

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

**DATE:** June 8, 2012

**TO:** Supervisor Patricia Jursik, Milwaukee County Board of Supervisors

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

**SUBJECT:** **File No. 12-402** – Request for Procurement Process for Ballot Printer

Per a request you had made during the Judiciary Committee meeting held on May 10, 2012, the following procedure and process was utilized by this office and the Office of Procurement for acquiring a printing contract for ballots for 2012:

Upon receiving notification from the Procurement Division during the Fall of 2011 that the price agreement for the printing of ballots will be going out for bid for 2012, this office provided the following specifications for ballot printing:

- Vendor needs to be certified in ballot layout and printing by Election Systems & Software (ES&S) within 30 days after bid award.
- Vendor needs to have recent experience in large scale and large quantity printing and use a pass/fail testing process.
- Vendor's production facility needs to be in a location to ensure delivery of ballots within 45 minutes maximum time to each of the 19 municipalities within Milwaukee County with no shipping charges.
- Vendor needs to have the resources and ability to run the printing operation a minimum of two shifts per day, 7 days a week, to accomplish the task. No additional charges for Saturday/Sunday operation.
- From press to trimming registration is 3/100".
- Printer must understand that ballots take priority over all other printing jobs in their facility in order to meet tight deadlines.
- No outsourcing of any aspect of the production process.
- Printer to ship test ballots via FedEx to two Voting Machine Programming Vendors at printer's expense. These vendors are located in St. Cloud, Minnesota (i.e. Command Central) and Omaha, Nebraska.

It should be noted that at the time of assembling this information, this office was contacted by a sales representative from Burton & Mayer, Inc. (i.e. our current printer, who had won this bid) who had requested specifics on our ballot printing requirements. Since this prospective vendor had no prior experience in ballot printing, ES&S was contacted by the Burton & Mayer sales representative inquiring as to what is required in obtaining ballot layout and printing certification from their company, which is one of the major manufacturers of voting equipment primarily used by most of Milwaukee County's municipalities. ES&S advised that the "certification" is actually a print kit which can be purchased for \$2,500, but cannot be purchased by vendors without the authorization of their customer (i.e. Milwaukee County).

Shortly after being contacted by Burton & Mayer, ES&S contacted the Milwaukee County Election Commission office inquiring about the bidding process and expressed an interest in printing Milwaukee County's ballots. When the specification of location was emphasized (i.e. that the vendor had to be located within 45 minutes' delivery time to all 19 municipalities), a meeting was requested by Mike Hoversten, regional sales manager for ES&S to discuss this specification. At said meeting, a proposal was made by ES&S to provide a large digital printer to be housed on county property and operated by either Election Commission staff or by ES&S employees to produce ballots on demand. Doubts as to the effectiveness of this proposal were expressed by Election Commission staff based on the mass quantities of ballots produced for Milwaukee County, as well as concerns about the operation of said equipment (by whom), sufficient working space for not only the equipment, but for the thousands of ballots, as well as delivery of the ballots. It should be noted that the Executive Director of the City of Milwaukee Election Commission was also invited to this meeting by ES&S and the same doubts and concerns by the County Election Commission were also expressed by the City Election Commission.

Upon receiving the bid results from the Procurement Division, it was noted that ES&S had not provided a bid. The lowest bid was provided by Burton & Mayer, Inc., who had complied with all of the specifications. It should be noted that The Marek Group, the Election Commission's ballot provider for the past 20-plus years, had also bid, however, their price per ballot was significantly higher than Burton & Mayer's price per ballot.

While reluctant to award the job to a printer who had no experience with ballot printing (especially during 2012 – a very busy election year, including the presidential election), Burton & Mayer, Inc. was able to

provide evidence that they can meet all of the specifications provided by the Election Commission office, including the ballot layout and printing certification portion based on the information they received from ES&S prior to placing their bid. Other than concerns working with a new printer during a busy election year, the Election Commission Office was unable to provide any other legitimate reason not to award the bid to Burton & Mayer, Inc.

Upon being awarded the contract with the Election Commission Office in December, 2011, Burton & Mayer, Inc. immediately contacted ES&S to purchase the ballot layout and printing kit for \$2,500. In response, ES&S made it very difficult for Burton & Mayer to purchase this kit by not allowing them to purchase it until their contract with Milwaukee County became effective, which would be January 1, 2012. When contacted by Burton & Mayer after January 1, 2012, ES&S advised that the request needed to be provided by their client (i.e. this office). It should be noted that it took many attempts by the Election Commission's Deputy Administrator to contact the correct party to release the print kit to Burton & Mayer, Inc. (for which they paid \$2,500) in time for them to design and lay out the Spring primary election ballots, which need to be printed and delivered by the end of January.

When Burton & Mayer finally received the print kit from ES&S, which was actually a manual, it was determined that the information contained in the manual was not for the type of voting equipment that Milwaukee County uses – that the instructions were for ballots which contain ovals rather than arrows. When contacted about this, ES&S responded by stating that they no longer produce manuals for the Eagle III-P voting machines (i.e. machines primarily used by Milwaukee County municipalities). It should be noted that Milwaukee County has used ES&S as a programming vendor for 20-plus years to program most of our voting equipment so they were fully aware of the type of equipment Milwaukee County's municipalities utilizes.

Once it was determined that the manual Burton & Mayer had purchased for \$2,500 from ES&S was useless, it put Milwaukee County in a bind regarding the design of the Spring primary ballots, which had to be printed and distributed within the next two weeks. Fortunately, Command Central, the Election Commission's other programming vendor, had made arrangements with a printer located in Fond du Lac (Roto-Graphic Printing, Inc.) to provide ballot lay-out and design services for Milwaukee County and provided the ballot proofs to Burton & Mayer, Inc., who printed them. The print quality of the February ballots produced by

Burton & Mayer was very good as this office had not received any significant complaints from any of the municipalities.

Burton & Mayer attempted to design the ballots for April's Spring election with very limited information they received from Command Central, who had attempted to assist them with the limited information they had relating to ballot printing (as they are not a ballot printer). Those ballots, however, failed the testing process conducted by Command Central (i.e. the voting machines were unable to read the ballots). Once it was determined (approximately 10 days before election day) that all of the ballots were defective, emergency arrangements had to be made resulting in Roto-Graphic Printing, Inc. printing half of Milwaukee County's ballots and The Marek Group (i.e. the former printer) printing the other half (i.e. the City of Milwaukee's ballots) over a weekend so that the municipalities could receive ballots for the April election, which was only a week away.

In order to print future ballots, Burton & Mayer, Inc. had eventually purchased the services of Roto-Graphic Printing, Inc. to provide direction and training (at a significant cost) since the print kit they had purchased from ES&S was useless.

Based on positive comments made by some of the municipalities, it should be noted that the Office of the Election Commission is currently very pleased with the quality and customer service provided by Burton & Mayer for the recent recall elections. Despite the rocky start, which this office does not feel is Burton & Mayer's fault, we are confident that Burton & Mayer will continue to provide quality service to this office.

I hope this is the type of information you were seeking. Please let me know if I can provide anything else.

me

c.c. Supervisor Mark Borkowski, Chairman  
Committee on Judiciary, Safety and General Services

**MILWAUKEE COUNTY ELECTION COMMISSION**  
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**DATE:** June 8, 2012

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

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c.c. Supervisor Mark Borkowski, Chairman  
Committee on Judiciary, Safety and General Services

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

**DATE:** June 8, 2012

**TO:** Supervisor Joseph Sanfelippo, Milwaukee County Board of Supervisors

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

**SUBJECT:** **File No. 12-402** – Request for Action Plan Pertaining to Timely Delivery of Absentee Ballots to Municipal Clerks

Per a request you had made during the Judiciary Committee meeting held on May 10, 2012, the following is an action plan that was implemented by the Office of the Election Commission for the June 5<sup>th</sup> recall election. It should be noted that this plan proved to be successful as all of the municipal clerks in Milwaukee County received their ballots in time for in-person absentee voting, which began on May 21.

**Effective Communication with the Government Accountability Board (GAB) Regarding Ballot Production**

A conference call was conducted by the GAB for county and municipal clerks three days before the May 8<sup>th</sup> recall primary election. It was acknowledged by the GAB during the conference call that the May 14<sup>th</sup> deadline to provide the recall ballots for the June 5<sup>th</sup> recall election would be impossible to meet as it is the same deadline for the GAB to certify the May 8<sup>th</sup> primary election candidates to be placed on the recall ballot. In an effort to timely provide absentee ballots to voters who are out of state, counties were instructed to provide electronic files of the June 5<sup>th</sup> ballots to the municipalities as soon as the May 8<sup>th</sup> recall primary election results were certified, which did not happen until May 18. The municipalities would then be able to print paper copies of the ballots from the electronic files to use as needed until the actual absentee ballots are delivered. The counties were further instructed by the GAB to make arrangements with their printers to print ballots during the weekend of May 19-20 so that ballots can be delivered to municipalities on May 21, which is the first day for in-person absentee voting.

To assist the counties in this effort, the GAB made proactive efforts immediately after the May 8<sup>th</sup> primary election by providing counties with

candidate information (based on the May 8<sup>th</sup> election results, even though not yet certified) to allow counties to start working ahead with their printers on ballot design so that they are ready to be printed by the as soon as the GAB certifies the June 5<sup>th</sup> candidates on May 18<sup>th</sup>. The GAB also assisted the counties in this effort by reviewing and approving the counties' proposed ballot proofs prior to certification. It should be noted that counties typically have to wait until candidates are officially certified before the GAB will even look at proposed ballots.

Because the GAB clarified to the counties their expectations as to when they expect the municipalities to receive their absentee ballots under the unreasonable deadlines, along with their accommodations to counties to expedite the design and approval process of the recall ballots, this office was able to work ahead on the June 5<sup>th</sup> ballots. All of these extra efforts by the GAB and this office resulted in the ability to provide to electronic files of the ballots to all of the municipalities within one hour after the GAB's official certification of the May 8<sup>th</sup> primary election results allowing the municipalities to mail paper versions of the ballots to out-of-state absentee voters. Because this office was able to work ahead on the recall ballots, arrangements were made with the printer to print absentee ballots over the weekend of May 19-20 and deliver them to the municipalities on Monday, May 21<sup>st</sup> in order for clerks to accommodate voters on the first day of in-person absentee voting.

### **Proactive Efforts Made by the Election Commission Office For Recall Election Ballots**

The following steps were taken by this office to expedite the production of the June 5<sup>th</sup> recall ballots:

1. Immediately after learning the expectations of the GAB as to the delivery of absentee ballots under the circumstances that the statutory deadlines cannot be met for this election, this office shared said expectations with our printer and discussed a plan of action.
2. Prior to the May 8<sup>th</sup> primary recall election, this office worked with the printer on designing a ballot prototype (i.e. a ballot without the actual candidate names), including the bilingual version for the City of Milwaukee, as required by law, to allow for extra time for testing and approval by the programming vendors. It should be noted that in an effort to prevent what had happened with the Spring election ballots, this extra step was initiated by the printer to ensure that the ballots can be read by the voting equipment. By May 15<sup>th</sup>, the test ballots were tested and approved by both programmers, as

well as by the City of Milwaukee Election Commission, who programs their own equipment.

3. Within one week following the May 8<sup>th</sup> primary recall election, this office confirmed with the municipalities ballot quantities for the June 5<sup>th</sup> recall election, allowing them the opportunity to increase their ballot quantities based on the voter turn-out during the recall primary election. This information was provided to the printer as soon as the quantities were confirmed to allow the printer sufficient time to order extra paper if needed.
4. Upon receiving an unofficial candidate list from the GAB on May 9 (the day after the primary election), this office immediately began working with the printer on finalizing a master proof which was submitted to the GAB for their review and approval.
5. As soon as the master ballot was approved by the GAB on May 11, this office proceeded with reviewing and approving all ballot styles for all of the municipalities so that they would be ready to go to press immediately after official certification by the GAB on May 18<sup>th</sup>.
6. Upon receiving official notification from the GAB that the May 8<sup>th</sup> primary election was certified on May 18<sup>th</sup> at approximately 5:00 p.m., the printer was immediately contacted by this office and given the "green light" to start printing the ballots and continue printing throughout the weekend to ensure delivery of absentee ballot to all of the 19 municipalities on Monday, May 21<sup>st</sup>.
7. After contacting the printer, this office then proceeded with e-mailing to all of the 19 municipalities electronic copies of the June 5<sup>th</sup> recall ballots (which were previously approved) to mail to out-of-state absentee voters, per the GAB's instructions.
8. After given the okay to print the ballots, an e-mailed message was sent to all of the municipalities from the printer advising that now that the GAB had certified the June 5<sup>th</sup> recall candidates, they have started the printing of the absentee ballots, which will be ready for delivery by Monday, May 21<sup>st</sup>. The message also included the option for clerks to pick up ballots from the printing facility rather than wait for delivery. It should be noted that some of the municipalities did choose this option.
9. By the end of the day on Monday, May 21<sup>st</sup>, all 19 Milwaukee County municipalities received their ballots for the June 5<sup>th</sup> recall election and was therefore prepared to accommodate in-person absentee voting which began on that day.

It should be noted that the printer, Burton & Mayer, Inc., deserve to be commended for their proactive efforts in this project – especially with the design (by referring to the GAB website for the ballot format) and for seeking pre-approval of the ballots from the

programming vendors. Without these efforts initiated on their own was of great assistance to this office, as we were preoccupied with the recall primary election at the time.

### **Action Plan for Future Elections**

Based on this past experience, which proved to be successful, this office plans on implementing the same proactive steps for future elections. The most valuable lesson learned was that with pre-planning with the GAB and the printer, along with continued communication and cooperation with all those involved, it is possible to produce ballots in a short period of time. This office plans to continue this practice with future elections.

me

c.c. Supervisor Mark Borkowski, Chairman  
Committee on Judiciary, Safety and General Services

**DATE:** May 15, 2012  
**TO:** Patrick Farley, DAS Director  
**FROM:** Anissa Perkins, Buyer II  
**SUBJECT:** From the Buyer submitting an informational report describing the timeline of events and correspondence related to the Ballot Printing Bid # 611119

In response to the County Board hearing on May 10, 2012 concerning the delay in voters receiving their absentee ballots for the April 3, 2012 Spring Election. The hearing also referenced the Bid for the Ballot Printing Services for the Election Commission of Milwaukee County. Following is a detailed description of the events leading up to, during, and after the Ballot Printing Bid# 611119.

**Section 1, 2 and 3 – Timeline of events and correspondence prior to the bid posting (a copy of all emails referenced is attached):**

1. 11/04/2011 – Copies of Advantage screen shots were dropped off in Procurement by Suzette Emmer from the Election Commission.

11/07/2011 – Suzette emailed me a copy of the bid specs and the addresses of the municipality clerks.

(There were several conversations between myself and Suzette or Lisa Catlin-Weiner during the bid process. For this report I will refer to those conversations during the timeframe they occurred, although specific dates were not recorded.)

I spoke with Suzette or Lisa and advised that we were late in the calendar year and Procurement generally does not post bids this late in the year. She advised me that 2012 was going to be a big election year and the current price agreement expired 12/31/2011, therefore a new bid had to go out.

I told them that with a bid of this magnitude we should have received the Rx in early September, allowing us enough time to draft and post the bid, with an award date no later than the end of November. I expressed concern on having enough time to complete the bid process and award the bid without going into the very last part of December 2011. I told her that I would discuss it with the purchasing manager, and let her know.

I discussed the matter with the Purchasing Manager, Willie Woods, explaining the circumstances, and he authorized I post the bid.

I contacted Lisa advising her I was able to do the bid and that I would review the specs and forward to her any suggested revisions. Lisa agreed and also advised me that they were aware of the potentially new vendors that would participate in the bid; they had visited their respective facilities, discussed the scope of the job, and advised those vendors that the bid would be coming out soon. From their site visits and speaking with the staff of those respective companies they (The Election Commission) had an idea of who would be able to satisfactorily do this job if they won the award. I told her the buyer should have participated in those site visits.

After reviewing the specifications I contacted Lisa to discuss the content. I informed her that the specs were somewhat vague and would need to be more detailed. She advised me that these were the specs they always used; they never had to change anything in all the years they bid this project and she didn't understand why they had to now. I explained to her that a bid is awarded to the lowest bidder that meets the specifications. With a bid, the vendor's costs and meeting the specs are the deciding factors. The primary way of determining if a vendor is qualified to provide the service is if they satisfy the specifications. I also told her with the changes in the economy vendors are bidding on projects and contracts they may not have traditionally in the past. Couple that with the new vendors she was aware would bid this contract, the specs were critical.

2. 11/15/2011 – I sent Suzette a copy of the specs with my suggested revisions.

11/15/2011 – Suzette acknowledged receipt of the draft and advised she would review and advise.

11/16/2011 – Suzette forwarded a copy of the Ballot Timelines and asked they be inserted into the specs.

11/16/2011 – A revised draft of the specs updated with the ballot timelines is emailed to Suzette.

11/17/2011 – Suzette emailed me with suggested revisions to the specs regarding when the awarded vendor would ship test ballots, and also provided the previous bid#.

11/18/2011 – A final draft of the specs with the requested revisions is sent to Suzette for approval.

11/18/2011 - Suzette emailed a suggested revision to the specs.

11/18/2011 – A suggested revision is sent to Suzette for review.

11/18/2011 – Suzette emails authorizing the specs and asking the timeline for the process.

11/18/2011 – Emailed Suzette informing her of the timeline of events moving forward.

3. 12/6/2011 – A question regarding the card stock is received from a vendor and forwarded to the department for reply. The department replied and their response was forwarded to the vendor. I suggest the department record that information and update the specs accordingly. They agreed.

#### **Section 4 – Timeline of events and correspondence related to the bid opening and award.**

4. 12/08/2011 – Bid opened. The bid submissions unit costs are recorded in a spreadsheet and are given to Lisa Weiner 12/12/2011 along with a copy of each submitted bid. I personally explained everything I was providing and reiterated that the bid is to be awarded to the lowest qualified bidder.

I spoke with Suzette who expressed concerns with awarding the bid to the lowest qualified bidder. I reiterated that these were the guidelines we must follow per the bid process, and that we cannot reject a low bid if it satisfies the specifications.

12/16/2011 – I emailed Suzette and suggested requesting a stock sample from the front runner.

A sample card stock was requested from and provided by Burton & Mayer.

The department reviewed and asked I clarify with the vendor that the paper stock sample is the stock the vendor would use if awarded the bid.

The vendor replied yes.

12/20/2011 – The vendor's response is forwarded to the department.

12/20/2011 – The department okayed the award to Burton & Mayer.

12/21/2011 – Forwarded email to Suzette advising her of holiday closings of Burton & Mayer.

**Section 5 – Timeline of events and correspondence regarding problems with the ballots being printed.**

5. 02/06/2012 – Spoke with Lisa Weiner regarding issues Burton & Mayer was having obtaining certification from ES&S and her intent to request an exception to the bid and have the ballots printed by Roto-Graphics. Personally met with Lisa to discuss. In this meeting I was advised that:
- ES&S was a competing vendor that was telling Burton & Mayer and the Election Commission office that they (ES&S) no longer offered the certifying kit Burton & Mayer required because of the age of the equipment we use.
    - ✓ I questioned why a stipulation in the bid required the awarded vendor to obtain certification from a competitor?
  - Burton & Mayer would not be able to print the ballots without the kit which provides the ballot layout.
  - The Election Commission initiated arrangements with Roto-Graphics to print the ballots.
    - ✓ I advised the Election Commission: **(1)** I should have been contacted prior to communicating with Roto-Graphics potentially printing the ballots, **(2)** The bid process generally requires the bid award go to the next lowest bidder if the awarded vendor is unable to satisfy the terms of the contract, **(3)** If for some reason a vendor that bid could not fulfill the requirements of the contract then an exception to the bid is considered.
  - If the Election Commission used the Marek Group to print the ballots, the Election Commission would have to manually provide a word document of each ballot to that vendor; Roto-Graphics utilized an automated system which would expedite the process.
    - ✓ I advised Lisa to type a report to Amos, he would have to authorize an exception to the bid to have the ballot printed by Roto-Graphics.

02/07/2012 - Lisa emailed a detailed report explaining the need for an exception to the bid and utilizing Roto-Graphics for the ballot printing.

02/09/2012 - Amos authorized using Roto-Graphics for printing the ballots as an Immediate Budgeted Repair.

02/09/2012 – Instructions on how to create the PO for Roto-Graphics to print the ballots emailed to Lisa.

### **Section 6. Timeline of events and correspondence to date**

02/17/2012 – Lisa emailed me indicating she was attempting create a requisition for Roto-Graphics to do the ballot lay-out and design she noticed they were not listed in Advantage. She asked for the process to have a vendor number issued to this vendor.

02/20/12 – I responded advising that Procurement issued vendor numbers. The email included the website link to the Procurement page of Milwaukee County that provides the vendor application for vendors to request a vendor number, in addition to a copy of the vendor application.

02/20/12 – Lisa confirmed receipt of the information and stated she was forwarding it to the Roto-Graphics account representative.

03/25/12 – Lisa emailed requesting I provide Kimberly Walker from Corporation Counsel a copy of the ballot printing contract with Burton & Mayer.

03/26/12 – A copy of Bid# 611119 and the related specifications were emailed to Lisa and cc'd to Kimberly Walker, Corporation Counsel. The email advised that these documents provided the terms and conditions of the ballot printing contract.

03/26/12 – Lisa confirmed receipt of the documents.

03/26/12 – Kimberly Walker, Corporation Counsel emailed that she was forwarding the documents to Molly for review.

I spoke with Lisa and she advised she would be meeting with Corporation Counsel and Burton & Mayer concerning the problems with the ballots. I insisted I attend. Lisa didn't feel it was necessary, but I told her I did and I will be there.

04/02/12 – Lisa emailed providing the requisition number for the requisition she entered into Advantage for the Roto-Graphics PO.

04/03/12 – I replied that I would process the requisition when I received it.

04/06/12 – I emailed Lisa advising her that I had not received the requisition and I had informed Willie Woods, Purchasing Manager of the situation so he could have the PO created while I was out of the office.

04/06/12 – Lisa replied that she had an error corrected and would have the requisition approved ASAP.

