



OFFICE OF THE COUNTY EXECUTIVE

1

Milwaukee County

SCOTT WALKER • COUNTY EXECUTIVE

DATE: May 12, 2010
TO: The Honorable Lee Holloway, Chairman, Milwaukee County Board of Supervisors
FROM: Scott Walker, County Executive
SUBJECT: **Appointment of Dr. Brian L. Peterson**

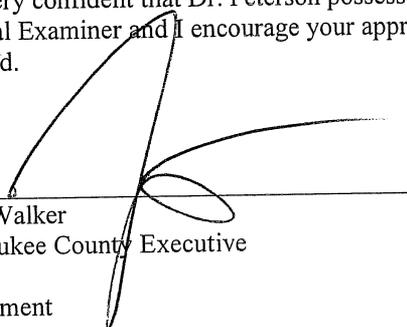
Pursuant to Sec. 59.36 (5) Wis. Stats, and subject to confirmation of your Honorable Body, I am pleased to appoint Dr. Brian L. Peterson to the position of Milwaukee County Medical Examiner effective this date.

Since September 2008, Dr. Peterson has served as an assistant Medical Examiner in Milwaukee County, having been appointed by Dr. Christopher Happy. Prior to his employment in the Milwaukee County ME office, Dr. Peterson worked as an associate Medical Examiner in Waukesha County. He also served as a Staff Pathologist for Forensic Medical Group, Inc. of Fairfield, California. He also served as the Deputy Medical Examiner in San Diego County, California and served on Active Duty with the U.S. Navy as a Regional Medical Examiner.

Dr. Peterson holds a Doctor of Medicine degree from the Medical College of Wisconsin, having completed his fellowship while at the Armed Forces Institute of Pathology in Washington, DC. He served his residency at the Naval Hospital at San Diego, California and his internship at the Medical College of Ohio in Cleveland.

Dr. Peterson enjoys the professional support of the current Medical staff in the Milwaukee County Medical Examiner's office and has also received the support of the Milwaukee County Medical Society.

I am very confident that Dr. Peterson possesses the proper credentials to perform extremely well as our Medical Examiner and I encourage your approval of his confirmation. Copy of his Curriculum Vitae is attached.



Scott Walker
Milwaukee County Executive

Attachment

Cc: Supervisor Willie Johnson
Terry Cooley, Chief of Staff
Rick Ceschin, Research Analyst
Linda Durham, Committee Clerk
All County Board Members

CURRICULUM VITAE

Brian L. Peterson, M.D.

OFFICE ADDRESS: Milwaukee County Medical Examiner
933 W. Highland Ave.
Milwaukee, WI 53233
Phone: 414-223-1200
Fax: 414-223-1237
E-mail: brian.peterson@milwcnty.com

PLACE OF BIRTH: Midland, Michigan

CITIZENSHIP: U.S.A.

EDUCATION:

08/1973 - 05/1976 - Marquette University, Milwaukee, WI

08/1976 - 05/1980 - Medical College of Wisconsin, Milwaukee, WI

POSTGRADUATE TRAINING AND FELLOWSHIP APPOINTMENT:

07/1980 – 06/1981 – Intern, The Medical College of Ohio, Toledo, OH

08/1983 – 08/1987 – Resident, Naval Hospital, San Diego, CA

09/1987 – 10/1988 – Fellow, Armed Forces Institute of Pathology,
Washington, D.C.

MILITARY SERVICE:

07/1981 - 08/1983 - Battalion Surgeon, U.S. Marine Corps

08/1982 - 08/1983 - Regimental Surgeon, U.S. Marine Corps

09/1987 - 10/1988 - Staff Pathologist, Armed Forces Institute of
Pathology, Office of the Armed Forces Medical
Examiner

10/1988 - 04/1993 - Staff Pathologist, Navy Hospital, San Diego, CA
Department of Pathology

10/1988 - 04/1993 - Regional Medical Examiner, Office of the Armed
Forces Medical Examiner

10/1988 - 04/1993 - Medical Director, Navy Tissue Bank, Naval Hospital,
San Diego, CA

EDUCATIONAL ADMINISTRATIVE APPOINTMENTS:

Adjunct Clinical Associate Professor, Touro University College of
Osteopathic Medicine, Vallejo, CA
Assistant Clinical Professor of Pathology, Medical College of Wisconsin,
Milwaukee, WI

HOSPITAL AND CLINICAL ADMINISTRATIVE APPOINTMENTS:

Assistant Medical Examiner, Milwaukee County, September 2008-2010

Associate Medical Examiner, Waukesha County, April 2007 – September
2008.

President, Forensic Medical Group, Inc., Fairfield, CA, January 1996-
January 2007.

Staff Pathologist, Forensic Medical Group, Inc., Fairfield, CA, April 1993-
March 2007.

Laboratory Director, NorthBay / VacaValley Hospitals, 1996-2005.

Active Staff, NorthBay Medical Center, Fairfield, CA, April 1993-February
2005.

Deputy Medical Examiner, County of San Diego, 1989 - 1991.

Medical Director, Navy Tissue Bank, Naval Hospital, San Diego, October
1988 - April 1993.

Regional Medical Examiner, Office of the Armed Forces Medical
Examiner, October 1988 - April 1993.

Staff Pathologist, Navy Hospital, San Diego, Department of Pathology,
October 1988 - April 1993.

Staff Pathologist, Armed Forces Institute of Pathology, Office of the
Armed Forces Medical Examiner, September 15, 1987 - October 3, 1988.

Regimental Surgeon, 9th Marine Regiment, 1st Marine Division, August 1,
1982 - August 20, 1983.

Battalion Surgeon, 1st Battalion, 9th Marine Regiment, 1st Marine Division,
July 28, 1981 - August 20, 1983.

SPECIALTY BOARDS AND CERTIFICATION:

Ohio license number 46707, issued September 1, 1981 (active)

California license number G48918, issued September 20, 1982 (active)

Wisconsin license number 49701-020, issued September 5, 2006 (active)

DEA registration number BP3803358 (current)

AWARDS AND HONORS:

AMA Physician Recognition Award, current.

Joint Service Achievement Medal, October 5, 1988.

Navy Commendation Medal, December 7, 1983.

Commanding General, 1st Marine Division, Letter of Commendation,
September 29, 1982.

MEMBERSHIPS IN HONORARY AND PROFESSIONAL SOCIETIES:

College of American Pathologists (Inspector / Fellow)

American Academy of Forensic Sciences (Fellow)

National Association of Medical Examiners (Fellow)

Disaster Mortuary Operation Response Team (DMORT) Region V (member)

BIBLIOGRAPHY

1. Ghazarian JG, Hsu PY, **Peterson BL**: Chick Kidney Microsomal Cytochrome P-450 Involvement in the Metabolism of 25-Hydroxyvitamin D₃. Arch Biochem Biophys 1977; 99:183.
2. Kulkoski JA, **Peterson BL**, Elcombe B, Winkelhake JL, Ghazarian JG: Ferredoxin of 25-hydroxyvitamin D₃-1 α -hydroxylase. Anatomical distribution in the chick kidney as determined by double-antibody radioimmunoassay. FEBS Lett 1979; 99:183.
3. Ghazarian JG, Martinez JE, Gallardo AC, Kulkoski JA, **Peterson BL**: Induction of Renal Cytochrome P-450 by the Polychlorinated Biphenyl Aroclor 1254. Mitochondrial distribution and correlation with the calcium regulating mixed function oxidases 1 α and 24R-hydroxylases of 25-Hydroxyvitamin D₃. J Biol Chem 1980; 255:8725.
4. **Peterson BL**: External Beveling of Cranial Gunshot Wounds of Entrance. J Forensic Sci 1991; 36:1592-1595.
5. **Peterson BL**: External Beveling of an Entrance Gunshot Wound to the Skull. Am J Forensic Med Pathol 1992; 13:88-89.
6. Levine B, Jones R, Smith ML, Gudewicz TM, **Peterson BL**: A Multiple Drug Intoxication Involving Cyclobenzaprine and Ibuprofen. Am J Forensic Med Pathol 1993;14:246-248.

