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STATE OF WISCONSIN
FIRST JUDICIAL DISTRICT

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

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To: Chairwoman Marina Dimitrijevic
From: Chief Judge Jeffrey Kremers
Copy: Supervisor Theo Lipscomb, Sr., Chair-Judiciary, Safety & General Services Committee

Date: June 26, 2013

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

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

- Requesting permission to receive Justice Reinvestment Initiative Phase Two Implementation grant funding in the amount of \$300,000 from the Bureau of Justice Assistance in support of Milwaukee County's Early Interventions programs and to issue a competitive request for proposals for services outlined in Milwaukee County's Phase II Justice Reinvestment Initiative funding application.

Please see the attached documents in support of this request. Please contact me if you have any questions.

Thank you.


Jeffrey A. Kremers
Chief Judge
Milwaukee County

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive Justice Reinvestment Initiative Phase Two Implementation grant funding in the amount of \$300,000 from the Bureau of Justice Assistance in support of Milwaukee County's Early Interventions programs and to issue a competitive request for proposals for services outlined in Milwaukee County's Phase II Justice Reinvestment Initiative funding application.

A RESOLUTION

WHEREAS, In 2011 Milwaukee County was selected by the United States Bureau of Justice Assistance (BJA) to participate in the Justice Reinvestment Initiative (JRI); and

WHEREAS, On April 11, 2013 Milwaukee County submitted to BJA a Phase II JRI funding request in support of Milwaukee County's Early Interventions diversion and deferred prosecution agreement programs; and

WHEREAS, On June 7, 2013 Milwaukee County received from the Bureau of Justice Assistance a funding award notice in the amount of \$300,000 in support of the County's Early Interventions programs; and

WHEREAS, The Chief Judge intends to issue a competitive request for proposals for Early Interventions services; therefore

BE IT RESOLVED, that the County Board of Supervisors does hereby authorize the Chief Judge to receive Justice Reinvestment Initiative Phase II grant funding in the amount of \$300,000 from the Bureau of Justice Assistance in support of Milwaukee County's Early Interventions programs and to issue a competitive request for proposals for services outlined in Milwaukee County's Phase II JRI funding application.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 06/26/2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Justice Reinvestment Phase II Grant Award

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	300,000	
	Revenue	300,000	
	Net Cost		
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

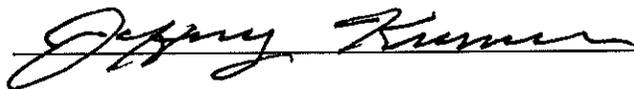
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current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

Increase of \$300,000 in operating expenditures in Org. Unit 2900, Alternatives to Incarceration for the period of January 1, 2013-December 31, 2013 will be offset by an increase in operating revenue from the Bureau of Justice Assistance Justice Reinvestment Phase II grant award received on June 7, 2013. This award is in the amount of \$300,000 and results in an increase in the original Org. Unit 2900 2013 approved budget.

This is no fiscal impact associated with the requested action.

Department/Prepared By Holly Szablewski

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

Did CDBP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

June 7, 2013

Mr. John Chisholm
District Attorney, Milwaukee County
821 W. State Street, Room 405
Milwaukee, WI 53233

Dear District Attorney Chisholm:

I am pleased to inform you that after careful review and consideration of your request for Justice Reinvestment Initiative (JRI) Phase Two Implementation funding, the Bureau of Justice Assistance (BJA) will authorize your JRI technical assistance provider, the Center for Effective Public Policy (CEPP), to pass through \$300,000 to your jurisdiction. These implementation dollars will support your efforts to divert individuals from your criminal justice system that are assessed as low risk to re-offend, defer the prosecution for individuals assessed as moderate risk to re-offend, and for the establishment of the Central Liaison Unit to support the screening, assessment, placement, and oversight of these individuals.

I find your proposal to be innovative and ambitious. If you are successful in implementing the strategy to stabilize these individuals it can serve as a model for other jurisdictions with similar problems. BJA will be particularly interested in Milwaukee County's ability to sustain the budgeted staff positions and other activities after the JRI funding has concluded. You and your staff are to be commended for this outstanding and ongoing work.

In closing, I will ask that you work with CEPP for the development of a project scope statement based on this \$300,000 pass-through award, and the formal submission and documentation of your budget materials into the BJA grant management database. Once again, congratulations!

Sincerely,

A handwritten signature in cursive script that reads "Denise E. O'Donnell".

Denise E. O'Donnell
Director

cc: Peggy Burke
Mimi Carter
Leilah Gilligan

County of Milwaukee
Inter-Office Communication

Date: June 14, 2013

To: Willie Johnson, Jr., Co-Chair, Finance, Personnel, & Audit Committee
David Cullen, Co-Chair, Finance, Personnel, & Audit Committee

From: David P. Ehlinger, CPA
Fiscal Operations Administrator -- Courts

Subject: Projected expenditure surplus

Milwaukee County Ordinance 56.02 requires that departments report any line item revenue deficits exceeding \$75,000. In following the spirit of that reporting requirement, the Department of Pre-Trial Services is reporting a combined total projected surplus for Professional Services (6148) and Purchase of Services (8148) of \$687,953 for calendar year 2013.

The requested budget for 2014 includes \$585,175 for a new Case Management System created in cooperation with IMSD. In addition, the requested 2014 budget includes \$52,000 in annual support and maintenance cross-charges from IMSD for this Case Management System. This resulted in a total increased levy request of \$637,175.

We are respectfully requesting that the projected surplus for 2013 within the Department of Pre-Trial Service be held in reserve to pay for the creation of the Case Management System. This would allow the usage of funds already authorized for our department and also not create a levy increase for the 2014 calendar year.

The determination of this large surplus was the result of a long process that was recently completed.

- During the course of analyzing program activity during 2012, it became apparent that putting 13 different programs through one account did not lead to ease of analysis.
- As a result of this, it was requested of your committee and the County Board during 2013 to split the remaining 9 programs into multiple organizational units.
- The budget amendment was approved and was recorded by DAS during April 2013.
- Multiple journal entries were made during May 2013 to transfer year-to-date activity into the newly created organization units.

While it was suspected earlier that this large surplus could exist, it was not confirmed until within the past week that this surplus truly will occur. Conservatism dictated that we not bring up this surplus until we were sure that the elected officials could truly rely upon the calculations.

The following items recap the source of the projected surplus. All are the results of current accounting and budgetary practices within Milwaukee County.

- A. A total of \$628,611 is included in the amended budget for 2013 for vendors that our department no longer has a contract for services with. Sufficient funds are already contained within the 2013 budget for these services being provided by a different vendor.
- B. A total of \$77,497 is included in the amended budget for 2013 for services performed during 2012 by currently used vendors and recorded as an expenditure during 2012.
- C. A total of \$79,631 is included in the amended budget for 2013 for authorized services by current vendors during 2012 but the services were not actually performed. No expenditure was recorded during 2012. Sufficient funds are already contained within the 2013 budget for these services being provided by the same vendor.
- D. From these surplus amounts listed above, the County Board recently authorized a Fund Transfer to pay for an Intake Court Coordinator position. This lowered the projected surplus by (\$97,786).

The net of these four sources equals the projected surplus of \$687,953.

Attached to this cover memo are the following documents to assist your understanding of this issue:

- Excel spreadsheet detailing the various sources of the vendor surpluses
- 2014 requested budget showing both prior year adopted budget as well as the increased budget effect of the Case Management System
- IMSD project summary and cost estimate for the Case Management System
- Current year budget detail to substantiate the reconciliation of the amended budget amounts listed on the Excel spreadsheet

This memo and the related attachments are just a broad overview of the analysis of this large projected surplus. If you have any additional questions, please feel free to contact me.

Dave

C: Chris Abele, County Executive

Marina Dimitrijevic, County Board Chair

Theodore Lipscomb, Sr., Chair, Judiciary, Safety, & General Services Committee

Scott Manske, Controller

Steve Cady, County Board Fiscal and Budget Analyst

Janelle Jensen, Committee Clerk, Finance, Personnel, & Audit Committee

Alexis Gassenhuber, Committee Clerk, Judiciary, Safety & General Services Committee

Don Tyler, Administrator, Department of Administrative Services

Josh Fudge, Interim Fiscal & Budget Administrator, Department of Administrative Services

Veronica Rudychev, Fiscal Management Analyst, Department of Administrative Services

Jeffrey A. Kremers, Chief Judge

Bruce Harvey, District Court Administrator

Holly Szablewski, Judicial Review Coordinator

John Barrett, Milwaukee County Clerk of Circuit Court / Register in Probate

James J. Smith, Chief Deputy, Milwaukee County Clerk of Circuit Court

**Milwaukee County
Department of Pre-Trial Services
Professional Services Budgetary Surplus Reconciliation
As of June 13, 2013**

Expenditures already recognized during calendar year 2012, vendor no longer used	328,358.42	
Expenditures already recognized during calendar year 2012, vendor continues to be used	<u>77,497.00</u>	
Subtotal		405,855.42
Remaining contract encumbrance amounts, vendor no longer used	300,249.23	
Rounding effect, vendor no longer used	<u>3.35</u>	
Subtotal		300,252.58
Previously authorized Fund Transfer for Intake Court Coordinator position		<u>(97,786.00)</u>
Subtotal		608,322.00
Remaining contract encumbrance amounts, vendor continues to be used		<u>79,631.00</u>
Total projected surplus for 2013		<u>687,953.00</u>

Org Unit	Program	Acct #	Vendor	Related Purchase Order (2012)	December Accrual Entry (2012)	Remaining Encumbrance Amount	Rounding Effect	Total Amended Budget	
2921	Day Reporting Center	8123	Attic Correctional Services	0008766		98,236.00	0.00	98,236.00	
2921	Day Reporting Center	8123	Benedict Center, Inc.	0008768	4,730.83		0.17	4,731.00	
2931	AIM grant	6148	Justice 2000, Inc	0008738	23,521.43		(0.43)	23,521.00	
2931	AIM grant	6148	Justice 2000, Inc			66,651.74	0.26	66,652.00	
2932	Drug Court Evaluation	6148	UW-Milwaukee	N207747	827.74		3.26	831.00	
2933	Drug Treatment Court Coordinator	6148	Justice 2000, Inc	N208297	7,094.09	462.23	(0.32)	7,556.00	
2934	Pre-Trial / GPS Tracking	6148	Justice 2000, Inc	Note A		46,239.26	(0.26)	46,239.00	
2934	Pre-Trial / GPS Tracking	6148	Justice 2000, Inc		25,295.07		(0.07)	25,295.00	
2934	Pre-Trial / GPS Tracking	6148	Justice 2000, Inc	0008816	138,099.34		(0.34)	138,099.00	
2934	Pre-Trial / GPS Tracking	6148	Justice 2000, Inc	Note B		15,221.44	0.56	15,222.00	
2938	TAD Grant	6148	Justice 2000, Inc	0008847	36,890.26		(0.26)	36,890.00	
2938	TAD Grant	6148	Justice 2000, Inc			73,438.56	0.44	73,439.00	
2939	Universal Screening Program	6148	Justice 2000, Inc	0008841	91,899.66		0.34	91,900.00	
	Subtotal -- No contract with vendor for calendar year 2013				328,358.42	300,249.23	3.35	628,611.00	
2921	Day Reporting Center	8123	Wisconsin Community Services	0008797	7,197.52		0.48	7,198.00	
2935	SCRAM Program	6148	Wisconsin Community Services		7,912.00		0.00	7,912.00	
2935	SCRAM Program	6148	Wisconsin Community Services			74,992.26	(0.26)	74,992.00	
2936	Intensive Supervision Program	6148	Wisconsin Community Services	0008826	6,184.36		(0.36)	6,184.00	
2936	Intensive Supervision Program	6148	Wisconsin Community Services	0008826	15,251.45		0.55	15,252.00	
2936	Intensive Supervision Program	6148	Wisconsin Community Services	0008826	14,926.48		0.52	14,927.00	
2936	Intensive Supervision Program	6148	Wisconsin Community Services	0008826	12,238.24		(0.24)	12,238.00	
2937	Pre-Trial Drug Testing Program	6148	Wisconsin Community Services	0008815	13,786.95		0.05	13,787.00	
2937	Pre-Trial Drug Testing Program	6148	Wisconsin Community Services			4,637.74	0.26	4,638.00	
	Subtotal -- Contract with vendor exists for calendar year 2013				77,497.00	79,630.00	1.00	157,128.00	
	Adopted budget for 2013	6148	Professional Services					4,074,898.00	
	Adopted budget for 2013	8123	Purchase of Services					<u>538,772.00</u>	
	Subtotal -- Adopted budget for calendar year 2013								4,613,670.00
	Less Fund Transfer Request approved during 2013 for Intake Court Coordinator								<u>(97,786.00)</u>
	Grand Total								<u>5,301,623.00</u>
	Amended budget as of 6/13/13	6148	Professional Services					4,652,686.00	
	Amended budget as of 6/13/13	8123	Purchase of service					<u>648,937.00</u>	
	Total amended budget as of 6/13/13								<u>5,301,623.00</u>

Note A -- This amount relates to Fund Transfer request 2012-2900-4 related to GPS tracking by Justice 2000, approved by the County Board, and resulting in a budget amendment recorded in November 2012.

Note B -- This is an unreconciled amount from 2012 for Justice 2000, Inc.