04/06/12 – Meeting with Lisa Weiner, Election Commission, Corporation Counsel representative, Burton & Mayer, Burton & Mayer’s attorney.

In the meeting the vendor and Lisa explained the processes and occurrences up to that point:

**Printing:**

- The problem was not with the printing, but possibly with the ballot layout.
- The Election Commission provided Burton & Mayer a ballot machine to allow Burton & Mayer to test various aspects of the ballots. All testing confirmed the ballots were good.

**Ballot Layout:**

- Lisa and Burton & Mayer designed the ballots.

**Other Challenges with the Ballots:**

- Ballots were bilingual with six arrows per inch. This was the first time this had happened. The vendor and Lisa speculated that this may have contributed to offsetting of the arrows.
- ES&S at that time had not specified the problem with the ballots.

**Approval Process:**

- Currently approval is after all ballots are printed.

**Action Plan:**

- Burton & Mayer contacted Roto-Graphics to receive training on ballot layouts. Roto-Graphics agreed to provide the training and it was scheduled for the coming week.

When the meeting adjourned I requested a brief meeting with Lisa and the Corporation Counsel representative to discuss the process of having the test ballot approved after all the ballots are printed. Lisa advised that this is how it was always done. I expressed to her my disagreement with that process because it negated the Election Commission or the vendor’s ability to correct potential errors with the ballots.

In the meeting it was suggested the language in section 3.8 of the specifications require a prototype ballot(s) go the programmer for approval and printing is held until the prototype(s) are approved.

The Procurement Division has not received any further communication from the Election Commission.

Judiciary Referred 2

JUN - 4 2012

County Board  
Chair

**COUNTY OF MILWAUKEE**  
Interoffice Memorandum

DATE: May 31, 2012

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

FROM: Glenn Bultman, Legislative Research Analyst

**SUBJECT: Amendment to Chapter 3 of Milwaukee County Ordinances relating to County Board Districts**

Enclosed are the revised ordinance changes necessary to be adopted to amend the previously adopted 2012 Supervisory District Ordinance in order to comply with state statutes.

Milwaukee County adopted the final redistricting plan on July 28, 2011, which used the ward plans that were adopted by the municipalities in Milwaukee County. However, the city of Milwaukee revised their ward plan on September 20, 2011 in order to adjust their ward plan to changes in State Legislative Districts. Milwaukee County was not aware that these changes required adjustments in six supervisory districts by deleting a small part of a ward in three districts and adding this part to three adjacent districts. These changes require the adjustment contained in the attached revised ordinance. The ward numbers are not changed. The revised wards were used in the 2012 election. These changes are:

1. A part of the 5<sup>th</sup> District is added to the 15<sup>th</sup> District
2. A part of the 10<sup>th</sup> District is added to the 13<sup>th</sup> District
3. A part of the 16<sup>th</sup> District is added to the 14<sup>th</sup> District



Glenn Bultman, Legislative Research Analyst

\*Maps Enclosed

3 **A RESOLUTION**

4 Amending Chapter 3 of Milwaukee County Ordinances relating to County Board  
5 Districts.

6 WHEREAS, Milwaukee County adopted the final redistricting plan on July 28,  
7 2011, which used the ward plans that were adopted by the municipalities in  
8 Milwaukee County; and

9 WHEREAS, the City of Milwaukee revised their ward plan on September 20,  
10 2011 in order to adjust their ward plan to changes in State Legislative Districts; and

11 WHEREAS, Milwaukee County was not aware that these changes required  
12 changes in six supervisory districts by deleting a small part of a ward in three districts  
13 and adding this part to three adjacent districts; and

14 WHEREAS, these changes require the adjustment contained in the attached  
15 revised ordinance, the ward numbers are not changed, and were used in the 2012  
16 election; and

17 WHEREAS, these changes are:

- 18 1. A part of the 5<sup>th</sup> District is added to the 15<sup>th</sup> District  
19 2. A part of the 10<sup>th</sup> District is added to the 13<sup>th</sup> District  
20 3. A part of the 16<sup>th</sup> District is added to the 14<sup>th</sup> District

21 ; now, therefore

22 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
23 amend Chapter 3 of Milwaukee County Ordinances relating to County Board Districts  
24 boundaries for these six districts:

25  
26 **AN ORDINANCE**

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

28 **Chapter 3- COUNTY BOARD DISTRICTS**

29 **3.01.- Apportionment of County Board.**

30 **(1)**

31                    *Apportionment of supervisory districts.* Eighteen (18) supervisory  
32 districts were established as the county supervisory districts for the  
33 spring primary in February 2012 and spring election in April 2012  
34 and are to remain in effect until the 2020 federal decennial  
35 population census is certified, at which time the county board  
36 shall thereafter determine the maximum number of county board  
37 supervisory districts to be established for the 2024 spring election.  
38 This amendment changes the boundaries to adjust for ward  
39 changes by the city of Milwaukee.

40                    SECTION 2. The provisions of this ordinance shall be effective  
41 upon passage and publication.

42

43

[Redacted]

**(e) *Fifth supervisory district.* The territory of the City of Milwaukee lying within the boundary described below shall constitute the fifth supervisory district:**

Beginning at the point of the intersection of the centerline of West Clarke Street and North 51<sup>st</sup> Street; thence in a northerly direction along the centerline of North 51<sup>st</sup> Street to its intersection of the centerline of West Locust Street; thence in an easterly direction along the centerline of West Locust Street to its intersection with the centerline of North 41<sup>st</sup> Street; thence in a northerly direction along the centerline of North 41<sup>st</sup> Street to its intersection with the centerline of West Townsend Street; thence in an easterly direction along the centerline of West Townsend Street to its intersection with the centerline of North 25<sup>th</sup> Street; thence in a southerly direction along the centerline of North 25<sup>th</sup> Street to its intersection with the centerline of West Concordia Avenue; thence in a westerly direction along the centerline of West Concordia Avenue to its intersection with the centerline of north 26<sup>th</sup> Street; thence in a southerly direction along the centerline of North 26<sup>th</sup> Street to its intersection with the centerline of West Burleigh Street; thence in a westerly direction along the centerline of West Burleigh Street to its intersection with the centerline of North 28<sup>th</sup> Street; thence in a southerly direction along the centerline of North 28<sup>th</sup> Street to its intersection with the centerline of West Chambers Street; thence in a easterly direction along the centerline of West Chambers Street to its intersection with the centerline of North 27<sup>th</sup> Street; thence in a southerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Galena Street; thence in a westerly direction along the centerline of West Galena Street to its intersection with the centerline of North 29<sup>th</sup> Street; thence in a southerly direction along the centerline of North 29<sup>th</sup> Street to its intersection with the centerline of West Vliet Street; thence in an easterly direction along the centerline of West Vliet Street to its intersection with the centerline of North 28<sup>th</sup> Street; thence in a southerly direction along the centerline of

North 28<sup>th</sup> Street to its intersection with the centerline of West Juneau Avenue; thence in a westerly direction along the centerline of West Juneau Avenue to its intersection with the centerline of North 35<sup>th</sup> Street; thence in a southerly direction along the centerline of North 35<sup>th</sup> Street to its intersection with the centerline of West Highland Boulevard; thence in an easterly direction along the centerline of West Highland Boulevard to its intersection with the centerline of North 33<sup>rd</sup> Street; thence in a southerly direction along the centerline of North 33<sup>rd</sup> Street to its intersection with the centerline of West Kilbourn Avenue; thence in an easterly direction along the centerline of West Kilbourn Avenue to its intersection of the centerline of North 27<sup>th</sup> Street; thence in a southerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Wisconsin Avenue; thence in an easterly direction along the centerline of West Wisconsin Avenue to its intersection with the centerline of North 14<sup>th</sup> Street extended; thence in a northerly direction along the centerline of North 14<sup>th</sup> Street to its intersection with the centerline of West Wells Street; thence in a westerly direction along the centerline of West Wells Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence in a northerly direction along the centerline of North 15<sup>th</sup> Street to its intersection of West State Street; thence in an easterly direction along the centerline of West State Street to its intersection with the centerline of North 14<sup>th</sup> Street; thence in a northerly direction along the centerline of North 14<sup>th</sup> Street to its intersection with the centerline of West Highland Boulevard; thence in an easterly direction along the centerline of West Highland Avenue to its intersection with the centerline of Interstate 43; thence in a southerly direction along the centerline of Interstate 43 to its intersection with the centerline of West Wisconsin Avenue; thence in an easterly direction along the centerline of West Wisconsin Avenue to its intersection with the Milwaukee River; thence in a northerly direction along the Milwaukee River to its intersection with the centerline of East Juneau Avenue; thence in an easterly direction along the centerline of East Juneau Avenue to its intersection with the centerline of North Prospect

Avenue; thence in a southerly direction along the centerline of North Prospect Avenue to its intersection with the centerline of West Wisconsin Avenue; thence in a westerly direction along the centerline of West Wisconsin Avenue to its intersection with the centerline of North Cass Street; thence in a southerly direction along the centerline of North Cass Street to its intersection with East Michigan Street; thence in an easterly direction along the centerline of West Michigan Street to its intersection with Lake Michigan; thence in a southerly direction along Lake Michigan to its intersection with the Milwaukee River; thence in a westerly direction along the Milwaukee River to its intersection with the Menomonee River; thence in a westerly direction along the Menomonee River to its intersection with the centerline of South 16<sup>th</sup> Street; thence in a northerly direction along the centerline of South 16<sup>th</sup> Street to its intersection with the centerline of Interstate 94; thence in an westerly direction along the centerline of Interstate 94 to its intersection with the centerline of North 44<sup>th</sup> Street; thence in a northerly direction along the centerline of North 44<sup>th</sup> Street to its intersection with the centerline of West Wisconsin Avenue; thence in a Westerly direction with the centerline of West Wisconsin Avenue to its intersection with Highway 41; thence in a northerly direction along the centerline of Highway 41 to its intersection with the centerline of West Lloyd Street; thence in a westerly direction along the centerline of West Lloyd Street to its intersection with the centerline of North 51<sup>st</sup> Street; thence in a northerly direction along the centerline of North 51<sup>st</sup> Street to its intersection with the centerline of West Meinecke Street; thence in a westerly direction along the centerline of West Meinecke Street to its intersection with the western limits line of the City of Milwaukee; thence in a northerly and westerly direction along the west limits line of the city to its intersection with the centerline of North 62<sup>nd</sup> Street; thence in a northerly direction along the centerline of North 62<sup>nd</sup> Street to its intersection with the centerlines of West Center Street; thence in a easterly direction along the centerline of West Center Street to its intersection with the centerline of West Lisbon

southeasterly direction along the centerline of West Lisbon Avenue to its intersection with the centerline of West Clarke Street; thence in an easterly direction along the centerline of West Clarke Street to its intersection with the centerline of North 51<sup>st</sup> Street, which is the point of beginning.

(j) **Tenth supervisory district.** The territory of the City of Milwaukee lying within the boundary described below shall constitute the tenth supervisory district:

Beginning at a point at the intersection of the centerline of North 10<sup>th</sup> Street and West North Avenue; thence in an easterly direction along the centerline of West North Avenue to its intersection with the centerline of the North-South Freeway; thence in a southerly direction along the centerline of the North-South Freeway to its intersection with the centerline of the West McKinley Street exit; thence in an easterly direction along the West McKinley Street exit to its intersection with the centerline of North 7<sup>th</sup> Street extended; thence in a southerly direction along the centerline of north 7<sup>th</sup> Street to its intersection with the centerline of West Juneau Avenue; thence in an easterly direction along the centerline of West Juneau Avenue to its intersection with the centerline of North Dr. Martin Luther King, Jr. Drive; ~~thence on a northerly direction along the centerline of North Dr. Martin Luther King, Jr. Drive to its intersection with the centerline with West Pleasant Street; thence in an easterly direction along the centerline of West Pleasant Street to its intersection with the centerline of the Milwaukee River;~~ thence in a northerly direction along the centerline of the Milwaukee River to its intersection with North Humboldt Avenue; thence in a southerly direction along the centerline of North Humboldt Avenue to its intersection with West Kane Place; thence in an easterly direction along the centerline of West Kane Place to its intersection with the centerline of East Warren Avenue; thence in a southerly direction along the centerline of East Warren Avenue to its intersection with the centerline of North Franklin Place; thence in a southerly direction along the centerline of North Franklin Place to its intersection with the centerline of North Prospect Avenue; thence in a southerly direction along the centerline of North Prospect Avenue to its intersection with East Juneau Avenue; thence in an easterly direction along the centerline of East Juneau Avenue to its intersection with the centerline of the Milwaukee River; thence in a southerly direction along the centerline of

the Milwaukee River to its intersection with the centerline of West Wisconsin Avenue; thence in a westerly direction along the centerline of West Wisconsin Avenue to its intersection with the centerline of the North-South Freeway; thence in a northerly direction along the centerline of the North-South Freeway to its intersection with the centerline of West Highland Boulevard; thence in a westerly direction along the centerline of West Highland Boulevard to its intersection with North 14<sup>th</sup> Street; thence in a southerly direction along the centerline of North 14<sup>th</sup> Street to its intersection with West State Street; thence in a westerly direction along the centerline of West State Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence in a southerly direction along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of West Wells Street; thence in an easterly direction along the centerline of West Wells Street to its intersection with the centerline of North 14<sup>th</sup> Street; thence in northerly direction along the centerline of North 14<sup>th</sup> Street to its intersection with the centerline of West Wisconsin Avenue; thence in a westerly direction along the centerline of West Wisconsin Avenue to its intersection with the centerline of North 27<sup>th</sup> Street; thence in a northerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Kilbourn Avenue; thence in an westerly direction along the centerline of West Kilbourn Avenue to its intersection with the centerline of North 33<sup>rd</sup> Street; thence in a northerly direction along the centerline of North 33<sup>rd</sup> Street to its intersection with the centerline of West Highland Boulevard; thence in a westerly direction along the centerline of West Highland Boulevard to its intersection with the centerline of North 35<sup>th</sup> Street; thence in a northerly direction along the centerline of North 35<sup>th</sup> Street to its intersection with the centerline of West Juneau Avenue; thence in an easterly direction along the centerline of West Juneau Avenue to its intersection with the centerline of North 28<sup>th</sup> Street; thence in a northerly direction along the centerline of North 28<sup>th</sup> Street to its intersection with the centerline of West Vliet Street; thence in a westerly direction along the centerline of West Vliet Street to its intersection with North 29<sup>th</sup> Street; thence in a northerly

direction along the centerline of North 29<sup>th</sup> Street to its intersection with the centerline of West Galena Street; thence in an easterly direction along the centerline of West Galena Street to its intersection with the centerline of North 27<sup>th</sup> Street; thence in a northerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Chambers Street; thence in a westerly direction along the centerline of West Chambers Street to its intersection with the centerline of North 28<sup>th</sup> Street; thence in a northerly direction along the centerline of North 28<sup>th</sup> Street to its intersection with the centerline of West Burleigh Street; thence in an easterly direction along the centerline of West Burleigh Street to its intersection with the centerline of North 26<sup>th</sup> Street; thence in a northerly direction along the centerline of North 26<sup>th</sup> Street to its intersection with the centerline of West Concordia Avenue; thence in an easterly direction along the centerline of West Concordia Avenue to its intersection with the centerline of North 25<sup>th</sup> Street; thence in a northerly direction along the centerline of North 25<sup>th</sup> Street to its intersection with with the centerline of West Townsend Street; thence in a easterly direction along the centerline of West Townsend Street to its intersection with the centerline of West Hopkins Street; thence in a northwesterly direction along the centerline of West Hopkins Street to its intersection with North 26<sup>th</sup> Street; thence in a southerly direction along the centerline of North 26<sup>th</sup> Street to its intersection with West Nash Street; thence in an easterly direction along the centerline of West Nash Street to its intersection with the centerline of North 24<sup>th</sup> Place; thence in a northerly direction along the centerline of North 24<sup>th</sup> Place to its intersection with the centerline of West Capitol Drive; thence in an westerly direction along the centerline of West Capitol Drive to its intersection with the centerline of North 27<sup>th</sup> Street; thence in a northerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Hope Avenue; thence in an easterly direction along the centerline of West Hope Avenue to its intersection with the centerline of North 22<sup>nd</sup> Street; thence in a southerly direction along the centerline of North 22<sup>nd</sup> Street to its intersection with the centerline

of West Congress Street; thence in an easterly direction along the centerline of West Congress Street to its intersection with the centerline of North 19<sup>th</sup> Street; thence in a southerly direction along the centerline of North 19<sup>th</sup> Street to its intersection with the centerline of West Capitol Drive; thence in an easterly direction along the centerline of West Capitol Drive to its intersection with the centerline of North 16<sup>th</sup> Street; thence in a southerly direction along the centerline of North 16<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in an easterly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North 13<sup>th</sup> Street; thence in a northerly direction along the centerline of North 13<sup>th</sup> Street to its intersection with the centerline of West Finn Place; thence in an easterly direction along the centerline of West Finn Place to its intersection with the centerline of North 10<sup>th</sup> Street; thence in a southerly direction along the centerline of North 10<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in an easterly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North 7<sup>th</sup> Street; thence in a southerly direction along the centerline of North 7<sup>th</sup> Street to its intersection with the centerline of West Locust Street; thence in a westerly direction along the centerline of West Locust Street to its intersection with North 13<sup>th</sup> Street; thence in a northerly direction along the centerline of North 13<sup>th</sup> Street to its intersection with the centerline of West Ring Street; thence in a westerly direction along the centerline of West Ring Street to its intersection with West Teutonia Avenue; thence in a southerly direction along the centerline of West Teutonia Avenue to its intersection with the centerline of West Chambers Street; thence in a westerly direction along the centerline of West Chambers Street to its intersection with the centerline of West Hopkins; thence in an north westerly direction along the centerline of West Hopkins Street to its intersection with the centerline of North 20<sup>th</sup> Street; thence in a southerly direction along the centerline of North 20<sup>th</sup> Street to its intersection with the centerline of West Hadley Street; thence in an easterly direction along the centerline of West Hadley Street to its intersection with

the centerline of North 17<sup>th</sup> Street; thence in a southerly direction along the centerline of North 17<sup>th</sup> Street to its intersection with the centerline of West Center Street; thence in an easterly direction along the centerline of West Center Street to its intersection with the centerline of North 16<sup>th</sup> Street; thence in a southerly direction along the centerline of North 16<sup>th</sup> Street to its intersection with the centerline of West Clarke Street; thence in an easterly direction along the centerline of West Clarke Street to its intersection with the centerline of North 15<sup>th</sup> Street; thence in a southerly direction along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of West Wright Street; thence in an easterly direction along the centerline of West Wright Street to its intersection with the centerline of North 10<sup>th</sup> Street; thence in a southerly direction along the centerline of North 10<sup>th</sup> Street to its intersection with the centerline of West North Avenue, which is the point of beginning.

[REDACTED]

**(m) *Thirteenth supervisory district.* The territory lying within the boundary described below shall constitute the thirteenth supervisory district:**

**(1)**

Beginning at a point at the intersection of the centerlines of West Glendale Avenue and the limits line of the City of Glendale; thence in an irregular easterly, northerly, westerly and southerly direction along the limits line between Glendale and Milwaukee to its intersection with the west limits line with the Village of Whitefish Bay; thence in a southerly direction along the limits line of the City of Milwaukee to its intersection with the centerline of the Milwaukee River; thence in southerly direction along the centerline of the Milwaukee River to its intersection with the centerline of East Pleasant Street; ~~thence in a westerly direction along the centerline of East Pleasant Street to its intersection with the centerline of North Dr. Martin Luther King, Jr. Drive; thence in a southerly direction along the centerline of Dr. Martin Luther King, Jr. Drive to its intersection with the centerline of the West Juneau Avenue; thence in a westerly direction along the centerline of the West Juneau Avenue to its intersection with the centerline of North 7<sup>th</sup> Street; thence in a northerly direction along the centerline of North 7<sup>th</sup> Street to its intersection with the centerline of the east off ramp of West McKinley Avenue off ramp of the North South freeway; thence in a westerly direction to its intersection; thence in a westerly direction along the centerline of West McKinley Avenue off ramp to its intersection with the centerline of the North-South Freeway; thence in a northerly direction along the centerline of the North-South Freeway to its intersection with the centerline of West North Avenue; thence in a westerly direction along the centerline of West North Avenue to its intersection with the centerline of North 10<sup>th</sup> Street; thence in a northerly direction along the centerline of North 10<sup>th</sup> Street to its intersection with the centerline of West Wright Street; thence in a westerly direction along the centerline of West Wright Street to its intersection with the centerline of North 15<sup>th</sup> Street;~~

thence in a northerly direction along the centerline of North 15<sup>th</sup> Street to its intersection with the centerline of West Clarke Street; thence in a westerly direction along the centerline of West Clarke Street to its intersection with the centerline of North 16<sup>th</sup> Street; thence in a northerly direction along the centerline of North 16<sup>th</sup> Street to its intersection with the centerline of West Center Street; thence in a westerly direction along the centerline of West Center Street to its intersection with the centerline of North 20<sup>th</sup> Street; thence in a northerly direction along the centerline of North 20<sup>th</sup> Street to its intersection with the centerline of West Hopkins Street; thence in an easterly direction along the centerline of West Hopkins Street to its intersection with the centerline of West Chambers Street; thence in an easterly direction along the centerline of West Chambers Street to its intersection with the centerline of North Teutonia Avenue; thence in a northwesterly direction along the centerline of North Teutonia Avenue to its intersection with the centerline of West Ring Street; thence in an easterly direction along the centerline of West Ring Street to its intersection with the centerline of North 13<sup>th</sup> Street; thence in a southerly direction along the centerline of North 13<sup>th</sup> Street to its intersection with the centerline of West Locust Street; thence in an easterly direction along the centerline of West Locust Street to its intersection with the centerline of North 7<sup>th</sup> Street; thence in a northerly direction along the centerline of North 7<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in a westerly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North 10<sup>th</sup> Street; thence in a northerly direction along the centerline of North 10<sup>th</sup> Street to its intersection with the centerline of West Finn Place; thence in a westerly direction along the centerline of West Finn Place to its intersection with the centerline of North 13<sup>th</sup> Street;; thence in a southerly direction along the centerline of North 13<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in a westerly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North 16<sup>th</sup> Street; thence in a northerly direction along the centerline of

North 16<sup>th</sup> Street to its intersection with the centerline of West Capitol Drive; thence in a westerly direction along the centerline of West Capitol Drive to its intersection with the centerline of North 19<sup>th</sup> Street; thence in a northerly direction along the centerline of North 19<sup>th</sup> Street to its intersection with the centerline of West Congress Street; thence in a westerly direction along the centerline of West Congress Street to its intersection with the centerline of North 22<sup>nd</sup> Street; thence in a northerly direction along the centerline of North 22<sup>nd</sup> Street to its intersection with the centerline of West Ruby Avenue; thence in a westerly direction along the centerline of West Ruby Avenue to its intersection with the centerline of North 29<sup>th</sup> Street; thence in a northerly direction along the centerline of North 29<sup>th</sup> Street to its intersection with the centerline of West Hampton Avenue; thence in an easterly direction along the centerline of West Hampton Avenue to its intersection with the centerline of North 27<sup>th</sup> Street; thence in a northerly direction along the centerline of North 27<sup>th</sup> Street to its intersection with the centerline of West Fairmont Avenue; thence in an easterly direction along the centerline of West Fairmont Avenue to its intersection with the centerline of North Green Bay Avenue; thence in a southerly direction along the centerline of North Green Bay Avenue to its intersection with the centerline of West Glendale Avenue; thence in an easterly direction with centerline of West Glendale Avenue to its intersection with the west limits line of the City of Glendale, which is the point of beginning.

