Office of the Sheriff from the Department on Aging and at that point, the Office of the Sheriff began to pay directly to WPS for the claims processing services; and

WHEREAS, the Office of the Sheriff has been informed by Central Accounting that it should have its own agreement with WPS now that it is directly paying for claims processing and the Office of the Sheriff intends to enter into a contract with WPS for claims processing services related to Inmate medical services performed by non-County providers at their location; and

WHEREAS, the agreement will be effective January 1, 2012 and will be completed December 31, 2013 and the County shall pay WPS at a rate of \$6.32 per paper claims, or \$2.50 per electronic claim plus a \$500 monthly maintenance fee. Based on prior experience it is anticipated that the County will pay WPS \$15,000 in 2012; now, therefore,

BE IT RESOLVED, the Sheriff is hereby authorized to execute a contract with Wisconsin Physicians Service Government Programs for the processing of inmate claims for the period of January 1, 2012 till December 31, 2013.

Fiscal Note: The County shall pay WPS at a rate of \$6.32 per paper claims, or \$2.50 per electronic claim plus a \$500 monthly maintenance fee. Based on prior experience it is anticipated that the County will pay WPS \$15,000 in 2012.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 2/10/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request to execute a contract with Wisconsin Physicians Service Government Programs for the processing of inmate claims.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	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.

From the Sheriff, a request to execute a contract with Wisconsin Physicians Service Government Programs for the processing of inmate claims.

Prior to 2011, the Sheriff has utilized WPS via an agreement between WPS and the Department on Aging for the processing of outside inmate medical bills. Transfer of the duties to the Office of the Sheriff has resulted in the need for a contract between MCSO and WPS.

The County shall pay WPS at a rate of \$6.32 per paper claims, or \$2.50 per electronic claim plus a \$500 monthly maintenance fee. Based on prior experience it is anticipated that the County will pay WPS \$15,000 in 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: February 10, 2012

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

From: Richard Schmidt, Inspector, Office of the Sheriff

Subject: **Request to Execute a Professional Service Contract with TelePsych, Inc. to provide psychiatric services for inmates at the County Correctional Facilities of the Office of the Sheriff.**

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

Background

In 1996, Milwaukee County became a defendant in litigation (Milton Christensen, et al vs. Michael J. Sullivan, et al) regarding Jail overcrowding and health care services. After extended negotiations in the class action lawsuit, a consent decree was entered into by Milwaukee County in 2001. One portion of the consent decree resulting from the court case was the establishment of standards of medical and mental health care for inmates housed in the County Correctional Facilities. In addition, there is a court appointed monitor whose is responsible to monitor the County's compliance with the consent decree. The current monitor is Dr. Shansky.

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The County Correctional Facility has had difficulty hiring and retaining Psychiatrists for the Correctional Facilities. In fact, the County Correctional Facility Central has been without a Psychiatrist for the past eight months. Dr. Shansky worked with detention staff and indicated the need for immediate action to get coverage for psychiatric services. The CCFC was able to obtain the necessary psychiatric care by entering into a contract with TelePsych, Inc. Attached to this report is a letter from Dr. Shansky in support of the contract with TelePsych, Inc. to fulfill the medical requirements of the consent decree as it relates to psychiatric services.

TelePsych, Inc. will provide the following functions to Milwaukee County Sheriff's Office:

- Provide inmate adult psychiatry services and medication management of mental health and additional issues including the evaluation, diagnosis and treatment of adult inmates
- Determine the necessity for an inmate's seclusion and restraint
- Serve as expert witness in court for Milwaukee County
- Completion of Medical records
- Participate in quality improvement activities

The term of the contract is for one year March 1, 2012 to February 28, 2013 and may be extended for up to two additional one year periods for a total potential contract of three years. The contract is for \$135/hour for every hour worked not to exceed 40 hours per week for a maximum annual cost of \$280,800.

Recommendation

It is requested that the Milwaukee County Board of Supervisors approve the Sheriff's request to execute a professional services contract with TelePsych, Inc. to provide psychiatric services for inmates at the County Correctional Facilities of the Milwaukee County Sheriff's Office.

The term of the contract is for one year March 1, 2012 to February 28, 2013 and may be extended for up to two additional one year periods for a total potential contract of three years.

