



OFFICE OF THE COUNTY EXECUTIVE

# Milwaukee County

CHRIS ABELE COUNTY EXECUTIVE

DATE: April 27, 2012

TO: The Honorable Marina Dimitrijevic, Chairwoman. Milwaukee County Board of Supervisors

FROM: Chris Abele, County Executive

SUBJECT: **Appointment of Jim Sullivan**

Pursuant to Sec. 59.17(2)(b) Wis. Stats, and subject to confirmation of your Honorable Body, I am pleased to reappoint Mr. Jim Sullivan to the position of Director of Child Support Services for Milwaukee County.

For the last ten months, Mr. Sullivan has worked hard to improve staff moral, increase collections for Milwaukee County Families and research innovate new ways to improve this function at the County. Prior to his service at Milwaukee County he held diverse positions which provide a valuable perspective for the County taxpayers, employees and clients of Child Support Services. He has served as a state senator and a city alderman. Mr. Sullivan is a former Judge Advocate General office with the U.S. Navy. Additionally, he holds a law degree from Marquette University and a B.A. in Political Science from the University of Wisconsin-Milwaukee.

Attached is a copy of his resume.

I am confident that Mr. Sullivan will bring the leadership and vision needed to Child Support Services and I urge you to give this appointment your favorable consideration.

Sincerely,

Chris Abele  
Milwaukee County Executive

Attachment

Cc: Supervisor Mark Borkowski, Chair – Committee on Judiciary, Safety & General Services  
Kelly Bablitch, Chief of Staff, Board of Supervisors  
Jennifer Collins, Research Analyst, Board of Supervisors  
Janelle Jensen, Committee Clerk, Board of Supervisors  
Jim Sullivan

**JAMES SULLIVAN**  
2650 N. 72<sup>nd</sup> Street, Wauwatosa, WI  
(414) 460-9641 \* [josulli67@gmail.com](mailto:josulli67@gmail.com)

**EXPERIENCE**

**WISCONSIN STATE SENATOR**, Madison, WI  
2007-2011

- Represented 160,000 residents of Milwaukee and Waukesha counties.
- Chairman, Committee on Banking, Military affairs, Biotechnology, and Financial Institutions.
- Co-Chair, Joint Committee on Audit; Vice Chair, Committee on Judiciary and Corrections.
- Drafted and passed over 20 separate pieces of legislation through an advocacy based process, interacting with political, business, and judicial leadership.
- Worked with bi-partisan effort in both legislative houses, developing strong reputation for partnership and team building across political divides to pass key legislation, including Research & Development tax credits for Wisconsin manufacturers.
- Author of Individual Retirement Account reform and modernization law.
- Author of comprehensive payday lending reform regulation, working with both advocacy groups and business to balance consumer protection and economic vitality.
- Senate author of the most sweeping Drunk Driving legislation in over 20 years.
- Author of Health Care Cost Transparency Act, a comprehensive reform allowing greater disclosure of health care costs to help reduce expense and better inform patients. Built a broad coalition of support among both political parties, providers, insurers, and advocacy groups.
- Managed constituent services for 160,000 residents and directed office staff of 5, maintained state office budgets, oversaw dozens of interns, and exercised hiring/firing responsibilities.

**LAW OFFICES OF JAMES SULLIVAN**, Wauwatosa, WI  
*Principal*, 2003-Present

- Represent clients in civil and probate litigation in Milwaukee circuit courts.
- General law practice representing individuals and businesses in tort, contract, and probate matters.

**ALDERMAN**, City of Wauwatosa, WI  
2000-2007

- Actively involved with municipal planning and development.
- Participated in staff hiring and employee contracting.
- Member, Board of Public Health.

**FOLEY & LARDNER**, Milwaukee, WI  
*Associate*, 2001-2003  
*Law Clerk*, 1997-2001

- Associate in regulatory health law practice.
- Responsibilities included contract review and drafting, regulatory compliance for physicians and hospitals, and assistance with complex litigation.

**US NAVY RESERVE**, Milwaukee, WI  
1998-2006

- Assisted command Judge Advocate General (JAG) officer with mobilization readiness and legal needs for Navy Reserve and active duty members, including deployment legal services, wills, and powers of attorney.

**RADIO ADVERTISING SALES REPRESENTATIVE**, Milwaukee, WI and Chicago, IL  
1991-1997

- Represented client radio stations and advertisers, selling advertising in a fast paced, competitive market. Consistently met sales goals, worked with local businesses, advertising agencies, and media professionals.

## **EDUCATION**

**MARQUETTE UNIVERSITY LAW SCHOOL**, Milwaukee, WI  
Juris Doctor, 2001

- Zilber Law Scholarship winner.
- American Jurisprudence Award in Alternative Dispute Resolution.

**UNIVERSITY OF WISCONSIN-MADISON**, Madison, WI  
Bachelor of Arts, Political Science, 1991

## **ASSOCIATIONS, MEMBERSHIPS & AWARDS**

- Midwest Higher Education Compact, past board member. Worked with legislative and university leadership across 13 upper Midwest states to maximize educational attainment and reduce costs.
- National Conference of State Legislatures. Participated in workshops and national conference dedicated to legislative networking and best practices development.
- Senate majority caucus secretary.
- Wisconsin Bankers Association "Safe & Sound" award recipient.
- Professional Firefighters of Wisconsin Legislator of the Year award recipient.
- Vietnam Veterans of Wisconsin Legislator of the Year award recipient.
- Wisconsin State Fair Park Board, past member.
- Wisconsin Center District Board, past member.
- Wisconsin Bar Association Scales of Justice award recipient.
- Wauwatosa Economic Development Corporation, past board member.

1 By Supervisors Cullen, Johnson, Borkowski, Broderick, Jursik, Dimitrijevic, Romo West,  
2 Haas, Lipscomb, Schmitt, Taylor, Sanfelippo, Harris and Alexander  
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5 **A RESOLUTION/ORDINANCE**

6 to merge the Committees on Finance and Audit and Personnel into a nine-member standing  
7 committee with two co-chairpersons to improve the efficiency of legislative oversight and to  
8 amend Chapters 1, 17, 32, 33, 46, 56, 57, 73, 79, 80, 201 and 203 of the Milwaukee County  
9 General Ordinances to reflect this change  
10

11 WHEREAS, Chapter 1 of the Milwaukee County General Ordinances (M.C.G.O.)  
12 Rules of the County Board of Supervisors, designates nine standing committees to review  
13 policy matters that are submitted to the Board for information, review and approval; and  
14

15 WHEREAS, the Committee on Personnel and the Committee on Finance and Audit  
16 often review the same subject matters related but not limited to position abolish/creates,  
17 employee fringe benefits, collective bargaining agreements because these issues require  
18 dual referral to both committees based on the roles and responsibilities of each; and  
19

20 WHEREAS, this approach requires departmental administrators, paid consultants and  
21 other county staff to attend both committees to present the same material, resulting in  
22 additional staff time and costs to the county; and  
23

24 WHEREAS, the merger of the Committees on Finance and Audit and Personnel into  
25 one Committee on Finance, Personnel and Audit with nine members (rather than seven) and  
26 two co-chairpersons would preserve the legislative body's ability to thoroughly review  
27 important policy matters that impact County operations and promote legislative efficiencies  
28 for staff; now, therefore,  
29

30 BE IT RESOLVED, that the County Board of Supervisors approves the merger of the  
31 Committees on Finance and Audit and Personnel into one committee with nine-members and  
32 two co-chairpersons entitled the Committee on Finance, Personnel and Audit, which shall be  
33 responsible for all of the policy matters previously handled by each; and  
34

35 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors  
36 hereby amends Chapters 1, 17, 32, 33, 46, 56, 57, 73, 79, 80, 201 and 203 of the Milwaukee  
37 County General Ordinances by adopting the following:  
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42 **AN ORDINANCE**

43 **SECTION 1.**

44 Chapter 1 of the Milwaukee County Code of General Ordinances, up to and including  
45 \_\_\_\_\_, is hereby amended as follows:  
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49 **1.01. Meetings.**

50  
51 (a) Annual meeting. The statutory or annual meeting of the county board shall be  
52 convened at 8:30 a.m. on the Monday next succeeding the regularly scheduled monthly  
53 meeting on the first Thursday in November for the purpose of considering reports of the  
54 committee on finance, personnel and audit ~~and committee on personnel~~ on new positions for  
55 the next fiscal year as well as recommendations for amendments to the executive's budget.  
56 The county board shall reconvene no less than sixty (60) minutes following the noon lunch  
57 hour recess or by consensus of the county board.

58  
59 **1.10. Fiscal notes.**

60  
61 (1) No resolution or ordinance shall be considered by the county board, or by any  
62 committee thereof to which it has been referred, unless it shall have attached as a  
63 note a reliable estimate of the fiscal effect. The fiscal note shall be prepared on a form  
64 approved by the committee on finance, personnel and audit and supplied by the  
65 department of administrative services. With respect to any collective bargaining  
66 agreement, any amendment to chapter 17 of the general ordinances affecting wages  
67 or benefits, or any other action affecting the wages or benefits of county employees,  
68 the fiscal note shall include as much information as is practicable under the  
69 circumstances about the fiscal impact upon each department affected by the action. In  
70 addition, at minimum, the fiscal note shall set forth details of the projected annual  
71 countywide fiscal impact projected for each year of the collective bargaining  
72 agreement or, in the case of any other action affecting the wages or benefits of county  
73 employees, shall contain information regarding the projected fiscal impact at least five  
74 (5) years into the future. When necessary, affected agencies may assist the author in  
75 the preparation of the fiscal note.

76  
77 (2) The requirement of this section shall apply to original measures or submissions,  
78 substitute amendments and minority reports only, and not to, amendments.

79  
80 **1.11. Standing committees.**

81  
82 (a) As soon as practical, after his/her election, the following standing committees shall be  
83 appointed by the chairperson of the county board. Each committee shall consist of seven (7)  
84 members except as herein otherwise specifically designated.

85  
86 1. Committee on finance, personnel and audit. (Nine (9) members  
87 including two co-chairpersons.

88  
89 2. ~~Committee on finance and audit.~~

90  
91 3. Committee on health and human needs.

92  
93 4. Committee on judiciary, safety and general services.

94  
95 5. Committee on parks, energy and environment.

96

- 97 | [65.](#) Committee on transportation, public works and transit.  
98  
99 | [76.](#) Committee on economic and community development.  
100  
101 | [87.](#) Committee on intergovernmental relations. (Seven (7) members,  
102 consisting of the chairperson of the county board, the first vice-chair, the  
103 second vice-chair, two (2) standing committee chairs that are not also serving  
104 as first or second vice-chair, and two additional members.)  
105  
106 | [98.](#) Committee of the whole. (Eighteen (18) members, chairperson being the  
107 chairperson of the county board and vice-chairperson being the first vice-  
108 chairperson of the county board.)  
109

110 (b) The chairperson of the board shall make written announcements of his/her  
111 appointments to said committees and shall designate a chairperson and vice  
112 chairperson of each of said committees, [except for the committee on finance,](#)  
113 [personnel and audit which shall have two co-chairpersons and no vice-chairpersons.](#)  
114 The order of members' names in the chairperson's written announcement of  
115 appointment shall denote seniority on the county board. In case of a vacancy in any  
116 committee, the same shall be filled by written appointment by the chairperson of the  
117 board. The chairperson of the board may, at his/her discretion, change the composition  
118 of said committees including the designation of the chairperson [or co-chairperson\(s\)](#)  
119 and vice chairperson. In the event of a vacancy in the office of the county board  
120 chairperson and a successor is elected, such successor may, after his/her election and  
121 in the manner hereinabove provided, make any changes in committee appointments.  
122

123 (c) The duties of such committees shall be to have charge of the several matters  
124 hereinafter designated but such enumeration shall not be exclusive:  
125

126 | (1) *Committee on [finance](#) [personnel](#) [and audit](#).* All matters affecting  
127 reclassification and compensation, hours, benefits and conditions of  
128 employment of county offices and employee personnel, and the classification  
129 and pay of additional positions; departmental policy of the civil service  
130 commission; administration of employees' award program. (The [co-chairpersons](#)  
131 [chairperson](#) of the committee on [finance](#), [personnel](#) [and audit](#) may appoint an  
132 advisory committee consisting of the county executive or designee, the  
133 corporation counsel or designee, the director of the department of administrative  
134 services or designee, the director of human resources or designee, and a  
135 member of the committee to assist in the administration of the employees' award  
136 program.) Departmental policy of department of human resources and divisions  
137 of labor relations and employee benefits.  
138

139 | ~~(2) *Committee on [finance](#) [and audit](#).*~~  
140

141 1. Departmental policy of: the general office of the county executive,  
142 general office of the county board, department of audit, department of  
143 administrative services (divisions of administration & fiscal affairs,

144 information management services, procurement, and risk management),  
145 and county treasurer.

- 146
- 147 2. County budget matters.
- 148
- 149 3. Issuance of debt.
- 150
- 151 4. Taxation matters.
- 152
- 153 5. Insurance matters.
- 154
- 155 6. Need for additional positions.
- 156
- 157 7. Policy matters having a fiscal effect outside the current budget.
- 158
- 159 8. Review the reports of the audit department to ensure that  
160 departments implement the many program improvements and cost  
161 saving recommendations so that the county board can provide the best  
162 service at the lowest possible cost to the taxpayer. (The co-chairpersons  
163 of the committee on finance, personnel and audit may appoint a special  
164 audit implementing subcommittee to spearhead the implementation of  
165 audit department report recommendations.)
- 166
- 167 9. Other financial matters of concern to the county.

168

169 (32) *Committee on health and human needs.*

- 170
- 171 1. Departmental policy of the department of health and human  
172 services, including the divisions of behavioral health, housing, economic  
173 support, delinquency & court services, disabilities services, management  
174 services, and director's office.
- 175
- 176 2. All policy matters related to the office for persons with disabilities  
177 in the department of administrative services.
- 178
- 179 3. All matters pertaining to the department on aging.
- 180
- 181 4. All matters pertaining to the department of family care.
- 182
- 183 5. All matters pertaining to the county executive's veterans service  
184 office.

185

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

- 187
- 188 1. Departmental policy of: county funded state court services, family  
189 court commissioner, jury commission, register in probate, election  
190 commission, county clerk, register of deeds, sheriff, medical examiner,

191 legal resource center, district attorney, , department of child support  
192 services, and corporation counsel.

193  
194 2. (a) *Actions against the county.* The Committee, subject to full  
195 Board approval, shall review and approve all matters pertaining to suits  
196 or claims against the county, including, but not limited to, those for  
197 personal injuries and property damage. The committee has the authority  
198 to approve the payment of claims against the county in an amount not to  
199 exceed \$10,000 and to recommend to the board approval or denial of  
200 claims and settlements in excess of that amount.

201 (b) *Actions initiated by the county.* The Committee, subject to full  
202 Board approval, shall approve the initiation of all suits or claims by the  
203 county against other persons or entities where the amount claimed  
204 exceeds \$10,000.00 or where the rights sought to be declared have a  
205 potential fiscal effect on the county in excess of \$10,000.00, except when  
206 the County Executive approves the initiation of an action on an  
207 emergency basis to preserve property, to protect the life, health or  
208 welfare of persons, or to obtain an injunction on the grounds set forth in  
209 Chapter 813, Wis. Stats. In the event the County Executive authorizes  
210 Corporation Counsel to file an action under this exception, Corporation  
211 Counsel shall provide a report to the Committee members and the  
212 County Board Chair immediately upon receiving the County Executive's  
213 authorization of such action.

214 (c) Corporation counsel is delegated authority to approve the  
215 payment of claims against the county where the payment is no more  
216 than \$500, pursuant to §59.52(12)(b) of the statutes. Corporation  
217 Counsel is authorized to initiate claims or suits by the county against  
218 other persons or entities where the amount claimed is \$10,000.00 or  
219 less.

220 (d) The committee shall be afforded confidential access to  
221 privileged attorney-client communication and to attorney work product in  
222 any matter where Milwaukee County or a Milwaukee County officer or  
223 employee is named as a part in an action or proceeding arising from the  
224 commission of official duties.

225  
226 3. Applications for licenses requiring action by the county board.

227  
228 4. Purchase of surety bonds.

229  
230 5. Action required by state statute.

231  
232 | (54) *Committee on parks, energy and environment.*

233  
234 1. Departmental policy of department of parks, recreation and  
235 culture, , zoological gardens, public museum, cultural activities (including  
236 funds for the arts), university extension service and the environmental  
237 section of the department of administrative services.  
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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. 59.56, 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 employes; 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.
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.

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

1. Departmental policy of: Department of Transportation airport, transportation services, highway, fleet management, county transit/paratransit system, administration; and Department of Administrative Services facilities management division, including architectural, engineering & environmental services and sustainability section.

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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 facility and land leases that are not referred to other standing committees.

9 All transportation matters pertaining to disadvantaged business enterprises.

(76) *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.

4. Overview the administration of all federal, state and local housing programs at the county level.

5. The study, review and recommendation of plans and solutions of housing persons displaced from their dwellings by governmental actions of the county or the municipalities which compose it, and the

335 coordination and implementation of relocation plans and procedures with  
336 federal, state and local agencies and units of government within the  
337 county.

338  
339 6. Veteran's housing.

340  
341 7. All policy matters pertaining to disadvantaged business  
342 enterprises.

343  
344 (87) *Committee on intergovernmental relations.* Proposed federal, state or  
345 municipal legislation affecting the county government. The committee shall  
346 consider such proposed legislation and make its recommendation thereon to the  
347 county board. Such recommendations until altered by the county board, shall  
348 guide the legislative representative of the county board in his/her work before  
349 legislative bodies. The committee may appear before the congress, the  
350 legislature and the government bodies of other municipalities, as may be  
351 necessary on pending legislation to support policies advocated by the county  
352 board.

353  
354 (98) *Committee of the whole.* Subject to the call of the county board  
355 chairperson to review matters and files to be acted upon by the county board.  
356

### 357 **1.13. Committee meetings.**

358  
359 (a) *Regular committee meetings.*

360  
361 (1) Except when otherwise determined by the respective chairperson,  
362 regular meetings of standing committees shall be held on the days hereinafter  
363 specified. If the meeting day falls on an election day for a county-wide election  
364 or special election of county board supervisor or Election Day for President, the  
365 chairperson or co-chairpersons of the committee shall reschedule the meeting  
366 to a day other than the election day. The meeting shall be called to order  
367 promptly on the days and at the hour hereinafter specified, or such time as is  
368 designated in the notice of meeting by the chairperson or co-chairpersons of the  
369 committee (or in his/her absence, the ranking member thereof). Meeting days of  
370 standing committees shall be as follows:

371  
372 (a) Transportation, public works and transit--third Wednesday before  
373 county board meeting--9:00 a.m.

374  
375 (b) Judiciary, safety and general services--second Thursday before  
376 county board meeting--9:00 a.m.

377  
378 (c) Economic and community development--second Monday before  
379 county board meeting--9:00 a.m.

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381 (d) Parks, energy and environment--second Tuesday before county  
382 board meeting--9:00 a.m.

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(e) Health and human needs--second Wednesday before county board meeting--9:00 a.m.

(f) Finance, personnel and audit--first Thursday before county board meeting--9:00 a.m.

~~(g) Personnel first Friday before county board meeting--9:00 a.m.~~

~~(hg)~~ Intergovernmental relations--at call of chairperson.

~~(ih)~~ Committee of the Whole--at call of chairperson.

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

(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 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. Once scheduled and publicly noticed, an item may only be withdrawn according to the provisions of 1.13(d)(8). If the item is withdrawn by sole action of the committee chair or co-chairpersons pursuant to 1.13(d)(8), the item must be placed on the committee agenda for the next regularly scheduled meeting and may not be withdrawn again.

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

430 Except as herein provided and so far as applicable, the rules of procedure of the  
431 county board shall apply to committee meetings. Minority rules shall not apply to committee  
432 meetings.  
433

434 After the conclusion of the committee meeting, the committee clerk shall prepare a  
435 separate, written report of the action of the committee upon those matters considered by it  
436 which require county board approval, for submission to the county board for action of that  
437 body. Such report shall be made up in such manner that the county board may take action  
438 upon it as a whole, or may set aside any portion of it for separate action. Any member of any  
439 committee may make a minority report of said committee on any recommendation to the  
440 board contained in the committee report. Such minority report must be presented when the  
441 matter is considered at the meeting of the county board.  
442

443 Except as provided in the preceding sentence, it is the duty of the committee to make  
444 a report to the county board on matters referred to such committee with some definite  
445 recommendation for disposition of such matters.  
446

447 When members of a committee or joint committee present at any meeting thereof, are,  
448 by recorded vote, evenly divided as to the disposition to be made of any subject matter  
449 referred to and pending before such committee or joint committee, such subject matter shall  
450 be returned to the next meeting of the county board without recommendation and the  
451 committee or joint committee shall thereupon be deemed to be discharged from consideration  
452 thereof.  
453

454 (d) Committee motions and voting procedure.

455 (1) If an item is on the agenda "for information only unless otherwise  
456 directed by the committee," a motion to place on file is not needed. The  
457 committee will just receive the item. However, if a motion is made and a roll call  
458 is taken, said item will be reported to the board.  
459

460 (2) If a motion to adopt an item fails, it will be reported to the board with a  
461 recommendation to reject.  
462

463 (3) To take any other action on an item after it has been rejected, a motion  
464 to reconsider must be made and passed. Only a supervisor who voted on the  
465 prevailing side of the rejection action can make the motion to reconsider.  
466

467 (4) If a motion to place on file or to reject fails, the matter is still before the  
468 committee and another motion shall be in order.  
469

470 (5) If a motion to adopt, postpone indefinitely, place on file or reject receives  
471 a tie vote in committee, the matter shall be reported to the county board without  
472 recommendation.  
473

474 (6) If a motion to refer, lay over or amend receives a tie vote, said motion  
475 fails and another motion is in order.  
476  
477

478 (7) No motions, or debate on motions, shall be made from the chairperson.  
479 If the chairperson wishes to make, or to speak at any length on, a motion, the  
480 chairperson shall turn over the gavel to the [co-chairperson](#), vice chairperson or  
481 next senior member for the remainder of the item. This provision shall not  
482 prevent a chairperson from questioning a witness concerning testimony being  
483 presented to the committee.  
484

485 (8) Once a committee comes to order, and attendance is taken to establish  
486 a quorum, any item on the agenda can only be removed by concurrence of a  
487 majority of the committee. Prior to the committee coming to order, an item can  
488 be removed by the chairperson [or co-chairpersons](#).  
489

490 (9). Supervisors wishing to add their names as co-sponsors of resolutions or  
491 ordinances introduced by supervisors shall, prior to a committee's final vote on  
492 said resolution or ordinance, obtain the permission of the primary sponsor, and  
493 be added if there is no objection from a member of the committee. If there is  
494 objection, a vote of the committee shall be taken regarding adding the co-  
495 sponsor(s).  
496

#### 497 **1.14. Committee reports.**

498  
499 (b) *Committee report laid over on request.* Action on the report of any committee  
500 as defined in subsection (a) of this section, when it first makes its report, shall be  
501 deferred until the next meeting of the county board if one-third of the members present  
502 and voting so request. If the report of said committee is re-referred to said committee  
503 or any other committee and thereafter the subject matter is again returned to the  
504 county board, action thereon shall not be deferred except as provided by section 1.15  
505 or by a majority vote of the members present.  
506

507 The above rule shall not apply to the report of the committee on finance, [personnel](#) and  
508 audit on the executive budget, including resolutions proposing tax levies and  
509 recommendations on new positions to become effective in and included in the budget  
510 for the following fiscal year.  
511

#### 512 **1.15. Referring resolution, ordinance or report for legal opinion.**

513  
514  
515 With the affirmative vote of one-third of the members present and voting at any  
516 meeting of the county board, any resolution, ordinance or report shall be referred to the  
517 corporation counsel and the written opinion of the latter secured as to the legality of the  
518 resolution or ordinance offered, or the recommendation made in any report presented to the  
519 county board for adoption. Such opinion shall be rendered to the county board at its next  
520 meeting held not less than forty-eight (48) hours after the referral, and copies distributed to all  
521 members. The resolution, ordinance or report, shall not be rereferred again to the corporation  
522 counsel for a legal opinion except by a majority vote of the members present.  
523

524 The above rule shall not apply to:  
525

526 | (1) The report of the committee on finance, [personnel](#) and audit on the  
527 | executive budget.

528 |  
529 | (2) Resolutions proposing amendments to the executive budget.

530 |  
531 | (3) Resolutions proposing tax levies.

532 |  
533 | (4) Recommendations of the committee on finance, [personnel](#) and audit on  
534 | new positions to become effective in, and to be included in, the budget for the  
535 | following fiscal year.

536 |  
537 | **1.16. Requests relating to personnel matters.**  
538 |

539 | (b) *New positions.* Personnel requests relating to the creation of new positions,  
540 | which are required during a current fiscal year because of an urgent need, may be  
541 | submitted to the county board at any time during such year. Personnel requests  
542 | relating to the creation of new positions to become effective and to be included in the  
543 | budget of the following fiscal year shall be submitted to the county executive by such  
544 | date as determined by the county executive. All requests for current year new positions  
545 | shall be referred to the committee on finance, [personnel](#) and audit, ~~committee on~~  
546 | ~~personnel~~, the department of human resources and the department of administrative  
547 | services. The department of administrative services shall submit a recommendation  
548 | regarding the necessity for the requested positions to the committee on finance,  
549 | [personnel](#) and audit, and the department of human resources shall submit its  
550 | recommendations regarding the classification of new positions to be created during the  
551 | current budget year as soon as reasonably possible. The department of administrative  
552 | services shall submit recommendations regarding the necessity for new positions  
553 | requested for the next fiscal year to the county executive for consideration in the  
554 | subsequent year's executive budget. The committee on finance, [personnel](#) and audit  
555 | shall review positions recommended for creation by the county executive during its  
556 | hearings on the executive budget and report its recommendations to the county board  
557 | on or before the Monday next succeeding the regularly scheduled monthly meeting on  
558 | the first Thursday in November. The department of human resources shall submit its  
559 | recommendations to the committee on [finance, personnel and audit](#) regarding the  
560 | classification and pay for new positions for the next fiscal year recommended by the  
561 | county executive and/or committee on finance, [personnel](#) and audit, so the committee  
562 | on personnel can report its recommendations to the county board on or before the  
563 | Monday next succeeding the regularly scheduled monthly meeting on the first  
564 | Thursday in November.

565 |  
566 | (c) *Review by county board staff.* If the personnel request is for new positions in  
567 | the department of administrative services, it shall also be reviewed by the county board  
568 | staff and a recommendation regarding the necessity for the requested positions  
569 | submitted to the committee on finance, [personnel](#) and audit. If the request relates to  
570 | reclassifications, reallocations, appointments at an advanced step of the pay range  
571 | and advancements within the pay range in the department of human resources, it shall  
572 | be reviewed by the county board staff and processed in a manner consistent with the  
573 | authority granted to the director of human resources under chapter 17 of the Code.

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

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

- (1) County board shall mean the county board of supervisors.
- (2) Commission shall mean the county civil service commission.
- (3) Committee shall mean the committee on [finance](#), personnel [and audit](#).
- (4) Petitioner shall mean the person or organization, including a member of the county board, making or sponsoring the request, resolution or ordinance, or the authorized representative of such person or organization.
- (5) Code shall mean the Milwaukee County Code of General Ordinances.

(c) *Hearing on personnel request.* At such hearing, the procedure in considering such personnel request shall be as follows:

- (1) The petitioner, or his/her representative, shall be given a reasonable time to present his/her case and any supporting data to the committee, and during such period shall not be subject to interruption by any person other than members of the committee.
- (2) When the petitioner has concluded his/her argument, the commission shall present its report and recommendation to the committee.
- (3) After the commission has concluded its presentation, the petitioner shall have a reasonable opportunity to comment upon the commission's recommendations and, while so doing, shall not be subject to interruption by any person other than members of the committee or representatives of the commission.
- (4) After the procedures specified in said subsections (1), (2) and (3) have been concluded, the committee shall hear any person desiring to speak on the request.
- (4a) Where circumstances require, the [co-chairperson\(s\)](#) of the committee shall have the right to vary the order of the procedure outlined in subsections (c)(1), (2), (3) and (4).
- (5) Thereafter the committee, in public session, shall consider and make such recommendations as it sees fit pertaining to said request. If the committee's recommendation is to deny the request, the recommendation shall be in the form of a resolution so indicating. If the committee's recommendation

622 grants such request in whole or in part, such recommendation shall be  
623 evidenced by a resolution or ordinance, as the case requires. The effective date  
624 of such resolution or ordinance shall be stated therein.

625  
626 (6) In the event that the committee requires more time than originally  
627 scheduled to determine its position with respect to such request, it may recess  
628 such hearing from time to time as may be determined by it, and on said  
629 recessed day reconvene and resume its consideration.

630  
631 (7) The committee shall submit a report and recommendation on each such  
632 request to the county board, at the next meeting of the county board, following  
633 determination of the committee's recommendation.

634  
635 (8) Compliance with the procedure outlined in subsections (1) to (7)  
636 inclusive, of this subsection, is intended to be in compliance with the  
637 requirements of s. 111.70(2), Wis. Stats.

638  
639 **1.19. Reference of request for appropriation transfers to county executive.**

640  
641 All requests for appropriation transfers between principal objects of expenditures or  
642 from the contingent fund shall be transferred to the county executive. He/She shall promptly  
643 consider same and report his/her recommendation thereon to the committee on finance,  
644 personnel and audit of the county board. If the county executive fails to make a  
645 recommendation within ten (10) days after the submission of a request for transfer, the  
646 committee on finance, personnel and audit may act upon such request without his/her  
647 recommendation.

648  
649 **1.24. Budgetary procedure.**

650  
651 (3) *Committee on finance, personnel and audit hearings.*

652  
653 (a) The committee on finance, personnel and audit shall not commence its  
654 review of the executive budget until at least seven (7) days succeeding the  
655 official receipt of the executive budget, in order to allow finance, personnel  
656 and audit members and county board staff sufficient time to review the budget,  
657 meet with departmental personnel and develop suggested amendments to the  
658 budget. It is also intended that this period will be utilized by other supervisors  
659 not on the committee to familiarize themselves with the budget and to begin  
660 preparation of budget amendments so as to allow for introduction of those  
661 amendments during the time the committee is conducting hearings.

662  
663 **SECTION 2.**

664  
665 Chapter 15 of the Milwaukee County Code of General Ordinances, up to and including  
666 \_\_\_\_\_, is hereby amended as follows:

667  
668 **15.215. - Investment of county funds.**

669

670 | (2)\_\_\_ It is the policy of the county board to invest county funds, not  
671 | immediately needed, in accordance with state statutes in order to obtain interest  
672 | revenue for the county. To effectuate such policy, the county treasurer and/or  
673 | appropriate designee, therefore, is authorized and directed to purchase,  
674 | redeem, sell, exchange, invest or otherwise obtain or dispose of investments  
675 | and securities as are authorized by statute, on a noncompetitive basis. The  
676 | county treasurer shall submit on a quarterly basis, for review by the county  
677 | board finance, personnel and audit committee, a report on the investment  
678 | policies and practices, the investment activities and the investment performance  
679 | of the monies under the jurisdiction of the county treasurer.  
680 |

681 | **15.23. - Payments to the county.**

682 | (2)\_\_\_ *Protested payments.* If a check tendered to make any payment to the  
683 | county is not paid by the bank on which it is drawn, or if a demand for payment  
684 | under a debit or credit card transaction is not paid by the bank upon which  
685 | demand is made, the person by whom the check has been tendered or the  
686 | person entering into the debit or credit card transaction shall remain liable for  
687 | the payment of the amount for which the check was tendered or the amount  
688 | agreed to be paid by debit or credit card and for all legal penalties, additions,  
689 | bank charges and a charge for administrative costs of twenty-five to fifty-five  
690 | dollars (\$25.00 to \$55.00), to be set by the treasurer. The treasurer shall notify  
691 | the committee on finance, personnel and audit within ten (10) days of changing  
692 | the administrative fee to any amount within the aforementioned range. In  
693 | addition, the department administrator to whom the check was tendered or to  
694 | whom the debit or credit card was presented may, if there is a probable cause to  
695 | believe a crime has been committed, provide any information or evidence  
696 | relating to the crime to the district attorney for prosecution as provided by law. If  
697 | any license has been granted upon any such check or any such debit or credit  
698 | card transaction, the license shall be subject to cancellation for the nonpayment  
699 | of the check or failure of the bank to honor the demand for payment authorized  
700 | by debit or credit card.  
701 |

702 | **SECTION 3.**

703 | Chapter 17 of the Milwaukee County Code of General Ordinances, up to and including  
704 | \_\_\_\_\_, is hereby amended as follows:  
705 |

706 | **17.05. - Determination of appropriate classification of position.**

707 | The following procedure shall be utilized to ensure that all county positions are appropriately  
708 | classified based upon the duties assigned to and performed by the incumbents of the  
709 | position:  
710 |

711 | (1) *Creation of additional positions.* Each department is limited to the total number  
712 | of positions or staffing authorized in the adopted annual budget unless an increase or  
713 | decrease in the number of authorized positions or staffing is approved by the county  
714 | board, subject to the review of the county executive, during the year. After adoption of  
715 | the annual budget, the number of authorized positions or staffing may be increased or  
716 | decreased in accordance with the following procedure:  
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- (b) The director of the department of administration shall review each request with respect to need and appropriateness and file a report with the committee on [finance, personnel](#) and audit. The committee on [finance, personnel](#) and audit shall report its recommendation to the county board.
- (c) The director of human resources shall review all requests for new positions or additional staffing to determine the appropriate classification and pay and file a report with the committee on [finance, personnel and audit](#). The committee on [finance, personnel and audit](#) shall report its recommendation with respect to classification and pay to the county board.

