



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

DATE: October 22, 2013

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

FROM: Chris Abele, County Executive

SUBJECT: Appointment of Paul Bargren

Pursuant to Sec. 59.17(2) Wis. Stats, and subject to confirmation by the Milwaukee County Board of Supervisors, I am pleased to appoint Mr. Paul Bargren to the position of Corporation Counsel.

Mr. Bargren was most recently a litigation partner with Foley & Lardner LLP where he focused his litigation practice on environmental and insurance matters, as well as defamation and open records matters. Mr. Bargren has been Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system and has been selected by his peers for inclusion in *The Best Lawyers in America* since 2011 in the fields of commercial litigation, advertising law and litigation - environmental.

Mr. Bargren holds an undergraduate degree in communications (journalism emphasis) from the University of Illinois and received his J.D. degree, *magna cum laude*, in 1994 from the University of Wisconsin - Madison. Before attending law school, Mr. Bargren worked for 19 years as a journalist at the *Champaign-Urbana News-Gazette* in Illinois and at the *Waukesha Freeman* and *The Milwaukee Journal*.

I have every confidence that Mr. Bargren will provide the leadership and vision needed for Milwaukee County. I urge you to give this appointment your favorable consideration.

Sincerely,

Chris Abele
Milwaukee County Executive

Attachment

Cc: County Board of Supervisors
Kelly Bablitch, Chief of Staff, Board of Supervisors

Paul Bargren



PARTNER

PBARGREN@FOLEY.COM

414.297.5537
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Paul Bargren is a litigation partner with Foley & Lardner LLP. Mr. Bargren has focused his litigation practice on environmental and insurance matters, defamation and open records matters. As part of his media work, he also counsels on sweepstakes, contests, promotions and advertising.

His litigation work includes managing teams of lawyers and support personnel in substantial litigation efforts.

Mr. Bargren has been Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system and has been selected by his peers for inclusion in *The Best Lawyers in America*® since 2011 in the fields of commercial litigation, advertising law and litigation - environmental.

Mr. Bargren holds an undergraduate degree in communications (journalism emphasis) from the University of Illinois and received his J.D. degree, *magna cum laude*, in 1994 from the University of Wisconsin - Madison. He was a member of the *University of Wisconsin Law Review* and author of the 1994 *Review* article, "Joint and Several Liability."

Before attending law school, Mr. Bargren worked for 19 years as a journalist at the *Champaign-Urbana News-Gazette* in Illinois and at the *Waukesha Freeman* and *The Milwaukee Journal* in Wisconsin. He was a reporter, editor and newsroom manager.

He has lived in Wauwatosa, Wisconsin with his family since 1983.



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

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

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

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

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

STATE OF WISCONSIN

FIRST JUDICIAL DISTRICT

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

TELEPHONE (414) 278-5115

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WEBSITE: www.wicourts.gov



2

To: Chairwoman Marina Dimitrijevic
From: Chief Judge Jeffrey Kremers
Copy: Supervisor Theo Lipscomb, Sr., Chair-Judiciary, Safety & General Services Committee
Date: November 14, 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 a Fiscal Year 2013 United States Bureau of Justice Assistance Adult Drug Court Discretionary Grant award in the amount of \$156,848 for provision of Cognitive Behavioral Intervention and Trauma Informed Care services in the Milwaukee County Adult Drug Treatment Court and to issue a competitive request for proposals for provision of these services.

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
Milwaukee County

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive a Fiscal Year 2013 United States Bureau of Justice Assistance Adult Drug Court Discretionary Grant award in the amount of \$156,848 for provision of Cognitive Behavioral Intervention and Trauma Informed Care services in the Milwaukee County Adult Drug Treatment Court and to issue a competitive request for proposals for provision of these services.

A RESOLUTION

WHEREAS, The Milwaukee County Board of Supervisors adopted the 2013 budget on November 5, 2012 (File No. 12-788), and approved by the County Executive, which included funding for the Milwaukee County Drug Treatment Court Coordinator; and

WHEREAS, Milwaukee County's Drug Treatment Court will continue to operate in 2014; and

WHEREAS, On February 18, 2013 Milwaukee County submitted a grant application to the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program seeking funding for provision of Cognitive Behavioral and Trauma Informed Care services for Milwaukee County Drug Treatment Court participants; and

WHEREAS, On August 29, 2013 Milwaukee County received notice of a Bureau of Justice Assistance Adult Drug Court Discretionary Grant award (Award No. 2013-DC-BX-0034) in the amount of \$156,848 for the period of October 1, 2013 through September 30, 2015; and

WHEREAS, The Office of the Chief Judge intends to issue a competitive request for proposals for these services; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive Bureau of Justice Assistance Adult Drug Court Discretionary grant funding in the amount of \$156,848 for provision of Cognitive Behavioral Intervention and Trauma Informed Care services in support of Milwaukee County's Adult Drug Treatment Court, and to issue a competitive request for proposals for provision of these services.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/14/2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Bureau of Justice Assistance Adult Drug Court Discretionary 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	0	\$156,848
	Revenue	0	\$156,848
	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.

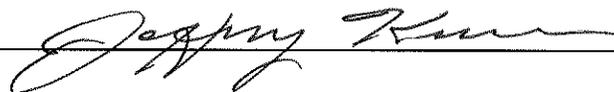
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current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

Increase of \$156,848 in operating expenditures in Org. Unit 2900, Pretrial Services for the period of January 1, 2014-December 31, 2014 will be offset by an increase in operating revenue from the Bureau of Justice Assistance Adult Drug Court Discretionary grant award received on August 29, 2013. This award is in the amount of \$156,848 for provision of Cognitive Behavioral Therapy and Trauma Informed Care in the Milwaukee County Drug Treatment Court and results in an increase in the original Org. Unit 2900 2014 approved budget. A competitive request for proposals will be issued for these services.

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

CDBP will review the RFP and any resulting contract.

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.

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

Date: November 1, 2013

To: Marina Dimitrijevic, Chair, County Board of Supervisors

From: District Attorney's Office

Subject: Request for Permission to Contract with Sojourner Family Peace Center to Implement a Federal Domestic Violence Grant

We are requesting permission from the County Board, pursuant to Wis. Stat. § 59.52(31)(c) and section 56.30(4)(b) of the county general ordinances, to enter into a three-year contract of \$340,496 with the Sojourner Family Peace Center (Sojourner), from approximately January 1, 2014, to December 31, 2016, to carry out a new federal domestic violence grant.

From 2006 until June 30, 2013, the U.S. Department of Justice, Office on Violence Against Women (OVW), provided grant funding, under the Grants to Encourage Arrests and Enforcement of Protection Orders (GTEA) program, to Milwaukee County to promote victim safety and enhance prosecution in domestic violence cases. When the project ended on June 30, the grant was providing funding for three prosecutors in the district attorney's domestic violence unit and four Sojourner victim advocates. Sojourner was a district attorney community partner throughout the project. The County Board authorized the district attorney to contract with Sojourner to implement the project in file number 06-442, December 14, 2006, and the contractual payments to Sojourner were approved in district attorney budgets from 2007-13.

In September 2013, OVW made a GTEA grant award of \$900,000 to Milwaukee County, in collaboration with Sojourner, the county's non-profit, non-governmental victim service provider, to promote victim safety and enhance the prosecution of domestic violence cases. A longstanding history of collaboration with a community victim service agency was a grant requirement. The grant provides three years of funding for two prosecutors in the district attorney's domestic violence unit and for two Sojourner victim advocates, at a budgeted cost of \$340,496 for salaries and fringe benefits, to provide services in Milwaukee police district stations to victims of domestic violence.

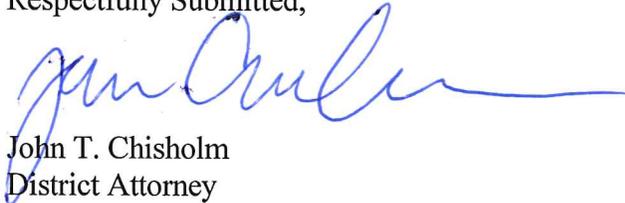
The district attorney's office, Sojourner, and the Milwaukee Police Department participate in the Community Domestic Abuse Advocacy Program (CDAAP), which was established in 2007. The program's goals are to assist victims of domestic violence through confidential advocacy and support, to enhance the prosecution of domestic violence cases by increasing victims' cooperation with the criminal justice system, and to reduce domestic violence crimes and homicides in neighborhoods where the Milwaukee Police Department receives the most domestic violence-related calls for service.

CDAAP is unique because it joins law enforcement, domestic violence victim advocates, and prosecutors in a combined effort to reduce domestic violence-related crime on a neighborhood level. In the program, Sojourner victim advocates are located in Milwaukee Police Department

stations to encourage greater access and communication between victims, advocates and officers. Police officers refer victims to Sojourner advocates immediately following their response to domestic violence-related calls for service. Sojourner advocates assist victims of domestic violence with safety planning; secure housing, food, clothing and other basic needs; and link victims to services that help them to achieve safety and freedom from domestic abuse.

The contractual payments to Sojourner will have no tax levy effect because the payments will be offset entirely by federal revenue. The district attorney's office will submit a fund transfer early next year to provide budgetary authority for 2014 project expenses and offsetting revenue, and 2015-16 project expenses and revenue will be included in the district attorney's budget submissions.

Respectfully Submitted,



John T. Chisholm
District Attorney

RESOLUTION

1
2
3 WHEREAS, the district attorney’s office has requested permission from the County
4 Board of Supervisors, pursuant to Wis. Stat. § 59.52(31)(c) and section 56.30(4)(b) of the
5 county general ordinances, to enter into a three-year contract of \$340,496 with the Sojourner
6 Family Peace Center (Sojourner), from approximately January 1, 2014, to December 31,
7 2016, to carry out a new federal domestic violence grant.

8
9 WHEREAS, from 2006 until June 30, 2013, the U.S. Department of Justice, Office on
10 Violence Against Women (OVW), provided grant funding, under the Grants to Encourage
11 Arrests and Enforcement of Protection Orders (GTEA) program, to Milwaukee County and
12 Sojourner, its community partner, to promote victim safety and enhance prosecution in
13 domestic violence cases;

14
15 WHEREAS, the GTEA grant from OVW was providing funding for three prosecutors in the
16 district attorney’s domestic violence unit and four Sojourner victim advocates when the
17 project ended on June 30, 2013;

18
19 WHEREAS, in September 2013, OVW made a new GTEA grant award of \$900,000 to
20 Milwaukee County, in collaboration with Sojourner, the county’s non-profit, non-
21 governmental victim service provider, to promote victim safety and enhance the prosecution
22 of domestic violence cases;

23
24 WHEREAS, the grant provides three years of funding for two prosecutors in the district
25 attorney’s domestic violence unit and for two Sojourner victim advocates, at a budgeted cost
26 of \$340,496 for salaries and fringe benefits, to provide services in Milwaukee police district
27 stations to victims of domestic violence;

28
29 WHEREAS, the district attorney’s office, Sojourner, and the Milwaukee Police Department
30 participate in the Community Domestic Abuse Advocacy Program (CDAAP), which was
31 established in 2007, with the goals of assisting victims of domestic violence through
32 confidential advocacy and support, enhancing the prosecution of domestic violence cases by
33 increasing victims’ cooperation with the criminal justice system, and reducing domestic
34 violence crimes and homicides in neighborhoods where the Milwaukee Police Department
35 receives the most domestic violence-related calls for service.

36
37 WHEREAS, the federal grant requires no local match, and the contractual payments to
38 Sojourner will have no tax levy effect because the payments will be offset entirely by
39 federal revenue;

40
41 WHEREAS, the district attorney’s office will submit a fund transfer early next year to
42 provide budgetary authority for 2014 project expenses and offsetting revenue, and 2015-16
43 project expenses and revenue will be included in the district attorney’s budget submissions;
44 now, therefore,
45

1 BE IT RESOLVED, that the County Board of Supervisors hereby authorizes the district
2 attorney's office, pursuant to Wis. Stat. § 59.52(31)(c) and section 56.30(4)(b) of the county
3 general ordinances, to enter into a three-year contract of \$340,496 with the Sojourner
4 Family Peace Center, from approximately January 1, 2014, to December 31, 2016, to
5 implement a new federal domestic violence grant and reimburse Sojourner for the salaries
6 and fringe benefits of the two Sojourner project victim advocates.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 6, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request for Permission to Contract with Sojourner Family Peace Center to Implement a Federal Domestic Violence Grant

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	113,500
	Revenue	0	113,500
	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.

The district attorney's office recently received a grant of \$900,000 from the U.S. Department of Justice, Office on Violence Against Women, to promote victim safety and enhance the prosecution of domestic violence cases in Milwaukee County. The three-year grant award includes contractual funding of \$340,496 for the salaries and fringe benefits of two victim advocates employed by the Sojourner Family Peace Center.

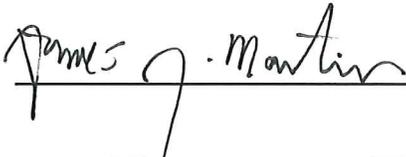
Acceptance of the grant award and contractual payments to the Sojourner Family Peace Center will not increase the county tax levy or have any tax levy effect because grant expenses will be offset entirely by federal revenue. There is no county match required for the project.

The district attorney's office will submit a fund transfer early next year to provide budgetary authority for 2014 project expenses and offsetting revenue, and 2015-16 project expenses and revenue will be included in the district attorney's budget submissions.

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.

Department/Prepared By James J. Martin, Deputy District Attorney

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

Did CDBP Review?² Yes No Not Required

Submitted to CDBP for review on October 31, 2013, but CDBP approval must await County Board action.

**MILWAUKEE COUNTY
Interoffice Memo**

DATE: November 20, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, Board of Supervisors

FROM: Jim Sullivan, Director, Department of Child Support Services

RE: **AUTHORIZATION TO EXECUTE GENETIC TEST CONTRACT BETWEEN CHILD SUPPORT AND DNA DIAGNOSTICS CENTER (DDC)**

The Department of Child Support respectfully requests authorization to execute Child Support's professional services agreement with DNA Diagnostics Center, Inc. to provide genetic testing services from January 1, 2014 through December 31, 2016.

DISCUSSION

After a competitive bid process in 2013, the Department selected DNA Diagnostics Center Inc. to provide genetic test services for the price of \$29.50 per person tested, for the period of January 1, 2014 through December 31, 2016, with the option of extending such services for two additional one year periods. The proposed professional services agreement received the approval of the Community Business Development Partners, Risk Management and Corporation Counsel.

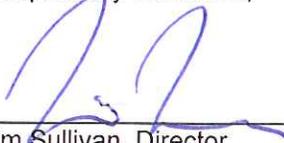
FISCAL EFFECT

A fiscal note is attached, reflecting no direct county fiscal impact, as the execution of this contract was anticipated and included in the 2014 budget.

RECOMMENDATION

The Department recommends that the County Board authorize the execution of the 2014 Genetic Testing contract.