Milwaukee County
A Org Unit Object Detail Exp 0

	2014	2013	2012	2011	2010
	Dept Final	Adopted	Actual	Actual	Actual
Alternatives to Incarceration	Request	Budget	Exp/Rev	Exp/Rev	Exp/Rev
2900 Alternatives to Incarceration					
5001 Direct Labor Charged	0	0	67,926	31,662	0
5051 Direct Labor Applied	0	0	(67,926)	(31,662)	0
5053 Fringe Benefits Applied	0	0	0	0	0
5190 Direct Labor Transfer	0	0	0	35,873	0
5198 Potential Sal Adj-Budget	0	(193)	0	0	0
5199 Salaries-Wages Budget	81,236	80,028	79,079	46,413	0
5312 Social Security Taxes	6,218	6,118	5,937	3,501	0
5318 Unemployment Compensation	0	0	0	0	0
5402 Fringe Benefit Transfer-Direct	0	0	572	0	0
5420 Employee Health Care	13,836	13,806	12,964	10,613	0
5421 Employee Pension	8,808	12,928	9,068	7,618	0
5422 Legacy Healthcare	9,501	4,437	0	0	0
5423 Legacy Pension	9,727	2,980	14,497	0	0
5490 Fringe Benefit Trans-Indirect	0	0	0	26,431	0
PS Personal Services	0	129,326	122,117	130,449	0
6030 Advertising	0	0	437	0	0
6040 Membership Dues	0	75	0	0	75
6050 Contract Pers Serv-Short	0	0	120,152	0	0
6080 Postage	0	0	0	0	0
6148 Prof. Serv-Recurring Oper	0	4,074,893	3,724,411	3,472,450	3,067,359
6326 Electricity	0	22,000	17,359	18,078	0
6329 Tel and Tel Outside Ven	0	5,100	6,623	3,856	0
6509 Building and Space Rental	0	89,449	86,422	91,136	0
6640 R/M Office Equipment	0	750	0	504	0
6803 Auto Allowance	0	150	81	254	369
6809 Conference Expenses	0	1,500	1,549	1,144	3,477
6815 Transportation Non Co Emp	0	0	21,000	0	0
SV Services	0	3,779,498	3,978,035	3,587,422	3,071,287
7532 Cleaning Supplies	0	0	130	0	0
7910 Office Supplies	0	2,500	2,579	27,518	0
7930 ""Photo, Prtg, Repro & Bindg""	0	0	0	283	0
7979 Minor Other Equipment	0	0	13,110	0	0
7999 Sundry Materials & Suppl	0	0	1,582	0	6,650

Milwaukee County
A Org Unit Object Detail Exp 0

Alternatives to Incarceration	2014 Dept Final Request	2013 Adopted Budget	2012 Actual Exp/Rev	2011 Actual Exp/Rev	2010 Actual Exp/Rev
2900 Alternatives to Incarceration					
CM Commodities					
8123 Purchase of Service	0	2,500	17,402	27,801	6,650
OC Other Charges	0	538,772	478,620	486,992	0
8558 Computer Equip-Repl-(cap)	0	0	478,620	486,992	0
CP Capital Outlay	0	585,175	0	0	0
9702 Technical Support & Infrastructure	0	87,523	44,907	38,838	43,100
9707 Sheriff Services	0	0	19,164	226,781	0
9714 Distribution Services	0	6,479	2,956	3,323	0
9719 Risk Management Services	0	123	1	0	0
9731 Engineering Bldg Maintenance	0	0	32,084	102	0
9751 Administrative Services # 1	0	74,000	0	187,101	139,706
9769 Application Chgs - Mainframe	0	197,655	76,260	72,463	32,172
9771 HRIS Allocation	0	371	35	0	0
9774 Worker Comp Med and WC Pay	0	304	0	0	0
9777 Insurance Services	0	132	0	0	0
9778 Worker's Compensation Adm	0	72	0	0	0
9779 Central Service Allocation	0	17,211	6,370	0	0
XC Crosscharges - Service Chgs	0	383,870	181,776	528,608	214,978
9851 Abate-Administrative Serv. #1	0	0	0	(187,101)	(139,706)
AB Crosscharges - Abatelements	0	0	0	(187,101)	(139,706)
Total Alternatives to Incarceration	0	4,877,869	4,777,949	4,574,172	3,153,209
Grand Total	0	4,877,869	4,777,949	4,574,172	3,153,209

Project Summary and Cost Estimate

Key Planning Assumptions and Comments from IMSD

IMSD Review Notes:

This effort will require a dedicated Business Analyst, Project Manager and Developer. The solution will leverage the Microsoft Dynamics CRMx Rapid Development tool. Involvement by Pretrial Services staff and Contractors to serve as the subject matter experts will be critical to the success of this project. The solution will be hosted by Milwaukee County utilizing existing infrastructure. Application support will be the responsibility of the Courts division.

Other Notes:

High Level Requirements

- * On-line Pretrial Interview Process including personal and demographic information, residence, employment, family contact, criminal history, current cases and charges, references, and criminal history
- * Service Calendar management to track defendant schedules, due dates, etc.
- * Workflow with work progress monitoring
- * Risk Assessment with point scale to aid in eliminating inconsistencies and inaccuracies inherent in manual processes
- * Case notes, calendar/scheduling, alerts/notifications, case plans, memos, drug tests, hearings, case/bail/release information, appointments, court ordered conditions of release, and tasks
- *

Milwaukee County

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Thu., Jun. 13, 2013 10:02:01 am

Operations Detail 2013 Budget Expense as of 06/13/2013

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 Number of Records: 15

Milwaukee County Financial Intranet
 Current Date: 06/13/2013
 Current Time: 10:01:56

Agency 290
 Expense Code 6148 - PROF. SERV-
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Fiscal Date	Acceptance Date	Trans Code	Trans Agency	Transaction Number	Organization	Account Type	Vendor Code	Vendor Name	description	Amount
11/01/2012	11/23/2012	EB	290	ZB000008614	2911	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$0.00
12/01/2012	12/20/2012	EB	290	DBP00000265	2911	BUD OBLIG			PROF. SERV-RECURRING OPER	\$3,851,773.00
12/01/2012	12/20/2012	EB	290	DBP00000266	2921	BUD OBLIG			PROF. SERV-RECURRING OPER	\$223,125.00
01/01/2013	01/21/2013	EB	290	G000016E	2911	BUD OBLIG			PROF. SERV-RECURRING OPER	\$675,574.00
04/01/2013	04/30/2013	EB	290	TR03329013	2911	BUD OBLIG			PROFESSIONAL SERVICES - REC	(\$4,527,347.00)
04/01/2013	04/30/2013	EB	290	TR03329013	2931	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$90,173.00
04/01/2013	04/30/2013	EB	290	TR03329013	2932	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$831.00
04/01/2013	04/30/2013	EB	290	TR03329013	2933	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$99,376.00
04/01/2013	04/30/2013	EB	290	TR03329013	2934	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$1,917,111.00
04/01/2013	04/30/2013	EB	290	TR03329013	2935	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$355,077.00
04/01/2013	04/30/2013	EB	290	TR03329013	2936	BUD OBLIG			PROFESSIONAL SERVICES - REC	\$204,002.00

04/01/2013	04/30/2013	EB	290	TR03329013	2937	BUD OBLIG		PROFESSIONAL SERVICES - REC	\$188,916.00
04/01/2013	04/30/2013	EB	290	TR03329013	2938	BUD OBLIG		PROFESSIONAL SERVICES - REC	\$555,529.00
04/01/2013	04/30/2013	EB	290	TR03329013	2939	BUD OBLIG		PROFESSIONAL SERVICES - REC	\$1,116,332.00
05/01/2013	05/30/2013	EB	290	TR03729013	2938	BUD OBLIG		PROFESSIONAL SERVICES - REC	(\$97,786.00)
								Account 6148 Total Amount:	\$4,652,686.00

Visitor: 229231 . © 2013 Department of Administrative Services, Milwaukee County, Wisconsin

Milwaukee County

Financial Intranet System
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Thu., Jun. 13, 2013 9:44:03 am

Operations Detail 2013 Budget Expense as of 06/13/2013

Current Page: 1
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 Number of Records: 3

Milwaukee County Financial Intranet
 Current Date: 06/13/2013
 Current Time: 09:43:58

Agency 290

Expense Code 8123 - PURCHASE OF
 SERVICE

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Fiscal Date	Acceptance Date	Trans Code	Trans Agency	Transaction Number	Organization	Account Type	Vendor Code	Vendor Name	description	Amount
11/01/2012	11/23/2012	EB	290	ZB000008614	2921	BUD OBLIG			PURCHASE OF SERVICE	\$0.00
12/01/2012	12/20/2012	EB	290	DBP00000264	2921	BUD OBLIG			PURCHASE OF SERVICE	\$538,772.00
01/01/2013	01/21/2013	EB	290	G000016E	2921	BUD OBLIG			PURCHASE OF SERVICE	\$110,165.00
									Account 8123 Total Amount:	\$648,937.00



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: July 11, 2013

TO: Supervisor Theodore Lipscomb, Sr., 1st District
Chairman, Judiciary, Safety and General Services

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

SUBJECT: 13-588 From the Office of the Sheriff, providing a midyear report detailing Park Patrol / Targeted Enforcement Unit activities, including adherence to the 2013 Park Plan (INFORMATIONAL ONLY)

BACKGROUND: In 2004, with the transfer of 16 Deputy Sheriff and 1 Deputy Sheriff Sergeant from various units within the Sheriff's Office and the creation of the Gun Reduction Interdiction Program (GRIP), our Police Service Bureau's efforts included focus on urban crime. Beginning in 2007, when GRIP broadened to become the MCSO Targeted Enforcement Unit (TEU), that focus once again came to include traditional MCSO jurisdictions of Parks and on the MCSO Transit system, and staffing increased to include 2 Deputy Sheriff Sergeants and 25 Deputy Sheriffs. It is the Sheriff's position that the 2012 Adopted Budget and timeframe left him without the ability to deploy in both the Parks and the Transit system in an adequate manner. During the budget Process of October 2012, the Office of the Sheriff revealed a 2013 Parks Patrolling plan that envisioned a full return to the deployment patterns and zoned, high-visibility patrols that had previously existed in MCSO Parks policing. During that process, the County Board requested that the Sheriff submit periodic reports and updates detailing Park / TEU activities.

STATUS: Milwaukee County Parks / 2013 YTD

§ YTD 3,841 straight time hours have been have been spent in dedicated Parks operations (Unassigned Patrolling and Calls for Service) as compared to 1,078 hours in YTD 2012 (+ 256 %). For comparison, this number is more inline, but still an impressive increase, over the YTD 2011 total of 2511 hours (+ 53 %) and is reflective of an earlier patrolling schedule than the traditional April / May heavy rollout.

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High Visibility Patrols												
First Shift	5	12	58%	12	17	29%	2769	116	2,847%	2769	221	1,163%
Second Shift	120	120	0%	120	119	1%	3367	141	2,288%	3367	239	1,511%
Third Shift	27	30	10%	30	39	29%	1743	81	2,052%	1743	114	1,429%
*TOTAL High Visibility Patrols	152	162	6%	162	175	7%	7879	340	2,217%	7879	544	1,348%
Cumulative Hours In Parks												
First Shift	0	0	0%	0	0	0%	1097	256	312%	1097	411	167%
Second Shift	4	5	20%	5	4	25%	1000	725	148%	1000	1050	3%
Third Shift	0	0	0%	0	0	0%	944	87	955%	944	247	282%
*TOTAL Cumulative Hours In Parks	4	5	-20%	5	4	25%	3041	1070	256%	3041	2511	55%

§ Thefts from Vehicle complaints (21) and Criminal Damage to both buildings, parks equipment and vehicles (56 vs.5) have increased in 2013 YTD. Specifically, Whitnall and Mitchell Parks have seen this increase. Patrol has addressed this trend at Park Watch meetings through education; TEU is continuing increased patrols in Washington Park in early afternoon hours in connection with purported vandalism by juveniles.

§ Using the new ARMED tracing system, the MCSO Law Enforcement Analytics Division is continuing to track TEU appearances at Neighborhood / Parks meetings as a valuable metric. YTD we have addressed groups at 18 different locations including multiple events at Saveland, Dretzka, Dineen, Humboldt, Whitnall, Washington and Grant Parks.

Category	2013 YTD	2012 YTD	% Change (-)
All Part I Crimes	56	13	331

Milwaukee County Sheriff's Office - TEU Parks
Incident Detail

CFS Code Description	Crime Class
Theft-From Auto	21
Theft-All Others	06
Assault	04
Burglary-Forced Entry-Nonres	04
Motor Vehicle Theft/Stolen Veh	04
Theft-From Building	04
Robbery-Street-Strongarm	03
Simple Assault	03
Possess Stolen Vehicle	02
Arson	1
Molestation of Minor	1
Robbery-Street-Gun	1
Robbery-Street-Weapon	1
Theft-Parts From Vehicle	1

(In Part I, the Uniform Crime Reporting System (UCR) indexes reported incidents in two categories: violent and property crimes. Aggravated assault, forcible rape, murder, and robbery are classified as violent while arson, burglary, larceny-theft, and motor vehicle theft are classified as property crimes)

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Category	2013 YTD	2012 YTD	% Change (-)
Death (Noyes, 05/2013)(Washington 07/2013)	2	4	(50)
Mutual Aid / Backup	66	72	(17)
Battery	0	11	(1100)
Burglary*	3	4	(25)
CDTP	56	5	1020
Parking Complaints	42	39	(8)
Robbery (Lincoln, King, Johnsons, Cooper, Alcott)	5	2	150
Vehicle stops	1617	1263	28
Weapons Violations	16	2	450
CCW	11	2	450
Narcotics (Marijuana 13, Pharma 7, Cocaine 1, Heroin 1)	23	7	229
OWI (In/Adjacent to Parks)	76	5	1420

§ The clearance of calls for service through arrest by TEU squads are as noted:

Category	2013 YTD	2012 YTD	% Change (-)
Summary Arrests	173	30	476
Warrant Arrests	37	16	131

Summary Arrests Including:

Disorderly Conduct	9
Battery	6
Recklessly Endangering Safety	5
Felon in Possession of Firearm	4
Carrying Concealed Weapon	3
Fleeing	2
Violation of Harassment or Restraining	2
Vehicle Theft	2
Arson	1

§ Generally, citation activity (in and of itself) is not a good indicator of crime or disorder. However, it is a strong indicator of officer generated activity and indicative of successful patrolling efforts and engagement in policing activities:

Category	2013 YTD	2012 YTD	% Change (-)
Uniform Traffic	3012	467	545
County Ordinance	106	71	49
Parking	172	87	98
Juvenile Alcohol	31	24	29

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Total 3321 649 412
Parks Incidents of Note:

04/17/13 / Wilson Park / 1:34 A.M. / Deputy Alexis Colon

Patrol revealed a vehicle fire on the bike path. The vehicle was fully engulfed in flames. The Milwaukee Fire Department (MFD) extinguished the fire. The vehicle was completely charred with the exception of the front bumper. Canvass of the area for possible evidence or suspects revealed nothing other than a large scrape on a tree just behind the burned vehicle. At 4:30 A.M. MPD District #6 advised us that they had four suspects in custody involved in this arson. Main suspect later confessed to MCSO Detectives.