1 By Supervisors Holloway, Mayo, West, Sanfelippo and Coggs

2
3 **A RESOLUTION**

4
5 Censuring Milwaukee County Supervisor Lynne De Bruin for breaching a confidence by
6 making public certain comments that were made in a closed session meeting of a County
7 Board standing committee

8
9 WHEREAS, on April 14, 2010, the County Board Committee on Health and Human
10 Needs met in closed session to discuss certain issues related to recent incidents at the
11 Milwaukee County Behavioral Health Division (BHD); and

12
13 WHEREAS, Supervisor Lynne De Bruin was in attendance at the meeting, though
14 not a member of the Committee on Health and Human Needs; and

15
16 WHEREAS, during the course of discussion among Committee members and BHD
17 Administrator John Chianelli, Supervisor De Bruin took notes of the meeting which
18 ultimately were used to develop a four-page letter detailing her perspective of what was
19 discussed in closed session that she subsequently sent to Mr. Chianelli; and

20
21 WHEREAS, Supervisor De Bruin subsequently released the said letter along with
22 other documents, including her hand-written notes from the meeting, to a reporter in
23 partial response to an open records request, even though the documents related to a matter
24 discussed confidentially in a closed session meeting; and

25
26 WHEREAS, these actions of making public certain information concerning a
27 Supervisor’s perspective of what was discussed in a closed session meeting called for
28 reasons requiring confidentiality, in an environment specifically established for that
29 purpose, is a violation of a trust; and

30
31 WHEREAS, this violation of closed session protocol will make it extremely difficult
32 for administrators in the future to believe that they can speak freely in closed session
33 meetings about matters requiring confidentiality without their comments being made
34 public, which in turn will make it more difficult for County Board members to obtain
35 information from administrators that is necessary to making reasoned policy decisions; and

36
37 WHEREAS, this breach of trust also impairs the ability of Corporation Counsel to
38 provide effective advice by assuming confidentiality and to engage in and permit candid
39 and frank discussion between attorney and client; now, therefore,

40
41 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby
42 censure Milwaukee County Supervisor Lynne De Bruin for her willful acts of misconduct in
43 divulging confidential information discussed in closed session, which resulted in a breach of
44 confidence with her colleagues on the County Board, with County administrators. And with
45 attorney-client privileged information.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/9/2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Censuring Milwaukee County Supervisor Lynne De Bruin for breaching a confidence by making public certain comments that were made in a closed session meeting of a County Board standing committee.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	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.

This resolution censures a County Supervisor for certain actions and has no fiscal effect.

Department/Prepared By County Board / Terrence Cooley

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

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.

1 By Supervisor Jursik

2 **A RESOLUTION**

3 Amending Chapter 56.30(6) of the Milwaukee County Code of General
4 Ordinances to require that all contracts executed by Milwaukee County prohibit
5 the contractor from undertaking class actions against Milwaukee County on any
6 matter other than enforcement of the subject contract.

7 WHEREAS, in April 1996, Milwaukee County and the Milwaukee County
8 Sheriff were named as defendants in what eventually became a class action
9 lawsuit relating to conditions at the Milwaukee County Criminal Justice Facility;
10 and

11 WHEREAS, in June 2001, the plaintiff class and the defendants reached a
12 settlement that established an ongoing Consent Decree (known as the Christensen
13 Consent Decree) that set forth certain terms and conditions regarding medical
14 services and jail overcrowding under which the Sheriff and the County were to
15 remain compliant until such time as was determined that the decree could be
16 lifted; and

17 WHEREAS, in the intervening years since the Consent Decree was entered,
18 organizations representing the plaintiffs have pursued various judicial proceedings
19 relating to Christensen, resulting in significant ongoing expenditures of time and
20 resources for Milwaukee County; and

21 WHEREAS, in October 2009, the Milwaukee County Clerk of Circuit Court
22 entered into a three-year contract for Guardian ad litem services with one of the
23 organizations representing the Christensen plaintiffs for a total three-year value in
24 excess of \$5.25 million; and

25 WHEREAS, because Milwaukee County is a significant source of funding
26 for an agency that has pursued class action litigation against the County for many
27 years, a perception has emerged that Milwaukee County is essentially
28 underwriting legal action against itself; and

29 WHEREAS, in 1974 the United States Congress created the Legal Services
30 Corporation to fund civil "high quality legal assistance to those who would be
31 otherwise unable to afford adequate legal counsel" and has primarily been used to
32 petition the government in relation to entitlement programs; and

33 WHEREAS, by the mid-1990s, concern had grown that funding from the
34 Legal Services Corporation was being exploited to fund class action lawsuits
35 against the federal, state and local governments, in effect using funding meant for
36 individual representation to prosecute a broader civil agenda; and

37 WHEREAS, in 1996 Congress amended the Legal Services Corporation Act
38 to specify that “none of the funds appropriated . . . to the Legal Services
39 Corporation may be used to provide financial assistance to any person or entity . .
40 . that initiates or participates in a class action suit”; and

41 WHEREAS, in order to prevent such an occurrence in the future,
42 Milwaukee County should incorporate language in future contracts that expressly
43 prohibits the contractor from filing class action lawsuits against Milwaukee
44 County; and

45 WHEREAS, Chapter 56.30(6) of the Milwaukee County Code of General
46 Ordinances governs the requirements for certain boilerplate contract provisions
47 that must be included in all professional services contracts; now, therefore,

48 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
49 modifies Chapter 56.30 of the Milwaukee County Code of General Ordinances by
50 adopting the following:

51

52

AN ORDINANCE

53

54 The Milwaukee County Board of Supervisors ordains as follows:

55

SECTION 1.

57 Chapter 56.30(6) of the Milwaukee County Code of General Ordinances, up
58 to and including _____, is hereby modified as follows:

59 56.30. Professional Services.