Respectfully submitted,



Jim Sullivan, Director
Department of Child Support Services

cc: Chris Abele, Milwaukee County Executive Office
Theodore Lipscomb, Sr., Chairman, Judiciary, Safety, and General Services Committee
Amber Moreen, Chief of Staff, Milwaukee County Executive's Office
Josh Fudge, Fiscal & Budget Administrator, Department of Administrative Services
Veronica Rudychev, Fiscal Management Analyst, Department of Administrative Services
Jessica Janz-McKnight, Research Analyst-County Board
Alexis Gassenhuber, Committee Clerk, County Board

Attachments

1
2 From the Committee on Judiciary, Safety and General Services, reporting on:

3
4 File No. _____

5
6 (Journal, _____ 2013)

7
8 From the Director, Department of Child Support Services, requesting
9 authorization to execute a professional services contract with DNA Diagnostics Center,
10 Inc., Fairfield, Ohio, effective January 1, 2014 through December 31, 2016, with the
11 ability to execute two one-year extensions, by recommending adoption of the following:

12
13 **A RESOLUTION**

14
15 WHEREAS, the Director of Child Support Services, has requested authorization
16 to execute a professional services contract with DNA Diagnostics Center, Inc. of
17 Fairfield, OH to perform genetic testing services for the period of January 1, 2014
18 through December 31, 2016 with the ability to execute two one-year extensions; and

19
20 WHEREAS, the Wisconsin Department of Children and Families, Division of
21 Family and Economic Security, and Bureau of Child Support limited the number of State
22 approved genetic testing vendors, effective November 6, 2012; and

23
24 WHEREAS, the Milwaukee County Department of Child Support Services
25 released a request for proposals to the two State approved vendors on August 26, 2013;
26 and

27
28 WHEREAS, DNA Diagnostics Center, Inc. and Laboratory Corporation of
29 America responded to the request for proposals, DNA Diagnostics, Inc. provided the
30 lowest price for the services based on their best and final offer; and

31
32 WHEREAS, the 2014 departmental budget provides an appropriation of
33 \$370,800 for this service; and

34
35 WHEREAS, the Committee on Judiciary, Safety and General Services
36 Department is requesting authority to pay bills for work done prior to the contract being
37 executed; and

38
39
40 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby
41 authorize the Director of Child Support Services to execute a professional services
42 contract for genetic testing with DNA Diagnostics Center, Inc., Fairfield, OH effective
43 January 1, 2014 through December 31, 2016, with the ability to execute two one-year
44 extensions.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/20/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: From the Director, Child Support Services, requesting authorization to execute Child Support contract for genetic test services with DDC Inc.

FISCAL EFFECT:

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

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

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

DESCRIPTION OF FISCAL EFFECT

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

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
 - B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
 - C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
 - D. Describe any assumptions or interpretations that were utilized to provide the information on this form.
-
- A. The Director of Child Support Services requests the County Board's authorization, by resolution, for the Department to enter into contract with DDC, Inc. which begins January 1, 2014 through December 31, 2016.
 - B. There are no direct costs, savings or anticipated revenues associated with this action in the current budget year.
 - C. There is no budgetary impact associated with this contract in the current year or subsequent year, as the Department has budgeted for this contract for 2014.
 - D. No further assumptions are made.

Department/Prepared By Department of Child Support Services, Jim Sullivan, Director

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.

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

Date: November 14, 2013

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

From: Chris Lindberg, Chief Information Officer, IMSD

Subject: Request for authorization to execute a contract with Motorola Solutions, Inc to purchase and install an 800 MHz Public Safety Radio System (WO614 – Build Out Ten Sites to Digital)

REQUEST

The Director of the Department of Administrative Services – Information Management Services Division (IMSD) requests authorization to execute a contract with Motorola Solutions, Inc. to purchase and install an 800 MHz Public Safety Radio System and related radio components.

BACKGROUND

As part of the approved 2010 Capital Budget, the County Board of Supervisors and the County Executive both approved capital project WO614-Build-Out Ten Sites to Digital. The project scope is comprehensive and includes the following deliverables from the contracted radio provider:

- Purchase and implementation of a simulcast, digital 800 MHz trunked radio system
- Installation of a microwave backhaul network
- Purchase and installation of dispatch consoles for the Milwaukee County Office of the Sheriff (MCSO), Emergency Medical Services Division (EMS) and Milwaukee County Transit Department (Transit)
- Radio tower site analysis, site development and remediation
- Mobile and portable subscriber radios for MCSO, EMS, Milwaukee County House of Correction, the Milwaukee County District Attorney's Office, Transit, Milwaukee County Department of Transportation and Public Works, Milwaukee County Zoo, General Mitchel International Airport, Milwaukee County Parks and the Department of Administrative Services – Facilities Division
- Training
- Ongoing licensing and maintenance services (Operational Costs)

The overall project will also account for all costs associated with the Department of Administrative Services – Architectural and Engineering services, project management, owner's representation and radio site services. These and all other soft costs will be identified and detailed through a Project Kick-off Detailed Design Analysis meeting and will be funded through the current capital allocation.

In May of 2012, IMSD was granted authorization to execute a Memorandum of Understanding (MOU) and partner with Waukesha County Department of Emergency

Preparedness/Radio Services (Waukesha County) to jointly retain the services of a communications consulting firm. A Request for Proposal (RFP) was issued and Milwaukee and Waukesha Counties contracted with CDX Wireless Inc. (CDX) for those services. CDX's role was to:

- Understand and document Milwaukee County and Waukesha County public safety communication requirements
- Describe alternative radio infrastructure design and implementation concepts
- Develop documentation for the technical specifications
- Calculate budgets (both capital and on-going)
- Draft and assist in administering a RFP for the replacement of each aging radio system.

In November of 2012, CDX completed the study of the Bi-County radio system and an RFP was let on April 12, of 2013. The RFP was sent to nine (9) radio vendors, advertised through the Daily Reporter and posted on the Milwaukee and Waukesha County Websites. Three respondents representing four different manufacturers of radio technology submitted proposals. Proposals were rated based on technology, cost, experience/qualifications, implementation and thoroughness in response as it relates to project plan and support. Upon review of the proposals during September, 2013, it was determined that Motorola Solutions, Inc. (Motorola) was the responsive, responsible vendor who scored the highest total on the evaluation criteria.

IMSD, in conjunction with Waukesha County, Risk Management and Corporation Counsel, has been negotiating a contract with Motorola to purchase a public safety radio system as well as the purchase of on-going annual support and maintenance. Negotiations have been successful to date. It is IMSD's intent to have the contract finalized, approved by Risk Management, Corporation Counsel and the Community Business Development Partners and executed by year end. If the Milwaukee County/Motorola contract is executed by year end, for a period of two years, Motorola will commit to a significant discount (50%) for Milwaukee County as well as municipal County radio system users on Motorola's product list of subscriber units. It must be noted that the contract is substantially complete and that the financial details have been solidified. The contract with Motorola is for a not to exceed cost of \$17,751,797 and includes system build, licensing and maintenance costs (operational cost) for a period of ten (10) years beyond warranty expiration. Key cost components of the contract are as follows:

<u>Capital Cost</u>	
Radio Infrastructure	\$ 5,675,537
Network - Microwave Backhaul	\$ 485,082
Radio Tower Site Work	\$ 1,312,674
Dispatch Consoles and Network	\$ 645,745
Subscriber Costs	\$ 5,410,698
Training	\$ 79,841
Total Milwaukee County Contract Cost (one time)	\$ 13,609,577

<u>Operational Cost</u>	<u>Annual (Ave)</u>	<u>10 Yr Cost</u>
License and Maintenance	\$ 414,222	\$ 4,142,220

The contract with Motorola does not, however, include the build and implementation of the Milwaukee County/Waukesha County shared core. The core will be installed in Waukesha County; therefore Waukesha is purchasing the core and invoicing Milwaukee County for its portion of the cost. Milwaukee County's share of the purchase and installation of the core will be a not to exceed dollar amount of \$450,668.

Maintenance and licensing are fixed costs that Milwaukee County will incur annually. Upon project completion, IMSD will work with the Department of Administrative Services and user groups to determine a fair and equitable means to allocate costs across Milwaukee County radio system participants.

Milwaukee County currently contracts with Motorola for system infrastructure service and repair for the existing and obsolete analog radio system. IMSD is considering contracting for the same services but not until approximately 2016. System infrastructure service and repair includes preventative maintenance, dispatch service, and on-site infrastructure response and repair. If it is determined that system service and repair is necessary, a contract will be negotiated and IMSD will return to the County Board of Supervisors and the County Executive for review and approval.

RECOMMENDATION

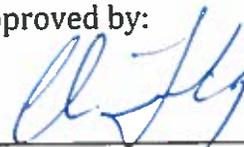
The Chief Information Officer respectfully requests the authority to enter into a contract with Motorola Solutions, Inc. to purchase and install a public safety radio system as well as provide for on-going annual license and maintenance services

A resolution and fiscal note are attached for your review and referral to the appropriate committee(s) of the County.

Prepared by:


 Laurie Panella, IMSD
 Deputy Chief Information Officer

Approved by:


 Chris Lindberg, IMSD
 Chief Information Officer

cc: Chris Abele, County Executive
 Amber Moreen, Chief of Staff, County Executive's Office
 Supervisor Willie Johnson, Jr., Co-Chair, Finance, Personnel and Audit Cte
 Supervisor David Cullen, Co-Chair, Finance, Personnel and Audit Cte
 Supervisor Theo Lipscomb, Sr., Chair, Judiciary, Safety, and General Services Cte

Supervisor Jason Haas, Vice Chair, Finance, Personnel and Audit Cte
Supervisor Mark Borkowski, Vice Chair, Judiciary, Safety, and General Services Cte
Kelly Bablitch, Chief of Staff, County Board
Raisa Koltun, Director of Legislative Affairs, County Executive's Office
Don Tyler, Director, DAS
Josh Fudge, Budget Director, DAS
Steve Cady, Research Analyst, County Board
Martin Weddle, Pol. Res. Analyst, County Board
Janelle Jensen, Committee Clerk, Finance and Audit Committee
Alexis Gassenhuber, Committee Clerk, Judiciary, Safety, and General Services Cte
Pamela Bryant, Capital Finance Manager
Vince Masterson, Fiscal Management Analyst, DAS
Justin Rodriguez, Capital Finance Planning Analyst
Dan Laurila, Fiscal Management Analyst, DAS
Rich Foscato, IT Director of Applications, IMSD
Marlinda Sisk, Fiscal and Budget Manager, IMSD
Hugh Morris, Business Systems Project Manager, IMSD

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4 (ITEM *) Request for authorization to execute a contract with Motorola Solutions, Inc. to
5 purchase and install a public safety radio system by recommending adoption of the
6 following:

7
8 **A RESOLUTION**

9
10 WHEREAS, as part of the approved 2010 Capital Budget, the County Board of
11 Supervisors and the County Executive both approved capital project WO614-Build-Out
12 Ten Sites to Digital; and

13
14 WHEREAS, the project scope is comprehensive and includes the following
15 deliverables from the contracted radio provider:

- 16
17
- 18 • Purchase and implementation of a simulcast, digital 800 MHz trunked radio system
 - 19 • Installation of a microwave backhaul network
 - 20 • Purchase and installation of dispatch consoles for the Milwaukee County Office of
21 the Sheriff (MCSO), Emergency Medical Services Division (EMS) and Milwaukee
22 County Transit Department (Transit)
 - 23 • Radio tower site analysis, site development and remediation
 - 24 • Mobile and portable subscriber radios for MCSO, EMS, Milwaukee County House
25 of Correction, the Milwaukee County District Attorney's Office, Transit, Milwaukee
26 County Department of Transportation and Public Works, Milwaukee County Zoo,
27 General Mitchel International Airport, Milwaukee County Parks and the Department
28 of Administrative Services – Facilities Division
 - 29 • Training
 - 30 • Ongoing licensing and maintenance services (Operational Costs); and

31
32 WHEREAS, the overall project will also account for all costs associated with the
33 Department of Administrative Services – Architectural and Engineering services, project
34 management, owner's representation and radio site services; and

35
36 WHEREAS, May of 2012, IMSD was granted authorization to execute a
37 Memorandum of Understanding (MOU) and partner with Waukesha County Department of
38 Emergency Preparedness/Radio Services (Waukesha County) to jointly retain the services of
39 a communications consulting firm; and

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41 WHEREAS, In November of 2012, the communications consulting firm completed
42 the study of the Bi-County radio system and an RFP was let on April 12, of 2013; and

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44 WHEREAS, three respondents representing four different manufacturers of radio
technology submitted proposals; and

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WHEREAS, upon review of the proposals during September, 2013, it was determined that Motorola Solutions, Inc. (Motorola) was the responsive, responsible vendor who scored the highest total on the evaluation criteria; and

WHEREAS, IMSD, in conjunction with Waukesha County, Risk Management, Community Business Development Partners and Corporation Counsel, has been negotiating a contract with Motorola to purchase a public safety radio system as well as on-going licensing and maintenance services; and

WHEREAS, the contract with Motorola is for a not to exceed cost of \$17,751,797 and includes system build, licensing and maintenance costs for a period of ten (10) years beyond warranty expiration; and

WHEREAS, the contract with Motorola does not, however, include the build and implementation of the Milwaukee County/Waukesha County shared core. The core will be installed in Waukesha County; therefore Waukesha is purchasing the core and invoicing Milwaukee County for its portion of the cost. Milwaukee County's share of the purchase and installation of the core will be a not to exceed dollar amount of \$450,668; and

WHEREAS, maintenance and licensing are fixed costs that Milwaukee County will incur annually. Upon project completion, IMSD will work with the Department of Administrative Services and user groups to determine a fair and equitable means to allocate costs across Milwaukee County radio system participants; and

WHEREAS, IMSD is considering contracting for system infrastructure service and repair in approximately 2016. System infrastructure service and repair includes preventative maintenance, dispatch service, and on-site infrastructure response and repair; and

WHEREAS, if it is determined that system service and repair is necessary, a contract will be negotiated and IMSD will return to the County Board of Supervisors and the County Executive for review and approval; and, now, therefore,

BE IT RESOLVED, that the Director of the Information Management Services Division, is hereby authorized to execute a contract with Motorola Solutions, Inc. to purchase and install a public safety radio system as well as provide for on-going annual license and maintenance services for a not to exceed value of \$17,751,797; and

BE IT FURTHER RESOLVED, that the Director of the Information Management Services Division is hereby authorized to execute a purchase order to Waukesha County for \$450,668, Milwaukee County's portion of the purchase and installation of the 800 MHz bi-County public safety radio system core.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/14/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Request for authorization to execute a contract with Motorola Solutions, Inc. to purchase and install an 800 MHz Public Safety Radio System (WO614 - Build Out Ten Sites to Digital)

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		\$6,303,473
	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.

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.

- A. The approval of the requested action will allow IMSD to contract with Motorola Solutions Inc. for the purchase and installation of an 800 MHz Public Safety Radio System and related radio components. This action will result in a capital cost of \$13,609,577 to Motorola Solutions Inc. for the purchase and installation of the system and, through a separate initiative with Waukesha County, \$450,688, for the purchase and installation of the system core. The contract with Motorola Solutions, Inc. also provides authority for on-going license and maintenance cost at an average of \$414,222 per year for up to ten years. The overall project will be responsible for all costs associated with the Department of Administrative Services – Architectural and Engineering services, project management, owner’s representation and radio site services. These and all other soft costs will be identified and detailed through a Project Kick-off Detailed Design Analysis. 2014 expense for aforementioned services will be funded through the current capital allocation. IMSD is currently assessing the need for on-going operational system infrastructure service and repair. If it is determined that system service and repair is necessary, a contract will be negotiated and IMSD will return to the County Board of Supervisors and the County Executive for review and approval.
- B. The cost related to the proposed contract is \$13,609,577 for the purchase and implementation services of the broader project. IMSD has been appropriated funds in 2010, 2013 and is anticipating funds in 2014 to begin the execution of the 800 MHz Public Safety digital migration project (WO614 – Build Out Ten Sites to Digital). It is anticipated that IMSD will return to the County Executive and the County Board to request a 2015 allocation to complete the project build. Additional expense related to license and maintenance fees is anticipated for 2016 and beyond. License and Maintenance costs of \$414,222 (average) are anticipated for a period of ten (10) years after warranty expiration.
- C. IMSD has been appropriated funds in 2010, 2013 and is anticipating funds in 2014 to begin the execution of the digital migration project. IMSD will return to the County Board and the County Executive for approval of the costs to fund the project in 2015.
- D. IMSD will be calculating project contingency for unseen or unknown cost. Contingency is calculated at 8% of the Motorola contract price.

Department/Prepared By Laurie Panella, Deputy Chief Information Officer

Authorized Signature  _____

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

DATE: November 12, 2013

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

FROM: Mike Hafemann, Superintendent, Milwaukee County House of Correction (HOC)

SUBJECT: Report from the Superintendent, House of Correction, requesting approval of an amendment to a contract with ATTIC for an additional expenditure. Additional annual contract costs estimated at \$24,003.

Issue

An OJA grant was not obtained to fund \$24,003 of the costs of a program that has been contracted with ATTIC for many years. Earlier this year, the Sheriff's Department encumbered only \$42,000 for this contract. However, it costs over \$60,000 a year to run the program.

