

-COUNTY OF MILWAUKEE-
INTEROFFICE COMMUNICATION

DATE : May 4, 2012

TO : Supervisor Marina Dimitrijevic, Chairwoman, Board of Supervisors
Supervisor Mark Borkowski, Chairman, Committee on Judiciary, Safety and General Services

FROM : Craig Kammholz, Fiscal & Budget Administrator, DAS-Fiscal

SUBJECT : 2012 Edward Byrne Memorial Justice Assistance Grant (JAG).

REQUEST

Approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds for Federal Fiscal Year 2012 is requested.

BACKGROUND

On March 28 2012, the Department of Administrative Services-Fiscal Division (DAS-Fiscal) was notified by the U.S. Department of Justice (U.S. DOJ) that it had released applications for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG).

JAG funding is awarded to municipalities based upon the average annual number of Part I violent crimes reported by the unit to the Federal Bureau of Investigations (FBI). Since Milwaukee County bears the cost of prosecution and incarceration that arise out of Part I violent crimes, the DOJ has declared Milwaukee County a disparate jurisdiction and therefore eligible to share in the funding awarded to municipalities located within Milwaukee County.

The funding also requires the qualifying localities to negotiate a Memorandum of Understanding (MOU) regarding the administration and distribution of funds. Milwaukee County is not eligible for a direct grant award from the Bureau of Justice Assistance.

The following is a list of municipalities that are eligible for funding and their award amount:

Municipality	Award Amount
MILWAUKEE	\$829,754
WAUWATOSA	\$11,227
WEST ALLIS	\$25,149
TOTAL	\$866,130

The total allocation of \$866,130 represents a reduction of \$251,828 or 22.5 percent from the FY 2011 version of the grant. Since 96% of all the local funds are earmarked for the City of Milwaukee, no attempt was made to extract funding from the municipalities other than the City of Milwaukee. After discussions with Milwaukee Police Department, it was agreed that funding would first be allocated to fund the Community Justice Council Coordinator position housed at the Public Policy Forum at a cost of \$80,000, with Milwaukee County funding two-thirds of the cost (\$53,600) and the Milwaukee Police Department

funding the remaining one-third (\$26,400). The net award to the City of Milwaukee is then \$749,754. Of that, Milwaukee County will receive \$337,400 or 45% of the City of Milwaukee's net award.

Milwaukee County has agreed to act as the fiscal agent for the 2012 JAG grant as it is for the prior year JAG grants. Responsibility as the fiscal agent was transferred from the Office of the Sheriff to DAS-Fiscal in July 2011.

Matching Funds Requirement

The JAG grant does not require a local match.

Trust Fund Requirement

The JAG funds, which are forwarded to the County and pursuant to grant guidelines, must be held in a separate trust account.

Spending Plan

The spending plan is attached.

RECOMMENDATION

In order to strengthen the collective ability of local jurisdictions to combat violent crime, it is recommended that DAS-Fiscal be authorized to apply for and accept JAG funds. In addition, a separate trust fund must also be authorized and established to meet grant requirements and to deposit the grant monies that will be forwarded to the County.

FISCAL NOTE

Approval of this request will result in total 2012 JAG funds of \$866,130 being provided to the following localities:


Municipality	Award Amount
MILWAUKEE COUNTY	\$391,000
MILWAUKEE	\$438,754
WAUWATOSA	\$11,227
WEST ALLIS	\$25,149
TOTAL	\$866,130

This grant does not require a local match; however, staff time is required because Milwaukee County will be the fiscal agent for the grant. DAS-Fiscal, upon verification that expenses submitted for reimbursement are consistent with the approved joint spending plan, will transfer the funds to the appropriate departmental account from the trust account where the funds will be held. In addition, DAS-Fiscal, upon verification that expenses submitted for reimbursement are consistent with the approved joint spending plan, will make

payment to the municipalities from the trust account where the funds will be held.