(2)

That part of the Village of Whitefish Bay lying west and south of the line described in (c)(3).

**(n) *Fourteenth supervisory district.* The territory of the City of Milwaukee lying within the boundary described below shall constitute the fourteenth supervisory district:**

Beginning at a point at the intersection of the centerlines of East Oklahoma Avenue and South Superior Street; thence in an easterly direction along the centerline of East Oklahoma Avenue extended to Lake Michigan; thence in a southerly direction along Lake Michigan to its intersection with the south limits line of the City of Milwaukee; thence in a westerly and southerly direction along the limits line of the City of St. Francis to its intersection with the centerline of West Layton Avenue and the Railroad right-of-way (near South Pennsylvania Avenue); thence in a southerly direction along the Railroad right-of-way (near South Pennsylvania Avenue) to its intersection with the north limits line of the City of Oak Creek; thence in a westerly and northerly direction along the limits line of the City of Oak Creek to its intersection with the centerlines of South 13<sup>th</sup> Street and West College Avenue; thence in a northerly direction along the centerline of South 13<sup>th</sup> Street to its intersection with the centerline of West Ramsey Avenue; thence in a westerly direction along the centerline of West Ramsey Avenue to its intersection with the centerline of South 20<sup>th</sup> Street; thence in a northerly direction along the centerline of South 20<sup>th</sup> Street to its intersection with the centerline of West Goldcrest Avenue; thence in a westerly direction along the centerline of West Goldcrest Avenue to its intersection with the centerline of South 23<sup>rd</sup> Street; thence in a northerly direction along the centerline of South 23<sup>rd</sup> Street to its intersection with the centerline of West Grange Avenue; thence in a westerly direction along the centerline of West Grange Avenue to its intersection with the centerline of South 27<sup>th</sup> Street; thence in a northerly direction along the centerline of South 27<sup>th</sup> Street to its intersection with the centerline of West Howard Avenue; thence in a westerly direction along the centerline of West Howard Avenue to its intersection with the east limits line of the City of Greenfield; thence in a northerly and westerly

direction along the limits line of the City of Greenfield to its intersection with the centerline of South 35<sup>th</sup> Street; thence in a northerly direction along the centerline of South 35<sup>th</sup> Street to its intersection with the centerline of West Oklahoma Avenue; thence in a westerly direction along the centerline of West Oklahoma Avenue to its intersection with the centerline of South 37<sup>th</sup> Street; thence in a northerly direction along the centerline of South 37<sup>th</sup> Street to its intersection with the centerline of West Forest Home Avenue; thence in a south westerly direction along the centerline of West Forest home Avenue to its intersection with the centerline of South 43<sup>rd</sup> Street; thence in a northerly direction along the centerline of South 43<sup>rd</sup> Street to its intersection with the centerline of C&NW railroad; thence in an easterly direction along the centerline of the C&NW railroad to its intersection with the centerline of South 27<sup>th</sup> Street; thence in a southerly direction along the centerline of South 27<sup>th</sup> Street to its intersection with the centerline of West Morgan Avenue; thence in an easterly direction along the centerline of West Morgan Avenue to its intersection with the centerline of South 24<sup>th</sup> Street; thence in a northerly direction along the centerline of South 24<sup>th</sup> Street to its intersection with the centerline of West Verona Court; thence in an easterly direction along the centerline of West Verona Court to its intersection with the centerline of South 22<sup>nd</sup> Street; thence in a northerly direction along the centerline of South 22<sup>nd</sup> Street to its intersection with the centerline of West Ohio Avenue; thence in an easterly direction along the centerline of West Ohio Avenue to its intersection with the centerline of South 21<sup>st</sup> Street, thence in a northerly direction along the centerline of South 21<sup>st</sup> Street to its intersection with the centerline of West Oklahoma Avenue; thence in an easterly direction along the centerline of West Oklahoma Avenue to its intersection with the centerline of South 17<sup>th</sup> Street; thence in a northerly direction along the centerline of South 17<sup>th</sup> Street to its intersection with the centerline of West Manitoba Street; thence in an easterly direction along the centerline of West Manitoba Street to its intersection with the centerline of South 15<sup>th</sup> Street; thence in a

southerly direction along the centerline of South 15<sup>th</sup> Street to its intersection with the centerline of West Euclid Avenue; thence in an easterly direction along the centerline of West Euclid Avenue to its intersection with the centerline of South 7<sup>th</sup> Street; thence in a northerly direction along the centerline of South 7<sup>th</sup> Street to its intersection with the centerline of West Oklahoma Avenue; thence in an easterly direction along the centerline of West Oklahoma Avenue to its intersection with the centerline of South 6<sup>th</sup> Street; thence in a northerly direction along the centerline of South 6<sup>th</sup> Street to its intersection with the centerline of West Rosedale Avenue; thence in an easterly direction along the centerline of West Rosedale Avenue to its intersection with the centerline of South Chase Avenue; thence in a southerly direction along the centerline of South Chase Avenue to its intersection with the centerline of West Oklahoma Avenue; thence in an easterly direction along the centerline of West Oklahoma Avenue to its intersection with the centerline of South Howell Avenue; thence in a northerly direction along the centerline of South Howell Avenue to its intersection with the centerline of East Russell Avenue; thence in an easterly direction along the centerline of East Russell Avenue to its intersection with the centerline of the South Lake Parkway; thence in a southerly direction along the centerline of the South Lake Parkway to its intersection with the centerline of East Rusk Street; thence in an easterly direction along the centerline of East Rusk Street to its intersection with the centerline of South Kinnickinnic Avenue; thence in a southerly direction along the centerline of South Kinnickinnic Avenue to its intersection with the centerline of East Bennett Avenue; thence in an easterly direction along the centerline of East Bennett Avenue to its intersection with the centerline of East Meredith Street; thence in an easterly direction along the centerline of East Meredith Street to its intersection with the centerline of South Shore Drive; thence in a southerly direction along the centerline of South Shore Drive to its intersection with the centerline of East Texas Avenue; thence in a westerly direction along the centerline of East Texas Avenue to its intersection with the

centerline of South Superior Street; thence in a southerly direction along the centerline of South Superior Street to its intersection with the centerline of East Oklahoma Avenue, which is the point of beginning.

**(o) Fifteenth supervisory district. The territory lying within the boundary described below shall constitute the fifteenth supervisory district:**

**(1)**

That part of the City of Milwaukee beginning at a point at the intersection of the centerlines of Wauwatosa and North 92<sup>nd</sup> Street; thence in a southerly direction along the centerline of North 92<sup>nd</sup> Street to its intersection with the centerline of West Capitol Drive; thence in an easterly direction along the centerline of West Capitol Drive to its intersection with the centerline of North 88<sup>th</sup> Street; thence in a southerly direction along the centerline of North 88<sup>th</sup> Street to its intersection with the centerline of West Melvina Street; thence in an easterly direction along the centerline of West Melvina Street to its intersection with the centerline of North 86<sup>th</sup> Street; thence in a southerly direction along the centerline of North 86<sup>th</sup> Street to its intersection with the centerline of West Vienna Avenue; thence in an easterly direction along the centerline of West Vienna Avenue to its intersection with the centerline of North 85<sup>th</sup> Street; thence in a southerly direction along the centerline of North 85<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in an easterly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North 82<sup>nd</sup> Street; thence in a northerly direction along the centerline of North 82<sup>nd</sup> Street to its intersection along the centerline of West Nash Street; thence in an easterly direction along the centerline of West Nash Street to its intersection with the centerline of West Appleton Avenue; thence in a southwesterly direction along the centerline of West Appleton Avenue to its intersection with the centerline of West Chambers Street; thence in a easterly direction along the centerline of West Chambers Street to its intersection with the centerline of North 57<sup>th</sup> Street; thence in a southerly direction along the centerline of North 57<sup>th</sup>

Street to its intersection with the centerline of West Appleton Avenue; thence in a southerly direction along the centerline of West Appleton Avenue to its intersection with the centerline of West Lisbon Avenue; thence in a north westerly direction along the centerline of West Lisbon Avenue to its intersection with the centerline of West Center Street; thence in a westerly direction along the centerline of West Center Street to its intersection with the centerline of north 62<sup>nd</sup> Street; thence in a southerly direction its intersection with the north limits line of the City of Wauwatosa; thence in an irregular westerly, southerly and northerly direction along said limits line to the centerline of North 82<sup>nd</sup> Street; thence in a northerly direction along the centerline of North 82<sup>nd</sup> Street to its intersection with the centerline of West Burleigh Street; thence in a westerly direction along the centerline of West Burleigh Street to its intersection with the west limits line of the City of Milwaukee; thence in a northerly and irregular direction along the limits line of the City's of Wauwatosa and Milwaukee to its intersection with the centerline of North 92<sup>nd</sup> Street, which is the point of beginning.

(2)

That part of the City of Milwaukee beginning at a point at the intersection of the centerlines of South 84<sup>th</sup> Street and limit lines of West Allis; thence in a northerly direction along the centerline of South 84<sup>th</sup> Street to its intersection with the south limits line of the City of Wauwatosa; thence in an irregular easterly and northerly direction along the limits line of the City of Wauwatosa to its intersection with the centerline of West Meinecke Avenue, said point also being on the east limits line of the City of Wauwatosa; thence in an easterly direction along the centerline of West Meinecke Avenue to its intersection with the centerline of North 51<sup>st</sup> Street; thence in a southerly direction along the centerline of North 51<sup>st</sup> Street to its intersection with the centerline of West Lloyd Street; thence in an easterly direction along the centerline of West Lloyd Street to its intersection with the centerline of the U.S. 41 Freeway; thence in a southerly direction along the centerline of the U.S. 41 Freeway to its intersection with the centerline of West Wisconsin

Avenue; thence in an easterly direction along the centerline of West Wisconsin Avenue to its intersection with the centerline of North 44<sup>th</sup>; thence in a southerly direction along the centerline of North 44<sup>th</sup> Street to its intersection with the limits line of West Milwaukee; thence in a westerly direction along the limits line of West Milwaukee to its intersection with the east limits line of West Allis; thence in a northerly and westerly direction along the limits line of West Allis to the centerline of North 84<sup>th</sup> Street, which is the point of beginning.

(3)

That part of the City of Milwaukee beginning at the intersection of South 43<sup>rd</sup> Street and the South limits lines of West Milwaukee and Milwaukee; thence in a southerly direction along the centerline of South 43<sup>rd</sup> Street to its intersection with the centerline of West Cleveland Avenue; thence in a western direction along the centerline of West Cleveland Avenue to its intersection with the centerline of South 51<sup>st</sup> Street; thence in northerly direction along the centerline of South 51<sup>st</sup> Street to its intersection with the centerline of Jackson Park Road; thence in a westerly direction along the centerline of West Jackson Park Road to its intersection with the centerline of South 52<sup>nd</sup> Street; thence in a northerly direction along the centerline of South 52<sup>nd</sup> Street extended to its intersection with the south limits line of West Allis which is also the limit line of Milwaukee; thence in a northerly and southerly direction along the limit lines of Milwaukee to its point of beginning.

(4)

That part of the City of Wauwatosa beginning at a point at the intersection of the centerlines of West North Avenue and North 60<sup>th</sup> Street, which is the east limits line of the City of Wauwatosa; thence in a westerly direction along the centerline of West North Avenue to its intersection with the centerline of North 70<sup>th</sup> Street; thence in a northerly direction along the centerline of North 70<sup>th</sup> Street to its intersection with the centerline of West Meinecke Avenue; thence in a westerly direction along the centerline of West Meinecke Avenue to its intersection with the

centerline of North 74<sup>th</sup> Street; thence in a northerly direction along the centerline of North 74<sup>th</sup> Street to its intersection with the centerline of West Clarke Street; thence in a westerly direction along the centerline of West Clarke Street to its intersection with the centerline of North Wauwatosa Avenue; thence in a northerly direction along the centerline of North Wauwatosa Avenue to its intersection with the north limits line of the City of Wauwatosa; thence in an easterly and southerly direction along the limits line of the City of Wauwatosa to the point of beginning.

(5)

That part of the City of Wauwatosa, lying north and west of a line beginning at a point at the intersection of the centerlines of West North Avenue and the west limits line of said city; thence in an easterly direction along the centerline of West North Avenue to its intersection with the centerline of North 113<sup>th</sup> Street thence in a northerly direction along the centerline of North 113<sup>th</sup> Street to its intersection with the centerline of West Center Street; thence in an westerly direction along the centerline of West Center Street to its intersection with the centerline of North Park Drive; thence in a northerly direction along the centerline of North Park Drive to its intersection with the centerline of West Locust Street; thence in a westerly direction along the centerline of West Locust Street to its intersection with the centerline of North 121<sup>st</sup> Street; thence in a northerly direction along the centerline of North 121<sup>st</sup> Street to its intersection with the centerline of West Burleigh Street; thence in an easterly direction along the centerline of West Burleigh Street to its intersection with the centerline of North 105<sup>th</sup> Street; thence in a northerly direction along the centerline of North 105<sup>th</sup> Street to its intersection with the centerline of West Keefe Avenue; thence in a westerly direction along the centerline of West Keefe Avenue to its intersection with the centerline of North Mayfair Road; thence in a northerly direction along the centerline of North Mayfair Road to its intersection with the centerline of Menomonee River Parkway; thence in an easterly direction along the centerline of Menomonee River parkway to its intersection with West Keefe Avenue; thence in an easterly direction along the

centerline of West Keefe Avenue to its intersection with the east limits line of the City of Wauwatosa, said point also being on the west limits line of the City of Milwaukee.

(6) All of the Village of West Milwaukee.

**(p) Sixteenth supervisory district. The territory lying within the boundary described below shall constitute the sixteenth supervisory district:**

**(1)**

That part of the City of West Allis south and east of a line beginning at a point at the intersection of the centerlines of West Oklahoma Avenue and South 92<sup>nd</sup> Street, which is the south limits line of said city; thence in a northerly direction along the centerline of South 92<sup>nd</sup> Street to its intersection with the centerline of West Cleveland Avenue; thence in an westerly direction along the centerline of West Cleveland Avenue to its intersection with the centerline of South 99<sup>th</sup> Street; thence in a northerly direction along the centerline of South 99<sup>th</sup> Street to its intersection with the centerline of West Lincoln Avenue; thence in an easterly direction along the centerline of West Lincoln Avenue to its intersection with the centerline of South 92<sup>nd</sup> Street; thence in a northerly direction along the centerline of South 92<sup>nd</sup> Street to its intersection with the centerline of the C & NW Railroad; thence in a westerly direction along the centerline of the C & NW Railroad to its intersection with the centerline of South 100<sup>th</sup> Street; thence in a northerly direction along the centerline of South 100<sup>th</sup> Street to its intersection with the centerline of West Maple Street; thence in a westerly direction along the centerline of West maple Street to its intersection with the centerline of South 101<sup>st</sup> Street; thence in a northerly direction along the centerline of South 101<sup>st</sup> Street to its intersection with the centerline of West Greenfield Avenue; thence in an easterly direction along the centerline of West Greenfield Avenue to its intersection with the centerline of South 56<sup>th</sup> Street, which is the south limits line of the City of West Allis.

**(2)**

That part of the City of Milwaukee lying west of a line beginning at a point at the intersection of the centerlines of South 84<sup>th</sup> Street and West Oklahoma Avenue, said point also being on the south limits line of the City of West Allis; thence in a southerly

direction along the centerline of South 84<sup>th</sup> Street to its intersection with the centerline of West Morgan Avenue; thence in a westerly direction along the centerline of West Morgan Avenue to its intersection with the centerline of South 85<sup>th</sup> Street; thence in a southerly direction along the centerline of South 85<sup>th</sup> Street to its intersection with the centerline of West Warnimont Avenue; thence in an easterly direction along the centerline of West Warnimont Avenue to its intersection with the centerline of South 82<sup>nd</sup> Street; thence in a southerly direction along the centerline of South 82<sup>nd</sup> Street to its intersection with the centerline of West Wilbur Avenue; thence in a westerly direction along the centerline of West Wilbur Avenue to its intersection with the centerline of South 84<sup>th</sup> Street; thence in a southerly direction along the centerline of South 84<sup>th</sup> Street to its intersection with the centerline of West Howard Avenue, which is the south limits line of the City of Milwaukee.

(3)

That part of the City of Milwaukee beginning at the intersection of the centerlines of ~~West Forest Home~~ Oklahoma Avenue and South 35<sup>th</sup> Street; thence in a southerly direction along the centerline of South 35<sup>th</sup> Street to its intersection with the north limits line of the City of Greenfield; thence in a southerly, westerly and northerly direction along the north limits line of the City of Greenfield to its intersection with the centerlines of South 51<sup>st</sup> Street and West Forest Home Avenue; thence in a northerly direction along the centerline of South 51<sup>st</sup> Street to its intersection with the centerline of West Oklahoma Avenue; thence in a westerly direction along the centerline of West Oklahoma Avenue to its intersection with the south limits line of the City of West Allis; thence in a northerly and easterly direction along the limits line of the City of West Allis to its intersection with South 51<sup>st</sup> Street; thence in a southerly direction along the centerline of South 51<sup>st</sup> Street to its intersection with West Cleveland Avenue; thence in an easterly direction along the centerline of West Cleveland Avenue to its intersection with the centerline of South 43<sup>rd</sup> Street; thence in the ~~northerly~~ southerly direction along the centerline of South 43<sup>rd</sup> Street to its

~~intersection with the south limits line of the Village of West Milwaukee; thence in an easterly direction along the limits line of the Village of West Milwaukee to its intersection with the C&NW Railroad right-of-way; thence in an easterly direction along the C&NW Railroad right-of-way to its intersection with the centerline of West Forest Home Avenue; thence in a southwesterly northeasterly direction along the centerline of West Forest Home Avenue to its intersection with the centerline of South 37<sup>th</sup> Street; thence in a southerly direction along the centerline of South 37<sup>th</sup> Street to its intersection with the centerline of West Oklahoma Avenue; thence in an easterly direction along the centerline of West Oklahoma Avenue to its intersection with the centerline of South 35<sup>th</sup> Street, which is the point of beginning.~~

## MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/5/12

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Amending Chapter 3 of the Milwaukee County Ordinances relating to County Board supervisory districts

**FISCAL EFFECT:**

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

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

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

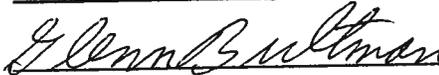
## DESCRIPTION OF FISCAL EFFECT

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.

Adoption of this amendment will have no fiscal impact.

Department/Prepared By Glenn Bultman, Legislative Research Analyst

Authorized Signature 

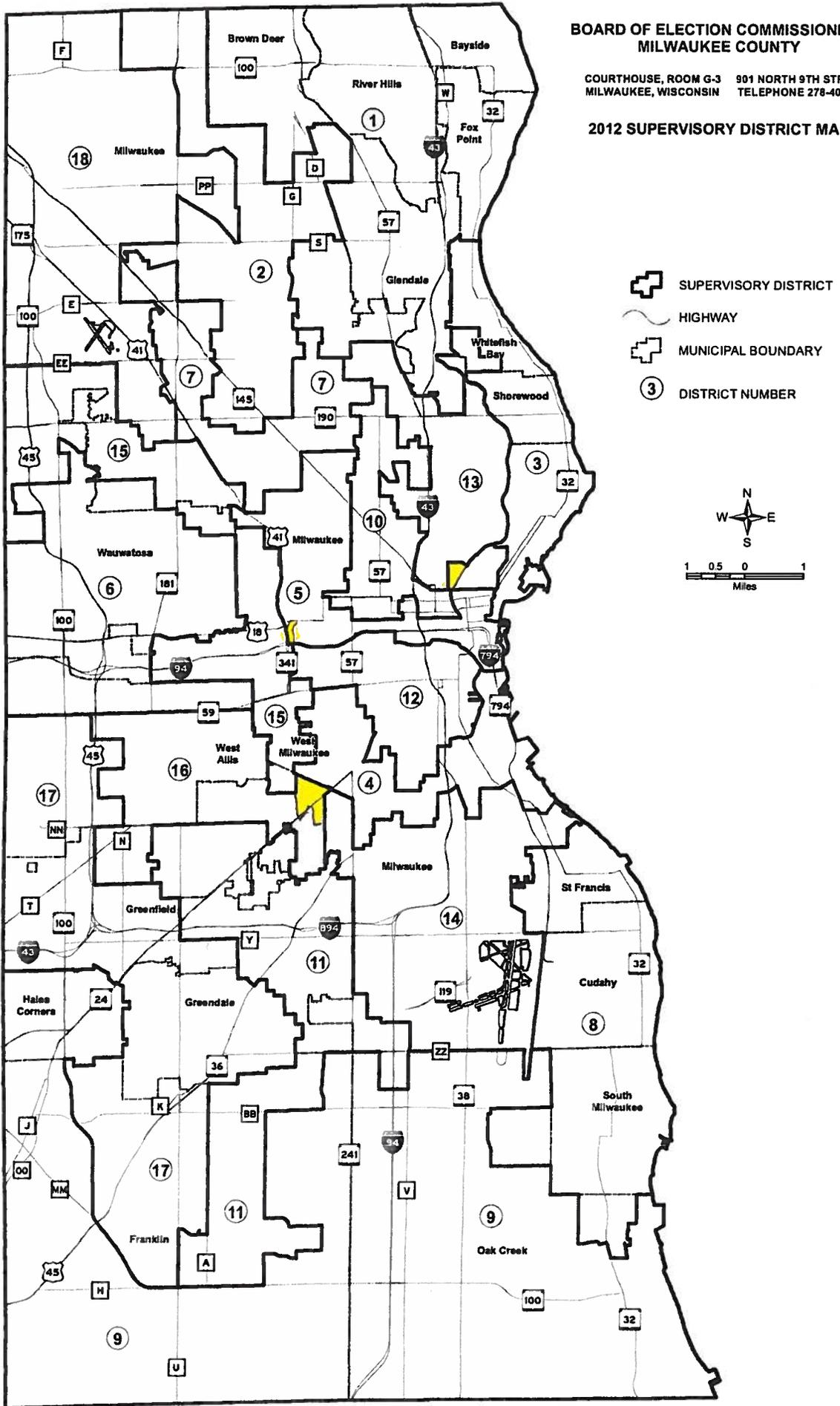
Did DAS-Fiscal Staff Review?  Yes  No

<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.