Fiscal Note: The 2012 Adopted Budget included funding for a Medical Director-Mental Health of \$261,164, full time Psychiatrist of \$237,429 and an hourly Psychiatrist of \$196,024 offset with vacancy and turnover of \$196,024 for total tax levy funding of \$498,593. Current staffing is one hourly employee with anticipated annual costs of \$81,000. The contract with TelePsych, Inc. has

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anticipated total 2012 costs of \$234,000 based on \$135/hour for every hour worked not to exceed 40 hours per week.



Richard Schmidt, Inspector
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
Janelle Jensen, Committee Clerk
Rick Ceschin, Research Analyst

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RONALD SHANSKY, M.D., S.C.
1441-G North Cleveland
Chicago, IL 60610
Phone: 312-919-9757 Fax: 312-787-3472
E-mail: rshansky@rshansky.md.com

MEDICAL CONSULTANT

CORRECTIONS

CONTINUOUS QUALITY IMPROVEMENT

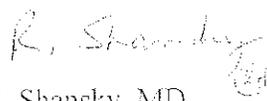
February 7, 2011

Kevin Nyklewicz, Deputy Inspector
Milwaukee County Sheriff's Office

Dear D.I. Nyklewicz,

I am writing this letter in support of the contract for Telepsych, Inc. As you know, we have had problems in providing the necessary psychiatric services in a timely fashion to our mental health patients. Mental health advocates have alleged substantial delays in access to care. My investigation has confirmed some of these allegations. My understanding is this contractor can provide access to psychiatric services virtually immediately. In order to mitigate some of the existing programmatic deficiencies, I am strongly encouraging that this contract be awarded as timely as possible.

Respectfully submitted,


R. Shansky, MD
Court Monitor

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3 (ITEM) From the Sheriff requesting to execute a Contract with TelePsych, Inc. to provide
4 psychiatric services for inmates at the County Correctional Facilities of the
5 Office of the Sheriff:

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 a contract for inmate psychiatric services at the Milwaukee County Correctional
10 Facilities; and

11
12 WHEREAS, in 1996, Milwaukee County became a defendant in litigation (Milton
13 Christensen, et al vs. Michael J. Sullivan, et al) regarding Jail overcrowding and health care
14 services and after extended negotiations in the class action lawsuit, a consent decree was
15 entered into by Milwaukee County in 2001; and

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17 WHEREAS, one portion of the consent decree was the establishment of standards of
18 medical and mental health care for inmates housed and a court appointed monitor who is
19 currently Dr. Shansky; and

20
21 WHEREAS, the County Correctional Facility has had difficulty hiring and retaining
22 Psychiatrists for the Correctional Facilities and has been without a Psychiatrist for the past eight
23 months; and

24
25 WHEREAS, Dr. Shansky worked with detention staff and indicated the need for
26 immediate action to get coverage for psychiatric services and the CCFC was able to obtain
27 the necessary psychiatric care by entering into a contract with TelePsych, Inc and attached
28 to this report is a letter from Dr. Shansky in support of the contract with TelePsych, Inc. to
29 fulfill the medical requirements of the consent decree as it relates to psychiatric services;
30 and

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32 WHEREAS, TelePsych, Inc. will provide the following functions to Milwaukee County
33 Sheriff's Office:

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- 36 • Provide inmate adult psychiatry services and medication management of
 - 37 mental health and additional issues including the evaluation, diagnosis and
 - 38 treatment of adult inmates
 - 39 • Determine the necessity for an inmate's seclusion and restraint
 - 40 • Serve as expert witness in court for Milwaukee County
 - 41 • Completion of Medical records
 - 42 • Participate in quality improvement activities; and

43 WHEREAS, the term of the contract is for one year March 1, 2012 to February 28,
44 2013 and may be extended for up to two additional one year periods for a total potential
45 contract of three years. The contract is for \$135/hour for every hour worked not to exceed
46 40 hours per week for a maximum annual cost of \$280,800; now, therefore,
47

48 BE IT RESOLVED, the Sheriff is hereby authorized to execute a contract with
49 TelePsych, Inc. to provide psychiatric services for inmates at the County Correctional
50 Facilities of the Office of the Sheriff for March 1, 2012 to February 28, 2013 and may be
51 extended for up to two additional one year periods for a total potential contract of three
52 years.