0/11/13 / Cooper Park / 9:09 P.M. / Sergeant Aaron Dobson

Received a call from dispatch advising that a robbery had occurred, 3 victims enroute to Children's Hospital in Wauwatosa. They were playing Frisbee in the park and decided to leave shortly after dark at approximately 9:00 PM. Two black males approached from the east, drew a semi-automatic pistol, and stole \$15, a school ID, and a Credit Union Debit Card. Perpetrators of this crime are still at large.

05/12/13 / Washington Park / 3:57 P.M. / Deputy Joel Streicher

Identified a fresh steal vehicle wanted by the Brown Deer Police Department. Vehicle struck a large tree in Washington Park, and the driver jumped out of the driver's side window and fled west through the park on foot. Suspect fled through the fence separating Washington Park from US-41. Tracked and apprehended by K9 at an address on N. 51st Street.

05/30/03 / Pulaski Park / 9:52 P.M. / Deputy Elston Howze

911 call reporting that a man had fired a shotgun four times in Pulaski Park (2677 S. 16th St.) TEU squads 957 and 972 responded to the area and observed to males walking northbound at 17th St. and Windlake Ave. One of the subjects fled on foot on approach; Deputy recovered the shotgun from behind a tree, loaded with one expended shell and one unfired shell. Both subject subsequently taken into custody without incident.

06/12/13 / King Park / 1:25 P.M. / Sergeant Sarah Byers

911 call was transferred to the Milwaukee County Sheriff's Office Dispatch center that reported an armed robbery that took place, in which seven black males robbed a man in the park and took his book bag at gunpoint. Subjects still at large. Only item missing was a cell phone that the victim states that he found in the park.

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§ MCSO is engaging in heavy monitoring of main roadways between parks that have a high incidence of transit-related incidents. There is a direct correlation between high incident parks and high incident bus routes. This has resulted in the following transit outputs:

Category	2013 YTD	2012 YTD	% Change (-)
Assault On Operator	16	33	(51)
Assault On Passenger	30	32	(6)
Disorderly Conduct	544	476	14
Fare Dispute / Non-Payment	330	282	17
Fight (physical or verbal)	88	109	(19)
Objects Thrown At Bus	138	148	(7)
Ordinance Violations	425	398	7
Theft	82	62	32
Vandalism/Graffiti	93	115	(19)

Labor Costs = 41% of 2013 Budget as of 07/01/2013

4019 - PARK PATROL/TEU - 2013-2011					
ACCOUNT NBR	ACCOUNT NAME	2013 BUDGET AMOUNT	2013 ACTUAL AMOUNT	2012 ACTUAL AMOUNT	2011 ACTUAL AMOUNT
5001	DIRECT LABOR CHARGED		\$ 680,692	\$ 684,374	\$ 1,390,282
5002	OFFTIME CHARGED		\$ 131,646	\$ 132,323	\$ 268,881
5003	FRINGE BENEFITS CHARGED		\$ 753,587	\$ 779,169	\$ 1,545,555
5051	DIRECT LABOR APPLIED		\$ (867,914)	\$ (714,251)	\$ (1,405,423)
5052	OFFTIME APPLIED		\$ (167,855)	\$ (138,136)	\$ (271,809)
5053	FRINGE BENEFITS APPLIED		\$ (960,520)	\$ (790,462)	\$ (1,555,382)
5189	DIRECT LABOR TRN OUT		\$ -	\$ -	\$ -
5190	DIRECT LABOR TRANSFER IN		\$ 225	\$ 47,477	\$ -
5199	SALARIES-WAGES BUDGET	\$ 1,751,152	\$ 941,162	\$ 791,013	\$ 1,465,984
5201	OVERTIME	\$ 292,128	\$ 137,119	\$ 151,042	\$ 203,628
5312	SOCIAL SECURITY TAXES	\$ 154,706	\$ 80,658	\$ 70,483	\$ 126,798
5318	UNEMPLOYMENT COMPENSATION	\$ -	\$ -	\$ 10,527	\$ 2,822
5321	UNIFORM ALLOWANCE	\$ 11,475	\$ -	\$ (773)	\$ 7,667
5322	EDUCATIONAL BONUS	\$ 3,600	\$ -	\$ 1,825	\$ 3,000
5325	LONGEVITY PAY	\$ 6,396	\$ -	\$ 6,594	\$ 7,080
5390	FRINGE BENEFIT TRANSFER-DIRECT		\$ 67	\$ 3,632	\$ -
5402	FRINGE BENEFIT-PENSION ADJUST	\$ 13,414	\$ -	\$ 12,090	\$ 16,776
5420	EMPLOYEE HEALTH CARE	\$ 427,043	\$ 201,047	\$ 161,799	\$ 382,001

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5421	EMPLOYEE PENSION'	\$	267,211	\$	153,784	\$	102,387	\$	291,224
5422	LEGACY HEALTHCARE	\$	354,895	\$	189,294	\$	341,988	\$	312,035
5423	LEGACY PENSION	\$	182,302	\$	115,990	\$	198,035	\$	159,092
5490	FRINGE BENEFIT TRFR-IND IN			\$	17	\$	40,288	\$	-
5495	PERS SERV INDIRECT ABATEMENT'			\$	-	\$	-	\$	(21)
	PERSONAL SERVICES	\$	3,464,322	\$	1,388,999	\$	1,891,424	\$	2,950,189

S:// Edward H. Bailey, I7

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

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County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: July 11, 2013

TO: Supervisor Theodore Lipscomb, Sr., 1st District
Chairman, Judiciary, Safety and General Services

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

SUBJECT: 13-589 From the Office of the Sheriff, providing an update on Airport Patrol (INFORMATIONAL ONLY)

BACKGROUND: The MCSO Airport Division provides both security assistance and is the primary law enforcement agency at General Mitchell International Airport. It has, in recent years, accomplishes this duty with an assigned force of 50 Deputy Sheriff 1 positions plus a 4-member K9 complement. The 2013 Adopted Budget funds 54 Deputy Sheriff positions, 6 Deputy Sheriff Sergeants, 1 Deputy Sheriff Lieutenant, 1 Deputy Captain and 1 Clerical Assistant. Total 2013 charges to the Airport Division are set at \$8,001,280; There is no property tax levy budgeted in the Airport Security program area as the operating cost of this program, less citation and grant revenue, is charged to the Airport. The Airport is currently staffed at a full complement of 54 Deputy Sheriffs; Included in this is a current K9 complement of 4. However, one of these K9s is set to retire in August, and in planning for this transition an additional TSA certified K9 will be on hand NLT 09/31/2013. Additionally, 2 Deputy Sheriff positions will shortly be lost to retirement, and must be replaced by deputies from elsewhere in the agency as their positions are abolished upon vacancy and replaced by correctional positions under an accelerated schedule implemented by the 2013 Budget.

STATUS: Airport / 2013 YTD

§ Last quarter, the MCSO reported 5 auto break-ins in remote lot B. This investigation encompassed criminal investigation; Video review and improvement recommendation to GMIA; additional staffing; and education in the form of flyer and signage in the shuttle buses and shelters, stairwells, on the ticketing issuing machines which are located at the entrances to all parking lots and various areas throughout the parking structure. To date, we have only experienced one more event of this type, on April 1, when an additional 4 autos were damaged. Since April 1 there have been no further incidents of this type. In regards to very

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specific video camera recommendations made to GMIA personnel, on May 17 a response letter from Louis Traverzo, Federal Security Director of the DHS/TSA at GMIA indicated their willingness to search TSA grant opportunities to increase this capacity, as well as outlining additional other “target hardening” improvements to wit:

Since 2004, the TSA has been working with the airport in a joint effort to upgrade the camera system. AFSD/LE Ed Rooney has been working with the airport to obtain grant monies from TSA Headquarters. . Fortunately we are projected to receive funding for a CCTV project in the terminal building in FY2014 (or possibly yet this year.)

The airport had a design study with cost estimates done for a camera system that would probably exceed even your recommendations...

...The airport recently completed a new fencing system around the airport. Given the availability of funds, I believe that it is more prudent to spend out money on hardening the terminal buildings first, and as funds become available in the future we can work our way out to the perimeter.”

In a subsequent May response from C. Barry Bateman, Airport Director, he confirmed potential upgrades to wit:

“The parking structure at (GMIA) has been modified to comply with (DHS) and (TSA) regulations. The parking structure CCTV system, however, was undergoing a software modification to further improve recording capabilities at he time of the vehicle break-INS. The software and recording hardware modifications have been completed and the CCTV system is now operational. We intend to provide for additional CCTV surveillance in our parking facilities when funding becomes available...Fortunately due to the security measures already undertaken by the Sheriff’s Airport Bureau and Airport Division personnel, vehicle break-ins and vandalism are held to a very minimal level at GMIA”

§ In December 2012, the Division began investigation of a theft of monies from an Airport vendor office. This case has been referred to MCSO CID and the suspect identified who has left this jurisdiction is currently residing in Turkey. An arrest warrant has been issued.

Category	2013 YTD	2012 YTD	% Change (-)
Assaults	1	3	(67)
Robbery / Fraud	14	26	(48)
Narcotics	8	22	(65)
Disorderly Conduct	3	23	(87)
Airport Arrests*	105	111	(5)
Alerts (Aircraft/Medical)	160	210	(24)
Vehicle B/E	7	3	200

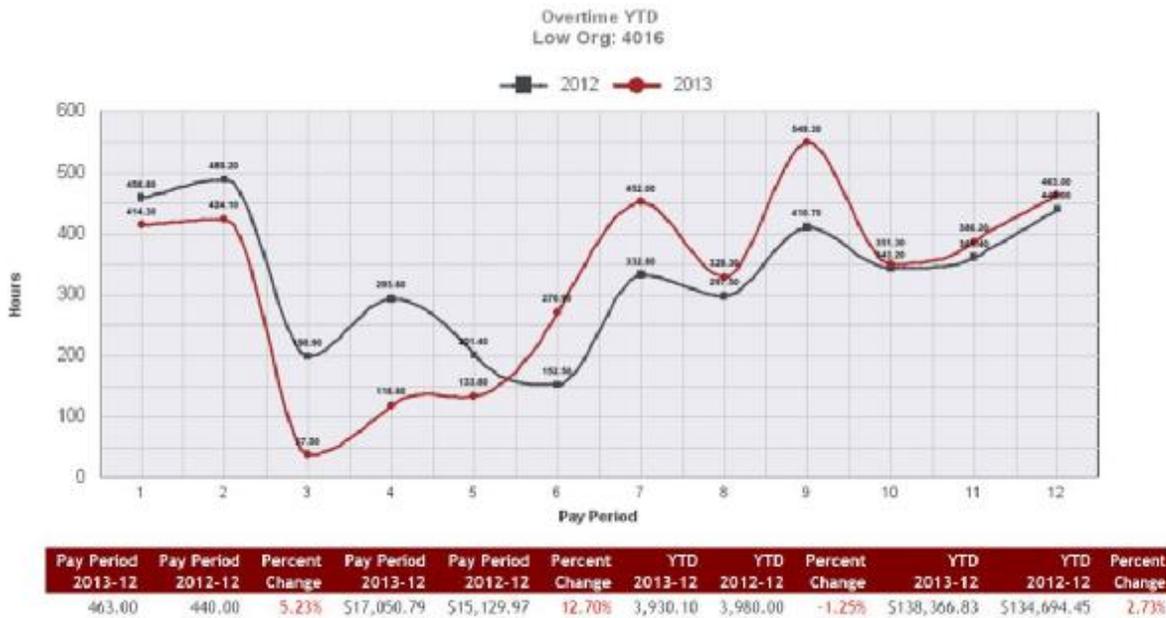
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Category	2013 YTD	2012 YTD	% Change (-)
OT	3,930	3,980	(1)
(\$138,366)			

* Domestic Abuse, Battery, Disorderly Conduct, OWI

DC: Drunken threat to blow up plane accompanied by obscenity
 Threat to TSA employee
 Drunken argument on aircraft accompanied by obscenity

	6/24/2013 TO 6/30/2013	6/17/2013 TO 6/23/2013	% Change	6/17/2013 TO 6/23/2013	6/10/2013 TO 6/16/2013	% Change	YTD 2013	YTD 2012	% Change	YTD 2013	YTD 2011	% Change
Criminal												
Assault	0	0	0%	0	0	0%	1	3	-57%	1	5	-80%
Theft/Robbery/Fraud	1	1	0%	1	0	0%	14	26	-46%	14	15	-7%
Criminal Damage	0	0	0%	0	0	0%	7	3	133%	7	12	-42%
Death Investigation	0	0	0%	0	0	0%	1	1	0%	1	0	0%
Narcotics	0	0	0%	0	0	0%	8	22	-64%	8	16	-50%
Weapons	0	0	0%	0	1	-100%	8	15	-47%	8	10	-20%
*TOTAL Criminal	1	1	0%	1	1	0%	39	70	-44%	39	58	-33%



Area Complaints
 Airport Division
 2013/01/01 to 2013/06/30 vs. 2012/01/01 to 2012/06/30

CATEGORY	Total	Closed	Sustained	Total	Closed	Sustained
	YTD 2013	YTD 2013	YTD 2013	YTD 2012	YTD 2012	YTD 2012
Customers Satisfaction Complaint	0	0	0	1	1	0
Notice of Claim	1	0	0	1	0	0
Rules Violation/Civil Service	4	2	2	4	4	3
TOTAL	5	2	2	6	5	3

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Labor Costs = 42% of 2013 Budget as of 07/01/2013