**BOARD OF ELECTION COMMISSIONERS  
MILWAUKEE COUNTY**

COURTHOUSE, ROOM G-3 901 NORTH 9TH STREET  
MILWAUKEE, WISCONSIN TELEPHONE 278-4060

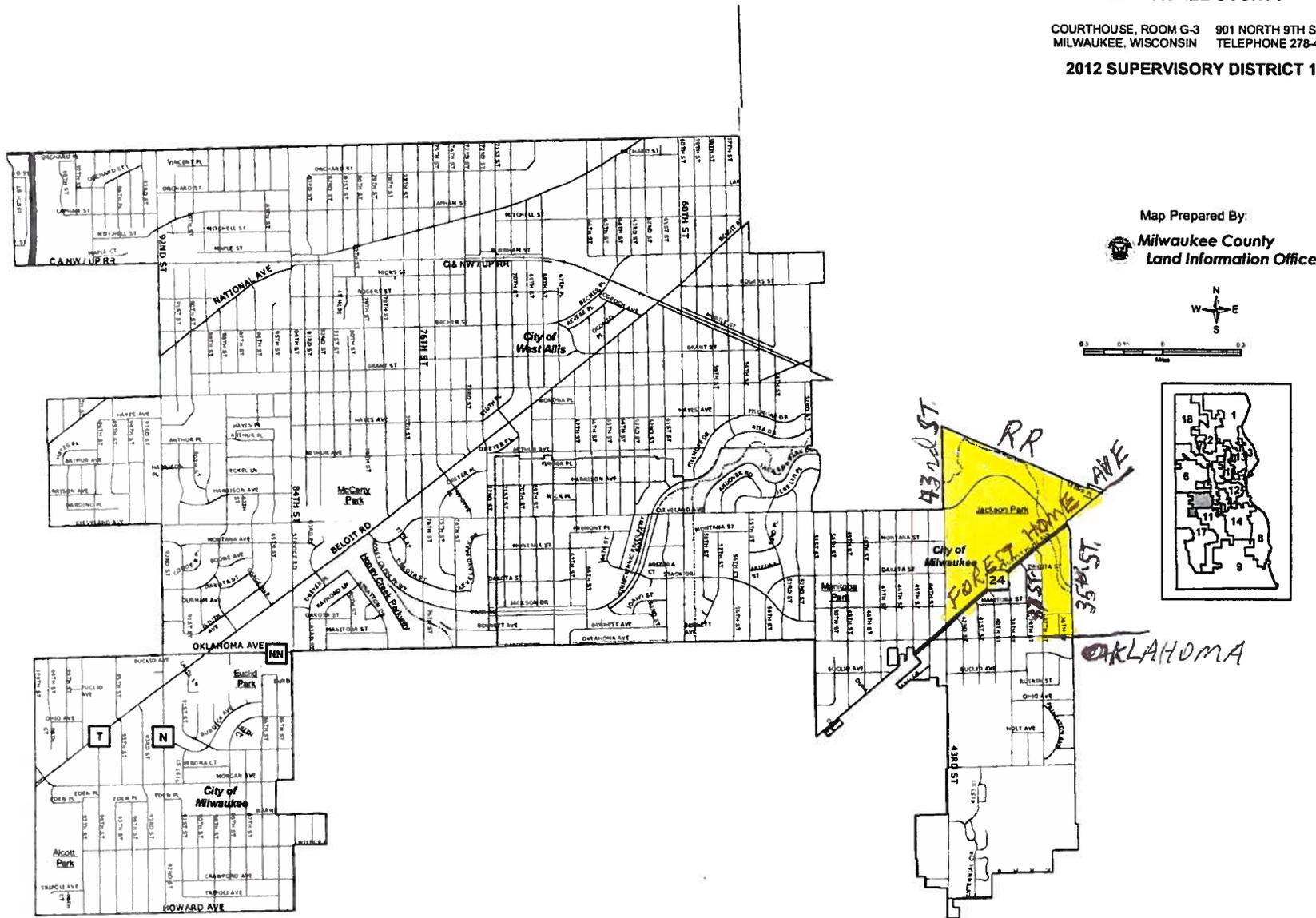
**2012 SUPERVISORY DISTRICT MAP**



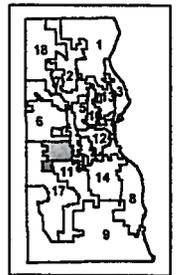
**BOARD OF ELECTION COMMISSIONERS  
MILWAUKEE COUNTY**

COURTHOUSE, ROOM G-3 901 NORTH 9TH STREET  
MILWAUKEE, WISCONSIN TELEPHONE 278-4060

**2012 SUPERVISORY DISTRICT 16**



Map Prepared By:  
**Milwaukee County  
Land Information Office**

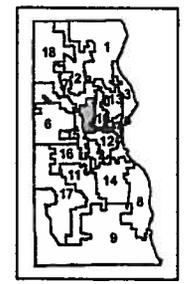
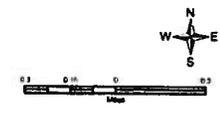


**BOARD OF ELECTION COMMISSIONERS  
MILWAUKEE COUNTY**

COURTHOUSE, ROOM G-3 901 NORTH 9TH STREET  
MILWAUKEE, WISCONSIN TELEPHONE 278-4060

**2012 SUPERVISORY DISTRICT 5**

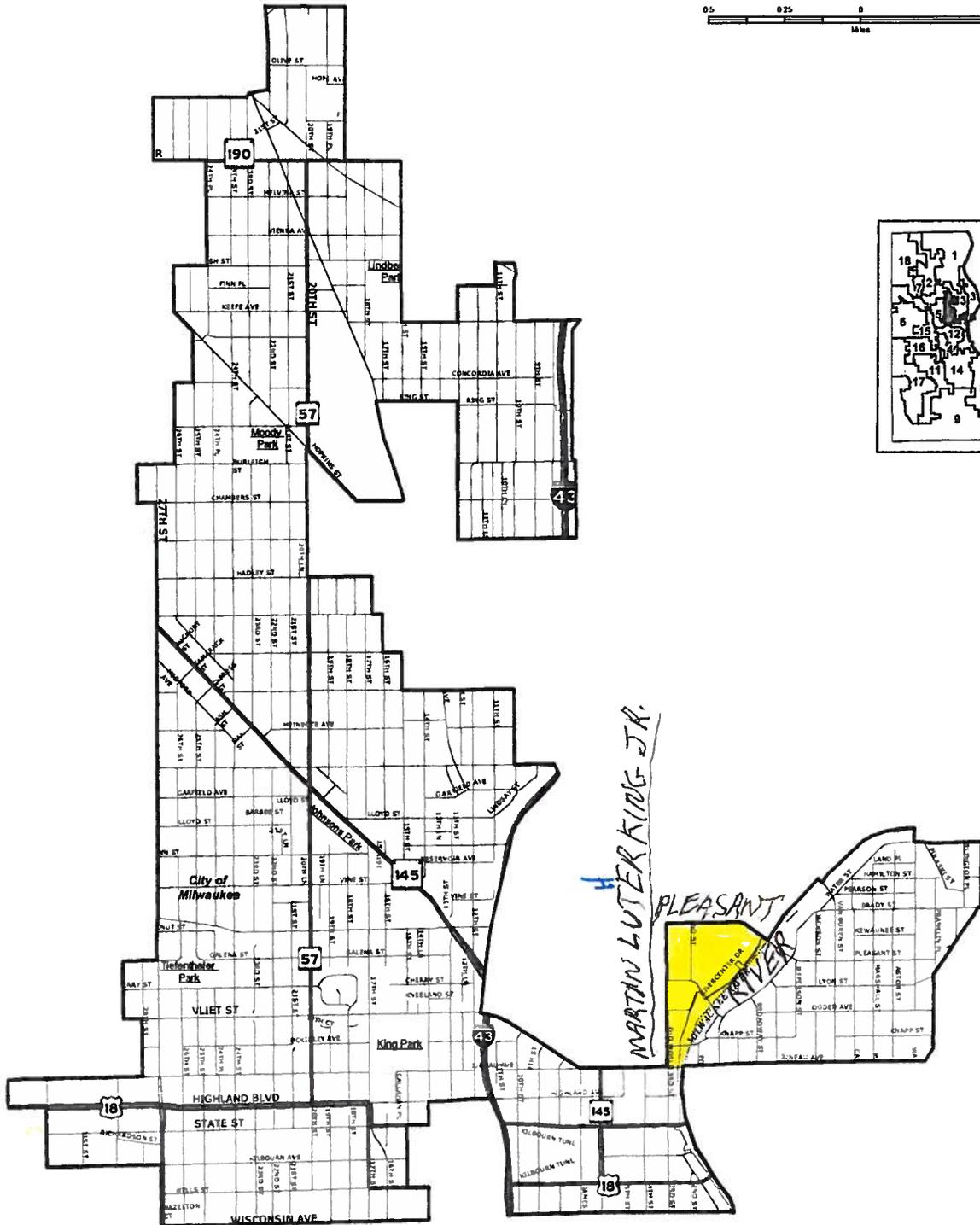
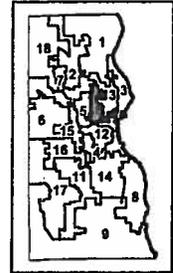
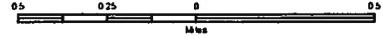
Map Prepared By:  
 Milwaukee County  
Land Information Office



BOARD OF ELECTION COMMISSIONERS  
MILWAUKEE COUNTY

COURTHOUSE, ROOM G-3 901 NORTH 9TH STREET  
MILWAUKEE, WISCONSIN TELEPHONE 278-4060

2012 SUPERVISORY DISTRICT 10



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)



**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

**JEFFREY A. KREMERS**

Chief Judge  
Telephone: (414) 278-5116

**DAVID A. HANSHER**

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

STATE OF WISCONSIN

**FIRST JUDICIAL DISTRICT**

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

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



Dear Supervisors,

Attached is a letter that I delivered to Sheriff Clarke on March 30<sup>th</sup> requesting a meeting to discuss my concerns about the jail and some recent changes in procedure within the department that I felt were contributing to an increase in its population. Approximately one week after delivering the letter I was informed by Inspector Richard Schmidt that the Sheriff would not meet with me.

I feel that I now have no choice but to bring these matters to your attention. I have also asked to put this on the calendar for the next meeting of the Judiciary committee.

VTY

JAK

**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  
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**BRUCE M. HARVEY**

District Court Administrator  
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**BETH BISHOP PERRIGO**

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

STATE OF WISCONSIN

**FIRST JUDICIAL DISTRICT**

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

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



March 30, 2012

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

Dear Sheriff Clarke:

I am concerned about what appear to be unnecessary delays in the release of defendants from the jail on court ordered programs and the transfer of defendants to the CCC-South Facility prior to their first court appearance. Additionally, I am unclear as to the reasons for the dramatic change in who is allowed on electronic monitoring and the rules going forward for determining eligibility for the program.

Taken together, these changes in procedure have resulted in an artificial increase in the jail population. Conversely, the universal screening/bail monitoring program appears to be having a significant downward impact on the pre-trial population in the jail.

I am asking for a meeting with you and any members of your command staff that you wish to have present to discuss these issues. It is my hope that we can agree on a number of consistent strategies to ensure a jail population that protects public safety, which is everyone's first concern, and yet is mindful of the cost in public dollars.

My specific concerns relate to the following issues:

1. A reduction in defendants on electronic monitoring from over 200 per day to less than 40.
2. Resistance to placing all day reporting center inmates on GPS, despite the agreement that you and I reached a couple of years ago.
3. The transport of defendants to the CCC-South Facility prior to initial appearance resulting in sometimes several extra days in jail before making their court appearance and being released on bail.
4. Lengthy delays in placing court ordered Huber inmates into the Huber dorm.

I can provide you with case names and specific instances at our meeting. Many of these have already been provided to members of your staff, but the situations seem to keep happening. I look forward to meeting with you at your earliest convenience.

Very truly yours,

Jeffrey A. Kremers  
Chief Judge

JAK: dla



# Milwaukee County

Holly Szablewski • Criminal Court Coordinator

TO: Chairwoman Marina Dimitrijevic

FROM: Holly Szablewski, Judicial Review Coordinator

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

DATE: May 31, 2012

RE: **Item for next Finance & Audit and Judiciary, Safety & General Services  
Committee Agendas**

On behalf of Chief Judge Jeffrey Kremers, please place the following item on the next Finance and Audit and Judiciary, Safety and General Services Committee agendas:

1. Informational report on the status of Universal Screening program implementation.

Please see the attached document in support of this request.

Please contact me if you have any questions.

Thank you.

Holly Szablewski  
Judicial Review Coordinator

**COUNTY OF MILWAUKEE  
INTEROFFICE COMMUNICATION**

Date: May 31, 2012

To: Supervisor Mark Borkowski-Chair, Judiciary, Safety and General Services Committee  
Supervisor Willie Johnson, Jr.-Chair, Finance & Audit Committee

From : Jeffrey A. Kremers, Chief Judge  
Holly Szablewski, Judicial Review Coordinator

Subject: **Informational Report: Status of Universal Screening Program Implementation**

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BACKGROUND

The 2012 budget included a \$1,024,423 appropriation for full implementation of Universal Screening. The 2012 approved budget granted the Chief Judge permission to execute a professional services contract with Justice 2000, Inc. to provide universal screening services.

IMPACT OF NATIONAL INSTITUTE OF CORRECTIONS EVIDENCE-BASED  
DECISION MAKING INITIATIVE (EBDMI) ON UNIVERSAL SCREENING

In 2010, the Milwaukee County Community Justice Council (MCCJC) submitted a successful application to participate in the National Institute of Corrections Evidence-Based Decision Making Initiative. Phase II of this initiative involved intensive efforts to map Milwaukee County's criminal justice system and to identify key decision points where the introduction of evidence-based practices and tools would result in the shared initiative goals of:

- Enhancing public safety
- Being good stewards of public funds
- Better utilization of limited and precious system resources

Evidence-based decision making means that programs and initiatives are:

- Driven by research defined best practices
- Sustainable
- Can be measured, justified and replicated

During Milwaukee County's participation in Phase II of the EBDMI, an intensive review of the County's criminal justice system front-end decision making process was completed. During the course of this review and ongoing work with Milwaukee's technical assistance provider, the original Universal Screening Pilot program implementation plan was reviewed by all stakeholders, Milwaukee's EBDMI technical assistance provider and the EBDMI Booking to Initial Appearance Work Group. Resulting from this work were several recommendations intended to enhance the implementation plan, align the program more closely with evidence based practices, increase the likelihood of long term program success, improve the potential fiscal impact, and reduce the possibility of implementation failure.

To address recommendations stemming from the EBDMI as expeditiously as possible, the Chief Judge created the Universal Screening Work Group. This group is lead by the Chief Judge and Judicial Review Coordinator and includes the presiding judges of the felony and misdemeanor divisions, judicial court commissioner, deputy district attorney, public defender, MCSO, Justice 2000, WCS and Victim Witness Unit staff. The following recommendations were addressed:

- *Validate the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI).* One of the principles of the EBDMI that is supported by extensive research is that actuarial based risk assessment instruments consistently perform better than professional judgment alone in predicting the risk for pretrial failure. While the MCPRAI was developed by Justice 2000 in neighboring Racine County and was in use in Milwaukee County's pretrial services programs for a number of years, it had not been validated locally. Despite research that supports the "portability" of the risk tool across jurisdictions, best practice is to insure the tools are as predictive as possible for the intended population in the intended jurisdiction of use.

In order to address this, in June, 2011 the Office of the Chief Judge engaged Dr. Marie VanNostrand along with Dr. Christopher Lowenkamp, nationally recognized pretrial risk assessment instrument experts, in a validation study of the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI). That study determined that the MCPRAI was not actually predicting pretrial success or failure as well as expected. Additional data analysis and resulting instrument modifications have resulted in significant improvements in its predictive ability. The tool (MCPRAI-Revised) has been finalized and is now in use. Re-validation of the tool will occur within 12-18 months of full program implementation.

- *Develop a Praxis to guide front-end release decisions and determination of bail conditions.* (**Praxis** is the process by which a theory, lesson, or skill is enacted, practiced, embodied, or realized. "Praxis" may also refer to the act of engaging, applying, exercising, realizing, or practicing ideas.)

The original Universal Screening proposal envisioned pretrial staff completing the MCPRAI and intake interview with an arrestee. They would then summarize the information and provide the risk score and other bail-related information to the key decision-makers but without an accompanying recommendation or guideline for release or detention or recommendation related to release conditions.

Research on the "risk principle" has shown that higher risk defendants are more likely to fail (rearrest or fail to appear in court) during the pretrial period. In order to address this risk, more intensive pretrial conditions are necessary whether it be high cash bond, more intensive supervision or pretrial detention. Conversely, low risk defendants are more likely to fail when over conditioned through unnecessary pretrial supervision or imposition of cash bond.

To provide additional guidance to stakeholders in the release decision, enhance public safety and to ensure that valuable pretrial supervision resources are directed to the appropriate and most cost-effective target populations, Dr. Marie VanNostrand worked with the Universal Screening Work Group to develop the Milwaukee County Pretrial Praxis. The Praxis incorporates the defendant's risk for pretrial misconduct and the nature of the charge into a resulting guideline for the setting of bail and determination of release conditions.

- *Conduct stakeholder training on evidence-based decision making and use of pretrial risk assessment instruments.* Critical to the successful implementation of any program is obtaining stakeholder understanding and buy-in. This is attained by insuring that the broad research supporting evidence-based decision making, pretrial risk assessment and Universal Screening is presented to key stakeholders who will use the resulting information to inform their decisions. In addition, more specific training on the screening tools (MCPRAI-R, Praxis, Intake Interview, etc.) is critical to stakeholders gaining an understanding of how pretrial staff apply the screening tools and arrive at resulting recommendations. It is also essential to train personnel in proper interpretation and application of risk assessment/praxis information in their bail recommendations and decisions.

In October of 2010, the Judicial Review Coordinator submitted an application to the Pretrial Justice Institute (PJI) for technical assistance and training on front-end decision making. The application was accepted and in December, PJI provided free training for approximately 175 Milwaukee County criminal justice system stakeholders including judges, judicial commissioners, district attorneys, public defenders, private bar and pretrial services staff.

Building on this effort, in May of 2011 the National Institute of Corrections provided additional no-cost training more specific to the EBDMI, risk assessment and release decision-making through Milwaukee's participation in the EBDMI. Almost 200 system stakeholders were in attendance.

Dr. Marie VanNostrand returned to Milwaukee in September, 2011 to conduct stakeholder training specific to the use and application of these tools. Over 300 stakeholders received training during six training sessions held over the course of two days.

- *Develop and implement a strong data collection plan.* In order to measure program activity, outcomes and impact of the program, the Judicial Review Coordinator is working with Milwaukee's EBDMI and Justice Reinvestment Initiative (JRI) technical assistance providers, the MCCJC Data Committee, IMSD and Universal Screening Work Group to ensure essential program activities, data and outcomes are properly collected and stored for analysis and evaluation. Part of this work involves modifying the Milwaukee County Pretrial Services Information System (MCPSIS) to collect the necessary information. Work currently is focused on establishing a sustainable reporting and evaluation

model that will analyze Milwaukee County's pretrial detention population and Universal Screening data/outcomes to measure the impact and cost-savings of Universal Screening. Attachment E is a draft of this report showing the proposed content. In addition, significant data is being collected in MCPSIS relative to Universal Screening activity and pretrial supervision outcomes and will be included in this report. Examples of data to be included are contained in the next section of this report.

### CURRENT PROGRAM STATUS

Full implementation of Universal Screening was achieved on January 17, 2012. Justice 2000 (J2K) provides 21.15 FTE positions for the Universal Screening operation. The program is staffed 24-hours per day, 7 days per week, and 365 days per year. Staff is stationed in the booking area of the County Correctional Facility-Central (CCF-C) and the Central Intake Unit (CIU) of the CCF-C.

J2K staff conducts pretrial investigations on the following arrestees who have charges in any one or more of the following categories:

- Summary criminal traffic offense
- Summary misdemeanor offense
- Summary felony offense
- Criminal traffic warrant return
- Misdemeanor warrant return
- Felony warrant return
- Criminal traffic bench warrant return
- Misdemeanor bench warrant return

The pretrial investigation process consists of the use/application of the following evidence-based instruments (See copies of all tools attached to this report):

- Milwaukee County Pretrial Risk Assessment Instrument-Revised (MCPRAI-R) (Attachment A)
- Milwaukee County Pretrial Investigation Interview (Attachment B)
- Milwaukee County Pretrial Praxis (Attachment C)

(NOTE: The Praxis does not currently apply to domestic violence and non-OWI related homicide cases.)