60 (6) *Contract.*

- 61 (a) All contracts, excluding departmental purchase orders, shall be reviewed
62 by the corporation counsel to determine if they meet the definition of
63 professional services.
- 64 (b) Approval. The contract must be approved by the office of the corporation
65 counsel prior to execution.
- 66 (c) All provisions of the Code governing administration of contracts must be
67 followed.
- 68 (d) All contracts which have been approved by action of the county board
69 shall contain language referencing the county board file number and date
70 of county board approval.
- 71 (e) All professional services contracts shall contain a provision which
72 provides that the contractor shall permit the authorized representatives of
73 the county auditor, after reasonable notice, the right to inspect and audit
74 all data and records of contractor related to carrying out the contract for a
75 period of up to three (3) years after completion of the contract.
- 76 (f) All contracts will be reviewed and approved, in writing, by the county's
77 risk manager for financial responsibility and liability management,

- 78 including appropriate insurance provisions and modifications in
79 indemnity agreements.
- 80 (g) All county departments and institutions administrators are required to
81 notify the Community Business Development Partners division in writing
82 prior to entering into professional services contracts. Annual percentage
83 goals for DBE participation on professional services contracts will be
84 established as set forth by county ordinance. The procedures to be
85 followed by departments regarding DBE participation shall conform to
86 provisions as contained in Chapter 42. No professional services contract
87 shall be issued without review and written approval by the CBDP
88 division that all provisions of Chapter 42 regarding disadvantaged
89 business participation have been met.
- 90 (h) All contracts shall include the foundation and mechanism for billing for
91 any professional service provided under the agreement.
- 92 (i) All contracts shall include a prohibition against the contractor
93 undertaking a class action suit, class action appeal or amicus curie class
94 action against Milwaukee County or its officers on any matter other than
95 the enforcement of the terms of the contract.
96

97 **SECTION 2.**

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

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: May 6, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A Resolution/Ordinance amending Chapter 56.30(6) of the Milwaukee County Code of General Ordinances to require that all contracts executed by Milwaukee County prohibit the contractor from undertaking class actions against Milwaukee County on any matter other than enforcement of the subject contract.

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	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.

Adoption of this amendment to the Milwaukee County Code of General Ordinances will require the addition of the specified language to the terms of contracts let by Milwaukee County. No property tax levy effect is anticipated.

Department/Prepared By County Board/ Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

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.

1
2 By Supervisor Rice

Journal,
3 File No. 09-

4 **A RESOLUTION**

5 Creating a Redistricting Commission to be responsible for the independent drafting
6 of Supervisory Districts following the 2010 United States Census.

7
8 WHEREAS, Wisconsin Statute 59.10 mandates that Milwaukee County
9 must establish new supervisory districts following the release of decennial
10 population census data, the next of which is scheduled to occur in 2010; and

11 WHEREAS, the redistricting process in Milwaukee County last took place in
12 2003 when the County Board approved a resolution reducing the size of the
13 board from twenty-five to nineteen members and redrew electoral district
14 boundaries; and

15 WHEREAS, the statutory guidelines frame a timeline for the completion of
16 redistricting, and direct that the new Supervisory districts be substantially equal in
17 population, consist of contiguous whole wards, and adhere to municipal
18 boundaries where possible; and

19 WHEREAS, in addition to the statutory guidelines, according to "The Shape
20 of Representative Democracy", a report of the 2005 Redistricting Reform
21 Conference, any redistricting plan should:

- 22 1. Adhere to the United States Constitution and Voting
23 Rights Act
24 2. Promote competitiveness and partisan fairness
25 3. Respect political subdivisions and communities of interest
26 4. Encourage geographical compactness

27 ; and

28 WHEREAS, the current process by which redistricting takes place in
29 Milwaukee County – essentially having the legislative branch perform the
30 redistricting – has the potential to become overly politicized and serve the interest
31 of the elected rather than the electorate; and

32 WHEREAS, in order to remove political influence from the redistricting
33 process and prevent deliberately moderating electoral districts to create advantage,
34 it is essential that Milwaukee County entrust the duty of re-drawing electoral
35 districts to an independent commission; and

36 WHEREAS, the model for an independent commission has been
37 implemented in a growing number of state and local jurisdictions, resulting in a

38 much less contentious redistricting process, but the model still allows for
39 substantial input from elected officials and still requires Board and County
40 Executive approval for the redistricting plan; and

41 WHEREAS, the Milwaukee County Redistricting Commission as proposed
42 herein will be composed of five members nominated by the members of the
43 Milwaukee County Ethics Board, subject to approval of the County Board and the
44 County Executive; and

45 WHEREAS, all members of the Redistricting Commission must be of voting
46 age, reside in Milwaukee County and not hold any elected office or have
47 registered party affiliations; and

48 WHEREAS, the procedures set forth below provide the transparency and
49 opportunity for public input necessary to assure fairness in the redistricting
50 process; now therefore,

51 BE IT RESOLVED, that the Milwaukee County Board of Supervisors, for the
52 reasons above, hereby creates the Milwaukee County Redistricting Commission,
53 which shall be composed of five members nominated by the Milwaukee County
54 Ethics Board, subject to confirmation of the County Board and County Executive,
55 with support provided by County Board staff; and

56 BE IT FURTHER RESOLVED, that eligibility for service on the Redistricting
57 Commission is limited to residents of Milwaukee County of legal voting age who
58 hold no elected office nor have any political party affiliation; and

59 BE IT FURTHER RESOLVED, that the Redistricting Commission shall
60 substantially follow these procedural guidelines when developing a redistricting
61 plan:

- 62 1. The Commission shall convene prior to March 15, 2011 for
63 orientation and a briefing on the legal requirements for
64 redistricting;
- 65 2. Upon receipt of US Census data, the Commission shall develop a
66 draft redistricting plan in accordance with the timeline mandated
67 by state law;
- 68 3. The Commission shall hold at least one public hearing at which the
69 draft redistricting plan will be presented;
- 70 4. The Commission shall solicit comments and suggestions from all
71 municipalities incorporated within Milwaukee County;

72 5. The Commission shall revise its draft plan in accordance with the
73 input of the public hearing and the municipalities and submit the
74 plan to the Office of Corporation Counsel to ensure compliance
75 with all applicable state and federal laws;

76 6. The Commission shall submit a final redistricting plan to the
77 County Board within 60 days of receipt of US Census data, or as
78 otherwise require by state law;

79 and

80 BE IT FURTHER RESOLVED, that the procedure for adoption of the
81 redistricting plan shall be as follows:

82 1. The redistricting plan prepared by the Commission shall be referred to
83 the Committee on Judiciary, Safety and General Services, which shall
84 forward its recommendation to the full County Board;

85 2. The County Board may approve or amend the redistricting plan only
86 upon a vote of two-thirds of the members-elect;

87 3. In the event the redistricting plan fails of adoption, or is vetoed and
88 sustained, the redistricting plan is returned to the Commission with a
89 communication detailing the objections of the County Board and/or
90 the County Executive;

91 4. The Commission shall revise the plan based on the cited objections
92 and re-submit the revised plan to the County Board no later than the
93 next regularly scheduled meeting of the County Board;

94 5. In the event the second plan fails of adoption, or is vetoed and
95 sustained, the charge of redistricting shall be referred to the Office of
96 Corporation Counsel to draft a substitute redistricting plan under
97 Wisconsin Statute 59.10(6);

98 and,

99 BE IT FURTHER RESOLVED, that the redistricting plan developed by the
100 Milwaukee County Redistricting Commission shall be in full compliance with all
101 applicable state and federal laws.

102 rice.redistricting commission

103

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 12, 2009

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution creating a Redistricting Commission to be responsible for the independent drafting of Supervisory Districts following the 2010 United States Census.

FISCAL EFFECT:

- | | |
|--|--|
| <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		
	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.

Adoption of this resolution will not result in a tax levy increase, but will require an expenditure of staff time.