(3) In the event the requestor and the director of human resources cannot agree on the appropriate classification for an existing position either party may appeal to the committee on [finance, personnel and audit](#) within thirty (30) days of receiving notice of the director final recommendation. Both parties shall submit a written summary of the rationale for their opinion to the committee on [finance, personnel and audit](#) as well as any other information deemed appropriate. The decision of the county board on the committee recommendation subject to review by the county executive shall be final and if a change in classification is approved it shall be implemented the first day of the pay period following that in which a resolution adopted by the county board has been approved by the county executive and in compliance with collective bargaining agreements.

- (c) All reclassification studies shall also be subject to the following:

(4) An employee who holds a position which is reclassified to a higher pay range shall receive an increase to the next rate in the new pay range which is higher than the rate of pay received in the old pay range or as otherwise approved by the committee on [finance, personnel and audit](#) subject to county board and county executive action.

(5) A vacant position reclassified to a classification in a lower pay range shall be implemented the first day of the first pay period following the meeting of the committee on [finance, personnel and audit](#) in the event no action was taken on the specific recommendation contained in the informational report submitted to committee by the director of human resources. When a filled position is reclassified to a classification in a lower pay range, the incumbent shall be placed on the layoff/recall list for an indefinite time period, without bumping rights, for the higher classification or a comparable classification if the classification is unique and the reclassification shall not be implemented until the position becomes vacant or the incumbent is relocated. In the event the incumbent refuses an offer to be relocated, the position shall be reclassified to the classification in the lower pay range the first day of the first pay period following his/her refusal to be relocated.

(7) Monthly while a reclassification is pending, the director of human resources shall provide a report to the committee on [finance, personnel and audit](#) which lists all position reclassifications which the director intends to approve, along with a fiscal note

767 for each. This report shall be distributed to all county supervisors and placed on the  
768 committee agenda for informational purposes. If a county supervisor objects to the  
769 decision of the director within seven (7) working days of receiving this report the  
770 reclassification shall be held in abeyance until resolved by the county board, upon  
771 recommendation of the committee, and subsequent county executive action. If no  
772 county supervisor objects, the reclassification shall be implemented the first day of the  
773 first pay period following the meeting of the committee and in compliance with  
774 collective bargaining agreements. In the event the county board takes no action on a  
775 reclassification, after receipt of a recommendation from the committee, the  
776 reclassification shall be implemented the first day of the first pay period following  
777 action by the county executive or, in the event of a veto, final county board action and  
778 in compliance with collective bargaining agreements.  
779

780 **17.055. - Reallocation of existing nonrepresented classifications, with the exception**  
781 **of elected officials and constitutional officers.**  
782

783 | Whenever labor market conditions or other factors indicate that compensation for  
784 existing classifications is not sufficient to recruit and retain qualified employees a department  
785 head or appointing authority may request the director of human resources to review the  
786 | compensation provided for the classification:  
787

788 (1) The director of human resources shall review the request and inform the  
789 requestor of his/her findings. All recommendations of the director to reallocate a  
790 nonrepresented classification shall be included in a report distributed to all county  
791 board supervisors. In the event the requestor does not concur with the director's  
792 | recommendation it may be appealed to the committee on [finance](#), [personnel](#) [and audit](#)  
793 within thirty (30) days of receipt of such notice. The decision of the county board on  
794 the committee recommendation, subject to review by the county executive, shall be  
795 final. In the event the county board approves an adjustment in the level of  
796 compensation for a classification the action shall be implemented the first day of the  
797 pay period following that in which the resolution adopted by the county board is  
798 | approved by the county executive.  
799

800 (4) Monthly while a reallocation is pending, the director of human resources shall  
801 | provide a report to the committee on [finance](#), [personnel](#) [and audit](#) which lists all  
802 classification reallocations which the director intends to approve, along with the fiscal  
803 note for each. This report shall be distributed to all county supervisors and placed on  
804 the committee agenda for informational purposes. If a county supervisor objects to the  
805 decision of the director within seven (7) working days of receiving this report the  
806 reallocation shall be held in abeyance until resolved by the county board, upon  
807 recommendation of the committee, and subsequent county executive action. If no  
808 county supervisor objects, the reallocation shall be implemented the first day of the  
809 first pay period following the meeting of the committee. In the event the county board  
810 takes no action on a reallocation, after receipt of a recommendation from the  
811 committee, the reallocation shall be implemented the first day of the first pay period  
812 following action by the county executive or, in the event of a veto, final county board  
813 action.  
814

815 **17.08. - Temporary appointments, temporary positions.**

816

817 (2) *Temporary positions and appointments not within authorized quota of*  
818 *permanent positions.*

819

820 (b) Request for authority to extend the time of temporary positions beyond  
821 six (6) months shall be submitted to the county board and referred to  
822 the committee on finance, personnel and audit ~~committee on financial~~  
823 ~~and audit~~ and the department of administration. The department of  
824 administration shall submit a recommendation regarding the necessity  
825 for the extension of such temporary positions to the committee on  
826 ~~financial~~, personnel and audit as soon as possible.

827

828 **17.085. - Temporary assignment to a higher classification.**

829

830 Nonrepresented employes may be assigned to perform the duties of a position in a  
831 higher classification and shall be paid as though promoted to the higher classification under  
832 the following conditions:

833

834 (5) The provisions of this section in subsections (1) and (2) above may be  
835 waived, for good reason, only upon approval of the county board. The decision of  
836 the county board on the committee on finance, personnel and audit  
837 recommendation, subject to review by the county executive, shall be final and shall  
838 be effective the pay period after the resolution adopted by the county board is  
839 approved by the county executive.

840

841 **17.09. - Salary rate on new appointments.**

842

843 Appointments to newly created or vacant positions in pay ranges shall be made at  
844 the first step of the range except as follows, unless otherwise specified in a collective  
845 bargaining agreement:

846

847 (3) The director of human resources shall provide a monthly report to the  
848 ~~personnel~~ committee on finance, personnel and audit which lists all new  
849 appointments at an advanced step of the pay range, along with a fiscal note for  
850 each. This report shall be distributed to all county supervisors and placed on the  
851 ~~personnel~~ committee on finance, personnel and audit agenda for informational  
852 purposes.

853

854 **17.10. - Advancement within a pay range.**

855

856 The incumbent of a position shall be advanced to the next highest rate of pay in the  
857 pay range provided for the classification only upon meritorious completion of two thousand  
858 eighty (2,080) straight time hours paid. Deviation from this requirement is permissible under  
859 the following conditions:

860

861 (2) The director of human resources may approve the request of any department  
862 head to advance a promoted employe or incumbent of a reclassified position one (1)

863 additional step in the range if the employe would have advanced in the classification  
864 from which they were promoted to the same rate of pay within ninety (90) days of  
865 the promotion. The decision of the director may be appealed to the committee on  
866 [finance, personnel and audit](#) within thirty (30) days of notice. The decision of the  
867 county board on the committee recommendation, subject to review by the county  
868 executive, shall be final.

869  
870 (3) Department heads:

871  
872 (c) In subsections (a) and (b) above the decision of the director of human  
873 resources may be appealed to the committee on [finance, personnel](#)  
874 [and audit](#) within thirty (30) days of notice. The decision of the county  
875 board on the committee's recommendation, subject to review by the  
876 county executive, shall be final and shall be implemented the first day  
877 of the first pay period following review by the county executive, or in  
878 the event of a veto, final county board action.

879  
880 (4) Monthly while any advancements within a pay range requested by  
881 departments, pursuant to subsections (3)(a) and (3)(b) are pending, the director of  
882 human resources shall provide a report to the committee on [finance, personnel and](#)  
883 [audit](#) which lists all such advancements which the director intends to approve, along  
884 with a fiscal note for each. This report shall be distributed to all county supervisors  
885 and placed on the committee agenda for informational purposes. If a county  
886 supervisor objects to the decision of the director within seven (7) working days of  
887 receiving this report the advancement shall be held in abeyance until resolved by the  
888 county board, upon recommendation of the committee, and subsequent county  
889 executive action. If no county supervisor objects, the advancement shall be  
890 implemented the first day of the first pay period following the meeting of the  
891 committee. In the event the county board takes no action on an advancement, after  
892 receipt of a recommendation from the committee, the advancement shall be  
893 implemented the first day of the first pay period following action by the county  
894 executive or, in the event of a veto, final county board action.

#### 895 **17.14. - Employment definitions.**

896  
897  
898 (1) Payment for full-time employment. The compensation represents the  
899 remuneration for full-time employment except in those cases where it is specifically  
900 stated that the rates of pay are a proportionate part of the total compensation and  
901 are for part-time employment. Only one (1) full-time employe may occupy an  
902 authorized full-time position on an active basis. When the need arises, a department  
903 head or appointing authority may request approval from the county board to actively  
904 employ more than one (1) active full-time employe in a full-time authorized position  
905 for a specified period of time. Such requests shall be considered by the committee  
906 on [finance, personnel and audit](#) after receipt of a report from the director of human  
907 resources.

#### 908 909 **17.23. - Dual employment.**

911 No person holding employment with the county in the classified or unclassified  
912 service under the provision of chapter 17 of the Code, or ch. 63, Wis. Stats., shall be  
913 employed in more than one (1) classification or hold more than one (1) position unless  
914 approved by the director of human resources. The decision of the director may be  
915 appealed to the committee on [finance](#), personnel [and audit](#) within thirty (30) days of notice.  
916 The decision of the county board on the committee's recommendation, subject to review by  
917 the county executive, shall be final and shall be implemented the first day of the first pay  
918 period following review by the county executive. A monthly report listing all persons holding  
919 dual appointments shall be prepared by the department of human resources and forwarded  
920 to the committee, for informational purposes.

921  
922 **17.25. - Vacancies; how filled.**

923  
924 (1) Whenever any position in the classified service becomes vacant, such  
925 position may be filled upon submission of a request for certification to and approval  
926 by the civil service commission. The department of administration determines the  
927 necessity of filling vacant positions. If the commission is of the opinion that it is not  
928 necessary to fill the position or that it should be reclassified or reallocated to a  
929 different pay range, the commission shall make such recommendation to the county  
930 board. The county board shall refer such recommendation to the committee on  
931 [finance](#), personnel [and audit](#).

932  
933 **17.265. - Executive compensation plan.**

934  
935 All employees of the county who hold positions considered to be managerial shall be  
936 compensated in accordance with the provisions of the executive compensation plan. The  
937 following definitions and policies, shall be utilized to maintain the executive compensation  
938 plan and ensure that all management positions are identified and compensated in a  
939 consistent and equitable manner.

940  
941 (1) Management/supervisor definition. To assure that the executive  
942 compensation plan includes only positions which are truly managerial, it is  
943 necessary to define the term "management position." Oftentimes, supervisory  
944 positions are structured in such a way that the duties involved could be  
945 misconstrued as being managerial; therefore, it is also necessary to define  
946 "supervisory position." It is intended that these definitions will be used by department  
947 heads, the department of human resources, and ultimately the [finance](#), personnel  
948 [and audit](#) committee and county board as the cornerstone to identify positions which  
949 are to be included in, or excluded from, the executive compensation plan.

950  
951 (2) Positions deemed by the director of human resources to meet the  
952 management definition of this section shall be assigned to one of the levels of  
953 management listed below. The director of human resources shall maintain and  
954 distribute a narrative definition of each management level. Each management level  
955 shall correspond to an ECP Grade(s) which shall consist, for 1999, of the eight rate  
956 steps indicated below in 1999. These rate steps, when deemed appropriate, may  
957 periodically be adjusted upon adoption of a resolution by the county board. In 2000,  
958 the rates shall be adjusted by three (3) percent as previously approved in county

959 board file no. 97-476, adopted on June 19, 1997. The director of human resources  
960 shall: periodically conduct a review of the salary increase trends for management  
961 positions which shall be forwarded to the ~~Personnel~~ Committee on finance,  
962 personnel and audit for the determination of adjustments for the year 2001 and  
963 beyond; and shall annually publish and distribute ECP Grade information to all  
964 department heads and appointing authorities.

965  
966 (3) The salary rate steps of each ECP Grade shall be adjusted annually by a  
967 general increase to reflect job market trends for management positions upon  
968 adoption of a resolution by the county board. Upon implementation of such general  
969 increase, the rate received by incumbents of ECP positions shall be adjusted to  
970 reflect the general increase. A performance evaluation of each employe holding an  
971 ECP position shall be forwarded to the director of human resources no later than  
972 March 31 of each calendar year. The performance evaluation shall be for employe  
973 performance during the prior calendar year, and shall be conducted in accordance  
974 with procedures distributed by the director of human resources. If the performance  
975 evaluation completed by their appointing authority meets the criteria for such  
976 advancement, incumbents of ECP positions shall be advanced to the next highest  
977 rate step in the respective ECP Grade effective on the first day of the pay period  
978 which includes April 1. An appointing authority may delay the implementation of the  
979 advancement to the next highest rate step by six (6) or twelve (12) pay periods if  
980 he/she deems such delay appropriate based on the employe's performance  
981 evaluation. New appointees to an ECP position shall not be eligible for advancement  
982 to the next highest rate step in the ECP Grade until completion of one year of  
983 service and completion of a performance evaluation which indicates that he/she  
984 meets the requirements for such advancement as determined by the appointing  
985 authority, with such advancement not being effective prior to April 1 in any calendar  
986 year. ECP employes receiving the maximum rate step for the respective ECP Grade,  
987 shall be eligible for a performance award of up to four (4) percent of their annual  
988 salary, based on the evaluation of their performance in the prior calendar year by  
989 their appointing authority in accordance with instructions distributed by the director  
990 of human resources. A performance award shall be issued as a separate payment,  
991 and shall not be added to the recipient's bi-weekly salary but shall be included in the  
992 calculation of final average salary for pension calculation purposes. A performance  
993 award shall be processed as soon as possible after forwarding of an appropriate  
994 recommendation to the director of human resources, but no earlier than May 1 in  
995 any given calendar year. No employe compensated under this section shall advance  
996 to the next rate step or receive a performance award unless an appropriate  
997 performance evaluation recommending such advancement has been received by  
998 the director of human resources. The director, department of human resources shall  
999 annually provide an informational report to the county board finance, personnel and  
1000 audit committee summarizing the results of the performance evaluation process.  
1001 Notwithstanding the foregoing provisions, the county board of supervisors may  
1002 determine, by a vote of the county board prior to March 31 of each year, that no  
1003 ECP employe shall advance to the next highest rate step or shall be issued a  
1004 performance award in that calendar year.  
1005

1006 (6) The director of human resources, or the appropriate appointing authority, may  
1007 initiate a review of any position to determine if it should be included in, or deleted  
1008 from, the ECP; or to determine if an existing ECP position is assigned to the proper  
1009 management level and ECP Grade. All such reviews shall be conducted by the  
1010 director of human resources and any revision to the management level or ECP  
1011 Grade to which a position is assigned shall be reported to the county board [finance](#),  
1012 personnel [and audit](#) committee in the same manner as a reclassification of an  
1013 existing position as included in the provisions of section 17.05 of the county  
1014 ordinances. Except as may otherwise be noted in this section, all other provisions of  
1015 sections 17.05 and 17.10 of the county ordinances shall apply to any position  
1016 included in the ECP.  
1017

1018 **17.305 Residency for positions in the unclassified service.**  
1019

1020 1.) All employees appointed to any position in the unclassified service on or after  
1021 October 1, 2010, shall establish and maintain their domicile and principal place of  
1022 residence within the geographic limits of Milwaukee County. New appointments in  
1023 the unclassified service on or after October 1, 2010, shall have six months from the  
1024 date of appointment to comply with this section. The Director, Department of Human  
1025 Resources, may grant one extension of the foregoing requirement for up to six  
1026 additional months, but in no case shall a waiver of the residency requirement under  
1027 paragraph (1) above extend beyond one-year from the date of appointment. Failure  
1028 to meet the applicable deadline shall result in termination. The Director of Human  
1029 Resources shall provide written notice to the County Executive, the County Board  
1030 Chair and the [Co-Chairpersons](#) of the Committee on [Finance](#), Personnel [and Audit](#)  
1031 of all extensions granted under this section.  
1032

1033 2.) If the Director of Human Resources determines an unclassified position is  
1034 essential to effective functioning of county operations and which, on the basis of  
1035 classification, vacancy, experience and difficulty in recruitment, cannot be filled with  
1036 qualified personnel under the requirements of paragraph (1) of this section, the  
1037 Director may waive the residency requirement for that position. All waivers granted  
1038 under this section are to be reported quarterly to the Committee on [Finance](#),  
1039 Personnel [and Audit](#), and shall be reviewed at least annually by the Director to  
1040 determine if a residency waiver is necessary to fill the position.  
1041

1042 **17.99. - Automatic adjustments in certain officials' salaries.**  
1043

1044 (3) The salary rate steps of each ECP Grade shall be adjusted annually by a  
1045 general increase to reflect job market trends for management positions upon  
1046 adoption of a resolution by the county board. Upon implementation of such general  
1047 increase, the rate received by incumbents of ECP positions shall be adjusted to  
1048 reflect the general increase. A performance evaluation of each employe holding an  
1049 ECP position shall be forwarded to the director of human resources no later than  
1050 March 31 of each calendar year. The performance evaluation shall be for employe  
1051 performance during the prior calendar year, and shall be conducted in accordance  
1052 with procedures distributed by the director of human resources. If the performance  
1053 evaluation completed by their appointing authority meets the criteria for such

1054 advancement, incumbents of ECP positions shall be advanced to the next highest  
1055 rate step in the respective ECP Grade effective on the first day of the pay period  
1056 which includes April 1. An appointing authority may delay the implementation of the  
1057 advancement to the next highest rate step by six (6) or twelve (12) pay periods if  
1058 he/she deems such delay appropriate based on the employe's performance  
1059 evaluation. New appointees to an ECP position shall not be eligible for advancement  
1060 to the next highest rate step in the ECP Grade until completion of one year of  
1061 service and completion of a performance evaluation which indicates that he/she  
1062 meets the requirements for such advancement as determined by the appointing  
1063 authority, with such advancement not being effective prior to April 1 in any calendar  
1064 year. ECP employes receiving the maximum rate step for the respective ECP Grade,  
1065 shall be eligible for a performance award of up to four (4) percent of their annual  
1066 salary, based on the evaluation of their performance in the prior calendar year by  
1067 their appointing authority in accordance with instructions distributed by the director  
1068 of human resources. A performance award shall be issued as a separate payment,  
1069 and shall not be added to the recipient's bi-weekly salary but shall be included in the  
1070 calculation of final average salary for pension calculation purposes. A performance  
1071 award shall be processed as soon as possible after forwarding of an appropriate  
1072 recommendation to the director of human resources, but no earlier than May 1 in  
1073 any given calendar year. No employe compensated under this section shall advance  
1074 to the next rate step or receive a performance award unless an appropriate  
1075 performance evaluation recommending such advancement has been received by  
1076 the director of human resources. The director, department of human resources shall  
1077 annually provide an informational report to the county board finance, personnel and  
1078 audit committee summarizing the results of the performance evaluation process.  
1079 Notwithstanding the foregoing provisions, the county board of supervisors may  
1080 determine, by a vote of the county board prior to March 31 of each year, that no  
1081 ECP employe shall advance to the next highest rate step or shall be issued a  
1082 performance award in that calendar year.

1083  
1084 **SECTION 4.**

1085  
1086 Chapter 32 of the Milwaukee County Code of General Ordinances, up to and including  
1087 \_\_\_\_\_, is hereby amended as follows:

1088  
1089 **32.25. - Purchasing and contracting procedure.**

1090  
1091 (3) Purchases from any federal, state or local governmental unit or agency of  
1092 surplus materials, supplies, commodities or equipment, as approved by the  
1093 committee on finance, personnel and audit of the county board, and otherwise  
1094 when expressly authorized by the county board.

1095  
1096 **SECTION 5.**

1097  
1098 **32.91. - Unreserved fund balance.**

1099  
1100 (7) Every appropriation excepting an appropriation for a capital expenditure, or a  
1101 major repair (operating 8500 accounting series), shall lapse at the close of the fiscal

1102 year to the extent that it has not been expended or encumbered. An appropriation  
1103 for a capital expenditure or a major repair shall continue in force until the purpose for  
1104 which it was made has been accomplished or abandoned. The purpose of such  
1105 appropriation for any capital expenditure or a major repair shall be considered  
1106 abandoned if three (3) years pass without any expenditure from, or encumbrance of,  
1107 the appropriation concerned. A final comprehensive annual list of capital projects  
1108 and major repairs identified as completed and/or recommended to be abandoned  
1109 shall be submitted to the committee on finance, [personnel](#) and audit of the county  
1110 board by the department of administrative services division of fiscal affairs no later  
1111 than May 1st of each year. The committee shall review this report and submit its  
1112 recommendations to the county board. Failure of the county board to take action  
1113 prior to June 1 shall be deemed approval of the department of administrative  
1114 services recommendations.

1115  
1116 (8) All enterprise funds must submit a quarterly report to the committee on  
1117 [finance](#), [personnel](#) and audit, a tabulation of year-to-day expenses and revenues,  
1118 and projected year-end expenses and revenues. A corrective plan must also be  
1119 provided for any net year-end deficits.

## 1120 1121 1122 **SECTION 6.**

1123  
1124 Chapter 33 of the Milwaukee County Code of General Ordinances, up to and including  
1125 \_\_\_\_\_, is hereby amended as follows:

### 1126 1127 **33.03. - Functions of the personnel review board.**

1128  
1129 The personnel review board shall:

1130  
1131 (4) Meetings. All meetings of the board shall be announced in advance, shall be  
1132 open to the public subject to the limitations of s. 19.85, Wis. Stats., and minutes of  
1133 such meetings, except those portions covering hearings on charges against  
1134 employes, shall be submitted to the director of human resources, the civil service  
1135 commission, the county executive, chairperson of the county board and [co-](#)  
1136 [chairpersons](#) of the committee on [finance](#), [personnel](#) [and audit](#) within two (2) weeks  
1137 following the meeting.

## 1138 1139 **SECTION 7.**

1140  
1141 Chapter 46 of the Milwaukee County Code of General Ordinances, up to and including  
1142 \_\_\_\_\_, is hereby amended as follows:

### 1143 1144 **46.03. - Imprest fund for emergency aid.**

1145  
1146 An imprest fund of three thousand five hundred dollars (\$3,500.00) is established for  
1147 the use of the department of human services in issuing aid checks in emergency cases  
1148 where it is impossible to make aid payments in the regular manner. Examples of this  
1149 condition are, but not limited to, client waiting for a replacement, payments where a  
1150 computerized bookkeeping machine check cannot be prepared either because of insufficient

1151 information or computer inability, checks needed to cover transportation costs for medical  
1152 treatment, or for special handling where a computerized check would be produced too late,  
1153 although all computer edit checks are met.  
1154

1155 The department shall obtain reimbursement for all such payments drawn on such  
1156 imprest fund by including the items disbursed with a succeeding day's regular aid roll. The  
1157 amount of deposit in the foregoing imprest fund, together with all unvouchered grants, shall at  
1158 all times equal three thousand five hundred dollars (\$3,500.00). If payments exceed three  
1159 thousand five hundred dollars (\$3,500.00), the director of the department shall notify the  
1160 director of audits of the situation, giving the reasons this limit had to be exceeded. The  
1161 director of audits shall notify the committee on finance, [personnel](#) and audit and the director  
1162 of human services of necessary corrective action if he/she deems it necessary.  
1163

1164 The director of the department of human services is authorized to sign checks drawn  
1165 on this imprest fund and is also authorized to delegate his/her authority to sign checks to  
1166 incumbents of the following positions in the department: deputy director I, accounting  
1167 manager and business office supervisor. U.S. Bank is hereby designated as the depository  
1168 for such imprest fund.  
1169

## 1170 **SECTION 8.**

1171  
1172 Chapter 56 of the Milwaukee County Code of General Ordinances, up to and including  
1173 \_\_\_\_\_, is hereby amended as follows:  
1174

### 1175 **56.02. - Actions resulting in reduction of revenue.**

1176  
1177 (1) Each person in charge of any county office, department, agency, or any  
1178 nondepartmental account shall submit a written report to the county executive, the  
1179 committee on finance, [personnel](#) and audit of the county board and the department  
1180 of administration whenever such person has reason to know or believe that a deficit  
1181 of seventy-five thousand dollars (\$75,000.00) or more in any revenue account will  
1182 occur for the division of county government under the supervision of that person.  
1183 The report shall be submitted as soon as practicable, but shall not exceed ten (10)  
1184 working days from the earliest date that such person first has reason to believe or  
1185 know of the reduction of anticipated revenue. Such report shall include the reasons  
1186 for the anticipated revenue deficit, as well as a recommended plan of action or  
1187 alternatives to offset such deficit.  
1188

1189 (3) The county executive is authorized to request and develop a corrective action  
1190 plan to address any such reported deficits if it is determined that timely action is  
1191 necessary. If such a situation should occur, the corrective action plan shall be  
1192 reported to the [committee on](#) finance, [personnel](#) and audit ~~committee~~ and the  
1193 county board in time for their next regularly scheduled meetings for approval prior to  
1194 implementation.  
1195

### 1196 **56.03. - Appropriation transfer procedures.**

1197

1198 (2) Except as noted in subsection (3), the county board shall not adopt any  
1199 resolution or ordinance directing the department of administration to transfer  
1200 contingency appropriations without having an appropriate appropriation transfer  
1201 reviewed by the department, county executive, and the committee on finance, [personnel](#),  
1202 [personnel](#) and audit.

1203 (3) Any resolution or ordinance directing the department of administration to  
1204 transfer contingency appropriations shall have committee on finance, [personnel](#)  
1205 and audit review and recommendation prior to county board consideration. If such  
1206 resolutions or ordinances directing contingency transfers have not been reviewed  
1207 by the department and the county executive, the fiscal note of the  
1208 resolution/ordinance must include an explanation and justification as to why the  
1209 matter was not or could not be processed through the established appropriation  
1210 transfer procedure.

1211  
1212 | **56.12. - Architectural and engineering planning revolving funds.**

1213  
1214 (4) *Restoration of funds.* The revolving funds created by this section shall be  
1215 restored by credits transferring costs to the public works projects for which the  
1216 services were specifically provided. If subsequent to the preliminary planning and  
1217 engineering, a project is abandoned or the county board does not appropriate funds  
1218 for the project, the county board's committee on finance, [personnel](#) and audit may  
1219 recommend an appropriation sufficient to restore the fund to its original amount.

1220  
1221 | **56.22. - Assignment criteria, garaging and usage of county-owned automobiles.**

1222  
1223 (3) Applications for changes to the assignment of county passenger cars shall be  
1224 made to, and reviewed by, the department of administration during the annual  
1225 budget review process. All departments/employees having use of a passenger car  
1226 shall annually submit a report to the department of administration no later than July  
1227 31 which shall specify, for the previous twelve (12) months operation, the number  
1228 and garaging location of vehicles assigned to the department, their use (whether by  
1229 an employee or as a pool vehicle) and, if assigned to an employee, the title of that  
1230 employee, their job function and the use of the vehicle, including personal and  
1231 business mileage traveled with the vehicle. The department of administration will  
1232 recommend any changes or additions to approved vehicle assignments to the  
1233 committee on finance, [personnel](#) and audit. Assignment of all passenger cars shall  
1234 be subject to the approval of the county board upon the recommendation of the  
1235 committee.

1236  
1237 (5) A department administrator may authorize an employee to use a departmental  
1238 assigned vehicle on a temporary basis beyond normal work hours to address  
1239 extraordinary or emergency situations that may rise, however,

1240  
1241 | (a) The authorization is limited to a total of ten (10) working days; and

1242  
1243 | (b) The department administrator must advise the [committee on finance,](#)  
1244 [personnel](#) and audit [committee co-chairpersons](#) and the department of

1245 administration of the necessity for such assignment within three (3) days of  
1246 the assignment.

1247  
1248 (6) Except upon county board authorization, county-owned passenger cars shall  
1249 not be used for other than county purposes. When an employe uses a county  
1250 vehicle as authorized for personal use, the county shall be reimbursed by the  
1251 employe at the rate established by the Internal Revenue Service for tax deduction  
1252 purposes, which rate shall automatically be adjusted to reflect the changed effective  
1253 dates. No reimbursement to the county shall be required from members of the  
1254 sheriff's department, or from investigators on the district attorney's staff, as law  
1255 enforcement offers are exempted by federal regulations from this requirement. Such  
1256 payment usage shall be reported on forms and in conformance with procedures  
1257 approved by the county board's committee on finance, [personnel](#) and audit.  
1258 "Personal use" shall be all mileage not eligible for reimbursement under the  
1259 county's automobile mileage allowance rules, as defined in section 5.05 of this  
1260 Code of General Ordinances. Personal use of a county vehicle shall be defined as  
1261 the use of the vehicle between the employe's home and his/her work location. Any  
1262 other such use is prohibited.

1263  
1264 **56.26. - Procedure on sale of county securities.**

1265  
1266 (1) The department of administration shall have the responsibility and authority to  
1267 develop plans and take all steps necessary for the state of county securities, under  
1268 the direction and supervision of, and subject to action by, the committee on  
1269 finance, [personnel](#) and audit and the county board.

1270  
1271 (a) The department of administration shall formulate recommendations  
1272 regarding the timing of the sale of county securities, the type of securities to  
1273 be sold and the terms upon which the securities shall be offered for sale, and  
1274 present such recommendations to the committee on finance, [personnel](#)  
1275 and audit for approval.

1276  
1277 (e) The department of administration is directed to procure prices for the  
1278 printing of securities independent and apart from the procurement division,  
1279 but subject to the approval of the committee on finance, [personnel](#) and  
1280 audit and the county board. The printing of county securities is not subject to  
1281 the provisions of chapter 52 of the Code.

1282  
1283 (2) County securities shall be sold at public sale, unless state law permits  
1284 otherwise and the committee on finance, [personnel](#) and audit and county board  
1285 so direct. Unless directed otherwise, the procedure to be followed on the day of a  
1286 public sale shall be as follows:

1287  
1288 (a) Bids for the purchase of securities shall be received by the department  
1289 of administration under the supervision of bond counsel and opened in the  
1290 presence of the county treasurer, the fiscal and budget administrator and a  
1291 member of the county board staff designated by the committee on financial,

1292 | [personnel](#) and audit chairperson at 10:00 a.m. on said day, or at such other  
1293 | hour as is set by the committee and the county board.

1294 |  
1295 | (c) The bids received shall then be presented to the committee on  
1296 | ~~finance~~[personnel](#) and audit which shall recommend to the county board  
1297 | the action to be taken on the bids.

1298 |  
1299 | (d) The recommendation of the committee on ~~finance~~[personnel](#) and  
1300 | audit shall then be submitted to the county board at its meeting on the sale  
1301 | date.

1302 |  
1303 | **56.30. - Professional services.**

1304 |  
1305 | (2) *Policy.*

1306 |  
1307 | (c) *Fiscal constraint statement.* Notwithstanding any other provisions of  
1308 | section 56.30, during a period of fiscal constraint the county board may, by  
1309 | resolution, adopt a procedure which requires committee on finance,  
1310 | [personnel](#) and audit review and county board approval of all professional  
1311 | services expenditures prior to execution of said contracts.