Results of the pretrial investigation are summarized in the Milwaukee County Pretrial Risk Assessment Report (Attachment D) and the report is then published to a web-enabled database that is accessible by key stakeholders for use in their respective decision-making processes. The assistant district attorney assigned to review the case may use the report to determine whether to offer a diversion or deferred prosecution agreement to the person and to aid in making recommendations as to bail and bail conditions should the decision be to charge the individual with a crime. The ADA assigned to In-Custody Intake Court also has access to the report for use at the

defendant's initial appearance. The defense attorney has access to the report prior to the initial appearance and can review the report with the defendant and pursue other appropriate pretrial alternatives to incarceration. The commissioner assigned to In-Custody Intake Court also has access to the report and utilizes it to assist in the initial release/bail decision. Judges also have access to the report for use at later bail hearings.

### PROGRAM GOALS/OBJECTIVES/MEASURES

#### Goals:

1. \$1,000,000 in jail cost savings resulting from reduced pretrial jail population.
2. 40% reduction in the rate of pretrial misconduct (defined as failure to appear for a scheduled court hearing or rearrest for new criminal charge.)

#### Objectives:

- 100% percent of eligible defendants will be screened.
- The bail and release conditions decision will match the Praxis recommendation in 85% of cases.
- The average length of stay (ALOS) for pretrial defendants will be reduced by 10%. 2011-2012 jail population data are currently being analyzed to establish the baseline ALOS.
- The average daily pretrial population (ADP) will be reduced by 15%. 2011-2012 jail population data are currently being analyzed to establish the baseline ADP.
- 50% decrease in the pretrial failure to appear (FTA) rate. Milwaukee County needs to establish a baseline FTA rate for all defendants, including those released without pretrial supervision. Baseline data should include the FTA rate by release type (posted cash bail or personal recognizance) as well as by case type (felony, misdemeanor, criminal traffic).
- 10% reduction in pretrial rearrest rate. The jurisdiction needs to establish a baseline rearrest rate for all defendants, including those released without pretrial supervision. Baseline data should include the rearrest rate by release type (posted cash bail or personal recognizance) as well as by case type (felony, misdemeanor, criminal traffic).

#### Program Activity and Outcomes-January 17, 2012-May 24, 2012

##### *Screening Metrics*

Booked Subject to Screening	7,095
Subject to Screening-Screened	6,367
Declined Screening	718
<u>Missed</u>	<u>10</u>
% Screened	89.7

Accounting for those who decline to be interviewed, the percent screened 99.8%.

*Most Serious Charge Status at Booking*

Arrest Warrant	10.4%
Bench Warrant	6.5%
Summary Arrest	83.1%

*Most Serious Charge Class at Booking*

Felony	42.3%
Misdemeanor	57.5%

*Praxis Overrides*

2,886 persons appeared in Intake Court on cases in which the Praxis applied. There were 291 overrides, for an adherence rate of 89.1%.

The following tables represent data analysis of 3,331 screens completed from January 17, 2012-March 24, 2012.

**SCREENINGS BY MCPRAI-R SCORE & PRAXIS CATEGORY**

Risk Score	Category I	Category II	Category III	Category IV	Total
0	101	0	0	0	101
1	372	0	0	0	372
2	554	0	0	0	554
3	0	532	0	0	532
4	0	493	0	0	493
5	0	387	0	0	387
6	0	0	358	0	358
7	0	0	319	0	319
8	0	0	0	171	171
9	0	0	0	44	44
<b>Total</b>	<b>1,027</b>	<b>1,412</b>	<b>677</b>	<b>215</b>	<b>3,331</b>

**SCREENINGS BY MCPRAI-R RISK CATEGORY**

Risk Group	Frequency	Percent	Cumulative Percent
Category I	1027	30.8	30.8
Category II	1412	42.4	73.2
Category III	677	20.3	93.5
Category IV	215	6.5	100.0
<b>Total</b>	<b>3,331</b>	<b>100.0</b>	

**SCREENINGS BY BOND TYPE**

Month	Missing	Cash	PR	Total
Jan	4	166	561	731
Feb	2	271	1,067	1,340
Mar	46	265	949	1,260
<b>Total</b>	<b>52</b>	<b>702</b>	<b>2,577</b>	<b>3,331</b>

**SCREENINGS BY RECOMMENDED SUPERVISION LEVEL**

Month	None	Standard	Enhanced	Intensive	Total
Jan	244	206	185	96	731
Feb	441	411	313	175	1,340
Mar	389	426	306	139	1,260
Total	1,074	1,043	804	410	3,331

*Pretrial Jail Population*

At the time Universal Screening became fully operational, the pretrial jail population was 862. Since full implementation of screening and utilization of the Praxis, the pretrial jail population has hovered around 750. That is a 13% reduction in the pretrial population. Further analysis needs to focus on confirming the causal relationship between full program implementation and this population reduction.

*Other Positive Impact Indicators*

1. An analysis of the weekly "Inmates With Cash Bail of \$250 or Less-Each Case" list shows the following:
  - Prior to implementation of Universal Screening, this list averaged 38 inmates with 82% of the list comprised of misdemeanants. Since implementation, the list averages 12 inmates and 65% are misdemeanants.
  
2. Analysis of bail setting pre and post Universal Screening implementation shows the following:
  - 2009 Bail Setting Study (830 defendants)
    - 50% of criminal misdemeanor/criminal traffic cases had cash bail set.
    - 81.5% of felony cases had cash bail set.
    - Just 8% of the 830 defendants had supervision ordered as a condition of release.

**2012 Post Universal Screening Implementation**

	Bond Type		Conditions Ordered	
	Cash	PR	Yes	No
Misdemeanor	4.5%	95.5%	32.6%	67.4%
Felony	41.0%	59.0%	43.8%	56.2%

3. Admissions to Pretrial Supervision
 

In the last quarter of 2011, the pretrial supervision program averaged 98 new admissions per month. Since implementation of Universal Screening the average number of new admissions to supervision is 234 per month, an increase of 139%. During the fourth quarter of 2011, prior to implementation of Universal Screening, the average daily supervision census was approximately 350.

As part of the EBDMI review and Praxis development, the pretrial supervision program has undergone significant re-design in order to align supervision services with the evidence-based risk principle. The re-design resulted in an increase in supervision capacity from 275 to 575. As of May 31, 2012 there were 889 defendants under pretrial supervision. Additional pretrial supervision capacity will be needed in 2013 to accommodate the increase in number of persons being released from custody to pretrial supervision. The Judicial Review Coordinator is currently working with Justice 2000 and the State Office of Justice Assistance to utilize surplus 2011 OJA grant funds to create additional screening/supervision capacity.

#### ADDITIONAL INFORMATION/NEXT STEPS

- In an effort to analyze stakeholder utilization and perception of the effectiveness, usefulness and quality of risk assessment and Praxis information gathered and presented through Universal Screening, approximately 300 system stakeholders were surveyed between 5/7/12-5/18/12. Results of the survey will be used to inform the next round of technical assistance and training for all system stakeholders. Results of this survey will be presented in the next Universal Screening informational report to the County Board.
- Considerable effort will be focused on finalizing development of program evaluation and impact reports. Progress reports will be included in future informational reports.

#### RECOMMENDATION

The Chief Judge and Judicial Review Coordinator respectfully request this report to be received and placed on file.

**ATTACHMENT A**

MILWAUKEE COUNTY PRETRIAL  
RISK ASSESSMENT-REVISED  
(MCPRAI-R)

# MILWAUKEE COUNTY PRETRIAL RISK ASSESSMENT INSTRUMENT-REVISED (MCPRAI-R)

Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Charge(s): \_\_\_\_\_ Assessment Date: \_\_\_\_\_

Verified	Risk Factor	Score
<input type="checkbox"/>	<b>Cases Filed</b> – How many criminal case filings has the defendant had? 0 = 1 case                      2 = 4+ cases 1 = 2-3 cases	<input style="width: 80px; height: 30px;" type="text"/>
<input type="checkbox"/>	<b>Prior Failure to Appear in Court</b> – Has the defendant failed to appear in court? 0 = None                      2 = 2 prior FTAs 1 = 1 prior FTA              3 = 3 or more prior FTAs	<input style="width: 80px; height: 30px;" type="text"/>
<input type="checkbox"/>	<b>Arrested While Out on Bond</b> – Was the defendant on any form of pretrial release at the time of the alleged offense? 0 = No 1 = Yes	<input style="width: 80px; height: 30px;" type="text"/>
<input type="checkbox"/>	<b>Employment/Primary Caregiver</b> – At the time of arrest, was the defendant either a primary caregiver or employed full time? 0 = Yes 1 = No	<input style="width: 80px; height: 30px;" type="text"/>
<input type="checkbox"/>	<b>Residence</b> – Has the defendant lived at current residence 1 year or more? 0 = Yes 1 = No	<input style="width: 80px; height: 30px;" type="text"/>
<input type="checkbox"/>	<b>UNCOPE Score</b> – Total UNCOPE Score (Substance abuse measure) 0 = UNCOPE Score < 3 1 = UNCOPE Score of 3 or greater	<input style="width: 80px; height: 30px;" type="text"/>
	<b>Total Points-add all points together</b>	<input style="width: 80px; height: 30px;" type="text"/>

Risk Category	Score Range
I	0-2
II	3-5
III	6-7
IV	8-9

**ADDITIONAL CONSIDERATIONS:**

- Active Criminal Justice Supervision
- Self Surrendered
- Student, Disabled, Retired
- VA Benefit Eligible

**See PRAXIS for recommended bond type and release conditions**

**ATTACHMENT B**

MILWAUKEE COUNTY PRETRIAL  
INVESTIGATION INTERVIEW

**DEMOGRAPHICS**

Name		DOB	Age
Alias(s)	Race	Ethnicity	
Marital Status/Maiden Name	# Dependents	# Living w/	SS#

**RESIDENCE**

Address at Time of Arrest									
City	State	Zip							
Lives with:									
Time at Current Address	yr.	mo.	Time in Milwaukee Area	yr.	mo.	Time in Wisconsin	yr.	mo.	
Address upon Release						Willing to stay at shelter			
Phone Number(s):	Residence Info Verified?			Verified By					
Notes:									

**FAMILY/REFERENCES**

	<b>Contacted</b>								
Name	Relationship	Phone							<input type="checkbox"/>
Address									
Name	Relationship	Phone							<input type="checkbox"/>
Address									
Name	Relationship	Phone							<input type="checkbox"/>
Address									
Notes:									

**EMPLOYMENT**

Employment Status				Hours/Week					
Employer	Phone			Last Date Worked					
Length of Employment	yr.	mo.	Permission to Contact?						
Primary Caregiver?	For Whom?								
Retired?	Prior Business/Occupation								

<b>Primary Source Income</b>	<b>Currently Receiving Disability Benefits?</b>
<b>Employment/Primary Caregiver Verified?</b>	<b>Verified By</b>
<b>Notes</b>	

**MILITARY SERVICE**

<b>Branch</b>	<b>Discharge Date</b>	<b>Grade/Rank at Discharge</b>
<b>Discharge Type</b>	<b>Highest Rank</b>	<b>Eligible for VA Benefits?</b>
<b>Years in service?</b>	<b>Notes</b>	

**EDUCATION**

<b>Currently a Student?</b>	<b>Institution Name</b>
<b>Full/Part Time</b>	<b>Last Grade Completed</b>
<b>Notes</b>	

**SUBSTANCE USE**

<b>DRUG</b>	<b>1ST USE/LAST USE</b>	<b>FREQUENCY/METHOD</b>	<b>PRIMARY SUBSTANCE</b>
THC			
Cocaine			
Opiates			
Alcohol			
Other			
Other			

<b>Currently Receiving Substance Abuse TX? If so, where?</b>	<b>Ever Receive Substance Abuse TX?</b>	<b>Interested in Substance Abuse TX?</b>
--	---	--

U	In the past year, have you ever drank or used drugs more than you meant to? <b>OR</b> Have you spent more time drinking or using than you intended to?	Y/N
N	Have you ever neglected some of your usual responsibilities because of using alcohol or drugs?	Y/N
C	Have you felt you wanted or needed to cut down on your drinking or drug use in the last year?	Y/N
O	Has anyone objected to your drinking or drug use? <b>OR</b> Has your family, a friend, or anyone else ever told you they objected to your alcohol or drug use?	Y/N
P	Have you ever found yourself preoccupied with wanting to use alcohol or drugs? <b>OR</b> Have you found yourself thinking a lot about drinking or using?	Y/N
E	Have you ever used alcohol or drugs to relieve emotional discomfort, such as sadness, anger, or boredom?	Y/N

**UNCOPE Score**

Notes

Do you think that your current legal situation is in any way linked to alcohol or drug use? Y/N

**MENTAL HEALTH ISSUES**

<b>MH Diagnosis</b>	<b>Diagnosis Date</b>	<b>MH Provider</b>
<b>Current Medications</b>		
<b>Case Manager/Payee?</b>		

**PHYSICAL HEALTH ISSUES**

<b>Issue</b>	<b>TX Provider</b>	<b>Medications</b>
<b>Issue</b>	<b>TX Provider</b>	<b>Medications</b>
<b>Issue</b>	<b>TX Provider</b>	<b>Medications</b>

**Insurance**

**Notes**

**CRIMINAL HISTORY RELATED INFORMATION**

<b>Self-surrender?</b>	<b>Age at 1<sup>st</sup> Arrest</b>	<b>Total # Arrests</b>
<b>Pending Charges in WI?</b>	<b>Pending Charges Out of State?</b>	
<b>Prior FTAs in WI?</b>	<b>Prior FTAs Out of State</b>	
<b>Currently on DOC Supervision? (Probation, Extended Supervision, Parole)</b>		
<b>Currently on Pretrial Supervision? (WCS, J2K, DPA/DIV)</b>		
<b>Currently Serving a Jail or Prison sentence?</b>		<b>MR/GTR date</b>

Prior Criminal Convictions in WI?

Prior Criminal Convictions Out of State?

**RISK ASSESSMENT WORKSHEET**

**RISK FACTORS**

# of Cases Filed	# of FTAs	Was the defendant on any form of pretrial release at the time of the alleged offense?		
At the time of arrest, was the defendant either a primary caregiver or employed full time?		Time at Current Residence	yr.	mo.
UNCOPE Score				

**ADDITIONAL CONSIDERATIONS**

# of Violent Case Filings	Active DOC/Pretrial Supervision	Full-Time Student, Retired or Disabled		
VA Eligibility	Self-surrender	BAC	# of Prior OWI Case Filings	

**LSI-R: SV**

1. Two or more adult convictions?	NO	YES	OMIT
2. Arrested under age 16?	NO	YES	OMIT
3. Currently unemployed?	NO	YES	OMIT
4. Some criminal friends	NO	YES	OMIT
5. Alcohol/Drug problem: School/work	NO	YES	OMIT
6. Psychological assessment indicated	NO	YES	OMIT
7. Non-rewarding, parental	3	2	1 0 OMIT
8. Attitudes/orientation: Supportive of crime	3	2	1 0 OMIT

Notes

**ATTACHMENT C**

MILWAUKEE COUNTY PRETRIAL  
PRAXIS

# Milwaukee County, Wisconsin

## Pretrial Praxis

---

**Grid 1 - Misdemeanor and Criminal Traffic (Excluding OWI & Risk of Injury)**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Low]	None	None
III	Personal Recognizance [Low]	Standard	As Authorized
IV	Personal Recognizance [High]	Intensive	As Authorized

**Grid 2 - Misdemeanor-Risk of Injury (Excluding Domestic Violence)**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Moderate]	Standard	As Authorized
III	Personal Recognizance [High]	Enhanced	As Authorized
IV	Cash [Moderate or statutory limit]	Intensive	As Authorized

**Grid 3 - Felony (Excluding OWI & Risk of Injury)**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Moderate]	Standard	As Authorized
III	Cash [Low]	Enhanced	As Authorized
IV	Cash [Moderate]	Intensive	As Authorized

**Grid 4 - Felony-Risk of Injury (Excluding DV & non-OWI Homicides)**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [High]	Enhanced	As Authorized
II	Cash [Moderate]	Enhanced	As Authorized
III	Cash [High]	Intensive	As Authorized
IV	Cash [High]	Intensive	As Authorized

**Grid 5 - Misdemeanor Operating While Intoxicated**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Moderate]	Intensive	Random PBTs
III	Cash [Low]	Intensive	Random PBTs SCRAM Eligible
IV	Cash [Low/Moderate]	Intensive	Random PBTs SCRAM Eligible

**Grid 6 - Felony Operating While Intoxicated**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Cash [Low]	Intensive	Random PBTs SCRAM Eligible
II	Cash [Low/Moderate]	Intensive	Random PBTs SCRAM Eligible
III	Cash [Moderate]	Intensive	SCRAM Mandatory
IV	Cash [High]	Intensive	SCRAM Mandatory

**Grid 7 - Felony Risk of Injury AND Felony Operating While Intoxicated**

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Cash [Low]	Intensive	Random PBTs SCRAM Eligible + As Authorized
II	Cash [Moderate]	Intensive	Random PBTs SCRAM Eligible + As Authorized
III	Cash [High]	Intensive	SCRAM Mandatory + As Authorized
IV	Cash [High]	Intensive	SCRAM Mandatory + As Authorized

**NOTE: The Praxis does NOT apply to the following: 1) Non-OWI related homicides, 2) DV cases and 3) Fugitive from Justice Cases. (Persons with these charges will continue to be screened and reports will be published).**

**Bond Type [Ranges]**

Personal Recognizance [Low] = \$0 to \$250

Personal Recognizance [Moderate] = \$250 to \$750

Personal Recognizance [High] = \$750 to \$2,500

Cash [Low] = \$1 to \$500

Cash [Low/Moderate] = \$500 to \$2,500

Cash [Moderate] = \$2,500 to \$10,000

Cash [High] = Minimum of \$10,000

## Supervision Levels

	STANDARD	ENHANCED	INTENSIVE
Face-to-Face Contact	Monthly	Every other week	Weekly
Alternative Contact (phone, text, e-mail)	1 x/month	Every other week	NA
Supervised Conditions Compliance Verification	As authorized	As authorized	As authorized
Court Date Reminder	X	X	X
Criminal History/CJIS Check	X	X	X

## Supervised Conditions

CONDITION	Authorized when:	CONDITION	Authorized when:
DRUG TESTING	-Defendant is eligible for supervision according to the Praxis. <b>AND</b> -Scores 3 or greater on UNCOPE. <b>AND</b> -Has a history of illegal drug use/abuse.	GPS MONITORING	-Defendant qualifies for Intensive Supervision on Grids 2-4. <b>OR</b> -Concern exists for victim safety/no contact monitoring.
PORTABLE BREATHALYZER Testing	-Defendant is eligible for supervision according to Grids 1-4 of the Praxis. <b>AND</b> -Scores 3 or greater on UNCOPE. <b>AND</b> -The defendant has a history of problematic alcohol use/abuse. <b>OR</b> -Is eligible for supervision on OWI Grids 5-6. <b>OR</b> -The defendant qualifies for supervision and the court is ordering absolute sobriety due to allegations of intoxication at time of alleged offense.	SCRAM Eligible	-Qualifies for supervision on Grid 5, Risk Level III or IV, Grid 6, Risk Level I or II or Grid 7 Risk Level I or II. <b>AND ONE OF THE FOLLOWING IS TRUE</b> -Scores 3 or greater on UNCOPE. -Already on pretrial release for an OWI at time of alleged new OWI. -Is charged with 4 <sup>th</sup> or greater OWI offense.
Absolute Sobriety	-Defendant has an UNCOPE Score of 3 or greater and alcohol is the primary substance used. <b>OR</b> -The police report and/or criminal complaint indicate the defendant was intoxicated at the time of arrest. <b>OR</b> -The defendant is charged with an OWI case and qualifies for supervision.		