We have sufficient funds to encumber and pay the additional \$24,003. A contract amendment was recently fully executed for this purpose. However, the Comptroller is denying payment since the contract has a cumulative value over \$100,000 since it has been in effect since 2005. Therefore, we are now bringing it to the Board to confirm approval.

Discussion

The contract with ATTIC is to provide Alcohol and Other Drug Abuse (AODA) treatment and Cognitive Intervention ("CIP") classes. It continues to cost over \$60,000 a year for ATTIC to run this program at our facilities. In prior years, a portion of this total cost was covered by an OJA grant. The Sheriff's Office encumbered only \$42,000 for this year and no grant was obtained. The \$24,003 is required to fully compensate ATTIC for the costs of running this program.

Recommendation

It is recommended that the County Board of Supervisors confirm approval of this contract amendment between the Superintendent of the House of Correction and ATTIC for AODA and CIP classes. Approval of this request will formally approve the associated costs of the contract amendment with ATTIC which terminates on December 31, 2013.

The HOC is considering changes to the program for 2014 and will be conducting an RFP. Therefore, a recommendation for next year will be submitted at a later date.

Fiscal Effect

The net effect is a cost of \$24,003 a year. The cost for this contract amendment can be covered by programming funds identified in the 2013 and 2014 budgets. A fiscal note form is attached.

Respectfully Submitted,



Michael Hafemann, Superintendent
Milwaukee County House of Correction

cc: County Executive Chris Abele
Raisa Koltun, County Executive's Office
Kelly Bablitch, County Board
Don Tyler, Director, DAS
Josh Fudge, Fiscal & Budget Administrator, DAS
Steve Cady, Fiscal & Budget Analyst, County Board
Janelle Jensen, Committee Clerk-Finance, County Board Staff

(ITEM) From the Superintendent, House of Correction, requesting approval of an amendment to a contract with ATTIC for an additional expenditure in the amount of \$24,003 in 2013 by recommending adoption of the following:

A RESOLUTION

WHEREAS, the 2013 Adopted Budget & Amendment 1A062 included sufficient funds for programming, and

WHEREAS, an OJA grant was not obtained to fund part of the costs of ATTIC's AODA treatment program, so the Superintendent now requires approval of an amendment to cover the full costs of running the program in 2013, and

WHEREAS, the contract amendment will result in operating expenditures of approximately \$24,003, which are reasonably within the funds available in the 2013 budget request; now, therefore

BE IT RESOLVED, that the Superintendent of the House of Correction, or his designee, is hereby authorized to enter into a 2013 contract amendment with ATTIC in an amount of \$24,003 to fully fund the program through December 31, 2013.

BE IT FURTHER RESOLVED, that the provision of Milwaukee County General Ordinance 56.30(9) is waived and the Comptroller is authorized to pay for any services rendered prior to county board approval.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/12/2013

Original Fiscal Note X

Substitute Fiscal Note

SUBJECT: Request for approval of an amendment to a contract with ATTIC for an additional expenditure in the amount of \$24,003 in 2013.

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 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	\$24,003	\$24,003
	Revenue	\$0	\$0
	Net Cost	\$24,003	\$24,003
Capital Improvement Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

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

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

- A. The Superintendent of the House of Correction (HOC) is requesting approval of a contract amendment with ATTIC that is now fully executed. There is no tax levy impact for the current year's budget because there are sufficient funds in our programming budget to cover this expense.

The contract with ATTIC to provide Alcohol and Other Drug Abuse (AODA) treatment and Cognitive Intervention ("CIP") classes has been in effect since 2005. It continues to cost approximately \$66,000 a year for ATTIC to run this program at our facilities. In prior years, a portion of this total cost was covered by an OJA grant. The Sheriff's Office encumbered only \$42,000 for this year and no grant was obtained. The \$24,003 is required to fully compensate ATTIC for the costs of running this program.

- B. This proposal will increase expenditures by \$24,003 in 2013. This is the amount of the OJA grant that was not obtained.
- C. Funds that were transferred into the HOC's budget earlier this year for programs are more than sufficient to cover these costs.

Changes may be made to this program due to an upcoming RFP, so we will be presenting our recommendations for the 2014 program at a later date. If this program is continued with ATTIC, subsequent years will also include this

additional cost of \$24,003, as the OJA grant has been awarded to another institution.

This program does not impact capital expenditures.

D. No assumptions are applicable. The \$24,003 is the exact amount of the grant that was not obtained.

Department/Prepared By _____
Authorized Signature _____
June Jackson
Michael H. Jensen

Did DAS-Fiscal Staff Review?	<u>Yes</u>	No	
Did CDBP Review?	<u>Yes</u>	No	Not Required

DATE: November 12, 2013

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

FROM: Mike Hafemann, Superintendent, Milwaukee County House of Correction (HOC)

SUBJECT: Report from the Superintendent, House of Correction, requesting approval of a partial-year Electronic Monitoring Unit (EMU) contract with WCS, Inc. for SCRAM services. Annual contract costs estimated at \$94,000 for 2013.

Issue

It has been noted that no inmates have been placed on EMU programming since October of 2012 by the Office of the Sheriff. Based on that decision, the funds were transferred into Appropriations for Contingency account. Amendment 1A062 was approved on 11/5/2012 which approved a transfer of the amounts budgeted for EMU to the HOC.

Earlier this year, the vendors that supply Electronic Monitoring Unit (EMU) equipment reported that the Office of the Sheriff had cancelled the contracts for equipment rental. Since amendment 1A062 provided a transfer of three-quarters of the year that was budgeted for the EMU, Superintendent Hafemann reinstated the EMU program for a partial year. This required new MOU contracts to replace those that were approved but terminated prematurely (i.e. before the contract was scheduled to expire).

It was recently determined that the Comptroller is denying payment since services were performed under this new contract prior to it being fully executed. Therefore, we are now bringing it to the Board to confirm approval.

Discussion

As envisioned by the terms of the 2013 Adopted Budget and Amendment 1A062, the funds approved for EMU programming were to be transferred back to the House of Correction in order to enable the operation of the EMU program once the Superintendent was put into place. Since the Superintendent assumed control of the House of Correction in May of 2013, the funds were subsequently transferred to the HOC, and he reinstated the program as expected.

We are seeking retroactive approval. The Superintendent thought he was authorized to initiate contracts under the amount of \$100,000, especially since Amendment 1A062 funded the program for three-quarters of the year, and the contract was initiated to replace the EMU contract that was approved but terminated by the Sheriff.

Recommendation

It is recommended that the County Board of Supervisors confirm approval of this partial-year contract between the Superintendent of the House of Correction and WCS, Inc. for SCRAMx services. Approval of this request will more formally approve the HOC contract with WCS, Inc. for the period of May 28, 2013 to December 31, 2013.

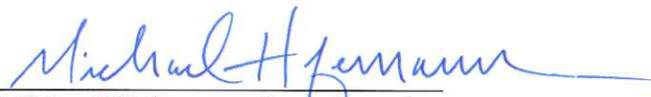
The HOC is considering changes to the program for 2014, so a recommendation for next year will be submitted at a later date.

Fiscal Effect

The costs for these services have already been identified in the 2013 and 2014 budget. The per diem revenues associated with the program were not fully incorporated into the 2013 budget, as more inmates are out in the program than originally anticipated. The net effect appears to be positive revenue of about \$94,000 for 2013. A fiscal note form is attached.

There can be additional costs associated with electronic monitoring which might be reflected elsewhere in the actual budget (e.g., additional Correction Officers to manage the program or participate in an Absconder unit). However, if this program is presented to the Board and re-approved in 2014, it should also be at a positive overall net savings with projected per diem revenues being greater than total operating expenditures. We are making that projection due to our 2013 estimates, and also because of the recent audit that was completed by the County's Audit Department which shows the cost benefits of maintaining a robust EM Program.

Respectfully Submitted,



Michael Hafemann, Superintendent
Milwaukee County House of Correction

cc: County Executive Chris Abele
Raisa Koltun, County Executive's Office
Kelly Bablitch, County Board
Don Tyler, Director, DAS
Josh Fudge, Fiscal & Budget Administrator, DAS
Steve Cady, Fiscal & Budget Analyst, County Board
Janelle Jensen, Committee Clerk-Finance, County Board Staff

(ITEM) From the Superintendent, House of Correction, requesting approval of a partial-year contract for Electronic Monitoring Unit (EMU) services with WCS, Inc. by recommending adoption of the following:

A RESOLUTION

WHEREAS, the 2013 Adopted Budget & Amendment 1A062 included funding for EM programming for three-quarters of the year and envisioned that once the Superintendent was put into place, the funds would be transferred to the HOC to enable operation of the EM program, and

WHEREAS, the contract with the vendor that supplied the EMU equipment reported that the Office of the Sheriff had cancelled the contract, so the Superintendent now requires approval of a replacement contract to continue EM programming for the remainder of 2013, and

WHEREAS, WCS, Inc. has agreed to a partial-year contract for SCRAMx services, and

WHEREAS, the contract recommendation will result in operating expenditures of approximately \$94,000, which are reasonably within the funds available in the 2013 budget request; now, therefore

BE IT RESOLVED, that the Superintendent of the House of Correction, or his designee, is hereby authorized to enter into a 2013 contract with WCS, Inc. for SCRAMx services in an amount up to \$100,000 starting May 28, 2013 through December 31, 2013.

BE IT FURTHER RESOLVED, that the provision of Milwaukee County General Ordinance 56.30(9) is waived and the Comptroller is authorized to pay for any services rendered prior to county board approval.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/12/2013

Original Fiscal Note **X**

Substitute Fiscal Note

SUBJECT: Request for approval of a partial-year contract for Electronic Monitoring Unit (EMU) services with WCS for SCRAMx services estimated to total just over \$94,000 in expenditures in 2013.

FISCAL EFFECT:

No Direct County Fiscal Impact Increase Capital Expenditures

Existing Staff Time Required Decrease Capital Expenditures

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

Absorbed Within Agency's Budget Decrease Capital Revenues

Not Absorbed Within Agency's Budget

Decrease Operating Expenditures Use of contingent funds

Increase Operating Revenues

Decrease Operating Revenues

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	\$94,000	\$0
	Revenue	(\$188,000)	\$0
	Net Cost	(\$94,000)	\$0
Capital Improvement Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

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

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

- A. The Superintendent of the House of Correction (HOC) is requesting approval of a partial-year contract between the HOC and WCS, Inc. There is no tax levy impact for the current year's budget. This is because, in January of 2013, funds in the amount of \$657,500 were transferred from the House of Correction and Office of the Sheriff into the Appropriations for Contingency account. These monies were budgeted and previously contracted (by the Sheriff) for the Electronic Monitoring Units (EM or EMU) programming costs.

Earlier this year, the vendors that supply the Electronic Monitoring Unit (EMU) equipment reported that the Office of the Sheriff had cancelled the contracts for equipment rental. Since amendment 1A062 provided a transfer of "three-quarters of the year" that was budgeted for the EMU, Superintendent Hafemann reinstated the EMU program for a partial year. This required new MOU contracts to replace those that were approved but terminated prematurely (i.e. before the contract was scheduled to expire).

- B. As envisioned by the terms of the 2013 Adopted Budget and Amendment 1A062, the funds approved for EMU programming were to be transferred back to the House of Correction in order to enable the operation of the EMU program once the Superintendent was put into place. Since the Superintendent assumed control of the House of Correction in May of 2013, the funds were subsequently transferred to the HOC, and he reinstated the program as expected.

Amendment 1A062 funded the program for three-quarters of the year. Therefore, the HOC contract with WCS, Inc. is for the period of **May 28, 2013 to December 31, 2013.**

Based on the billing so far this year and estimated averages to year end, this year's charges should total just over \$94,000. Therefore, total 2013 operating expenditures included in this request are approximately \$100,000. Funds that were transferred into the HOC's budget earlier this year for the EM programs are more than sufficient to cover these costs.

Changes may be made to this program due to an upcoming RFP, so we will be presenting our recommendations for the 2014 program at a later date.

- C. The tax levy impact associated with this request in 2013 will be positive, as revenues are greater than expected (due to number of inmates in the program) and will exceed the associated operating expenses of \$94,000. The EM program is currently generating a \$24 per diem per inmate (as set under County Ordinance 20.01*). This currently equates to about \$30,076 a month. Since the program started in June and there was a ramping up period, the total revenues for this year are estimated at approximately \$188,000 by year end. The impact, therefore, appears to be the net of \$94,000 in increased revenues.

There can be additional costs associated with electronic monitoring which might be reflected elsewhere in the actual budget (e.g., additional Correction Officers to manage the program or participate in an Absconder unit). However, if this program is presented to the Board and re-approved in 2014, it should also be at a positive overall net savings with projected per diem revenues being greater than total operating expenditures. We are making that projection due to our 2013 estimates, and also because of the recent audit that was completed by the County's Audit Department which shows the cost benefits of maintaining a robust EM Program.

This program does not impact capital expenditures.

D. This proposal assumes that July through September billing averages for SCRAMx services continue the remainder of 2013 and the per diem set by Ordinance remains stable.

Department/Prepared By _____
Authorized Signature _____
James Jackson
Michael H. Hermann

Did DAS-Fiscal Staff Review? Yes No
Did CDBP Review? Yes No Not Required

*20.01. Cost of maintaining prisoners at county jail and house of correction...Each prisoner listed in s. 303.08(4), Wis. Stats., is liable for charges in an amount of twenty-four dollars (\$24.00) per day, which represents the cost of his/her board in the jail or house of correction if confined pursuant to s. 303.08, Wis. Stats., Huber Law or s. 973.09(4), Wis. Stats., conditions of probation. In addition, those inmates on electronic surveillance shall be charged a rate of twenty-four dollars (\$24.00) per day.

DATE: November 20, 2014

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

FROM: Mike Hafemann, Superintendent, Milwaukee County House of Correction (HOC)

SUBJECT: Informational Report, from the Superintendent, House of Correction,
Providing an Update on the Armor Contract as requested by the
Committee for Judiciary, Safety and General Services

Issue

The Committee for Judiciary, Safety and General Services requested a written update on the Armor contract.

Discussion

Attached is a report which summarizes staffing and other important considerations on the transition of inmate medical services to Armor.

Recommendation

This is an informational report unless otherwise directed by the Chairwoman or Committee.

Fiscal Effect

A fiscal note form was not developed for this informational report.

Respectfully Submitted,



Michael Hafemann, Superintendent
Milwaukee County House of Correction

cc: County Executive Chris Abele
Raisa Koltun, County Executive's Office
Kelly Bablitch, County Board
Don Tyler, Director, DAS
Josh Fudge, Fiscal & Budget Administrator, DAS
Steve Cady, Fiscal & Budget Analyst, County Board
Janelle Jensen, Committee Clerk-Finance, County Board Staff

Report on Transition to Armor for Inmate Medical Services

Report Date: November 18, 2013

Executive Summary:

The management team at the House of Correction (HOC) believes the medical contract with Armor is progressing very well. No major issues have arisen, and there has been very few staffing complaints. This assessment appears well supported by the Court Monitor, Dr. Shansky. He rated our facilities / medical services as being in compliance or partial compliance on all categories.

A new report will be available from him in late December or early January. His last report is attached. We did develop a summary of the status on some of the recommendations found in Shansky's report. It can be found on Pages 2-3 of this written assessment.

Background:

The Office of the Sheriff requested authorization to enter into a contract with Armor to provide all inmate medical, dental, and mental health services during the March 2013 Board cycle. According to the Sheriff's request, the Armor contract would provide these services at a level sufficient to achieve compliance with the Christensen Consent Decree.

The proposal also alleviated the need for a capital project that would create an Electronic Medical Records (EMR) system that had a cost of \$2,000,000 that was to be entirely funded by tax levy. The proposed staffing levels were reviewed and approved by the Court Monitor assigned, and the Armor contract became court-ordered to ensure our compliance to the Christensen Consent Decree.