1312 |  
1313 | *Professional services—Capital improvements.* The following  
1314 | conditions shall apply to all capital projects.

1315 |  
1316 | (1) During its annual budget process, departments shall provide a  
1317 | list to the county board of which capital projects contained in the  
1318 | recommended budget are intended to require the assistance of a  
1319 | professional services consultant. Departments are authorized to enter  
1320 | into contractual services or professional services agreements as may  
1321 | be required for specific capital improvement projects which have been  
1322 | approved by the county board through the budget process.  
1323 | Expenditures shall only be for those projects and professional  
1324 | services specifically identified in the budget write-up reviewed by the  
1325 | committee on finance, [personnel](#) and audit during the budget review  
1326 | process and approved by the county board, or for those projects  
1327 | approved by action of the county board. The budget write-up shall  
1328 | contain specific information as to the scope of the project, professional  
1329 | services required and estimated cost of the professional services work  
1330 | to be performed. The department of public works shall provide in  
1331 | February of each year to the committee on finance, [personnel](#) and  
1332 | audit and the committee on transportation, public works and transit an  
1333 | updated report on public works capital projects requiring the use of a  
1334 | professional services contract. Any professional services work costing  
1335 | more than twenty thousand dollars (\$20,000.00) which is not identified  
1336 | in the February report shall require county board approval.

1337 |  
1338 | (8) *Controller responsibility.*

1339 (a) The controller shall, on a quarterly basis, summarize the reports  
1340 received from department administrators concerning professional services  
1341 | contracts and send one (1) copy to the committee on finance, [personnel](#) and  
1342 | audit and one (1) copy to the county executive and one (1) copy to the CBDP  
1343 | office.

1344  
1345 (b) The controller shall deny payment for any payment request for  
1346 professional services submitted by a contractor to an administrator if all  
1347 conditions of this chapter have not been met. The controller shall report such  
1348 | denials and the reason for denial to the committee on finance, [personnel](#) and  
1349 | audit along with the quarterly report. In such cases, the administrator may  
1350 | appeal the decision to the [committee on finance, personnel](#) and audit  
1351 | [committee](#).

1352  
1353 **SECTION 9.**

1354  
1355 Chapter 57 of the Milwaukee County Code of General Ordinances, up to and including  
1356 | \_\_\_\_\_, is hereby amended as follows:

1357  
1358 | **57.01. - Department of audit created, duties.**

1359  
1360 (1) There is hereby created an independent "department of audit" for the county  
1361 with the departmental policies subject to the jurisdiction of the county board through  
1362 | its committee on finance ~~cial, personnel~~ and audit.

1363  
1364 | **SECTION 10.**

1365  
1366 Chapter 73 of the Milwaukee County Code of General Ordinances, up to and including  
1367 | \_\_\_\_\_, is hereby amended as follows:

1368  
1369 **73.09. - Powers, duties.**

1370 | The powers and duties of the commission shall be as follows:

1371  
1372 (8) The commission shall have the power to receive funds from both public  
1373 and private sources and to disburse the same for programs relating to  
1374 | handicapped and disabled persons, subject to approval of the committee on  
1375 | finance ~~cial, personnel~~ and audit of the county board.

1376  
1377 | **73.12. - Expenditures of local, state or federal monies.**

1378  
1379 (1) All recommendations of the commission which would require the expenditure  
1380 of local or substitute donor monies or of state or federal monies must be submitted  
1381 initially to the committee on health and human needs for appropriate review and  
1382 recommendation. No expenditure of local monies, substitute donor monies, or of  
1383 state or federal monies shall take effect until approved by resolution of the county  
1384 board after considering the recommendation thereon by the committee on health  
1385 | and human needs as well as the committee on finance ~~cial, personnel~~ and audit, nor  
1386 | until the county board has fixed a date for the commencement and maximum

1387 duration, not to exceed one (1) year, of said expenditure. The county board, by  
1388 resolution, may authorize the commission to contract in its own name for care or  
1389 services for handicapped and disabled persons with an appropriate  
1390 nongovernmental agency, provided that all such contracts shall be reduced to  
1391 writing and shall comply with the applicable provisions of the Code relative to  
1392 purchase of care and service by the county.

1393  
1394

1395 **SECTION 11.**

1396

1397 Chapter 79 of the Milwaukee County Code of General Ordinances, up to and including  
1398 \_\_\_\_\_, is hereby amended as follows:

1399

1400 79.02. - Responsibilities of the director.

1401

1402 The director of labor relations shall be responsible for:

1403

1404 (1) The negotiation of all collective bargaining agreements with certified  
1405 bargaining representatives of the employees of the county conducted along  
1406 policy lines established by the committee on [finance](#), personnel [and audit](#)  
1407 pursuant to chapter 80. The director of labor relations shall not agree, on  
1408 behalf of the county, to any terms or provisions of a negotiated contract  
1409 without prior direction and approval from the committee. Prior to drafting any  
1410 tentative contract, the director of labor relations shall provide the director of  
1411 human resources and the director of employee benefits with a copy of the  
1412 terms of the proposed agreement for review relative to administration of said  
1413 proposal and shall provide the director of administrative services, fiscal and  
1414 budget administrator and controller with a copy of the terms of the proposed  
1415 agreement for preparation of a fiscal note relative to the proposed  
1416 agreement. Such fiscal note shall include, at minimum, all assumptions used  
1417 in developing the fiscal note including actuarial assumptions where  
1418 appropriate, calculations, estimates, one-time costs and savings, ongoing  
1419 costs and savings, annual incremental costs as well as cumulative costs and  
1420 shall otherwise be prepared in accordance with established fiscal note  
1421 policies and procedures. Subsequent to preparation of the fiscal note - and  
1422 prior to the drafting of the tentative contract - a copy of the fiscal note shall  
1423 be provided to the director of audits and county board staff for review.

1424

1425 79.03. - Referral of labor relations matters.

1426

1427 All matters relating to labor relations introduced in the county board shall be  
1428 referred to the department of labor relations for its recommendation, as well as to  
1429 other departments to which reference is required by other provisions of the Code.  
1430 The recommendation of the department of labor relations on such matters shall be  
1431 submitted to the committee on [finance](#), personnel [and audit](#) which shall submit its  
1432 action thereon to the county board as the report of the committee.

1433

1434 79.04. - Submission procedures.

1435  
1436 | In order to maintain the integrity of the collective bargaining process,  
1437 requests for information from or action by the department of labor relations, from  
1438 any individual supervisor or any committee of the county board, shall be submitted  
1439 | to the committee on [finance](#), personnel [and audit](#) for reference to the department.  
1440 Departmental liaison with the county board shall be maintained by the committee.  
1441

1442 79.05. - Departmental cooperation.

1443 In order to accomplish the purposes of this chapter, all departments in county  
1444 government shall cooperate fully with the department of labor relations and its  
1445 director in all areas of responsibility set forth herein. The county executive or his/her  
1446 designee shall be permitted to attend all closed sessions of the committee on  
1447 | [finance](#), personnel [and audit](#) of the county board when the subject of such closed  
1448 session is the negotiation and/or the administration of proposed or existing  
1449 collective bargaining agreements.  
1450

1451 **SECTION 12.**

1452  
1453 Chapter 80 of the Milwaukee County Code of General Ordinances, up to and including  
1454 \_\_\_\_\_, is hereby amended as follows:  
1455

1456 | 80.01. - Function of the committee on [finance](#), personnel [and audit](#).  
1457

1458 In addition to the duties prescribed in section 1.11(c)(1), the committee on  
1459 | [finance](#), personnel [and audit](#) shall have charge of all matters arising under ch. 111,  
1460 Wis. Stats.  
1461

1462 | 80.02. - Election, certification and decertification.  
1463

1464 | The committee on [finance](#), personnel [and audit](#) shall direct the conduct on  
1465 behalf of the county of all proceedings ordered by the state employment relations  
1466 commission relative to the election, certification and decertification of collective  
1467 bargaining units, including proceedings for the determination of the number of  
1468 employes, type of bargaining unit and eligibility of employes in the classified  
1469 | service, to participate in such elections.  
1470

1471 | 80.03. - Collective bargaining.  
1472

1473 | Collective bargaining with certified bargaining units shall be carried on by the  
1474 committee on [finance](#), personnel [and audit](#) which shall adopt, and thereafter may  
1475 amend, rules and procedures governing the conduct of such bargaining not in  
1476 conflict with section 1.13(c) of the Code. Department heads and supervisory  
1477 personnel shall not distribute to employes under their supervision any written  
1478 communication bearing upon the subject matter or program of such collective  
1479 bargaining or other employment relations matters, unless such communication shall  
1480 | have the prior approval of the corporation counsel.  
1481

1482 | 80.04. - Agreements.

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(1) The agreements reached at the conclusion of such collective bargaining, shall be reduced to writing in the form of a proposed ordinance or resolution by the committee on finance, personnel and audit ~~and submitted in the form of a proposed ordinance or resolution to the committee on finance and audit~~, which shall consider the fiscal impacts of the proposed ordinance or resolution and forward it with a positive or negative recommendation to the county board for its approval or rejection. Prior to its consideration, the committee on finance, personnel and audit shall be provided with any and all relevant information prepared by pension board actuaries, human resources, labor relations and department of administration staff and other relevant individuals regarding the immediate and long-term fiscal impacts associated with each agreement.

(2) A collateral agreement to an existing memorandum of agreement may be executed under the signature of the director of labor relations if:

(c) The director is so instructed in writing by the committee on finance, personnel and audit.

All collateral agreements executed under this subsection shall be reported to the committee on finance, personnel and audit on a quarterly basis.

(3) Any proposed collateral agreement that meets any of the following conditions must be submitted for approval in the form of a resolution or ordinance to the committees on finance, personnel and audit ~~and personnel~~:

80.07. - Employees excluded from recognized bargaining units.

The committee on finance, personnel and audit, civil service commission and the department of labor relations shall review the wages, hours and conditions of employment of all employes not represented by recognized employe organizations annually and submit their recommendations to the county board each year for the following year.

### SECTION 13.

Chapter 201 of the Milwaukee County Code of General Ordinances, up to and including \_\_\_\_\_, is hereby amended as follows:

3.1. - County contributions.

(1) Budget year contributions. The pension board shall furnish to the county executive, prior to June 1 of each year:

(b) The established actuarial assumptions supporting said required amount. The county executive shall submit an informational report to the committees on finance, personnel and audit ~~and audit and personnel~~, for

1531 consideration during the June committee cycle, providing for an estimated  
1532 contribution amount for the next year's budget and shall include this  
1533 pension contribution amount in the executive budget as transmitted to the  
1534 county board. The final amount appropriated in the adopted budget by the  
1535 county board shall be the estimated contribution to be expensed in the bud  
1536 get year, but paid to the system in the next following budget year (e.g., in  
1537 1984, an estimate will be made for the amount to be expensed in 1985 but  
1538 paid in 1986).

1539 (2) Current year contribution. The pension board shall furnish to the committee  
1540 on finance, personnel and audit ~~and the committee on financial and audit~~ of the  
1541 county board, annually, in time for the first county board committee cycle after the  
1542 summer recess, a statement of the actual contribution required for the current year  
1543 compared with the amount provided in the budget. The amount appropriated in the  
1544 adopted budget shall be paid to the system, regardless of whether such amount is  
1545 more or less than the actual amount required for that year, as determined by the  
1546 final calculations prepared by the actuary retained by the system. Any  
1547 overpayment or shortfall in the amount actually provided to the system for a given  
1548 year shall be amortized over a five-year period, commencing with the contribution  
1549 estimate prepared by the system's actuary for inclusion in the budget for the  
1550 following year.

## 1551 **SECTION 14.**

1552 Chapter 203 of the Milwaukee County Code of General Ordinances, up to and including  
1553 \_\_\_\_\_, is hereby amended as follows:

### 1554 3.1 - Budget year contribution.

1555 The board shall furnish to the county executive, prior to June 1 of each year:

1556 (b) The established actuarial assumptions supporting the required amount  
1557 determined under paragraph (a). The county executive shall submit an  
1558 informational report to the committees on finance, personnel and audit ~~and~~  
1559 personnel, for consideration during the June committee cycle, providing for  
1560 an estimated contribution amount for the next year's budget and shall include  
1561 this pension contribution amount in the executive budget as transmitted to  
1562 the county board. The final amount appropriated in the adopted budget by  
1563 the county board shall be the estimated contribution to be expensed in the  
1564 budget year, but paid to the system in the next following budget year (e.g., in  
1565 1992, an estimate will be made in the amount to be expensed in 1993 but  
1566 paid in 1994).

### 1567 3.2. - Current year contribution.

1568 The board shall furnish to the committee on finance, personnel and audit ~~and~~  
1569 committee on financial and audit of the county board, annually (beginning in June of  
1570 1992), in time for the first county board committee cycle after the summer recess, a  
1571 statement of the actual contribution required for the current year compared with that  
1572 amount, if any, provided in the budget. Any necessary corrections or adjustments  
1573 may be addressed by the committees at that time. In order to meet the

1579 requirements of this chapter, the county board is authorized to levy a tax, annually,  
1580 which tax shall be in addition to all other taxes such county board has been  
1581 authorized to levy upon all taxable property, real and personal. Such tax shall be  
1582 levied and collected at the same time and in the same manner as other county  
1583 taxes are levied and collected according to the law.  
1584

1585 **SECTION 15.**

1586 The provisions of this Ordinance shall become effective upon passage and publication.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** April 26, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution/ordinance to merge the Committees on Finance and Audit and Personnel into a nine-member standing committee with two co-chairpersons to improve the efficiency of legislative oversight and to amend Chapters 1, 17, 32, 33, 46, 56, 57, 73, 79, 80, 201 and 203 of the Milwaukee County General Ordinances to reflect this change

**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<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

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

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

Approval of this resolution will authorize and direct the merger of two County Board Standing Committees, Finance and Audit and Personnel, to be combined into a nine (9) member committee entitled Committee on Finance, Personnel and Audit. The change also directs two co-chairpersons will head the committee rather than one designated for other standing committees. The resolution/ordinance amends Milwaukee County Ordinances that refer to either of the two standing committees to reflect the new merged name and addresses the co-chairperson model.

It is anticipated that county staff time will be saved because many policy matters are currently referred to both the Committees on Finance and Audit and Personnel, requiring attendance at separate hearings. In addition, depending on the subject, paid consultants (e.g. actuaries and attorneys) are often required to attend both standing committees to explain the policy matter. This fiscal note does not attempt to quantify or project the savings in either county staff time or consultant costs that may be avoided if the two standing committees are combined.

Approval of this resolution/ordinance will not require the expenditure of funds.

Department/Prepared By Steve Cady, Fiscal and Budget Analyst, County Board

Authorized Signature



Did DAS-Fiscal Staff Review?

Yes

No

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



## **Proposed Committee on Finance, Personnel and Audit Operating Procedures**

The proposal to restructure the Committees on Finance and Audit and Personnel of the County Board – by combining them into one Committee on Finance, Personnel and Audit of nine members, led by two Co-Chairpersons – is intended to streamline the County Board legislative process while still allowing for full review and participation by its members. The following are proposed general operating procedures for the proposed committee once established, to assure the smooth, thorough flow of legislative business on the Finance, Personnel and Audit Committee only.

1. The Co-Chairpersons will take turns chairing regularly scheduled meetings of the Committee. If there are intervening special meetings of the Committee scheduled, the Co-Chairpersons will determine who chairs those meetings.
2. Agendas and materials for the Committee will be made available for Committee members at least five days prior to the meeting date.
3. Committee members will be encouraged to raise questions and issues to department heads and other County officials ahead of time, so as not to take up unnecessary Committee time. This is not to discourage asking questions of department heads in a public forum when necessary, but to reduce fact finding that can be addressed outside the Committee process. (Early receipt of Committee agendas and materials should facilitate this process.)
4. Committee agendas will include a standard notice that submission of written testimony from department heads, other officials, and members of the public on scheduled items is encouraged to streamline meetings of the Committee.
5. Anyone making verbal presentations to the Committee – including department heads, other officials, Supervisors or members of the public – may have a brief time limit (e.g. 2-3 minutes) to make presentations (excluding questions and answers from Committee members), at the discretion of the Co-Chairs. The Co-Chairs will be cognizant of the public's willingness to share their opinions with the body and recognize that the general public may require more time to make their points than department heads.
6. Committee meetings will have designated lunch periods so that Supervisors and staff can have a break.
7. Major sections of Committee agendas (such as Supervisor resolutions, financial issues, personnel issues, Comptroller/Audit issues) will have approximate times that they will be considered. Best efforts will be made to adhere to the timeline so that all Committee participants will have a better idea when matters will be heard.

1 By Supervisors Romo West, Stamper, and Dimitrijevic

Journal,  
2 File No. 12-

3 **A RESOLUTION**

4 Establishing Milwaukee County policy with respect to honoring detainer requests  
5 from US Department of Homeland Security - Immigration and Customs Enforcement.

6 WHEREAS, the United States Department of Homeland Security – Immigrations and  
7 Customs Enforcement’s (ICE) Secure Communities program uses data provided through  
8 local law enforcement agencies to identify undocumented aliens, and prioritizes the removal  
9 of aliens deemed criminal, a threat to public safety, or repeat immigration violators; and

10 WHEREAS, when ICE identifies an inmate detained by local law enforcement, the  
11 local agency is notified to place a hold of up to 48 hours beyond the time that inmate may  
12 have otherwise been released to allow ICE to investigate whether that person should be  
13 processed for deportation; this practice is known as an ICE detainer request; and

14 WHEREAS, it has been noted that some detained aliens choose to not post bail,  
15 preferring to sit in a local jail rather than being subjected to ICE proceedings, resulting in  
16 much longer – and much more costly – lengths of stay in local jails; and

17 WHEREAS, as part of its ongoing efforts to work collaboratively with outside law  
18 enforcement agencies, the Milwaukee County Sheriff’s Office (MCSO), as a practice, honors  
19 ICE detainer requests when received; and

20 WHEREAS, for 2010 and 2011 MCSO detained 246 and 193 inmates, respectively,  
21 as requested by ICE, for a period of up to 48 hours; and

22 WHEREAS, immigration enforcement is the responsibility of the federal government  
23 and, without proper reimbursement for the costs of housing alien inmates, ICE detainer  
24 requests represent, in effect, an unfunded mandate from the federal government; and

25 WHEREAS, many local law enforcement agencies nationwide are under the mistaken  
26 impression that ICE detainers are mandatory and that local law enforcement agencies are  
27 legally required to comply, although recent policy directives from the Department of  
28 Homeland Security – and, in fact, the immigration detainer request form itself – have  
29 clarified that the detainers are not mandatory but are considered ‘requests’; and

30 WHEREAS, despite ICE’s prioritization of certain classes of criminal aliens, ICE  
31 detainers are routinely imposed on individuals without any criminal convictions or whose  
32 cases have been dismissed, resulting in possible deportation proceedings against non-  
33 criminal aliens; and

34 WHEREAS, when local law enforcement honors all ICE detainer requests, including  
35 those that target non-criminal aliens, community residents become less likely to cooperate  
36 with local agencies, eroding public trust and unnecessarily hindering the law enforcement  
37 abilities of MCSO Deputies on patrol; and

38 WHEREAS, while the County Board recognizes that the Milwaukee County Sheriff  
39 has broad latitude to administer his oversight over inmate detentions, Milwaukee County

40 may nonetheless adopt a policy regarding ICE detainer requests that respects and values the  
41 community contributions of Milwaukee County's diverse population; now, therefore,

42 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby adopts  
43 the following policy with regard to detainer requests from the US Department of Homeland  
44 Security – Immigrations and Customs Enforcement:

45 1. Immigration detainer requests from Immigrations and Customs Enforcement shall  
46 be honored only if the subject of the request:

- 47 a. Has been convicted of at least one felony or two misdemeanor offenses
- 48 b. Has been convicted or charged with any domestic violence offense or any  
49 violation of a protective order
- 50 c. Has been convicted or charged with intoxicated use of a vehicle
- 51 d. Is a defendant in a pending criminal case, has an outstanding criminal  
52 warrant, or is an identified gang member
- 53 e. Is a possible match on the US terrorist watch list

54 ; and

55 BE IT FURTHER RESOLVED, that the County Board requests that, to the extent  
56 allowed by law, the Milwaukee County Sheriff adopt the directed County policy.

57

58

59

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** 4/26/12

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution establishing Milwaukee County policy with respect to honoring detainer requests from US Department of Homeland Security - Immigration and Customs Enforcement.

**FISCAL EFFECT:**

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

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

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

This resolution establishes a policy limiting the conditions to which Milwaukee County will participate with US Department of Homeland Security-Immigrations and Customs Enforcement (ICE) requests for detainer holds. The resolution requests that the Milwaukee County Sheriff, who has broad latitude to administer his oversight over inmate detentions, adopt the County policy.

The 2012 Adopted Budget contains \$131,250 in State Criminal Alien Assistance Program (SCAAP) revenue. SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.

Since the policy established by this resolution does not restrict detainer requests for individuals with one felony or two misdemeanor offenses, implementation of the policy would not result in a reduction in current revenues. However, the Sheriff's Office does not currently sort the list of ICE holds so implementation of this policy will likely result in an increase in staff time in order to do so. Alternatively, because the Sherriff's office may currently be placing individuals on ICE holds for which they are not reimbursed, passage of this resolution could ultimately result in budget efficiencies for the Sheriff.

---

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

Department/Prepared By Jennifer Collins, County Board

Authorized Signature

Jennifer Collins

Did DAS-Fiscal Staff Review?  Yes  No

JEFFREY A. KREMERS  
Chief Judge  
Telephone: (414) 278-5116

DAVID A. HANSHER  
Deputy Chief Judge  
Telephone: (414) 278-5340

MAXINE A. WHITE  
Deputy Chief Judge  
Telephone: (414) 278-4482

BRUCE M. HARVEY  
District Court Administrator  
Telephone: (414) 278-5115

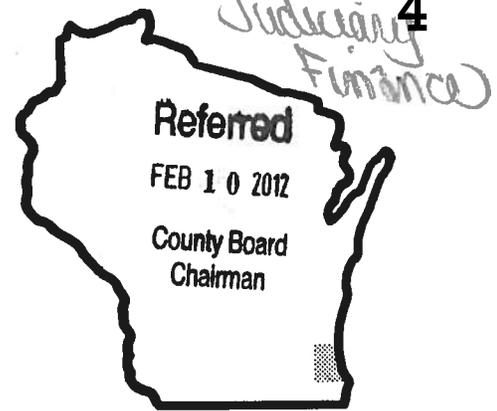
BETH BISHOP PERRIGO  
Deputy District Court Administrator  
Telephone: (414) 278-5025

STATE OF WISCONSIN

## FIRST JUDICIAL DISTRICT

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

TELEPHONE (414) 278-5115  
FAX (414) 223-1264  
WEBSITE: [www.wicourts.gov](http://www.wicourts.gov)



January 30, 2012

Milwaukee County Board of Supervisors Chairman Lee Holloway  
Milwaukee County Executive Chris Abele  
Milwaukee County Department of Administrative Services  
Milwaukee County Procurement Division

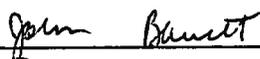
Re: 32.28 Emergency Purchases

The adopted 2012 Milwaukee County Budget included funding for the Day Reporting Center (DRC) Organization Unit 2900 Courts-Pretrial Services. The Milwaukee County Sheriff was to provide security services for the DRC and funding of \$226,781 was approved.

On January 25, 2012 the Sheriff's Office informed the Chief Judge that deputy sheriff staffing would cease on January 31, 2012. The DRC provides services for pretrial and sentenced individuals. Given the nature of these individuals, the lack of security staffing requires immediate action to "preserve property or protect life, health or welfare of persons...".

It has not been possible to develop a request for proposal to find appropriate security staffing at the DRC in a timely manner. As a result, I am utilizing Ordinance 32.28 and have entered into a short term contract with G4S Secure Solutions USA to provide security staffing at the DRC. I have included a copy of the contract that is dated today. Sufficient funds exist in the budget to provide for these services.

  
Jeffrey A. Kremers  
Chief Judge  
Milwaukee County

  
John Barrett  
Clerk of Circuit Court  
Milwaukee County

**JEFFREY A. KREMERS**

Chief Judge  
Telephone: (414) 278-5116

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STATE OF WISCONSIN  
**FIRST JUDICIAL DISTRICT**

MILWAUKEE COUNTY COURTHOUSE  
901 NORTH NINTH STREET, ROOM 609  
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May 4, 2012

Mark Borkowski, Chairman  
Judiciary and Public Safety  
Milwaukee County Board of Supervisors

Chairman Borkowski:

On May 4, 2012, at Judiciary Agenda Setting, Supervisor Nikiya Q. Harris requested a summary of the cost estimates surrounding the security staffing at the Day Reporting Center. This report is in response to that request.

On January 25, 2012 the Sheriff's Office informed the Chief Judge that deputy sheriff staffing would cease on January 31, 2012. This notification necessitated the Chief Judge to utilize Ordinance 32.28 and enter into a contract with G4S Secure Solutions. G4S Secure Solutions provided security staffing at the Day Reporting Center from February 1, 2012 until March 30, 2012.

G4S                                      total cost:              \$22,521.60

On March 28, 2012 Day Reporting Center security staffing was provided by Personal Specialists Ltd. the temporary help agency that is utilized by the Clerk of Circuit Court. Personal Specialists provides two former deputy sheriffs on a daily basis five days each week.

P.S. Ltd                                      to date:              \$3696  
Estimate 2012: \$97,680

The 2012 adopted budget provided \$226,781 for security staffing at the Day Reporting Center. It is estimated that the total cost for staffing will be approximately \$123,898. This amount may need to be adjusted as we do not have a cost from the Sheriff's Department for January staffing.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce M. Harvey".

Bruce M Harvey  
District Court Administrator

BH/jls

JEFFREY A. KREMERS  
Chief Judge  
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STATE OF WISCONSIN

**FIRST JUDICIAL DISTRICT**

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**TO:** Chairwoman Marina Dimitrijevic

**FROM:** Chief Judge Jeffrey A. Kremers

**C:** Supervisor Mark A. Borkowski, Chair-Judiciary,  
Safety & General Services Committee

**DATE:** April 25, 2012

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

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

1. Informational report on my request to meet with Sheriff Clarke regarding jail population and inmate movement concerns.
2. Requesting permission to receive and expend the remaining 2011 State Office of Justice Assistance grant funding for Universal Screening in the amount of \$77,192. I am requesting permission to modify the existing 2012 Universal Screening contract with Justice 2000 from \$1,024,423 to an amount not to exceed \$1,101,615.
3. Requesting permission to receive and expend the remaining 2009-2011 State office of Justice Assistance TAD grant funding in the amount of \$51,315 and to amend the existing 2012 TAD program contract with Justice 2000 from \$371,200 to an amount not to exceed \$422,515.
4. Requesting permission to receive and expend the remaining 2010-2011 State Office of Justice Assistance AIM grant funding in the amount of \$113,172 and to extend through December 31, 2012 the 2011 AIM program contract with Justice 2000 in an amount not to exceed \$564,620.

Please see the attached documents in support of these requests.

Please contact me if you have any questions.

Thank you.

  
Jeffrey A. Kremers  
Chief Judge  
Milwaukee County

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive and expend \$77,192 in remaining 2011 grant funds from the State of Wisconsin Office of Justice Assistance in support of the Universal Screening program, and to amend the 2012 professional services contract with Justice 2000, Inc. to allow for expenditure of these funds within the existing Universal Screening Program.

### **A RESOLUTION**

WHEREAS, on May 19, 2011 Milwaukee County received written notice of a grant award in the amount of \$100,000 from the State Office of Justice Assistance in support of Universal Screening for the period of April 1, 2011-March 31, 2012; and

WHEREAS, on June 23, 2011 (File No. 11-273) the Milwaukee County Board of Supervisors authorized the Chief Judge to receive the grant funds and to amend the Universal Screening professional services contract with Justice 2000, Inc. to allow for expenditure of the funds within the Universal Screening Pilot program; and

WHEREAS, the Milwaukee County Board of Supervisors adopted the 2012 budget on November 7, 2011 (File No. 11-426) and approved by the County Executive, which included funding in the amount of \$1,024,423 and granted the Chief Judge contracting authority for the Universal Screening Program; and

WHEREAS, there exists remaining 2011 OJA grant funds in the amount of \$77,192 to be utilized in support of Universal Screening through June 30, 2012; and

WHEREAS, on April 9, 2012 Milwaukee County received approval from the State Office of Justice Assistance to extend the grant period for utilization of these funds through December 31, 2012; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to expend the remaining \$77,192 in grant funds from the State Office of Justice Assistance in support of Universal Screening and to amend the existing Universal Screening professional services contract with Justice 2000, Inc. to a total amount not to exceed \$1,101,615.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 04/23/2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** 2011 Office of Justice Assistance Universal Screening Grant Funding Extension

**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 checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input checked="" type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget  |  |
| <input type="checkbox"/> Decrease Operating Expenditures  | <input type="checkbox"/> Use of contingent funds       |
| <input checked="" type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues  |  |

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	77,192	
	Revenue	77,192	
	Net Cost	0	
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

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

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

Increase of \$77,192 in operating expenditures in Org. Unit 2900, Alternatives to Incarceration for the period of January 1, 2012-June 30, 2012 for provision of Universal Screening services. These are remaining funds from the April, 2011 OJA grant award. Increase in operating expenditures will be offset 100% by an increase in operating revenue from the State Office of Justice Assistance.

There is no fiscal impact associated with the requested action.

Department/Prepared By Holly Szablewski

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

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

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Chief Judge  
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STATE OF WISCONSIN

**FIRST JUDICIAL DISTRICT**

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**TO:** Chairwoman Marina Dimitrijevic

**FROM:** Chief Judge Jeffrey A. Kremers

**C:** Supervisor Mark A. Borkowski, Chair-Judiciary,  
Safety & General Services Committee

**DATE:** April 25, 2012

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

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

1. Informational report on my request to meet with Sheriff Clarke regarding jail population and inmate movement concerns.
2. Requesting permission to receive and expend the remaining 2011 State Office of Justice Assistance grant funding for Universal Screening in the amount of \$77,192. I am requesting permission to modify the existing 2012 Universal Screening contract with Justice 2000 from \$1,024,423 to an amount not to exceed \$1,101,615.
3. Requesting permission to receive and expend the remaining 2009-2011 State office of Justice Assistance TAD grant funding in the amount of \$51,315 and to amend the existing 2012 TAD program contract with Justice 2000 from \$371,200 to an amount not to exceed \$422,515.
4. Requesting permission to receive and expend the remaining 2010-2011 State Office of Justice Assistance AIM grant funding in the amount of \$113,172 and to extend through December 31, 2012 the 2011 AIM program contract with Justice 2000 in an amount not to exceed \$564,620.

Please see the attached documents in support of these requests.

Please contact me if you have any questions.

Thank you.

  
Jeffrey A. Kremers  
Chief Judge  
Milwaukee County

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive and expend \$113,172 in remaining 2010-2011 grant funds from the State of Wisconsin Office of Justice Assistance in support of the Assess, Inform and Measure (AIM) program, and to extend the 2011 professional services contract with Justice 2000, Inc. allowing for expenditure of these funds in the AIM program.

### **A RESOLUTION**

WHEREAS, 2009 Wisconsin Act 28, Section 9101(4)(a) directed the Office of Justice Assistance to provide Milwaukee County a grant award in the amount of \$990,000 for the Milwaukee County AIM program for the period of January 1, 2010 through December 31, 2011; and

WHEREAS, on September 24, 2009 the Milwaukee County Board of Supervisors authorized the Chief Judge to accept these grant funds (File No. 09-356); and

WHEREAS, the Milwaukee County Board of Supervisors did authorize the Chief Judge to execute a professional services contract with Justice 2000, Inc. for provision of services in the AIM program in 2010 (File No. 09-391) and 2011 (File No. 10-347); and

WHEREAS, there exists remaining 2010-2011 OJA AIM grant funds in the amount of \$113,172 to be utilized through December 31, 2012; and

WHEREAS, on April 11, 2012 the State Office of Justice Assistance granted Milwaukee County permission to extend utilization of the remaining AIM grant funds through December 31, 2012; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive and expend the remaining \$113,172 in grant funds from the State Office of Justice Assistance in support of the AIM program and to extend the 2011 AIM professional services contract with Justice 2000, Inc. through December 31, 2012 in a total amount not to exceed \$564,620.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 04/23/2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** 2011 Office of Justice Assistance AIM Grant Funding Extension

**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 checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input checked="" type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget  |  |
| <input type="checkbox"/> Decrease Operating Expenditures  | <input type="checkbox"/> Use of contingent funds       |
| <input checked="" type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues  |  |

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	113,172	
	Revenue	113,172	
	Net Cost	0	
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

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

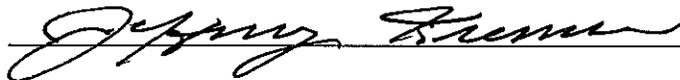
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current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

Increase of \$113,172 in operating expenditures in Org. Unit 2900, Alternatives to Incarceration for the period of January 1, 2012-December 31, 2012 for provision of AIM screening services. These are remaining funds from the 2010-2011 OJA AIM grant award. Increase in operating expenditures will be offset 100% by an increase in operating revenue from the State Office of Justice Assistance.