4016 - AIRPORT SECURITY - 2013-2011					
ACCOUNT NBR	ACCOUNT NAME	2013 BUDGET AMOUNT	2013 ACTUAL AMOUNT	2012 ACTUAL AMOUNT	2011 ACTUAL AMOUNT
5001	DIRECT LABOR CHARGED		\$ 1,308,903	\$ 2,571,043	\$ 2,587,834
5002	OFFTIME CHARGED		\$ 253,142	\$ 497,240	\$ 500,487
5003	FRINGE BENEFITS CHARGED		\$ 1,448,093	\$ 2,846,090	\$ 2,876,192
5051	DIRECT LABOR APPLIED		\$ (1,529,552)	\$ (2,855,031)	\$ (2,811,990)
5052	OFFTIME APPLIED		\$ (295,815)	\$ (552,163)	\$ (543,839)
5053	FRINGE BENEFITS APPLIED		\$ (1,700,941)	\$ (3,172,939)	\$ (3,127,339)
5189	DIRECT LABOR TRN OUT		\$ -	\$ -	\$ (231)
5190	DIRECT LABOR TRANSFER IN		\$ -	\$ (16,938)	\$ 41,269
5199	SALARIES-WAGES BUDGET	\$ 3,715,115	\$ 1,705,785	\$ 3,196,861	\$ 3,264,250
5201	OVERTIME	\$ 382,272	\$ 297,312	\$ 566,519	\$ 413,728
5312	SOCIAL SECURITY TAXES	\$ 314,166	\$ 144,910	\$ 279,799	\$ 276,651
5318	UNEMPLOYMENT COMPENSATION	\$ -	\$ -	\$ 13,068	\$ 959
5321	UNIFORM ALLOWANCE	\$ 24,225	\$ -	\$ (1,615)	\$ 26,385
5322	EDUCATIONAL BONUS	\$ 15,650	\$ -	\$ 16,975	\$ 17,325
5325	LONGEVITY PAY	\$ 8,020	\$ -	\$ 15,528	\$ 15,024
5390	FRINGE BENEFIT TRANSFER-DIRECT	\$ -	\$ -	\$ (5,840)	\$ 3,139
5402	FRINGE BENEFIT-PENSION ADJUST	\$ 33,182	\$ -	\$ 25,844	\$ 43,692
5420	EMPLOYEE HEALTH CARE	\$ 822,846	\$ 372,988	\$ 671,413	\$ 871,048
5421	EMPLOYEE PENSION	\$ 597,407	\$ 287,661	\$ 430,670	\$ 648,181
5422	LEGACY HEALTHCARE	\$ 820,698	\$ 437,752	\$ 816,433	\$ 739,619
5423	LEGACY PENSION	\$ 426,347	\$ 271,250	\$ 469,021	\$ 368,990
5490	FRINGE BENEFIT TRFR-IND IN		\$ -	\$ 53,649	\$ 243,187
5495	PERS SERV INDIRECT ABATEMENT'	\$ -	\$ (18)	\$ (6)	\$ (25)
	PERSONAL SERVICES	\$ 7,159,928	\$ 3,001,469	\$ 5,865,622	\$ 6,454,537

4018 - K-9 PATROL - 2013-2011					
ACCOUNT NBR	ACCOUNT NAME	2013 BUDGET AMOUNT	2013 ACTUAL AMOUNT	2012 ACTUAL AMOUNT	2011 ACTUAL AMOUNT
	PERSONAL SERVICES	\$ 494,583	\$ 266,400	\$ 528,262	\$ 541,338

S:// Edward H. Bailey, I7

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

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MILWAUKEE COUNTY
OFFICE OF THE SHERIFF
Inter-Office Communication

DATE: June 26, 2013
TO: Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors
FROM: David A. Clarke Jr., Sheriff
SUBJECT: Request for Leave of Absence



Milwaukee County Ordinance 17.193(1) and (2) describes the procedure for submission of a request for leave of absence for certain Deputy Sheriffs.

Action Recommended:

The County Board should adopt the proposed resolution allowing the Sheriff to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2):

Current classified position and Title Code:	Deputy Sheriff Captain, T.C. 77120
Employee:	Debra Burmeister
New regular appointment unclassified position and Title Code:	Sheriff's Depart. Bureau Director, T.C. 80065 (working title Deputy Inspector)
Effective date for leave of absence:	Immediately upon adoption of resolution and appointment to unclassified position

History and Rationale:

The above employee currently holds the position of Deputy Sheriff Captain. As a dedicated long-term career law enforcement employee, Captain Debra Burmeister has made a significant contribution to this agency. A leave of absence from her current position will allow for her continued employment, which is essential. Upon completion of her appointive position she will be returned to her previously held position or appointed to other non-represented Deputy Sheriff positions in accordance with Section (2) of Chapter 17.193.

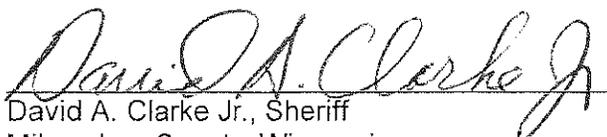
Similar leave of absences were granted in March 2007, March 2009, March 2010 and January 2011 to six (6) employees for appointment to positions of ExDire2 Sheriff/Dept Administrator and positions of Sheriff's Department Bureau Director. Milwaukee County has invested significant resources in training Captain Burmeister. Granting a leave would provide agency

continuity and prevent an experience vacuum should a future Sheriff decide to replace Captain Burmeister in the unclassified service.

Fiscal Statement

See attached.

Thank you for consideration of this request.

A handwritten signature in cursive script that reads "David A. Clarke Jr." is written over a horizontal line.

David A. Clarke Jr., Sheriff
Milwaukee County, Wisconsin

Cc: Kerry Mitchell, Executive Director, DAS-Division of Human Resources
Jodi Mapp, Committee Clerk
File

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(ITEM *), by recommending adoption of the following:

A RESOLUTION

WHEREAS, Wisconsin State Statute 59.26(1) does make provisions for counties under civil service to allow the Sheriff, in conformity with County Ordinance to grant leave of absence to deputies for appointment to higher positions; and

WHEREAS, on 9/29/05 the Milwaukee County Board of Supervisors created section 17.193 of the Milwaukee County General Ordinances to provide a mechanism for the Sheriff to grant leave of absences; and

WHEREAS, under section 17.193 the Sheriff may not grant a leave of absence under this ordinance until the Sheriff first secures the consent of the County Board by resolution duly adopted by the board; and

WHEREAS, granting leaves will enhance the Sheriff's ability to administer his office efficiently and appoint subordinates in a manner most effective in fulfilling the statutory and constitutional duties of his office; and

WHEREAS, the Sheriff requests a leave of absence for the following employee:

Current classified position and Title Code:	Deputy Sheriff Captain (Civil/Service – Classified), T.C. 77120
Employee:	Debra Burmeister
New regular appointment unclassified Position and title code:	Sheriff's Dept. Bureau Director (working title Major) NonCivil Service – Unclassified T.C. 77130
Effective date for leave of absence:	Immediately upon adoption of resolution and appointment to unclassified position

:now, therefore

BE IT RESOLVED, the Board of Supervisors consents to granting leave of absence to the above name individual.

Fiscal Note:

There is no direct fiscal impact through adoption of this resolution. There may be an insignificant amount of staff time involved in processing the personnel changes proposed in this resolution.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 07/01/2013

Original Fiscal Note X

Substitute Fiscal Note

SUBJECT: Request by the Sheriff to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2).

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

The Sheriff is requesting to grant a leave of absence to an employee currently in the classified service to assume a position in the unclassified service in accordance with County Ordinance Chapter 17.193(1) and (2). There is no fiscal effect to the action.

Department/Prepared By William R. Lethlean, Public Safety Fiscal Administrator

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

Did CDBP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.



David A. Clarke Jr.
Sheriff

County of Milwaukee

Office of the Sheriff

DEBRA L. BURMEISTER

Major Debra Burmeister was appointed to the Milwaukee County Sheriff's Office in April of 1998. She is currently assigned to command the Detention Services Bureau which includes the Milwaukee County Jail and the Courts Division. She was promoted to the rank of Sergeant in October of 2010. In November of 2010, she was promoted to Lieutenant. Sheriff David A. Clarke Jr., promoted her to the rank of Captain in August of 2011, Deputy Inspector in September 2012 and Major in December 2012.

From 1999-2004 Major Debra Burmeister was a member of the Sheriff's Office Information Technology Unit. She served as a bailiff from 2004-2005. In 2005, she was assigned to the Detention Services Bureau in the Special Projects Unit. As a member of the special projects and network units she automated many of manual processes used in the Agency. She serves as a CJIS DSA (Database Security Administrator), Jail Log Administrator, Inmate Phone Administrator and Webmaster for Milwaukee County Sheriff's Office internet and intranet. She is highly motivated and resourceful. She facilitated the completion of several major projects such as: 2 installations of the Inmate Phone System; training, programming, and coordinating with IMSD on various database projects; installation of Video Visiting; and a complete camera surveillance system for the House of Correction. She is experienced at writing and evaluating Requests for Proposals, Grants, and contracts. She works with all the vendors that do business with the Detention Services Bureau. Major Burmeister has also worked closely with other County Departments in many capacities.

The talents and desire to serve the Citizens are exemplified when Major Burmeister (as a Captain) assisted with media and crowd control for the Sikh Temple Shooting incident.

Major Burmeister earned a Bachelor of Science degree in Social Work from the University of Wisconsin-Milwaukee. She participated as a speaker at the 2002 American Jail Association Conference. She has attended various leadership and technology seminars. Major Debra Burmeister completed Computer Crime training at the FBI Academy in Quantico, Virginia and the Supervisor segment of the FBI-LEEDA program. She also is an Instructor at the MCSO Academy and will complete the NIMS Incident Command System Train the Trainer Class in August 2013.

Giving back to the community is an important component of her life. She volunteers as a Certified Therapy Dog Handler at Children's Hospital of Wisconsin and volunteers at Forest View Pediatrics. She has participated in Shop with a Cop, the National Education Association's Read Across America Program, and the Salvation Army Red Kettle Campaign. She participated in the training for Habitat for Humanity volunteers. She has helped to raise money for a variety of charities and participates in many of the local fund raising walks.

Major Burmeister is a great asset to Milwaukee County Sheriff's Office. Her talent, skills, knowledge and desire to serve the Citizens of Milwaukee County are exemplified in every task and challenge she has faced in her career with Milwaukee County. Her highly specialized knowledge of both Milwaukee County Jail operations and House of Correction operations, developed over the past 4 years, are unmatched in our Agency.

-COUNTY OF MILWAUKEE-
INTEROFFICE COMMUNICATION

DATE : July 1, 2013

TO : Supervisor Marina Dimitrijevic, Chairwoman, Board of Supervisors

FROM : Joshua Fudge, Interim Fiscal & Budget Administrator, DAS-Fiscal

SUBJECT : 2013 Edward Byrne Memorial Justice Assistance Grant (JAG).

REQUEST

Retroactive approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds for Federal Fiscal Year 2013 is requested.

BACKGROUND

On May 30 2013, 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 2013 Edward Byrne Memorial Justice Assistance Grant (JAG). DAS-Fiscal was notified that the deadline for the application is July 9, 2013, prior to the scheduled July cycle Committee meetings. Rather than hold a special public meeting ahead of the deadline, the County Board opted to hold the public hearing and review for the application during their regular July cycle meetings. The JAG Grant application allows for the public hearing to be held after the submission of the application.

In order to mitigate the risk of losing grant funding, DAS-Fiscal plans to submit the grant application on July 9, 2013. Then, the public hearing and review of the application will occur on July 11, 2013 and/or July 18, 2013 depending on which Committee receives this referral.

JAG 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). 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.

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	\$772,401
WAUWATOSA	\$10,427
WEST ALLIS	\$23,499
TOTAL	\$806,327

The total allocation of \$806,327 represents a reduction of \$59,803 or 7 percent from the FY 2012 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 \$85,000, with Milwaukee Police Department and Milwaukee County each providing one-half of the funding. The net award to the City of Milwaukee is then \$687,401. Of that, Milwaukee County will receive \$343,401 or 50% of the City of Milwaukee's net award.

Milwaukee County has agreed to act as the fiscal agent for the 2013 JAG grant as it is for the prior year JAG grants.

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 2013 JAG funds of \$806,327 being provided to the following localities:

Municipality	Award Amount
MILWAUKEE COUNTY	\$386,201
MILWAUKEE	\$386,200
WAUWATOSA	\$10,427
WEST ALLIS	\$23,499
TOTAL	\$806,327

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:

Veronica Rudychev, Fiscal and Management Analyst



Joshua Fudge
Interim 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

1
2
3 From the Interim Fiscal & Budget Administrator, Department of Administrative Services,
4 requesting approval to apply for and accept Edward Byrne Memorial Justice Assistance
5 Grant (JAG) funds for Federal Fiscal Year 2013

6 **A RESOLUTION**

7 WHEREAS, on May 30, 2013, the Department of Administration-Fiscal Division was
8 notified by the U.S. Department of Justice (U.S. DOJ) that it had released applications for
9 the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG); and

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

13 WHEREAS, the following localities Milwaukee, Milwaukee County, Wauwatosa and
14 West Allis are eligible for a total funding amount of \$806,327; and

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

21 WHEREAS, the City of Milwaukee was awarded \$772,401 which is 96% of all the local
22 funds, no attempt was made to extract funding from the municipalities other than the City of
23 Milwaukee and after discussions with Milwaukee Police Department; and

24
25 WHEREAS, it was agreed that funding would be split with the Milwaukee Police
26 Department and Milwaukee County each funding one-half of the cost of the Community
27 Justice Council Coordinator position, housed at the Public Policy Forum at a cost of \$85,000;
28 and

29
30 WHEREAS, of the remaining funding level of \$687,401, Milwaukee County will receive
31 \$343,701 or 50% of the City of Milwaukee's award; and

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

33 WHEREAS, the application submission deadline is July 9, 2013; and

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

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

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

41

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

1
2
3 From the Sheriff, requesting approval to apply for and accept Edward Byrne Memorial
4 Justice Assistance Grant (JAG) funds for Federal Fiscal Year 2013

5 **A RESOLUTION**

6 WHEREAS, on May 30, 2013, the Department of Administration-Fiscal Division was
7 notified by the U.S. Department of Justice (U.S. DOJ) that it had released applications for
8 the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG); and

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

12 WHEREAS, the following localities Milwaukee, Milwaukee County, Wauwatosa and
13 West Allis are eligible for a total funding amount of \$806,327; and

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15 number of Part 1 violent crimes reported by the unit to the Federal Bureau of Investigations
16 (FBI) and since Milwaukee County bears the cost of prosecution and incarceration that arise
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18 jurisdiction and therefore eligible to share in the funding awarded to municipalities located
19 within Milwaukee County; and

20 WHEREAS, the City of Milwaukee was awarded \$772,401 which is 96% of all the local
21 funds, no attempt was made to extract funding from the municipalities other than the City of
22 Milwaukee and after discussions with Milwaukee Police Department; and

23
24 WHEREAS, it was agreed that funding would be split with the Milwaukee Police
25 Department and Milwaukee County each funding one-half of the cost of the Community
26 Justice Council Coordinator position, housed at the Public Policy Forum at a cost of \$85,000;
27 and

28
29 WHEREAS, of the remaining funding level of \$687,401, Milwaukee County will receive
30 \$343,701 or 50% of the City of Milwaukee's award; and

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

32 WHEREAS, the application submission deadline is July 9, 2013; and

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

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

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

40

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

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/18/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: 2013 Justice Assistance Grant (JAG)

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	43,589	342,612
	Revenue	43,589	342,612
	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 2013.