Department/Prepared By County Board/Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

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.



OFFICE OF CORPORATION COUNSEL

Milwaukee County

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
Deputy Corporation Counsel

JOHN F. JORGENSEN
MARK A. GRADY
JOHN E. SCHAPEKAHM
TIMOTHY R. KARASKIEWICZ
JEANEEN J. DEHRING
ROY L. WILLIAMS
COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 26, 2010
TO: Committee on Judiciary, Safety & General Services
FROM: Robert E. Andrews, Deputy Corporation Counsel
SUBJECT: File No. 09-475 A Resolution Creating a Redistricting Commission

At your meeting on April 8, 2010 you referred to our office a resolution for the creation of a Redistricting Commission which would be "responsible for the independent drafting of Supervisor Districts following the 2010 United States Census." The matter was referred to our office without specifying any legal issues or concerns.

The goal of the resolution is to insert a Redistricting Commission into the process of drafting new boundaries for the districts of the nineteen County Supervisors. The five members of the Commission would be nominated by the Milwaukee County Ethics Board subject to confirmation by the County Board and County Executive. The duty of the Commission shall be to prepare a redistricting plan for Milwaukee County. This plan would be referred to the Committee on Judiciary, Safety and General Services which would make its recommendation to the County Board.

In a significant departure from current practice the resolution states that the County Board "may approve or amend the redistricting plan only upon a vote of two-thirds of the members-elect". If the plan fails adoption it would be returned to the Commission to revise the plan, and if it fails again, the Office of Corporation Counsel would draft a substitute redistricting plan.

The relevant State statute for the drafting of countywide districts is Wis. Stat. §59.10(2) and (3) which states that the County Board shall adopt a tentative plan which will be transmitted to the local municipalities for comment before the Board adopts a final plan.

On the general subject of majority vs. two-thirds vote, *see* Wis. Stat. §59.02(3): "All questions shall be determined by a majority of the supervisors who are present unless otherwise provided". It is our opinion that means "unless otherwise provided by statute".

The Rules of the County Board Supervisors (§1.04 (a) MGO) regarding voting by the Board provide the same as the State: "All questions shall be determined by a majority of the supervisors present, unless otherwise provided by statutes or this chapter." Five examples of votes that specifically call for a two-thirds vote can be found at §1.04 (d) MGO (e.g. transferring funds from the contingency appropriation, considering vetoes of the County Executive).

Thus, imposing a condition that approval of two-thirds of the Board is necessary for the adoption of a plan would, in our estimation, require amendments to both the State statutes and the County ordinances. We believe that continuing with the majority vote as opposed to a two thirds vote is consistent with the proposition that the duty and authority to adopt the plan is vested in the County Board. The County Board cannot delegate that authority to a "redistricting commission" of its own invention.

Setting aside the vote requirement, our office has no objection to the establishment of a Redistricting Commission as proposed in the resolution. We view the Commission's role, which is largely advisory, as an addition to the current process. Passage of the resolution would be sufficient to create the Commission.

Respectfully submitted,



REA/rf

cc: Linda Durham
Jennifer Mueller
Barb Pariseau

COUNTY OF MILWAUKEE
Inter-Office Communication

DATE: June 10, 2010

TO: Committee on Judiciary, Safety and General Services

FROM: Glenn E. Bultman, Legislative Research Analyst

SUBJECT: Redistricting

The attached resolution relating to redistricting proposes to create an independent redistricting commission. State statutes require that the County Board redistrict after each census, which they have done since 1970. All 72 counties within the State of Wisconsin use the same procedure used by Milwaukee County. The proposed resolution is silent on the question of the number of districts for 2012.

County Executive

The only role for the County Executive for redistricting, according to the statutes, is to either approve or veto the plan adopted by the County Board. The County Executive signed the 2003 redistricting plan. A 2/3 vote is only required if there is a veto (which occurred in 1991 and 2001). The County Executive now appoints the Ethics Board members from nominees by several groups that represent only a small part of Milwaukee County's population. The elected County Board represents all parts of Milwaukee County and is non-partisan.

County Board

The 2003 redistricting plan, which reduced the County Board by 24% (from 25 to 19), was not adopted by a 2/3 majority (the vote was 16 to 9). Fourteen of the 25 County Board members were in districts with two incumbents. Also, the only district without any incumbent was the first district created in Milwaukee County with a Hispanic majority. Ten of the current County Board members participated in the 2003 redistricting and they have been reelected twice with the new boundaries. Few residents have any experience with redistricting.

The statutes only allow 60 days after the census data is received to adopt the tentative plan. If this is not accomplished, the Corporation Counsel shall draft a substitute redistricting plan under the provisions of the proposed resolution. The Corporation Counsel has approved all previous redistricting plans since 1970. If the County Board fails to enact a plan according to the statutes, a Circuit Court judge will approve a new plan for 2012. Since the 1980 census, the Federal courts have adopted every state redistricting plan in Wisconsin because the Legislature and Governor have failed to do it!

If requested, County Board staff will meet with any County Board member to discuss questions relating to redistricting. Legal redistricting questions should be referred to the Corporation Counsel.

Cc: County Board of Supervisors
Tim Schoewe, Corporation Counsel

Attachments

59.08 COUNTIES

of the election shall be certified to the judges of the circuit courts for the counties.

(10) If a majority of the votes cast in each county upon the question of consolidation are in favor of the consolidation of the counties, the judge of the circuit court shall enter that fact of record in each county. If in any one of the counties less than a majority of the votes cast upon the question of consolidation are in favor of the proposed consolidation, the consolidation shall be declared to have failed for all purposes. If a majority of the votes cast upon the question of consolidation in any county are opposed to consolidation, the question of consolidation shall not be again submitted to the electors of that county for a period of 2 years.

(11) At the next succeeding regular November election, held at least 60 days after the election at which consolidation is approved by the voters, there shall be elected for the consolidated county all county officers provided for by law and the officers shall be nominated as provided in ch. 6. Their terms shall begin on the first Monday of January next succeeding their election, at which time they shall replace all elective county officers of the counties that are consolidated into the consolidated county whose terms shall on that day terminate. All appointive county officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other counties is conferred. The terms of the officers shall commence on the first Monday of January next succeeding the first election of officers for the consolidated county, and shall continue, unless otherwise removed, until their successors have been appointed and qualified. The successors of all officers whose first election or appointment is provided for in this subsection shall thereafter be elected or appointed at the time, in the manner and for the terms provided by law.

(13) Upon the first Monday of January following the first election of county officers for the consolidated county, the several counties shall thereafter for all purposes be treated and considered as one county, under the name and upon the terms and conditions set forth in the consolidation agreement. All rights, privileges, and franchises of each of the several counties, and all records, books, and documents, and all property, real and personal, and all debts due on whatever account, as well as other things in action, belonging to each of the counties, shall be considered transferred to and vested in the consolidated county, without further act or deed. All property, all rights-of-way, and all and every other interest shall be as effectually the property of the consolidated county as they were of the several counties before the consolidation. The title to real estate, either by deed or otherwise, under the laws of this state vested in any of the counties, shall not be considered to revert or be in any way impaired by reason of this consolidation. The rights of creditors and all liens upon the property of any of the counties shall be preserved unimpaired, and the respective counties shall be considered to continue in existence to preserve the same and all debts, liabilities and duties of any of the counties shall attach to the consolidated county and be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it, unless by the terms of the agreement the outstanding bonded indebtedness of the counties shall not be transferred and attached to the consolidated county, but shall remain as obligations of the counties which for such purpose shall be considered to continue in existence.