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Fiscal Note: The 2012 Adopted Budget included funding for a Medical Director-Mental Health of \$261,164, full time Psychiatrist of \$237,429 and an hourly Psychiatrist of \$196,024 offset with vacancy and turnover of \$196,024 for total tax levy funding of \$498,593. Current staffing is one hourly employee with anticipated annual costs of \$81,000. The contract with TelePsych, Inc. has anticipated total 2012 costs of \$234,000 based on \$135/hour for every hour worked not to exceed 40 hours per week.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 2/10/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request to execute a contract with TelePsych, Inc. to provide psychiatric services for inmates at the County Correctional Facilities of the Office of the Sheriff.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	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.

From the Sheriff, a request to execute a contract with TelePsych, Inc. to provide psychiatric services for inmates at the County Correctional Facilities of the Office of the Sheriff.

Under the Christensen consent decree, the County must meet minimum standards of inmate medical care. This contract has the support of the court-appointed Medical monitor to enable adequate provision of inmate psychiatric care.

The 2012 Adopted Budget included funding for a Medical Director-Mental Health of \$261,164, full time Psychiatrist of \$237,429 and an hourly Psychiatrist of \$196,024 offset with vacancy and turnover of \$196,024 for total tax levy funding of \$498,593. Current staffing is one hourly employee with anticipated annual costs of \$81,000. The contract with TelePsych, Inc. has anticipated total 2012 costs of \$234,000 based on \$135/hour for every hour worked not to exceed 40 hours per week. The Sheriff's Office will continue to seek additional psychiatric care for the detention facilities which is anticipated would be equal to the amount budgeted for 2012. Therefore, there are no cost savings anticipated with this contract.

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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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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(ITEM) From the Inspector, Office of the Sheriff, requesting authorization to execute a contract with Century Link Correctional Communication Services for the provision of inmate phone service at the County Correctional Facilities, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, 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; and

WHEREAS, 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; and

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

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

WHEREAS, 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% and under the new contract, the cost for collect calls would remain at \$5.55 and debit card calls would remain at \$3.30; and

WHEREAS, 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; now, therefore,

BE IT RESOLVED, the Sheriff is hereby authorized to execute a two year contract, with any extensions requiring County Board approval, with Century Link Correctional Communication Services for the provision of inmate phone service at the County Correctional Facilities.

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.

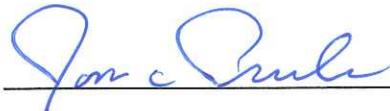
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current 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.
- 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 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.



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: February 16, 2012
TO: Chairman Lee Holloway, Milwaukee County Board of Supervisors
FROM: Richard Schmidt, Inspector, Milwaukee County Sheriff's Office
SUBJECT: Request to apply for and accept, if awarded, Homeland Security grants in the amount of \$32,000

REQUEST

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

- Response preparedness for the SWAT team for tactical situations including active shooter response, barricaded situations and hostage rescue situations.
- Enhance leadership capabilities for the above listed situations and other threats unknown from a leadership development perspective.

BACKGROUND

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

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Homeland Security grant opportunities that are designated for Milwaukee County available now from the State of Wisconsin Office of Justice Assistance include funding of \$32,000 to provide two (2) Tactical Team Leader Courses provided by the National Tactical Officers Association.

These funds will be used to host two (2) classes of thirty (30) officers from the member agencies within the ALERT (Aligned Law Enforcement Response Team) program under OJA of which the Milwaukee County Sheriff's Office is a member. It is anticipated that \$28,000 of funds will be spent on tuition and \$4,000 will be spent on lodging and meals.

Of the thirty officers in attendance, the Office of the Sheriff is anticipating three to four Deputy Sheriffs from Milwaukee County will attend.

FISCAL NOTE

An appropriation transfer request will be submitted for consideration, once the grant is awarded, to the Committee on Finance and Audit to recognize the grant revenue and establish expenditure authority of \$32,000. There is no local match to the funding and therefore no tax levy impact.