There is no fiscal impact associated with the requested action.

Department/Prepared By Holly Szablewski

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

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

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**TO:** Chairwoman Marina Dimitrijevic

**FROM:** Chief Judge Jeffrey A. Kremers

**C:** Supervisor Mark A. Borkowski, Chair-Judiciary,  
Safety & General Services Committee

**DATE:** April 25, 2012

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

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

1. Informational report on my request to meet with Sheriff Clarke regarding jail population and inmate movement concerns.
2. Requesting permission to receive and expend the remaining 2011 State Office of Justice Assistance grant funding for Universal Screening in the amount of \$77,192. I am requesting permission to modify the existing 2012 Universal Screening contract with Justice 2000 from \$1,024,423 to an amount not to exceed \$1,101,615.
3. Requesting permission to receive and expend the remaining 2009-2011 State office of Justice Assistance TAD grant funding in the amount of \$51,315 and to amend the existing 2012 TAD program contract with Justice 2000 from \$371,200 to an amount not to exceed \$422,515.
4. Requesting permission to receive and expend the remaining 2010-2011 State Office of Justice Assistance AIM grant funding in the amount of \$113,172 and to extend through December 31, 2012 the 2011 AIM program contract with Justice 2000 in an amount not to exceed \$564,620.

Please see the attached documents in support of these requests.

Please contact me if you have any questions.

Thank you.

  
Jeffrey A. Kremers  
Chief Judge  
Milwaukee County

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive and expend \$51,315 in remaining 2009-2011 grant funds from the State of Wisconsin Office of Justice Assistance in support of the Treatment Alternatives and Diversion (TAD) program, and to amend the 2012 professional services contract with Justice 2000, Inc. allowing for expenditure of these funds within the existing TAD Program.

### **A RESOLUTION**

WHEREAS, on September 15, 2009 Milwaukee County received notice of a grant award in the amount of \$929,400 from the State Office of Justice Assistance in support of the Milwaukee County TAD program for the period of July 1, 2009-December 31, 2011; and

WHEREAS, on September 24, 2009 the Milwaukee County Board of Supervisors (File No. 09-355) approved acceptance of the grant award and authorized the Chief Judge to execute a professional services contract with Justice 2000, Inc. for provision of services in Milwaukee County's TAD program; and

WHEREAS, on January 9, 2012 Milwaukee County received notice of a grant award in the amount of \$445,200 from the State Office of Justice Assistance for continuation of the Milwaukee County TAD program for the period of January 1, 2012 through December 31, 2012; and

WHEREAS, the Milwaukee County Board of Supervisors adopted the 2012 budget on November 7, 2011 (File No. 11-426) and approved by the County Executive, which authorized the Chief Judge to execute a professional services contract with Justice 2000 for provision of TAD services for the period of January 1, 2012 through December 31, 2012; and

WHEREAS, on January 1, 2012, the Chief Judge executed a contract in the amount of \$371,200 with Justice 2000, Inc. for provision of services in the TAD program; and

WHEREAS, there exists remaining 2009-2011 OJA TAD grant funds in the amount of \$51,315 to be utilized in support of the TAD program through December 31, 2012; and

WHEREAS, on April 11, 2012 the State Office of Justice Assistance granted Milwaukee County permission to extend utilization of the remaining TAD grant funds through December 31, 2012; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive and expend the remaining \$51,315 in grant funds from the State Office of Justice Assistance in support of the Milwaukee County

Treatment Alternatives and Diversion program and to amend the existing TAD grant professional services contract with Justice 2000, Inc. to a total amount not to exceed \$422,515.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

DATE: 04/23/2012

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: 2011 Office of Justice Assistance TAD Grant Funding Extension

**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 checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input checked="" type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget  |  |
| <input type="checkbox"/> Decrease Operating Expenditures  | <input type="checkbox"/> Use of contingent funds       |
| <input checked="" type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues  |  |

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	51,315	
	Revenue	51,315	
	Net Cost	0	
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

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

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
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- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Increase of \$51,315 in operating expenditures in Org. Unit 2900, Alternatives to Incarceration for the period of January 1, 2012-December 31, 2012 for provision of TAD screening services. These are remaining funds from the 2009-2011 OJA TAD grant award. Increase in operating expenditures will be offset 100% by an increase in operating revenue from the State Office of Justice Assistance.

There is no fiscal impact associated with the requested action.

Department/Prepared By Holly Szablewski

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

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

**MILWAUKEE COUNTY ELECTION COMMISSION**  
**Inter-Office Memorandum**

**DATE:** May 2, 2012

**TO:** Chairwoman Marina Dimitrijevic, Milwaukee County Board of Supervisors  
Supervisor Patricia Jursik, Milwaukee County Board of Supervisors  
Supervisor Theodore Lipscomb, Sr., Milwaukee County Board of Supervisors

**FROM:** Lisa Catlin Weiner, Election Commission Administrator

**SUBJECT:** **From the Election Commission Administrator, submitting an informational report addressing concerns expressed by Supervisors Jursik and Lipscomb regarding ballot issues affecting the April 3, 2012 Spring Election and action plan and budgeting for upcoming Recall and Fall elections**

As a result of complaints received by municipal clerks (who administer elections for their respective municipality), inquiries have been made by County Board Supervisors as to the causes of the delay in voters receiving their absentee ballots for the April 3, 2012 Spring election. As detailed in the attached time-line report, there were multiple causes for the delay in municipal clerks receiving their absentee ballots beyond the statutory deadline as follows:

- 1. Delay in the Wisconsin Government Accountability Board's (GAB) certification of the February 21, 2012 Spring Primary Election results and certification of Primary Candidates for the April 3, 2012 Spring Election.** Per the statutory deadlines, the last day for the GAB to certify primary election candidates for the April ballot was March 6, 2012, however, it was not possible for the GAB to certify Milwaukee County's primary election results due to the fact that it was necessary for one of the municipalities (City of Wauwatosa) to amend and re-submit their results to the Milwaukee County Election Commission for certification due to the fact that 10 uncounted absentee ballots from a nursing home were found inside the City Clerk's vault after the primary election. Due to the fact that it was necessary to re-submit Milwaukee County's certified election results to the State, the GAB was not able to certify the results and Spring candidates until March 13, 2012 – 7 days past the statutory deadline for such certification. It should be noted that counties cannot start printing ballots until after certification is received from the GAB.

**2. Ballot Construction Delays.** Effective January 1, 2012, a new ballot printer (Burton & Mayer, Inc.) was designated to print ballots for Milwaukee County through the bidding process conducted in late 2011 by the Purchasing Department. It should be noted that this is the first time in approximately 20 years that Milwaukee County has used a printer other than The Marek Group for printing ballots. The cost-per-ballot bids submitted by Burton & Mayer were considerably lower than those submitted by the Election Commission's previous vendor, The Marek Group. Since Burton & Mayer had met all of the other specifications, including arrangements to receive ballot lay-out instructions (in the form of a printing kit) from the major manufacturer of voting equipment (Election Systems & Software), the contract to print ballots for Milwaukee County during 2012 was awarded to them.

It was discovered during the construction of the February primary ballots, however, that Burton & Mayer had not received the proper resources (i.e. print kit for which they paid \$2,500) from ES&S and therefore was unable to design and lay out the February ballots without the proper ballot specifications as the kit provided by ES&S was for newer voting equipment and kits for the older equipment was no longer available. Therefore, the print kit purchased by Burton & Mayer from ES&S was useless. It was necessary to hire another printer (Roto-Graphic Printing, Inc.) to provide the ballot design and lay-out services for the February ballots, which were printed by Burton & Mayer. It should be noted that there were no issues with the quality of the February ballots printed by Burton & Mayer.

Since the February election, Burton & Mayer was able to obtain ballot lay-out specifications from another vendor, Command Central, which programs most of the voting equipment for Milwaukee County. While Burton & Mayer felt confident to design and lay out the April ballot, they were unable to automate the process and, therefore, required the assistance of the Administrator of the Milwaukee County Election Commission to manually design each and every ballot style (using Burton & Mayer's equipment and graphic design software), totaling over 475 ballot styles, which was time-consuming – especially due to the fact that the April ballot, with its many different combinations of supervisory, aldermanic and school districts, is the most complex ballot to construct, which was much more complex this year, considering that the City of Milwaukee ballots are now required to be printed in both English and Spanish languages, thus requiring additional time to seek the services of a translator and proofreader. It took approximately six days for all ballot styles to be designed, proofread and approved before the ballots went to press.

It should be noted that all of the municipalities did, in fact, receive electronic copies (pdf's) of each of their ballot styles in time for in-person absentee voting which began on March 19, from which the clerks were able to print paper copies of the ballots (to be reconstructed at the polls) for any voters appearing at their offices to vote absentee in their offices prior to the election. It should be noted that, per the GAB, this is an acceptable and frequently used practice for past elections – as the time-frame between a primary and general election to certify primary election results/candidates and the availability of ballots is very unrealistic and rarely possible. It should also be noted that, based on past elections, the municipal clerks are accustomed to the practice of utilizing paper copies of ballots during the first few days of in-person absentee voting.

3. **Discovery of Ballot Defects.** Shortly after the delivery of the City of Milwaukee ballots, the following two defects were discovered by staff members of the City of Milwaukee Election Commission: (1) the length of the ballot was too long and therefore not compatible with the touch-screen voting equipment (i.e. the Automark) utilized by persons with disabilities; (2) during an initial testing of the ballots, the optech scanners were rejecting the ballots based on the cut.

In reference to the length of the ballots not being compatible for the Automark equipment, it should be noted that during the design of the ballots when this concern was expressed to Burton & Mayer by the Administrator of the Election Commission, ES&S (the manufacturer and programmer of the Automark equipment) was contacted by Burton & Mayer, who was assured by ES&S that the proposed 21-inch ballot would in fact work with the Automark equipment. The City of Milwaukee Election Commission, however, received contrary information from ES&S.

While the City of Milwaukee Election Commission continued to have difficulty in feeding the ballots of the optech scanner voting equipment resulting in having to try feeding the ballot using different orientations before acceptance by the machine, ballots were being delivered to the remaining 18 municipalities. Before all of the municipalities received their ballots, Burton & Mayer was contacted by Command Central (who programs the voting equipment for said 18 municipalities) informing the printer that the ballots they received for testing appear to be defective as ALL of them were rejected by the programmed equipment with an error message indicating that the programming was unable to locate or read the arrows on the ballots.

On March 23, it was determined that ALL of the ballots for the April election were defective and it was necessary to have them all redesigned and reprinted. Considering that election day was less than two weeks away, two individual printers (excluding Burton & Mayer) were hired and ballots were printed over the weekend of March 24-25 and delivery began to municipalities (with the assistance of Milwaukee County's DPW staff) on Monday, March 26 and concluded on Thursday, March 29.

On April 6, 2012, a meeting, facilitated by staff counsel from the Corporation Counsel's Office, was held with representatives from Burton & Mayer. Also in attendance was a staff representative from the Purchasing Department. During this meeting, Burton & Mayer proposed an action plan to ensure that ballots for upcoming elections will not have any issues with the election equipment. As part of the plan, Burton & Mayer had already arranged (at a considerable cost) to receive comprehensive ballot design training from Roto-Graphic Printing, Inc., a reputable printing firm who had previously provided ballot lay-out and design services to Milwaukee County. Another part of the plan to prevent the problems incurred during the April election is to develop a set of test ballots to be tested with the equipment by the programming vendors for their approval prior to printing all of the ballots.

In preparation for the May 8<sup>th</sup> recall primary election, Burton & Mayer had received the training from Roto-Graphic Printing, developed a ballot prototype of the May ballot, which was tested and approved by the programming vendors, which was done two weeks prior to the GAB's certification of candidates for the recall primary election. Although Burton & Mayer worked ahead and were ready to print the ballots as soon as the candidates were certified, the absentee ballots were once again delayed. This delay was due to the fact that the GAB had certified the primary recall candidates past the statutory deadline as there were pending challenges in addition to the fact that, per the statutory election timeline, the last day to deliver absentee ballots (April 16) was also the last day to certify candidates for the recall primary. The deadlines imposed by the statutes are very unrealistic and are humanly impossible to meet as the process involved in generating ballots for an election involves many steps. Before a ballot can go to press, it needs to be reviewed and approved by the GAB, however, the GAB will not review/approve ballots prior to the certification of the candidates for a particular election, which further delays the process of printing ballots – especially when the certification of candidates is delayed.

While every effort was made by Burton & Mayer to deliver recall primary ballots to all of the municipalities in a timely fashion, the delays encountered were beyond their control. In addition to the proactive efforts made by Burton & Mayer to improve on their past serve, daily communications were sent to all of the municipal clerks on the status of the ballot delivery, which was helpful to the clerks for planning purposes.

The same proactive efforts made by Burton & Mayer will be made for the upcoming recall election. The Election Commission Administrator is currently providing the necessary

information they need (i.e. ballot quantities, ballot template, etc.) to begin working on the June ballot.

In reference to inquiries made as to whether the Election Commission Office has sufficient funds in its budget to cover the costs of the recall elections, it should be noted that such costs are typically funded for from the contingency fund as only scheduled elections are allowed to be budgeted for in the Election Commission's annual budget request. Once those costs are determined, an appropriation transfer request will be made.

I apologize for the lengthiness of this report, however, I feel that it is necessary to include many details in this very complex situation in order to understand that many of the causes of the delays that had occurred, most of which were beyond anyone's control. Efforts are being made, however, to try to be as proactive as possible to deal with the unrealistic statutory deadlines. Feel free to contact me directly in the future with any concerns you may have relating to election administration.

me

cc: Judith Mount, Chair, Board of Election Commissioners  
W. Scott Nelson, Vice Chair, Board of Election Commissioners  
David L. Sartori, Commissioner, Board of Election Commissioners  
John Zapfel, Deputy Chief of Staff, County Executive's Office

## **2012 Spring Election Ballot Issues**

### **Experienced by the Milwaukee County Election Commission**

#### **March 6, 2012**

- Per the State election calendar, this was the last day for the Wisconsin Government Accountability Board (GAB) to certify results from the Spring primary election held on February 21, 2012 and to provide the names of the certified candidates for Circuit Court Judge, Branch 17 in ballot order for placement on the Spring election ballot. It should be noted that certification from the GAB was NOT received on this day.

#### **March 7, 2012**

- Milwaukee County Election Commission received an amended Spring canvass of results from the City of Wauwatosa, which included votes from 10 uncounted absentee ballots from a nursing home, found inside the City Clerk's vault after the primary election.

#### **March 8, 2012**

- Amended Milwaukee County's Spring canvass certified and signed by the County Election Commissioners and submitted to the GAB.

#### **March 9, 2012**

- Started preliminary work with printer (Burton & Mayer) on the lay-out and design of the Spring ballots.

#### **March 12, 2012**

- Last day for municipalities to receive ballots for Spring election, per the State election calendar. [NOTE: Due to the fact that the Primary Election results had not yet been certified by the State, municipalities did not have their ballots by this date]

#### **March 13, 2012**

- First day for municipalities to mail out absentee ballots, per State election calendar, however, ballots not available due to above-noted circumstances.
- Milwaukee County received certification of the February 21, 2012 Spring Primary Election results from the GAB, along with the list of Circuit Court Judge, Branch 17 candidate names in ballot order.

- City of Milwaukee's ballot design completed and pdf copies of every ballot style provided to the City of Milwaukee so they could begin programming their election as they had scheduled an outside vendor to be on-site that day and to utilize paper copies of the ballot files for absentee voting.

#### March 14-18, 2012

- Continued to work with ballot printer (Burton & Mayer) on ballot lay-out and design for remaining 18 municipalities.

#### March 19, 2012

- First day for in-person absentee voting at the municipal clerks' offices, per the State election calendar.
- PDF copies of the ballots provided to the remaining 18 municipalities to enable them to use paper versions of the ballot for absentee voting.

#### March 20, 2012

- First batch of ballots received by the City of Milwaukee from Burton & Mayer.

#### March 21, 2012

- County Election Commission advised by Executive Director of the City of Milwaukee Election Commission that there may be a problem with the length of the ballot – that it may be too long to accommodate the touch screen voting machine (i.e. the Automark). It should be noted that, based on concerns expressed by County Election staff, Burton & Mayer contacted the programming vendor – Elections Systems & Software – ES&S) and was advised that the 21-inch proposed length of the ballot would, in fact, be compatible with the Automark.
- Also advised by Executive Director of the City of Milwaukee Election Commission that initial testing of the ballots was not very successful as the voting machines were rejecting and not reading about one-third of the ballots.

#### March 22, 2012

- Delivery of ballots by Burton & Mayer to remaining 18 municipalities begin.
- Election supplies (i.e. ballot bags, forms, poster, etc.) delivered to municipalities by Milwaukee County Election Commission staff, 10 days past the deadline to do so, per the State election calendar. [NOTE: Due to ballot delay and office staffing issues, Election staff unable to deliver until this date]

### March 23, 2012

- Received confirmation from the City of Milwaukee that length of ballots are, in fact, not compatible with the Automark touch screen voting machine. Arrangements made with vendor (Election Systems & Software – ES&S) to try to reduce length of ballot without disrupting the format, print a small supply (30 ballots) per each reporting unit so they are available for disabled voters who need to use the touch-screen voting machine. It should be noted that in addition to the City of Milwaukee, 7 other municipalities also utilize the Automark machine and were affected as well as the length of their ballots were also too long.
- Was also advised by the City of Milwaukee Election Commission that extensive testing of the ballots resulted in the majority of the ballots being defective as they would not feed into the machine.
- Received call from Burton & Mayer that they were just advised by Command Central (programmer of voting machines for the 18 other municipalities) that NONE of the test ballots sent to them worked during their testing – the machines were unable to recognize the arrows.
- City of Milwaukee made the decision to hire the county's former print vendor (The Marek Group) to re-print ballots at a reduced length, which will be compatible with the Automark.
- Command Central proposed to Milwaukee County election Commission an arrangement made with Roto-Graphic Printing, INC. to re-print ballots for the 18 other municipalities at a significantly reduced length, which will be compatible with the Automark, requiring command Central to reprogram the optech machines and touch screens for 11 municipalities to accommodate the reduced ballot size, which will also accommodate the Automark's touch screen machines.
- Statement issued by Election Commission regarding defective ballots and plan of action.

### March 24-25, 2012

- County Election Commission worked with two printing companies simultaneously over the weekend on a new ballot lay-out and design for all 19 municipalities.

### March 25, 2012

- Printing of ballots begin by The Marek Group and Roto-Graphics.

### March 26, 2012

- First batch of ballots picked up from Roto-Graphic Printing, Inc. (located in Fond du Lac) by Milwaukee County's DPW staff and truck and delivered to two municipalities (i.e. Cudahy and Oak Creek).
- County Election Commission received phone call from Tyler Van Pelt, account representative from Burton & Mayer, Inc. requesting a meeting to discuss what had happened with the request that we do not give up on them.

### March 27, 2012

- City of Milwaukee begins to receive reprinted ballots printed and delivered from The Marek Group.
- Pick-up and delivery of ballots printed by Roto-Graphics by Milwaukee County DPW staff traveling to Fond du Lac in the morning, stopping by the Courthouse to sort the boxes and then delivering to the individual municipalities.

### March 28, 2012

- Pick-up and delivery of ballots printed by Roto-Graphics by Milwaukee County DPW staff traveling to Fond du Lac in the morning, stopping by the Courthouse to sort the boxes and then delivering to the individual municipalities.
- Milwaukee County Election Commission received an e-mail from Tyler Van Pelt, Account Rep for Burton & Mayer, Inc., requesting details and examples of the ballot problems. Request forwarded to Command Central, who had detected the problems.

### March 29, 2012

- Final pick-up and delivery by Milwaukee County DPW staff from Roto-Graphics to the 18 municipalities. By the end of the day all municipalities had received their complete order of re-printed ballots.
- Milwaukee County Election Commission staff was advised by County Board staff of a redistricting issue they had just discovered involving the City of Milwaukee's redistricted ward lines not being included in the County's supervisory district final redistricting plan, resulting in approximately three wards with split supervisory districts. The GAB and the City of Milwaukee were contacted by the Election Commission and advised of the problem.
- An e-mail was received by the Election Commission staff from Command Central providing information regarding the defective ballots designed and printed by Burton & Mayer, which was that the error message indicated that it was not

recognizing the arrows. Command Central also indicated that the test ballots provided by Burton & Mayer had been forwarded to another printer for analysis and will let us know what the findings are.

### March 30, 2012

- Memory paks for the voting machines and flash cards for the touch screen machines delivered by Command Central and ES&S (via overnight mail) to the 18 municipalities. Municipalities now able to begin testing re-printed ballots.
- Received invoice from Roto-Graphic Printing, Inc. in the amount of \$166,095 for the re-printing of the ballots for the 18 municipalities, including lay-out and design services. It should be noted that this bill is quite significant (almost double) when compared with typical invoices for printing of ALL ballots for Milwaukee County. Per Roto-Graphics, the final cost works out to approximately 65 cents per ballot including the ballot layout and design services. It should be noted that the average cost the Election Commission has paid in the past for a three-column ballot is about 24 cents per ballot, however, Roto-Graphics' ballot lay-out and design service is more extensive than what is provided by Burton & Mayer and The Marek Group. For example, Roto-Graphics has the ability to decipher and generate ballot styles by utilizing information that is provided to the programmers (i.e. an x-chart) while The Marek group and Burton & Mayer requires that the Election Commission Office actually create it's own Word documents of each ballot style, which is more labor intensive and time-consuming while Roto-Graphics' ballot lay-out service is much more efficient and accurate.
- During a telephone conference between the GAB, City of Milwaukee Election Commission and the County election Commission, it was determined that approximately 98 voters would be affected by this resulting in those voters receiving the wrong supervisory district contest on their ballot. Arrangements were made by the GAB with the City of Milwaukee to provide special supplemental paper ballots (provided by the Milwaukee County Election Commission) containing the correct supervisory contest to be provided to the affected voter along with the full ballot with the instructions to skip the supervisory contest on the official ballot and to vote on the paper ballot containing the correct supervisory district contest.

April 4, 2012

- A meeting with Burton & Mayer, Inc. will be held on Friday, April 6, 2012 at 9:00 a.m. in the Corporation Counsel's Office to discuss the defective ballot situation and future plans with this vendor in reference to the upcoming recall election scheduled on May 8, 2012 in which ballots are to be printed and distributed to the municipalities by April 16.



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

---

David A. Clarke, Jr.  
*Sheriff*

**DATE:** April 26, 2012

**TO:** Supervisor Marina Dimitrijevic, Chairman, County Board of Supervisors

**FROM:** Edward Bailey, Inspector, Milwaukee County Office of the Sheriff

**SUBJECT: Request to Direct Corporation Counsel to Contract for Outside Legal Counsel for the Office of the Sheriff**

**REQUEST**

The Sheriff of Milwaukee County requests the County Board to direct the Office of Corporation Counsel to contract for Outside Legal Counsel for all future legal matters for the Office of the Sheriff.

**BACKGROUND**

On January 30, 2012, a letter was submitted to the Chairman of the County Board from the Office of Sheriff regarding its current legal representation. It is the opinion of the Sheriff that the development of case 2012CV000350, Milwaukee County V. David Clarke, Jr. has resulted in the legal relationship between the Office of the Sheriff and Corporation Counsel as irretrievably broken. This is due to the representation by Attorney Kimberly Walker against the Office of the Sheriff. It is the opinion of the Office of the Sheriff that according to the guidelines of Wisconsin Statutes Chapter SCR 20, Rule of Professional Conduct for Attorneys that once Attorney Walker appeared against the Sheriff that Attorney Walker can no longer represent the Sheriff in future legal matters. That letter with additional details is attached to this request.

The Office of the Sheriff is requesting that the Office of Corporation Counsel contract with outside legal counsel to represent the Office of the Sheriff interests in all future legal matters.

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## FISCAL NOTE

It is estimated that the contract cost on an annual basis would be approximately \$300,000. The estimate is based upon an analysis of the following categories: Lawsuits, Notice of Claims, EEOC Complaints, Disciplinary Cases, Legal Opinions, Unemployment Hearings and Open Records Consultations/Mandamus. It was estimated that the time worked would be split between a Principal Attorney and a Staff Attorney with an estimated rate of \$187.50 per hour charged to the County. It was estimated that the Office of the Sheriff would require over 1,500 hours of legal work on an annual basis based on 2011 activities in those categories.

A handwritten signature in blue ink that reads "Edward Bailey" with a stylized flourish at the end.

Edward Bailey, Inspector, Milwaukee County Office of the Sheriff

cc: Chairman, Committee on Judiciary, Public Safety and General Services  
Craig Kammholz, Fiscal and Budget Administrator  
Jon Priebe, Public Safety Fiscal Administrator

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David A. Clarke Jr.  
Sheriff

County of Milwaukee  
**Office of the Sheriff**

---

January 30, 2012

Supervisor Lee Holloway, 5th District  
Chairman, Milwaukee County Board of Supervisors  
Courthouse Room 201  
901 North 9th Street  
Milwaukee, WI 53233

Chairman Holloway:

Corporation Counsel is charged to be the legal counsel for all Milwaukee County departments and elected officials. However, that relationship (as much as the relationship between any attorney and client) is bound by the guidelines of Wisconsin Statutes Chapter SCR 20, *RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS*, as noted:

**SCR 20:1.7 Conflicts of interest current clients.**

(a) Except as provided in par. (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under par.

(a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in a writing signed by the client.

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Chairman Lee Holloway, Milwaukee County Board of Supervisors

January 30, 2012

Page Two

**SCR 20:1.9 Duties to former clients.**

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in a writing signed by the client.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by sub. (c) and SCR 20:1.6 that is material to the matter; unless the former client gives informed consent, confirmed in a writing signed by the client.

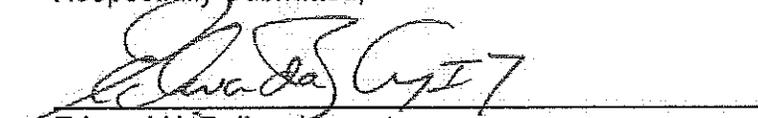
(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these rules would permit or require with respect to a client.

With the developments of 2012CV000350, Milwaukee County V. David Clarke Jr., it is the position of the MCSO that the legal relationship between the MCSO and Sheriff David A. Clarke Jr., and the Office of Corporation Counsel and Attorney Kimberly Walker is irretrievably broken in fact, both legally and ethically. As such, we request that the Milwaukee County Board of Supervisors provide outside legal counsel, at county expense, to represent MCSO interests in all future legal matters.

Respectfully Submitted,



Edward H. Bailey, Inspector  
Milwaukee County Sheriff's Office

C: Ms. Kimberly R. Walker, Milwaukee County Corporation Counsel  
Supervisor Willie Johnson, Jr., 13th District  
Chairman, Judiciary Committee

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2  
3 (ITEM ) From the Sheriff requesting the County Board to Direct the Office of Corporation  
4 Counsel to contract for outside legal counsel for the Office of the Sheriff:

5 A RESOLUTION

6 WHEREAS, on January 30, 2012, a letter was submitted to the Chairman of the  
7 County Board from the Office of Sheriff regarding its current legal representation; and  
8

9 WHEREAS, it is the opinion of the Sheriff that the development of case  
10 2012CV000350, Milwaukee County V. David Clarke, Jr. has resulted in the legal  
11 relationship between the Office of the Sheriff and Corporation Counsel as irretrievable  
12 broken; and  
13

14 WHEREAS, the issue with the relationship between the Office of the Sheriff and  
15 Corporation Counsel is due to the representation by Attorney Kimberly Walker against the  
16 Office of the Sheriff; and  
17

18 WHEREAS, it is the opinion of the Office of the Sheriff that according to the  
19 guidelines of Wisconsin Statutes Chapter SCR 20, Rule of Professional Conduct for  
20 Attorneys that once Attorney Walker appeared against the Sheriff that Attorney Walker can  
21 no longer represent the Sheriff in future legal matters; now, therefore,  
22

23 BE IT RESOLVED, that the Office of Corporation Counsel is hereby directed to  
24 contract for outside legal counsel for all future legal matters for the Office of the Sheriff; and  
25

26 BE IT FURTHER RESOLVED, the Office of Corporation Counsel will ensure that the  
27 selection of contracted attorneys shall confirm to the long standing legal principle that a  
28 client has the general right in Wisconsin to select an attorney of their choosing.  
29

30 **Fiscal Note:** It is estimated that the contract cost on an annual basis would be  
31 approximately \$300,000. The estimate is based upon an analysis of the following  
32 categories: Lawsuits, Notice of Claims, EEOC Complaints, Disciplinary Cases,  
33 Legal Opinions, Unemployment Hearings and Open Records  
34 Consultations/Mandamus. It was estimated that the time worked would be split  
35 between a Principal Attorney and a Staff Attorney with an estimated rate of \$187.50  
36 per hour charged to the County. It was estimated that the Office of the Sheriff would  
37 require over 1,500 hours of legal work on an annual basis based on 2011 activities in  
38 those categories.  
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**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 4/26/12

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** From the Office of the Sheriff requesting the County Board to Direct the Office of Corporation Counsel to contract for Outside Legal Counsel for the Office of the Sheriff.

**FISCAL EFFECT:**

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

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	150,000	300,000
	Revenue	0	0
	Net Cost	150,000	300,000
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost	0	

## DESCRIPTION OF FISCAL EFFECT

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

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

From the Sheriff, requesting the County Board to direct the Office of Corporation Counsel to contract for outside legal counsel for the Office of the Sheriff.

It is estimated that the contract costs on an annual basis would be approximately \$300,000. The estimate is based upon an analysis of the following categories: Lawsuits, Notice of Claims, EEOC Complaints, Disciplinary Cases, Legal Opinions, Unemployment Hearings and Open Records Consultations/Mandamus. It was estimated that the time worked would be split between a Principal Attorney and a Staff Attorney with an estimated rate of \$187.50 per hour charged to the County. It was estimated that the Office of the Sheriff would require over 1,500 hours of legal work on an annual basis based on 2011 activities in those categories.

The 2012 Adopted Budget of the Sheriff reduced tax levy \$10,512,010 from 2011. The Sheriff does not have additional funding to pay for this contract.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

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

Did DAS-Fiscal Staff Review?  Yes  No

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



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

**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 commission rate of 67.9% which is an increase over the current commission rate of 51%. 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 an initial two-year period with two one-year renewal options for an additional 3rd and 4th year.

**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.

---

Richard Schmidt, Inspector  
Office of the Sheriff, Milwaukee County

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

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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:**

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|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact  | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required  | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input 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.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	
	Revenue	210,000	210,000
	Net Cost	-210,000	-210,000
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

**DESCRIPTION OF FISCAL EFFECT**

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

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

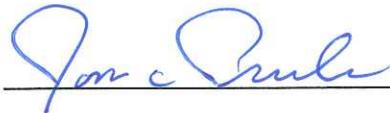
From the Sheriff, a request to execute a contract with Century Link Correctional Communication Services for the provision of inmate phone service at the County Correctional Facilities.

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

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

**COUNTY OF MILWAUKEE**  
**District Attorney's Office**  
*Inter-Office Communication*

DATE : May 1, 2012

TO : Judiciary, Safety and General Services Committee  
Supervisor Mark Borkowski, Chair  
Supervisor Nikiya Q. Harris, Vice-Chair  
Supervisor Jim "Luigi" Schmitt  
Supervisor John F. Weishan, Jr.  
Supervisor Gerry Broderick  
Supervisor Joe Sanfelippo  
Janelle Jensen, Committee Clerk  
Jennifer Collins, Research Analyst

FROM : John Chisholm  
District Attorney

SUBJECT : Importance of Inmate Jail Call Monitoring

Inmate jail call monitoring is an essential law enforcement tool used daily by the Milwaukee County District Attorney's Office, Witness Protection and Security Unit (WITSEC) to save lives and provide for the safety of crime victims in Milwaukee County. Any jail call system must incorporate the ability for law enforcement to monitor inmate communications to deter witness intimidation, disrupt on-going conspiracies, uncover criminal confessions and successfully prosecute some of the most violent offenders in Milwaukee County.