PREPARED BY:

Joshua Fudge, Fiscal and Management Analyst



Craig Kammholz

Fiscal and Budget Administrator

Department of Administrative Services – Fiscal Division

pc: Chris Abele, County Executive

John Chisholm, Milwaukee County District Attorney

Jeffrey A. Kremers, Chief Judge, Milwaukee County Circuit Courts

David A. Clarke, Milwaukee County Sheriff

**Edward Byrne Memorial Justice Assistance Grant FY 2012
2012
Spending Plan**

The Joint Spending Plan for 2012 allocates a total of \$866,130 to the following jurisdictions:
Milwaukee County, City of Milwaukee, Wauwatosa and West Allis.

Jurisdiction	Item Cost	Total Amount
<i>Milwaukee County/City of Milwaukee</i>		\$80,000
<i>Milwaukee County</i>		\$337,400
District Attorney – \$277,400	\$277,400	
Fund ADAs through October 2013		
Courts - \$60,000	\$60,000	
Additional Pre-Trial Services		
<i>City of Milwaukee</i>		\$412,354
IBase Integration System	\$96,300	
Video Storage Equipment	\$150,000	
NetMotion Software	\$45,000	
Violent Crime Reduction Initiative	\$50,554	
Office Furnishings	\$69,000	
Auto Theft Reduction Pilot Program	\$1,500	
<i>City of Wauwatosa</i>		\$11,227
Mobile License Plate Recognition System	\$11,227	
<i>City of West Allis</i>		\$25,149
Emergency Dispatch Equipment & Software	\$25,149	

From the Department of Administrative Services – Fiscal Division, requesting approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant (JAG) funds for Federal Fiscal Year 2012

A RESOLUTION

WHEREAS, on March 28 2012, the Department of Administrative Services-Fiscal Division was notified by the U.S. Department of Justice (U.S. DOJ) that it had released applications for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG); and

WHEREAS, as a part of the funding, the U.S. DOJ requires the qualifying localities to negotiate a Memorandum of Understanding (MOU) regarding the administration and distribution of funds; and

WHEREAS, the following localities Milwaukee, Milwaukee County, Wauwatosa and West Allis are eligible for a total funding amount of \$866,130; and

WHEREAS, funding is awarded to municipalities based upon the average annual number of Part 1 violent crimes reported by the unit to the Federal Bureau of Investigations (FBI) and since Milwaukee County bears the cost of prosecution and incarceration that arise out of Part 1 violent crimes, the DOJ has declared Milwaukee County a disparate jurisdiction and therefore eligible to share in the funding awarded to municipalities located within Milwaukee County; and

WHEREAS, the City of Milwaukee was awarded \$829,754 which is 96% of all the local funds, no attempt was made to extract funding from the municipalities other than the City of Milwaukee and after discussions with Milwaukee Police Department; and

WHEREAS, it was agreed that funding would be split with the Milwaukee Police Department funding one-third of the cost and Milwaukee County two-thirds of the cost for the Community Justice Council Coordinator position, housed at the Public Policy Forum at a cost of \$80,000; and

WHEREAS, of the remaining funding level of \$749,754, Milwaukee County will receive \$337,400 or 45% of the City of Milwaukee's award; and

WHEREAS, the grant does not require a local match; and

WHEREAS, the application submission deadline is May 14, 2012; and

WHEREAS, Milwaukee County will be the fiscal agent for the grant; and

WHEREAS, in order to meet the grant requirements, a separate trust fund must be established to deposit the grant monies which Milwaukee County will receive; now, therefore,

38 BE IT RESOLVED, that the County Board of Supervisors does hereby authorize
39 the Department of Administrative Services – Fiscal Division to apply for and accept
40 Edward Byrne Memorial Justice Assistant Grant (JAG) funds; and

41

42 BE IT FURTHER RESOLVED, that a separate trust fund be established to
43 deposit the grant monies.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 5/3/12

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: 2012 Justice Assistance Grant (JAG)

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	53,600	337,400
	Revenue	53,600	337,400
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

From the Department of Administrative Services - Fiscal Division, requesting approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant (JAG) funds for 2012.

Approval of this request will result in total 2012 JAG funds of \$866,130 being provided to the following localities, including \$80,000 in funding for the Public Policy Forum for their CJC Coordinator, which will be split between Milwaukee County and the City of Milwaukee:

Municipality	Award Amount
MILWAUKEE COUNTY	\$391,000
MILWAUKEE	\$438,754
WAUWATOSA	\$11,227
WEST ALLIS	\$25,149
TOTAL	\$866,130

It is anticipated that, of the County's share of the expenditures, \$53,600 will be spent for the CJC Coordinator in 2012, with the remainder being spent in 2013.