(14) Suits may be brought and maintained against the consolidated county in any of the courts of this state in the same manner as against any other county. Any action or proceeding pending by or against any of the counties consolidated may be prosecuted to judgment as if the consolidation had not taken place, or the consolidated county may be substituted in its place. The towns, school districts, election districts and voting places in the consolidated county shall continue as in the several counties before consolidation, unless and until changed in accordance with law.

(15) Until changed by law, the same circuit courts shall continue, though it may result in the consolidated county being a part of 2 or more circuits. All such courts shall, however, be held at the place designated as the county seat of the consolidated county, and

each such court and the judge of that court shall continue to have and exercise the same jurisdiction as the court or the judge had and exercised before the consolidation. If 2 or more judges have jurisdiction in any consolidated county they or a majority of them shall exercise the power to appoint officers and fill vacancies as is vested in judges of circuit courts of other counties.

(16) For the purpose of representation in congress and in the legislature the existing congressional, senatorial and assembly districts shall continue until changed in accordance with law. The consolidated county shall in all respects, except as otherwise provided in this section, be subject to all the obligations and liabilities imposed, and shall possess all the rights, powers and privileges vested by law in other counties.

(17) The provisions of this section shall be considered cumulative and the authority granted in this section to counties shall not be limited or made inoperative by any existing statute.

History: 1977 c. 449; 1979 c. 311; 1981 c. 377; 1983 a. 192; 1989 a. 56, 192; 1991 a. 316; 1993 a. 490; 1995 a. 16 ss. 1, 2; 1995 a. 201 ss. 480 to 483; Stats. 1995 s. 59.08; 1995 a. 225 ss. 175 to 179; 1997 a. 35; 1999 a. 182; 2001 a. 16.

SUBCHAPTER III

COUNTY BOARD OF SUPERVISORS

59.10 Boards: composition; election; terms; compensation; compatibility. The boards of the several counties shall be composed of representatives from within the county who are elected and compensated as provided in this section. Each board shall act under sub. (2), (3) or (5), unless the board enacts an ordinance, by a majority vote of the entire membership, to act under sub. (1). If a board enacts such ordinance, a certified copy shall be filed with the secretary of state.

(1) **SELF-ORGANIZED COUNTIES.** (a) *Number of supervisors and apportionment of supervisory districts.* In each county with a population of at least 500,000, sub. (2) (a) and (b) applies. In counties with a population of less than 500,000 and more than one town, sub. (3) (a) to (c) applies. In counties with one town only, sub. (5) applies.

(b) *Terms.* The term of office of supervisors is 2 years. A board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one-half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. 985, or as a notice, as described under s. 59.14 (1m) (b), before publication of the notice of the election at which supervisors are to be elected.

(c) *Compensation.* The method of compensation for supervisors shall be determined by the board.

(d) *Vacancies.* A board may determine the procedure for filling a vacancy.

(2) **MILWAUKEE COUNTY.** In each county with a population of at least 500,000:

(a) *Composition: supervisory districts.* Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, the board shall adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and shall divide the county into a number of districts equal to the num-

ber of supervisors, with each district substantially equal in population and consisting of contiguous whole wards. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

(b) *Election; term.* Supervisors shall be elected for 4-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

(c) *Compensation.* Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson. Section 66.0505 applies to this paragraph.

(d) *Changes during decade.* 1. ‘Number of supervisors; redistricting.’ The board may, not more than once prior to November 15, 2010, decrease the number of supervisors after the enactment of a supervisory district plan under par. (a). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. The chairperson of the board shall file a certified copy of any redistricting plan adopted under this subdivision with the secretary of state.

2. ‘Election; term.’ Any redistricting plan enacted under subd. 1. becomes effective on the first November 15 following its enactment, and first applies to the spring election following the plan’s effective date. Any redistricting plan enacted under subd. 1. shall remain in effect until the effective date of a redistricting plan subsequently enacted under par. (a). Supervisors elected from the districts created under subd. 1. shall serve for 4-year terms and shall take office on the 3rd Monday in April following their election.

(3) OTHER COUNTIES. (a) *Classification; maximum number of supervisors.* Counties with a population of less than 500,000 and more than one town are classified and entitled to a maximum number of supervisors as follows:

1. Counties with a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.

2. Counties with a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.

3. Counties with a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.

4. Counties with a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.

5. If the population of any county is within 2% of the minimum population for the next most populous grouping under this paragraph, the board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

(b) *Creation of supervisory districts.* 1. Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and

adopt a tentative plan. The proposed plan may be amended after the public hearing. The board shall solicit suggestions from municipalities concerning the development of an appropriate plan. The board shall transmit to each municipal governing body in the county the tentative plan that is adopted. Each district shall consist of whole wards or municipalities. Each district shall be designated to be represented by one supervisor, and all districts shall be substantially equal in population. In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. If the division of a municipality is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

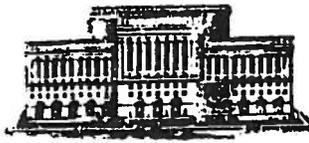
2. Within 60 days after every municipality in the county adjusts its wards under s. 5.15, the board shall hold a public hearing and shall then adopt a final supervisory district plan, numbering each district. Wards within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards or portions of wards consisting of island territory as defined in s. 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards or portions of wards within the same municipality, to form a supervisory district.

4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state.

(c) *Changes during decade; municipal boundary adjustments.* After the enactment of a plan of supervisory districts under par. (b), a municipal incorporation, annexation, detachment or consolidation may serve as a basis for altering between federal decennial censuses the boundaries of supervisory districts, in the discretion of the board. The number of supervisory districts in the county shall not be changed by any action under this paragraph. Any plan of county supervisory districts enacted under par. (b) may be amended under this paragraph but shall remain in effect as amended until superseded by another plan enacted by the board under par. (b) and filed with the secretary of state.

(cm) *Changes during decade; reduction in size.* 1. ‘Number of supervisors; redistricting.’ Except as provided in subd. 3., following the enactment of a decennial supervisory district plan under par. (b), the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under par. (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. 2. nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. 2., the board may then take action under this subdivision except as provided in subd. 3. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

2. ‘Petition and referendum.’ Except as provided in subd. 3., the electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. (b). A petition for a change in the number of supervisors



JOSEPH A. RICE
MILWAUKEE COUNTY SUPERVISOR

May 6, 2010

Supervisor Willie Johnson, Jr., District 13
Milwaukee County Board of Supervisors
Milwaukee County Courthouse
901 N. Ninth Street, Room 201
Milwaukee, WI 53233

Re: Resolution 09-475

Dear Supervisor Johnson:

My thanks to you and members of the Judiciary Committee for your consideration at the April 8, 2010 Judiciary, Safety and General Services Committee meeting of my resolution to reform the manner in which redistricting is conducted in Milwaukee County.

I am aware of the Committee's referral of the resolution to Corporation Counsel to obtain guidance on legal issues. I have been in contact with Mr. Andrews to discuss the matter and address any questions he might have regarding the intent or implementation issues raised by the resolution.