Sincerely,



Richard Schmidt, Inspector
Milwaukee County Sheriff's Office

cc: Willie Johnson, Jr., Chair, Judiciary, Safety and General Services
Committee
Jon Priebe, Public Safety Fiscal Administrator
Rick Ceschin, Research Analyst, County Board
Carl Stenbol, Administrator, Emergency Management, Office of the Sheriff
Josh Fudge, Fiscal and Management Analyst, DAS
Janelle Jensen, Committee Clerk, County Board

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(ITEM) From the Sheriff requesting to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance:

A RESOLUTION

WHEREAS, the grant funding would be used to enhance the response preparedness for the SWAT team for tactical situations including active shooter response, barricaded situations and hostage rescue situations and enhance leadership capabilities for the above listed situations and other threats unknown from a leadership development perspective; and

WHEREAS, under Chapter 99 of the County Ordinances and Wisconsin State Statute 323, the Emergency Management Division of the Office of the Sheriff has certain responsibilities in the preparation, mitigation, response, and recovery of emergency situations; and

WHEREAS, the State annually offers opportunities for counties to apply for federal and state homeland security grant dollars to assist with meeting these responsibilities; and

WHEREAS, Homeland Security grant opportunities that are designated for Milwaukee County available now from the State of Wisconsin Office of Justice Assistance include funding of \$32,000 to provide two Tactical Team Leader Courses provided by the National Tactical Officers Association; and

WHEREAS, these funds will be used to host two classes of thirty officers from the member agencies within the ALERT (Aligned Law Enforcement Response Team) program under OJA of which the Milwaukee County Sheriff's Office is a member and it is anticipated that \$28,000 of funds will be spent on tuition and \$4,000 will be spent on lodging and meals; and

WHEREAS, of the thirty officers in attendance, the Office of the Sheriff is anticipating three to four Deputy Sheriffs from Milwaukee County will attend; now, therefore,

BE IT RESOLVED, that the Office of the Sheriff is hereby authorized to apply for and accept, if awarded homeland security grant funding of \$32,000 from the State of Wisconsin Office of Justice Assistance to be used to provide two (2) Tactical Team Leader Courses.

Fiscal Note: An appropriation transfer request will be submitted for consideration, once the grant is awarded, to the Committee on Finance and Audit to recognize the grant revenue and establish expenditure authority of \$32,000. There is no local match to the funding and therefore no tax levy impact.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 2/16/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: From the Office of the Sheriff requesting to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance in the amount of \$32,000 to be used to provide two Tactical Team Leader Courses

FISCAL EFFECT:

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| <input type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input checked="" type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input checked="" type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
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Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	32,000	
	Revenue	32,000	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.

From the Sheriff, requesting to apply for and accept, if awarded, a \$32,000 grant to be used to provide two (2) Tactical Team Leader Courses

An appropriation transfer request will be submitted for consideration, once the grant is awarded, to the Committee on Finance and Audit to recognize the grant revenue and establish expenditure authority of \$32,000. It is anticipated that \$28,000 of funds will be spent on tuition and \$4,000 will be spent on lodging and meals. There is no local match to the funding and therefore no tax levy impact.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

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



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: February 16, 2012

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

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

SUBJECT: **Notification of an Amendment to a Professional Service Contract with Attic Correctional Services to provide Alcohol and Other Drug Abuse Treatment and Cognitive Intervention Classes at the County Correctional Facility – South. (FOR INFORMATION ONLY)**

County Board File No. 08-437 approved the execution of a professional service contract between ATTIC Correctional Services and Milwaukee County for the provision of AODA and other services. The annual contract was in the amount of \$42,000. As a part of the resolution that was adopted, the CCFS was authorized to amend the contract should additional grant funding become available.

The Office of the Sheriff was informed that the Wisconsin Office of Justice Assistance has an additional grant award of \$24,003 that is available from the Residential Substance Abuse Treatment program. These funds were made available to the County Correctional Facility South (CCFS). The grant has a match requirement of \$8,001 for a total project fund of \$32,004. The 2012 Adopted Budget authorized the Office of the Sheriff to spend \$42,000 on AODA treatment and this funding will be used for the match.

The funds will be used for the AODA cognitive intervention program. The grant funds must be spent prior to September 30, 2012. The program provides substance abuse treatment and cognitive intervention classes. The program is designed for those who have substance abuse issues and a history of criminal conduct by offering the treatment needed to make a successful transition from incarceration to a drug-free, crime-free lifestyle by addressing factors that have proven to reduce recidivism.