Staffing Update:

Initially, a few County employees had some issues about being directed by Armor. However, the HOC management team met with them and Human Resources. The staff is now aware of proper procedures, such as who to contact (e.g., HR) if they have further concerns. Since that time, the initial tension between the County and Armor staff has improved dramatically.

Specific Staffing Level Achievement:

Upper level positions, such as the Program Administrator (Wade Daley), Medical Director (Dr. Thomas Gable), Mental Health Director (Dr. Boswell), and Chief Psychiatrist (Dr. Lothian) have all been hired. Another Psychiatrist (Dr. Kessler) was recently added on October 22. There has been a House Physician (Dr. Munim) on staff part-time. A new Physician (Dr. Buono) is now starting part-time on November 19 and scheduled for full-time beginning December 1.

For most positions, as County employees retire or otherwise leave employment with the County, those positions are then to be filled by Armor. The initial Staffing Exhibit is attached (noted as page 27 of the contract).

At the onset of the contract, we had 31 Registered Nurses (RNs). Now we have 28.3, so it seems we currently have a fairly low attrition rate. The contract allowed Armor 90 days to get up to a required staffing level of 95%. If staffing levels are not achieved, staffing adjustments or penalties apply.

Positions on the Staffing Exhibit are currently filled at about 90%. Dental services that are listed at the bottom of the Exhibit will be staffed by Armor soon. In addition, Armor is nearing completion of an evaluation of all their medical subcontractors. For example, they are documenting potential savings of \$400,000 per year for the County by subcontracting with a different pharmaceutical company. This is very important as our monthly drug costs have increased significantly, and we are projected to exceed the drug cap of \$990,000 early next year, if changes are not enacted.

Budget Overview:

The salaries and benefits charged by Armor are significantly lower than what the County was paying. As such, the Armor contract was at a Base Compensation rate of about \$768,000 a month for a period of one year. The total budget allocated for this year was \$5,876,999. Year-to-date invoice payments total \$5,596,879, so to date we are about \$142,000 under budget due to staffing adjustments and other billing credits (e.g., reimbursed for two County staff and medical supplies ordered by County staff, etc.). We may end the year about \$280,000 under budget with this vendor.

The contract requires that we periodically review staffing and adjust the Base Compensation upward or downward, as applicable. This is because of staffing changes due to County employee attrition or changes requested by the Court Monitor. Once we receive Dr. Shansky's next report, we may be bringing the impact of staffing changes to the Board.

Status on Shansky's Recommendations:

Here is a summary update on some of the main recommendations we gleaned from Dr. Shansky's last report.

Booking and health assessment policy - We believe Armor is in full compliance on Intake Screening. They have developed comprehensive screening procedures, and those with positive screenings are referred to the appropriate medical provider, preferably within 24 hours.

Referral process and regular discussions with Nurse Practitioners - Full compliance. The nursing staff was trained and a policy and procedure is in place to refer. Dr. Gable is on call 24 hours per day. If he is not available, Dr. Mumin or Dr. May will receive the call.

Attend NCCHC Conference - Wade Daley, the Program Administrator, did attend.

Hire the vacant Nurse Practitioner (NP) Positions - Armor was originally asked to fill 4.1 of 12 Nurse Practitioners. They have hired four. We recently asked them to continue hiring, as the County did not have enough full-time NPs to meet the total staffing objective of 12.

Chronic Care Program - Chronic Care Guidelines for enrollment are currently in place. Armor is working on a database of chronic care patients and Chart Reviews to monitor compliance. Target completion date is 2/1/14.

Status of TB Program - Nearing completion on TB policy and form. Target completion date is 11/30/13. This is also now part of the Initial Screening process.

Improve sick call / lock box – There is currently a sick call retrieval log in place documenting sick call slip collections in the am and pm. Preliminary data does not yet show 100% compliance with the daily retrieval. Full compliance anticipated by 12/15/13 followed by ongoing monitoring.

Urgent Care Log – There are many parts to Urgent Care. A written policy of all will be completed by Armor by 12/31/13. Some features such as Chart Reviews have later completion dates with 2/28/14 being the last target date to get this area into full compliance.

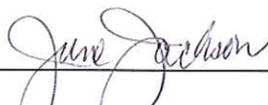
Implement an ACOG form, preferably in electronic format - The form has been developed and is in use. It will become electronic when the core Electronic Medical Records (EMR) software implementation is finalized.

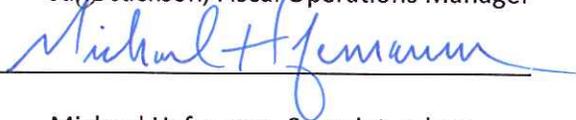
Purchase of dental equipment and supplies – Completed and being utilized.

Medical Records Clean-Up - Progress is now being measured on a weekly basis by the new Medical Records Supervisor. Target completion date is 1/15/14 or before.

Create a Quality Improvement (QI) Council / Process - Council established and met on 9/26/13. Armor has established Policies & Procedures for QI. They feel they are in partial compliance but are now committed to discussing QI concerns on a monthly basis going forward.

Respectfully Submitted by,

Report Prepared by: 
June Jackson, Fiscal Operations Manager

Approved by: 
Michael Hafemann, Superintendent

Contract for Inmate Health Services for
Milwaukee County

Exhibit A

The Positions identified below with “ARMOR” to the side are included in the 45.3 FTE noted in Armor’s Base Compensation set forth in section 10.1(a). The remaining positions shall be filled in accordance with section 3.4.

INSERT NEW MATRIX IDENTIFYING COUNTY AND ARMOR EMPLOYEES

Total Hours and FTEs by Position			
POSITION	Hrs/Wk	FTE	
Health Services Administrator	40	1.00	ARMOR
Medical Director	40	1.00	ARMOR
Physician	60	1.50	ARMOR
ARNP	480	12.00	4.1 FTE ARMOR
Director of Nursing	40	1.00	
Assistant Director of Nursing	40	1.00	ARMOR
RN-Quality Assurance	40	1.00	
RN-Infection Control	40	1.00	
RN-Staff Development	80	2.00	
RN-Supervisor	260	6.50	3.5 FTE ARMOR
RN	1,240	31.00	14.2 FTE ARMOR
LPN	1,040	26.00	6.5 FTE ARMOR
CMA	240	6.00	
Unit Clerk	200	5.00	2 FTE ARMOR
Administrative Assistant	80	2.00	2 FTE ARMOR
Medical Records Supervisor	40	1.00	
Medical Records Clerk	360	9.00	
Chief Psychiatrist	40	1.00	
Psychiatrist	60	1.50	
Director of Mental Health Services	40	1.00	ARMOR
Psychologist	40	1.00	
Psychiatric Social Worker	480	12.00	6 FTE ARMOR
Case Management	120	3.00	2 FTE ARMOR
RN-MH	80	2.00	
Dentist	40	1.00	
Dental Assistant	40	1.00	
Total Hours / FTE	5,260	131.50	

REPORT ON SETTLEMENT AGREEMENT IN THE CHRISTENSEN CASE

MILWAUKEE COUNTY JAIL AND THE HOUSE OF CORRECTIONS

July-August 2013

Introduction

This review was conducted between July 29 and August 5, 2013. Since the last review, approximately one year ago, the parties reached agreement with regard to the minimal staffing requirements that were developed by the court monitor. In addition, the sheriff let a contract for health services to a private vendor. The vendor was tasked with hiring all of the vacant positions within the agreed upon minimal staffing. Around May 13, the vendor put in place key leadership positions, including the program administrator and the medical director. The chief psychiatrist had been hired approximately a month and a half earlier. This report will describe the changes brought about by the vendor. However, since the review was conducted less than three months after the vendor's leadership team came onsite, many of the clinical problems identified are a reflection of the problems with the system they inherited. The program administrator, as well as the medical director are committed to remain in place at least through the end of this year or longer while the permanent administrator and medical director are recruited. This monitor views this report as a baseline of the care provided at the time of the takeover whereas the next report will demonstrate the extent to which the new leadership team has been effective in implementing improvements. It is anticipated that the next monitoring visit will take place in either late November or early December of this year. I will use the same format as used in the previous report in that for each major paragraph of the agreement, there will be a compliance status as well as findings that describe the basis for the compliance status and finally, where indicated, specific recommendations.

I. HEALTH SERVICES PROGRAM STRUCTURE

Compliance Status: Partial compliance.

Findings

A. Program Administrator

As indicated in the introductory paragraph, since May 13, the vendor has placed in the position of program administrator an individual with both appropriate credentials and experience. The monitor is favorably impressed with the multiple areas to which the administrator is focusing his attention. Probably the most critical focus of his attention is staffing, which we will discuss in detail in the appropriate section. I reviewed a set of corporate policies that dealt with both administrative structure as well as program operations. Although the policies were generally reasonable, they have not yet been customized to the reality of the Milwaukee County Jail and House of Corrections. An

example of the need for the customization can be found in the policy on the booking screen and health assessment. The corporate policy describes a process in which a screen is completed by a nurse and a health assessment follows within 14 days. Given the level of illness entering an urban jail, both the prior program leadership and the vendor's program leadership believe that it is in the best interest of patient care to utilize a system in which the booking nurses are provided fairly detailed definitions of differing acuity levels. The acuity levels correspond to defined timelines within which the patient is to receive assessment by an advanced level provider. The policy will describe the definitions for each acuity level, which will determine the urgency of health assessment by an advanced level practitioner. This is consistent with the revision to the NCCHC standards of 2008. Therefore, the corporate policy must be customized to both reflect this reality and to provide the specifics of how these acuity levels are defined. There are many other operational policies which also must be similarly customized. As I have indicated to the leadership team, in my experience, these policies and procedures must be written for primarily a nursing audience, so that nurses who work regularly at the jail and also those who are brought in from a registry have clear direction as to what specific tasks they must accomplish, whether it be for the booking process, urgent care, sick call or providing services in the infirmary. Although much remains to be done, I believe the leadership team is quite capable of ultimately achieving the goals.

Recommendations:

1. Customize medical operations policies and procedures beginning with the booking and health assessment policies. I would be happy to review drafts prior to implementation.
2. Continue to aggressively pursue filling the vacant positions.

B. Medical Director

I spent a substantial amount of time with the new Medical Director and believe that related to his background credentials and experience, he is an appropriate candidate who can successfully accomplish the requirements. As with the Program Administrator, I enjoyed working with him and am optimistic about the ultimate outcome. He will also be intimately involved with the customization of the medical operations policies and procedures and we had several discussions with him about some specifics. In addition, we reviewed many records together and shared an understanding of which records demonstrated appropriate performance, along with which records needed specific improvements in performance. He has begun making rounds in the infirmary and he has begun to see referrals from the staff. I am concerned, as I have indicated to him, that some of the nurse practitioners may be so accustomed to handling complex cases in the absence of a physician resource that one of his challenges is to encourage more referrals. The Medical Director is now determining all patients who are sent offsite for scheduled services. He is also to be notified of any unscheduled send outs, and this is happening to some extent.

Recommendations:

1. The Medical Director should develop some criteria for the nurse practitioners which if present, require a mandatory referral to him. The definition for the

required referrals should include both disease complexity as well as poor disease control.

2. A regularly scheduled clinical discussion with the nurse practitioners from each site would be advantageous to the development of trust as well as facilitating referrals.

C. Physician HOC

This position remains vacant, although recruiting efforts are clearly underway. There is a physician working 20 hours per week at the HOC who will be transferred to the downtown jail when the full-time HOC position is filled. As I indicated to the Medical Director, especially at the House of Corrections, there has been an absence of physician input and leadership for many years. Thus this physician will need to actively assert his/her clinical leadership.

Recommendation:

1. Fill the HOC physician position.

D. Psychiatrist

Since about six weeks prior to the vendor leadership team arriving onsite, a psychiatrist was hired to work as the Chief Psychiatrist for both facilities. She also is both well credentialed and experienced, and has begun to provide the type of clinical psychiatric leadership so sorely missing. She is extremely busy seeing a variety of sicker patients, especially at the downtown jail, and has also begun to work closely with the social workers, the psychiatric nurse and the psychiatric nurse practitioner.

Recommendation:

1. Work on mental health policies that address use of therapeutic restraints as well as both emergency and nonemergency use of enforced medications.

E. Nursing Director

The Nursing Director is still in place; however, her responsibilities are focused primarily on achieving NCCHC accreditation as well as the quality improvement program. My understanding is that hiring of nursing staff is being accomplished by the vendor's leadership team. One of the vacant positions is the Associate Director of Nursing, which is being actively recruited by the vendor's leadership team.

Recommendation:

1. I would encourage the program to send the person or persons responsible for leading the accreditation effort to the Fall NCCHC conference for training based on the NCCHC standards.

F. Nurse Practitioners

The budget provides for 12 advanced practice nurse practitioners and this number includes the psychiatric nurse practitioners. The current number of filled positions is 7.8, leaving 4.2 vacancies. At least one of the vacancies is a psychiatric

nurse practitioner, and it is my understanding that there are recruiting efforts to fill these positions. In our review of records, we found among the medical nurse practitioners both clinical performance issues as well as policy compliance issues. This is to be expected in the absence of leadership review and feedback to these clinicians. This is one of the challenges we discussed with the Medical Director and I believe he will prove up to the challenge.

Recommendation:

1. Fill the remaining 4.2 nurse practitioner positions, including both medical nurse practitioners as well as psychiatric nurse practitioners.

G. Staffing

As a result of the recent review of staffing needs and the agreement among the parties, the current minimal number of staffing required is 131.5 positions, reflecting both leadership and line staff for all health services. The number of vacancies is 18.6 positions, which yields a vacancy rate of about 14.1%. This is an improvement over the vacancy rate of a year ago, which was about 21%. The vendor clearly warrants credit for their successful recruitment. Key positions that yet remain to be filled are one physician position at the House of Corrections, a total of 4.2 nurse practitioner positions, an Associate Director of Nursing position, a quality assurance RN position, an infection control RN position and a staff development RN position. Also to be filled is a half-time RN supervisor, a part-time registered nurse and 5.4 LPN positions of a total of 26 LPN positions. Also vacant is a medical records supervisor, one psychiatrist and a mental health psych nurse. Given the early success of the vendor as a result of their recruiting efforts, I am optimistic about the vacancies being filled.

Recommendation:

1. Fill the remaining vacant positions.

II. MEDICAL SERVICES

Compliance Status: Partial compliance.

Findings

A. Intake Screening

1. Triage

With the introduction of an adequate number of registered nurses and licensed practical nurses, intake screens are being performed by registered nurses. The exception for prescreens being performed by registered nurses only occurs when there is an exceedingly heavy intake during a shift and an LPN assists with performing some of the prescreens. Nonetheless, the screen itself is performed by a registered nurse. From our review, given the desire and plan to utilize the new option (since 2008) to meet NCCHC standards, the intake screen should be comprehensive for everybody and this includes performing vital signs

and, where indicated, a fingerstick for diabetics and a peak flow measurement for patients with lung disease. These items were sometimes not evident in the screens we reviewed, although frequently they were. The other related part of the intent of this revision to the standards is that individuals with positive screens are to be seen by an advanced level clinician by the third day of the admission. This also is not being consistently accomplished. In fact, frequently it was not accomplished. The philosophy behind this change is that if someone has a completely negative comprehensive screen, the physical exam is not likely to add much value. However, individuals with positive screens should be seen earlier in the admission process so that their problems can be adequately addressed. In order to effectively implement this process, a program should utilize an acuity scale that provides detailed direction to the nurses performing the booking screen so that they can schedule the follow-up with the advanced level provider and time it based on the acuity scale guidance. The Medical Director is committed to developing such a scale and then training the nurses as well as the nurse practitioners on the requirements for implementing such a process. Additionally, there has been no organized approach to providing feedback to either the nurses or nurse practitioners regarding their performance. Thus, it is not surprising that in records we reviewed, performance issues with regard to the quality of the work were identified.

Recommendations:

1. Develop the acuity scale and send a draft to the monitor for review.
2. After the acuity scale is finalized, begin training both nursing staff and nurse practitioners in the implementation.
3. After implementation, begin performing systematic reviews of the performance of each nurse as well as each nurse practitioner, including constructive feedback with regard to how they may improve their performance.