By copy of this letter to members of the Committee, I wish to express my willingness to respond to questions and work with those interested in establishing a process that is transparent, fair and free of political influence. I welcome any suggestions for revisions or improvements in the resolution.

I will be pleased to address the committee on additional issues or concerns that may arise as a result of the Corporation Counsel's analysis. Please advise if you will be scheduling this for consideration at the May 13 meeting.

Thank you.

Very truly yours,

JOSEPH A. RICE
Supervisor, District 6

JAR: sd

Supervisor Willie Johnson, Jr.

May 6, 2010

Page 2

**cc: Milwaukee County Supervisor Lynne DeBruin
Milwaukee County Supervisor Paul Cesarz
Milwaukee County Supervisor Gerry Broderick
Milwaukee County Supervisor Patricia Jursik
Milwaukee County Supervisor Christopher Larson
Milwaukee County Supervisor Joe Sanfelippo
Mr. Robert Andrews, Milwaukee County Deputy Corporation Counsel
Mr. Rick Ceschin, Research Analyst, Milwaukee County Board of Supervisors**

Percentage of Pop by Race -County Board Adopted 2004

9/29/2003

District #	TOTAL POP	WHITE	White %	BLACK	Black %	HISPANIC	Hispanic %	ASIAN	Asian %	AMINDIAN	Amindian%	OTHERMLT	OtherMlt%
District 1	48137	13531	28.11%	32372	67.25%								
District 10	47461	10763	22.68%	32285	68.02%	1022	2.12%	610	1.27%	206	0.43%		
District 11	51805	45696	88.21%	1929	3.72%	1767	3.72%	1875	3.95%	205	0.43%	297	0.62%
District 12	47582	10782	22.66%	3469	7.29%	2460	4.75%	1120	2.16%	363	0.70%	415	0.87%
District 13	47214	12036	25.49%	30350	64.28%	30481	64.06%	1502	3.16%	869	1.83%	66	0.13%
District 14	51154	43433	84.91%	843	1.65%	3480	7.37%	570	1.21%	289	0.61%	235	0.49%
District 15	49570	43092	86.93%	3191	6.44%	4756	9.30%	1040	2.03%	659	1.29%	346	0.73%
District 18	48906	26421	54.02%	18814	38.47%	1595	3.22%	1032	2.08%	359	0.72%	133	0.26%
District 2	47723	12752	26.72%	30838	64.62%	1644	3.36%	1131	2.31%	342	0.70%	136	0.27%
District 19	50064	46246	92.37%	874	1.75%	1438	3.01%	1946	4.08%	261	0.55%	312	0.64%
District 17	51600	47790	92.62%	719	1.39%	1519	3.03%	910	1.82%	330	0.66%	343	0.72%
District 16	51156	46400	90.70%	717	1.40%	1447	2.80%	1197	2.32%	262	0.51%	80	0.16%
District 9	51812	47422	91.53%	754	1.46%	2611	5.10%	670	1.31%	507	0.99%	99	0.19%
District 8	51534	47429	92.03%	580	1.13%	1868	3.61%	1209	2.33%	355	0.69%	84	0.16%
District 3	48560	42065	86.62%	2525	5.20%	2214	4.30%	511	0.99%	547	1.06%	76	0.15%
District 4	49473	25147	50.83%	2053	4.15%	1449	2.98%	1762	3.63%	321	0.66%	61	0.12%
District 5	47090	8580	18.22%	32073	68.11%	18265	36.92%	2115	4.28%	1325	2.68%	177	0.36%
District 6	51943	41688	80.26%	6912	13.31%	2097	4.45%	3275	6.95%	346	0.73%	265	0.54%
District 7	47380	12208	25.77%	31715	66.94%	1181	2.27%	1633	3.14%	181	0.35%	537	1.14%
						1112	2.35%	1542	3.25%	246	0.52%	186	0.36%
												439	0.93%

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) 278-5112
FAX (414) 223-1264



DATE: June 1, 2010

TO: Chairman Lee Holloway
Milwaukee County Board of Supervisors

C: Supervisor Elizabeth Coggs, Chair-Finance and Audit Committee
Supervisor Willie Johnson, Jr., Chair-Judiciary, Safety & General Services Committee

FROM: Chief Judge Jeffrey A. Kremers

RE: 2009 Assess, Inform and Measure (AIM) Funding and Contract

Please place the above item on the next Judiciary, Safety and General Services and Finance and Audit Committee agendas.

The State Office of Justice Assistance has given Milwaukee County permission to extend Justice 2000's 2009 AIM. Expenditures on the extension cannot exceed \$24,000 and must be invoiced by June 30, 2010.

I am requesting permission to receive these additional funds and to execute an extension to Justice 2000's professional services contract.

Please contact me if you have any questions.

Thank you.

A handwritten signature in black ink, appearing to read 'Jeffrey Kremers', written in a cursive style.

JAK:bjs

File No.

Journal,

(ITEM NO.) From the Chief Judge, requesting permission to receive additional funding in the amount of \$24,000 from the State Office of Justice Assistance for the Assess, Inform and Measure (AIM) program in Milwaukee County and to extend Justice 2000's 2009 AIM contract for services through June 30, 2010.

A RESOLUTION

WHEREAS, on April 8, 2009 Milwaukee County received from the Office of Justice Assistance, notice of a grant award (OJA Grant Number: 2009-AI-01-6457) to implement the AIM program in Milwaukee County; and

WHEREAS, On April 23, 2009, the Milwaukee County Board of Supervisors approved the AIM contract award, File No. 09-167, to Justice 2000, Inc. and authorized the Chief Judge to execute a contract for provision of services in Milwaukee County's AIM program and;

WHEREAS, On April 29, 2009 the Chief Judge executed a professional services contract with Justice 2000, for the period of May 1, 2009 through December 31, 2009 in an amount not to exceed \$241,982 and;

WHEREAS, the State Office of Justice Assistance has given Milwaukee County permission to extend Justice 2000's 2009 AIM contract until June 30, 2010 in an amount not to exceed \$24,000; therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the Chief Judge to receive additional grant funds in the amount of \$24,000 from the Office of Justice Assistance and to extend Justice 2000's 2009 Assess, Inform and Measure Program contract to June 30, 2010 to a total amount not to exceed \$265,982.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/1/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Assess, Inform and Measure Grant Funds

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	24,000	
	Revenue	24,000	
	Net Cost	0	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

Increase of \$24,000 in operating expenditures in Org. Unit 2857, Alternatives to Incarceration, will be offset by increase in operating revenue from the State Office of Justice Assistance in the amount of \$24,000 in the form of Assess, Inform and Measure (AIM) grant funding.

(CONTINUED-NEXT PAGE)

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.

The State Office of Justice Assistance has given Milwaukee County permission to extend Justice 2000's 2009 AIM contract to June 30, 2010 by an amount not to exceed \$24,000. Total expenditures for this contract not to exceed \$265,982.

Department/Prepared By Holly Szablewski/Deborah Bachun

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No



David A. Clarke, Jr.
Sheriff

County of Milwaukee
Office of the Sheriff

DATE : June 9, 2010
TO : Supervisor Lee Holloway, Chairman, County Board of Supervisors
FROM : Kevin A. Carr, Inspector, Milwaukee County
SUBJECT : 2010 Edward Byrne Memorial Justice Assistance Grant (JAG)

REQUEST

Approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds for Federal Fiscal Year 2010 is requested.