The CCFS currently contracts with Attic Correctional Services for similar type classes. The Office of the Sheriff will submit an appropriation transfer to the Finance and Audit committee to recognize the receipt of this revenue and to request the establishment of expenditure authority related to the grant funding. The amended contract for grant funding is for the time period January 1, 2012 through September 30, 2012 or the end of the federal fiscal year



Richard Schmidt, Inspector
Office of the Sheriff
Milwaukee County

cc: Chris Abele, County Executive
Sup. 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
Janelle Jensen, Committee Clerk
Rick Ceschin, Research Analyst



David A. Clarke, Jr.
Sheriff

County of Milwaukee

Office of the Sheriff

Date: February 21, 2012

To: Supervisor Willie Johnson, Jr. - 13th District
Chairman, Committee on Judiciary, Safety and General Services
Milwaukee County Board of Supervisors

From: Edward H. Bailey, Inspector, Office of the Sheriff, Milwaukee County

Subject: File No. 12-81 - 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.

At its meeting on January 19, 2012, a request was made of the Office of the Sheriff by Supervisor Jursik that the Office of the Sheriff provide a report back regarding the issue of absentee ballots for the March 1, 2012 meeting of the Committee on Judiciary, Safety and General Services.

Virtually all MCSO inmates will soon return to our Milwaukee County communities. The public is best served if offenders are not only held stringently accountable for their actions, but also have the opportunity to become law-abiding and successful members of the community when they are released. Facilitating inmate reentry, and maintaining the sense of the "ties that bind" all of our citizens to their community can aid in crime reduction, with fewer new crime victims, reduced local criminal justice costs, and most importantly safer neighborhoods.

The Detention Services Bureau (DSB) of the Sheriff's Office, encompassing both the County Correctional Facility - South Division (CCF-S) with its primarily post-conviction inmate population, and the County Correctional Facility - Central Division (CCF-C), with its primarily pre-trial inmate population, adhere to the following guidelines in registering inmates to vote:

- Laminated signs announcing voter registration (Appendix A) are posted in all DSB Housing Units.
- The orientation speech that all new housing unit assignees receive includes information regarding voting, and the attached document is provided to all inmates during orientation.
- Voter Registration forms and Absentee Ballot applications are available in all the housing units.
- Housing Officers include, as a part of their daily rules announcement, information regarding absentee voting.
- The Programs Lieutenant for the DSB coordinates the handling and delivery of the registration forms and absentee ballots.

As a general rule, in keeping with Wisconsin State Statute 6.84(1)(1) (Absentee Voting):

The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of

Judiciary - March 1, 2012 - Page 89

voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.

An Absent Elector is defined as "...any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district." Certainly, the majority of the MCSO inmate population qualifies.

Under Statute 6.86 (1), Methods for obtaining an absentee ballot, "Any elector of a municipality who is registered to vote whenever required and who qualifies... as an absent elector... may make written application to the municipal clerk of that municipality for an official ballot... (3) By signing a statement and filing a request to receive absentee ballots...

Under 6.86(1)(ar), "Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefore from a qualified elector of the municipality."

Under 6.86(1)(b), "(Except as provided in this section) if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than the opening of business on the 3rd Monday preceding the election and no later than 5 p.m. or the close of business, whichever is later, on the Friday preceding the election."

In general, Wisconsin State Statute 6.03(1)(b) prohibits voting by any person convicted of treason, a felony, or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3):

(Restoration of civil rights of convicted persons):

304.078(2) Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights.

304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.

Sincerely,


Edward H. Bailey, Inspector
Office of the Sheriff



David A. Clarke Jr.
Sheriff

**MILWAUKEE COUNTY
OFFICE OF THE SHERIFF
Detention Services Bureau**

DATE: February 17, 2012
TO: All CCFS and CCFC Inmates

Inmates have the right to vote even while incarcerated. **Inmates without this right are:**

- Inmates serving time for a felony
- Inmates on probation, parole or extended supervision for a felony

All inmates who wish to vote must be a registered voter and do so by **absentee ballot**.

- Eligible inmates must first be registered to vote (see below for registration information).
- Eligible inmates must request an absentee ballot for each election.
- A copy of a photo ID is required to request an absentee ballot to vote. If you do not have one you may have a friend or family mail or bring a photocopy of your ID. Your photo ID is needed in advance of the registration process. A copy of your photo ID must be included with the absentee request
- A third party can request an absentee ballot without your signature **ONLY** if they have power of attorney for you.
- **Huber inmates only** – Those that do not have the appropriate identification will be afforded special permission to obtain a photo ID, vote absentee in the municipal office, or vote at the polls on Election Day. Make sure you speak to the appropriate people before performing any of these tasks.
- ID's may not have an expiration date older than November 2, 2010.