Since 2008, the Milwaukee County District Attorney's Office has operated a unique witness protection program based upon proactive investigation of crimes involving victim tampering, witness intimidation and any continued criminal activity designed to dissuade victims from seeking justice. **The most important tool used by the WITSEC staff is the jail call monitoring system.** The ability to monitor recorded conversations of jail inmates has proven to be essential in protecting victims and successfully prosecuting murders, rapists, child molesters and serial domestic abusers.

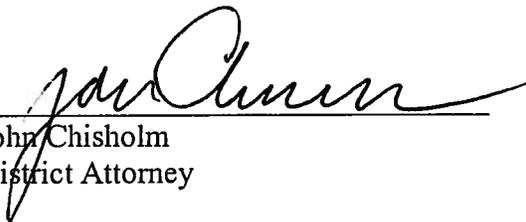
The WITSEC program developed threat criteria to identify cases and offenders where there is a high likelihood of witness intimidation efforts. These cases tend to involve homicides, sexual assaults, child molestation, child abuse, and domestic violence. Offenders charged with these types of offenses often use the jail telephones in efforts to dissuade victims from cooperating, arrange bribes through third parties, solicit other criminals to threaten or abuse victims, and in some cases to seek for murder-for-hire. The WITSEC staff monitoring these telephone calls has successfully and repeatedly

disrupted homicide plots, ongoing intimidation efforts, and efforts to bribe witnesses. In other cases offenders actually confess to their crimes on the telephone, easing prosecution and leading to swift justice for the residents of the county.

Jail call monitoring provides WITSEC staff with the unique ability to hear the thoughts, motivations and intentions of the most violent offenders housed in the jail. This tool is absolutely essential to the success of the WITSEC unit and its mission to enhance the safety of crime victims in Milwaukee County. Without jail call monitoring, criminals in the jail could use the telephones to arrange for witness tampering crimes, unfettered and secure in the knowledge that no one is listening. Any type of unmonitored jail call system would destroy the WITSEC program and would put crime victims in Milwaukee County at risk.

I have included several examples where jail call monitoring was used to uncover witness intimidation crimes including a recent plot to commit murder. Please do not hesitate to contact me for addition comment or to arrange a tour of our WITSEC program.

Respectfully submitted,



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John Chisholm  
District Attorney

Attachments

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2011ML024529

Plaintiff,

vs.

Complaining Witness:

Detective Brian Morgan, MCSO

Welz, Thomas Steven  
2101 S 14th St  
Milwaukee, WI 53215  
DOB: 08/09/1962

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**COUNT 1: CONSPIRACY TO COMMIT FIRST DEGREE INTENTIONAL HOMICIDE**

The above-named defendant on or about Wednesday, October 12, 2011, at 8885 S 68th Street, in the City of Franklin, Milwaukee County, Wisconsin, conspired to cause the death of Stacey Brown, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.31 Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

**COUNT 2: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY)**

The above-named defendant on or about Thursday, July 07, 2011, at 949 N. 9<sup>th</sup> Street, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Stacey Brown, a witness, from attending a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**COUNT 3: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY)**

The above-named defendant on or about Monday, July 11, 2011, at, 949 N. 9<sup>th</sup> Street, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Stacey Brown, a witness, from attending a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**COUNT 4: FELONY INTIMIDATION OF A WITNESS (FURTHERANCE OF A CONSPIRACY)**

The above-named defendant between July 14, 2011 and October 12, 2011 at 949 N. 9<sup>th</sup> Street, in the City of Milwaukee, Milwaukee County, and 8885 S 68th Street, in the City of Franklin, Milwaukee County, Wisconsin, did as a continuing course of conduct, knowingly and maliciously attempt to dissuade Stacey Brown, a witness, from attending a trial authorized by law, where the act was in furtherance of a conspiracy, contrary to sec. 940.43(4), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

This complaint is based on the written reports of Detectives with the Milwaukee County Sheriff's Office, as well as the written reports of Investigators with the Milwaukee County District Attorney's Office Witness Protection Unit, which were prepared through the normal course of a criminal investigation and which your complaining witness has relied upon in the past and found to be truthful and reliable. Based upon a review of the reports pertaining to the investigation of this matter, your complaining witness believes that:

On July 7, 2011 the defendant, Thomas Welz, was charged in Milwaukee County case 2011CF3108 with the criminal offense of Physical Abuse of a child - Intentional Causation of Bodily Harm. According to the criminal complaint in that matter, the defendant is accused of punching his two year old son, C.W. 5/25/2009 D.O.B., in the face resulting in a bloody nose. Stacey Brown, C.W.'s mother, was a witness to the defendant's actions. Your complaining witness has personally reviewed CCAP and that matter remains open and is presently scheduled for a jury trial on October 19, 2011 before the Honorable Mel Flanagan, Branch 4 of the Milwaukee County Circuit Court.

Attached to this criminal complaint and incorporated by reference is a copy of the criminal complaint filed in Milwaukee County case 2011CF3108.

**AS TO ALL COUNTS:**

Milwaukee County Sheriff's Detective Brian Morgan reports personally reviewing records of the Milwaukee County Sheriff's Office which are kept through the normal course of business, which establish that the defendant was held in custody at the Milwaukee County Jail, 949 N. 9<sup>th</sup> Street, in the City of Milwaukee, County of Milwaukee from the defendant's arrest on July 2, 2011 through July 20, 2011. According to Detective Morgan, from July 20, 2011 through October 13, 2011 the defendant has been held in custody at Milwaukee County Correctional Facility-South, located at 8885 S. 68<sup>th</sup> Street, in the City of Franklin, County of Milwaukee.

**AS TO COUNT ONE:**

On October 10, 2011 Milwaukee County Sheriff Detective Brian Morgan reports responding to the County Correctional Facility – South to meet with a potential informant. Upon arriving on scene, Detective Morgan met with an inmate at the County Correctional Facility, who provided the following information to Detective Morgan.

During the past month and while in custody the confidential informant disclosed that he has gotten to know the defendant, Thomas Welz. According to the informant, during this time frame the defendant has been obsessed with getting revenge against the mother of C.W., Stacey Brown. The defendant asked the informant to reach out to the informant's family members to have Stacey Brown killed. According to the informant, the defendant was willing to pay \$5,000 to have Ms. Brown killed.

The informant told Detective Morgan that at first he did not believe that the defendant was serious. However, the defendant began to provide detailed information as to how he wanted Stacey Brown to be killed. The defendant provided the informant with a detailed description of Stacey Brown's current residence, as well as directions to Ms. Brown's residence. When the informant asked the defendant what the defendant wanted done to Ms. Brown, the defendant replied, "I don't care how you do it, kill her, break her back, paralyze her and shoot her."

The defendant gave the informant a deadline of October 12, 2011 to find someone to carry out the murder of Stacey Brown or the defendant would find someone else to do it.

Detective Morgan asked the informant what the informant sought to gain from this information and the informant responded, "nothing, I already have a plea deal." The informant then continued by stating, "I've done a lot of bad shit in my life but taking a mother from her children, I wouldn't want that on my conscience."

On October 11, 2011 Detective Morgan sought to corroborate the details provided by the informant. Detective Morgan provided the description of Stacey Brown's residence given by the informant to Detective Todd Rosenstein. Detective Morgan then asked Detective Rosenstein to drive around the area of 27<sup>th</sup> Street and College Avenue to look for a house that matched the description. Detective Rosenstein located a residence matching the informant's description, specifically 3231 W. College Avenue, in the City of Greenfield, County of Milwaukee. Detective Morgan searched Department of Transportation records and verified that address as Stacey Brown's residence.

On October 11, 2011 Milwaukee County Sheriff Detectives Brian Morgan and Todd Armstrong met with Milwaukee County District Attorney's Office Investigators Joseph Link and Thomas Boehlke. Investigators Link and Boehlke informed Detectives Morgan and Armstrong that the defendant was being investigated for witness intimidation relating to the underlying child abuse case. Both law enforcement agencies debriefed one another as to the current status of each agency's investigation.

Detectives Morgan and Armstrong then proceeded to the County Correctional Facility – South to meet with the informant. During this meeting, the informant told Detectives Morgan and Armstrong that the informant got to know the defendant by assisting the defendant with the defendant's criminal case in the library of the correctional facility. During this time, the defendant discussed how to beat his child abuse case on a daily basis. The defendant also discussed causing harm to Stacey Brown on a daily basis. The informant reiterated that the defendant was becoming impatient and may begin to seek another inmate to assist in the killing of Stacey Brown.

Detective Armstrong subsequently briefed the informant on a plan by which Detective Armstrong, acting in an undercover capacity, would act as the informant's nephew and field calls from the informant and the defendant concerning the defendant's desire to have Stacey Brown killed.

At approximately 12:47 PM on October 12<sup>th</sup>, 2011 Detective Armstrong, acting in an undercover capacity as the nephew of the informant, received a call from the informant. The call was placed from the County Correctional Facility-South, where the defendant was in custody. During the first call, Detective Armstrong reports that the informant passed the phone to the defendant and the defendant stated that he was "trying to get something done, probably sooner than later." When asked what he wanted done, the defendant responded, "he (the informant) is going to holler at you and let you know what's up."

When Detective Armstrong asked about the payment amount and informed the defendant that he (Detective Armstrong) heard the discussed amount was \$5,000 the defendant responded, "yeah we can probably do that."

At approximately 2:49 PM on October 12, 2011 Detective Armstrong reports receiving a second call from the informant and the defendant. During this call, the defendant, who believed he was talking to the nephew of the informant, provided detailed directions on how to get to Stacey Brown's residence. Specifically, the defendant instructed Detective Armstrong to take 27<sup>th</sup> street south to College Avenue and turn right. The defendant instructed Detective Armstrong to look for a blue house on the left hand side of the road. According to the defendant, the house would have a number of cars in the driveway that were for sale.

Once at the residence, the defendant instructed Detective Armstrong to "go to the side door, okay, and ask for Stacey." "Make it look drug related."

At approximately 3:08 PM on October 12, 2011 Detective Armstrong received a third call from the informant wherein the defendant was again placed on the phone. During the third call, the defendant reiterated the directions to Stacey Brown's residence. The defendant then instructed Detective Armstrong to go to the side door, ask for Stacey, and "make it look drug related." The defendant further instructed Detective Armstrong to get her "one time in the lower back." The defendant repeatedly informed Detective Armstrong that it must occur on Halloween, October 31, 2011.

When asked if he wanted Stacey Brown to walk after this, the defendant responded, "just make it look drug related, put one in the spine, lower end, the spine." The defendant further stated, "you take care of that, I'll pay you man."

#### **AS TO COUNTS TWO THROUGH FOUR:**

On October 10, 2011 Investigator Joseph Link of the Milwaukee County District Attorney's Office Witness Protection Unit reports attending a briefing with District Attorney John Chisholm and Milwaukee County Sheriff Detectives Brian Morgan and Todd Armstrong concerning the defendant's plot to have Stacey Brown killed. After the briefing, Investigator Link examined an open case in the Witness Protection Unit concerning potential witness intimidation on the underlying child abuse case. According to Investigator Link, an analyst from the Witness Protection Unit found jail calls placed by the defendant that were concerning for intimidation back in July of 2011.

Investigator Link reports having an analyst from the Witness Protection Unit examine recent calls placed by the defendant. The analyst, Timothy Holdmann, discovered three calls placed by the defendant to citizen witness Marie Weiland.

On October 14, 2011 Investigator Link reports that he and Investigator Carl Buschmann proceeded to Marie Weiland's residence to interview Ms. Weiland. Investigator Link reports that Ms. Weiland provided the following information in her interview with Investigator Link.

Ms. Weiland has known the defendant for approximately twenty years and she has been fielding his calls from the jail since his arrest for child abuse. During this time frame, the defendant has sent Ms. Weiland a number of letters from jail. Among the letters Ms. Weiland received was a letter that contained a draft of a letter that the defendant wanted Stacey Brown to write. Ms. Weiland provided a stack of letters she reported receiving from the defendant while the defendant was being held on the child abuse charges.

Since the defendant has been in jail on the child abuse case, Ms. Weiland believes that she has received approximately twenty phone calls from the defendant. According to Ms. Weiland, of those twenty calls approximately six calls involved the defendant instructing Ms. Weiland about things he wanted Stacey Brown to do in an attempt to get the child abuse charges dropped. Ms. Weiland further informed Investigator Buschmann that during a number of these calls, Stacey Brown was present inside Ms. Weiland's residence and Ms. Weiland would put the phone on speaker so that Stacey could hear the defendant's instructions.

This complaint is further supported by the written report of Milwaukee County Investigator Carl Buschmann of the Witness Protection Unit, who reports that on September 13, 2011 Witness Protection analyst Timothy Holdmann began to monitor the jail calls of the defendant.

**AS TO COUNT TWO:**

According to Holdmann, in a call placed by the defendant on July 7, 2011 the defendant advises Marie to talk to Stacey and tell Stacey that nothing will happen if Stacey does not come to court. The defendant further advises Marie that if Stacey does not appear in court, the charges would be dropped. Significantly, the phone number the defendant called belonged to Marie Weiland, who is believed to be the "Marie" that the defendant was talking to on July 7, 2011.

**AS TO COUNT THREE:**

Investigator Buschmann reports that the defendant placed a second call to Marie Weiland on July 11, 2011 in which, according to the analyst who listened to the call, the defendant told Ms. Weiland "well you need to pull her to the side and you know what to tell her." "Just say hey man act like you did, don't go, fucking save Tom 7 years 8 years in prison and just let it go." The defendant further states, "I'm not supposed to be telling you this over the phone because there is a restraining order and I can't use you as the middle person."

Investigator Buschmann reports that on July 14, 2011 there was a preliminary hearing for Milwaukee County case 2011CF3108 wherein Stacey Brown was called as a witness and testified. Based on the testimony of Stacey Brown, the defendant was bound over for trial in the Circuit Court.

**AS TO COUNT FOUR:**

On October 14, 2011 Investigator Buschmann and Investigator Link proceeded to Stacey Brown's residence to inform Ms. Brown of the threats against her life.

During the interview, Stacey Brown admitted to writing a recant letter. According to Ms. Brown, sometime in July of 2011 prior to the preliminary hearing, Ms. Brown was present at Marie Weiland's residence. Ms. Weiland was on the phone with the defendant and Ms. Weiland put the phone on speaker so that Ms. Brown could hear what the defendant was saying. During this call, the defendant informed Ms. Brown that she needed to write a letter saying that she never saw the defendant punch C.W.

According to Stacey Brown, out of fear of the defendant she authored a letter to the defendant's probation agent in which Ms. Brown indicated that she never saw the defendant punch C.W. Ms. Brown informed Investigator Buschmann that what she wrote in the letter was not the truth, but she wanted the defendant to leave her alone.

After authoring this letter, Stacey Brown informed Investigator Buschmann that a defense investigator called Ms. Brown and asked her to rewrite the letter and to add that the defendant was a good guy and that the defendant was never violent towards the children.

Stacey Brown subsequently rewrote the letter and swore to the contents of the letter as being the truth, even though it was not the truth.

Investigator Buschmann reports questioning Stacey Brown about a letter written by the defendant on October 5, 2011 in which the defendant writes out exactly what he wants Stacey Brown to say in a letter to the defendant's attorney. Stacey Brown acknowledged seeing the letter at Marie Weiland's residence and recognizing the handwriting as the defendant's.

Investigator Buschmann reports playing portions of the three calls between the defendant and Detective Armstrong, who was acting in an undercover capacity. Investigator Buschmann reports that Stacey Brown positively identified the voice of the person attempting to set up the murder for hire plot as the defendant's voice.

Your complaining witness has personally reviewed the letters provided by Marie Weiland which Ms. Weiland reports receiving from the defendant while the defendant was in jail on the child abuse charges relating to Milwaukee County case 2011CF3108. A review of those letters reveals the following significant excerpts: (Please note that all spelling and grammatical errors are intended for accuracy)

**IN A LETTER ENTITLED "FRIDAY":**

"You are going to have to have Marie help you write out a statement saying we were arguing and thought I was cheating on you because Dale said I was fucking whores. You were just following someone else's lead when you heard someone say I broke [C.W.]'s nose. You did not mean it but you were angry at me and wanted to get even. Say what you want but do not ever say I spoke to you or wrote to you in any way, shape or form! Then you make a copy of the letter + have it notarized and have one given to my P.O. on Mitchell + one to my lawyer. This has to be done verry soon. As soon as possible A.S.A.P. I well keep doing what I can to make sure I get some therapy or counseling + help. Also, you must give child services a copy also. You well not get in trouble. You did not get in trouble the last time you gave them the letter. I have a cool P.O. The letter needs to be done real soon before the P.O. supervisor tries to revoke me. It's all up to you.... I'm sorry for relapsing. I'll change for the kids and for you. There is a job out there waiting for me. We need the money.... Get me out of hear and write the letter this week."

**IN A LETTER SIGNED OFF WITH C-U-LATER:**

"...Because what she (Stacey) said in court is enough to put me away for 6 years. The statement is good for shit because nothing in it states that she did not see me hit [C.W.] nothing!! The purpose of the statement is to keep me from getting 6 years and she knows what the fuck she is doing."

**IN A LETTER DATED SEPTEMBER 14, 2011:**

"...I think I have figured out a way to speed up my way out of jail: When I get to court I am going to ask if I can get 10 minutes to speak with Stacey with her + my lawyer present. I am going to tell Stacey that if she don't lift a finger to help me, then I am going to push to put the kids up for adoption! That should wake her up.... Did you remind Stacey when she came over what is she going to do to get me out? She needs to be reminded even if she don't give a fuck. She needs to be told to go to the D.A. and tell then she is sorry and so forth."

**IN A LETTER DATED SEPTEMBER 17, 2011:**

"... This is a serious crime I am being charged for and it's not going to go away unless Stacey wakes the fuck up from being spoiled with no care or worries in the world. Her fuckin re-tracktion statements are not good enough. She was not there and she showed up after the fact when the head butt happen. She has to say that in person and in writeing (notarized) and she has to say

this to the prosecuting D.A. and to my P.O.s supervisor!! Stacey needs to wake up and do this because I can't do shit with a criminal background. Waiting for the last day or week before court is not enough. She needs to be confronted each + every time she is seen. I can't do it because I got a fuckin restraining order. If my mom could catch Stacey one day so my mom could confront her + tell her to get me off this shit she + Dan + Dale got me into. Take the bitch to the D.A. office and have her tell the truth so I can be released back into society!..."

**IN A LETTER DATED SEPTEMBER 24, 2011:**

"I wrote 2 pages front + back to the grandmom in Boloit. I explained to her that I am letting go my ties with Stacey and I want her to try and help me. I asked if she could get her to go to the D.A. + P.O. and do a face to face and have someone go + hold her hand."

**IN A LETTER DATED OCTOBER 5, 2011:**

"...(Enclosed) is a draft on how I think the statement should be made because I might as forget about trying to have Stacey go see the PO, DA, etc. It is going to happen soon enough and I might as well have better luck if there is something to see and show in court. My lawyer said it will be better if Stacey did not show up in court on the 19<sup>th</sup> because the D.A. well try and scare Stacey and say that they will take the kids away or lock her up for lieing because there only job is to get a conviction and lock me up.... So the enclosed letter needs to be done vary fast, vary soon, and A.S.A.P. so then maybe the D.A. office well drop the charges and the P.O. so I can be home for Christmas... call Stacey + explain + show her the letter and explain it needs to be done today, now, tonight, this afternoon, you get the picture, it's got to be done. It well only take a half hour to do. Thank you. If she well not, then call my mom and ask her to go see Stacey at Jim's house and find out why. The 19<sup>th</sup> is vary close!!! I already wrote my mom explaining the same thing. Now!

**IN A LETTER ENTITLED "DRAFT" THAT WAS INCLUDED WITH THE OCTOBER 5, 2011 LETTER:**

"To whom it may concern, I Stacey M. Brown, born on 5-11-1985,.... Swear this statement to be true and it was made out on my own free will. I am writeing this statement in hopes to help Thomas S. Welz, the father of [C.W.] I Stacey M. Brown have made a serious mistake and it was a vary poor decision on my part. On July 1<sup>st</sup> of 2011 I told police that seen Mr. Welz punch our son [C.W.] with a closed fist. (It was a lie). I did not see what happen and I was not there when [C.W.] received a bloody nose..."

Your complaining witness asserts that the information contained within this complaint does not exhaust your complaining witnesses knowledge of the evidence in this matter and that Investigators from the Milwaukee County District Attorney's Office Witness Protection Unit are still reviewing letters and calls related to this matter.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this \_\_\_\_ day of October, 2011.

\_\_\_\_\_  
John T. Chisholm  
District Attorney  
Milwaukee County  
1023023

\_\_\_\_\_  
Detective Brian Morgan  
Milwaukee County Sheriff's Office

MJT

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2011ML017500

Plaintiff,

vs.

Complaining Witness:

Blackmon, Fitzgerald  
3001 W. Silver Spring Dr, #107  
Milwaukee, WI 53209  
DOB: 05/09/1967

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), DOMESTIC ABUSE**

The above-named defendant on or about Tuesday, July 12, 2011, at 8885 South 68th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade and prevent Karen Ann Norton, a witness, from attending and giving testimony at a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1) (a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**Count 2: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), DOMESTIC ABUSE**

The above-named defendant on or about Saturday, July 16, 2011, at 8885 South 68th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade and prevent Karen Ann Norton, a witness, from attending and giving testimony at a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1) (a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

I am a Milwaukee County Law enforcement Officer, and bases this complaint upon the statement of Milwaukee County District Attorney Investigator, Carl A. Bushmann. Bushmann conducted an investigation regarding Milwaukee County Inmate Jail calls that were made on July 12<sup>th</sup> and 16<sup>th</sup>, 2011, by the above named defendant, Fitzgerald Blackmon, who was housed at the Milwaukee County House of Correction (HOC), to Karen Norton (Norton).

Norton is the alleged victim in Milwaukee County Circuit Court Cases 2011CM2698 and 2011CF2782. Blackmon is the defendant.

Investigator Carl A. Buschmann conducted an investigation of possible intimidation and dissuasion by Blackmon. Buschmann discovered that on the above dates that the defendant had placed phone calls from the HOC to Norton, dissuading Norton from coming to court or assisting the prosecution with their case. Buschmann is familiar with both Norton and the defendant's voice.

On Tuesday, July 12, 2011, the defendant placed a call to 262-225-7221. Buschmann noted that this number was the listed number given by Karen Norton, as he has conducted follow up investigations on the above cases. This phone call lasted about 14 minutes. In this phone call, the defendant can be heard telling Norton that he is facing 15 years for the above cases. He then tells Norton that he has sent her a letter instructing her to write a letter to his lawyer, in her own handwriting, and have it notarized. In the letter, the defendant tells Norton to write to his lawyer that she lied about the above cases, so he can get out of jail. Prior to hanging up the phone, the defendant states to Norton, "Are you going to write the letter to his lawyer?" Norton replies, "Yes Gerald (short for Fitzgerald)." He then says, "Thank you, ok baby, this is my life, I ain't got no 15 years to give these people."

On Saturday, July 16, 2011, Blackmon placed another phone call to the above number. This call lasted 15 minutes. In this call, Blackmon is heard repeatedly asking to Norton if she wrote the letter to his lawyer. He further ask if she put everything in the letter, including that she will be out of town in Colorado at the time of trial, as he has suggested she write. Norton states she has complied. The defendant then states, "If the DA talks to you and ask if you have had contact with me, what are you going to say?" Norton replied, "No."

On Monday, July 18, 2011, Bushmann made contact with Karen Norton. Norton confirmed that Blackmon did call her on the above dates, and that he asked her not to cooperate with the prosecution. Norton then allowed Bushmann to go retrieve her mail, as her elevator is broken, and she had no way of getting down the stairs. Bushmann retrieved two envelopes addressed to Michael Blackmon, the defendant's son. Norton informed Bushmann that the defendant will address the letters to his son, but they are meant for Norton. Norton states the defendant does this, so it looks as though he is not having contact with Norton. Inside of two envelopes, there were two letters addressed to Norton. In both letters, the defendant is providing Norton with instructions to assist him in having his cases dropped and telling her not to come to court and cooperate with his prosecution.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 19<sup>th</sup> day of August, 2011.

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Dewey B. Martin  
Assistant District Attorney  
1066201

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Complaining Witness

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2012ML005313

Plaintiff,

vs.

Complaining Witness:

Inv. Joseph Link

King, Lovell  
2858 N. 24th St  
Milwaukee, WI 53206  
DOB: 02/09/1970

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), DOMESTIC ABUSE**

The above-named defendant on or about Thursday, January 26, 2012, at 949 North 9th Street (CJF), in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Gloria J Byrd, a witness, from attending at a trial authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**Count 2: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), DOMESTIC ABUSE**

The above-named defendant on or about Wednesday, February 08, 2012, at 949 North 9th Street (CJF), in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Gloria J Byrd, a witness, from attending at a trial authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**Count 3: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), DOMESTIC ABUSE**

The above-named defendant on or about Thursday, February 16, 2012, at 949 North 9th Street (CJF), in the City of Milwaukee, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Gloria J Byrd, a witness, from attending at a trial authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

I am a Milwaukee County District Attorney's Office law enforcement officer and base this complaint upon my examination of the official Milwaukee County Circuit Court file in Case# 2011CF5341, in which the defendant was charged with the felony offense of Escape From Custody (In Custody For Crime), in violation of Wisconsin Statutes Section 946.42(3)(a), 939.50(3)(h), 968.075(1)(a) and the misdemeanor offenses of Misdemeanor Battery, Domestic Abuse and Misdemeanor Battery, Domestic Abuse, both in violation of Wisconsin Statutes Section 940.19(1), 939.51(3)(a), 968.075(1)(a).

This complaint is further based upon your complainant's examination of the certified criminal complaint in the official Milwaukee County Circuit Court file in Case # 2011CF5341. Said complaint, sworn by Officer Derrick Vance of the Milwaukee Police Department, states the following:

I am a Milwaukee Police Officer and base this complaint on the statements of Gloria Byrd, who observed the following: on October 29, 2011, Byrd's boyfriend, Lovell King, assaulted her at their residence at 2858 North 24<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin. There, King grabbed Byrd and threw her to their bed. King climbed on top of Byrd. King punched Byrd's face four or five times. Byrd reached out and grabbed a knife from the bedside. King fell onto the knife as he beat her. The knife cut King's chest.

Byrd then escaped the bedroom. She ran to the kitchen. King chased her. King pushed Byrd into the dining room. There, King again punched Byrd three or four times.

Again Byrd escaped. She ran upstairs to roommate Crystal Edwards. Edwards lent Byrd her phone. King followed Byrd upstairs. Again, he punched Byrd's face two or three times. King then rifled through Byrd's purse and left the house.

I also base this complaint on statements King made to Milwaukee Police Officer Daniel Keller as they rode in the back of a Milwaukee Fire Department vehicle to Froedert Hospital. King said he was injured when he "fell on a knife." He said Byrd was his girlfriend of five years. He denied arguing with her.

### KING ESCAPES

Milwaukee Police Officer Blaine Grobowksi reports the following: During their investigation on October 29, 2011, Milwaukee Police Officers Keller and Grabowski found King crouched by the corner of a building at 2652 West Fond Du Lac Avenue. King was arrested for battering Byrd. Because of his knife injury, King was taken on October 29 to Froedert Hospital, 9200 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin. Officers notified hospital security that King was under arrest and to be held. After treatment, security was told, King would be taken to MPD District 5 for booking. At about 3:30 pm on October 31, 2011, Milwaukee Police Officer Keith Garland went to Froedert to take King to District 5. King was missing. Hospital security was unable to locate King on hospital grounds.

I also base this complaint on the statements of Froedert Nurse Bonnie Schultz, who estimated that King left at about 3:45 pm on October 31 and must have taken with him all of his belongings. Schultz says King was never told he was free to leave the hospital.

Finally, I base this complaint on the observations of Milwaukee County Deputy Rohde, who found King riding a Milwaukee County bus near 3500 West State Street. Rohde arrested King for escape. This time, King was immediately taken to District 5.

This complaint is further based upon your complainant's examination of the certified judgment roll in the official Milwaukee County Circuit Court file in Case # 2011CF5341, which indicates that on November 4, 2011, after setting a \$1,500 cash bond with conditions for the defendant's release, including that the defendant not have contact with Gloria B. (whom your complainant knows to be Gloria Byrd). On January 17, 2012, while the defendant was present in court, the Honorable Judge Mary Triggiano set the case for jury trial for March 12, 2012 at 8:30 a.m. Said file reflects that from November 4, 2011 to present, the no contact order involving Gloria Byrd has remained in full force and effect.

This complaint is further based upon your complainant's review of fellow Milwaukee County Witness Protection (WITSEC) Investigator Carl Buschmann's report, which is of a type your complainant has reviewed in the past and found to be truthful and accurate. The report states the following, in pertinent part:

On 2/24/12 WITSEC Analyst Timothy Holdmann began to monitor the jail calls of the defendant, Lovell King. Analyst Holdmann did come across a call that was placed on 1/26/12 at 13:12:12. The call was placed to 414 202-9887 from CJF (which your complainant knows to be the Criminal Justice Facility, located at 949 North 9th Street (CJF), in the City of Milwaukee, Milwaukee County, Wisconsin), Pod 3B. The call ended at 13:27:07. It should be noted that the phone number called, 414 202-9887, is the number that Lovell King provided to the authorities when he was arrested

At about 1 min. and 46 sec. into the call a female (Gloria Byrd) is heard stating how she got papers for her to come down there on the 12<sup>th</sup> of March. She says "I aint coming down there." King replies "I know, don't." "You know what I mean, try not to say nothing like that on the phone though you know what I'm saying?" "Just don't." The female states "OK, right ok, I'll leave it alone, OK, alright."

At 11min. and 48 sec. into the call King states "I'm kinda fucked up in the head because little Junior Lovell, aw shit damn, what the fuck did I say that for, God Damn, Damn!" "Well anyway, uh his birthday was on the 3<sup>rd</sup>, he turned 18."

At 12min and 33 sec. King states "You know what to do when they come around trying to um, you know what I'm saying."

Analyst Holdmann prepared a synopsis of the pertinent portions of the phone call as they relate to witness intimidation. I, Investigator Buschmann listened to the above listed call and found the synopsis prepared by Analyst Holdmann to be an accurate account of the pertinent portions of the call.

I then checked Milwaukee Co. Sheriffs jail records and found that Lovell King was housed at the CJF, Pod 3B on the date and time of the above described phone call. King also makes a slip during his phone conversation and names his son "Little Junior Lovell". The court date mentioned in the call, March 12<sup>th</sup>, is the jury trial date for Lovell King.

Although King doesn't state Gloria's name during the call he does ask her if she is still living at the same place they were living at and she replies yes. They talk about their relationship and how he wants to marry her when he gets out of jail.

On Thursday, March 8, 2012 Analyst Holdmann monitored two additional jail calls from Lovell King. The first call was placed on 2/8/12 at 15:13:08 from CJF Pod 3B to (414) 202-9887. The call ended at 15:27:52.

At about 3min. and 12 sec. King is talking to Gloria and is telling her that he might take it to trial on the 12<sup>th</sup>. He states: "March 12<sup>th</sup>, so I'm probably just gonna go ahead, take it to trial." "You know what to do." "Don't even, you know what I'm saying, don't even say it on the phone, you know what to do." Gloria replies "OK". King states "Then they gonna have to let me go." At about 8min. 49sec. into the conversation Gloria wishes King a happy birthday (King's birthday is on 2/9/70)

The second call was placed on 2/16/12 at 15:47:32 from CJF Pod 3B to (414) 202-9887. The call ended at 16:02:15.

At about 1min. and 49sec. into the call King is talking to Gloria about his court date. Gloria asks King "When they said, when they gonna let you home?" "I want to talk, I want to know when you coming home, I'm tired of crying." King replies "March, March 12<sup>th</sup>." "You know what I'm saying." "If everything go good, you know, you don't come." "I mean, I'm gonna get off regardless if you do." "But just don't, you know what I'm saying." Gloria tells him "I said don't talk about that no more baby."