2. Referrals

This section is a continuation of what was described under the section on intake screening. We observed a series of deficiencies with regard to performance of this process by the nurse practitioners which create liability, both for the patients and the County. An example was a patient with type 1 diabetes who, it was determined, did not need to be seen by the nurse practitioner because he had had a prior exam less than a year before the current intake. The policy that allows not repeating a history and physical, first of all, should be limited to a six-month duration. Second, it should not be applied to patients with very serious and/or complex diseases. To repeat a physical exam on a healthy patient in less than a year would provide relatively little, if any, value. On the other hand, getting a much more detailed interval history and performing a relevant physical exam related to the patient's problems as well as the patient's interval history is crucial, regardless of when the patient was last seen. The reasoning behind allowing the avoidance of certain examinations is related to the probability of yield. Patients with complex diseases or difficult to control diseases must be seen independent of the prior admission. In addition, there were several

records in which the nurse practitioners took credit for performing an IPA (independent physical assessment) as if they had also performed the first chronic disease visit for that patient. The problem with that approach is that an initial chronic disease visit must include a substantial amount of disease related history which is not available when one performs a history and physical which is not formatted to prompt initial chronic disease baseline history. One could use an initial chronic disease form, such as for hypertension or diabetes, and get credit for a history and physical but never the reverse. We also found instances in which significant positive findings identified during the intake screen were not elaborated on during the conduct of the IPA. A well-designed electronic record should take the positives from the screen and put them on the IPA screen with text space next to each positive so that the practitioner is forced to elaborate on the details of the relevant positive history before performing the physical exam. We also found records where diagnostic and/or therapeutic interventions along with assessments were not appropriate. In some records, the subjective portion of the IPA appeared to be less than minimal. None of these findings are surprising, given the absence of clinical leadership, resulting in an absence of organized and constructive review and feedback to the practitioners.

Recommendations:

1. Implement the recommendations under the section Intake Screening.
2. Redo the chronic care program so that critical subjective data is captured at the initial chronic disease visit.
3. Change the policy of not completing a physical exam if a patient had been in less than a year to a standard of less than six months and exempt patients whose problems are significant or complex from the ability to skip the physical exam.
4. Review the corporate guidelines, particularly with regard to diabetes and the treatment of type 1 diabetics, so that it is consistent with the guidance provided by the "Up To Date" medical database.
5. Per the discussions we had during our visit, make available to all of the clinicians the Up To Date database.

B. TB Screening

Compliance Status: Partial compliance.

Findings

During our visit, I was pleased to witness the Medical Director e-mail exchanges with an official from the state Department of Health. Her recommendations in her July 30 e-mail should be implemented and I clearly understand that you have every intention of doing so. As a general rule, where there may be significant public health issues, it is always helpful to communicate with the Department of Health and where possible, utilize their resources. In summarizing her recommendations, they include, when utilizing a QuantiFERON test, drawing it on the same day that the positive skin test is read, utilizing the no charge sputum testing service at the state lab of hygiene, and her suggestion with regard to use of chest x-rays only when a person with prior

disease/infection has a known exposure to someone with active disease or has symptoms. These changes should simplify your process.

Recommendations:

1. Modify your TB control policy to coincide with the Department of Public Health recommendations.
2. Provide training to the staff regarding any changes to your TB control policies and procedures and the basis for those changes.
3. Implement the revised policy.
4. Begin to have your QI program monitor compliance.
5. Recruit an infection control nurse.

C. Physical Examinations

Compliance Status: Partial compliance.

Findings

This area has been addressed under II.A.2 Referrals. Under the new policy, when a patient has a completely negative screen, a physical examination is not required. Therefore, the policy requires physicals to be done on fewer patients but to be performed much earlier on those who have problems. Additionally, as indicated in the section on referrals, the use of a year is not appropriate when deciding if the requirement of a physical assessment may be waived. Six months can be used, but only for patients who do not have significant problems. Since you are only going to be doing physical exams on patients with problems, this particular part of the policy may be eliminated.

Recommendations:

1. See recommendations under II.A.2, Referrals to advanced level providers.

D. Sick Call

Compliance Status: Partial compliance.

Findings

1. Nurse sick call

Although sick call services are to some extent being provided, the system is by and large broken. There are sick call boxes in each housing unit which are unmarked and therefore are likely to attract paper deposits other than sick call requests. In addition, there is no mechanism to determine whether seven days a week the slips were picked up from each box in each housing unit. In fact, in one of the housing units we entered, when the Health Service Administrator opened the box, it was predominantly filled with trash and at the bottom was a grievance submission from April 2012. Not only is the front end of the process broken, but also there is no log maintained based on the triage of the slips and therefore no vehicle to facilitate clinical performance improvement. Previously, we had commented on the poor quality found in the documentation and the rarity with which the formatted protocols were utilized. In this instance, not surprising, not

much has changed. Rather than elaborate on the deficiencies, I will describe in the recommendations what should be implemented.

2. Advanced level provider sick call

From my last report, it appeared that the timeliness goal of practitioner visits occurring within five days of the referral was occurring 95% of the time. The problem is when the collection process is broken and the nurse sick call process results in poorly documented encounters, it is obvious that the practitioner part of the process will also be improved if the earlier aspects are addressed. Once again, we found opportunities for improvement with regard to the documentation by the practitioners of subjective data and also, at times, of objective data; sometimes with the appropriateness of the assessment and other times with the appropriateness of the plan. Again, this is not surprising, given the absence of an organized program to facilitate clinical performance enhancement.

Recommendations:

1. Insure that an appropriately labeled lock box only used for health service requests is available in each housing unit.
2. Implement a system that enables the administrator to have confidence that each housing unit has its slips picked up and then triaged by the charge nurse on a daily basis.
3. Implement a sick call log which documents the date, the name and identification data for the patient, the presenting complaint and the date that the patient was seen for a face-to-face assessment. In addition, it would be helpful to know if the patient was referred as a result of the assessment to an advanced level provider.
4. Implement a clinical performance enhancement review of the services performed by each registered nurse. This program should require relatively frequent review with feedback discussing specific records with each clinical nurse until the supervising nurse finds the performance meets the appropriate threshold. When that is achieved, less frequent review, possibly as infrequently as quarterly, can be performed.
5. Implement a similar program with the physicians reviewing the work of the nurse practitioners in an analogous way, in that more frequent reviews with feedback at the beginning and then less frequent after the performance has met an appropriate threshold.
6. Begin running monthly reports that track the time from receipt of sick call requests to nurse face-to-face assessment as well as monthly reports tracking the timeframe between nurse referral to advanced level clinician and that encounter being documented.
7. When nurses see patients cell side, this cannot be characterized as an assessment; rather, it is a face-to-face triage. The timeframe for an assessment has not been met when a face-to-face triage occurs; therefore, if there is a referral to an advanced level provider, that referral must take place literally within one or two days at most.

E. Chronic Care

Compliance Status: Partial compliance.

Findings

I reviewed the chronic care guidelines and program statement. The guidelines need to be updated, particularly with regard to the approach to the patients with type 1 diabetes. In addition, although there is reference to the use of disease control, I believe the program would be improved if there was greater emphasis on the strategy of working with the patient to successfully implement a philosophy of each patient achieving good disease control as rapidly as is clinically appropriate. In addition, the Medical Director and I reviewed some chronic disease forms developed for the NCCHC. Those can be used to inform the screens in the soon-to-be implemented medical record software. As alluded to in the section on physical examination, in the records we reviewed it was common to find nurse practitioners performing an IPA (physical exam) on newly admitted patients with chronic disease and also simultaneously opening up the chronic disease encounter form but only writing into that "see IPA." As indicated previously, the IPA form does not contain any specific elements that should be required of a chronic disease specific history for an initial chronic disease visit. Thus, when you use the IPA form and not a chronic disease initial visit form, the history is consistently inadequate. This was reviewed with the Medical Director and part of his plan is to retrain the nurse practitioners with regard to these issues. We found cases where a patient came in with a history of a chronic disease and yet there was no chronic disease visit for more than three months, until the patient suffered a consequence of the inadequate monitoring. That incident (a seizure) resulted in a follow-up chronic disease visit. Additionally, we found that the chronic disease follow-up visits also are sometimes lacking relevant subjective or objective data. The final piece is there should be a clear link between the urgency of the follow-up visit and the degree to which the disease is controlled, with good controlled diseases allowing for a lengthier period of time before the follow-up visit must occur.

Recommendations:

1. Update the chronic disease clinical guidelines.
2. Insure that for an initial chronic disease visit, there is sufficient disease specific history obtained as well as relevant physical examination and appropriate tests ordered.
3. Reemphasize the link between degree of control and the urgency with which the follow-up visit occurs.
4. Retrain the practitioner group with regard to appropriate data collection on both the initial visit and follow-up visits with regard to disease specific obligations.
5. When the training has been completed, implement a quality improvement program looking at both compliance with the guidelines with regard to diagnostic and/or therapeutic or immunization interventions as well as the quality of professional performance, with feedback to the clinicians to facilitate improved performance.

F. Urgent/Emergent Care

Compliance Status: Partial compliance.

Findings

Although we reviewed a fairly complete urgent/emergent log that was well maintained at the House of Corrections, the same was not true at the Jail. The urgent care log should contain the date and time of the contact with Medical, the identifying information of the inmate, the presenting complaint and ultimately the disposition, whether it was handled onsite and the patient returned to the housing unit or whether the patient had to be sent offsite emergently. These logs should be used by both the Medical Director and nursing leadership to review selected cases based on the data presented. In addition, this log creates the opportunity to utilize selected cases for a clinician or nurse clinical performance enhancement program, discussing cases and providing feedback to the nurses and/or clinicians. Some of the types of deficiencies that we found included absence of relevant vital signs, inadequate history, lack of documentation with regard to the authorization of the send out, lack of a nursing note on return and occasionally, lack of a follow-up visit with a clinician. Finally, in most of the notes, there was no discussion of the content of the services provided offsite indicating that the receiving nurse or clinician had in fact seen the required emergency room report or discharge summary.

Recommendations:

1. Leadership should insure that the urgent care logs are conscientiously maintained.
2. Utilize the urgent care logs to facilitate clinician and nurse clinical performance enhancement.
3. Insure that the required offsite service paperwork returns to the program and that a clinician reviews the findings and plan during the follow-up visit after the return.
4. Insure that nurses document the person who authorized the offsite send out.
5. Insure that there is a nursing note on return documenting the status of the patient upon return, any relevant findings and/or recommendations from the offsite service.

G. Specialty Services

Compliance status: Partial compliance.

Findings

We were assured that the Medical Director is now reviewing and authorizing all scheduled offsite services, both consultations and procedures. We emphasized with him that where a recommended consult or procedure is not approved, the Medical Director must recommend an alternative plan of care for the clinician to order. There should be no cases in which the recommended service is not either approved or supplanted by a recommendation for a specific alternative plan of care. With regard to our record review, we found the following types of problems. For many records, there was neither paperwork on return nor notes in the electronic record that documented the findings from the offsite service report. In addition, although patients returned from the offsite

service, there was, in some instances, the absence of a follow-up visit where a clinician documents the findings and plan.

Recommendations:

1. Enhance the current authorization process by the Medical Director to include a specific recommended alternative plan of care for those patients for whom the Medical Director does not agree with the recommendation.
2. For all patients who receive a recommended alternative plan of care from the Medical Director, insure that the ordering clinician meets with the patient to explain the new plan.
3. Implement a system to insure that the offsite service reports, both consultations and procedures, are available timely.
4. Insure that when the reports are available, a follow-up clinician visit occurs within which a clinician documents that the findings and plan have been discussed with the patient.
5. Implement a QI program that monitors the elements included in these recommendations.

H. Infirmary

Compliance Status: Partial compliance.

Findings

There is no current infirmary log, making it extremely difficult for both the local QI program as well as the monitor to review performance. There is a new policy based on the utilization of acuity levels that are well defined and which dictate the frequency of both clinician and nursing assessments to be documented in the medical record. The Medical Director is currently making rounds, but this system needs to be reviewed with nursing and the clinicians and implemented along with an infirmary log that contains the date of admission, the identifying information of the patient and the date of discharge. The availability of this log will enhance the ability of the QI program to monitor performance.

Recommendations:

1. Provide the training for staff to insure correct implementation of the infirmary policy and procedure.
2. Implement the above described infirmary log.
3. Implement a QI program that assesses compliance with the infirmary policy and procedure.
4. Implement a QI program to facilitate clinical performance improvement for both nursing and clinicians.

I. Medication Distribution

Compliance Status: Partial compliance.

Findings

We reviewed medication administration, both at the House of Corrections and at the downtown jail. We did not review the cart preparation to insure the availability on the

cart of medications to be administered according to the medication administration records. In both facilities, the nursing staff on the units we attended received fairly good cooperation from custody. In one of the units at the downtown jail, custody performed the mouth checks after ingestion to insure that there was no contraband that could be retained. In the other units, nurses were obligated to perform the mouth checks. In the overwhelming majority of instances, nurses did look at the wristband, although in some instances the wristband was damaged and custody should have and usually did make available the housing unit card with the identifying picture on it. I have been informed that with the new soon to be implemented electronic health record, there is an electronic medication administration record in which the medication administration nurses will utilize a wand to scan the bar code on the wristband along with the barcode of the medication, and this will be entered in a laptop on the medication cart. This should facilitate more accurate and more legible documentation. There were instances in which the nurse did not follow up on damaged wristbands, but these were the exception rather than the rule. This process is fairly close to substantial compliance.

Recommendations:

1. Your nursing quality improvement program should observe the medication administration by each nurse on some predetermined regular basis.
2. The nurses must be able to clearly see the picture on the armband, and if the armband is damaged, notify custody but also obtain from the housing unit officer a view of the housing unit ID card.

J. Women's Health

Compliance Status: Partial compliance.

Findings

The Medical Director is now serving as the cooperative physician with the women's health nurse practitioners. I was also shown a standard Hollister form which is to be utilized by the nursing practitioners. This is a form developed by the American College of Obstetrics and Gynecology in order to standardize the approach to prenatal care. This section is also close to substantial compliance and could be with the implementation of the standardized prenatal care form.

Recommendations:

1. Implement the ACOG form.
2. Create an electronic version of it in the new software.
3. The QI program should begin monitoring the clinical performance of the women's health practitioner.

K. Therapeutic Diets

Compliance Status: Partial compliance.

Findings

We looked at therapeutic diets and talked with the kitchen staff in both the House of Corrections and the downtown jail. In both locations, we learned that there is a diet list which contains the name and type of diet to be provided. However, in both locations,

there were a subset of inmates whose type of diet was listed as “other.” Also in both locations, the kitchen staff could not find the specific instructions for each patient whose diet was listed as “other.” The use of the term “other” is obviously problematic and stems from predetermined fields listed in the CJIS software. There cannot be compliance with a special diet system when some diets are listed as “other,” but there is no direction to the kitchen staff as to what should be the content of that diet. At both facilities, if the master menu was specified to be a heart-healthy diet, which is now utilized in many other correctional facilities, 95% of the special diets would not need to be ordered, including diets for low-fat, low-sodium and diabetic diets.

Recommendations:

1. Pursue the possibility of converting the master menu to heart-healthy specifications.
2. For a patient on a special diet that is listed in CJIS as “other,” there must be specific instructions available to the kitchen staff with regard to the content of that diet.
3. The Medical Director should work with the clinician staff who order the diets to insure that there are no preference diets. Food allergies mostly consist of peanut allergies, shellfish allergies and a few others that are rare. It is almost unheard of to have an onion or tomato allergy.

III. Mental Health Services

Compliance Status: Partial compliance.