Approval of this request will result in total 2013 JAG funds of \$806,327 being provided to the following localities, including \$85,000 in funding for the Public Policy Forum for their CJC Coordinator, which will be allocated equally between the City of Milwaukee and Milwaukee County award amounts:

Municipality	Award Amount
MILWAUKEE COUNTY	\$386,201
MILWAUKEE	\$386,200
WAUWATOSA	\$ 10,427
WEST ALLIS	\$ 23,499
TOTAL	\$806,327

It is anticipated that, of the County's share of the expenditures, \$43,589 will be spent for the District Attorney's Office Community Prosecutors in 2013, with the remainder being spent in 2014.

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 Veronica Rudychev, Fiscal and Management Analyst

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: June 27, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Potential Appeal of decision related to reimbursement of Medicare Part B premiums
WFNHP et al. v. Milwaukee County, Case No. 12-CV-1528

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

The Wisconsin Federation of Nurses and Health Professionals (WFNHP) and the Association of Milwaukee County Attorneys (AMCA) filed suit alleging that the elimination of reimbursement of Medicare Part B premiums for retirees entitled to premium-free health coverage, who retire after December 31, 2011, is a violation of the vested benefit contract. (This change was made for nonrepresented employees for retirements on or after April 1, 2011.) Circuit Court Judge Foley ruled in favor of WFNHP and AMCA. On November 5, 2012, the County Board authorized an appeal to the Court of Appeals (File No. 12-796). The appeal has been filed and briefed and the parties are awaiting a decision.

Once a decision is received from the Court of Appeals, the losing party has thirty (30) days to file a petition for review with the Wisconsin Supreme Court. It is likely that we will not receive the decision on a date that happens to coordinate with the County Board cycle and therefore we would be required to utilize the emergency authorization procedure in section 1.28 of the ordinances (requiring approval by the County Executive and County Board Chairwoman). Rather than relying on the emergency procedures, the attached resolution is being submitted. In the event the Court of Appeals' decision affirms the lower court ruling and invalidates adopted County policy and ordinances, the full County Board can make a decision now, in advance, whether to file a petition for review with the Supreme Court. The Supreme Court has complete discretion whether or not to grant a petition and accept the appeal. Our office and outside counsel recommend the filing of a petition if an adverse decision is received.

The legal fees for outside counsel to handle this case, including any petition, are covered by the County's insurance policy.

Pursuant to §1.28, M.C.G.O., the Judiciary Committee is delegated the responsibility of making a recommendation to the County Board for such an appeal.

Attachments

cc(w/att.): Kelly Bablitch
Amber Moreen
Steve Cady
Alexis Gassenhuber
Scott Manske

From the Office of Corporation Counsel, a resolution authorizing a potential petition for review in the case of WFNHP & AMCA et al. v. Milwaukee County et al., Case No. 12-CV-1528, by adopting the following.

A RESOLUTION

WHEREAS, the Wisconsin Federation of Nurses and Health Professionals (WFNHP) and the Association of Milwaukee County Attorneys (AMCA) filed a lawsuit in Milwaukee County Circuit Court against Milwaukee County alleging that elimination of the reimbursement of Medicare Part B premiums for retirees entitled to premium-free health coverage violated the vested benefit contract of affected members of WFNHP and AMCA; and

WHEREAS, the circuit court ruled that the elimination of the reimbursement violated the vested pension benefit contract of those WFNHP and AMCA members; and

WHEREAS, the ruling of the circuit court applies to the members of WFNHP who were hired prior to September 27, 1995 and to members of AMCA who were hired prior to January 1, 2006, and who retire with at least fifteen (15) years of pension service credit; and

WHEREAS, the principle of the circuit court ruling would apply to all other employees who are otherwise entitled to premium-free health coverage in retirement and therefore would potentially impact many more employees than just members of WFNHP and AMCA; and

WHEREAS, the principle of the circuit court ruling is similar to other adverse circuit court rulings in pension cases that the County Board of Supervisors has authorized be appealed; and

WHEREAS, the County Board adopted a resolution on November 5, 2012 (File No. 12-796) authorizing an appeal to the Court of Appeals and that appeal has been filed, briefed and is awaiting a decision; and

WHEREAS, in the event of an adverse decision from the Court of Appeals, a petition for review must be filed with the Wisconsin Supreme Court within thirty (30) days and the County Board wishes to determine now whether to file a petition for review should an adverse decision be received; and

43 WHEREAS, legal fees for retained counsel to file and pursue a petition for review
44 in the Wisconsin Supreme Court would be covered by the Wisconsin County Mutual
45 Insurance Corporation policy; and
46

47 NOW, THEREFORE, BE IT RESOLVED that in the event the Court of Appeals
48 issues a decision affirming the lower court ruling or a decision that is otherwise adverse
49 to the adopted County policy and ordinances, Milwaukee County approves the filing of a
50 petition for review in the Wisconsin Supreme Court in WFNHP & AMCA et al. v.
51 Milwaukee County et al., Case No. 12-CV-1528.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: June 27, 2103

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Potential petition for review of a decision related to the elimination of reimbursement of Medicare Part B premiums to certain retirees.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	
Capital Improvement Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	

DESCRIPTION OF FISCAL EFFECT

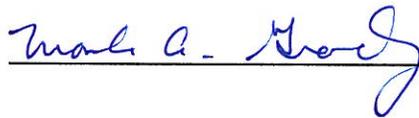
In the space below, you must provide the following information. Attach additional pages if necessary.

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

Approval of this Resolution will result in the filing of a petition for review in the Wisconsin Supreme Court in the even an adverse decision in this case is received from the Court of Appeals. Payment for attorney fees to represent the County will be made by the Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

Department/Prepared By Corporation Counsel

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: June 27, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Potential Appeal of decision related to the change in the pension multiplier from 2.0 to 1.6% per year
Stoker et al. v. Milwaukee County et al., Case No. 11-CV-16550

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

Ms. Stoker, a member of the Federation of Nurses and Health Professionals (FNHP) and FNHP filed suit alleging that the change in the pension multiplier from 2.0 to 1.6% per year is a violation of the vested benefit contract of employees who were members of the pension system prior to the date of the change. Circuit court Judge Pocan ruled in favor of Stoker and FNHP. The current decision applies to members of FNHP who were hired prior to January 1, 2012; the change in the multiplier can legally apply to FNHP members hired on or after January 1, 2012. On September 27, 2012, the County Board authorized an appeal to the Court of Appeals (File No. 12-646). The appeal has been filed and briefed and the parties are awaiting a decision.

Once a decision is received from the Court of Appeals, the losing party has thirty (30) days to file a petition for review with the Wisconsin Supreme Court. It is likely that we will not receive the decision on a date that happens to coordinate with the County Board cycle and therefore we would be required to utilize the emergency authorization procedure in section 1.28 of the ordinances (requiring approval by the County Executive and County Board Chairwoman). Rather than relying on the emergency procedures, the attached resolution is being submitted. In the event the Court of Appeals' decision affirms the lower court ruling and invalidates adopted County policy and ordinances, the full County Board can make a decision now, in advance, whether to file a petition for review with the Supreme Court. The Supreme Court has complete discretion whether or not to grant a petition and accept the appeal. Our office and outside counsel recommend the filing of a petition if an adverse decision is received.

The legal fees for outside counsel to handle this case, including any petition, are covered by the County's insurance policy.

Pursuant to §1.28, M.C.G.O., the Judiciary Committee is delegated the responsibility of making a recommendation to the County Board for such an appeal.

Our office and outside counsel recommend the filing of a petition for review in the event an adverse decision is received. Although any decision technically only applies to members of FNHP, the principle of any decision would apply to all employees who were hired prior to the effective date of the change in the multiplier shown below for each group:

Non-represented:	1/1/10
Machinists:	5/1/10
TEAMCO:	5/1/10
Attorneys:	6/1/10
Elected officials:	10/4/10
AFSCME:	8/1/11
Trades:	1/1/12
FNHP:	1/1/12

The principle of any decision may also apply to other retirement benefit policies adopted by the County.

The actuary previously calculated the annual pension contribution savings as a result of the multiplier change to be approximately \$4,000,000.00. In the future, if the decision is not reversed, the increased contributions that would be required related to these unattained savings would be split approximately fifty-fifty between the County and all of the employees making a pension contribution (all employees other than firefighters).

Attachments

cc(w/att.): Kelly Bablitch
Amber Moreen
Steve Cady
Alexis Gassenhuber
Scott Manske

From the Office of Corporation Counsel, a resolution authorizing a potential petition for review in the case of Stoker et al. v. Milwaukee County et al., Case No. 11-CV-16550, by adopting the following.

A RESOLUTION

WHEREAS, Suzanne Stoker and the Federation of Nurses and Health Professionals (FNHP) filed a lawsuit in Milwaukee County Circuit Court against Milwaukee County and the Employees Retirement System of Milwaukee County (ERS) alleging that the change in the pension multiplier from two percent (2%) per year of service to one and six-tenths percent (1.6%) per year of service violated the vested pension benefit contract of members of FNHP who were employed prior to the date of the change; and

WHEREAS, the circuit court ruled that the change in the multiplier violated the vested pension benefit contract of those FNHP members; and

WHEREAS, the ruling of the circuit court applies to the members of FNHP who were members of ERS prior to the effective date of the change, but does not invalidate the change in multiplier for members of FNHP who became members of ERS on or after the effective date of the change; and

WHEREAS, the principle of the circuit court ruling would apply to all other employees who were members of ERS prior to the date that the change in the multiplier became effective for them and therefore would potentially impact many more employees than just members of FNHP; and

WHEREAS, the principle of the circuit court ruling would also apply to any other proposed change in pension benefits that is intended to apply to employees who are already members of ERS and therefore presents a broader legal issue than just the change in the multiplier; and

WHEREAS, prior actuarial studies indicated that the change in the multiplier would save Milwaukee County and employees who must contribute to ERS approximately four million dollars (\$4,000,000) per year and thus, if not overturned, the circuit court decision will increase pension costs to Milwaukee County and to employees who must contribute to ERS by a similar amount; and

41 WHEREAS, the County Board adopted a resolution on September 27, 2012 (File
42 No. 12-646) authorizing an appeal to the Court of Appeals and that appeal has been
43 filed, briefed and is awaiting a decision; and
44

45 WHEREAS, in the event of an adverse decision from the Court of Appeals, a
46 petition for review must be filed with the Wisconsin Supreme Court within thirty (30)
47 days and the County Board wishes to determine now whether to file a petition for review
48 should an adverse decision be received; and
49

50 WHEREAS, legal fees for retained counsel to prosecute an appeal in the Court of
51 Appeals are covered by the Wisconsin County Mutual Insurance Corporation policy; now,
52 therefore,
53

54 NOW, THEREFORE, BE IT RESOLVED that in the event the Court of Appeals
55 issues a decision affirming the lower court ruling or a decision that is otherwise adverse
56 to the adopted County policy and ordinances, Milwaukee County approves the filing of a
57 petition for review in the Wisconsin Supreme Court in Stoker et al. v. Milwaukee County
58 et al., Case No. 11-CV-16550.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: June 27, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Potential petition for review of a decision related to the change in the pension multiplier from 2.0 to 1.6%.

FISCAL EFFECT:

- | | |
|---|---|
| <p><input checked="" type="checkbox"/> No Direct County Fiscal Impact</p> <p style="padding-left: 20px;"><input type="checkbox"/> Existing Staff Time Required</p> <p><input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Absorbed Within Agency's Budget</p> <p style="padding-left: 20px;"><input type="checkbox"/> Not Absorbed Within Agency's Budget</p> <p><input type="checkbox"/> Decrease Operating Expenditures</p> <p><input type="checkbox"/> Increase Operating Revenues</p> <p><input type="checkbox"/> Decrease Operating Revenues</p> | <p><input type="checkbox"/> Increase Capital Expenditures</p> <p><input type="checkbox"/> Decrease Capital Expenditures</p> <p><input type="checkbox"/> Increase Capital Revenues</p> <p><input type="checkbox"/> Decrease Capital Revenues</p> <p><input type="checkbox"/> Use of contingent funds</p> |
|---|---|

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	
Capital Improvement Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	

DESCRIPTION OF FISCAL EFFECT

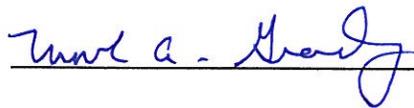
In the space below, you must provide the following information. Attach additional pages if necessary.

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

Approval of this Resolution will result in a petition for review in the Wisconsin Supreme Court in the event an adverse decision in this case is received from the Court of Appeals. Payment of attorney fees to represent the County will be made by the Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

Department/Prepared By Corporation Counsel

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: June 27, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: *State v. One 1993 Toyota Land Cruiser et al.*
Milwaukee County Case No. 08-CV-6701
Nieves v. State of Wisconsin et al.
Dane County Case No. 10-CV-2582

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority for Milwaukee County to pay \$15,000 towards the settlement of these cases.

In 2008, the Cudahy Police Department executed a search warrant and seized multiple items in connection with a drug investigation. One item seized was Nieves' car. The Milwaukee County case listed above was commenced as a civil forfeiture action by our office against that car pursuant to §961.555(1), Stats. This statute generally authorizes seizures and forfeitures of property used in connection with the commission of certain crimes if it can be shown the car was used in connection with such crimes or activity. The Office of Corporation Counsel is authorized by §961.555(2)(c), Stats., to pursue these actions in the State's name and has done so for many years. During the trial of this case in March of 2009, it became apparent that the burden of proof could not be met and the case was dismissed at our request. Mr. Nieves asked the court to find that the lack of proof to support the case should have been known prior to trial and requested payment of his attorneys' fees and costs. The circuit court granted the request and entered a judgment against the State in the amount of \$8789.29.