Analyst Holdmann prepared a synopsis containing the pertinent portions of the jail calls as they relate to intimidation of a witness. I, investigator Carl Buschmann, listened to the two calls and found that the synopsis prepared by Analyst Holdmann to be an accurate account of the pertinent portions of the phone conversations.

A Check with Milwaukee Co. Sheriffs jail records showed that on the dates of the calls, 2/8/12 and 2/16/12, Lovell King was housed at the CJF in Pod 3B.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 9<sup>th</sup> day of March, 2012.

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Peter M Tempelis  
Assistant District Attorney  
State Bar # 1054579

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Complaining Witness

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2012ML006932

Plaintiff,

vs.

Complaining Witness:

Investigator Carl Buschmann

Curet-Rodriguez, Luis  
1813 S 19 St  
Milwaukee, WI 53204  
DOB: 09/11/1971

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**COUNT 1: FELONY INTIMIDATION OF A WITNESS - PARTY TO A CRIME (BY PERSON CHARGED WITH A FELONY) REPEATER**

The above-named defendant on or around February 10, 2012, at 8885 S. 68th St., in the City of Franklin, Milwaukee County, Wisconsin, being a person charged with a felony, did as a party to a crime knowingly and maliciously attempt to dissuade Cheryl Dixon, a witness, from attending at a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.05, 939.50(3)(g), 939.62(1)(b) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 4 years, if the prior conviction was a felony.

**COUNT 2: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY) REPEATER**

The above-named defendant on or about Tuesday, February 14, 2012, at 8885 S. 68th St., in the City of Franklin, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade Cheryl Dixon, a witness, from attending at a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 939.62(1)(b) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the

maximum term of imprisonment for this offense may be increased by not more than 4 years, if the prior conviction was a felony.

This complaint is supported by the written reports of Investigators with the Milwaukee County District Attorney's Office Witness Protection Unit which were prepared through the normal course of police business and which your complaining witness has relied upon in the past and found to be truthful and reliable. Based upon a review of the reports pertaining to the investigation of this matter, your complaining witness believes that:

On February 17, 2012 Investigator Carl Buschmann of the Milwaukee County District Attorney's Office Witness Protection Unit reports receiving a request from Assistant District Attorney Matthew Torbenson to investigate allegations of witness intimidation by the defendant, Luis Curet-Rodriguez, relating to Milwaukee County case 2012CF0662 wherein the defendant is charged with physical abuse of a child and strangulation/suffocation. Based upon this request, Investigator Buschmann reports meeting with Cheryl Dixon, a material witness from 2012CF0662 and the mother to the child victim, L.C., who provided the following information to Investigator Buschmann.

**AS TO COUNT ONE:**

According to Cheryl Dixon, on February 12, 2012 she received a phone call at her residence from a male who asked if "Penny" was there. Ms. Dixon informed Investigator Buschmann that her nickname is "Penny." Ms. Dixon responded "yes" to the caller, who then proceeded to tell Ms. Dixon that he had a message from the defendant. The caller informed Ms. Dixon that his name was Keith and that he (Keith) was just released from the House of Corrections on February 10, 2012. Keith further informed Ms. Dixon that he shared a dorm with the defendant while in the House of Corrections. Keith informed Ms. Dixon that the defendant gave him (Keith) a letter to read to Ms. Dixon. Keith then read the letter to Ms. Dixon over the phone. The letter instructed Ms. Dixon not to come to court on February 17, 2012 and to keep L.C., the victim in 2012CF0662, out of school on that day as well.

Ms. Dixon provided Keith's phone number and information to Investigator Buschmann, who was able to identify Keith as Keith Kelly, 8/31/1963 D.O.B. Investigator Buschmann further reports personally reviewing records from the House of Corrections that confirm that the defendant shared the same dorm as Keith Kelly while Keith Kelly was held at the House of Corrections, located at 8885 S. 68th St., in the City of Franklin, Milwaukee County.

On February 20, 2012 Keith Kelly reported to the Milwaukee County District Attorney's Office to meet with Investigator Buschmann. Upon arriving on scene, Mr. Kelly turned over a hand written letter given to Mr. Kelly by the defendant. According to Mr. Kelly, on Friday February 10, 2012 he (Mr. Kelly) was set to be released from the House of Corrections. Prior to being released, Mr. Kelly was given a letter by the defendant. The defendant asked Mr. Kelly to call "Penny" and read the letter to her. The defendant told Mr. Kelly that the defendant wanted Mr. Kelly to attempt to convince "Penny" to stay away from court so that the defendant could get back together with her. The defendant further instructed Mr. Kelly to tell "Penny" to keep L.C. out of school because L.C. is involved in the social service system. The defendant further instructed Mr. Kelly to tell "Penny" to write the defendant and inform the defendant of her intentions. The defendant instructed Mr. Kelly to tell "Penny" to write the letter using the neighbor's name and address so that the letter could not be traced back to her.

Based upon the defendant's instructions, on February 12, 2012 Mr. Kelly called "Penny" and read the defendant's letter to "Penny" over the phone. Your complaining witness has personally

reviewed a copy of the letter provided by Keith Kelly to Investigator Buschmann. The letter includes the following:

“PSS – Don’t show in court on tha 2-17-12 Hide Please.”

Investigator Buschmann further reports that he showed the letter to Cheryl Dixon, who identified the handwriting as the defendant’s handwriting.

**AS TO COUNT TWO:**

On February 17, 2012 Investigator Buschmann reports assigning Timothy Holdmann, an analyst with the Milwaukee County District Attorney’s Office Witness Protection Unit, to monitor jail calls being placed by the defendant. Investigator Buschmann reports that Analyst Holdmann identified a call placed by the defendant on February 14, 2012 to Cheryl Dixon’s phone number. During the phone call, the defendant tells Cheryl Dixon:

Defendant: So (inaudible) you need to, that Friday, (inaudible) if you stay home I’d appreciate it.

Ms. Dixon: Hey I’m not getting no warrant for my arrest buddy.

Defendant: Oh my god.

Ms. Dixon: I’ll tell you that right now I don’t care. I’m not getting a warrant. I’m not going to jail Luis.

Defendant: Ok so don’t press charges (inaudible) Penny.

Ms. Dixon: Huh?

Defendant: Don’t press charges, neither of you.

Ms. Dixon: I’m not pressing charges. I’m not pressing charges, I’m not going to jail though I know that.

Defendant: I know Penny, but you have to learn how to talk. You see you go over there and say ‘no, I don’t want to press no charges on him. (inaudible), you know what I’m saying?

Ms. Dixon: Yeah well don’t, how are you gonna tell me to go to jail?

Defendant: I’m not telling you that. You put me, you guys put me in this situation.

Later in the call the following conversation takes place:

Defendant: The first time you said you’d (inaudible) go to court, now you’re saying you’re going to court. See what I’m saying?

Ms. Dixon: Luis I have to!

Defendant: Penny what do you mean you have to? You don’t have to do jack shit.

Ms. Dixon: Look, they already gave me a warrant Luis. I’m not going to jail.

Defendant: Penny you don't have to go to it. You don't get it? The only thing you have to say is, 'No I don't want to do nothing. I don't want to go against him cuz he's my baby daddy.'

Investigator Buschmann reports checking Milwaukee County Sheriff's Department records and verifying that the defendant was being held at the House of Corrections, located at 8885 S. 68th St., in the City of Franklin, Milwaukee County, when the call was placed by the defendant on February 12, 2012. Investigator Buschmann further confirmed that the call was placed from the defendant's dorm in the House of Corrections.

On March 27, 2012 Investigator Buschmann played a portion of the recorded call believed to have been placed by the defendant to Cheryl Dixon on February 12, 2012 to Ms. Dixon. Ms. Dixon positively identified the voice on the call as the defendant's voice. Ms Dixon further informed Investigator Buschmann that this was the last call that she accepted from the defendant.

**AS TO BOTH COUNTS:**

Attached to this complaint are certified copies of the criminal complaint, court docket, and no contact order in Milwaukee County case 2012CF0662 which establish that the defendant was charged on February 2, 2012 with Physical Abuse of a Child and Strangulation/Suffocation. Those records further establish that Cheryl Dixon appeared on February 17, 2012 and testified at the preliminary hearing wherein the defendant was bound over for trial after the testimony of Cheryl Dixon.

Also attached to this criminal complaint and incorporated by reference are copies of certified records of the criminal complaint, docket, and judgment of conviction in Milwaukee County case 2008CF1412 wherein the defendant was convicted of the felony offense of substantial battery contrary to Wisconsin State Statute § 940.19(2) . Those records establish that the conviction remains of record and unreversed and occurred within the five year period preceding these offenses.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this \_\_\_\_ day of April, 2012.

\_\_\_\_\_  
Matthew J. Torbenson  
Assistant District Attorney  
Child Protection & Advocacy Unit  
1049925

\_\_\_\_\_  
Investigator Carl Buschmann  
Witness Protection Unit  
Milwaukee County District Attorney's Office

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2011ML014066

Plaintiff,

vs.

Complaining Witness:

Murphy, Jahir Joel  
4648 N. 19<sup>th</sup> Pl.  
Milwaukee, WI 53206  
DOB: 08/22/1988

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY), REPEATER, DOMESTIC ABUSE**

The above-named defendant on or about April 12, 2011, through April 29, 2011, at 8885 S. 68th St, in the City of Franklin, Milwaukee County, Wisconsin, being a person charged with a felony, did knowingly and maliciously attempt to dissuade and prevent Renae Nicole Sanford, a witness, from attending a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 939.62(1)(b), 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 4 years, if the prior conviction was a felony.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**Count 2: BAIL JUMPING (MISDEMEANOR), DOMESTIC ABUSE, REPEATER**

The above-named defendant on or about Thursday, June 09, 2011, at 901 W. Wells St, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a misdemeanor and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(a), 939.51(3)(a), 968.075(1)(a), 939.62(1)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased to not more than 2 years.

I am an Investigator with the Milwaukee County District Attorney's Office WITSEC Unit, and base this complaint upon my review of official reports prepared by the WITSEC Unit, as well as my examination of the official records maintained by the Milwaukee County Clerk of Circuit Court, the latter being attached and incorporated by reference, and both of which I have relied upon in the past and know to be truthful and reliable. The reports and the records reflect that:

On April 9, 2011, Jahir Murphy, the defendant, was charged in case # 11CF1552 with one felony count of Strangulation contrary to Wis. Stat. 940.235(1), and three misdemeanor counts of Criminal Trespass to a Dwelling, Criminal Damage to Property, and Bail Jumping, contrary to Wis. Stats. 943.14, 943.01(1), and 946.49(1)(a), respectively. The defendant made his initial appearance on that same date, cash bail was set at \$1500, and as a condition of his release, he was ordered to have no contact with Renae Sanford, the alleged victim in all four counts. A preliminary hearing was scheduled for April 19, 2011, at 8:30 AM, at which time Sanford failed to appear. The State began the hearing by taking testimony from an officer witness, and then requested an adjournment to secure Ms. Sanford's appearance, which was granted by the court. The preliminary hearing was adjourned until April 29, 2011, at which time Sanford again failed to appear. The State then filed an amended complaint reducing the felony Strangulation count to one of misdemeanor Disorderly Conduct, contrary to Wis. Stat. 947.01. The defendant then appeared for a bail hearing on May 6, 2011, at which time his bail was set at \$800 cash bail, and the case adjourned for a final pretrial on June 9, 2011. On June 6, 2011, the defendant was able to post the \$800, and was subsequently released from custody.

On Wednesday, June 8, 2011, WITSEC Analyst Amy Lagueux monitored the jail calls of the defendant, Jahir Murphy. The purpose of the monitoring was to determine if any type of intimidation had occurred as the victim Renae Sanford had failed to appear at the preliminary hearing. Analyst Lagueux did discover several calls from the House of Correction (HOC), located at 8885 S. 68th St, in the City of Franklin, Milwaukee County, where the defendant is requesting someone to contact the victim Sanford and to make sure that she doesn't come to court. Portions of the pertinent calls described below were subsequently played for Sanford, who positively identified the male voice in all of the calls as being that of Jahir Murphy, her boyfriend.

Analyst Lagueux monitored a call from April 12, 2011, at 7:04 PM, that was placed from the HOC room G2 to (414) 837-7675. In this call Murphy is heard telling a female to tell "Carter" to keep on calling her to make sure she don't come. He states to have "Carter" stay on her, for real, because he can't do this shit. The female asks what "Carter" is doing, and Murphy tells her that Carter is calling her and telling her not to come and shit, making sure she's not coming.

Analyst Lagueux monitored another call from April 12, 2011 at 7:30 PM, from the HOC room G2 to (414) 837-7675. Murphy talks to a female and instructs her to talk to "Carter," and to stay on "Carter" because "Carter" is the one talking it over with Sanford. Murphy further talks about how they won't let him "PR" out because of his bail jumping charge.

Analyst Lagueux monitored a call from April 13, 2011, at 7:28 PM, from room G2 of the HOC to (414) 837-7675. In this call Murphy asks the female if she talked to "Carter," and the female replies "Ya, he said everything good". Murphy states to the female "Stay on Carter for me, man, that's all I ask. Keep on telling him to call her or whatever the fuck he gotta do". The female asks if Murphy is trying to keep Sanford from showing up, and Murphy replies, "Yeah".

Analyst Lagueux monitored another call from April 14, 2011, at 7:46 PM, from the HOC room G2 to (414) 837-7675. During this call Murphy is heard stating "Stay on Carter and make sure this bitch ain't coming. If she motherfucking pop up in court I'm gonna start crying".

Analyst Lagueux monitored a call from April 15, 2011, at 1:36 PM, from the HOC room G2 to (414) 837-7675. During this call Murphy tells the female to tell "Carter" that Sanford can go downtown and drop the charges, that she can tell them that she don't want to press charges.

Analyst Lagueux monitored a call from April 19, 2011, at 3:50 PM, from the HOC room H2 to (414) 837-7675. During this call Murphy tells the female "It's on the 29<sup>th</sup>, you gotta call Carter and tell her to keep dodging the motherfuckers because they keep on her ass now". The female tells Murphy that Carter told her that the bitch has a smirk ass attitude and says that she can't drop the charges. Murphy then states, "They probably called on her scaring her and shit. They gonna keep pressuring her to come, she gonna keep on thinking they gonna lock her up if she don't come and all she gotta do is keep on dodging em". As previously noted, a preliminary hearing in 11CF1552 was scheduled for April 19, 2011, at 8:30 AM, and then adjourned until April 29, 2011.

Analyst Lagueux monitored a call from May 25, 2011, at 7:44 PM, from the HOC room L2 to (414) 837-7675. In this call Murphy is talking to a female about posting his bail at the HOC and says to bring the \$800.00 directly out there. Murphy also talks about having court on the 9<sup>th</sup>, and that he needs to have the bitch (Sanford) drive him down to court to make sure "motherfucker aint going in there" (court) and to make sure everything is good. As previously noted, in 11CF1552, Murphy's bail was set at \$800 on May 6, 2011, and the case was adjourned until June 9, 2011.

A check with Milwaukee Co. Sheriffs Office jail movement records revealed that the defendant Jahir Murphy was housed in the particular areas of the HOC on the specific dates and times which are documented above.

Based upon the jail call from May 25, 2011, WITSEC investigators conducted surveillance outside of the Milwaukee Co. Courthouse in an attempt to determine if the defendant and Sanford were together in violation of the no-contact order bail condition. Through law enforcement resources it was learned that Renae Sanford was the registered owner of a 2000 Hyundai Elantra 4 door, white in color, Wisconsin registration 251NJY. Upon checking the area, Unit 788, Investigator Aaron Weiss, did locate the above described vehicle parked on W. Wells St. in the 900 block. The vehicle had a lone black female occupant. Investigators Weiss and Bratonja then conducted surveillance on the vehicle. Investigator Carl Buschmann, along with Investigator Thomas Boehlke, monitored the 5<sup>th</sup> floor of the Courthouse for the defendant Murphy. Murphy did appear and was wearing a black hoody, a black and white plaid shirt, and light colored jeans.

After getting a visual of Murphy, Investigator Buschmann met with Investigators Weiss and Bratonja in their surveillance vehicle. At about 11:00 AM, they were advised by Investigator Boehlke, who was still on the 5<sup>th</sup> floor of the courthouse, that Murphy had just borrowed his, Boehlke's, phone and placed a call to (414) 213-6900, and that Boehlke could hear Murphy tell the person on the other end that he believed that when his court case was called that he may be

taken into custody. Murphy also told the person that if he was not out 15 minutes or so after the case was called that "you might as well leave because I'm being locked up." Boehlke indicated that after making the call, Murphy was heading for the elevators. At about 11:30 AM, Investigator Buschmann observed the defendant exit the south doors of the Courthouse, and positively identified Murphy from seeing him previously on the 5<sup>th</sup> floor of the Courthouse. Buschmann watched as Murphy walked up to the driver's side of the white Hyundai vehicle, leaned into the car, had a conversation with the occupant, and ended the conversation by kissing her. Murphy then was observed by Investigator Anna Linden re-entering the Courthouse.

Investigators Weiss and Buschmann then approached the white Hyundai and spoke to the driver. The driver identified herself as being Renae Sanford, and she agreed to accompany them to their office to be interviewed.

Sanford stated that Jahir Murphy is her boyfriend, and that they have been together for the past one and a half years. Sanford stated that about a week or a few days before she was suppose to go to court, she received a call from one of Murphy's guys named "Carter." She stated that "Carter" stated that Jahir wanted to know if she was going to court, or if she was going to get the charges dropped. Sanford stated that she told "Carter" she couldn't do that and she hung up. Sanford stated that while Murphy was in jail, he called her on her cell phone at (414) 213-6900 about five or six times.

Sanford stated that since Murphy has been out on bail he has been staying with her at her residence at 9231 N. 75<sup>th</sup> St. Apt. #3. Sanford stated that earlier that day (June 9, 2011), Murphy told her that she needed to drive him downtown to his court appearance. Sanford stated that she did drive him to the courthouse in her white Hyundai, and that Murphy told her to wait in the car for him. Investigator Buschmann viewed Sanford's cell phone and noted that at about 11:12 AM, Sanford received a call from (414) 510-4349, which is the number of Investigator Boehlke's work phone. Sanford stated that she did not recognize the number when it came in, but when she answered it the caller was Murphy. Sanford confirmed that at one point Murphy did come out to the car and told her that he thought that he was going to be taken into custody and that if he didn't come back that was the reason, and that Murphy then gave her a kiss and walked back into the Courthouse.

#### ONE FELONY

This complaint is further based upon my examination of the official records maintained by the Milwaukee County Clerk of Circuit Court, which reflect that on October 23, 2006, the defendant was convicted in the Circuit Court of Milwaukee County, in Felony Case No.: 05CF6272 of the felony offense of Vehicle Operator Flee/Elude Officer, in violation of Wisconsin Statutes Section 346.04(3), and that said conviction remains of record and unreversed.

A certified copy of that judgment of conviction is attached to this complaint and incorporated by reference.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this \_\_\_\_ day of June, 2011.

\_\_\_\_\_  
Dax C Odom  
Assistant District Attorney  
1056655

\_\_\_\_\_  
Complaining Witness

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:2011ML012523

Plaintiff,

vs.

Complaining Witness:

Bell, Ronald D Sr.,  
3513 W Lisbon Ave  
Milwaukee, WI 53208  
DOB: 03/04/1971

---

 Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: CONSPIRACY TO COMMIT FELONY INTIMIDATION OF A WITNESS (BY PERSON CHARGED WITH A FELONY) - PTAC, AS A PARTY TO A CRIME, DOMESTIC ABUSE**

The above-named defendant on or between Tuesday, April 12, 2011 and Wednesday, April 13, 2011, at 8885 S 68th Street, in the City of Franklin, Milwaukee County, Wisconsin, as a party to a crime, being a person charged with a felony, conspired to knowingly and maliciously attempt to dissuade and prevent Peggie Ann Wells, a witness, from attending a proceeding authorized by law, in connection with that felony, contrary to sec. 940.43(7), 939.50(3)(g), 939.05, 939.31, 968.075(1)(a) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1) (a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

I am a Milwaukee County Law enforcement Officer, and base this complaint upon the statement of Milwaukee County District Attorney Investigator Carl A. Buschmann (Buschmann), who conducted an investigation regarding Milwaukee County Inmate Jail calls that were made by the above named defendant, Ronald D. Bell (Bell) on the following dates: April 7<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, and 21<sup>st</sup>, of 2011.

Bell made these phone calls while he was housed in unit North6, at the Milwaukee County House of Correction (HOC), except for the April 7<sup>th</sup>, 2011 call which was made at the Milwaukee County Criminal Justice Facility (CJF). Your complainant knows that the HOC is located at 8885 S 68<sup>th</sup> Street, in the City of Franklin, Milwaukee County, Wisconsin, and the CJF is located at 949 N 9<sup>th</sup> Street, in the City of Milwaukee, Milwaukee County, Wisconsin. During these phone calls, Bell instructed three men, later identified as Brian Bell (the defendant's brother), Daryl Brown (AKA "Big D"), and a person known as Tommy, to go to the home of Peggie Ann Wells (Wells), and pay her and dissuade her to not come to court to testify against him. Wells is the defendant's former girlfriend and the alleged victim, and therefore is a witness, in Milwaukee County Circuit Court Case 2011CF1520. In the above case, Bell was charged with the felony charges of Battery to a Person Subject to a 72 Hour No Contact Order (a Repeater); and Substantial Battery Use of a Dangerous Weapon.

This case was scheduled for a Preliminary Hearing on April 18, 2011. The victim, Wells, did not show up for the hearing and these charges were amended to Misdemeanor Battery and Battery while armed. As a result of Wells not showing up for the hearing, Investigator Carl A. Buschmann

conducted an investigation of possible intimidation and dissuasion of the victim by Bell. Buschmann identified seven calls, two of which are specifically described below.

On Tuesday, April 12, 2011, the defendant placed a call to the number 414-627-1088. This phone call lasted 1 minute and 47 seconds. In this phone call, the defendant can be heard telling a person, later identified as Brian Bell, to "Talk to Peggie, so she doesn't come to court." The defendant then says, "Tell her not to."

On Wednesday, April 13, 2011, at 10:53 a.m. Bell placed another phone call to 414-553-2414. This call lasted 15 minutes. In this call, Bell is heard stating to persons, later identified as "Big D., and Tommy," that if, "She don't come Monday (April 18<sup>th</sup> 2011 Preliminary hearing), I am out of here (released from the HOC)."

Big D responds: "Alright, I'm going to talk to her (Meaning Wells)." Buschmann went out to interview Peggie Ann Wells.

On Friday, May 20, 2011, Buschmann made contact with Peggie Ann Wells. Wells was played recordings of the phone calls described above. Wells identified and confirmed the voices in the calls, as that of the defendant, his brother Brian Bell, Daryl Brown (AKA Big D), and Tommy (unknown last name), who Wells' states is the defendant's cousin.

Wells further informed Buschmann that on April 17, 2011, Brian Bell came to her home and told her not to come to court. On Monday, April 18, 2011, Big D, came to her house and asked her if there was anything she needed; he then told her that she should not be going to court. Lastly, Wells stated that later that same day, on April 18, 2011, Tommy came to her home and offered her a bag of crack, not to come to court and testify against the defendant. Wells stated that she refused the bag of crack. Wells stated that she will testify against Bell in these cases.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 25<sup>th</sup> day of May, 2011.

\_\_\_\_\_  
Dewey B. Martin  
Assistant District Attorney  
1066201

\_\_\_\_\_  
Complaining Witness

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.: 2010ML028693

Plaintiff,

vs.

Complaining Witness:

Flores, Felisha M  
1558 South 24th Street Apt #4  
Milwaukee, WI 53215  
DOB: 03/01/1991

Det. Jeffrey Wiesmueller

Court Case No.:

Thames, Deyul  
2902 W. Arthur, #1  
Milwaukee, WI 53215  
DOB: 05/02/1972

Court Case No.:

Defendants.

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: SOLICITATION OF PERJURY (BEFORE A COURT COMMISSIONER) - AS A PARTY TO A CRIME** (As to both defendants), **REPEATER** (As to defendant Deyul Thames)

The above-named defendants on or about November 24, 2010, at 8885 South 68<sup>th</sup> St., in the City of Franklin, Milwaukee County, Wisconsin, as a party to a crime, advised another, Alicia Nikunen, to orally make a false material statement under oath which she did not believe to be true, in a proceeding before a court commissioner legally constituted, contrary to sec. 946.31(1)(c), 939.50(3)(h), 939.30 and 939.05 Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**And further as to defendant Deyul Thames**, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 4 years.

**Count 2: CONSPIRACY TO COMMIT FIRST DEGREE INTENTIONAL HOMICIDE** (As to both defendants), **REPEATER** (As to defendant Deyul Thames)

The above-named defendants on or about November 24, 2010, at 8885 South 68<sup>th</sup> St., in the City of Franklin, Milwaukee County, Wisconsin, conspired to cause the death of Alicia Nikunen, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), and 939.31 Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendants may be sentenced to a term of imprisonment not to exceed sixty (60) years.

**And further as to defendant Deyul Thames**, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years.

I am a City of Milwaukee law enforcement officer and I base this complaint upon the statement of Alicia Nikunen that on December 3, 2010, during the preliminary hearing in Milwaukee County Circuit Court Case # 10CF4751, captioned State of Wisconsin v. Deyul Thames (one of the above-named defendants), she testified falsely that items recovered by members of the Milwaukee Police Department, from 2902 W. Arthur Ave., # 1, on November 19, 2010, including 2 guns and a briefcase, belonged to her. Nikunen states that the aforementioned items actually belonged to defendant Thames. Nikunen states that she testified as she did because defendant Thames told her that she needed to take responsibility for the items found in her home. Nikunen states that she was scared that defendant Thames would otherwise hurt her, so she falsely testified that the items belonged to her. Nikunen further states that defendant Thames has been contacting her from custody since he was arrested on November 18, 2010, including on or about November 24, 2010, at two telephone numbers, one belonging to her and a second belonging to above-named named defendant Felisha Flores.

I also base this complaint upon the statement of Milwaukee County Sheriff's Detective Warren Spottek that he has reviewed official records created and maintained by the Milwaukee County Sheriff's Office and that said records reflect that defendant Thames was booked into the Sheriff's Custody on November 19, 2010 and transferred to the Milwaukee County Correctional Facility—South, at 8885 South 68<sup>th</sup> St., in the City of Franklin, Milwaukee County, on November 20, 2010, where he was held through December 7, 2010.

I also base this complaint upon the statement of defendant Flores that on or about November 24, 2010, she received telephone calls and at least one letter from defendant Thames, who she has known for several months and whose handwriting she recognizes, while defendant Thames was in custody wherein defendant Thames told defendant Flores to make sure Nikunen follows the "script" when she testifies at the preliminary hearing on December 3, 2010. Defendant Flores states that the "script," which defendant Thames conveyed to Flores in phone calls and a letter, consisted of Nikunen testifying falsely that the illegal items found in Nikunen's home belonged to her and not defendant Thames. Defendant Flores further states that on or about November 24, 2010, she relayed these messages from defendant Thames to Nikunen. Defendant Flores states that she told Nikunen that defendant Thames wanted Nikunen to testify that the items belonged to Nikunen and not defendant Thames.

I further base this complaint upon the statement of Police Officer Michael Slomczewski that he listen to a phone call made by defendant Thames while he was in the Milwaukee County Correctional Facility—South to defendant Flores on November 24, 2010, wherein defendant Thames has defendant Flores write down the following coded message:

9R, 25R  
6R, (9), 1R, 25R, 7R  
12R, 18R, (19)  
16R, 14R  
6R, 22R  
18R, 5R, 11R, 16R, 22R, 11R  
24R, 24R  
24R, 2R, 12R  
15R, 4R, 7R, 6R, 2R, 10R, 3R

Officer Slomczewski states that defendant Thames then stressed to defendant Flores not to lose the message and not to tell anyone about the message. Officer Slomczewski states that defendant Thames told defendant Flores that the message was for "Pops" and that defendant Flores was to give the message to "Pops" when defendant Thames told her to do so. Officer

Slomczewski states that he listened a second phone call made by defendant Thames while he was in the Milwaukee County Correctional Facility—South to defendant Flores on November 26, 2010, wherein defendant Thames told defendant Flores to write down the alphabet from A to Z and to number the letters from 1 to 26 with number 1 for the letter A and number 26 for the letter Z. Officer Slomczewski states that defendant Thames then told defendant Flores that when she gets the name, that will be how to decipher the message.

Officer Slomczewski further states that a search warrant was executed at defendant Flores's home wherein officers recovered a notebook containing the aforementioned code and wherein defendant Flores had also written in her own hand the name "Anthony Davis" along with the code 4R, 1R, 22R, 9R, 19R.

I also base this complaint upon the statement of Police Officer Robert Crawley that he was able to decipher the aforementioned code and that it reads as follows:

MZ  
BITCH  
HAS  
TO  
BE  
KILLED  
BY  
TKE  
SECOUND

I also base this complaint upon the statement of defendant Flores that she knew the aforementioned code was an order from defendant Thames to kill Alicia Nikunen that she, defendant Flores, was meant to decipher and deliver the order to "Pops" at defendant Thames request. Defendant Flores states that she called a phone number defendant Thames had given her to get the name "Anthony Davis," which was the key to deciphering the code. Defendant Flores states that she would have delivered the order to kill Nikunen to "Pops" had defendant Thames asked her to do so. Defendant Flores further states that she gave "Pops" \$230 after a three way phone call involving her, defendant Thames, and "Pops." Defendant Flores states that she believes that this money was for "Pops" to get another gun.

I also base this complaint upon my review of certified copies of documents contained in Milwaukee County Clerk of Circuit Court file 10CF4751, which reflect that defendant Thames was charged with various felony offenses and had a preliminary hearing on December 3, 2010. Said records also reflect that the defendant Thames was convicted of the felony offense of Bail Jumping, contrary to Wisconsin Statute Section 946.49(1)(b), on June 15, 2007. Said records also reflect that the aforementioned felony conviction remains of record and unreversed. Said certified copies are attached to this complaint and incorporated by reference.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 20<sup>th</sup> day of December, 2010.

\_\_\_\_\_  
Zach S. Whitney  
Assistant District Attorney  
1046655

\_\_\_\_\_  
Complaining Witness

**COUNTY OF MILWAUKEE**  
**DISTRICT ATTORNEY'S OFFICE**  
WITSEC Unit

Investigator's Report

Submitted by: Investigator Anna Linden

Re: Deyul Thames (M/B, 05/02/72)

Date: 12/16/10

On Friday, 12/10/10, Witness Protection Unit of the Milwaukee County District Attorney's Office received a referral from ADA Zach Whitney to check on the jail calls from Deyul Thames to his witness, Alicia Nikunen, as she recanted her original story during the preliminary hearing and there were concerns about her intimidation. This referral was assigned to me, Investigator Anna Linden.

On Monday, 12/13/10, I checked the jail call system and found numerous calls from the Criminal Justice Facility (CJF) and the House of Correction (HOC) to 414-502-5210, which is listed as the Nikunen's contact phone number, from 11/19/10 to 12/08/10. In the majority of the calls the inmate identified himself as "Deyul". In the call on 11/20/10 at 5:32 PM from CJF, the inmate told the female on the phone his booking number, "040965119" and the correct spelling of his name, "De-Yul Thames" as well as his date of birth, "05/02/72" so she could write him letters. He then asked the female for the correct spelling of her name and she stated, "Nikunen."

I listened to the calls and transcribed portions deemed important by me. Below are the transcriptions:

11/19/10 at 6:31 PM

4:00

Thames: you still have those two rubber bands that I had you put up, right?

Nikunen: yeah

Thames: so that's some money, right?

Nikunen: yeah its some

Thames: what about the money that was in that other thing?

Nikunen: what other thing? Umm I don't know, you're not gonna...Um, I don't know how to say this but the police came here.

Thames: and?

Nikunen: and they trashed the whole house

Thames: and?

Nikunen: and they took some things

Thames: what did they take?

Nikunen: they took your briefcase and your guns

Thames: I didn't have any guns, don't say nothing like that on the phone

Nikunen: huh?