To Vote in the Spring Election of 2012 while incarcerated in the Milwaukee County Correctional Facility you must follow the following procedure:

- To **REGISTER** as a voter:
 - Voter registration forms are available in all of the housing units. Turn completed forms with proof of residency into the housing unit officer. You must be a registered voter to vote absentee ballot.
- To **APPLY** for an **Absentee Ballot**:
 - Requests for Absentee Ballots are available in every housing unit
 - Complete the application and include your photo ID.
 - Submit your completed Ballot request to the Programs Lieutenant No Later than March 23, 2012.
 - You will receive your Absentee Ballot in the mail from the municipal clerk's office.

All absentee ballots are due back to the Programs Lieutenant no later then the day prior to the election – Monday, April 2, 2012.



David A. Clarke, Jr.
Sheriff

County of Milwaukee
Office of the Sheriff

DATE: February 23, 2012

TO: Chris Abele, County Executive
Supervisor Lee Holloway, County Board Chairman
Patrick Farley, Director, Department of Administrative Services

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

SUBJECT: Emergency Declaration

Pursuant to Chapter 32.28 of the Milwaukee County Ordinances, the Office of the Sheriff is proceeding with the execution of a professional service contract with G4S Wackenhut, Inc. to provide bailiff services in Milwaukee County Courtrooms.

Background

The 2012 Requested Budget for the Office of the Sheriff included the creation of 12.50 FTE hourly positions of Bailiffs offset with an increase of vacancy and turnover equal to 12.00 FTE of Deputy Sheriff 1 to provide coverage in the Courts during off time of full time Deputy Sheriffs. As part of the process to create new positions, the Personnel Committee must vote on the appropriate pay range for that position. The County Board voted the proposed pay range for the Bailiffs Hourly on December 15, 2011. However, it would take the Department of Human Resources a period of weeks to compile a list of eligible candidates for the new hourly bailiff positions in addition to background checks. It is anticipated by the Office of the Sheriff that it could take until May of 2012 before it could reasonably expect to fill the Hourly Bailiff positions.

In addition, the 2012 Adopted Budget for the Office of the Sheriff included the abolishment of 53 Deputy Sheriff Is. This has resulted in the layoff of 48 Deputy Sheriff Is in mid-February. This effectively leaves the Sheriff without the ability to utilize existing Deputy Sheriffs located in other areas to provide Courtroom security while awaiting the new hires.

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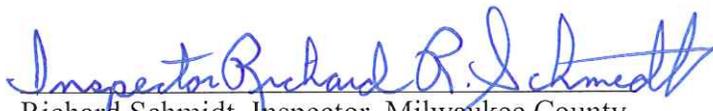
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Since safety in the Courts cannot be compromised, the Office of the Sheriff entered into a contract with G4S Wackenhut effective February 20, 2012 to provide security personnel in the Courts. The Office of the Sheriff intends to issue a request for proposals to enter into a long-term contract for the partial provision of bailiff services. Providing security in the Courts is a statutory requirement of the Sheriff.

Under Wisconsin State Statute 59.27(3), Duties of the Sheriff, the Sheriff of a county "...shall...attend upon the circuit court held in the sheriff's county during its session..." This fundamental statement of authority was bolstered by subsequent decisions in landmark cases such as Brunst (legislation invalidated because it sought to take away from the sheriff duties that were characteristic of the office, and that public policy favored keeping characteristic duties of the sheriff under the power of the sheriff because he is elected, and consequently, is answerable to the electors); Kocken (unless these 'time immemorial' duties were constitutionally protected from interference by others, the constitutional provision securing the people the right to choose sheriffs would become meaningless); and Brown County (where the court held that because the duty was characteristically the sheriff's, he can, as a result, contract with third parties for the carrying out of the duty.)

The contract commences on the effective date, February 20, 2012, and continues until the Office of the Sheriff gives notice to G4S, as this is an emergency contract for services.

Fiscal Note: The maximum annualized cost of the contract is \$1,387,360 and will be paid for by existing resources within the Office of the Sheriff 2012 Adopted Budget. An appropriation transfer will be submitted to the Committee on Finance and Audit to transfer funding from Personnel Services to provide for the contract.



Richard Schmidt, Inspector, Milwaukee County

cc: Lynne De Bruin, Vice Chairman, Finance and Audit Committee
Willie Johnson, Jr., Chairman, Judiciary, Safety and General Services Committee
Pamela Bryant, Interim Fiscal and Budget Administrator
Jon Priebe, Public Safety Fiscal Administrator

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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.