When payment of the judgment was not made, Nieves began a collection action against the State in Dane County and filed a motion for sanctions in the Milwaukee County case. In late 2010, our office reached an agreement with the Attorney General's office to share the cost of the judgment equally between the State and the County. The judgment, with interest, was paid in full by the State and the County in January of 2011. The garnishment action was dismissed by the Dane County court and the Milwaukee County court declined to decide Nieves' motion for contempt and sanctions. Nieves was dissatisfied with these decisions and filed appeals in the Court of Appeals. In March of 2012, the Court of Appeals

held that the Milwaukee County court was required to address his motion for sanctions. On remand from the Court of Appeals, the circuit court addressed Nieves' motion and found in his favor in January of 2013. A decision on the amount of any costs and sanctions to be awarded is now pending before the circuit court.

Discussions occurred between the Attorney General's office and our office and the Attorney General's office proceeded to negotiate a compromise settlement of Nieves' claim for costs and sanctions. A proposed settlement was reached totaling \$30,000 for costs only (no sanctions), with the State and County each paying \$15,000. The State is paying the total settlement and the County would reimburse the State for one-half.

We request approval to pay the State of Wisconsin Department of Justice the amount of \$15,000 for Milwaukee County's share of the negotiated settlement in return for a full release of all claims.

cc: Amber Moreen
Kelly Bablitch
Alexis Gassenhuber
Steve Cady
Raisa Koltun

1 From Corporation Counsel requesting approval of a resolution authorizing
2 Corporation Counsel to make a payment in settlement of *State v. One*
3 *1993 Toyota Land Cruiser et al.*, Milwaukee County Case No. 08-CV-6701.

4
5 File No. 13-
6

7
8 A RESOLUTION
9

10
11 WHEREAS, in 2008, the Cudahy Police Department executed a
12 search warrant and seized multiple items in connection with a drug
13 investigation and one such item seized was Nieves' car; and
14

15 WHEREAS, a civil forfeiture action was filed in Milwaukee County,
16 *State v. One 1993 Toyota Land Cruiser et al.*, Case No. 08-CV-6701,
17 pursuant to §961.555(1), Stats.; and
18

19 WHEREAS, during the trial of the case, it became apparent that the
20 burden of proof could not be met and the case was dismissed at the
21 request of the Office of Corporation Counsel, but Nieves asked the court
22 to find that the lack of proof to support the case should have been known
23 prior to trial and requested payment of his attorneys' fees and costs; and
24

25 WHEREAS, the circuit court granted Nieves' request and entered a
26 judgment against the State of Wisconsin in the amount of \$8789.29; and
27

28 WHEREAS, payment of the judgment was not made and Nieves
29 began a collection action against the State in Dane County and filed a
30 motion for sanctions in the Milwaukee County case; and
31

32 WHEREAS, in late 2010, an agreement was reached between the
33 Office of Corporation Counsel and the Office of the Attorney General to
34 share the cost of the judgment equally between the State and the
35 County and the judgment, with interest, was paid in full by the State and
36 the County in January of 2011; and
37

38 WHEREAS, the garnishment action was dismissed by the Dane
39 County court and the Milwaukee County court declined to decide
40 Nieves' motion for contempt and sanctions, but Nieves filed appeals in
41 the Court of Appeals; and
42

43 WHEREAS, in March of 2012, the Court of Appeals held that the
44 Milwaukee County court was required to address Nieves' motion for
45 sanctions; and

46

47 WHEREAS, on remand from the Court of Appeals, the circuit court
48 addressed Nieves' motion and found in his favor in January of 2013, but a
49 decision on the amount of any costs and sanctions is pending; and

50

51 WHEREAS, after discussions between the parties, a proposed
52 settlement totaling \$30,000 has been reached, with the State paying the
53 total amount to the plaintiff and the County paying the State \$15,000 for
54 its half of the proposed settlement;

55

56 NOW, THEREFORE, BE IT RESOLVED that Milwaukee County shall pay
57 the sum of \$15,000 to the State of Wisconsin Department of Justice in
58 return for a full release of all claims by plaintiff and the dismissal of the
59 pending actions.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: June 27, 2013

Original Fiscal Note X

Substitute Fiscal Note

SUBJECT: A resolution authorizing Corporation Counsel to make a payment in settlement of *State v. One 1993 Toyota Land Cruiser et al.*, Milwaukee County Case No. 08-CV-6701.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	15,000	
	Revenue		
	Net Cost	15,000	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

Approval of this resolution will result in a payment of \$15,000 from the budget of the Office of Corporation Counsel to settle the above referenced litigation.

Department/Prepared By Corporation Counsel, by Deputy Corporation Counsel Mark A. Grady

Authorized Signature

Mark A. Grady

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: July 1, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: *Clarke v. Milwaukee County*, Case No. 12-CV-13388
Clarke v. Civil Service Commission, Case No. 12-CV-3366
Christensen v. Sullivan, Case No. 96-CV-1835
MDSA v. Clarke, Case No. 12-CV-3410
In re Filing Complaint pursuant to §968.02(3), Stats.

We request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. The Sheriff has agreed to dismiss all legal matters for which he is represented by Attorney Whitcomb in return for a partial payment of the attorney fees for which the Sheriff is obligated.

The Sheriff retained the Law Offices of Michael A.I. Whitcomb to represent him in all of the above legal matters. The circumstances of each case are briefly described as follows.

Clarke v. Milwaukee County, Case No. 12-CV-13388

The Sheriff filed this case to seek a declaration that Milwaukee County could not transfer supervision of the County Correctional Facility South (House of Correction) from the Sheriff to a Superintendent over the Sheriff's objection. He also alleged that even if the County had the authority to do so, it did not do so correctly. The circuit court ruled that the transfer was legal as adopted by the County. The Sheriff has filed an appeal in the Court of Appeals. Attorney Whitcomb has been compensated for approximately \$49,000 of his fees in this case. However, he provided services for several weeks before the contract was executed and has provided additional fees beyond the amount above. The amount of uncompensated fees incurred in this case total \$19,314.25.

Clarke v. Civil Service Commission, Case No. 12-CV-3366

This case was consolidated with two other cases and involves three captains. The three captains were slated for layoff at the end of 2011. The captains were not the least senior. They filed a complaint with the Civil Service Commission and two separate lawsuits to enjoin the Sheriff from laying them off.

The Commission issued a decision rejecting the layoff of these three captains. The Commission found that the Sheriff had not justified the selection of these three captains for layoff, as opposed to other captains. The Sheriff sued the Commission. He alleged that he had the constitutional authority to solely determine which captains should be laid off. The circuit court affirmed the Commission's action. The Sheriff has filed an appeal in the Court of Appeals.

The circuit courts granted the injunctions and the captains were returned to work. The Sheriff placed the captains at the County Correctional Facility South (House of Correction) by the Sheriff with their rank and pay, but were performing duties similar in nature to those of a correction officer. In one circuit court action, the judge determined that there was a conflict of interest between the Sheriff and the Office of Corporation Counsel and authorized the Sheriff to intervene with Attorney Whitcomb as his counsel. The circuit court in the other action did not resolve that issue.

An issue remains in these two cases brought by the captains whether the Sheriff had the authority to do so. In addition, the captains are still seeking payment of all of their attorneys' fees related to these actions. Those issues are not resolved by the settlement proposed in this memo.

Attorney Whitcomb's attorneys' fees incurred in these cases total \$71,947.75.

Christensen v. Sullivan, Case No. 96-CV-1835

In May of 2012, the Sheriff filed a motion to dismiss the Christensen decree and to declare that he had the constitutional authority to solely determine the nature of medical care in the Jail and County Correctional Facility South (House of Correction)(which he supervised at the time). He sought the court's approval to enter into a contract with Armor Correctional Healthcare. The circuit court held that the Sheriff did not have that authority and the County retained the legal authority to determine how to provide that medical care. However, the circuit court also determined separately that the county was not providing proper medical care and had not presented any other feasible plan to provide necessary medical care. Therefore, the court ordered the County to enter into the contract to remedy

compliance with the Christensen decree. Attorney Whitcomb's attorneys' fees incurred in this case total \$49,675.50.

MDSA v. Clarke, Case No. 12-CV-3410

This case was brought by the Milwaukee Deputy Sheriffs Association to enjoin the Sheriff from bringing in private bailiffs to supplement his deputies in courtrooms. The circuit court accepted the representation of the Sheriff by the Office of Corporation Counsel and declined to allow Attorney Whitcomb to appear for the Sheriff. The circuit court granted the injunction. The case has been dismissed and closed. Attorney Whitcomb incurred attorney fees in his attempt to represent the Sheriff and in submitting a brief to the court for consideration in the total of \$3,575.00.

In re Filing Complaint pursuant to §968.02(3), Stats.

In this case, pursuant to statute, the Sheriff sought circuit court approval for the filing of a criminal charge when the District Attorney had declined to do so. The case involved threatening communication made to a radio personality. The petition was drafted and filed by Attorney Whitcomb. However, upon becoming aware of the matter, the Office of Corporation Counsel provided representation to the Sheriff. The circuit court found that representation to be sufficient and denied Attorney Whitcomb's participation in the action. The court declined to order the charge be issued. Attorney Whitcomb incurred attorney fees to prepare the petition and make an appearance in the matter in the amount of \$4,712.50.

Proposed resolution

The total of unpaid fees incurred to date by the Sheriff with Attorney Whitcomb is \$149,225.00. As part of a negotiated resolution, the Sheriff and Attorney Whitcomb have agreed to subtract the fees associated with the two cases where the courts did not allow him to intervene and represent the Sheriff (*MDSA v. Clarke*, Case No. 12-CV-3410 and *In re Filing Complaint pursuant to §968.02(3), Stats.*). In addition, Attorney Whitcomb's invoices are based on an hourly rate of \$325.00. After subtracting the fees for the two cases, recalculating the remaining invoices using a top hourly rate of \$250.00, and then negotiating a further reduction of the balance of the fees, a settlement is proposed that provides for payment of total fees in the amount of \$95,000.00. In return for this payment, the Sheriff will dismiss his appeals in *Clarke v. Milwaukee County* and *Clarke v. Civil Service Commission* and the circuit court decisions in those cases in favor of the County and the Commission will stand.

Statutes provide that elected officials and county employees are entitled to representation by counsel when they are sued in their official capacity. Section 895.46, Stats., provides in part:

(1)(a) If the defendant in any action or special proceeding is a public officer or employee and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employee, except as provided in s. 146.89(4), in excess of any insurance applicable to the officer or employee shall be paid by the state or political subdivision of which the defendant is an officer or employee. Agents of any department of the state shall be covered by this section while acting within the scope of their agency. **Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employee, 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 employee did not act within the scope of employment. Except as provided in s. 146.89(4), the duty of a governmental unit to provide or pay for the provision of legal representation does not apply to the extent that applicable insurance provides that representation.**

There is no statute addressing a situation where an elected official, especially a constitutional officer, acts as a plaintiff in a suit to address the official's rights and responsibilities under the law. To our knowledge, there is no clear legal authority that addresses such a situation. In similar situations involving the County Executive or the County Board, the Office of Corporation Counsel has been approached for counsel. If the Office could not provide counsel, then a contract was authorized for outside counsel. If the proposed legal services contract exceeded the dollar requirements for an RFP process and, for an appropriate reason, an RFP was not being issued, or if budgeted funds were not available in the department's budget, a resolution has been adopted to provide the authorization for the outside counsel contract.

If the proposed settlement is not approved, the appeals will continue and attorney fees being incurred will continue to increase in these matters. Although our office believes each of these circuit court decisions related to the Sheriff's authority, or lack thereof, is correct, there is always some legal risk of a result adverse to the County's adopted policy in either of the appeals. At the end of any appeals, regardless of the result on the merits, it is expected that the Sheriff will still seek payment of the legal fees he has incurred and the amount at stake will be much higher at that point. We believe there is merit to resolving all of these cases now and preserving the circuit court rulings. In return for the proposed payment, the Sheriff and

Attorney Whitcomb will sign a release of all claims for attorneys' fees to the present and will withdraw the appeals in the above matters.

In addition, the Sheriff has agreed that in the future he will first request legal advice for any matter from the Office of Corporation Counsel. In the event the Office is unable to provide him with counsel, then either he, or our office, will contract for outside legal services. Such a contract would be created in the same manner as our office and other county departments previously have done for legal services and in the same manner that the Sheriff would do for any other professional services, under the provisions of the applicable statutes and ordinances (including Chapter 56 of the ordinances). It should be noted that had the Sheriff requested legal representation in advance of filing any of the three cases, the Office of Corporation Counsel would have been unable to provide that representation because the Sheriff's legal positions were contrary to adopted County policy in each instance. The Office then would have approved or arranged for outside legal counsel for the Sheriff in those cases.