Thames: I said I didn't have any guns or anything, don't say anything like that over the phone  
Nikunen: well you asked me what they were gonna take  
Thames: yeah just, ok  
Nikunen: I'm sorry  
Thames: did you uh I mean how did they get in?  
Nikunen: they just came, they had a search warrant  
Thames: they had a search warrant?  
Nikunen: yup, you're the one, didn't you tell them where your address was?  
Thames: no  
Nikunen: the officer said that you told 'em  
Thames: no, that's not my address, my address is 902 S 3<sup>rd</sup> St. You didn't tell them I lived there, did you?  
Nikunen: they asked me my address, I gave it to 'em  
Thames: your address, you didn't tell them I lived there did you?  
Nikunen: that I didn't tell them what?  
Thames: that I lived there.  
Nikunen: uh-uh (no)

11/23/10 at 10:21 AM

8:00

Nikunen: what do you think is gonna happen to me?  
Thames: say what?  
Nikunen: my name is on that lease and what they found in here. What do you think is gonna happen to me?  
Thames: that's why I told you, baby, that's why I'm telling you to stop talking to the police because they're gonna use anything you say against you. No matter what you say, if you say something against me it's gonna work against you, if you say something against anybody, it's gonna work against you because they're gonna charge you, too. You have to listen to me! You have to do what I've asked you to do! Because if you don't, you're gonna fuck shit up (inaudible) already fucked up and you don't even know it. I know about these things, baby. Do you understand what I'm saying?  
Nikunen: yeah  
Thames: the DA don't want to talk to you Friday about no damn  
Nikunen: yes, he does!  
Thames: listen, listen to what I'm saying. He don't want to talk to you Friday about no damn, what did you say? Bribery, he don't want to talk to you about no damn bribing an officer...listen...  
Nikunen: yes, I swear to God  
Thames: would you listen to what I'm saying?

Nikunen: yes I do, yes I am.

Thames: he want to get you in his mother fucking office and he might start out talking to you about some stupid shit like bribing the officer. He's gonna try to get you talk about everything else under the sun and whatever you say, he's gonna use that against you, against me because they're charging me with this shit. He's gonna use that against you, against me and it's got shit to do with that bribery. That shit is so petty, that aint nothing. Listen.

Nikunen: I don't know

Thames: baby

Nikunen: what?

Thames: that's why I tell you to stop talking to the police. You don't have to say shit to them except for your name, your date of birth, your social security number and your address. That's it. You tell them that you don't want to talk about anything else. If they talk to you, let them talk. Don't respond to shit they say. No response. Your only response should be "I don't want to talk, I don't have anything to say." That's it, other than your name, your date of birth, your social security (inaudible) listen baby, listen. This is serious

Nikunen: I know it is

Thames: I shouldn't even be talking about it this much over the phone but I have to because you don't understand how this... (gets cut off by Nikunen).

11:33

Thames: listen, listen baby

Nikunen: what?

Thames: you can't talk to the police. You can't. This is not good because this is what they're gonna do. They're gonna threaten you, scare you, and it's gonna sound like all kind of horrible shit because the charges are horrible but they're not even nearabout, they don't even come close to being as bad as if you (inaudible) of me. If they pin this shit on me, it's gonna be the rest of my life. If they pin this shit on you at most, at worst it's for like two years, which is horrible. I'm not gonna you know fool with you or say that two years isn't horrible but two years versus the rest of my life? And they know this, so they're gonna try to use you and scare you with all the time that you'll be facing because they're gonna charge you baby. You hear me? They're gonna charge you and they're gonna tell you you're facing like a billion years and you will be but that has absolutely nothing to do with what would actually happen in the case because you don't have any felonies, do you? Baby? Baby? Alicia?

Nikunen: yeah

Thames: do you have any felonies?

Nikunen: do I have any what? No.

Thames: have you ever been convicted of a crime?

Nikunen: uh-uh (no)

Thames: they know that they're not gonna be able to do nothing to you, they know this, like I said, worst case scenario - about two years. They'll do that so that'd be like two years in and four years on paper, something like that. They know this, they don't care about that. With me, baby, it'd be literally the rest of my life. It'd be like 30 or 40 years in.

Nikunen: hold on, say it one more time

Thames: it'd be like 30 or 40 years in with me, 50 years in with me. (Inaudible) they're trying to get you to say things that would give them the opportunity to take my life and I don't know anything about any of this shit.

Nikunen: I don't know. What do you want me to do? Hold on, I'm thirsty.

11/23/10 at 10:38 AM

1:35

Thames: baby, do you hear what I'm saying to you?

Nikunen: huh?

Thames: do you hear what I'm saying to you? Do you understand what I'm saying to you?

Nikunen: yeah

Thames: tell me what I'm saying?

Nikunen: you're saying don't say anything.

Thames: I'm saying more than that, baby.

7:10

Thames: this is what's gonna happen, ok?

Nikunen: ok, tell me

Thames: these people, they wanna charge you as a necessity or a party to a crime. The charges are not gonna look good. They will be scary because you never did do anything like this before. It is understandable that it's gonna be unnerving and it's gonna frighten you, that's understandable, but you can't fall apart baby. You hear me? Because it's gonna be serious but it's not gonna be as serious of uh (inaudible) it's not gonna be as serious as the people will, as they're gonna make it seem like it is. But it's gonna be serious, baby. I'm not gonna tell you that it's not. Ok?

Nikunen: yes, it's serious. Yeah. It is serious. I mean, I'm a nervous wreck. You want to know why I slept so late? 'cause I haven't slept in 3 days.

11:35

Thames: hey, you cannot talk to the police, the district attorney, any of them. Just tell them you don't have anything to say.

Nikunen: mhm

Thames: mhm, what does that mean?

Nikunen: I said ok.

Thames: baby, I know what I'm talking about here.

Nikunen: I know you do!

Thames: another thing you have to do is, you see, another thing you have to do is you have to go and get a complaint and fill out a complaint form.

Nikunen: go to district 2, you said?

Thames: you should be able to get that from any district. You might as well get one from the district on 27<sup>th</sup> St. Get a complaint form and fill out a complaint form and state the fact that officers came in your house or whatever with a warrant

Nikunen: yeah uh (cough) geez

Thames: huh?

Nikunen: yeah? Maybe this phone isn't working and I need to charge it.

Thames: and they took your uh they took your money, what was it? \$3000 or something?

Nikunen: two

Thames: it was three, baby

Nikunen: you took one

Thames: it was three. Just, it was three. They took your \$3000 and uh they shouldn't have because you've been saving that up for all your life. For you adult life or whatever. And you want the money returned to you.

The above transcriptions are not complete transcriptions of the entire calls and do not summarize the entire conversations that took place. I believe the contents of the above calls constitute evidence of Intimidation of a Witness, 940.43 of the WI Statutes.

End of report.

**COUNTY OF MILWAUKEE**  
**DISTRICT ATTORNEY'S OFFICE**  
WITSEC Unit

Investigator's Report

Submitted by: Investigator Anna Linden

Re: Alicia L. Nikunen (F/W, 11/01/81)

Date: 12/20/10

On Thursday, 12/16/10, I, Investigator Anna Linden, of the Milwaukee County District Attorney's Office, interviewed Alicia L. Nikunen (F/W, 11/01/81) at about 12 PM at 821 W. State St., Room 404, Milwaukee, WI regarding her testimony during the Preliminary Hearing in case # 2010CF4751 on 12/03/10.

Nikunen stated that she lied during her testimony because she was scared of Deyul Thames. After his arrest Thames told her to take responsibility for what was located during a search of her residence (2902 W. Arthur Ave. # 1, Milwaukee, WI). Nikunen stated that she was afraid to tell the truth in court for fear that Thames would have her killed.

End of report.

**COUNTY OF MILWAUKEE**  
**DISTRICT ATTORNEY'S OFFICE**  
WITSEC Unit

Investigator's Report

Submitted by: Investigator Anna Linden

Re: Lorenzo Conery ( M/B, 01/27/88)

Date: 03/18/11

On Friday, 03/18/11, I, Investigator Anna Linden, of the Milwaukee County District Attorney's Office, was listening to calls made from Pod 4D of the Milwaukee County Jail from 12/20/10 to present. I was looking for any evidence of Deyul Thames (M/B, 05/02/72), who was housed in 4D 12/20/10 - 03/11/11, of making calls to anyone other than his attorney as he had no phone/mail privileges per court order issued on 12/20/10.

I came across jail calls made by Lorenzo Conery (M/B, 01/27/88) from 4D to a female at 414-372-4349 from 02/22/11-03/17/11. During a phone call made on 03/02/11 at 6:45 PM, Conery asked the female to make a three-way call for another inmate who goes by the name of "Doc." During my investigation of Thames, I came to know his street name as "Doc." The female made the three-way call to 414-429-8569 and Conery passed a message from Doc to the male who answered the phone.

During a call on 03/04/11 at 6:47 PM, Conery spoke with the same female and informed her that another inmate by the name of Phong would be using Conery's PIN number to call out and he would say "Chinese" at the beginning of the call. Conery stated that Phong did not have mail or phone privileges and would compensate him for letting him use the PIN.

I searched the Milwaukee County Sheriff's Department database and located an inmate by the name of Phong Duong (M/A, 07/23/87) who was housed at 4D at the time Conery made the call on 03/04/11.

During a call on 03/10/11 at 4:21 PM, Conery asked his mother to dial 414-931-1831 on three-way. A female answered the phone and Conery passed a message to her from Phong. This message consisted of asking her whether she was coming to his trial and whether she sent him a letter yet. He asked her to send a letter to Woodley.

From my previous investigation of Thames, Darius Woodley (M/B, 01/18/73) came up as the person also housed at 4D who sends and receives mail for inmates who are on mail restriction.

End of report.

**COUNTY OF MILWAUKEE  
DISTRICT ATTORNEY'S OFFICE  
WITSEC Unit**

**Investigator's Report**

Submitted by: Investigator Anna Linden

Re: Royce L. Hawthorne (M/B, 08/17/87)

Date: 06/17/11

On Thursday, 06/09/11, WITSEC Analyst, Timothy Holdmann, advised me that he came across three jail calls, which he believed contained evidence of Intimidation of a Witness, Wis. Stat. 940.43. He presented me with three phone calls, which originated from the Milwaukee County Jail (CJF, 909 N. 9<sup>th</sup> St., Milwaukee, WI) on 04/07/11 and 04/11/11. Holdmann believed that Royce L. Hawthorne (M/B, 08/17/87), who had an open case in the Milwaukee County Circuit Court case no. 2011CF001566, was talking to his friends to dissuade victim and witness in the case from appearing in court.

The call from 04/07/11, was placed to 414-241-1601 at 1:16 PM from CJF Booking Room and lasted 1.35 min. The two calls from 04/11/11, were placed to 414-445-6862 from CJF Pod 6C at 12:38 PM and 12:57 PM, both lasting 15 min.

I searched the Milwaukee County Sheriff's Department inmate records and found that Hawthorne was booked into the CJF on 04/07/11 and transferred to Pod 6C the same date, where he remained until 04/14/11. On 04/14/11, Hawthorne was transferred to the Milwaukee County Correctional - South (Franklin) where he remains until the present day.

Holdmann transcribed portions deemed important and they are included in this report.

Milwaukee County CJF, WI	Book Room R 9	(1) 4142411601 Local	04-07-2011 13:16:30	04-07-2011 13:17:51	81 (s) 1.35 (m)
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R = Royce: C = Corey

1:06

R: "Hey, they didn't find that pistol, did they?"

C: "No."

R: "Ok. Hey, tell Dono (phonetic) and momma to come up here and tell them that I didn't do nothin cuz I can't do it myself Corey. Tell them to come in, and tell them that I didn't do nothin. Or just don't ever come to court."

C: "Alright."

R: "You heard me man? Make sure."

Milwaukee County CJF, WI	6 C Left 5	(1) 4144456862 Local	04-11-2011 12:38:32	04-11-2011 12:53:32	900 (s) 15 (m)
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P = Pebbles: R = Royce: A = Amber

9:10

R: "Shit, they ain't got no gun on me, no statement on me, none of that shit."

P: "Oh nothin like that?"

R: "No. Shit, now I'm just waiting till the preliminary hearing, you know what I'm saying, hopefully he don't come to court and shit. And then if he don't come to court the shit get dismissed."

P: "Well, boy, is he gonna come or not?"

R: "Man you gotta go fuckin holler at him! Go to the house, all you do is go across the fuckin alley. And holler at my momma and tell her ass, she supposed to be my bitch, you go do what the fuck a bitch supposed to do."

P: "Ok."

R: "Shit, 'ok' you supposed to already been to the crib. What the fuck you're at Amber house for?"

11:05

R: "They ain't got nothin on me, so I can beat this shit. If my brother don't come to court I'm out of here."

P: "Well, I'm fin to go over there then."

R: "You go over there right after you get the fuck off the phone with me! Then I swear to god. I'm lettin you know Amber gonna tell me everything, I'm just lettin you know that."

P: "And then say what when I get over there?"

R: "Go over there! And holler at my momma and tell her what I told you, say it's good, say just DON'T FUCKING COME TO COURT. That's all you do, you make sure. You make sure that they don't come to court. You keep tellin, tell her, you know what I'm saying, I'm so sorry, you know how to do it, you know how to play the game."

R: "yeah, yeah"

R: "And then remind her about my son and shit like that. Don't forget my son, you know, looking for me right now. He don't know what the fuck is going on."

P: "Yeah, that's what I said on the phone the first time. That's what I said to her on the phone the first time. And she, she wasn't saying nothing she was like I don't want to talk about it and stuff like that so"

11:58

R: "So right when you get off the phone with me you go right across the mother fuckin alley and you just have a long talk with her. And tell her you talked to me, and tell her that they ain't got nothin on me, so at the preliminary as long as my brother and

her or whatever don't come to court my shit get dismissed. Tell her if they never come to court and testify on me, it'll get dismissed. And tell her ain't nothin gonna happen to her if she don't come to court, that's what I'm sayin. Tell her all she have to do is just don't come to court. You make sure you tell her ain't nothin gonna happen to her if she don't come to court, now. Tell her this, say your momma been through this situation before and tell her that they tried to threaten her with a subpoena one time but they just be doing that so they can get a case. They just been trying to lie to you that you gotta come to court. Say your momma didn't go to court and nothing happened to her. They just been doing it been trying to lie. If they subpoena, you make sure you tell her that and tell my brother that. You make sure you tell him, don't come court."

P: "What if he ain't want to talk to me?"

R: "Alright tell him this, tell him this, tell him, alright I'm lyin but I got somethin over his head. Tell him that the detectives came and hollered at me about a shooting he did at Texture and I didn't say nothin about it. He gonna know what I'm talkin about, about the little girl getting shot. You tell him that shit, he gonna make sure his ass don't come to court on me cuz if he do, that shit is what's gonna happen. If he gonna play that game that's what's gonna happen."

P: "Ok, ok, ok."

R: "Yeah, see, then he ain't gonna come to court. You make sure you tell momma and him that. Do it ASAP, and then come see me tomorrow and let me know what they said tomorrow."

P: "Ok, ok, ok. Can you just tell me, what was you thinking? Why did you do that?"

R: "You know why the fuck I did that shit man! (can't understand) coming up there drunk and shit, you know what the fuck I did that shit man. I'm tired of that shit, last time for that shit."

Milwaukee County CJF, WI	6 C Left 5	(1) 4144456862 Local	04-11-2011 12:57:42	04-11-2011 13:12:42	900 (s) 15 (m)
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P = Pebbles: R = Royce: A = Amber

5:08

R: "You know I wasn't meaning to do this, I didn't want to do it, you see what I'm sayin? But I knew he was gonna come on some drunk shit talkin shit man, that's what I'm sayin man."

A: "Bro watch what you be sayin man."

R: "Yeah, yeah, yeah you already know..."

13:16

P: "So tell me again."

R: "You know what the fuck you gotta do! Bitch I already told you. You know what you gotta do, you go holler at my momma and (inaudible) and come see me tomorrow."

P: "She talkin to her now, baby."

R: "Ok, what she sayin?!"

P: "She asked her what she, you wanted to know what's goin on. (Amber in the background talking to Grace Hawthorne, "he wanted to know if you'all goin to court, you don't know if you gonna go?")

R: "No, tell her, listen, tell her, man listen, tell her I said I'm sorry. Tell her I said don't do that man. Tell her I said if she don't do it I'ma beat it, damn man."

A: (to GH) "Ok, he said he don't want you to go, ma. Ok, alright." (Now to Royce) "She tryin to hurry up and get off though cause she drivin. She said she not gonna come."

R: "she said she not?"

A: "no. She said she not gonna come. At first she was sayin she didn't know, but I just told her you said don't, so she said she's not. I guess bro already is not goin."

R: "Alright, alright. Let me holler at Pebbles real quick for a second."

P: "Hello?"

R: "Alright listen you already know what to do. Holler at her and my brother and come see me tomorrow. Matter of fact, don't tell my brother about that Texture thing."

P: "Ok. Because you don't know if he said he not goin or not."

R: "Yeah, yeah. Tell him I said I'm sorry you know what I'm saying and all that shit, you know what I'm sayin, holler at him and then come see me tomorrow (inaudible)"

On Thursday, 06/16/11, I met with Grace Hawthorne (F/B, 10/01/54) who is the defendant's mother and a witness in the state's case. I played her all three jail calls. She positively identified the inmate on all calls to be her son, Royce Hawthorne. She positively identified the second male on the first call to be her son, Cory Hawthorne. I asked her whether she knew anyone by the nickname of Dono and she stated that her son, Corneil Hawthorne, the victim in case no. 2011CF001566, goes by the childhood nickname of Dono.

Mrs. Hawthorne positively identified the two females on the second and third calls to be Royce Hawthorne's girlfriend, Pebbles S. Griffin (F/B, 07/20/89) and next door neighbor, Amber L. Jurgensen (F/B, DOB 11/14/88, 3116 N. 44<sup>th</sup> St., Milwaukee, WI).

Hawthorne stated that she remembers receiving a call from Amber asking her about going to court. She recalled that the defendant was on the other line and was asking her not to come to court. She then recalled receiving another call from Pebbles and her mother some time in April. During the conversation, Pebbles told Hawthorne about her mother receiving a subpoena and not showing up for it. Pebbles assured Hawthorne that nothing would happen if she didn't show up

Royce L. Hawthorne (M/B, 08/17/87)

Page 5 of 5

to court. Hawthorne stated that she had a bench warrant issued for her some time ago for not honoring a subpoena and that she would not jeopardize her freedom at this juncture in her life.

End of report.

**COUNTY OF MILWAUKEE**  
**Interoffice Memorandum**

DATE: May 2, 2012

TO: Supervisor Mark Borkowski, Chairman, Committee on Judiciary, Safety, and General Services

FROM: Jennifer Collins, County Board Research Analyst *jc*

**SUBJECT: Staff referral of File No. 12-78, Professional Services Contract with Century Link Correctional Communication Services for the provision of inmate phone services at the County Correctional Facilities**

Background

At the March 1, 2012 meeting of the Committee on Judiciary, Safety, and General Services, the committee reviewed a proposal from the Milwaukee County Sheriff requesting authorization to execute a Professional Services Contract with Century Link Correctional Communication Services for the provision of inmate phone services at the county correctional facilities. The committee referred the item to County Board staff, requesting that staff research whether other institutions across the country use “disposable cell phones” and the rates, services, and structure associated with those models.

This report seeks to fulfill the aforementioned request. Please note that given the transition in County Board staff assignments, this referral request was completed under a condensed timeline.

Analysis

Research staff was unable to find any jurisdictions where “disposable cell phones” were used in lieu of the traditional wall mount inmate phone system. A search for companies specializing in disposable cell phones for correctional settings also yielded no results.

What did emerge, however, was significant concern related to the proliferation and use of contraband cell phones by inmates in correctional institutions. Such usage was linked to incidents of victim-witness intimidation, attempted and successful escapes, and death threats. The U.S. Department of Justice Office of Justice Programs, U.S. Government Accountability Office (GAO), and the Federal Bureau of Investigation weighed in on the gravity of this issue, discussing response measures such as increased detection measures, canine searches, and the blocking of cell phone service in institutions.

Further, the Request for Proposal (RFP) for inmate phone providers contained call monitoring requirements, giving the Milwaukee County District Attorney’s office (DA)

the ability to monitor inmate phone communication (outside of inmate calls to legal representation), in order to respond to any possible criminal activity attempted to be conducted from within either correctional facility. The DA sent a separate memo to committee members detailing the importance of this capability.

Due to the inability to find correctional systems utilizing a “disposable cell phone” model, should policymakers be truly interested in pursuing a model similar to this, the county may have to re-issue an RFP containing revised specifications related to a “disposable cell phone” model for correctional facilities. Given the comments from the DA’s Office, County Board staff recommends that any inmate phone RFP contain ample call monitoring capabilities. Prior to pursuing such a model, staff also suggests that a thorough analysis of whether such a system would impact efforts to prevent contraband cell phone use by inmates within the county’s correctional facilities be completed.

Because staff was unable to locate other jurisdictions using this model, a full analysis of rates, and service structure associated with such as system was not possible. However, the GAO recently issued a report to Congress related to both improved cell phone detection, and inmate phone rates at the U.S. Bureau of Prisons (BOP). According to that report:

*BOP sets its rates to cover the cost of operating the telephone system and to generate profits, which BOP uses to provide the majority of funding for inmate amenities—the most significant of which are wages for inmate employment and expenses associated with inmate recreational activities. If BOP reduced inmate telephone rates, inmates would benefit from the ability to make less expensive calls. However, lower rates also could result in less revenue, lower profits, and therefore fewer funds available for inmate wages and other amenities, unless BOP recovers these funds through other sources.*

The report also contains a chart comparing the cost of a 15-minute call across BOP and selected correctional systems that use revenues to provide inmate amenities. That chart is recreated below.

Correctional System	Local-Direct Dial/Debit	Local-Collect	Long Distance-Direct Dial/Debit	Long Distance-Collect
BOP	\$0.90	\$.95-\$5.70 (varies by State)	\$3.45	\$8.45
Defense-Army	\$3.75	\$6.00	\$3.75	\$6.00
Defense-Navy	\$6.00	\$16.08	\$6.00	\$16.08
Defense-Marines	\$6.00	\$16.08	\$6.00	\$16.08
Maryland Division of Correction	\$0.50	\$0.85	\$4.50	\$7.20
Mississippi Department of Corrections	Not offered	\$2.85	Not offered	\$14.55
New Jersey Department of Corrections	\$4.95	\$4.95	\$4.95	\$4.95
Texas Department of Criminal Justice	\$3.90	\$3.90	\$6.45	\$6.45

By comparison, according to the Sheriff's Department, the current and proposed cost for inmate collect calls is \$5.55; debit card calls are \$3.30. The 2012 Adopted Budget contains \$1.89 million in inmate call revenue.

This report is informational only. Please see County Board Research staff with any additional questions or concerns regarding this report.

**MILWAUKEE COUNTY**  
**OFFICE OF THE SHERIFF**  
Inter-Office Communication

**DATE:** April 25, 2012

**TO:** Marina Dimitrijevic, Chairman, Milwaukee County Board of Supervisors

**FROM:** Richard R. Schmidt, Inspector

**SUBJECT:** Request for Leave of Absence



Milwaukee County Ordinance 17.193(1) and (2) describes the procedure for submission of a request for leave of absence for certain Deputy Sheriffs.

**Action Recommended:**

The County Board should adopt the proposed resolution allowing the Sheriff to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2):

Current classified position and Title Code:	Deputy Sheriff Captain, T.C. 77120
Employee:	Nancy Evans
New regular appointment unclassified position and Title Code:	Sheriff's Depart. Bureau Director, T.C. 80065 (working title Deputy Inspector)
Effective date for leave of absence:	Immediately upon adoption of resolution and appointment to unclassified position

**History and Rationale:**

The above employee currently holds the position of Deputy Sheriff Captain. As a dedicated long-term career law enforcement employee, Captain Nancy Evans has made a significant contribution to this agency. A leave of absence from her current position will allow for her continued employment, which is essential. Upon completion of her appointive position she will be returned to her previously held position or appointed to other non-represented Deputy Sheriff positions in accordance with Section (2) of Chapter 17.193.

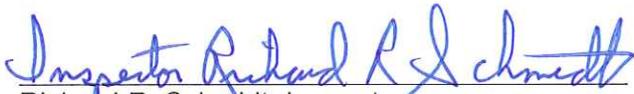
Similar leave of absences were granted in March 2007, March 2009, March 2010 and January 2011 to six (6) employees for appointment to positions of ExDire2 Sheriff/Dept Administrator and positions of Sheriff's Department Bureau Director. Milwaukee County has invested significant resources in training Captain Evans. Granting a leave would provide agency

continuity and prevent an experience vacuum should a future Sheriff decide to replace Captain Evans in the unclassified service.

**Fiscal Statement**

See attached.

Thank you for consideration of this request.

  
Richard R. Schmidt, Inspector

Cc: Kerry Mitchell, Director, DAS-Division of Human Resources  
Ladette Austin, Committee Clerk  
File

(ITEM \*) From the Office of the Sheriff requesting a leave of absence from the Classified to Unclassified service, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Wisconsin State Statute 59.26(1) does make provisions for counties under civil service to allow the Sheriff, in conformity with County Ordinance to grant leave of absence to deputies for appointment to higher positions; and

WHEREAS, on 9/29/05 the Milwaukee County Board of Supervisors created section 17.193 of the Milwaukee County General Ordinances to provide a mechanism for the Sheriff to grant leave of absences; and

WHEREAS, under section 17.193 the Sheriff may not grant a leave of absence under this ordinance until the Sheriff first secures the consent of the County Board by resolution duly adopted by the board; and

WHEREAS, granting leaves will enhance the Sheriff's ability to administer his office efficiently and appoint subordinates in a manner most effective in fulfilling the statutory and constitutional duties of his office; and

WHEREAS, the Sheriff requests a leave of absence for the following employee:

<b>Current classified position and Title Code:</b>	Deputy Sheriff Captain, T.C. 77120
<b>Employee:</b>	Nancy Evans
<b>New regular appointment unclassified Position and title code:</b>	Sheriff's Dept. Bureau Director (working title Deputy Inspector) T.C.77130
<b>Effective date for leave of absence:</b>	Immediately upon adoption of resolution and appointment to unclassified position

: now, therefore

BE IT RESOLVED, the Board of Supervisors consents to granting leave of absence to the above named individual.

Fiscal Note:

There is no direct fiscal impact through adoption of this resolution. There may be an insignificant amount of staff time involved in processing the personnel changes proposed in this resolution.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 4/26/12

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Request by the Sheriff to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2).

**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<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	
	Revenue	0	
	Net Cost	0	
<b>Capital Improvement Budget</b>	Expenditure		
	Revenue		
	Net Cost		

## DESCRIPTION OF FISCAL EFFECT

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

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

The Sheriff is requesting to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2). There is no fiscal effect to the action.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

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

Did DAS-Fiscal Staff Review?  Yes  No

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

**COUNTY OF MILWAUKEE**  
**Behavioral Health Division Administration**  
**INTER-OFFICE COMMUNICATION**

**DATE:** April 25, 2012

**TO:** Marina Dimitrijevic, Chairwoman - 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 work group activities to study the transfer of management of inmate mental health and health care services to the Department of Health and Human Services**

**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 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 develop a transition plan. DHHS submitted information reports to the County Board in February and March 2012 to outline the work group and the work plan for the group. This report is a status report of activities since March 2012.

**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 the services to achieve those standards is not defined and a number of potential alternatives exist.

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 and the objectives of the work group were also developed.

**Work Group**

The work group has been meeting on a regular basis. The membership includes representatives from the clinical and fiscal areas within DHHS/BHD, the medical, administration and fiscal areas of the Milwaukee County Sheriff's Office, Corporation Counsel, Department of Administrative Services, County Board staff and the Christensen Decree Medical Monitor.

**Plan of Work**

Based on the established plan of work, the meetings have followed a process of discovery and due diligence including data review, staffing patterns, and accreditation standards. The Sheriff's Office arranged an in-depth tour of both the downtown and south facilities. This tour allowed for discussion about the daily routine, emergency service plan and gave an appreciation of the relationship between

security and medical. The data indicated that of the nearly 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.

In addition, several meetings and conference have been held with the medical monitor, Dr. Shansky. His main recommendation is that the leadership positions need to be filled as soon as possible. There are four leadership positions: Health Care Administrator, Medical Director, Psychiatric Medical Director and Director of Nursing. As of this report, only the Director of Nursing position is filled. Inspector Schmidt was devoting half time to the health care administration activities until recently.

The Sheriff's Office has shared their recruitment efforts related to the Medical Director position but have no current candidates. DHHS has suggested consideration of an approach in which a medical group has a contract to provide medical direction. This may be a viable approach. Currently, the Sheriff's Office has two candidates for the Psychiatric Medical Director position and DHHS/BHD staff will be involved in the selection and hiring process.

Earlier, the Sheriff's Office announced that they were anticipating the release of an RFP for health services. That RFP has not been released at this time and the Sheriff's Office reports that no specific plans are in place to release that RFP.

Transition issues related to administrative and fiscal management arose in the latest meeting. The issues include funding for additional positions, human resource and fiscal oversight, management of unfunded positions, contracts, equipment and other administrative duties. An additional meeting with DAS is going to occur to review these issues.

### **Research**

While working on this evaluation, we identified several other places in the country that use a similar model to the one being proposed. We contacted correctional health services programs in three different counties that have county departments of health providing inmate health services on behalf of the Sheriff to learn more about how they operate their programs. We spoke with representatives from Dallas County, King County (Seattle), and San Francisco County on the recommendation of the court appointed monitor for the Christensen consent decree, Dr. Shansky.

Each county has a governance model similar to that of Milwaukee County with an elected Sheriff, a board of supervisors, a county administrator or County Executive and a department director for the Department of Public Health or Health and Human Services to whom the correctional health services administrator reports. The average annual budget is \$27 million. (Milwaukee County current budget is 17 million). King and San Francisco counties have an average daily population of approximately 2,000. Dallas County has an average daily population of 6,000. King and San Francisco counties also staff the jails with union represented employees. All three facilities at some point in the past found themselves subject to a consent decree (similar to the Christensen consent decree currently in place for Milwaukee County) preceding the current configuration for administering correctional health services.

One characteristic common among the three counties, and distinct from Milwaukee County, is an extensive and well-developed existing medical program or health service offerings within the Department under which the division of correctional health services falls. San Francisco's Department of Public Health operates clinics throughout the San Francisco in addition to illness specific programs,

such as for mental health and AODA. Dallas County has Parkland Hospital, which is a taxing district hospital similar to what Milwaukee County once had with Doyne Hospital. King County' Department of Health and Human Services also administers other health services that helped to inform and support correctional health services.

The representatives with whom we spoke all stressed that a strong collaborative partnership with the Sheriff, built on a foundation of solid communication and mutual trust is crucial to the success of such a configuration. King and San Francisco also provided us with organizational charts for their divisions and a sample memorandum of understanding between the San Francisco Sheriff's Department and the Department of Public Health.

From these models a few common themes have arisen:

- 1) Most have added resources to the function when the health department took over care.
- 2) A positive, collegial relationship is needed at all levels of both organizations.
- 3) It must be recognized that the two departments have inherently different philosophies with the medical department dedicated to caring for patients while the security is dedicated to managing prisoners. Mutual respect for the mission of each other is essential for this to be successful.

#### **Next Steps**

DHHS/BHD is moving forward with the transition planning. The time line of July 1, 2012 remains the goal. Dependent on the action related to the steps listed below, additional time will be needed to complete the transfer if the steps below cannot be completed by June 1, 2012.

As mentioned above, recruitment and filling of the leadership positions is a critical next step. DHHS/BHD is working with the Sheriff's office and DHR to review the job description and job announcement for the Health Services administrator position. Recruitment and subsequent appointment of this key position is a critical step and must be accomplished before a transition can occur.

DHHS/BHD will meet with the Sheriff's office fiscal staff and DAS to discuss a plan for the transition of the administrative functions. The transition plan must address current, as well as future, resource and budget needs. Clearly, this plan must be agreed upon by all parties prior to any transfer occurring.

In our research, we have found some organizations use a Memoriam of Agreement approach to outline the formally the relationship between the two organizations. DHHS/BHD would like that approach to avoid any miscommunication and have clear lines of responsibility and authority established in this emerging model. DHHS/BHD is looking at samples and beginning to develop such an agreement. This agreement should be in place before a transition can take place.

#### **Recommendation**

This is an informational report. No action is necessary.



Héctor Colón, Director  
Department of Health and Human Services

cc: County Executive Chris Abele  
Amber Moreen, County Executive's Office  
Tia Torhorst, County Executive's Office  
Terry Cooley, County Board  
Kelly Bablitch, County Board  
Pat Farley, Director – DAS  
Craig Kammholz – Fiscal & 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

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  
INTER-OFFICE COMMUNICATION

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

DATE: April 24, 2012

TO: Marina Dimitrijevic, County Board Chairwoman  
Milwaukee County Board of Supervisors

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

SUBJECT: Claim Filed by Lynn Marek  
Date of Incident: April 11, 2012  
Date Claim Filed: April 13, 2012

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$1,024.82 to Lynn Marek, to settle in full her claim against Milwaukee County.