Findings

A. Intake

This requires that all mental health positive screens must be evaluated by a psychiatric social worker within 24 hours. The goal is to identify both inmates at risk of suicide and also those who have a history of acute or chronic mental health problems. The computer data from the TIER software continues to demonstrate a high rate of compliance for those individuals who enter with a positive mental health screen. Currently, all 12 of the psychiatric social worker positions are in fact filled. For those who enter on meds, there has been an improvement with the hiring of a full-time Psychiatric Chief employed mostly at the downtown jail. For individuals who are, within a short period of time, transferred to the House of Corrections, there are still longer waits for an adequate medication evaluation. This is in part due to a vacancy in psychiatric services of a half-time position and partly also due to the fact that the HOC incumbent potentially full-time psychiatrist works strange hours and does not see the number of patients that his compensation would suggest he be seeing. There is currently a psych registered nurse position, who would work at the House of Corrections, that is vacant. The Chief Psychiatrist has plans to reorganize the services with the hiring of the half-time psychiatrist and the full-time psych RN at the House of Corrections. Also, a Mental Health Director has literally just started and she should be involved in facilitating the social work clinical performance enhancement program as

well as addressing issues both with community advocacy groups and with community service organizations.

B. Program

There is a suicide program. There is a crisis intervention program and there is a medication program. Inadequate numbers of professional hours have delayed timeliness of access of some services. In addition, it has probably contributed to the paucity of individual and more importantly, group treatment sessions. There continues to be an additional psychologist position that is vacant that could contribute substantially to the provision of both individual and group therapy.

C. Staffing

We have already discussed the vacancies of a half-time psychiatrist, a full-time psychiatric RN, a full-time psychiatric nurse practitioner and a full-time psychologist. In some instances, these vacancies have contributed to delays in access and in some instances resulted in an absence or greatly reduced availability of some services.

D. Urgent/Emergent and Emergency Psychiatrist Services

The mental health calls are taken by the medical staff, including the nurse practitioners and the physician, although the Chief Psychiatrist has been available to the Medical Director for back-up call.

Recommendations:

1. Fill both the half-time psychiatrist position as well as the full-time psych RN position.
2. Reassess the productivity of both the full-time HOC psychiatrist and the full-time psychiatric nurse practitioner.
3. Develop, train and implement policies related to the use of restraints, the suicide program and the use of enforced medications.
4. Continue to improve the timeliness with which patients, whether housed at the downtown jail or the House of Corrections, are assessed regarding their treatment needs.
5. Implement a psychiatric social worker clinical performance enhancement program based on record review and discussion with clinicians.
6. Develop and implement a professional clinical enhancement program for both the psychiatric nurse practitioner and the psychiatric registered nurse.
7. Establish a meeting with both community advocates as well as community service providers in order to facilitate the communication and flow of information to the jail staff and from the jail staff.
8. Fill the vacant psychologist position.
9. Increase provision of both individual and group therapy opportunities.
10. A schedule should be set up so that even if medical takes first call, there is an assigned individual seven nights per week and on weekends as identified for back-up mental health call.

IV. Dental Services

Compliance Status: Partial compliance.

Findings

Dental services are currently available three days per week at the House of Corrections and two days per week at the downtown jail. There is a single dentist who works at the downtown jail for both days, who also works one day at the House of Corrections and there are two other dentists who each work one day per week at the House of Corrections. There are access problems at both facilities, in part related to custody. On some days, as few as 20% of the patients who are scheduled to be seen are presented to the dental unit, even though virtually all of these inmates are in the facility. On some days, about 80% of the inmates are brought to the dental clinics, both in the downtown jail and in the House of Corrections. Custody in both facilities must insure access for these services. All the people on the list should be brought to the clinic.

A second major problem has been minimal use of restorative procedures regardless of the quality of the dentition. We have discussed this with the dentist and he indicates that at the House of Corrections, a machine that cures restorations is needed and at both facilities, supplies are needed. He has provided to the Health Care Administrator a list of both the supplies and the piece of equipment to be purchased. I have been assured that restorative procedures will be provided in greater numbers in the future.

Recommendations:

1. Custody is to insure that all people on the list for a morning or an afternoon session must ultimately be brought to the clinic while the dentist is there.
2. With the necessary equipment and supplies in place, begin reporting from each facility the monthly ratio of restorations to extractions.

V. Support Services

Compliance Status: Partial compliance.

Findings

A. Medical Records

As described previously, the currently used medical record software is fraught with a variety of problems and the company that created that system is no longer supporting it. In my discussions with the Health Care Administrator, there is an expectation that the current software will be replaced in the next 3-6 months. The replacement software is one that the Armor Corporation has utilized in other sites it has under contract. I have been assured that the new system will allow scanning of documents from offsite services, including hospital discharge summaries and emergency room reports to be scanned into the system. In addition, it will allow direct flow of laboratory results into the record and additionally, it has an electronic medication

administration record. In the records we reviewed, critical offsite service reports were not available. We also went to a large room which contains thousands upon thousands of paper records. The density of the filing must be an obstacle to efficient and timely access. This may continue to be a problem even after the implementation of the new electronic record software.

Recommendations:

1. Replace the current electronic medical record with a system that allows scanned documents and provides for an electronic medication administration record.
2. Improve the maintenance of the paper records so they are maintained in a manner that is consistent with industry performance standards.
3. Clinical documents should be initialed before they are filed and then should be secured in the file in reverse chronology by section.

B. Pharmacy

The same offsite pharmacy continues to provide services. I did not have time to determine whether there has been an improvement in the rate of significant errors.

Recommendations:

1. Please provide me with a document that lists the number of significant errors per month and provide this document on a quarterly basis.

VI. Miscellaneous

A. Physical Plant

Compliance Status: Substantial compliance.

Findings

The changes have been made in the booking area and there is adequate privacy for the intake process.

B. Quality Improvement Council

Compliance Status: Partial compliance.

Findings

The Director of Nursing has been focused on performing some studies as part of the quality improvement program. Among the studies provided to me are one on the cardiovascular chronic disease clinic and also one on the diabetes chronic disease clinic. There is also a study on infirmary care observation, one on the pulmonary disease chronic care clinic, one on equipment and supplies, one on nurse sick call, one on controlled medications, one on sharps and tool count and a study on drug and alcohol detoxification. In addition, there are plans to perform a patient satisfaction survey. All of these are excellent possibilities. However, as an example, the drug and alcohol detoxification study contained documents that showed that everything was not applicable. The only way that one can easily identify drug and alcohol detoxification

cases is either to maintain a log, which is the preferred way, or to attempt to use pharmacy orders for those medications and dosages to see if those provided are consistent with a detoxification regimen. Most of the studies contain some indicators in which the performance was poor and in some, like the infirmary study, most indicators demonstrated poor performance. What needs to be added is an analysis of the causes of the less than threshold performance, and based on those causes, then an improvement strategy to improve performance. This is literally needed for all indicators for which the performance is sub-threshold. The worst performance was probably on nurse sick call, which is consistent with our findings. This clearly is the beginning of a quality improvement program, but much remains to be implemented before a finding of substantial compliance can be achieved.

Recommendations:

1. I would like to see initially monthly QI minutes from each facility during which some of these studies, a few each month, are discussed and the indicators for which a sub-threshold performance is recorded and then analysis of the causes of the sub-threshold performance and an improvement strategy to mitigate those causes. I would like these monthly minutes sent to me electronically.
2. The QI program should begin to implement aspects of their program which are listed under recommendations with several sections in this report.

B. Death Review

I was informed that there have been no deaths since my last report.

C. Sentinel Event

I have not been informed of any sentinel events.

Conclusion

Although the program has a long way to go, it has at least reached the point where there are no sections in noncompliance. However, the distance from partial compliance to substantial compliance is a lengthy one. I have no doubt that the leadership team that has been assembled is capable of ultimately achieving substantial compliance, but putting in place both the right personnel as well as the right policies and procedures and infrastructure to perform adequate self-monitoring will be the real challenge. I look forward to continuing to work with the program.

Respectfully submitted,

R. Shansky, MD

RS/kh

1 By Supervisor Stamper
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File No. 13-869

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A RESOLUTION / ORDINANCE
Amending Chapter 1, Milwaukee County General Ordinances,
Rules of the County Board of Supervisors

WHEREAS, each County Board Supervisor represents approximately 53,000 constituents in their respective districts; and

WHEREAS, as a means to increase transparency and open governmental practices, it is reasonable and prudent that Supervisors who wish to abstain from a voice vote provide verbal rationale for abstaining to the public; now, therefore,

BE IT RESOLVED, the County Board of Supervisors does hereby adopt the following ordinance amending Chapter 1, Section 1.04, of the General Ordinances of Milwaukee County.

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AN ORDINANCE

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

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

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

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Chapter 1 RULES OF THE COUNTY BOARD OF SUPERVISORS

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1.04. Voting.

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

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(b) *Abstain from voting.* No member shall abstain from voting on a question when put, except by specific notice of that supervisor. Any member wishing to abstain from voting ~~may~~ shall make a brief verbal statement of the reason for abstaining.

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SECTION 2. This ordinance shall become effective upon passage and publication.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 11/18/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution to amend Chapter 1 of the Milwaukee County General Ordinances in regards to voting abstention

FISCAL EFFECT:

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

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

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

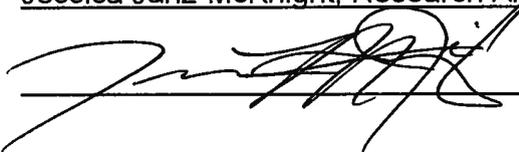
DESCRIPTION OF FISCAL EFFECT

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

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. 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/ordinance shall have no fiscal impact.

Department/Prepared By Jessica Janz-McKnight, Research Analyst, County Board

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: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Resolution to Amend Contract for Buelow Vetter for legal representation in labor relations matters

It is requested that this matter be referred to the Committee on Finance, Personnel and Audit.

The County Board approved a contract with Buelow Vetter Buikema Olson & Vliet LLC on September 30, 2010 (File No. 10-294) for legal representation of Milwaukee County in labor relations matters. Over the past several years, the County Board has approved amendments to that contract, most recently in September of 2012 (File No. 12-650), bringing the total authorized amount to \$375,000.00. The largest expenditures under this contract related to the furlough days litigation, *Milwaukee County v. WERC and AFSCME*, Case No. 11-CV-12137. During 2013, the amount of litigation being handled by outside counsel has declined and it continues to do so. Buelow Vetter is currently representing Milwaukee County in a few matters:

- *MDSA v. Milwaukee County* (review of arbitration award on layoffs)
Case No. 12-CV-1984
- *MDSA grievance and WERC Prohibited Practice Complaint* (retiree health for deputy sheriffs)
- *Janik, Griffin and Duncan WERC Prohibited Practice Complaint* (discipline for engaging in protected activity), and

Most of these cases are nearing completion, but appeals and continuing litigation are possible. Consequently, although the need for outside counsel in this area should decline in 2014, funds are needed to complete the handling of the above matters and there may be an occasional new matter in which the expertise of outside counsel is needed.

Therefore, authority is requested to amend the contract amount by an additional \$50,000.00, to a total of \$425,000.00, in order to pay for the continued legal services required.

Sufficient funds exist in the 2013 Litigation Reserve Account, Org. Unit 1961, for this request.

cc: Kelly Bablitch
Amber Moreen
Janelle Jensen
Alexis Gassenhuber
Steve Cady
Jessica Janz-McKnight
Raisa Koltun

A RESOLUTION

To authorize the Office of Corporation Corporation Counsel to amend the contract with Buelow, Vetter, Buikema, Olson & Vliet LLC ("Buelow, Vetter") to represent Milwaukee County in labor relations matters involving Milwaukee County.

WHEREAS, Milwaukee County has required and will continue to require the assistance of private counsel with specialized knowledge and experience in the area of labor and employment law to advise and represent Milwaukee County in labor relations matters involving Milwaukee County, and

WHEREAS, the County Board approved a contract with Buelow, Vetter on September 30, 2010 (File No. 10-294) for that purpose, and

WHEREAS, the County Board has previously approved amendments to the contract amount, with the last amendment being approved on September 27, 2012 to authorize total expenditures for 2010 – 2013 of \$375,000.00 (File No. 12-650), and

WHEREAS, Buelow Vetter is currently representing Milwaukee County in several matters:

- *MDSA v. Milwaukee County* (review of arbitration award on layoffs)
Case No. 12-CV-1984
- *MDSA grievance and WERC Prohibited Practice Complaint* (retiree health for deputy sheriffs)
- *Janik, Griffin and Duncan WERC Prohibited Practice Complaint* (discipline for engaging in protected activity), and

WHEREAS, it is advantageous to Milwaukee County to continue to retain the services of Buelow, Vetter to provide advice and representation in labor relations matters because of its extensive background and experience in those matters and its continuing representation of Milwaukee County in several pending matters, and

45 WHEREAS, most of the above matters are nearing completion and
46 therefore the need for these legal services has declined substantially, but
47 it is expected that the need for these services will continue periodically
48 and Corporation Counsel estimates the need for an additional \$50,000.00
49 to provide those services in the remainder of 2013 and in 2014, and
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51 WHEREAS, if the full amount of these funds is eventually not needed,
52 Corporation Counsel will release the unused funds for other purposes, and
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54 WHEREAS, there are sufficient funds in the 2013 litigation reserve
55 account, Org. Unit 1961, to pay for the additional legal services described
56 in this resolution,
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58 NOW THEREFORE,
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60 BE IT RESOLVED that the Corporation Counsel is authorized and
61 directed to amend the contract with Buelow Vetter Buikema Olson & Vliet
62 LLC to increase the total contract amount from \$375,000 to a total
63 amount not to exceed \$425,000, for payment of continuing legal services
64 and the contract shall continue to be exempt from the provisions of
65 §56.30 of the County Ordinances.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 18, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Resolution for Contract Amendment for Buelow Vetter legal representation in labor relations matters.

FISCAL EFFECT:

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

<input type="checkbox"/> Decrease Operating Expenditures

<input type="checkbox"/> Increase Operating Revenues

<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures

<input type="checkbox"/> Decrease Capital Expenditures

<input type="checkbox"/> Increase Capital Revenues

<input type="checkbox"/> Decrease Capital Revenues

<input type="checkbox"/> Use of contingent funds |
|--|--|

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	50,000	
	Revenue		
	Net Cost	50,000	
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 additional expenditure authority in 2013 from Org. Unit 1961, the Litigation Reserve Account, in the amount of \$50,000.00 for legal representation in labor relations matters.

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

Authorized Signature

Mark A. Grady

Did DAS-Fiscal Staff Review? Yes X No

Did CBDP Review?² Yes X 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.



OFFICE OF CORPORATION COUNSEL

PAUL BARGREN
Corporation Counsel

11

MARK A. GRADY
COLLEEN A. FOLEY
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ
ROY L. WILLIAMS
LEE R. JONES
MOLLY J. ZILLIG
ALAN M. POLAN
JENNIFER K. RHODES
DEWEY B. MARTIN
JAMES M. CARROLL
PAUL D. KUGLITSCH
Principal Assistant
Corporation Counsel

DATE: November 18, 2013
TO: Marina Dimitrijevic, County Board Chairwoman
FROM: Mark A. Grady, Deputy Corporation Counsel
SUBJECT: Claim filed by Douglas Burmeister
Date of incident: October 17, 2013
Date claim filed: October 21, 2013

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$1,049.25 to Douglas Burmeister to settle in full his claim against Milwaukee County.

This accident took place on October 17, 2013 around 10 pm in the parking lot of the Milwaukee County Sheriff's Department on Watertown Plank Road.

A Milwaukee County transportation van being backed up by a deputy sheriff backed into the legally parked vehicle of Douglas Burmeister.

The claimant's vehicle is a 2012 Ford F150. The mileage on the unit was 11,560. The damages on the Ford are located on the left rear bedside panel and bumper. The estimate is in the amount of \$1049.25.

The adjustor and the County insurer recommend a total payment of \$1,049.25 to Douglas Burmeister to settle his claim. Corporation Counsel has reviewed this matter and supports the recommendations to settle this claim.