The funds for this settlement will come from an appropriate budget line in the Sheriff's budget, Org. Unit 4000.

cc: Amber Moreen
Kelly Bablitch
Alexis Gassenhuber
Steve Cady
Raisa Koltun

**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

JUNE 26, 2013

For professional services not compensated rendered Sheriff David A. Clarke, Jr. re: Transfer of County Correctional Facility South and *Sheriff David A. Clarke, Jr. v. Milwaukee County*, Case No. 12-CV-13388:

11/28/12	Review file and conference with client	75	MAIW	\$406.25
11/29/12	Review file, telephone conference with client and prepare correspondence to client	90	MAIW	\$487.50
11/30/12	Review file, research and telephone conference with client	270	MAIW	\$1,462.50
12/3/12	Review file and prepare complaint	105	MAIW	\$568.75
12/5/12	Review file, research and prepare complaint	180	MAIW	\$975.00
12/5/12	Review file, telephone conference with client and prepare for Judiciary committee	90	MAIW	\$487.50
12/6/12	Review file and prepare Judiciary committee presentation	60	MAIW	\$325.00
12/6/12	Review file, conference with client and Judiciary committee hearing	150	MAIW	\$812.50
12/7/12	Review file and prepare correspondence to	45	MAIW	\$243.75
12/7/12	Review file and prepare complaint	90	MAIW	\$487.50
12/10/12	Review file and research re jail	150	MAIW	\$812.50
12/11/12	Review file, prepare complaint and prepare correspondence to client	90	MAIW	\$487.50
12/12/12	Review file, prepare summons and complaint, correspondence to client and conference with clerk of courts	225	MAIW	\$1,218.75
12/12/12	Clerk of Court filing fee			\$168.00
12/12/12	Conference with client	30	MAIW	\$162.50
12/18/12	Review file, telephone conference with client and prepare correspondence to client	30	MAIW	\$162.50
12/20/12	Review file, conference with client and Judiciary committee hearing	120	MAIW	\$650.00
4/15/13	Review file, prepare for motion hearing and prepare correspondence to client	150	MAIW	\$812.50
4/16/13	Review file and prepare for motion hearing	105	MAIW	\$568.75

4/18/13	Review file, prepare for motion hearing, motion hearing and conference with client	180	MAIW	\$975.00
4/26/13	Review file and conference with client	75	MAIW	\$406.25
5/1/13	Review file, conferences with client and court hearing	180	MAIW	\$975.00
5/4/13	Review file, telephone conference with client, research and prepare appeal documents	225	MAIW	\$1,218.75
5/5/13	Review file, prepare stay motion and memo	180	MAIW	\$975.00
5/6/13	Review file, conference with clerk of courts, conference with client, telephone conferences with county attorneys, and county committee meeting	210	MAIW	\$1,137.50
5/6/13	Review file and prepare correspondence to court of appeals	30	MAIW	\$162.50
5/6/13	Review file, telephone conferences with client and telephone conference with county attorney	75	MAIW	\$406.25
5/6/13	Appeal filing fees		MAIW	\$215.00
6/10/13	Review file and prepare Court of Appeals brief	285	MAIW	\$1,543.75
TOTAL				\$19,314.25

**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

JUNE 26, 2013

For professional services rendered Sheriff David A. Clarke, Jr. re consolidated cases: *McKenzie, et al. v. Milwaukee County*, Case No. 12-CV-79, *Sheriff David A. Clarke, Jr. v. Milwaukee County Civil Service Commission*, Case No. 12-CV-3366 and *Rewolinski v. Milwaukee County*, Case No. 12-CV-645:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
3/7/12	Review file re Civil Service Commission and prepare correspondence to client	165	MAIW	\$893.75
3/14/12	Review file, telephone conference with client office, conference with client office and prepare intervention motion	90	MAIW	\$487.50 (\$325.00/hr)
3/16/12	Review file, prepare certiorari documents and intervention documents	150	MAIW	\$812.50
3/17/12	Review file and prepare intervention documents	210	MAIW	\$1,137.50
3/19/12	Review file, prepare intervention documents and correspondence to client	270	MAIW	\$1,462.50
3/19/12	Assist in preparation of intervention documents	180	MJW	\$600.00 (\$200.00/hr)
3/20/12	Review file and prepare brief and correspondence to client	225	MAIW	\$1,218.75
3/20/12	Assist in preparation of brief.	120	MJW	400.00
3/21/12	Review file and prepare certiorari complaint	75	MAIW	\$406.25
3/22/12	Review file and prepare certiorari complaint	75	MAIW	\$406.25
3/26/12	Review file, conference with court clerk, conference with judge and conference with client re Civil Service Commission	60	MAIW	\$325.00
3/27/12	Review file, prepare affidavit, conference with client office and prepare for mandamus hearing	210	MAIW	\$1,137.50
3/27/12	Review file, mandamus hearing and conference with client office	150	MAIW	\$812.50
3/27/12	Review file, mandamus hearing and conference with client office	150	MJW	\$500.00
3/28/12	Review file, prepare for hearing, court hearing, conference with client office and telephone conference with client	450	MAIW	\$2,437.50
3/28/12	Review file, prepare for hearing, court hearing, conference with client office	180	MJW	\$600.00

3/29/12	Review file, prepare order and correspondence to court	30	MAIW	\$162.50
3/29/12	Review file, prepare order and correspondence to court re intervention	30	MAIW	\$162.50
3/30/12	Review file, prepare sheriff power memo, correspondence to court and conference with court	75	MAIW	\$406.25
3/30/12	Conference with court and prepare correspondence to client	45	MAIW	\$243.75
4/2/12	Review file and prepare correspondence to Judge Siefert	30	MAIW	\$162.50
4/15/12	Review file and prepare correspondence to Atty. Grady re Rewolinski	45	MAIW	\$243.75
4/16/12	Review file, prepare intervention and disqualification documents and correspondence to Atty. Grady re Rewolinski	345	MAIW	\$1,868.75
4/17/12	Review file and prepare motion documents and correspondence to client re Rewolinski	120	MAIW	\$650.00
4/23/12	Review file and prepare correspondence to Atty. Grady re Rewolinski	15	MAIW	\$81.75
4/24/12	Review file and prepare for motion hearings re Rewolinski	180	MAIW	\$975.00
4/24/12	Telephone conference with client	30	MAIW	\$162.50
4/26/12	Review file and prepare for Rewolinski hearing	45	MAIW	\$243.75
4/26/12	Conference with client	30	MAIW	\$162.50
4/26/12	Rewolinski motion hearings	60	MAIW	\$325.00
5/24/12	Review file re Civil Service Commission and prepare briefs opposing captain motions and correspondence to court	75	MAIW	\$406.25
5/24/12	Review file and court hearing re Rewolinski consolidation	90	MAIW	\$487.50
5/25/12	Review file re Civil Service Commission, telephone conference with Atty. Stadler and prepare correspondence to court	45	MAIW	\$243.75
6/14/12	Review file and prepare for Rewolinski motion hearing	75	MAIW	\$406.25
6/14/12	Rewolinski motion hearing	60	MAIW	\$325.00
7/9/12	Review file, mandamus research, prepare for motion hearing, conference with Sheriff Office and motion hearing	150	MAIW	\$812.50
8/6/12	Review file, prepare for scheduling conference	75	MAIW	\$406.25
9/13/12	Review file, conference with client and court scheduling conference	150	MAIW	\$812.50
9/24/12	Review file and prepare certiorari brief	165	MAIW	\$893.75
9/25/12	Review file and prepare certiorari brief	300	MAIW	\$1,625.00
9/26/12	Review file and prepare certiorari brief	240	MAIW	\$1,300.00
9/27/12	Review file and prepare certiorari brief	285	MAIW	\$1,543.75

9/28/12	Review file and prepare certiorari brief	210	MAIW	\$1,137.50
10/1/12	Review file and prepare certiorari brief	360	MAIW	\$1,950.00
10/2/12	Review file and prepare certiorari brief	285	MAIW	\$1,543.75
10/3/12	Review file and prepare certiorari brief	210	MAIW	\$1,137.50
10/4/12	Review file and prepare certiorari brief	135	MAIW	\$731.25
10/5/12	Review file and prepare certiorari brief	90	MAIW	\$487.50
10/6/12	Review file and prepare certiorari brief	180	MAIW	\$975.00
10/8/12	Review file and prepare certiorari brief	150	MAIW	\$812.50
10/10/12	Review file and prepare certiorari brief	75	MAIW	\$406.25
10/16/12	Review file, research and prepare certiorari brief	270	MAIW	\$1,462.50
10/23/12	Review file and prepare certiorari brief	240	MAIW	\$1,300.00
10/25/12	Review file, prepare certiorari brief and correspondence to court	180	MAIW	\$975.00
10/26/12	Review file and prepare certiorari brief	90	MAIW	\$487.50
10/30/12	Review file and prepare certiorari brief	75	MAIW	\$406.25
12/8/12	Review file and prepare certiorari reply brief	270	MAIW	\$1,462.50
12/9/12	Review file and prepare certiorari reply brief	240	MAIW	\$1,300.00
12/10/12	Review file and prepare certiorari reply brief	270	MAIW	\$1,462.50
12/11/12	Review file and prepare certiorari reply brief	360	MAIW	\$1,950.00
12/13/12	Review file and prepare certiorari reply brief	390	MAIW	\$2,112.50
12/14/12	Review file, research and prepare certiorari reply brief	240	MAIW	\$1,300.00
12/16/12	Review file and prepare certiorari reply brief	105	MAIW	\$568.75
12/17/12	Review file, research and prepare certiorari reply brief	195	MAIW	\$1,056.25
12/18/12	Review file and prepare certiorari reply brief	285	MAIW	\$1,543.75
12/19/12	Review file and prepare certiorari reply brief	75	MAIW	\$406.25
12/20/12	Review file and prepare certiorari reply brief and correspondence to court	45	MAIW	\$243.75
1/4/13	Telephone conference with Atty. Grady, and client	45	MAIW	\$243.75
1/8/13	Review file and prepare correspondence to client	45	MAIW	\$243.75
1/9/13	Review file and prepare for TRO hearing	75	MAIW	\$406.25
1/9/13	TRO hearing and conference with client	120	MAIW	\$650.00
2/16/13	Review file and telephone conference with client	45	MAIW	\$243.75
2/19/13	Court status conference	45	MAIW	\$243.75
2/20/13	Review file and prepare correspondence to client	15	MAIW	\$81.75
4/16/13	Review file, conference with client and status conference	180	MAIW	\$975.00

5/2/13	Review file and prepare appeal documents	195	MAIW	\$1,056.25
5/4/13	Review file and prepare appeal documents	75	MAIW	\$406.25
5/6/13	Review file and prepare correspondence to court of appeals	30	MAIW	\$162.50
5/6/13	Appeal filing fees		MAIW	\$215.00
5/16/13	Review file, conference with court reporter, prepare transcript statement and correspondence to Court of Appeals	75	MAIW	\$406.25
6/13/13	Review file and prepare Court of Appeals brief	210	MAIW	\$1,137.50
6/14/13	Review file and prepare correspondence to Court of Appeals	15	MAIW	\$81.75
6/15/13	Review file and prepare Court of Appeals record and brief	120	MAIW	\$650.00
6/16/13	Review file and prepare Court of Appeals brief	105	MAIW	\$568.75
6/17/13	Review record for appeal	45	MAIW	\$243.75
6/17/13	Review file and prepare Court of Appeals brief	180	MAIW	\$975.00
6/18/13	Review file and prepare Court of Appeals brief	210	MAIW	\$1,137.50
6/19/13	Review file and prepare Court of Appeals brief	390	MAIW	\$2,112.50
6/20/13	Review file and prepare Court of Appeals brief	360	MAIW	\$1,950.00
6/24/13	Review file and prepare Court of Appeals brief	330	MAIW	\$1,787.50
TOTAL				\$71,947.75

**LAW OFFICES OF
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Facsimile 414-277-8002
maiw-law@att.net

JUNE 26, 2013

For professional services rendered Sheriff David A. Clarke, Jr. re *Christensen v. Sullivan*, 96-CV-1835:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
4/5/12	Review file re Christensen and telephone conference with client	15	MAIW	\$81.25 (\$325.00/hr)
4/9/12	Review file re Christensen, prepare motion and conference with office	330	MAIW	\$1,787.50
4/17/12	Review files and conference with client	180	MAIW	\$975.00
4/26/12	Review Christensen file	60	MAIW	\$325.00
4/27/12	Review file and telephone conference with client office re Christensen	45	MAIW	\$243.75
4/30/12	Review Christensen court file	165	MAIW	\$893.75
5/14/12	Review file re Christensen and prepare motion documents	90	MAIW	\$487.50
5/14/12	Continue research regarding authority; draft memo regarding same.	300	MJW	\$1,000.00 (\$200.00/hr)
5/15/12	Review file re Christensen and telephone conference with client	90	MAIW	\$487.50
5/16/12	Review file re Christensen and prepare motion and affidavit	90	MAIW	\$487.50
5/21/12	Review file re Christensen and prepare motion, affidavit and brief	330	MAIW	\$1,787.50
5/24/12	Review file re Christensen and prepare brief and affidavits for motion	120	MAIW	\$650.00
5/25/12	Review file re Christensen and prepare brief and correspondence to court	210	MAIW	\$1,137.50
5/25/12	Assist in preparation of brief	180	MJW	\$600.00
5/26/12	Review file re Christensen and prepare motion documents	135	MAIW	\$731.25
6/26/12	Review file re Christensen and conference with Whyte attorneys	75	MAIW	\$406.25
6/27/12	Review file re Christensen and telephone conferences with Whyte attorney and client	30	MAIW	\$162.50
6/29/12	Review file re Christensen conference with Whyte attorneys	120	MAIW	\$650.00
7/9/12	Review file, telephone conferences with Whyte attorney and with Sheriff office	30	MAIW	\$162.50

7/14/12	Review file and prepare correspondence to Judge Kremers	30	MAIW	\$162.50
7/31/12	Review file, prepare correspondence to client & telephone conference with Whyte attorneys	75	MAIW	\$406.25
8/8/12	Review file and prepare correspondence to Judge Brash	45	MAIW	\$243.75
8/8/12	Review file and prepare correspondence to counsel re Shansky meeting	30	MAIW	\$162.50
8/10/12	Review file, prepare correspondence to counsel and client re "conflict" meetings	45	MAIW	\$243.75
8/13/12	Telephone conference with client, with Atty. Bohl and prepare correspondence to plaintiffs' attorney and to client	45	MAIW	\$243.75
8/14/12	Review file, prepare correspondence to client and court re ACLU request	105	MAIW	\$568.75
8/14/12	Review file and prepare for meeting of attorneys	30	MAIW	\$162.50
8/15/12	Review file, telephone conference with client and prepare correspondence to plaintiffs	75	MAIW	\$406.25
8/28/12	Conference with client and county attorneys	105	MAIW	\$568.75
9/4/12	Conference with Armor	120	MAIW	\$650.00
9/7/12	Review file and prepare correspondence to Atty. Smith	45	MAIW	\$243.75
9/13/12	Review file, conference with client and Judiciary meeting	150	MAIW	\$812.50
9/24/12	Review file, conference with client and court status conference	90	MAIW	\$487.50
10/3/12	Review file and prepare correspondence to court	45	MAIW	\$243.75
10/15/12	Review file, research and prepare reply brief	360	MAIW	\$1,950.00
10/16/12	Review file and prepare reply brief	135	MAIW	\$731.25
10/17/12	Review file research and prepare reply brief	90	MAIW	\$487.50
10/18/12	Review file and prepare reply brief	420	MAIW	\$2,275.00
10/21/12	Review file and prepare reply brief	240	MAIW	\$1,300.00
10/22/12	Review file and prepare reply brief	270	MAIW	\$1,462.50
10/23/12	Review file and prepare reply brief	180	MAIW	\$600.00
10/24/12	Review file and prepare memorandum opposing motion to compel discovery	150	MAIW	\$812.50
10/25/12	Review file, prepare reply brief and correspondence to court	285	MAIW	\$1,543.75
10/29/12	Review file, prepare memorandum opposing motion to compel discovery and correspondence to court	30	MAIW	\$162.50
11/2/12	Review file and prepare for motion to compel	75	MAIW	\$406.25
11/5/12	Review file, prepare for motion to compel and telephone conference with client	90	MAIW	\$487.50
11/6/12	Review file, conference with client and motion to compel hearing	120	MAIW	\$650.00