Milwaukee County
OFFICE OF CORPORATION COUNSEL

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Corporation Counsel

MARK A. GRADY
Deputy Corporation Counsel

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ALAN M. POLAN
JENNIFER K. RHODES
JACOB A. MANIAN
Principal Assistant
Corporation Counsel

Date: February 9, 2012

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

From: Mark Grady, Deputy Corporation Counsel
Milwaukee County Corporation Counsel

Subject: Claim filed by: Tammy Smith (American Family)
1318 Hillside Drive, Waukesha, WI
Date of Loss: August 31, 2011

On August 31, 2011, a seasonal employee at the Milwaukee County Zoo was operating a golf cart performing his daily duties at the zoo. As he pulled into the crowded parking lot, the zoo employee struck the right front fender of a visitor's vehicle as the visitor was driving in the aisle of the parking lot. The vehicle was a 2009 Mazda owned by Tammy Smith. Ms. Smith states that she did not see the golf cart until the impact as the employee had pulled out from behind a parked vehicle. An accident report completed by the Milwaukee County Sheriff's Department confirms these events.

Damage to the 2009 Mazda 6 was located on the right front fender and front bumper of the vehicle. American Family Insurance submitted an estimate for repairs in the amount of \$1,673.47.

It is the recommendation of Milwaukee County's insurance adjustor that we settle this claim for an amount not to exceed \$1,673.47. Both the county's adjustor and Corporation Counsel support this agreement.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. At that time we will appear seeking approval of payment in the amount of \$1,673.47 to settle this claim. Thank you.

MAG/kpe

Cc: Janelle Jensen
Rick Ceschin
Amber Moreen



Milwaukee County
OFFICE OF CORPORATION COUNSEL

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Principal Assistant
Corporation Counsel

Date: February 16, 2012

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

From: Mark Grady, Deputy Corporation Counsel
Milwaukee County Corporation Counsel

Subject: Claim filed by: Dean Aschenbrenner
720 Cottonwood Lane, Waterford, WI
Date of Loss: November 8, 2011

On November 8, 2011, while waiting at a red traffic light at the intersection of W. Rawson Avenue and S. 27th Street in Franklin, Wisconsin, a Milwaukee County Deputy Sheriff believed that the car in front of him had started moving forward when the traffic in the left hand turn lane started to move. This was not the case and the Sheriff's Department vehicle rear-ended the vehicle in front of him. The vehicle belonged to Dean Aschenbrenner.

Mr. Aschenbrenner's vehicle is a 2001 Dodge Intrepid. Damage was located on the rear bumper of the vehicle. Mr. Aschenbrenner did submit an estimate from Salentine Buick Pontiac in the amount of \$985.42.

It is the recommendation of Milwaukee County's insurance adjustor that we settle this claim for an amount not to exceed \$985.42. Both the county's adjustor and Corporation Counsel support this agreement.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. At that time we will appear seeking approval of payment in the amount of \$985.42 to settle this claim. Thank you.

MAG/kpe

Cc: Janelle Jensen
Rick Ceschin
Amber Moreen



OFFICE OF CORPORATION COUNSEL

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Corporation Counsel

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Principal Assistant
Corporation Counsel

Interoffice Communication

DATE: February 23, 2012

TO: Willie Johnson, Chairman, Judiciary Committee

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Status update on pending litigation

The following is a list of pending cases which I am prepared to discuss at the March meeting:

1. *Wosinski v. Advance Cast Stone* (O'Donnell garage)
Case No. 11-CV-1003
2. *DC48 Local 594 v. Milwaukee County* (Miles and MECA)
Case No. 11-CV-
3. *DC48 v. Milwaukee County* (Rule of 75)
Case No. 11-CV-16826
4. *MDSA v. Milwaukee County* (Lay-offs)
Case No. 11-CV-18156
5. *Milwaukee County v. Clarke* (Lay-offs)
Case No. 12-CV-350
6. *Hussey v. Milwaukee County* (Retiree health)
Case No. 11-CV-18855
7. *Stoker v. Milwaukee County* (1.6 multiplier)
Case No. 11-CV-16550
8. *FNHP and AMCA v. Milwaukee County* (Medicare Part B)
Case No. 12-CV-1528