Mark A. Grady
Deputy Corporation Counsel

c: Amber Moreen
Kelly Bablitch
Jessica Janz-McKnight
Alexis Gassenhuber
Raisa Koltun



OFFICE OF CORPORATION COUNSEL

12

PAUL BARGREN
Corporation Counsel

MARK A. GRADY
COLLEEN A. FOLEY
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ
ROY L. WILLIAMS
LEE R. JONES
MOLLY J. ZILLIG
ALAN M. POLAN
JENNIFER K. RHODES
DEWEY B. MARTIN
JAMES M. CARROLL
PAUL D. KUGLITSCH
Principal Assistant
Corporation Counsel

DATE: November 18, 2013
TO: Marina Dimitrijevic, County Board Chairwoman
FROM: Mark A. Grady, Deputy Corporation Counsel
SUBJECT: Claim filed by Enterprise Rent-A-Car
Date of incident: August 14, 2013
Date claim filed: October 7, 2013

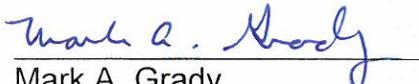
I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$2,040.27 to Enterprise Rent-A-Car to settle in full its claim against Milwaukee County.

This accident took place on August 14, 2013 around 8 am on westbound on W. College Ave.

A Milwaukee County Highway employee failed to slow for the traffic stopping ahead and rear ended the Enterprise Rent-A-Car rental. The Enterprise vehicle was being driven by Frank Van Dusen. There is no bodily injury claim at this time.

The claimant's vehicle is a 2013 Volkswagen Passat. The mileage on the unit was 6,945. The damages were located on the rear right quarter, rocker panel and rear bumper. Enterprise has submitted an estimate in the amount of \$1,599.32, plus the loss of use for at 4.9 days at a rate of \$89.99 totaling \$440.95, for a total of \$2,040.27.

The adjustor and the County insurer recommend a total payment of \$2,040.27 to Enterprise Rent-A-Car to settle its claim. Corporation Counsel has reviewed this matter and supports the recommendations to settle this claim.


Mark A. Grady
Deputy Corporation Counsel

c: Amber Moreen
Kelly Bablitch
Jessica Janz-McKnight
Alexis Gassenhuber
Raisa Koltun



OFFICE OF CORPORATION COUNSEL

PAUL BARGREN
Corporation Counsel

13

MARK A. GRADY
COLLEEN A. FOLEY
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ
ROY L. WILLIAMS
LEE R. JONES
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PAUL D. KUGLITSCH
Principal Assistant
Corporation Counsel

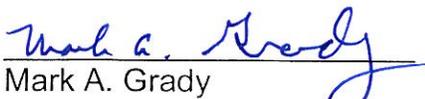
DATE: November 18, 2013
TO: Marina Dimitrijevic, County Board Chairwoman
FROM: Mark A. Grady, Deputy Corporation Counsel
SUBJECT: Claim filed by Arthur Lee Kloman (State Farm Insurance)
Date of incident: May 29, 2013
Date claim filed: October 4, 2013

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$2,238.14 to Arthur Lee Kloman to settle in full his claim against Milwaukee County.

This accident took place on May 29, 2013 in the north bound lanes of Howell Ave in the tunnel. A Milwaukee County paint crew was traveling on Howell Ave. and did not secure a few of the paint cans and, therefore, the paint cans fell from the County truck onto the roadway. The claimant ran over the spilled paint.

The claimant's vehicle is a 2010 Subaru Forester. The mileage on the unit was 9,045. The yellow paint covered a majority of the right side of the vehicle from the front fender, wheel wells and quarter panel. State Farm has submitted subrogation documents in the amount of \$2,238.14, including the Mr. Kloman's \$50 deductible and rental charges of \$226.54.

The adjustor and the County insurer recommend a total payment of \$2,238.14 to State Farm Mutual Automobile Insurance Company to settle this claim. Corporation Counsel has reviewed this matter and supports the recommendation to settle this claim.


Mark A. Grady
Deputy Corporation Counsel

c: Amber Moreen
Kelly Bablitch
Jessica Janz-McKnight
Alexis Gassenhuber
Raisa Koltun

INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Molly J. Zillig, Principal Assistant Corporation Counsel 

SUBJECT: *Milwaukee Deputy Sheriff's Association v. Sheriff David A. Clarke, Jr., et al.*
Milwaukee County Case No. 2012CV004620

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$3,225.85, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a public records request made by the Milwaukee Deputy Sheriff's Association ("MDSA"). On March 15, 2012, the MDSA filed a public records request with the Milwaukee County Sheriff's Office ("MCSO") requesting an employee's personnel file. On March 23, 2012, the MCSO denied this request in its entirety, which prompted the filing of this lawsuit.

Following service of the summons and complaint, Corporation Counsel reviewed the Wisconsin Public Records Law, Wis. Stats. Sections 19.31-19.39, and ultimately determined that the MDSA was entitled to parts of the employee's personnel file. As such, all documents except performance reviews were turned over to the MDSA. Requestors who receive public records as a result of a writ of mandamus are entitled to request payment of their attorney fees.

The litigation continued because the MDSA claimed it was entitled to the performance reviews. Written discovery and one deposition proceeded. The MDSA ultimately agreed that the performance evaluations of the employee would not be produced and the parties reached a settlement of the claimed attorneys' fees. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$3,225.85 to the MDSA's attorneys, MacGillis Wiemer, LLC. In exchange for the above payment, the MDSA will dismiss this lawsuit and provide the defendants with a full and complete release from any liability. The payment will be applied to the County's deductible with the County Mutual.

Corporation Counsel and the Wisconsin County Mutual Insurance Corporation recommend this settlement for approval.

cc: Amber Moreen
Kelly Bablitch
Alexis Gassenhuber
Raisa Koltun
Jessica Janz-McKnight

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: *Robert S. Schmidt v. David A. Clarke, Jr., et al.*
United States District Court, Eastern District Case No. 10-C-0381

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$15,000.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a claim of deliberate indifference to a serious medical need. Plaintiff Robert S. Schmidt was incarcerated in the Milwaukee County Jail from October 23, 2009 to October 25, 2009, and the Milwaukee County House of Correction from October 25, 2009 through December 21, 2009. At the onset of each incarceration, Mr. Schmidt requested daily anticoagulation medication for his two medical conditions: Protein S Blood Deficiency and Deep Vein Thrombosis. He did not receive this medication until October 28, 2009 as medical staff were attempting to verify the aforementioned medical conditions prior to prescribing any medications. Mr. Schmidt's medical conditions also require frequent blood level monitoring (hereinafter "INR tests") to ensure blood clots do not develop. Prior to his incarceration, Mr. Schmidt had not received an INR test for at least one month (approximately September 20, 2009).

On December 16, 2009, Mr. Schmidt was hospitalized for a massive blood clot. Preceding this date, there are at least three dates on which Mr. Schmidt's medical records indicate he was in pain and advised medical staff that he believed he was suffering from a blood clot.

The parties mediated this matter before Federal Magistrate Judge Aaron Goodstein on October 30, 2013. The mediation resulted in this settlement. The settlement provides that the Wisconsin County Mutual Insurance Corporation will pay \$15,000.00 to Mr. Schmidt and his attorneys, Foley & Lardner LLP. In return, Mr. Schmidt will dismiss this lawsuit and provide the County with a full and

complete release from any liability. The payment will be applied to the County's deductible with the County Mutual.

Corporation Counsel and the Wisconsin County Mutual recommend this settlement for approval.

cc: Amber Moreen
Kelly Bablitch
Alexis Gassenhuber
Raisa Koltun
Jessica Janz-McKnight

1 From Corporation Counsel recommending the adoption of a resolution to settle
2 the deliberate indifference to medical needs claim of Robert S. Schmidt.

3
4 File No. 13-
5 (Journal,)
6

7
8 A RESOLUTION
9

10 WHEREAS, from October 23, 2009 to October 25, 2009 and from October
11 25, 2009 to December 21, 2009, Robert S. Schmidt was an inmate at the
12 Milwaukee County Jail and the Milwaukee County House of Correction,
13 respectively; and
14

15 WHEREAS, at the onset of each incarceration Schmidt requested daily
16 anticoagulation medication for his two medical conditions and medical staff
17 verified said medical conditions prior to prescribing any medication; and
18

19 WHEREAS, on December 16, 2009, Schmidt was hospitalized for a massive
20 blood clot of which there are at least three prior dates on which Schmidt's
21 medical records indicate he was in pain and advised medical staff that he
22 believed he was suffering from a blood clot; and
23

24 WHEREAS, as a result of said incident Schmidt filed a lawsuit in the United
25 States District Court, Eastern District of Wisconsin, Case No. 10-C-0381, against
26 Milwaukee County and numerous Milwaukee County employees seeking
27 damages for pain and suffering endured leading up to and including the
28 December 16, 2009 incident; and
29

30 WHEREAS, the parties engaged in court-ordered mediation before Federal
31 Magistrate Judge Aaron Goodstein; and
32

33 WHEREAS, the tentative settlement agreement provides for a release of all
34 claims against Milwaukee County and its employees in return for a payment by
35 the Wisconsin County Mutual Insurance Corporation in the amount of \$15,000.00
36 to Schmidt; and
37

38 WHEREAS, the Office of Corporation Counsel recommends this settlement;
39 and
40

41 WHEREAS, the Committee on Judiciary, Safety and General Services
42 approved this settlement at its meeting on December 5, 2013 by a vote of ____;
43

44 NOW, THEREFORE, BE IT RESOLVED, that the Milwaukee County Board of
45 Supervisors approves the payment by the Wisconsin County Mutual Insurance
46 Corporation of \$15,000.00 to Schmidt and his attorneys, Foley & Lardner LLP, in
47 exchange for dismissal of his lawsuit and a full and complete release of all claims
48 against Milwaukee County and its employees.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 18, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A RESOLUTION to approve a settlement agreement related to a deliberate indifference to medical needs claim by Robert S. Schmidt. (Robert S. Schmidt v. David A. Clark, Jr., et al., No. 10-C-0381)

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 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	\$15,000.00	
	Revenue		
	Net Cost	\$15,000.00	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

- A. The County is proposing a settlement to Robert S. Schmidt to resolve his claim of deliberate indifference to his medical needs while he was incarcerated in the Milwaukee County Jail and the Milwaukee County House of Correction in 2009. Adoption of this settlement will result in a payment of \$15,000.00 to Robert S. Schmidt and his attorneys, Foley & Lardner LLP, by the Wisconsin County Mutual Insurance Corporation.
- B. Approval of this Resolution authorizes a payment of \$15,000.00 to Robert S. Schmidt and Foley & Lardner LLP by Wisconsin County Mutual Insurance Corporation. The \$15,000.00 payment will be applied to the County's deductible.

Department/Prepared By Corporation Counsel

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.

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Denise McCaskill v. Milwaukee County
ERD Case No. 201300361
EEOC Charge No. 26G201300497C

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$24,000.00. Wisconsin County Mutual Insurance Corporation will pay the \$24,000.00 sum and apply it to Milwaukee County's deductible. The defense of this complaint has been handled by Attorney Oyvind Wistrom of Lindner & Marsack, through an assignment by the Mutual.

Ms. McCaskill has worked for the Employees Retirement System of Milwaukee County since 2005. She alleged in her complaint that on April 13, 2012, former Chairman Holloway sexually harassed her in his office while she was there to provide paperwork related to his retirement. Mr. Holloway denies any inappropriate actions. After an investigation, the Equal Rights Division found probable cause to believe that the law was violated and ordered that a hearing was required in order for an administrative law judge to determine credibility and potential violations. The parties were preparing to schedule discovery, including depositions, when settlement discussions began.

Ms. McCaskill cannot claim compensatory damages such as emotional distress in the state Equal Rights Division case. However, those damages can be claimed in a federal court action and such an action is threatened. Ms. McCaskill claims such damages, as well as medical expenses. The proposed settlement covers all damages and all forms of litigation that could arise out of this incident.

The proposed settlement provides that Ms. McCaskill will receive \$16,000.00 and her attorneys, Hawks Quindel S.C., will receive \$8,000.00, for a total of \$24,000.00. The Wisconsin County Mutual will make these payments and apply them to the County's deductible.

Memo to Marina Dimitrijevic

11/18/13

Page 2 of 2

Corporation Counsel, outside counsel and the Wisconsin County Mutual recommend this settlement for approval.

cc: Kelly Bablitch
Amber Moreen
Alexis Gassenhuber
Jessica Janz-McKnight
Raisa Koltun

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A RESOLUTION

WHEREAS Denise McCaskill has worked for the Employees Retirement System since 2005; and

WHEREAS Denise McCaskill claimed that she was sexually harassed on April 13, 2012; and

WHEREAS Denise McCaskill filed a complaint with the State Equal Rights Division and U.S. Equal Opportunity Commission and threatened to file a lawsuit in the U.S. District Court; and

WHEREAS the Equal Rights Division has found probable cause to believe that a violation of the law occurred and a hearing has been ordered on the complaint; and

WHEREAS Denise McCaskill alleges she has suffered, among other things, emotional distress and has incurred medical expenses; and

WHEREAS the parties engaged in settlement discussions and have reached a tentative settlement agreement; and

WHEREAS the tentative settlement agreement provides for a dismissal of all complaints and a release of all claims against Milwaukee County in return for payments by Wisconsin County Mutual Insurance Corporation to Denise McCaskill in the amount of \$16,000.00 and to her attorneys, Hawks Quindel S.C. in the amount of 8,000.00; and

WHEREAS the Office of Corporation Counsel recommends this settlement; and

WHEREAS the Committee on Judiciary, Safety and General Services approved this settlement at its meeting on December 5, 2013 by a vote of ____;

NOW, THEREFORE, BE IT RESOLVED, that Milwaukee County approves the payments by the Wisconsin County Mutual Insurance Corporation to Denise McCaskill in the amount of \$16,000.00 and to Hawks Quindel S.C. in the amount of \$8,000.00, in return for a dismissal of the pending complaints and a release of all claims against the County.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 18, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution approving a settlement in McCaskill v. Milwaukee County, ERD Case No. 2013000361.

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	24,000	
	Revenue		
	Net Cost	24,000	
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 authorizes the Wisconsin County Mutual Insurance Corporation to pay \$24,000 in total, with \$16,000 to Denise McCaskill and \$8000 to her attorneys, Hawks Quindel S.C., in return for a release of all claims and a dismissal of the complaint. The payment will be applied to the County's deductible.

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

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: November 20, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: *Elliott v. Milwaukee County*
Case No. 13-CV-004518

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. The proposed settlement involves the payment of \$16,875 in attorneys' fees in return for the dismissal of a public records case and a release of all related claims.

Elliott made a public record request for a large number of documents. The county denied the requests for a variety of reasons, including that the requests were overbroad, that they required the county to make legal interpretations in order to determine which records to produce and that some requests were for attorney-client privileged documents. Elliott then filed suit. After briefing related to possible depositions and the return of inappropriately obtained privileged documents and on the requests themselves, the court ordered the return of the privileged documents, denied some of the record requests for the reasons given by the County, but granted some of the record requests, overruling the County's denials as to those requests. In simple terms, out of twelve requests for categories of documents, the court ordered the County to respond, in full or in part, to seven of the requests.

As the County began the process to search and locate the voluminous records ordered to be produced, Elliott was informed of the substantial costs that would be charged, as allowed by statute. After additional discussions, Elliott agreed to withdraw all of his requests but one, on the condition that the County pay his time as an attorney that was incurred in filing and pursuing the public records suit. Section §19.37, Wis. Stats., requires a court to award reasonable attorneys' fees to a record requestor who substantially prevails in obtaining denied record requests. After further discussions concerning the requested hourly rate of \$500 per hour, the parties reached this proposed settlement for the County to pay the sum of \$16,875, representing 45 hours of work at a rate of \$375 per hour. The County will provide the response to the one request and Elliott will dismiss the suit,

provide a release to the County and agree not to re-submit the requests that are being withdrawn.

The settlement amount would be paid by Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

cc: Kelly Bablitch
Amber Moreen
Jessica Janz-McKnight
Alexis Gassenhuber
Raisa Koltun

1 From Corporation Counsel requesting approval of a resolution authorizing
2 a payment in settlement of Elliott v. Milwaukee County, Case No. 2013-
3 CV-004518.