This grant does not require a local match, however, staff time is required because Milwaukee County will be the fiscal agent for the grant. The Department of Administrative Services-Fiscal Division, upon verification that expenses submitted for reimbursement are consistent with the approved joint spending plan, will transfer the funds to the appropriate departmental account from the trust account where the funds will be held. In addition, the Department of Administrative Services-Fiscal Division, upon verification that expenses submitted for reimbursement are consistent with the approved joint

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

spending plan, will make payment to the municipalities from the trust account where the funds will be held.

Department/Prepared By Josh Fudge, Fiscal and Management Analyst

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

KIMBERLY R. WALKER
Corporation Counsel

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OFFICE OF CORPORATION COUNSEL

Interoffice Communication

DATE: April 26, 2012

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

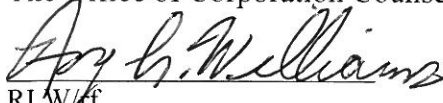
FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: State of Wisconsin *ex rel.* Joseph A. Rice
v. Milwaukee County Board
Case No. 11-CV-009399

This case involves an action filed by Supervisor Joseph Rice. Supervisor Rice alleged a violation of the Open Meetings Law. Specifically, Supervisor Rice alleged a violation of Wis. Stat. §19.84(2) and 19.84(3) because on April 21, 2011 the Milwaukee County Board had a meeting which he alleged was not properly noticed. The notice stated the date, time and place, but it did not explain that the redistricting plan would be on the agenda. Nevertheless, the meeting proceeded and the redistricting plan was adopted.

This lawsuit was filed on June 27, 2011. On August 5, 2011 the plaintiff filed a motion for summary judgment. On September 1, 2011 the defendants filed a reply brief. On November 21, 2011 Judge Jane Carroll issued a decision in which she ordered that a judgment be entered against Chairman Lee Holloway in the amount of \$300 and against the Milwaukee County Board of Supervisors in the amount of \$300 for forfeitures under Wis. Stat. §19.96. Further, she ordered that attorney's fees and costs be paid. The total amount for the fees and costs is \$6,921.80. Wisconsin Mutual Insurance Company will pay the attorney's fees and costs. Milwaukee County must pay the forfeitures.

The Office of Corporation Counsel recommends the payment of the fees and forfeitures.


RLW/af

cc: Linda Durham
Jennifer Mueller
Barb Pariseau

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: May 15, 2012

TO: Supervisor Mark Borkowski, Chairman,
Committee on Judiciary, Safety and General Services

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: State of Wisconsin *ex rel.* Joseph A. Rice
v. Milwaukee County Board
Case No. 11-CV-009399

The Committee requested clarification with respect to this item at its recent meeting; specifically, whether the County may reimburse the supervisors for the forfeitures imposed by the court. After research, we have confirmed the concerns raised by Supervisor Sanfelippo. Section 19.96 of the statutes provides:

Any member of a governmental body who knowingly attends a meeting of such body held in violation of this subchapter, or who, in his or her official capacity, otherwise violates this subchapter by some act or omission shall forfeit without reimbursement not less than \$25 nor more than \$300 for each such violation. No member of a governmental body is liable under this subchapter on account of his or her attendance at a meeting held in violation of this subchapter if he or she makes or votes in favor of a motion to prevent the violation from occurring, or if, before the violation occurs, his or her votes on all relevant motions were inconsistent with all those circumstances which cause the violation.

Section 19.97(4), Stats., provides that any forfeiture in this action shall be paid to the state.

The court ordered a forfeiture of \$300.00 against Chairman Holloway and a forfeiture of \$300.00 against the County Board of Supervisors. These forfeitures cannot be reimbursed by Milwaukee County. However, an opinion of the attorney general does state that Milwaukee County may, but is not required to, reimburse a county official for an award of attorneys' fees against the official.

Consequently, our office requests approval of payment of the award of attorneys' fees and costs in the amount of \$6,921.80. Wisconsin Mutual Insurance Company will pay the attorney's fees and costs.

cc: Janelle M. Jensen
Amber Moreen