BACKGROUND

In May of 2010, the Sheriff's Office was notified by the U.S. Department of Justice (U.S. DOJ) that it had released applications for the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).

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

The funding also requires the qualifying localities to negotiate a Memorandum of Understanding (MOU) regarding the administration and distribution of funds.

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414-278-4766 • <http://www.mksheriff.org>

Milwaukee County is not eligible for a direct grant award from the Bureau of Justice Assistance.

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

Municipality	Award Amount
CUDAHY	\$10,222
GREENFIELD	\$10,105
MILWAUKEE	\$1,358,825
WAUWATOSA	\$19,743
WEST ALLIS	\$39,837
TOTAL	\$1,438,732

Since 94% of all the local funds are earmarked for the City of Milwaukee, no attempt was made to extract funding from the municipalities other than the City of Milwaukee. After discussions with Milwaukee Police Department, Milwaukee County will receive \$540,000 or 40% of the City of Milwaukee's award.

Milwaukee County has agreed to act as the fiscal agent for the 2010 JAG grant as it currently is for the current JAG grants. Responsibility as the fiscal agent was transferred from the Department of Administrative Services to the Sheriff's Office effective January 1, 2006.

Matching Funds Requirement

The JAG grant does not require a local match.

Trust Fund Requirement

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

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Spending Plan

The following is the proposed spending plan of the agreed upon funds:

Jurisdiction	Item Cost	Total Amount
<i>Milwaukee County</i>		<i>\$540,000</i>
Office of the Sheriff - \$324,000		
Park Patrol	\$200,000	
Tasers	\$124,000	
District Attorney - \$108,000	\$108,000	
Fund 5 ADA for Community Prosecution - approx. Jan. – early April 2012		
Courts - \$108,000		
Fund 1 Audio Visual Technician	\$77,000	
Upgrade Audio Visual machines	\$31,000	
<i>City of Milwaukee</i>		<i>\$818,825</i>
Install TraCS system in 53 vehicles which allows officers to record and retrieve incident information	\$35,000	
Install in-Squad cameras in 53 vehicles	\$335,000	
Purchase seventy-eight (78) Mobile Data Computers (MDC) Tough Books	\$448,825	
<i>City of Cudahy</i>		<i>\$10,222</i>
Equipment		
<i>City of Greenfield</i>		<i>\$10,105</i>
Thermal Imaging Camera	\$10,105	
<i>City of Wauwatosa</i>		<i>\$19,743</i>
Special Response Team Equipment		
Communication Equipment		
Police Motorcycle Equipment		
K-9 Equipment		
Training		
<i>City of West Allis</i>		<i>\$39,837</i>
Automated License Plate Reader	\$30,000	
Patrol Rifles	\$6,400	
Overhead cameras, screens and whiteboard	\$3,437	

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RECOMMENDATION

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

FISCAL NOTE

Approval of this request will result in total 2010 JAG funds of \$1,438,732 being provided to the following localities:

Municipality	Award Amount
CUDAHY	\$10,222
GREENFIELD	\$10,105
MILWAUKEE COUNTY	\$540,000
MILWAUKEE	\$818,825
WAUWATOSA	\$19,743
WEST ALLIS	\$39,837
TOTAL	\$1,438,732

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

Kevin A. Carr
Inspector, Sheriff's Office

pc: Scott Walker, County Executive
Steven Kreklow, Fiscal and Budget Administrator
Jon Priebe, Public Safety Fiscal Administrator
Molly Pahl, Fiscal Operations Manager

Service to the Community Since 1835

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1
2
3 From the Sheriff, requesting approval to apply for and accept Edward Byrne Memorial
4 Justice Assistance Grant (JAG) funds for Federal Fiscal Year 2010

5 **A RESOLUTION**

6 WHEREAS, in May of 2010, the Sheriff was notified by the U.S. Department of
7 Justice (U.S. DOJ) that it had released applications for the 2010 Edward Byrne Memorial
8 Justice Assistance Grant (JAG); and

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

12 WHEREAS, the following localities Cudahy, Greenfield, Milwaukee, Milwaukee
13 County, Wauwatosa and West Allis are eligible for a total funding amount of \$1,438,732;
14 and

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

21 WHEREAS, the City of Milwaukee was awarded \$1,358,825 which is 94% of all the
22 local funds, no attempt was made to extract funding from the municipalities other than the City
23 of Milwaukee and Milwaukee County will receive \$540,000 or 40% of the City of
24 Milwaukee's award; and

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

26 WHEREAS, the application submission deadline is June 30, 2010; and

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

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

31 BE IT RESOLVED, that the County Board of Supervisors does hereby authorize the
32 Sheriff to apply for and accept Edward Byrne Memorial Justice Assistant Grant (JAG) funds;
33 and
34

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

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/9/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: 2010 Justice Assistance Grant (JAG) -

FISCAL EFFECT:

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

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	432,000	108,000
	Revenue	432,000	108,000
	Net Cost		
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

From the Sheriff, requesting approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant (JAG) funds for 2010.

Approval of this request will result in total 2010 JAG funds of \$1,438,732 being provided to the following localities:

Municipality	Award Amount
CUDAHY	\$10,222
GREENFIELD	\$10,105
MILWAUKEE COUNTY	\$540,000
MILWAUKEE	\$818,825
WAUWATOSA	\$19,743
WEST ALLIS	\$39,837
TOTAL	\$1,438,732

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

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.

Department/Prepared By Molly Pahl, Fiscal Operations Manager

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No



OFFICE OF CORPORATION COUNSEL

Milwaukee County

7

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
Deputy Corporation Counsel

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JEANEEN J. DEHRING
ROY L. WILLIAMS
COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Justin Walls
Date of Loss: January 8, 2010
Date Claim Filed: February 9, 2010

On January 8, 2010, Milwaukee County Highway employee, Mark Zdarstek, was engaged in a snow removal operation during which he was in the left turn lane on N. 76th Street and W. Florist Avenue. Mr. Zdarstek wanted to back-up the plow but noticed two vehicles behind him. He waved for them to go around and when they passed he commenced backing. Unfortunately, Mr. Zdarstek did not notice the presence of a third vehicle, a 2006 Hyundai Elentra. The Elentra had no opportunity to avoid the County truck, which backed into the front of the Elentra.

The Elentra was operated by Justin Walls. Mr. Walls was treated at Froedert Hospital on the date of the incident, at which time he was diagnosed and suffering from a neck strain. Subsequently, he received a total of nine therapy treatments. The cost for the treatment of his injury totaled \$3,121.56.

Mr. Walls retained the services of a law firm to represent him in his bodily injury claim against the County. Negotiations between the law firm and the adjustor representing Milwaukee County resulted in an agreement to settle the bodily injury claim for \$5,000. Corporation Counsel supports this recommendation.

Please refer this matter to the Judiciary Committee for the approval of the payment of \$5,000 to Justin Walls in full settlement of his bodily injury claim. Thank you.