## Felony Crimes-Risk of Injury (List applies to and includes all subsections of the listed statutes)

346.04(3)	Felony Fleeing
940.11	Mutilating or hiding a corpse
940.19-940.20	All forms of Felony Battery
940.21	Mayhem
940.22	Sexual exploitation by a therapist
940.225	All forms of Felony Sexual Assault
940.23	Reckless injury
940.235	Strangulation and suffocation
940.24	Injury by negligent handling of dangerous weapon, explosives or fire
940.25	Injury by intoxicated use of a vehicle
940.285	Abuse of individuals at risk
940.29	Abuse of residents of penal facilities
940.295	Abuse and neglect of patients and residents – <b>all but sub (5)</b>

940.30	False imprisonment
940.305	Taking hostages
940.31	Kidnapping
940.32	Stalking
940.43	Intimidation of witnesses; felony
940.45	Intimidation of victims; felony
941.01(1)	Negligent Operation of a Vehicle
941.11	Unsafe burning of buildings
941.12	Interfering with firefighting – <u>all but sub (3)</u>
941.20(1m)	Endangering safety by use of a dangerous weapon
941.21	Disarming a police officer
941.24	Possession of switchblade knife
941.26 / 941.27	Machine Guns/Other Weapons
941.28	Possession of short-barreled shotgun or short-barreled rifle
941.29	Possession of a firearm
941.291	Possession of Body Armor
941.295(1)	Possession of Electric Weapon
941.296	Use or possession of a handgun and an armor-piercing bullet during crime
941.298(2)	Firearm silencers
941.30	Recklessly endangering safety
941.31	Possession of explosives
941.31(2)(B)	Possession of Improvised Explosives
941.32	Administering dangerous or stupefying drug
941.325	Placing foreign objects in edibles
941.327	Tampering with household products
941.37	Obstructing emergency or rescue personnel - <u>all but sub (2)</u>
941.375	Throwing or discharging bodily fluids at public safety workers
941.38(2)	Criminal gang member solicitation of a child
943.02	Arson of buildings
943.06	Molotov cocktails
943.07	Criminal damage to railroads – <u>all but sub (4)</u>
943.20(1)a & (3)d(5)	Theft of Firearm
943.20(1)a & (3)e	Theft From Person
943.20(1)(c)	Theft of Firearm
943.32	Robbery and armed robbery
943.76	Infecting animals with contagious disease
943.87	Robbery of a financial institution
943.10	Burglary (residential - victim present at any point during burglary)
943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e)	Burglary, aggravated
943.23(1)(g)	OMVWOOC - Carjacking
946.01	Treason
946.02	Sabotage
946.03	Sedition
946.415	Failure to comply
946.42(4)	Aggravated Felony Escape (resulting in injury)
946.43	Assault by prisoners
947.015	Bomb Scares
948.02	Sexual assault of a child
948.03	Physical abuse of a child
948.05	Sexual Exploitation of a Child
948.051	Trafficking of a Child
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.20	Abandonment of a child
948.21	Neglecting a child - <u>all but sub (a)</u>

948.30	Abduction of another's child
948.51	Hazing
948.605(2)(A)	Possess Firearm in School Zone ( <b><u>both misdemeanor and felony</u></b> )
951.02	Mistreating animals
951.06	Use of poisonous and controlled substances
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.095	Harassment of police and fire animals
951.097	Harassment of service dogs
961.41(1)	Distribution of a controlled substance – "while armed";
961.41(1m)	Possession of a controlled substance with intent to distribute – "while armed"

**Misdemeanor Crimes –Risk of Injury**

940.19(1)	Misdemeanor Battery
940.225	4th Degree Sexual Assault
941.23 etc.	Carrying a Concealed Weapon
940.42	Intimidation of witnesses; misdemeanor
940.44	Intimidation of victims; misdemeanor
941.20(1)	Endangering safety by use of a dangerous weapon
943.50 (1M)(D)	Retail Theft (modifier/enhancer--While Armed)
946.41	Resisting an officer
947.01	Disorderly conduct while armed
939.63	While Armed
948.55	Leaving/Storing a Loaded Firearm with the Reach of a Child
948.60	Possession of Dangerous Weapon by a Child
948.605	Gun Free School Zones
948.605(2)(A)	Possess Firearm in School Zone ( <b><u>both misdemeanor and felony</u></b> )
948.61	Dangerous Weapons other than Firearms on School Premises
951.02	Mistreating animals
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.095	Harassment of police and fire animals
951.097	Harassment of service dogs

**ATTACHMENT D**

MILWAUKEE COUNTY PRETRIAL  
RISK ASSESSMENT REPORT

# Milwaukee County Pretrial Risk Assessment Report

Date Prepared: Mon May 14 2012

Screened By: Teisha Sanders

## Identifying Information

DOB 06/13/1989 Address  
Gender M Telephone  Verified

## Risk Category

I II **III** IV

## Summary Arrest/Issued Charges

961.41(3G)(AM POSSESSION OF NARCOTIC DRUGS Felony I Summary Case Filed 2012CF002456

## Recommendation

Grid 3 - Felony (Excluding OWI & Risk of Injury) Bond Type Cash [Low] Range \$1 to \$500 Supervision Level Enhanced

Authorized Condition(s)  Drug Testing  Portable Breathalyzer  GPS Monitoring  SCRAM  
 Absolute Sobriety

## Risk Factors

Cases Filed - How many criminal case filings has the defendant had?  1  2 or 3  4 or more

Prior Failure to Appear in Court - How many times has the defendant failed to appear in court?  0  1  2  3 or more

Arrested While Out on Bond - Was the defendant on any form of pretrial release at the time of the alleged offense?  No  Yes

Employment/Primary Caregiver - At the time of arrest, was the defendant either a primary caregiver or employed full time?  Employed Full Time  Verified  
 Primary Caregiver

Residence - Has the defendant lived at current residence 1 year or more?  No  Yes  Verified

UNCOPE Score - Total UNCOPE Score (Substance abuse measure).  Score less than 3  Score 3 or greater

## Additional Considerations

Active in Criminal Justice Supervision?  DOC  Pretrial

Self - Surrender?  No  Yes

Student, Retired, or Disabled?  Student  Disabled  Retired

Eligible for Veteran's Benefits?  No  Yes

## Comments

Mr. [redacted] currently has an active VOP hold.

Mr. [redacted] reported residing at the above address with a friend, Andy [redacted], but was not sure of the exact address and could not recall Mr. [redacted] phone number to verify the residence.

# Milwaukee County Pretrial Risk Assessment Report

Date Prepared: Mon May 14 2012

Screened By: Teisha Sanders

## Identifying

### Information

DOB 06/13/1989

Address

Gender M

Telephone :

Verified

### Risk Category

I

II

III

IV

## Verification Sources

Date	Source-Name and Telephone	Relationship	Outcome	Verified:
05/10/2012		Other Relative	No Answer	Residence: No Employment No School: No

**ATTACHMENT E**

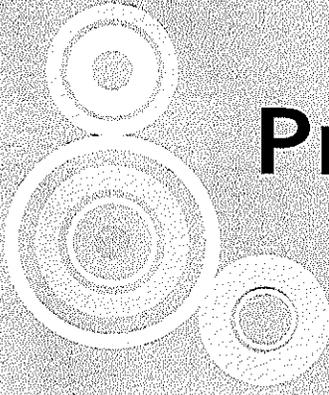
DRAFT JAIL POPULATION

UNIVERSAL SCREENING DATA REPORT

# Justice Reinvestment at the Local Level: Site Data Report

Milwaukee County

February 15, 2012



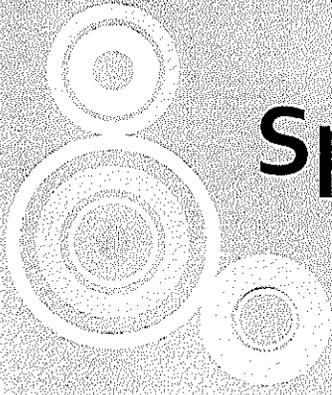
# Project Staff



Tammy Meredith, Ph.D.  
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Kevin Baldwin, Ph.D.  
Sharon Johnson, M.S.  
Deena Isom, M.S.

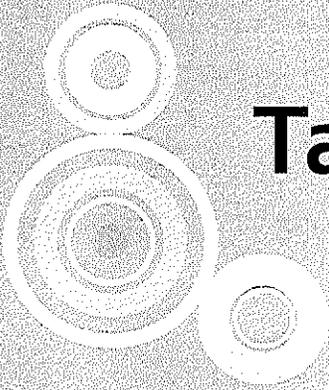


Mimi Carter, Site Coordinator



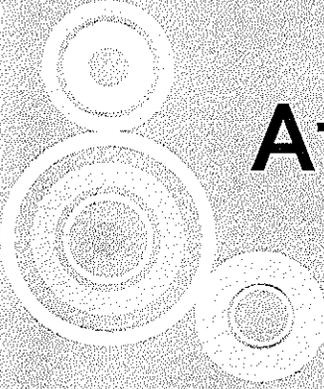
# Special Recognition

Text to thank local staff (data providers, reviewers, etc.) . . .



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Section 4. Estimating the Impact of Policy Initiatives on Jail Population & Costs	



# At-A-Glance

## 5,134

Average monthly adult arrests  
2009-2010

## 3,439

Average monthly jail bookings  
2009-2011

Jail bookings by offense severity  
2009-2011

Felony	41%
Misdemeanor	51%
Other	8%

Jail bookings by status  
2009-2011

Pre-Trial	47%
Sentenced	53%

Average daily jail intake  
2009-2011

January	106
February	113
March	119
April	117
May	112
June	117
July	119
August	115
September	114
October	108
November	109

## 34,135

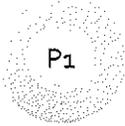
Average annual jail bookings  
2009-2011

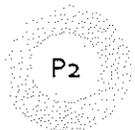
## 2,943

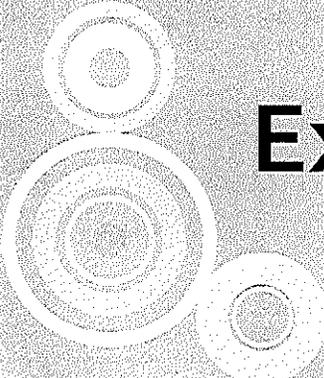
Average daily jail population  
2009-2011

## 21.4 days total 8.1 days pretrial

Average length of stay for jail releases  
2009-2011



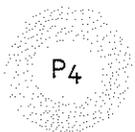


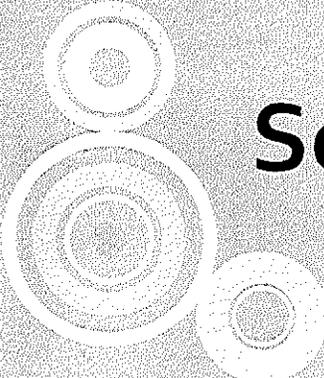


# Executive Summary

Executive summary text

Text cont.





# Section 1. Arrest & Jail Data

Applied Research Services, Inc., conducted analyses on a number of institutionally reported drivers of the local criminal justice system and on a series of raw data extracts from the Milwaukee Jail from 2009 through 2011. This report provides summary tables of all data including crimes, arrests, court filing, jail bookings and releases, the average daily county jail population, and length-of-stay (LOS) and jail bed days consumed by inmates (with special attention to the pre-trial jail population).

Table 1 below shows all crimes, arrests and criminal filings in Milwaukee County from 2003 to 2010. Like most of the nation, Milwaukee County is experiencing a decrease in report crimes. However, the volume of adult arrests processed by the local justice system has increased 8% in the past five years. The total number of criminal court case filings has shown a steady decline, with the total filings dropping in half between 2003 and 2010. While felony and misdemeanor case filings have fluctuated over the time period, the most dramatic changes have occurred in the number of criminal traffic case filings, which decreased 82% since 2003.

**Table 1. Crimes, Arrests and Criminal Court Case Filings in Milwaukee County (2003-2010)**

	2003	2004	2005	2006	2007	2008	2009	2010
Reported Index Crimes	56,352	50,059	56,312	60,050	60,787	58,587	55,424	51,512
Adult Arrests	67,309	79,599	57,842	59,051	60,516	61,114	60,990	62,237
Felony Criminal Case Filings	7,281	6,976	7,057	6,807	6,280	6,462	5,958	6,293
Misdemeanor Criminal Case Filings	10,312	10,115	10,310	9,526	8,782	7,617	6,382	7,546
Criminal Traffic Case Filings	16,556	13,988	12,127	8,103	5,652	6,577	5,055	2,937
<b>Total Criminal Case Filings</b>	<b>34,149</b>	<b>31,079</b>	<b>29,494</b>	<b>24,436</b>	<b>20,714</b>	<b>20,656</b>	<b>17,395</b>	<b>16,776</b>

Source: Wisconsin Office of Justice Assistance

Between 2009 and 2011 the Milwaukee County Sheriff's Office booked a total of 102,404 inmates into to the county jail. Table 2 below provides a month-by-month breakdown of bookings as well as the average monthly bookings over the three year time period.

**Table 2. Total Jail Bookings by Month (2009-2011)**

	2009	2010	2011*	Total	Monthly Average
January	3,558	3,447	3,261	10,266	3,422
February	3,341	3,177	2,954	9,472	3,157
March	3,521	4,044	3,532	11,097	3,699
April	3,341	3,685	3,533	10,559	3,520
May	3,337	3,504	3,521	10,362	3,454
June	3,356	3,672	3,058	10,086	3,362
July	3,525	3,803		7,328	3,664
August	3,436	3,669		7,105	3,553
September	3,416	3,400		6,816	3,408
October	3,330	3,347		6,677	3,339
November	3,280	3,249		6,529	3,265
December	3,113	2,994		6,107	3,054
<b>Total</b>	<b>40,554</b>	<b>41,991</b>	<b>39,054*</b>	<b>102,404</b>	

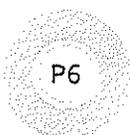
*\*Estimated 2011 total bookings based on January – June 2011*

Table 3 shows annual bookings by the most serious charge. The “other” category is consistently the highest over each of the three years [define here – which encompasses...], followed by misdemeanor summary arrests and felony summary arrests.

**Table 3. Most Serious Charge at Jail Booking (2009-2011)**

	2009	2010	2011*	Total
Felony Summary Arrest	14%	14%	14%	14%
Misdemeanor Summary Arrest	25%	24%	25%	24%
Criminal Traffic Summary Arrest	3%	3%	3%	3%
Felony Warrant Return	9%	9%	10%	9%
Misdemeanor Warrant Return	6%	7%	8%	7%
Felony Bench Warrant Return	4%	3%	2%	3%
Misdemeanor Bench Warrant Return	5%	4%	4%	4%
Other	34%	36%	34%	35%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*\*Estimated 2011 total bookings based on January – June 2011*



The percentage of felony offenders and misdemeanants entering the jail has remained relatively constant between 2009 and 2011 (see Table 4). Also consistent has been the percentage of jail bookings for pre-trial and sentenced inmates (see Table 5).

**Table 4. Most Serious Offense Among Jail Bookings by Year (2009-2011)**

	2009	2010	2011*	Total	
Felony	44%	44%	46%	41%	
Misdemeanor	56%	56%	54%	51%	NOTE: check "other"
Other				8%	
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	

\* Data runs through June 2011

**Table 5. Jail Bookings for Pre-Trial and Sentenced Inmates (2009-2011)**

	2009	2010	2011	Total
Pre-Trial	46%	47%	48%	47%
Sentenced	54%	53%	52%	53%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* Data runs through June 2011

The percentage of bookings by crime severity class has also remained steady between 2009 and 2011. The most common severity class was "Other" accounting for 25% of bookings. Misdemeanor A came in second with 23%, followed by Felony I with 12%. See Table 6 on the next page.

**Table 6. Most Serious Offense Class by Year (2009-2011)**

	2009	2010	2011*	Total
Felony A	1%	1%	1%	1%
Felony B	1%	1%	1%	1%
Felony C	5%	4%	4%	4%
Felony D	1%	1%	1%	1%
Felony E	3%	3%	3%	3%
Felony F	7%	7%	7%	7%
Felony G	6%	5%	4%	5%
Felony H	7%	7%	7%	7%
Felony I	11%	12%	12%	12%
Misdemeanor A	23%	22%	24%	23%
Misdemeanor B	5%	5%	5%	5%
Misdemeanor C	0%	0%	0%	0%
Criminal Traffic	8%	6%	5%	6%
Other	22%	26%	26%	25%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

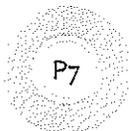
\* Data runs through June 2011

The average monthly population of the jail has decreased since 2009. The total monthly average during the three year time period was 2,943. The month with the highest average population is August. See Table 7.

**Table 7. Monthly Average Jail Population by Year (2009-2011)**

	2009	2010	2011	Monthly Average
January	3,248	2,900	2,693	2,947
February	3,290	2,967	2,656	2,971
March	3,207	2,983	2,642	2,944
April	3,189	2,930	2,635	2,918
May	3,297	2,825	2,644	2,922
June	3,154	2,824	2,655	2,878
July	3,130	2,822		2,976
August	3,205	2,849		3,027
September	3,091	2,842		2,967
October	3,054	2,844		2,949
November	3,024	2,915		2,970
December	2,929	2,764		2,847
<b>Total</b>	<b>37,152</b>	<b>2,872</b>	<b>2,654</b>	<b>2,943</b>

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As shown on Table 8, the most frequent legal status at booking is misdemeanor pre-trial, accounting for 27% of all jail bookings, followed by felony pretrial (19%) and "other" at 14%. Municipal commitments are the lowest status at only 1%.

**Table 8. Most Frequent Legal Status at Booking (2009-2011)**

Misdemeanor Pre-Trial	27%
Felony Pre-Trial	19%
Felony VOP	11%
Misdemeanor Sentenced	8%
Municipal Warrant	7%
Felony OTP&R	7%
Felony Sentenced	4%
Misdemeanor VOP	2%
Municipal Commitment	1%
Other	14%
<b>Total</b>	<b>100%</b>

\* Data runs through June 2011

Over a quarter (29%) of released inmates exited the jail by posting bail/bond (See Table 9). For the majority (86%) their bond amount was \$500 or less. In terms of demographics, the bonded population is 89% male, three-fourths non-white, and 9% Hispanic. More than two-thirds are age 35 or under. This group has an average of 11 prior bookings.

**Table 9. Most Frequent Release Reason (2009-2011)**

Bail/Bond	29%
Correctional Facility	27%
Time Served	20%
Released with Conditions	18%
Probation/Parole	4%
Other	2%
<b>Total</b>	<b>100%</b>

\* Data runs through June 2011

Table 10 shows the average length of stay (LOS) and jail bed days consumed for both the total released population and the pre-trial released population alone. The pre-trial population spends an average of 8.1 days in jail compared to 21.4 for the total released population. On average, felony offenders spend more days in jail than misdemeanants in both groups or releases. The largest consumer of overall jail beds are felons. Among the pre-trial population, the largest jail bed day consumers are misdemeanants.

**Table 10. Released Inmates and Pre-Trial Population by Severity Class (2009-2011)**

	Total Released Population		Pre-Trial Released Population	
	Avg. LOS	Jail Bed Days	Avg. LOS	Jail Bed Days
Felony A	55.0	17,941.4	23.6	2,098.9
Felony B	55.0	32,776.8	29.9	6,318.8
Felony C	50.1	109,546.7	20.6	19,094.6
Felony D	40.8	17,902.1	19.8	3,291.7
Felony E	42.3	72,417.4	16.7	12,716.1
Felony F	36.6	141,185.2	13.9	28,384.4
Felony G	36.5	99,393.5	14.3	16,296.0
Felony H	30.0	108,372.9	10.3	20,281.4
Felony I	25.6	194,595.7	8.2	36,519.4
Total Felony	28.5	998,940.4	13.3	168,711.8
Misdemeanor A	21.5	514,151.3	7.6	124,796.4
Misdemeanor B	13.2	87,455.2	5.1	24,803.5
Misdemeanor C	2.6	50.0	1.9	18.6
Total Misdemeanor	19.3	833,266.1	6.8	185,799.4
Criminal Traffic	28.4	228,171.5	4.3	16,773.6
Other	5.0	65,433.7	2.4	6,628.6
<b>Total</b>	<b>21.4</b>	<b>2,125,811.7</b>	<b>8.1</b>	<b>377,913.4</b>

\* Data runs through June 2011

As shown in Table 11 on the next page, the average length of stay for both the total released population and the pre-trial population has increased for most severity classes since 2009. However, for many severity classes, LOS actually spiked in 2010, and while the 2011 numbers are still higher than 2009, they actually reflect a decrease from the year prior.

**Table 11. Released Inmates and Pre-Trial Population by Severity Class by Year (2009-2011)**

	Total Released Population Avg. LOS					Pre-Trial Released Population Avg. LOS			
	2009	2010	2011*	2009-2011 Increase		2009	2010	2011*	2009-2011 Increase
Felony A	27.1	45.8	95.7	↑	22.5	23.0	25.1	↑	
Felony B	17.9	73.6	68.4	↑	19.8	33.8	35.8	↑	
Felony C	26.4	61.0	70.2	↑	17.3	22.1	23.8	↑	
Felony D	20.1	66.5	38.1	↑	8.3	36.7	14.3	↑	
Felony E	27.4	51.4	53.0	↑	13.4	17.5	20.0	↑	
Felony F	22.9	43.0	46.1	↑	12.0	15.4	14.0	↑	
Felony G	26.3	48.4	43.4	↑	11.8	17.5	13.2	↑	
Felony H	22.0	40.2	34.1	↑	9.6	11.2	9.7	↑	
Felony I	20.7	32.3	27.7	↑	7.2	9.0	8.3	↑	
Total Felony	20.5	35.2	34.0	↑	10.9	14.9	14.7	↑	
Misdemeanor A	16.0	29.1	25.0	↑	6.6	8.6	7.7	↑	
Misdemeanor B	11.5	18.2	14.0	↑	5.5	4.6	5.1		
Misdemeanor C	2.9	2.2	2.4		1.2	2.4	2.6	↑	
Total Misdemeanor	15.1	21.9	22.0	↑	6.2	7.2	6.8	↑	
Criminal Traffic	22.9	32.9	30.2	↑	4.0	4.8	4.0		
Other	5.2	5.2	4.3		2.7	2.3	1.6		
<b>Total</b>	<b>16.4</b>	<b>24.4</b>	<b>24.7</b>		<b>7.0</b>	<b>8.8</b>	<b>8.5</b>		

\* Data runs through June 2011.

Tables 12 and 13 on the next page examine LOS for released jail inmates by their most serious charge. The pre-trial population spends approximately one-third to one-half the number of days in jail compared to their sentenced counterparts. Those with a felony warrant return have the highest LOS with 53 days for the full released population and 15 days for the pre-trial releases. The LOS for nearly all charge types shows an increase between 2009 and 2011. However, as was shown earlier, LOS spiked in 2010 for some offenses. For these offenses, the 2011 LOS data are still higher than 2009, but they reflect a decrease between 2010 and 2011..