11/13/12	Telephones conference with client	60	MAIW	\$325.00
12/3/12	Review file, prepare for motions hearing and telephone conference with client	195	MAIW	\$1,056.25
12/4/12	Review file, prepare for motions hearing, conference with client and motion hearing	180	MAIW	\$975.00
12/5/12	Review file and prepare correspondence to client and to attorneys	45	MAIW	\$243.75
12/12/12	Review file, telephone conference with Atty. Jones and prepare for attorney meeting	45	MAIW	\$243.75
12/13/12	Review file, conference with client and conference with attorneys	75	MAIW	\$406.25
12/14/12	Court transcript of 12/4/12			\$188.00
12/18/12	Review file, telephone conference with client and Atty. Bohl	30	MAIW	\$162.50
12/19/12	Prepare correspondence to attorneys and telephone conferences with client	45	MAIW	\$243.75
1/8/13	Review file and telephone conference with client	15	MAIW	\$81.25
1/14/13	Review file and prepare affidavit and correspondence to court	195	MAIW	\$1,056.25
1/15/13	Review file and prepare affidavit and correspondence to court	75	MAIW	\$406.25
1/16/13	Review file, conference with client and court status conference	150	MAIW	\$812.50
1/17/13	Review file and prepare Shansky order and correspondence to attorneys	75	MAIW	\$406.25
1/23/13	Review file and prepare Shansky order and correspondence to court	45	MAIW	\$243.75
2/3/13	Review file and prepare correspondence to client	75	MAIW	\$406.25
2/14/13	Review file, telephone conference with client and prepare for court status conference	90	MAIW	\$487.50
2/15/13	Review file, conference with client and court status conference	150	MAIW	\$812.50
3/8/13	Review file, conference with client and court status conference	120	MAIW	\$650.00
3/26/13	Review County motion documents and telephone conference with client	45	MAIW	\$243.75
3/27/13	Review file and prepare correspondence to client	45	MAIW	\$243.75
3/29/13	Review file, prepare motion and affidavits and correspondence to court	300	MAIW	\$1,625.00
4/2/13	Review file, prepare correspondence to client and Atty. Smith	45	MAIW	\$243.75
4/9/13	Review file, prepare for court hearing, conference with client and court hearing	360	MAIW	\$1,950.00
4/11/13	Review file, conference with client and Judiciary Committee meeting	180	MAIW	\$975.00
4/22/13	Review file, telephone conference with client and prepare correspondence to client	60	MAIW	\$325.00

5/2/13	Telephone conference with client and with attorneys	30	MAIW	\$162.50
5/3/13	Review file, conference with client, telephone conferences with attorneys and court hearing	225	MAIW	\$1,218.75
5/7/13	Review file, conferences with client and court hearing	180	MAIW	\$975.00
5/9/13	Review file, prepare correspondence to attorneys and to client	45	MAIW	\$243.75
5/9/13	Review file and prepare correspondence to client	30	MAIW	\$162.50
5/10/13	Review file, prepare correspondence to client and to Atty. Grady and telephone conference with client	105	MAIW	\$568.75
TOTAL				\$49,675.50

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JUNE 26, 2013

For professional services rendered Sheriff David A. Clarke, Jr. re *Milwaukee Deputy Sheriffs' Association v. Sheriff David A. Clarke, Jr., et al.*, Case No. 12-CV-3410:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
3/23/12	Review file and conference with client office re G4S	90	MAIW	\$487.50 (\$325.00/hr)
3/24/12	Review file and prepare for union TRO	90	MAIW	\$487.50
3/26/12	Review file, prepare for TRO, TRO hearing and conference with client	150	MAIW	\$812.50
3/26/12	Review file and prepare for conference with client and Atty. Grady and conference with client office and Atty. Grady	90	MAIW	\$487.50
3/27/12	Review file and prepare affidavit re G4S	150	MAIW	\$812.50
4/10/12	Review G4S transcripts and prepare correspondence to client	75	MAIW	\$406.25
4/24/12	Telephone conference with Atty. MacGillis	15	MAIW	\$81.25
			TOTAL	\$3,575.00

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JUNE 26, 2013

For professional services rendered Sheriff David A. Clarke, Jr. re *In re Filing Complaint Pursuant to Wis. Stat. § 968.02(3)*:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
4/10/12	Review file, research re criminal complaint request	75	MAIW	\$406.25 (\$325.00/hr)
4/11/12	Review file, prepare motion for criminal complaint and correspondence to client	150	MAIW	\$812.50
4/19/12	Review file, conference with client, telephone conference with Judge Kremers and conferences with various judges	105	MAIW	\$568.75
4/19/12	Telephone conference with client	15	MAIW	\$81.25
4/19/12	Review file and prepare correspondence to Judge Kremers	120	MAIW	\$650.00
4/20/12	Review file and telephone conference with client, with victim, conference call with client and Judge Kremers and prepare correspondence to client and victim	105	MAIW	\$568.75
4/23/12	Review file and prepare for criminal complaint request hearing	150	MAIW	\$812.50
4/23/12	Conferences with client and criminal complaint request hearing	150	MAIW	\$812.50
			TOTAL	\$4,712.50

1 From Corporation Counsel requesting approval of a resolution authorizing
2 the payment of attorneys' fees incurred by the Sheriff in order to resolve
3 pending litigation between the Sheriff and the County or the Civil Service
4 Commission.

5
6 File No. 13-
7 (Journal,)
8

9
10 A RESOLUTION
11

12
13 WHEREAS, in March of 2012, the Sheriff filed a lawsuit, *Clarke v. Civil*
14 *Service Commission*, Case No. 12-CV-3366, seeking to overturn the
15 Commission's decision denying his layoff of three captains at the end of
16 2011 and seeking a declaration that he had the constitutional authority to
17 layoff management officers at his discretion, and
18

19 WHEREAS, the circuit court issued a decision affirming the Civil
20 Service Commission's decision and finding that Sheriff does not have the
21 constitutional authority to layoff management officers at his discretion, but
22 the Sheriff has filed an appeal to the Court of Appeals which is pending,
23 and
24

25 WHEREAS, in May of 2012, the Sheriff filed a motion in case of
26 *Christensen v. Sullivan*, Case No. 96-CV-1835, seeking a declaration that
27 compliance had been achieved with the consent decree in that case
28 with respect to medical care at the Jail and House of Correction and
29 seeking a declaration that the Sheriff had the constitutional authority to
30 determine the manner in which medical care is to be provided in the Jail
31 and House of Correction, and
32

33 WHEREAS, the circuit court issued a decision finding that the Sheriff
34 did not have the constitutional authority to determine the manner in
35 which medical care is to be provided in the Jail and House of Correction,
36 and
37

38 WHEREAS, in December of 2012, the Sheriff filed a lawsuit against
39 Milwaukee County, *Clarke v. Milwaukee County*, Case No. 12-CV-13388,
40 seeking a declaration that Milwaukee County could not transfer
41 supervision of the House of Correction from the Sheriff to a Superintendent
42 over the Sheriff's objection and that even if the County had the authority
43 to do so, it did not do so correctly, and
44

45 WHEREAS, the circuit court issued a decision finding that Milwaukee
46 County could transfer the House of Correction from the Sheriff to a
47 Superintendent, but the Sheriff has filed an appeal to the Court of
48 Appeals which is pending, and

49
50 WHEREAS, the Sheriff incurred legal fees in two other matters *MDSA*
51 *v. Clarke*, Case No. 12-CV-3410 and *In re Filing Complaint pursuant to*
52 *§968.02(3), Stats.*, but the courts did not allow representation for the Sheriff
53 outside of the Office of Corporation Counsel, and

54
55 WHEREAS, the Sheriff is, or has been, represented in all of these
56 matters by the Law Offices of Michael A.I. Whitcomb, who has performed
57 services and incurred fees in the total amount of \$149,225.00, and

58
59 WHEREAS, the Sheriff and Attorney Whitcomb have agreed to
60 accept the sum of \$95,000.00 in full payment of all attorneys' fees incurred
61 in all matters to date by the Sheriff in return for the dismissal of appeals in
62 the above cases,

63
64 NOW THEREFORE BE IT RESOLVED that Milwaukee County approves
65 the payment of \$95,000.00 to the Law Offices of Michael A.I. Whitcomb,
66 from the appropriate budget in Org. Unit 4000, in return for a release of all
67 claims for attorneys' fees, the dismissal of appeals in *Clarke v. Milwaukee*
68 *County*, Case No. 12-CV-13388, and *Clarke v. Civil Service Commission*,
69 Case No. 12-CV-3366, and the withdrawal of the Law Offices of Michael
70 A.I. Whitcomb from representation of the Sheriff in further proceedings in
71 *Christensen v. Sullivan*, Case No. 96-CV-1835, and for the Sheriff's
72 agreement that requests for legal representation must first be directed to
73 the Office of Corporation Counsel.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: July 2, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: From Corporation Counsel requesting approval of a resolution authorizing the payment of attorneys' fees incurred by the Sheriff in order to resolve pending litigation between the Sheriff and the County or the Civil Service Commission.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	95,000	
	Revenue		
	Net Cost	95,000	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

Approval of this resolution will approve a settlement of litigation and attorneys' fees incurred by the Sheriff for legal representation in the amount of \$95,000. The fees will be paid from an appropriate budget account within Org. Unit 4000, the Office of the Sheriff.

Department/Prepared By Corporation Counsel/Mark A. Grady

Authorized Signature Mark A. Grady

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: July 1, 2013

TO: Theodore Lipscomb Sr., Chairman
Committee on Judiciary, Safety and General Services

Willie Johnson & David Cullen, Co-Chairmen
Committee on Finance, Personnel and Audit

FROM: Mark A. Grady, Deputy Corporation Counsel

SUBJECT: Status update on pending litigation

The following is a list of some of the significant pending cases that we believe may be of interest to the Committees. New information and additions to the list since the last committee meetings are noted in **bold**. However, our office is prepared to discuss any pending litigation or claim involving Milwaukee County, at your discretion.

1. *DC48 v. Milwaukee County* (Rule of 75)
Case No. 11-CV-16826 (temporary stay of case until November 25, 2013)
2. *MDSA v. Milwaukee County* (overturn arbitration award on 2012 deputy layoffs)
Case No. 12-CV-1984
3. Retiree health plan (co-pays, deductibles, etc.) cases:
Hussey v. Milwaukee County (Retiree health)
Case No. 12-C-73 (U.S. District Court, appealed by Hussey to U.S. Seventh Circuit Court of Appeals)
MDSA prohibited practice complaint
WERC Case No. 792 No. 71690 MP-4726
Rieder & MDSA v. Milwaukee County
Case No. 12-CV-12978
DC48 prohibited practice complaint
WERC Case No. 762 No. 70685 MP-4657
DC48 et al. v. Milwaukee County et al.
Case No. 12-CV-13612 (stayed pending outcome of *Hussey* case)
4. Medicare Part B premium reimbursement cases:
FNHP and AMCA v. Milwaukee County
Case No. 12-CV-1528 (appealed to WI Court of Appeals by Milwaukee County)
DC48 et al. v. Milwaukee County et al.
Case No. 12-CV-13612 (stayed pending outcome of cases above)

5. 1.6% Pension Multiplier cases:
Stoker & FNHP v. Milwaukee County
Case No. 11-CV-16550 (appealed to WI Court of Appeals by Milwaukee County)
AFSCME v. Milwaukee County
Case No. 12-CV-9911 (stayed pending above appeal)
Brillowski & Trades v. Milwaukee County
Case No. 12-CV-13343 (stayed pending outcome of *Stoker* above)
6. Sheriff Captain Lay-off cases:
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 (Commission affirmed)(appealed by Sheriff to Court of Appeals)
7. *DC48 v. Milwaukee County* (seniority in vacation selection and CO1 transfer rights under Sheriff)
Case No. 12-CV-3944
8. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)
Case No. 11-CV-1003 (consolidated actions)(trial: October 7, 2013, six weeks)
9. *Christensen et al. v. Sullivan et al.*
Case No. 96-CV-1835 (court ordered contract with Armor)
10. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)
Case No. 11-CV-8784
11. *Milwaukee County v. Federal National Mortgage Ass'n. et al.* (transfer taxes)
Case No. 12-C-732 (U.S. District Court)
12. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)
Case No. 12-CV-11071
13. Retirement sick allowance payment for employees not represented at retirement, but previously represented
Pasko v. Milwaukee County
Case No. 11-CV-2577 (**petition to WI Supreme Court being filed**)
Porth v. Milwaukee County
Case No. 11-CV-4908 (consolidated with Pasko case, **petition to WI Supreme Court being filed**)

Memo to Theodore Lipscomb Sr., Chairman

7/1/2013

Page 3 of 3

- Koehn v. Milwaukee County*
Case No. 12-CV-1402 (stayed in circuit court pending appeal of other cases)
- Marchewka v. Milwaukee County*
Case No. 13-CV-969
14. *Clarke v. Milwaukee County* (House of Correction transition)
Case No. 12-CV-13388 (appealed by Sheriff to Court of Appeals)
15. *Calderon v. Milwaukee County*
Case No. 12-C-1043 (U.S. District Ct.)(deputy assault of person in custody)
16. Froedtert Hospital petition to disturb burial sites – petition granted by State.
17. FNHP, AMCA & AFSCME v. Milwaukee County and ERS (backdrop modification)
Case No. 13-CV-3134