4
5 File No. 13-
6 (Journal,)
7

8
9 A RESOLUTION

10
11
12 WHEREAS, Attorney Robert L. Elliott made a public record request on
13 April 3, 2013 for a large number of documents; and

14
15 WHEREAS, the county denied the requests for a variety of reasons,
16 including that the requests were overbroad, that they required the county
17 to make legal interpretations in order to determine which records to
18 produce and that some requests were for attorney-client privileged
19 documents; and

20
21 WHEREAS, Elliott filed suit to obtain the records, Milwaukee County
22 Circuit Court Case No. 2013-CV-004518; and

23
24 WHEREAS, after briefing by the parties related to possible
25 depositions and the return of inappropriately obtained privileged
26 documents and on the requests themselves, the court ordered the return
27 of the privileged documents, denied some of the requests for the reasons
28 given by the County, but granted some of the requests, overruling the
29 County's denials as to those requests, resulting in a court order that out of
30 twelve requests for categories of documents, the County was required to
31 respond, in full or in part, to seven of the requests; and

32
33 WHEREAS, after discussions concerning the anticipated costs to
34 search and locate the voluminous records ordered to be produced, Elliott
35 agreed to withdraw all of his requests except for one, in return for the
36 County paying his time incurred as an attorney to file and pursue the
37 public records suit; and

38
39 WHEREAS, § 19.37, Wis. Stats., requires a court to award attorneys'
40 fees to a record requestor who substantially prevails in obtaining denied
41 record requests; and

42
43 WHEREAS, after further discussions concerning the requested hourly
44 rate of \$500 per hour, the parties reached this proposed settlement for the

45 County to pay the sum of \$16,875, representing 45 hours of work at a rate
46 of \$375 per hour; and

47

48 WHEREAS the Office of Corporation Counsel recommends this
49 settlement; and

50

51 WHEREAS the Committee on Judiciary, Safety and General Services
52 approved this settlement at its meeting on December 5, 2013 by a vote of
53 _____;

54

55 NOW THEREFORE, BE IT RESOLVED that the County approves the
56 payment of \$16,875 to Attorney Robert L. Elliott in return for the County
57 providing a response to the designated request, for Elliott dismissing the
58 suit, providing a release to the County and agreeing not to re-submit the
59 requests that are being withdrawn.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 20, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution approving a settlement in Elliott v. Milwaukee County, Case No. 2013-CV-004518.

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	16,875	
	Revenue		
	Net Cost	16,875	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

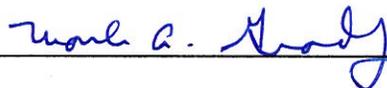
In the space below, you must provide the following information. Attach additional pages if necessary.

- 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 authorizes the Wisconsin County Mutual Insurance Corporation to pay \$16,875 to Attorney Robert L. Elliott, in return for a release of all claims and a dismissal of the complaint. The payment will be applied to the County's deductible.

Department/Prepared By Mark A. Grady, Deputy 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: November 20, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: *Goodlette & McKenzie v. Milwaukee County*
Case No. 12-CV-000079
Rewolinski v. Milwaukee County
Case No. 12-CV-000645

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. The proposed settlement involves the payment of \$24,000 to the attorney for the claimants in the above litigation in return for a release of all claims and the satisfaction of a judgment.

These cases have a complicated history, so a timeline is set forth below. In late 2011, the Office of the Sheriff had 16 budgeted captain positions, but only 14 positions were filled. The 2012 budget authorized only 14 captain positions.

12/21/11	Sheriff appoints Melanie Lehman to one of the open captain positions.
12/23/11	Sheriff appoints Anthony Moffett to the other open captain position.
12/30/11	Sheriff notifies Captains Goodlette and McKenzie that they were being laid off to comply with the 2012 budget.
1/5/12	Goodlette/McKenzie file suit (represented by Attorney William Rettko) and obtain an emergency temporary restraining order from Judge Cooper reinstating them to their captain positions until the Civil Service Commission (Commission) could hear their complaints of civil service rule violations related to their layoffs.
1/6/12	Goodlette and McKenzie returned to work at captain rank working in HOC with correction officer duties.
1/6/12	Captains Rewolinski and Jaskulski receive layoff notices.
1/9/12	Goodlette and McKenzie file their complaints with the Commission.
1/11/12	Jaskulski (represented by Attorney Frank Gimbel) obtains temporary restraining order from Judge Dwyer (sitting for Judge Siefert) reinstating him to his captain position.
1/13/12	Rewolinski files his complaint with the Commission.

- 1/17/12 Rewolinski files suit (represented by Attorney Rettko) and obtains an emergency temporary restraining order from Judge Lamelas (sitting for Judge Martens) reinstating him to his captain position until the Civil Service Commission (Commission) could hear his complaint of civil service rule violations related to his layoff.
- 1/18/12 Rewolinski returned to work at captain rank working in HOC with correction officer duties.
- 2/9/12 Commission hears complaints and finds that all three captains' layoffs were contrary to Commission rules.
- 2/21/12 Goodlette/McKenzie case transferred to Judge Siefert.
- 2/21/12 Jaskulski dismisses his suit (retires).
- 3/8/12 Goodlette/McKenzie file motion for attorneys' fees and request for writ of mandamus to be restored to "captain level" duties.
- 3/21/12 Sheriff files motion to intervene and have Attorney Whitcomb represent him in Goodlette/McKenzie case.
- 3/26/12 Sheriff files suit against Commission.
- 3/27/12 Judge Siefert grants Sheriff's motions and grants Goodlette/McKenzie attorneys' fees, but does not rule on request for writ of mandamus to be restored to "captain level" duties.
- 4/5/12 Rewolinski files motion for attorneys' fees and request for writ of mandamus to be restored to "captain level" duties.
- 4/19/12 Sheriff files motion to intervene and have Attorney Whitcomb represent him in Rewolinski case.
- 5/24/12 Order for Judgment entered in Goodlette/McKenzie case against County for attorneys' fees of \$10,833.23 (attached).
- 6/14/12 Judge Martens denies attorneys' fees request in Rewolinski case, but does not rule on Rewolinski request for writ of mandamus to be restored to "captain level" duties.
- 7/20/12 Goodlette/McKenzie and Rewolinski cases consolidated before Judge Martens.
- 7/28/12 Cases assigned to Judge Noonan due to judicial rotation. Judge Noonan also has Sheriff's case against Commission.
- 2/15/13 Judge Noonan affirms Commission decision.
- 4/16/13 Sheriff informally agrees to re-assign captains to "captain level" duties.
- 5/6/13 Sheriff appeals Judge Noonan decision regarding Commission.
- 11/18/13 Sheriff requests dismissal of his appeal related to the Commission decision as part of the settlement of the Sheriff's attorneys' fees issue.

At the present time, the captains' requests that they should have been reinstated to "captain level" duties have not been decided and remain pending in the captains' cases in circuit court.

In addition to the matters set forth in the litigation above, the captains assert that the Sheriff's actions violated their civil rights, including their right to free speech. They allege the Sheriff's actions were retaliatory for their exercise of their civil rights. They threaten the possibility of an additional federal court action. The captains also have a right to appeal Judge Martens' denial of their request for attorneys' fees. The County and the Sheriff deny any alleged civil rights violations. The County has a potential appeal related to Judge Siefert's award of attorneys' fees. The parties dispute whether an award of attorneys' fees in these cases is legally permitted. Unless reversed on appeal, the \$10,833.23 judgment granted by Judge Siefert is accruing interest at the rate of 4.25% until paid. The parties also dispute whether the requested writ of mandamus is appropriate.

In lieu of continuing the litigation, and in lieu of potential additional litigation, the parties have reached this tentative settlement. Attorney Rettko has incurred approximately \$55,000 in attorneys' fees (at \$250 per hour) representing the three captains in the various lawsuits. This amount includes the fees in the judgment. The proposed settlement will pay Attorney Rettko a negotiated sum of \$24,000 in return for a complete dismissal and resolution of the captains' lawsuits, a satisfaction of the judgment for \$10,833.23 (approximately \$11,500 with interest to date) and a release of all potential employment claims by the three captains. This settlement would resolve all issues related to these captains' layoffs and reinstatements.

The settlement amount would be paid by Wisconsin County Mutual Insurance Corporation and applied to the County's deductible.

Encl.

cc: Kelly Bablitch
Amber Moreen
Jessica Janz-McKnight
Alexis Gassenhuber
Raisa Koltun

1 From Corporation Counsel requesting approval of a resolution authorizing
2 the payment of attorneys' fees to resolve pending and threatened
3 litigation, and to satisfy a judgment, between three Captains and
4 Milwaukee County.

5
6 File No. 13-
7 (Journal,)
8
9

10 A RESOLUTION
11

12
13 WHEREAS, in December of 2011, the Sheriff appointed two new
14 captains to vacant positions, but on December 30, 2011 was required by
15 the 2012 budget to layoff two captains; and
16

17 WHEREAS, the Sheriff laid off Captains Goodlette and McKenzie,
18 who were not the recently appointed captains; and
19

20 WHEREAS, Captains Goodlette and McKenzie were ordered by the
21 court to be reinstated to employment pending a review of their layoffs by
22 the Civil Service Commission; and
23

24 WHEREAS, the Sheriff laid off Captain Rewolinski, but a court
25 ordered that he be reinstated pending a review of his layoff by the Civil
26 Service Commission; and
27

28 WHEREAS, the Civil Service Commission found that the captains'
29 layoffs were improper;
30

31 WHEREAS, one circuit court ordered judgment against Milwaukee
32 County in favor of Captains Goodlette and McKenzie for their attorneys'
33 fees in the amount of \$10,833.23, but another circuit court denied an
34 award of attorneys' fees to Captain Rewolinski; and
35

36 WHEREAS, for a little over one year, the captains were given duties
37 by the Sheriff similar to those of a correction officer while retaining the pay
38 and rank of captain; and
39

40 WHEREAS, the captains previously sought a writ of mandamus
41 ordering the Sheriff to provide the captains with "captain level" duties
42 and the request for the writ remains pending; and
43

44 WHEREAS, the captains have claimed that the Sheriff's actions were
45 retaliatory and violated their civil rights, including their free speech rights;
46 and

47
48 WHEREAS, the captains and Milwaukee County have reached a
49 proposed settlement wherein the captains have agreed to accept the
50 payment of \$24,000 in attorneys' fees to their attorney, William Rettko, in
51 return for a dismissal of all litigation, a satisfaction of the judgment and a
52 release of all employment claims; and

53
54 WHEREAS the Office of Corporation Counsel recommends this
55 settlement; and

56
57 WHEREAS the Committee on Judiciary, Safety and General Services
58 approved this settlement at its meeting on December 5, 2013 by a vote of
59 _____;

60
61 NOW THEREFORE, BE IT RESOLVED that Milwaukee County approves
62 the payment of \$24,000 to Rettko Law Offices S.C. in return for a dismissal
63 of all pending litigation, a satisfaction of the judgment and a release of all
64 employment claims by the captains.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 20, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution approving a settlement in Goodlette et al. v. Milwaukee County, Case No. 2012-CV-000079 and Rewolinski v. Milwaukee County, Case No. 2012-CV-000645.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	24,000	
	Revenue		
	Net Cost	24,000	
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 authorizes the Wisconsin County Mutual Insurance Corporation to pay \$24,000 in attorneys' fees to Rettko Law Offices S.C., the attorneys for Captains Goodlette, McKenzie and Rewolinski, in return for a release of all claims, a dismissal of all complaints and a satisfaction of judgment. The payment will be applied to the County's deductible.

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

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.

**KERRI A. MCKENZIE and
DARLENE GOODLETTE,**

Plaintiffs,

v.

Case No. 12-CV-79
Code No. 30701 - Declaratory Judgment and
30704 - Injunctions and Restraining Orders

MILWAUKEE COUNTY,

Defendant.

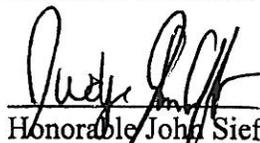
ORDER FOR JUDGMENT GRANTING ATTORNEY FEES AND COSTS

The above-captioned action having come on for hearing before this Court, the Honorable John Siefert, Circuit Court Judge presiding, on the 27th day of March, 2012 on the issues raised in Plaintiffs' Motion for Reimbursement of Attorney Fees and Costs, plaintiffs having appeared by their attorney, William R. Rettko, and defendants having appeared by their attorney, Mark Grady,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Reimbursement of Attorney Fees and Costs is granted in the amount of \$10,833.23.

Dated this 24th day of May, 2012.

BY THE COURT:

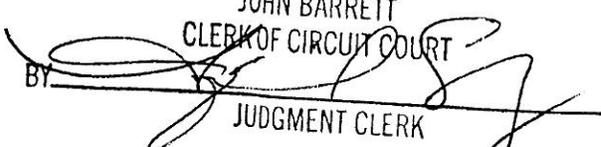


Honorable John Siefert
Circuit Court Judge

FILED
CIVIL DIVISION
MAY 24 2012
JOHN BARRETT
Clerk of Circuit Court



FILED
JUN 12 2012
JOHN BARRETT
Clerk of Circuit Court

JUN 12 2012
BY THE COURT
JOHN BARRETT
CLERK OF CIRCUIT COURT
BY 
JUDGMENT CLERK

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 26, 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 (stay of case until March 14, 2014)
2. *MDSA v. Milwaukee County* (overturn arbitration award on 2012 deputy layoffs)
Case No. 12-CV-1984 (circuit court affirmed award)
3. Retiree health plan (co-pays, deductibles, etc.) cases:
Estate of Hussey v. Milwaukee County (Retiree health)
Case No. 12-C-73 (U.S. District Court ruled in County's favor, 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 (Court of Appeals ruled in favor of County; Petition for Review filed with Supreme Court)
DC48 et al. v. Milwaukee County et al.
Case No. 12-CV-13612 (stayed pending outcome of case above)

5. 1.6% Pension Multiplier cases:
Stoker & FNHP v. Milwaukee County
Case No. 11-CV-16550 (**Court of Appeals ruled against County, petition for review authorized**)
AFSCME v. Milwaukee County
Case No. 12-CV-9911 (stayed pending *Stoker* appeal)
Brillowski & Trades v. Milwaukee County
Case No. 12-CV-13343 (stayed pending *Stoker* appeal)
6. *McKenzie & Goodlette v. Milwaukee County* (captains layoffs, **settlement proposed**)
Case No. 12-CV-0079
Rewolinski v Milwaukee County (captain layoff, **settlement proposed**)
Case No. 12-CV-0645
7. *Wosinski et al. v. Advance Cast Stone et al.* (O'Donnell Park)
Case No. 11-CV-1003 (**Jury Verdict**)
8. *Christensen et al. v. Sullivan et al.*
Case No. 96-CV-1835
9. *Milwaukee Riverkeeper v. Milwaukee County* (Estabrook dam)
Case No. 11-CV-8784
10. *Milwaukee County v. Federal National Mortgage Ass'n. et al.* (transfer taxes)
Case No. 12-C-732 (U.S. District Court ruled against County, appealed to Seventh Circuit by County)
11. *Midwest Development Corporation v. Milwaukee County* (Crystal Ridge)
Case No. 12-CV-11071
12. 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 filed by County)
Porth v. Milwaukee County
Case No. 11-CV-4908 (consolidated with Pasko case, petition to WI Supreme Court filed by County)
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
13. Froedtert Hospital petition to disturb burial sites – petition granted by State.

14. *FNHP, AMCA & AFSCME v. Milwaukee County and ERS*
Case No. 13-CV-3134 (backdrop modification)
15. *Roeschen's Healthcare LLC v. Milwaukee County*
Case No. 13-CV-3853 (court ordered records produced; attorneys' fee issue remaining)
16. *MTS v. Milwaukee County*
Case No. 13-CV-7234 (**court ordered records produced; attorneys' fee issue remaining**)
17. *Madison Teachers Inc. v. Walker*
Dane County Circuit Court Case No. 11-CV-3774 (Act 10)
18. **Orlowski v. Milwaukee County**
Case No. 13-C-994 (E.D. Wis.)(2007 death of inmate in HOC)
19. **In re Mental Commitment of Mary F-R**
2013 WI 92
(Supreme Court held that 6 person jury is constitutional in mental commitment cases)