**Table 12. Released Jail Inmates by Most Serious Charge at Booking (2009-2011)**

	Total Released Population		Pre-Trial Released Population	
	Avg. LOS	Jail Bed Days	Avg. LOS	Jail Bed Days
Felony Summary Arrest	29.1	395,969.8	10.3	101,057.3
Misdemeanor Summary Arrest	16.7	404,624.2	5.9	114,993.1
Criminal Traffic Summary Arrest	16.6	42,980.2	4.8	11,279.1
Felony Warrant Return	53.3	457,594.3	15.0	52,105.7
Misdemeanor Warrant Return	24.9	172,209.4	7.4	20,330.5
Felony Bench Warrant Return	24.8	74,317.1	10.8	23,414.3
Misdemeanor Bench Warrant Return	23.8	100,424.8	12.3	42,980.2

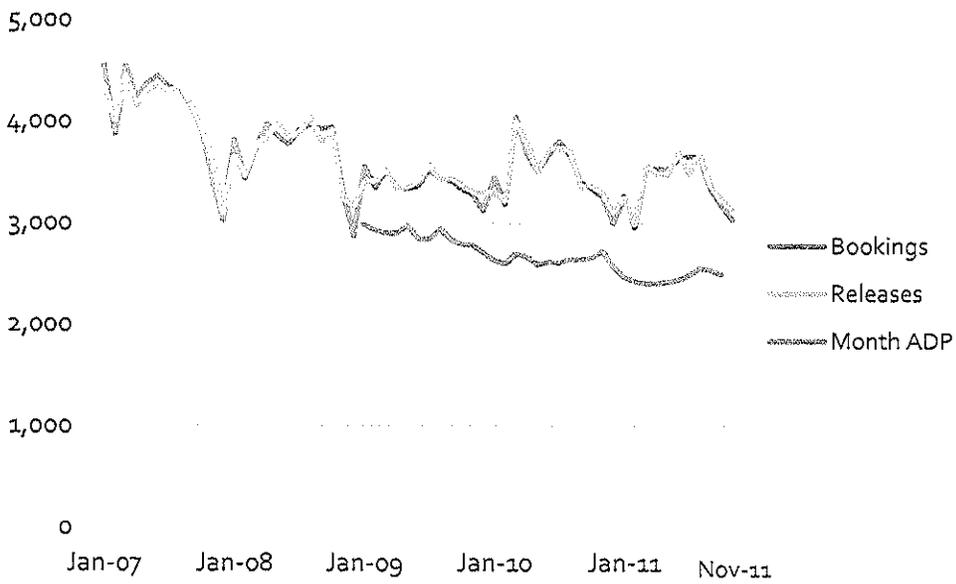
\* Data runs through June 2011

**Table 13. Released Jail Inmates by Most Serious Charge at Booking by Year (2009-2011)**

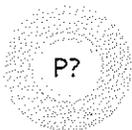
	Total Released Population Avg. LOS				Pre-Trial Released Population Avg. LOS			
	2009	2010	2011*	2009-2011 Increase	2009	2010	2011*	2009-2011 Increase
Felony Summary Arrest	18.8	34.1	37.1	↑	8.5	11.7	10.8	↑
Misdemeanor Summary Arrest	12.0	19.4	20.1	↑	5.0	6.5	6.2	↑
Criminal Traffic Summary Arrest	13.3	20.0	15.8	↑	4.4	5.4	4.5	↑
Felony Warrant Return	43.9	57.9	58.3	↑	12.4	15.4	18.2	↑
Misdemeanor Warrant Return	21.8	26.8	25.9	↑	8.0	6.8	7.6	
Felony Bench Warrant Return	18.2	28.3	35.7	↑	9.0	11.7	14.1	↑
Misdemeanor Bench Warrant Return	18.9	27.0	28.4	↑	11.7	13.6	11.2	
<b>Total</b>	<b>16.4</b>	<b>24.4</b>	<b>24.7</b>	<b>↑</b>	<b>7.0</b>	<b>8.8</b>	<b>8.5</b>	<b>↑</b>

\* Data runs through June 2011

**Table 14. Milwaukee County Jail Monthly Bookings and Releases (2007-2011)**



**Table 15. Milwaukee County Jail Average Daily Population (2009-2011)**



**COUNTY OF MILWAUKEE**  
**Behavioral Health Division Administration**  
**INTER-OFFICE COMMUNICATION**

**DATE:** May 30, 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 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 and requesting an extension of implementation date until October 1, 2012**

**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 outsource this service as part of his 2012 Requested Budget, but concerns were raised and the direction was given to develop a transition plan. DHHS submitted informational reports to the County Board in February and March 2012 to outline the work group and the work plan for the group. A status report was offered in May 2012; this report is to update the Board on the activities since the May report and request an extension in the timeline for implementation.

**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 have also developed.

In addition, previously reported research indicates that a partnership and high level of collaboration is needed to be successful. The ongoing meetings and discussions between DHHS and the Sheriff's Office are building the foundation of the relationship.

## **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, DHHS has been meeting with outside experts to learn from their experiences with correctional health. These meetings have included individuals who are currently, or in the past, health care leaders within correctional health settings. These meetings have been very helpful in the development of a draft Memoriam of Understanding.

Dr. Shansky, the medical monitor, coordinated with Disability Rights of Wisconsin to meet with community stakeholders related to mental health care and concerns related to inmates. Members of BHD staff attended to observe. A number of clinical and administrative concerns arose related to communication with community providers, medication protocols, and release planning. Some of the issues appeared to be system issues such as faxes being lost or agencies receiving multiple requests while others appear to require clinical investigation and decisions such as medications on the formulary in use in corrections.

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 were the key focus of the latest meetings. The issues include funding for a potentially different model for psychological support, human resource and fiscal oversight, management of unfunded positions, contracts, equipment and other administrative duties. Additional meeting with DAS have also occurred to review these issues.

## **Action Steps Taken in May**

The Health Care Administrator position has been mentioned in previous reports as being a critical need for the smooth transition of services and the efficient operation of the service. This position has not been filled officially since 2004. A job description has been developed and approved by both the Office of the Sheriff and DHHS. This will be sent to Human Resources to begin the recruitment process.

As mentioned previously, in researching other municipalities where the health care is provided by an agency other than the Sheriff's department, an approach that seemed successful was to develop a Memorandum of Understanding between the two departments to outline responsibilities. A draft MOU has been developed and is being reviewed by both departments.

These discussions are occurring concurrent to the 2013 Budget preparation. DHHS will submit a request for the 2013 Budget, which includes the development of a psychology model of care. The Sheriff's department has been notified of the anticipated cross charge.

### **Next Steps**

DHHS/BHD is moving forward with the transition planning. The original time frame of July 1, 2012 is not achievable and both departments request an extension until October 1, 2012. This will allow the completion of the transition planning and recruitment of critical leadership positions. Important next steps include:

- Recruitment and subsequent appointment of the Health Care Administrator position.
- The draft MOU must be modified and agreed upon by all parties.
- DHHS/BHD will meet with the Sheriff's office fiscal staff and DAS to continue 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.
- Additional study is needed to determine the fiscal impact of an extended pharmacy formulary. While it will be recommended that some drugs be added to the formulary, this cost may be off set by currently expensive brand drugs becoming available in generic form in the near future.
- In previous discussions, the Electronic Medical Record system at corrections was seen as another area needing attention. When the discussion regarding the selection of a vendor for BHD occurred, the correctional health was part of the discussion for some period of time until they moved in a different direction. This area should be reviewed to determine if operational improvements could be achieved by investing in an updated EMR.

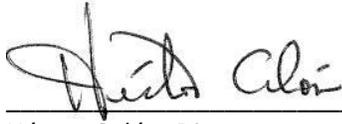
### **Recommendation**

It is recommended that the time line for the transfer of care of inmates to DHHS be extended from July 1, 2012 to October 1, 2012 to allow for transition issue to be resolved and recruitment of leadership staff to occur.

### **Fiscal Impact**

Extending the timeline for transfer will have no fiscal impact. By agreement between the fiscal staff of both departments, a fund transfer will be submitted at the time of service transfer to reconcile the accounts in both departments. A fiscal note form is attached.

Respectfully Submitted:



---

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  
Kelly Bablitch, Chief of Staff - 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  
Josh Fudge – Fiscal and Management Analyst - DAS  
Jennifer Collins, County Board Staff  
Jodi Mapp, County Board Staff  
Janelle Jensen, County Board Staff  
Inspector Richard Schmidt, Sheriff's Office  
Jon Priebe, Sheriff's Office  
Molly Pahl, Sheriff's Office

1  
2  
3  
4 (ITEM NO. ) From the Director, Department of Health and Human Services,  
5 submitting an update on the work group activities to study the transfer of  
6 management of inmate mental health and health care services to the  
7 Department of Health and Human Services and requesting an extension of  
8 implementation date until October 1, 2012, by recommending adoption of the  
9 following:

10  
11 **A RESOLUTION**

12  
13 WHEREAS, as part of the 2012 Budget, the County Board passed an  
14 amendment directing the Director of the Department of Health and Human  
15 Services (DHHS) to study and make recommendations related to the transfer of  
16 management of the physical and mental health services for inmates from the  
17 Office of the Sheriff to DHHS; and

18  
19 WHEREAS, a workgroup was established to discuss the transfer and  
20 membership in the workgroup includes representatives from the clinical and  
21 fiscal areas within DHHS/BHD, the medical, administration and fiscal areas of the  
22 Milwaukee County Sheriff's Office, Corporation Counsel, Department of  
23 Administrative Services, County Board staff and the Christensen Decree Medical  
24 Monitor; and

25  
26 WHEREAS, the workgroup has met to discuss a multitude of issues,  
27 including inmate demographic data, staffing patterns, accreditation standards,  
28 outside entities' experiences with correctional health, community stakeholder  
29 concerns, recruitment of critical positions, and administrative and fiscal  
30 management; and

31  
32 WHEREAS, while transition planning continues to move forward, several  
33 important milestones need to be accomplished before the transfer of  
34 management can occur; and

35  
36 WHEREAS, these additional milestones include recruitment and  
37 subsequent appointment of the Health Care Administrator position, modification  
38 and agreement by all parties of a Memorandum of Understanding, completion  
39 of planning for the transition of the fiscal and administrative functions,  
40 determination of the fiscal impact of an extended pharmacy formulary, and  
41 review and determination if operational improvements could be achieved by  
42 investing in an updated EMR; and

43

44           WHEREAS, the Office of the Sheriff and DHHS believe that an extension of  
45 the timeline for implementation until October 1, 2012 is required in order to  
46 achieve the milestones; and

47

48           WHEREAS, there is no fiscal impact of granting such extension; now,  
49 therefore,

50

51           BE IT RESOLVED, that the timeline for transfer of management of inmate  
52 mental health and health care services to the Department of Health and  
53 Human Services is extending from July 1, 2012 to October 1, 2012.

54

55

56

57

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** 6/1/12

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** From the Director, Department of Health and Human Services, submitting 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 and requesting an extension of implementation date until October 1, 2012

**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		
	Revenue		
	Net Cost		
<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.

A.) The Director, Department of Health and Human Services (DHHS) is requesting authorization to extend the timeline for implementation of the transfer of management of inmate mental health and health care services to DHHS from July 1, 2012 to October 1, 2012.

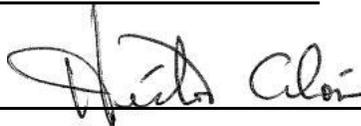
B.) There are no costs associated with the extension. DHHS will put forward a fund transfer request at the time of the service transfer to reconcile the accounts in both departments.

C.) There is no fiscal impact associated with this action in the current year.

D.) See Section B

Department/Prepared By Maggie Mesaros, Fiscal and Management Analyst

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.



## OFFICE OF CORPORATION COUNSEL

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

6

### INTEROFFICE COMMUNICATION COUNTY OF MILWAUKEE

DATE: May 30, 2012

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

FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: Yvonne Sanders v. Milwaukee County  
ERD No. CR201101535 / EEOC No. 26G201101065C

Please refer this proposed settlement to the Committee on Judiciary, Safety and General Services for approval of payment of \$4,000 to Yvonne Sanders as full settlement of this matter.

This case involves a discrimination complaint filed by Yvonne Sanders, who was a seasonal employee with the Parks Department. Prior to this case, Ms. Sanders had filed an age discrimination complaint with the Equal Rights Division (ERD). While that case was pending, Ms. Sanders was re-hired for the 2011 season. Ms. Sanders agreed to dismiss that case without a settlement. Subsequently, on May 6, 2011, Ms. Sanders was terminated because she used chalk to write "what's good" in front of the batter's box at the baseball diamond at Wisconsin Avenue Park. It also should be noted that she did not paint the diamond in an adequate manner. Essentially, the diamond was crooked. The Parks Department believed Ms. Sanders' behavior to be inappropriate. The Parks Department also received complaints from officials of various leagues which contract with Milwaukee County to use the diamonds. Ms. Sanders filed this complaint and alleged that she was terminated in retaliation for filing her first complaint.

On October 6, 2011, the ERD completed its investigation and made an initial determination that probable cause existed to believe the County had violated the Fair Employment Act. The investigator stated that she believed Ms. Sanders was terminated "due to the fact that she had filed a previous discrimination complaint with the department." The investigator said that her belief was bolstered by the fact that Ms. Sanders was terminated within one month of being rehired following the filing of her first discrimination complaint and based on statements in support of Ms. Sanders made by another Parks Department employee. The hearing on the merits was scheduled for May 7, 2012. The Administrative Law Judge ordered the parties to discuss a resolution of the case. Ultimately, it was agreed that Milwaukee County would pay Ms. Sanders \$4,000 in wages in exchange for dismissal of the case and her agreement not to seek re-

employment with the Parks Department. The settlement negotiations included discussions with Sue Black and Guy Smith.

The Office of Corporation Counsel and Wisconsin County Mutual Insurance Company recommend this settlement. If this matter proceeded to a hearing, Ms. Sanders could have been awarded between \$12,000 to \$15,000 in back wages and reinstatement to her job.

  
RLW/ff

cc: Janelle M. Jensen, Judiciary Committee Clerk  
Amber Moreen, Chief of Staff, County Executive's Office



**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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 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: May 30, 2012

TO: Marina Dimitrijevic, County Board Chairwoman

FROM: Molly Zillig, Principal Assistant  
 Milwaukee County Corporation Counsel

SUBJECT: Scott E.M. Spates. v. Jo-Jean Clemens, et al.  
 United States Eastern District Case No.: 10C1098

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 \$15,000.00 to Pledl & Cohn, SC, to settle in full the lawsuit of Scott E.M. Spates.

Scott Spates, a former inmate at the Milwaukee County Correctional Facility- South, filed a *pro se* Complaint, alleging that his civil rights were violated while he was housed at the above facility. He alleges that on October 19, 2009, Defendant, Nurse Jo-Jean Clemens, while passing out night time medication in the U6 Dorm at the MCCF- South where Spates was being housed, disclosed personal, private and protected information regarding his health status in front of inmates and other correctional staff. He further alleges that none of his grievances relating to this matter were addressed by the Milwaukee County Sheriff's Office medical staff, as required. He further alleges that Milwaukee County Sheriff's Office correctional staff subsequently disclosed his confidential health status to other correctional officers without necessity and in violation of law. He further alleges that as a result of the unlawful disclosure, another inmate who heard this information physically attacked him because of that status and he incurred injuries. Finally, he alleges that he attempted suicide in the South Facility as a result of the above.

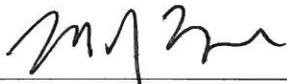
Spates alleges three causes of action: (1) 42 U.S.C. § 1983 – Fourteenth Amendment Right to Privacy. Spates alleges that the disclosure of his confidential health status violated his Fourteenth Amendment due process right to privacy and that this disclosure caused him to be assaulted, causing him emotional pain and suffering; (2) 42 U.S.C. § 1983- Eighth Amendment Cruel and Unusual Punishment. Spates alleges that the disclosure of his confidential health status, where it was known that it would make him a likely target of violence by other inmates, violated his rights under the Eighth Amendment to be free from cruel and unusual punishment; and (3) Claims under Wis. Stats. § 215.15(5), 146.82(1) and 895.50(2). Spates alleges that the disclosure of his confidential health status violated his rights to privacy and non disclosure of medical

Chairwoman Marina Dimitrijevic  
Milwaukee County Board of Supervisors  
May 30, 2012  
Page 2 of 2

information under Wis. Stats. § 252.15(5) which prohibits the disclosure of a certain medical issue to anyone except under certain circumstances not present here and to have his medical records remain confidential.

## SETTLEMENT

After negotiations, a tentative agreement was reached to pay \$15,000.00 for all of Spates' claims, including his claims for actual attorneys' fees. This amount will be paid by Wisconsin County Mutual Insurance Company and applied to the County's deductible. Corporation Counsel along with Wisconsin County Mutual Insurance Company's Litigation Manager and the Milwaukee County Sheriff's Office, support this settlement based upon the facts established through sixteen (16) witness interviews completed of medical staff, correctional officers and deputy sheriffs at the County Correctional Facility – South who were involved with this incident, as well as one interview with the inmate who fought with and injured Spates.



---

Molly J. Zillig  
Principal Assistant Corporation Counsel

MJZ/kpe

Cc: Janelle Jensen  
Amber Moreen  
Richard Ceschin

## RESOLUTION

**Re:** Scott E.M. Spates. v. Jo-Jean Clemens, et al.  
United States Eastern District Case No.: 10C1098

WHEREAS, a lawsuit was filed in the United States District Court – Eastern District of Wisconsin by Scott Spates (“Spates”), a former inmate at the Milwaukee County Correctional Facility- South (“MCCF- South”), alleging that his civil rights were violated while he was housed at the MCCF- South; and

WHEREAS, Spates alleges that on October 19, 2009, Defendant, Nurse Jo-Jean Clemens, while passing out night time medication in the U6 Dorm at the MCCF- South where Spates was being housed, disclosed personal, private and protected information regarding his health status in front of inmates and other correctional staff; and

WHEREAS, Spates alleges that none of his grievances relating to this matter were addressed by the Milwaukee County Sheriff’s Office medical staff, as required; and

WHEREAS, Spates alleges that Milwaukee County Sheriff’s Office correctional staff subsequently disclosed his confidential health status to other correctional officers without necessity and in violation of law; and

WHEREAS, Spates alleges that as a result of the unlawful disclosure, another inmate who heard this information physically attacked him because of that status and he incurred injuries; and

WHEREAS, Spates alleges that he attempted suicide in the South Facility as a result of the above incidents; and

WHEREAS, Spates alleges three causes of action: (1) 42 U.S.C. § 1983 – Fourteenth Amendment Right to Privacy. (2) 42 U.S.C. § 1983- Eighth Amendment Cruel and Unusual Punishment. And (3) Claims under Wis. Stats. § 215.15(5), 146.82(1) and 895.50(2); and

WHEREAS, Sixteen (16) witness interviews were completed of medical staff, correctional officers and deputy sheriffs at the County Correctional Facility – South who were involved with this incident, as well as one interview with the inmate who fought with and injured Spates; and

WHEREAS, negotiations between the County by the Office of Corporation Counsel and the Plaintiff’s attorneys, Pledl & Cohn, SC, resulted in a settlement agreement to settle all claims arising out of the complaint and dismissal of the remaining claims in the lawsuit for the sum of \$15,000.00.

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on June 14, 2012 voted ( ) to recommend payment; now, therefore;

BE IT RESOLVED, that Milwaukee County approves the payment of \$15,000.00 to Pledl & Cohn, SC, to settle all claims arising out of the lawsuit, as well as attorneys' fees and the dismissal of said lawsuit.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** May 30, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Lawsuit Filed by Scott E. M. Spates  
Case No. 10C1098

**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 2009 deductible with the Wisconsin County Mutual Insurance Corporation in the amount of \$15,000.

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:** May 31, 2012

**TO:** Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

**SUBJECT:** Milwaukee County v. Clarke  
Case No. 12-CV-350

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services.

Milwaukee County filed suit against Sheriff Clarke to enforce layoff notices issued to deputy sheriffs after Sheriff Clarke indicated he would not honor the layoff notices without further clarification. Sheriff Clarke retained Attorney Michael Whitcomb to represent him in the litigation. The litigation was held in abeyance for an arbitration hearing between Milwaukee County and the Milwaukee Deputy Sheriff Association to determine the correct number of deputies to be laid off. Following that hearing, the arbitrator issued his ruling and the layoffs occurred. The case against the Sheriff was then dismissed.

Section 895.46, Wis. Stats., provides, in general, that when a public officer is sued in his or her official capacity, the governmental unit must indemnify the officer for any judgment for damages or costs against the officer. It also provides:

Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employe, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act within the scope of employment.

Milwaukee County did not provide representation to Sheriff Clarke in this case. Thus, he is entitled to payment of reasonable attorney fees incurred by him in his defense.

The Office of Corporation Counsel has received from the Sheriff's office an itemized invoice from Attorney Whitcomb for his services in this case in the amount of \$37,055.84. This is a final statement for this case. Payment of this invoice to Attorney Whitcomb is recommended.

cc(w/att.): Amber Moreen  
Janelle Jensen

**LAW OFFICES OF  
MICHAEL A. I. WHITCOMB**

633 W. Wisconsin Avenue, Ste. 510  
Milwaukee, Wisconsin 53203

Telephone 414-277-8384  
Facsimile 414-277-8002  
maiw-law@att.net

**INVOICE**

For professional services rendered Sheriff David A. Clarke, Jr. re County of Milwaukee v. David A. Clarke, Jr., Sheriff of Milwaukee County, Case No. 12-CV-350:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
1/10/12	Review file, telephone conference with client, prepare argument, affidavit and memorandum; conference with client and court hearing; research re ultra vires motion	360	MAIW (\$325.00/hr)	\$1,950.00
1/10/12	Prepare for and attend court hearing	200	MJW (\$200.00/hr)	666.67
1/11/12	Review file, research, and prepare brief, affidavit and motion and disqualification order	525	MAIW	2,843.75
1/12/12	Review file, prepare brief and research; conference with court and conference with Sheriff office	270	MAIW	1,462.50
1/12/12	Review file, assist preparing brief and research	120	MJW	400.00
1/13/12	Review file, conference with client and court hearing; research and prepare correspondence to client	225	MAIW	1,218.75
1/13/12	Review file, attend court hearing	120	MJW	400.00
1/17/12	Review file, telephone conference with client and telephone conference with Sheriff office; Review file, telephone conference with client, telephone conference with Sheriff office, telephone conference with Atty. Vaccaro and prepare file memorandum	195	MAIW	1,056.25
1/18/12	Review file and prepare correspondence to client	75	MAIW	406.25
1/19/12	Review file and telephone conference with Sheriff office; review file, research and prepare brief; review file and prepare correspondence to client; review file and telephone conference with client	450	MAIW	2,437.50
1/20/12	Review file, research and prepare reply brief	420	MAIW	2,275.00
1/21/12	Review file, research and prepare reply brief	330	MAIW	1,787.50
1/22/12	Review file and prepare reply brief	240	MAIW	1,300.00
1/23/12	Review file, prepare brief, answer and Attorney General authorities	345	MAIW	1,868.75
1/24/12	Review file and prepare reply brief; telephone conferences with Sheriff office; telephone conference with client	300	MAIW	1,625.00

1/24/12	Review file, assist preparing reply brief	90	MJW	300.00
1/25/12	Review file, prepare reply brief and exhibits; conference with court and conference with county witnesses; review file and prepare correspondence with attorneys	285	MAIW	1,543.75
1/26/12	Review file and conference with Sheriff office; review file and prepare for hearing	360	MAIW	1,950.00
1/26/12	Review file and assist preparation for hearing	90	MJW	300.00
1/27/12	Review file and prepare for hearing; telephone conference with budget analyst; review file and prepare correspondence to Sheriff office; review file conference with client and injunction hearing	450	MAIW	2,437.50
1/27/12	Review file and prepare for hearing; attend injunction hearing	315	MJW	1,050.00
1/30/12	Review file and prepare correspondence to attorneys	15	MAIW	81.25
2/1/12	Review file re arbitration decision and telephone conference with client office	60	MAIW	325.00
2/1/12	Research sheriff legal authority	180	MJW	600.00
2/1/12	Review file, telephone conferences with client office and prepare correspondence to Atty. Vaccaro	75	MAIW	406.25
2/2/12	Review file and telephone conferences with client office	45	MAIW	243.75
2/3/12	Review file, prepare for court hearing and telephone conference with client office	90	MAIW	487.50
2/8/12	Review file, research and prepare file memo	210	MAIW	1,137.50
2/13/12	Review file and prepare discovery	45	MAIW	243.75
2/14/12	Review file and prepare discovery	225	MAIW	1,218.75
2/15/12	Assist in preparation of discovery	200	MJW	666.67
2/15/12	Review file and prepare discovery	75	MAIW	406.25
2/18/12	Review file, research and prepare correspondence to client	180	MAIW	975.00
3/6/12	Review file, prepare for status hearing, status hearing ad conference with client	180	MAIW	975.00

**BALANCE NOW DUE AND PAYABLE: \$37,055.84**

Thank You.