On April 11, 2012, Lynn Marek was legally parked at the Amtrak Station parking lot at General Mitchell International Airport. A county worker was mowing an island of grass near where Ms. Marek's vehicle was parked when the mower hit the front bumper of Ms. Marek's vehicle.

Ms. Marek's vehicle was a 2008 Pontiac Torrent. The vehicle sustained extensive damage to the bumper. The claimant submitted an estimate to replace the bumper in the amount of \$1,024.82. The claimant was provided a free rental car from the body shop.

The adjustor and the county's insurer recommend the reimbursement of \$1,024.82 to Ms. Marek and/or her insurance company, Secura, to settle this property damage claim. Corporation Counsel has reviewed this matter and supports the recommendations to pay Ms. Marek and/or Secura \$1,024.82 to settle all claims rising out of the property damage sustained to Ms. Marek's vehicle.

Chairwoman Marina Dimitrijevic  
County Board of Supervisors  
April 24, 2012  
Page 2 of 2

Thank you.

---

Mark A. Grady  
Deputy Corporation Counsel

MAG/kpe

Cc: Janelle Jensen  
Amber Moreen



*Milwaukee County*  
OFFICE OF CORPORATION COUNSEL  
INTER-OFFICE COMMUNICATION

KIMBERLY R. WALKER  
Corporation Counsel

MARK A. GRADY  
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
JEANEEN J. DEHRING  
ROY L. WILLIAMS  
COLLEEN A. FOLEY  
LEE R. JONES  
MOLLY J. ZILLIG  
ALAN M. POLAN  
JENNIFER K. RHODES  
JACOB A. MANIAN  
Principal Assistant  
Corporation Counsel

DATE: April 24, 2012

TO: Marina Dimitrijevic, County Board Chairwoman  
Milwaukee County Board of Supervisors

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

SUBJECT: Claim Filed by Christine Johnson  
Date of Incident: February 12, 2012  
Date Claim Filed: March 1, 2012

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$2,200 to Christine Johnson, to settle in full her claim against Milwaukee County.

On the afternoon of February 12, 2012, Christine Johnson was stopped at a red light to proceed down the ramp on West Capitol Drive and Highway 45. Ms. Johnson's vehicle was struck from behind by the front plow of a Milwaukee County snowplow. The plow truck was traveling in the far right lane of the on ramp when he approached Ms. Johnson's vehicle sitting at the red light. The driver of the plow stated that the light turned green, then red again. He moved forward when the light turned green anticipating that the claimant was going to go. The Milwaukee County Sheriff's Office completed the accident report. Neither driver was cited. However, it is clearly noted that the plow operator rear-ended Ms. Johnson's vehicle.

Ms. Johnson's vehicle was a 1996 Saturn S Series 4 cylinder Coupe. The claimant submitted an estimate in the amount of \$2,979.95. With the age of the vehicle along with the estimated damages, Milwaukee County's insurance company believed an appraisal was necessary. Crawford & Company completed an appraisal on the vehicle. The vehicle was a total loss of \$2,305.00. Ms. Johnson was not injured during the crash and there is no bodily injury claim at this time.

The damage to Ms. Johnson's vehicle was extensive. In discussions between the county adjustor and Ms. Johnson, an agreement was reached in the amount of \$2,200 and Ms. Johnson chose to keep the vehicle. The adjustor and the county's insurer recommend the payment of that amount to Ms. Johnson to settle this property damage claim. Corporation

Chairwoman Marina Dimitrijevic  
County Board of Supervisors  
April 24, 2012  
Page 2 of 2

Counsel has reviewed this matter and supports the recommendations to pay Ms. Johnson \$2,200.00 to settle all claims rising out of this motor vehicle accident.

Thank you.

---

Mark A. Grady  
Deputy Corporation Counsel

MAG/kpe

Cc: Janelle Jensen  
Amber Moreen



*Milwaukee County*  
OFFICE OF CORPORATION COUNSEL  
INTER-OFFICE COMMUNICATION

KIMBERLY R. WALKER  
Corporation Counsel

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

DATE: April 24, 2012

TO: Marina Dimitrijevic, County Board Chairwoman  
Milwaukee County Board of Supervisors

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

SUBJECT: Claim Filed by Gary Wojnowski  
Date of Incident: March 13, 2012  
Date Claim Filed: February 17, 2012

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$1,218.62 to Gary Wojnowski, to settle in full his claim against Milwaukee County.

On March 13, 2012, Mr. Wojnowski, an employee at the Mental Health Complex, was legally parked in the lot of the Mental Health Complex Building #4. During the early morning hours on this date, the parking lot was being plowed by Milwaukee County. While plowing next to Mr. Wojnowski's legally parked car, the vehicle that was plowing the lot slid on the snow-covered parking lot and into the right front fender of Mr. Wojnowski's vehicle. The Milwaukee County Sheriff Department completed the accident report. Liability would be clear as Milwaukee County's vehicle struck a legally parked vehicle while plowing snow in the parking lot of the Mental Health Complex Building.

Mr. Wojnowski's vehicle was a 1997 Dodge Dakota. The claimant submitted three estimates with the lower one being \$1,218.62. The estimate on damages covers the right front fender.

In discussions between the county adjustor and Mr. Wojnowski, an agreement was reached in the amount of \$1,218.62. The adjustor and the county's insurer recommend the payment of that amount to Mr. Wojnowski to settle this property damage claim. Corporation Counsel has reviewed this matter and supports the recommendations to pay Mr. Wojnowski \$1,218.62 to settle all claims rising out of this motor vehicle accident.

Thank you.

Chairwoman Marina Dimitrijevic  
County Board of Supervisors  
April 24, 2012  
Page 2 of 2

---

Mark A. Grady  
Deputy Corporation Counsel

MAG/kpe

Cc: Janelle Jensen  
Amber Moreen



***Milwaukee County***  
 OFFICE OF CORPORATION COUNSEL  
 INTER-OFFICE COMMUNICATION

KIMBERLY R. WALKER  
 Corporation Counsel

MARK A. GRADY  
 Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
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 LEE R. JONES  
 MOLLY J. ZILLIG  
 ALAN M. POLAN  
 JENNIFER K. RHODES  
 JACOB A. MANIAN  
 Principal Assistant  
 Corporation Counsel

DATE: April 24, 2012

TO: Marina Dimitrijevic, County Board Chairwoman  
 Milwaukee County Board of Supervisors

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

SUBJECT: Claim Filed by Tom Matthews  
 Date of Incident: March 10, 2012  
 Date Claim Filed: March 26, 2012

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$1,213.34 to Tom Matthews, to settle in full his claim against Milwaukee County.

On March 10, 2012, Tom Matthews, an employee of Betty Brinn Children's Museum, was parked in the loading docks of the O'Donnell Parking Structure. At this time there was a new traveling exhibit and he had some large heavy items to unload for this exhibit. When he returned from unloading, he noticed that a "One Way" sign had fallen onto the hood of his vehicle. The sign was not in the ground, but had been propped up between a column and the wall of the loading docks. Mr. Matthews did not see the sign prior to parking at the docks as the location of the sign was hidden by the columns.

It has been verified that employees of the O'Donnell parking structure propped the signs up against the wall. The signs should have been placed downstairs and out of the way of personnel using the loading docks. However, these particular signs went undetected for some time as they were propped up between concrete pillars and the wall and therefore were never moved to a more suitable location.

Mr. Matthew's vehicle is a 2006 Ford Explorer Eddie Bauer Edition. The claimant submitted an estimate in the amount of \$1,213.34. The damages are located on the left front fender and hood. The estimate has 16.4 hours for repairs and labor rates of \$54 per hour, which are reasonable and customary.

In discussions between the county adjustor and Mr. Matthews, an agreement was reached in the amount of \$1,213.34. The adjustor and the county's insurer recommend the payment of that amount to Mr. Matthews to settle this property damage claim.

Chairwoman Marina Dimitrijevic  
County Board of Supervisors  
April 24, 2012  
Page 2 of 2

Corporation Counsel has reviewed this matter and supports the recommendations to pay Mr. Matthews \$1,213.34 to settle all claims rising out of the property damage to his motor vehicle.

Thank you.

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Mark A. Grady  
Deputy Corporation Counsel

MAG/kpe

Cc: Janelle Jensen  
Amber Moreen

KIMBERLY R. WALKER  
Corporation Counsel

MARK A. GRADY  
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
JEANEEN J. DEHRING  
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ALAN M. POLAN  
JENNIFER K. RHODES  
JACOB A. MANIAN  
Principal Assistant  
Corporation Counsel



## OFFICE OF CORPORATION COUNSEL

### Interoffice Communication

DATE: April 26, 2012

TO: Ms. Marina Dimitrijevic, Chairwoman  
Milwaukee County Board of Supervisors

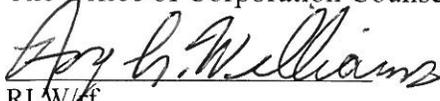
FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: State of Wisconsin *ex rel.* Joseph A. Rice  
v. Milwaukee County Board  
Case No. 11-CV-009399

This case involves an action filed by Supervisor Joseph Rice. Supervisor Rice alleged a violation of the Open Meetings Law. Specifically, Supervisor Rice alleged a violation of Wis. Stat. §19.84(2) and 19.84(3) because on April 21, 2011 the Milwaukee County Board had a meeting which he alleged was not properly noticed. The notice stated the date, time and place, but it did not explain that the redistricting plan would be on the agenda. Nevertheless, the meeting proceeded and the redistricting plan was adopted.

This lawsuit was filed on June 27, 2011. On August 5, 2011 the plaintiff filed a motion for summary judgment. On September 1, 2011 the defendants filed a reply brief. On November 21, 2011 Judge Jane Carroll issued a decision in which she ordered that a judgment be entered against Chairman Lee Holloway in the amount of \$300 and against the Milwaukee County Board of Supervisors in the amount of \$300 for forfeitures under Wis. Stat. §19.96. Further, she ordered that attorney's fees and costs be paid. The total amount for the fees and costs is \$6,921.80. Wisconsin Mutual Insurance Company will pay the attorney's fees and costs. Milwaukee County must pay the forfeitures.

The Office of Corporation Counsel recommends the payment of the fees and forfeitures.

  
RLW/af

cc: Linda Durham  
Jennifer Mueller  
Barb Pariseau

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

**DATE:** March 12, 2012

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

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

**SUBJECT:** MilES and MECA layoff and recall rights; lawsuit resolution

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services for its special meeting on March 14, 2012.

As noted in the resolution, the circuit court has entered an injunction requiring Milwaukee County to provide layoff and recall rights to approximately 300 employees who previously worked in the Miles and MECA programs that were absorbed into state operations. Milwaukee County has exhausted any legal avenues at this time to overturn this injunction. Litigating this matter for an extended period of time, without a change in the decision, will result in extreme administrative difficulty in providing the layoff and recall rights at some future time. Additional litigation, if unsuccessful, will also increase the potential liability to Milwaukee County for backpay and other costs, including potential attorneys' fees. Settlement is recommended at this time. If approved, the parties anticipate entering a stipulated order in the circuit court that provides the layoff and recall rights. Such an order will result in, among other things, bumping of some current employees, the recall to vacant positions of other affected employees and possible backpay for some of the employees. Approval may be sought at a later date for a possible attorneys' fees payment to AFSCME's counsel.

Attachments

cc(w/att.): County Executive Chris Abele  
Carol Mueller  
Janelle Jensen

A RESOLUTION

WHEREAS, the State of Wisconsin absorbed the operation of the Milwaukee Early Care Administration (MECA) into the Department of Children and Families (DCF), effective October 1, 2011, and absorbed the operation of the Milwaukee Enrollment Services (MilES) into the Department of Health Services (DHS), effective January 1, 2012; and

WHEREAS, every Milwaukee County employee in MECA was transferred to state employment in DCF, but Milwaukee County employees in MilES were required to apply for and interview with DHS for state employment and not all Milwaukee County employees in MilES received state employment in DHS; and

WHEREAS, based on the interplay of the provisions of §49.825 and §49.826, Stats, the Milwaukee County Civil Service Rules and the enactment of 2011 Wis. Act 10, Milwaukee County did not believe that the affected employees were entitled to layoff rights and therefore did not provide those rights to the affected employees; and

WHEREAS, AFSCME filed a circuit court action seeking an injunction requiring Milwaukee County to provide layoff and recall rights to the affected employees; and

WHEREAS, the circuit court issued an injunction on November 22, 2011 requiring Milwaukee County to provide layoff and recall rights to all of the MECA employees and issued an injunction on December 16, 2011 requiring Milwaukee County to provide layoff and recall rights to all of the MilES employees; and

WHEREAS, Milwaukee County filed with the Court of Appeals a petition for leave to appeal these non-final orders, but the Court of Appeals denied the petition on January 11, 2012; and

WHEREAS, the circuit court action was scheduled for a hearing on a permanent injunction in the summer of 2012; and

WHEREAS, the County Board of Supervisors adopted a resolution authorizing the Office of Corporation Counsel to negotiate and enter into a court approved stipulation and order providing layoff and recall rights to the affected employees and authorizes the Department of Human Resources, and any other county department, to implement any such provisions; and

WHEREAS, the Office of Corporation Counsel has entered into a court Stipulation to resolve the layoff and recall rights for the affected employees; and

45           WHEREAS, the Office of Corporation Counsel has negotiated with the attorneys  
46 for the union concerning their claim for attorneys' fees incurred and has reached a  
47 tentative agreement for Milwaukee County to pay \$35,000.00;  
48

49           NOW, THEREFORE, BE IT RESOLVED that Milwaukee County authorizes the  
50 payment of \$35,000.00 in attorneys' fees to the Law Offices of Mark A. Sweet, the  
51 attorneys for the union in this matter, to complete the resolution of all issues in this  
52 litigation.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** April 24, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Settlement of attorneys' fees claim in litigation related to layoff and recall rights of employees of MilEs and MECA programs.

**FISCAL EFFECT:**

No Direct County Fiscal Impact

Increase Capital Expenditures

Existing Staff Time Required

Decrease Capital Expenditures

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

Increase Capital Revenues

Absorbed Within Agency's Budget

Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures

Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	\$35,000	0
	Revenue	0	0
	Net Cost	\$35,000	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

**DESCRIPTION OF FISCAL EFFECT**

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

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

Approval of this Resolution will result in a payment of \$35,000.00 in attorneys' fees to the Law Offices of Mark A. Sweet, counsel for the plaintiff. A charge in this amount will be made to the appropriate account of the Department of Health and Human Services.

Department/Prepared By Corporation Counsel

Authorized Signature

Mark A. Sweet

Did DAS-Fiscal Staff Review?

Yes X

No

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



*Milwaukee County*  
 OFFICE OF CORPORATION COUNSEL  
 INTER-OFFICE COMMUNICATION

KIMBERLY R. WALKER  
 Corporation Counsel

MARK A. GRADY  
 Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
 JEANEEN J. DEHRING  
 ROY L. WILLIAMS  
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 LEE R. JONES  
 MOLLY J. ZILLIG  
 ALAN M. POLAN  
 JENNIFER K. RHODES  
 JACOB A. MANIAN  
 Principal Assistant  
 Corporation Counsel

DATE: April 25, 2012

TO: Marina Dimitrijevic, County Board Chairwoman

FROM: Molly Zillig, Principal Assistant  
 Milwaukee County Corporation Counsel

**SUBJECT:** Roy M. Felber, et al. v. Milwaukee County, et al.  
 Milwaukee County Circuit Court Case No.: 11CV1296

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$27,500.00 to MacGillis Wiemer, LLC, for attorneys' fees incurred on behalf of the Milwaukee Deputy Sheriff's Association and Philip H. Wentzel to settle in full their lawsuit against Milwaukee County and Veronica Robinson.

This case arose from the Milwaukee County Personnel Review Board's ("PRB") release of information regarding disciplinary action taken against Philip H. Wentzel ("Wentzel") for his on-duty actions on January 12, 2010. On January 12, 2010, Wentzel, who is a Deputy Sheriff Sergeant with the Milwaukee County Sheriff's Office, received a call from the dispatcher while working at General Mitchell International Airport. The dispatcher informed Wentzel that a vehicle had struck a deer and that the deer carcass was available if he wanted it. Per the PRB Complaint, Wentzel left the airport to obtain the deer carcass. The Sheriff's Office Internal Affairs Division later investigated Wentzel's actions and found him to have violated Milwaukee County Sheriff's Office Rules and Regulations 202.20, Efficiency and Competence, and 202.14, Violation of Policy.

During the course of the Internal Affairs investigation, Wentzel provided a recorded statement during an interview, and on approximately February 22, 2010, Sheriff David A. Clarke ("Sheriff Clarke") submitted a recommendation to the Milwaukee County PRB that it issue Wentzel a 25-day suspension. In early March 2010, Tom Murray, a reporter from WTMJ Channel 4, requested the information and records relating to Wentzel's 25-day suspension, and the PRB released the Notice of Suspension and several attachments. The Notice of Suspension included direct quotes from Wentzel's interview with Internal Affairs, some of which Tom Murray published in a press release and in other news reports on approximately April 8, 2010. Wentzel alleges he did not receive any notice

from the PRB or the Sheriff's Office that the records pertaining to the investigation into his conduct would be released.<sup>1</sup>

Thereafter, Plaintiffs filed an action seeking relief against Milwaukee County, Veronica Robinson (the Executive Director of the PRB) and Sheriff Clarke ("Defendants") for violation of the Wisconsin Open Records Law (Chapter 19) and violation of Wisconsin's privacy law, Wis. Stat. § 895.50(2), based on the release of information regarding the Wentzel investigation to Tom Murray.

The Plaintiffs and the Defendants filed cross-motions for summary judgment. Plaintiffs argued that the Defendants: (1) violated Wis. Stats. § 19.36.(10); (2) violated Wis. Stat. § 19.356; and (3) violated Wisconsin's privacy law, Wis. Stat. § 995.50. Defendants argued that: (1) Plaintiff Roy Felber lacks standing in this matter; (2) the Complaint fails to state a claim against Sheriff Clarke; (3) Wentzel has no claim for violation of Wis. Stat. § 995.50; and (4) Wentzel has no claim under the Wisconsin Public Records laws. The Court granted partial summary judgment and denied partial summary judgment as to each motion. The end result was that the court determined Ms. Robinson violated Wisconsin's open records law when she released the records to the press and also deferred ruling on whether the same actions violated the privacy statute. Sheriff Clarke was dismissed from the case.

The primary focus of the Court's analysis related to the meaning of the phrases "current investigation" and "prior to disposition of the investigation" in Wis. Stat. § 19.36(10)(b). The Wisconsin Court of Appeals previously addressed the meaning of the terms "investigation" and "disposition of the investigation" as used in Wis. Stat. § 19.36(10)(b) in *Local 2489, AFSCME, AFL-CIO v. Rock County*, 2004 WI App 210, ¶ 10, 277 Wis. 2d 208, 689 N.W.2d 644. In that case, the plaintiffs argued that the requested records at issue were excluded from disclosure because the records were part of an ongoing investigation. *Id.* at ¶ 6. Specifically, the plaintiffs argued that although the sheriff had notified members of the department they were being disciplined as a result of an investigation of their conduct while on duty, *id.* at ¶ 5, the employees "had filed grievances pursuant to their collective bargaining agreement with the county regarding the discipline imposed by the sheriff, [and therefore] the 'investigation' into their alleged misconduct had not been completed." *Id.* at ¶ 6.

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<sup>1</sup> Prior to the publication of Tom Murray's press release, but after the PRB had already released the requested records to Tom Murray, three parties, Martin Ewert, Philip Wentzel and the Milwaukee Deputy Sheriffs' Association, filed a summons and complaint, Milwaukee County Case Number 10-CV-4416, in the Honorable Timothy Dugan's court, against Milwaukee County, the Milwaukee County Sheriff's Department, and Sheriff Clarke. Judge Dugan held a hearing regarding a motion for a temporary restraining order in that case on April 13, 2010, and on May 25, 2010, Judge Dugan issued an order that prevented the defendants from releasing information regarding the investigation of Wentzel's actions until after disposition of the PRB case. The PRB issued its decision in Wentzel's disciplinary action on October 19, 2010. Veronica Robinson and the PRB were not named as defendants in the case before Judge Dugan.

In this case, Judge Carroll concluded that according to the court in *Local 2489*, an “investigation” includes only that conducted by the public authority itself as prelude to possible employee disciplinary action. *Local 2489*, 2004 WI App 210 at ¶ 15. In this case, the Sheriff’s Office had investigated the incident in question and Sheriff Clarke had signed and submitted a “Notice of Suspension” stating that Wentzel “has been suspended for twenty-five (25) days, to take effect pending PRB review.” However, based on the disciplinary structure in place, Sheriff Clarke’s recommendation could not become effective until after the PRB, also an “authority,” had reviewed the matter. Consequently, an “investigation” reaches its “disposition” when the authority acts to impose discipline on an employee as a result of the investigation regardless of whether any employee elects to pursue grievance arbitration or another review mechanism that may be available ....” *Local 2489*, 2004 WI App 210 at ¶ 15. According to Judge Carroll, although Sheriff Clarke did, in a sense, act to impose discipline, his recommendation was merely that – a recommendation. Only the PRB could actually impose discipline on Wentzel for his alleged employment-related misconduct.

Having reviewed the relevant statutes, case law, and the parties’ argument, Judge Carroll concluded that the investigation into Wentzel’s alleged employment-related misconduct had not reached its disposition at the time that the PRB released the records to Tom Murray. As a result, the records at issue were not open to public inspection and that the PRB therefore violated the Open Records Law when it released the subject records to Tom Murray.

Judge Carroll also ruled that the Plaintiffs were entitled to Declaratory Judgment, pursuant to Wis. Stat. § 806.04 and that the Plaintiff was entitled to the costs and reasonable attorneys’ fees associated with bringing this action.

Judge Carroll, however, deferred judgment on the Plaintiffs’ other claim, invasion of privacy. Wentzel contended that an invasion of his privacy in violation of Wis. Stat. § 995.50(1) occurred upon the release of his disciplinary records to Tom Murray. Wis. Stat. § 995.50(1) provides the following:

The right of privacy is recognized in this state. One whose privacy is unreasonably invaded is entitled to the following relief: (a) Equitable relief to prevent and restrain such invasion, excluding prior restraint against constitutionally protected communication privately and through public media; (b) Compensatory damages based either on plaintiff’s loss or defendant’s unjust enrichment; and (c) A reasonable amount for attorneys fees.

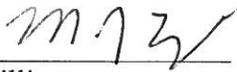
The Court deferred ruling on the motions for summary judgment as to Plaintiff’s privacy claim until after the Court could schedule a hearing to determine whether or not “the public policy interests favoring nondisclosure outweigh the public policy interests favoring disclosure, notwithstanding the strong presumption favoring disclosure.”

Chairwoman Marina Dimitrijevic  
Milwaukee County Board of Supervisors  
April 25, 2012  
Page 4 of 4

*Kroeplin v. Wisconsin Dept. of Natural Res.*, 2006 WI App 227 at ¶ 37. At the conclusion of that hearing, the Court would rule as to the motions for summary judgment as to Wentzel's claim for violation of the privacy statute.

## SETTLEMENT

The parties agreed to settle this matter for \$27,500. That number represents a compromise regarding actual attorneys' fees incurred, \$30,000. As part of the settlement, the Plaintiffs agreed to dismiss the pending claim of violation of Wisconsin privacy law, Wis. Stats. § 895.50(2) and any other claims the Plaintiff could have asserted or may still assert that rises out of the above set of facts.



\_\_\_\_\_  
Molly J. Zillig  
Principal Assistant Corporation Counsel

MJZ/kpe

Cc: Janelle Jensen  
Amber Moreen

## A RESOLUTION

From Corporation Counsel, recommending payment in the amount of \$27,500 to MacGillis, Wiemer, LLC for attorneys' fees incurred on behalf of Roy M. Felber, MDSA and Philip Wentzel in settlement of Roy M. Felber, et al v. Milwaukee County, et al, Case No. 11-CV-1296.

WHEREAS, a lawsuit was filed in the Milwaukee County Circuit Courts against Milwaukee County, Sheriff David A. Clarke Jr. and Veronica Robinson by Roy M. Felber, as President and on behalf of the Milwaukee Deputy Sheriff's Association and Philip H. Wentzel alleging the Milwaukee County Personnel Review Board's ("PRB") release of information regarding disciplinary action taken against Philip H. Wentzel ("Wentzel"); and

WHEREAS, Wentzel was investigated by the Internal Affairs Division of the Milwaukee County Sheriff's Office ("MCSO") regarding his actions on January 12, 2010, wherein he left his job post and retrieved a deer carcass that had been left on the side of the road. The investigation found Wentzel's actions to have violated various MCSO rules and regulations and the Sheriff recommended a 25-day suspension; and

WHEREAS, in March 2010, a reporter for WTMJ Channel 4, requested the information and records relating to the suspension from the PRB, who released the Notice of Suspension and several attachments, which included quotes from Wentzel's interview with Internal Affairs. WTMJ Channel 4 published in a press release the information it received; and

WHEREAS, on December 22, 2011, Judge Jane Carroll granted summary judgment to Felber, et al., determining that the release of this information violated Wis. Stats. § 19.36(10)(b)'s prohibition against releasing disciplinary records pertaining to an ongoing investigation and deferred ruling on the privacy claims; and

WHEREAS, negotiations between the County by the Office of Corporation Counsel, the Plaintiffs, Roy Felber, MDSA and Philip Wentzel and MacGillis Wiemer, LLC, who represented the plaintiffs in this lawsuit, resulted in a settlement agreement to settle all claims arising out of the complaint and dismissal of the remaining claims in the lawsuit and a release of claims by Roy Felber, Philip Wentzel and the MDSA for the sum of \$27,500.00; and

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on May 10, 2010 voted (        ) to recommend payment; now, therefore;

BE IT RESOLVED, that Milwaukee County approves the payment of \$27,500.00 to MacGillis Wiemer, LLC, for attorneys' fees incurred on behalf of Roy Felber, MDSA and Philip Wentzel to settle all claims arising out of the lawsuit and the dismissal of said lawsuit.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** April 24, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Lawsuit Filed by  
Roy Felber, et al. vs. Milwaukee County, et al.  
Case No. 11CV1296

**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<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

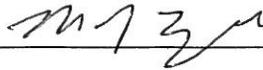
In the space below, you must provide the following information. Attach additional pages if necessary.

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

Approval of this resolution will result in a charge being applied to Milwaukee County's 2010 deductible with the Wisconsin County Mutual Insurance Corporation in the amount of \$27,500.

Department/Prepared By Corporation Counsel

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

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

INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE

DATE: March 12, 2012 FILE NO. 12-311  
TO: Lee Holloway, Chairman, County Board of Supervisors  
FROM: Mark A. Grady, Deputy Corporation Counsel *MAG*  
SUBJECT: WERC decision related to 2010 furlough days

Referred  
MAR 12 2012  
County Board  
Chairman

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services for its special meeting on March 14, 2012.

As noted in the resolution, the WERC ruled, among other things, that the County violated its duty to bargain in good faith when it imposed the 22 furlough days in 2010 for affected AFSCME employees. An appeal is recommended at this time. Pursuant to §1.31, M.C.G.O., the Judiciary Committee must make a recommendation to the County Board for such an appeal, or Corporation Counsel may utilize the emergency provisions in the absence of a decision by the Judiciary Committee.

Attachments

cc(w/att.): County Executive Chris Abele  
Carol Mueller  
Janelle Jensen

*12-311*

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(ITEM 74 ) From Corporation Counsel, requesting authorization to file an appeal in the matter of Milwaukee County v. Wisconsin Employment Relations Commission (WERC) and American Federation of State, County and Municipal Employees (AFSCME), by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, AFSCME filed a complaint with the Wisconsin Employment Relations Commission (WERC) related to, among other things, the negotiation of a successor collective bargaining agreement for 2009 – 10 and related to the County’s imposition of furlough days for 2010; and

WHEREAS, the WERC ruled that the County failed to bargain in good faith with respect to the successor agreement and with respect to the imposition of 22 furlough days in 2010; and

WHEREAS, the WERC ordered, among other things, that the tentative successor agreement for 2009 – 10 should be deemed to have been constructively approved by the County Board and presented to the County Executive for approval or veto and further ordered that AFSCME employees affected by the 22 furlough days should be re-paid, with interest; and

WHEREAS, the County sought review of the WERC decision in circuit court; and

WHEREAS, the circuit court issued a decision dated February 27, 2012 that reversed the WERC decision requiring that the tentative agreement be presented to the County Executive, remanded for further hearing on the issue of the County’s bargaining practices with respect to the successor agreement, but affirmed the WERC ruling that the County violated its obligation to bargain in good faith when it imposed the 22 furlough days for affected AFSCME employees; and

WHEREAS, the order requiring repayment to employees of the 2010 furlough days has a cost of approximately four million dollars (\$4,000,000.00) and interest will continue to accrue in the future of approximately \$15,000.00 per month; and

WHEREAS, the attorney fees for retained counsel to prosecute an appeal in the Court of Appeals would be approximately twenty-five thousand dollars (\$25,000.00), payable from the Litigation Reserve Account in the Office of Corporation Counsel; now, therefore,

BE IT RESOLVED, that Milwaukee County approves the filing of an appeal in the Court of Appeals in this matter.

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**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** March 13, 2012

Original Fiscal Note

Substitute Fiscal Note      **X**

**SUBJECT:** Appeal of WERC decision related to 2010 furlough days for AFSCME employees.

**FISCAL EFFECT:**

No Direct County Fiscal Impact

Increase Capital Expenditures

Existing Staff Time Required

Decrease Capital Expenditures

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

Increase Capital Revenues

Absorbed Within Agency's Budget

Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures

Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	25,000	0
	Revenue	0	0
	Net Cost	25,000	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

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

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

Approval of this Resolution will result in an appeal in the Court of Appeals and the payment of attorney fees for retained counsel in the approximate amount of \$25,000 for handling the matter in the Court of Appeals. This payment will be made from the Litigation Reserve Account in the Office of Corporation Counsel. Interest costs of approximately \$33,000 per month will accrue during the appeal.

Department/Prepared By Corporation Counsel

Authorized Signature Mark A. Brady

Did DAS-Fiscal Staff Review? Yes X  No

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

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: May 2, 2012

TO: Mark Borkowski, Chairman  
Committee on Judiciary, Safety and General Services

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Status update on pending litigation

The following is a list of pending cases which I or outside counsel are prepared to discuss at the May meeting, at the Committee's discretion:

1. *DC48 v. Milwaukee County* (Rule of 75)  
Case No. 11-CV-16826
2. *MDSA v. Milwaukee County* (Lay-offs)  
Case No. 11-CV-18156  
*MDSA v. Milwaukee County* (overturn arbitration award on layoffs)  
Case No. 12-CV-1984
3. *Hussey v. Milwaukee County* (Retiree health)  
Case No. 11-CV-18855  
*MDSA Notice of Claim* (MDSA and retiree health)  
*MDSA grievance* (MDSA and retiree health)  
*AFSCME Notice of Claim* (retiree health)
4. *Stoker v. Milwaukee County* (1.6 multiplier)  
Case No. 11-CV-16550
5. *FNHP and AMCA v. Milwaukee County* (Medicare Part B)  
Case No. 12-CV-1528
6. *Milwaukee County v. WERC and AFSCME* (2010 furlough days and bargaining)  
Case No. 11-CV-12137
7. *MDSA v. Clarke & Milwaukee County* (G4S contract for bailiffs)  
Case No. 12-CV-3410  
*MDSA WERC Prohibited Practice Complaint* (G4S contract)

Memo to Mark Borkowski, Chairman

5/2/2012

Page 2 of 2

8. *McKenzie & Goodlette v. Milwaukee County* (captains layoffs)  
Case No. 12-CV-0079  
*Rewolinski v Milwaukee County* (captain layoff)  
Case No. 12-CV-0645  
*Clarke v. Civil Service Commission* (captains promotions and layoffs)  
Case No. 12-CV-3366
  
9. *DC48 v. Milwaukee County* (seniority in vacation selection under Sheriff)  
Case No. 12-CV-3944
  
10. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)  
Case No. 11-CV-1003 (consolidated actions)