A RESOLUTION

WHEREAS, Milwaukee County filed suit against Sheriff Clarke to enforce layoff notices issued to deputy sheriffs after Sheriff Clarke indicated he would not honor the layoff notices without further clarification; and

WHEREAS, Sheriff Clarke retained Attorney Michael A.I. Whitcomb to represent him in the litigation; and

WHEREAS, the litigation was held in abeyance for an arbitration hearing between Milwaukee County and the Milwaukee Deputy Sheriff Association to determine the correct number of deputies to be laid off, but following that hearing, the arbitrator issued his ruling and the layoffs occurred and the case against the Sheriff was then dismissed; and

WHEREAS, Section 895.46, Wis. Stats., provides that regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employe, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act within the scope of employment; and

WHEREAS, Milwaukee County did not provide representation to Sheriff Clarke in this case and he is entitled to payment of reasonable attorney fees incurred by him in his defense; and

WHEREAS, the Office of Corporation Counsel has received from the Sheriff's office an itemized final invoice from Attorney Whitcomb for his services in this case in the amount of \$37,055.84; and

WHEREAS, the Office of Corporation Counsel recommends payment of this invoice to Attorney Whitcomb;

NOW, THEREFORE, BE IT RESOLVED that Milwaukee County approves payment of attorney fees to the Law Offices of Michael A.I. Whitcomb in the amount of \$37,055.84.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** May 31, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Authorization for payment of attorneys' fees incurred by Sheriff Clarke to defend himself in Milwaukee County v. Clarke, Case No. 12-CV-350.

**FISCAL EFFECT:**

No Direct County Fiscal Impact

Increase Capital Expenditures

Existing Staff Time Required

Decrease Capital Expenditures

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

Increase Capital Revenues

X Absorbed Within Agency's Budget

Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures

Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

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

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	37,055.84	0
	Revenue	0	0
	Net Cost	37,055.84	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 the payment of attorneys' fees in the amount of \$37,055.84 from an account to be determined by the Department of Administrative Services and/or the Office of the Comptroller.

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.

Judiciary

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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03/14/12  
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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:** June 8, 2012  
**TO:** Marina Dimitrijevic, Chairwoman, County Board of Supervisors  
**FROM:** John LaFave, Register of Deeds  
Kimberly Walker, Corporation Counsel  
Mark A. Grady, Deputy Corporation Counsel  
**SUBJECT:** Proposed Transfer Tax Litigation

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services.

We request approval of the attached resolution authorizing litigation and a contract for legal representation.

**Background**

Grantors in real estate transactions in Wisconsin (and most states) are required to pay a real estate transfer fee for the privilege of recording various documents with the Register of Deeds. See §77.22, Wis. Stats. Federal National Mortgage Mortgage Association (“Fannie Mae”) and Federal Home Loan Mortgage Corporation (“Freddie Mac”) have been grantors in numerous real estate transactions in Wisconsin (and other states) and have recorded transactions with the Registers of Deeds in counties across Wisconsin. For each of these transactions, Wisconsin law requires grantors to pay \$.30 per each \$100 value of the transferred property. Freddie Mac and Fannie Mae did not pay the transfer fees, claiming an exemption for federal entities.

Recently, in litigation in Michigan brought on behalf of eighty-three counties in Michigan, a federal district court held that Fannie Mae and Freddie Mac were not entitled to claim the exemption because they are private entities, not a part of the federal government. *Genesee County v. Federal Housing Financing Agency et al.*, 2:11-CV-14971-VAR (S.D. Mich. 2011). That decision is currently on appeal to the U.S. Sixth Circuit Court of Appeals.

William Horton of the law firm of Giarcomo, Mullins & Horton P.C. is the lead class counsel for the Michigan case.

**Proposed Litigation**

Our offices have been approached by a Florida attorney who has filed a similar suit in federal court in Georgia and has asked the County to join that action. Our offices have also been approached by a local law firm: Hansen Riederer Dickinson Crueger & Reynolds LLC (“HRDC&R”), who is strategically partnering with Attorney Horton’s firm and who proposes to file and pursue similar class action litigation in federal court in Wisconsin on behalf of

Memo to Marina Dimitrijevic

5/30/2012

Page 2 of 2

Milwaukee County and other Wisconsin counties. Both attorneys have asked that Milwaukee County be a lead plaintiff in litigation.

Our offices have discussed the proposed litigation. At this point, the exact amount of any recovery is unknown without a review of all recorded transactions. Wisconsin counties retain 20% of the transfer fees and the balance of 80% is passed to the State of Wisconsin. However, the Register of Deeds office roughly estimates that the County's portion of the unpaid transfer fees could amount to over \$100,000.00.

Our offices recommend that the local firm be retained to pursue this litigation. The firm has a working relationship with the Attorney Horton and the lawyers who have already successfully litigated this issue in Michigan. As part of that partnership, the firm will have access to a established system to independently identify and calculate the amount of unpaid fees without utilizing significant time of county employees in the Register of Deeds' office. In addition, the local firm includes lawyers who previously were part of the firm of Michael, Best & Friedrich and, as part of that firm, Mr. Hansen was an important member of the team of attorneys who successfully represented Milwaukee County in the litigation against *Mercer Human Resources Consulting*, the pension actuary. The firm of HRDC&R is also the largest woman-owned law firm in Wisconsin. The firm has extensive experience in complex class action litigation. Last, the strategy being pursued by this firm appears to us to be more conducive to effective recovery of Milwaukee County's interests. Other Wisconsin counties will be encouraged to join the litigation, but their financial interests are individually substantially smaller; many other county Registers of Deeds are aware that Milwaukee County is considering this action and are awaiting the County's decision.

The firm has proposed a floating contingency fee of 25% of the amount recovered if recovery is in the first 90 days, 30% if recovery is after 90 days, but prior to trial and 33% if recovery is after the trial begins. No fees or litigation costs will be paid by Milwaukee County if no recovery is made.

We request approval of this legal representation contract without the issuance of a Request for Proposals. The experience and knowledge related to this matter is unique and this suggested firm should be acknowledged for bringing this potential claim to the attention of Milwaukee County.

### **Requested Action**

We request approval of the attached resolution that authorizes the filing of the litigation on behalf of Milwaukee County and the retention of the HRDC&R firm to represent Milwaukee County in this matter.

cc: Amber Moreen  
Janelle Jensen

A RESOLUTION

WHEREAS, grantors in real estate transactions in Wisconsin (and most states) are required to pay a real estate transfer fee for the privilege of recording various documents with the Register of Deeds pursuant to §77.22, Wis. Stats.; and

WHEREAS, Federal National Mortgage Association (“Fannie Mae”) and Federal Home Loan Mortgage Corporation (“Freddie Mac”) have been grantors in numerous real estate transactions in Wisconsin (and other states) and have recorded transactions with the Registers of Deeds in counties across Wisconsin; and

WHEREAS, for each of these transactions, Wisconsin law requires grantors to pay \$.30 per each \$100 value of the transferred property, but Freddie Mac and Fannie Mae did not pay the transfer fees, claiming an exemption for federal entities; and

WHEREAS, recently, in litigation in Michigan brought on behalf of eighty-three counties in Michigan, with William Horton of the law firm of Giarcomo, Mullins & Horton P.C. acting as the lead class counsel, a federal district court held that Fannie Mae and Freddie Mac were not entitled to claim the exemption because they are private entities, not a part of the federal government. *Genesee County v. Federal Housing Financing Agency et al.*, 2:11-CV-14971-VAR (S.D. Mich. 2011); and

WHEREAS, the Milwaukee firm of Hansen Riederer Dickinson Crueger & Reynolds LLC (“HRDC&R”), is strategically partnering with Attorney Horton’s firm and has proposed that Milwaukee County file and pursue a similar class action litigation in federal court in Wisconsin on behalf of Milwaukee County and other Wisconsin counties; and

WHEREAS, as part of its partnership with the Michigan firm, HRDC&R will have access to a established system to independently identify and calculate the amount of unpaid fees without utilizing significant time of county employees in the Register of Deeds’ office; and

WHEREAS, HRDC&R includes lawyers who previously were part of the firm of Michael, Best & Friedrich and, as part of that firm, Mr. Hansen was an important member of the team of attorneys who successfully represented Milwaukee County in the litigation against *Mercer Human Resources Consulting*, the pension actuary; and

WHEREAS, HRDC&R is also the largest woman-owned law firm in Wisconsin; and

44 WHEREAS, HRDC&R has proposed a floating contingency fee of 25% of the  
45 amount recovered if recovery is in the first 90 days, 30% if recovery is after 90 days, but  
46 prior to trial and 33% if recovery is after the trial begins, with no fee or litigation costs  
47 being paid by Milwaukee County if no recovery is made; and  
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49 WHEREAS, the Register of Deeds and the Office of Corporation Counsel  
50 recommend adoption of this resolution;  
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52 NOW, THEREFORE, BE IT RESOLVED that Milwaukee County authorizes the  
53 filing of litigation on its behalf to recover unpaid transfer fees from the Federal National  
54 Mortgage Association and the Federal Home Loan Mortgage Corporation; and  
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56 BE IT FURTHER RESOLVED that the Office of Corporation Counsel is authorized  
57 to enter into a contract with Hansen Riederer Dickinson Crueger & Reynolds LLC to  
58 represent the interests of Milwaukee County in such litigation.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** May 31, 2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution to authorize a suit on behalf of Milwaukee County related to real estate transfer fees and to authorize Corporation Counsel to enter into a contract for legal representation.

**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	0	0
	Revenue	0	Approx.. \$100,000
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

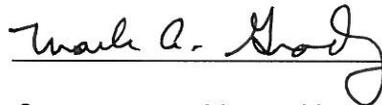
In the space below, you must provide the following information. Attach additional pages if necessary.

- 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 the Office of Corporation Counsel being authorized to enter into a contract for legal representation to file suit on behalf of Milwaukee County and the Register of Deeds to recover unpaid real estate transfer fees. There will be attorneys fees or costs unless a recovery is made and then those fees and costs will be deducted from the recovery. The amount of any recovery is not known with certainty, but is estimated at this time by the Register of Deeds to be approximately \$100,000.00.

Department/Prepared By Corporation Counsel

Authorized Signature

  
\_\_\_\_\_

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 31, 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 our office is prepared to discuss at the June meeting, at the Committee's discretion. New additions to the list since last month are noted in **bold**:

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  
***MDSA v. Clarke and Milwaukee County* (recall of deputy sheriffs)**  
**Case No. 12-CV-5551**
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)

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)
11. ***Christensen et al. v. Sullivan et al.* (Sheriff motion on medical care in jail)**  
**Case No. 96-CV-1835**
12. ***Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)**  
**Case No. 11-CV-8784**

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

**DATE:** June 12, 2012

**TO:** Marina Dimitirjevic, Chairwoman, County Board of Supervisors

**FROM:** Mark A. Grady, Deputy Corporation Counsel

**SUBJECT:** WERC decision related to 2010 furlough days

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services. Our office requests approval to pay the award to the affected employees.

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. In the absence of action by the County Board of Supervisors regarding an appeal, our office approved the filing of an appeal on May 25, 2012 to preserve the County's procedural rights and options for future decision by policymakers. It is our recommendation at this time that the award be paid and the appeal dismissed. It is our belief that the likelihood of overturning the current decision is outweighed by the risk of the continuing interest costs associated with the award.

Attachments

cc(w/att.): Amber Moreen  
Janelle Jensen

**COUNTY OF MILWAUKEE**  
INTEROFFICE COMMUNICAITON

DATE : June 5, 2012

TO : Supervisor Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM : Scott B. Manske, Comptroller

SUBJECT : Fiscal Impact of the Payment of the 2010 Furlough Hours Decision

**Accounting Issue:**

“Governments should recognize a liability for claims and judgments as soon as it appears probable that a loss has been incurred and the amount in question can be reasonably estimated” (Governmental Accounting Standards Board Statement 10 paragraph 53). The amount accrued should include an amount for incurred but not reported claims if two criteria are met: 1) It is probable that a successful claim will be asserted; and 2) the amount can be reasonably estimated.

**Accounting for Furlough Hours Liability related to AFSCME DC-48:**

On May 20, 2011, the Wisconsin Employment Relations Commission (WERC) issued a decision that limited the number of furlough hours for AFSCME DC-48 members to 45 hours for the 2010 fiscal year. For certain AFSCME DC-48 employees, the County had instituted up to 208 hours (26 days) for 2010. The number of furlough hours required of employees exceeded the maximum hours allowed under the WERC decision by 163 hours (208 hours less 45 hours). As a result, if the County was not successful in an appeal, the County would be required to accrue a liability for this judgment.

The County appealed this decision by requesting a rehearing before the WERC. On June 29, 2011, the WERC denied the rehearing, and reaffirmed their decision regarding the limitation of a maximum of 45 furlough hours per year for 2009 and 2010.

The County was well under the 45 hour furlough limit for 2009, but was over the limit in 2010. As a result of these two decisions, the County had a potential liability for 2010 related to the furlough hours for AFSCME DC-48 employees that exceeded the 45 hour furlough limit. Since the 2010 books were still being closed, a decision was made to accrue for a portion of the liability related to furlough hours that exceeded the limit. An accrual of \$2.0 million occurred at the end of 2010 based on an estimate of the furlough hours that exceeded the 45 hour limit, reduced by any offset from outside revenue from any source, such as grants, or other fees.

The County appealed the decision of the WERC regarding the 45 hour annual furlough limit for AFSCME DC-48. On February 27, 2012, Circuit Court Branch 8 affirmed the decision of the WERC regarding furlough hours limitation of 45 hours. Pending any further action by the County Board, the Office of Corporation Counsel has authorized the filing of an appeal with the Court of Appeals. Based on the current status of the litigation, it was determined that accounting rules would require the accrual of interest.

Based on the decision of the WERC and the Circuit Court, an additional accrued liability was made for the close of the 2011 books. The liability was increased for interest costs that have been incurred on the unpaid furlough decision, and increased under an assumption that no revenue offset would occur for the liability, except for those funds that were completely funded by outside sources. The liability was increased by another \$1.5 million for the County and \$586,000 for the Airport and Department of Family Care, for a total accrued liability of \$4.1 million.

The \$4.1 million liability consists of \$3,480,000 of liability related to furlough hours taken that exceeded the 45 hour furlough limit for AFSCME DC-48, plus interest of \$620,000 for 2010 and 2011. Interest is continuing to accrue at approximately \$35,000 per month on the liability balance. No accrual has been made for 2012 for interest incurred on the liability.

**Conclusion:**

The decisions of the WERC and affirmed by the Circuit Court placed a limit of 45 hours on the number of annual furlough hours that could be imposed on AFSCME DC-48. Based on the timing of the WERC decision in May 2011, an accrual of \$2.0 million was made at the end of County's 2010's fiscal year. The affirmation by the Circuit Court of the WERC decision in February 2012, required an additional accrual of \$1.5 million in 2011 for costs associated with the furlough decision, including the accrual of interest costs, and no offset for outside revenue. An additional accrual of \$584,000 associated with employees of the Airport and the Department of Family Care were charged to those departments.

The total accrued liability is \$4.1 million for the payout of furlough hours that exceeded a 45 hour annual furlough limit as determined by the WERC. These charges reduced the available surplus in 2010 by \$2.0 million and in 2011 by \$1.516 million. The reported surplus for 2011 of \$11.5 million has already been reduced by the furlough hours accrued cost of \$1.5 million for 2011.

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Scott B. Manske  
Comptroller

Attachments

cc: Chris Abele, County Executive  
Supervisor William Johnson, Co-Chairman, Finance, Audit and Personnel Committee  
Supervisor David Cullen, Co-Chairman, Finance, Audit and Personnel Committee  
Patrick Farley, Director, Department of Administrative Services  
Craig Kammholz, Fiscal and Budget Administrator  
Stephen Cady, Fiscal and Budget Analyst, County Board  
Department Heads

From Corporation Counsel, requesting authorization to pay an award 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 furlough days in excess of 45 hours per employee 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 in excess of 45 hours 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, in excess of 45 hours, for affected AFSCME employees; and

WHEREAS, in the absence of action by the County Board of Supervisors, the Office of Corporation Counsel approved the filing of a notice of appeal in order to preserve the County's procedural rights and options; 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 \$35,000.00 per month, as more specifically set forth in the fiscal note; and

WHEREAS, in the absence of a resolution of the litigation, the additional 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; and

WHEREAS, the successful outcome of an appeal is uncertain and Corporation Counsel recommends the resolution of this matter by payment of the award;

NOW THEREFORE,

BE IT RESOLVED, that Milwaukee County approves the payment of the award by the WERC to affected employees and approves the dismissal of the appeal in the Court of Appeals in this matter.

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** 06/11/2012

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Fiscal Impact on 2010 Furlough Hours Decision

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact<br><input type="checkbox"/> Existing Staff Time Required<br><input checked="" type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input type="checkbox"/> Absorbed Within Agency's Budget<br><input checked="" type="checkbox"/> Not Absorbed Within Agency's Budget<br><br><input type="checkbox"/> Decrease Operating Expenditures<br><br><input type="checkbox"/> Increase Operating Revenues<br><br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><br><input type="checkbox"/> Decrease Capital Expenditures<br><br><input type="checkbox"/> Increase Capital Revenues<br><br><input type="checkbox"/> Decrease Capital Revenues<br><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	4,100,000	
	Revenue	584,000	
	Net Cost	3,516,000	
<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.

A. The County had made a decision to impose furlough hours in 2009 and 2010 for American Federation of State, County, and Municipal Employees District Council 48 (AFSCME DC-48). The maximum furlough hours imposed in 2009 was 16 hours and 208 hours in 2010. Based on a decision of the Wisconsin Employment Relations Commission (WERC) the County was only limited to 45 furlough hours in any calendar year. The 2009 imposition of furlough of 16 hours was less than the annual limit, so the County had no liability for that year. In the first part of the 2010 year, the County imposed 12 furlough days, or 96 furlough hours. In April 2010, the furlough hours were increased for AFSCME DC-48 employees by 10 days or 80 hours. In September 2010, the furlough hours were further increased for certain AFSCME DC-48 employees by 4 days or 32 hours. Certain AFSCME DC-48 employees had 208 hours for 2010. For 2010, the County exceeded the limit of 45 furlough hours by 163 hours, and was thus subject to a liability for the hours that exceeded the limit. The WERC decision was affirmed by the Milwaukee County Circuit Court in February 2012. The County has appealed this decision. Based on accounting rules, "Governments should recognize a liability for claims and judgments as soon as it appears probable that a loss has been incurred and the amount in question can be reasonably estimated." Corporation Counsel and outside counsel believe that the furlough decision should be paid at this time, in order limit the accruing interest cost on this matter.

B. Based on the 2011 WERC decision, the Controller accrued \$2.0 million of liability for the furlough hours that exceeded the 45 hour furlough limit. The 2010 liability did not include interest costs, and was offset by any departmental outside revenue that could be reasonably accrued for. The County appealed the WERC decision to the County Circuit Court. The Court in

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

February 2012 affirmed the decision of the WERC on furlough hours. Based on the recommendation from Corporation Counsel that the furlough decision be paid at this time and the litigation terminated, the Controller increased the accrual by \$1.5 million for interest costs, and the elimination of outside revenue, which had been used as an offset. The accrual was further increased by \$586,000 for the Airport and the Department of Family Care, as these departments were required to accrue these costs directly against their own reserves and revenue funding. The total accrued liability was \$4.1 million, which included \$3,480,000 for furlough hours that exceeded the imposed limit of 45 hours, and \$620,000 of accrued interest for 2010 and 2011. Interest costs continue to be incurred on the decision of \$35,000 per month. No accrual has been made for 2012 interest costs.

C. Based on the 2011 WERC decision and the fact that the WERC would not rehear their own decision on a furlough hours limitation for AFSCME DC-48, a liability of \$2.0 million was accrued for 2010. This liability reduced the surplus for 2010 by \$2.0 million. Based on the Circuit Court decision affirming the WERC decision on Furlough Hours in February 2012, the County was required to accrue for the remaining cost of furlough hours that exceeded the limit in 2011. Including the interest costs, and assuming no revenue offset, except for the Airport and Department of Family Care. The County increased the liability by \$1.516 million in 2011. An additional accrual of \$584,000 was made for the Airport and Family Care. The accrual for 2011 reduced the surplus for 2011 by \$1,516,000. The preliminary 2011 surplus reported to the County Board in June 2012, has already been reduced by and includes the cost of \$1.5 million accrued in 2011.

D. An assumption was made for the methodology for accrued interest costs on the liability. New rules were put in place for accrued interest in State Statute, in the past year. The County has not fully examined these new statutes to see if the interest cost methodology used in the calculation would change the cost accrued but the interest amount shown in the fiscal note is the maximum potential amount and any further review could only potentially decrease the amount.

Department/Prepared By Office of the Comptroller - Scott B. Manske

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

Did DAS-Fiscal Staff Review?  Yes  No