REA/kpe

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

8

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
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MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Artisan & Truckers Insurance Re: James E. Reeve
Date of Loss: December 23, 2009

Date Claim Filed: February 22, 2010

On December 23, 2009, Milwaukee County Highway employee, Lawrence Tobolski was operating a County 2006 Sterling snowplow in the 2200 block of E. Layton Avenue where it made a right turn from the left lane. Mr. Tabolski failed to note the presence of a 2009 Chevy Silverado truck, which was in the right lane.

The Chevy truck is owned by James Reeve who elected to pursue his claim through his insurer, Artisan and Truckers Insurance. The insurer has submitted to the County its subrogation claim in the amount of \$2,578.38 which includes its insured's \$1,000.00 deductible. The County adjustor and Corporation Counsel agree that Milwaukee County is liable for the damage caused in this incident. Both support the payment of \$2,578.38 to Artisan and Truckers Insurance in full settlement of all claims arising out of the December 23, 2009 accident.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.

REA/kpe

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

9

TIMOTHY R. SCHOEWE
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MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

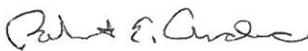
FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Great West Casualty Co. Re: Brian Shaurette
Date of Loss: January 7, 2010
Date Claim Filed: March 26, 2010

On January 7, 2010, Brian Shaurette was operating a 2006 Peterbilt Semi in the left lane of I-94 one mile north of the Ryan Road exit. Coming in the opposite direction were two County plows which were plowing snow in the far left lane as well as the median distress lane. Because of the speed these two plows were traveling, snow was being propelled over the concrete barrier and into the left lane of south bound traffic. Mr. Shaurette's truck, being in the left lane, was struck by a significant amount of plowed snow. The force of the impact shattered the windshield of the truck and damaged the right front headlamp.

The truck is owned by Kraze Trucking, LLC. The cost to repair the vehicle was \$1,557.50. Kraze Trucking, LLC elected to go through its insurer, Great West Casualty Company to pay for the cost of repair. In addition to the cost of \$1,557.50 to repair the damage to the truck, a charge of \$959.44 was incurred to tow the tractor/trailer off of the expressway. Great West Casualty Company now seeks the payment of \$2,516.94 to settle its subrogation claim against Milwaukee County. The County's adjustor as well as Corporation Counsel recommend the payment of \$2,516.94 to settle in full the property damage claim of Great West Casualty Company arising out of the January 7, 2010 incident.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

Cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

10

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

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MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

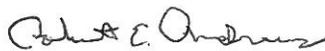
FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Patrick Smith
3328 N. 26th Street
Milwaukee, WI
Date of Loss: July 25, 2009
Date Claim Filed: July 29, 2009

On July 25, 2009, Patrick Smith was booked into the County Jail and his personal property was inventoried. Nine hours later he was released from custody, but he did not receive the return of his property. An immediate search was conducted of the property room and all of the clerks were questioned regarding the property. No clerk had knowledge of the property and the search did not turn up any of Mr. Smith's property. The conclusion is that Mr. Smith's property was inadvertently placed in the property bag of another inmate.

Because a bailment was established between Mr. Smith and Milwaukee County when the County took possession of his property, the County is liable for the cost of replacement. Mr. Smith has made a claim for \$3,270 for the loss a 14K wedding set with a 1K diamond, a diamond Techno watch and a 14K white gold diamond ring. Our adjustor was able to confirm the purchases by Mr. Smith of these items. Although the receipts identify purchase prices totaling \$3,270, Mr. Smith was agreeable to accept \$2,000 to settle his missing property claim. Both the County adjustor and the Office of Corporation Counsel support the payment of the \$2,000 amount to settle Mr. Smith's claim.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

11

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
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LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Electric Services of Wisconsin, LLC
Greenfield, WI

Date Claim Filed: February 8, 2010

On February 23, 2010, a 2006 Ford E-250 van owned by Electric Services of Wisconsin, LLC was legally parked in the company's lot in the 4700 block S. 47th Street when it was struck and damaged by snow and ice plowed off W. Layton Avenue by a County Plow.

The company seeks payment of the cost for repair of the vehicle. The County's adjustor has concluded that there is likely liability on the part of the County because the vehicle was a sufficient distance away from the street that the snow and ice should not have reached the truck if the plow operator had been driving appropriately. The adjustor obtained a damage appraisal for the truck in the amount of \$1,090.68. The adjustor along with Corporation Counsel recommends payment to Electric Services of Wisconsin, LLC in the amount of \$1,090.68 in full settlement of its claim.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

Cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

12

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

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LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: AFNI Insurance Services
Re: Michael and Marla Freeck
Date of Loss: February 10, 2010
Date Claim Filed: April 26, 2010

On February 10, 2010, a 1991 Nissan Extera which was legally parked in a lot leased from the County at the Airport by Freight Runners was damaged when it was struck by snow and ice propelled by a County plow. It was unnecessary for the snow to be pushed over or through a fence to damage this vehicle and a number of other vehicles in that lot. The Nissan is owned by Michael and Marla Freeck who elected to go through their insurer, AFNI Insurances Services, to have their vehicle repaired. The cost of repair was \$987.96, which included the insured's deductible. AFNI has now filed a claim to assert its subrogation in that amount.

The matter has been investigated by the County's adjustor who recommends payment in full. Corporation Counsel concurs in the payment of \$987.96 to AFNI Insurance Services to settle in full all claims arising out of the February 10, 2010 incident.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

13

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
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LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: June 2, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Freight Runners Express
1901 E. Layton Avenue
Milwaukee, WI
Date Claim Filed: June 1, 2010

On February 10, 2010 county employees at GMIA were in the process of a snow removal operation during which snow and ice from a county plow was propelled through and over a chain link fence damaging several legally parked vehicles in a lot leased from the county by Freight Runners Express. Previously, this committee has approved the payment of a few claims submitted by employees of Freight Runners Express for the damage to their vehicles.

This claim is for the expenses incurred by the company in clearing the broken glass and securing the damaged vehicles. The company seeks \$870.76 for its costs. Our adjustor at the airport has reviewed this matter and has determined that better care should have been used in the removal of the snow and ice at this location. Therefore, the adjustor, with the concurrence of Corporation Counsel, recommends the payment of \$870.76 to Freight Runners Express in full settlement of its claim arising out of the February 10, 2010 incident.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.

REA/rf

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

14

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
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MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: June 2, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Heather Blicharz
Madison, WI
Date Claim Filed: June 1, 2010

On April 21, 2010 Heath Blicharz was driving her 2009 Volkswagen Passat into one of the surface parking lots at General Mitchell International Airport when a gust of wind blew an unsecured sandwich board sign into the side of her vehicle. The sign was for information that was placed by the county. Because of the windy conditions that day the sign should have been secured.

Ms. Blicharz has submitted an estimate to repair the damage to her vehicle for \$584.05. Both the county's adjustor and the Office of Corporation Counsel recommend the approval of the payment in that amount to Ms. Blicharz in full settlement of her claim.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.

REA/rf

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

15

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

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MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

Subject: Claim filed by: Milwaukee County Transit System
Date of Loss: July 16, 2009
Date Claim Filed: November 11, 2009

On July 16, 2009, a Milwaukee County Parks golf cart, in which a seasonal employee and his friend were riding, struck and damaged a Milwaukee County Transit bus shelter at the intersection of N. Prospect Avenue and E. Brady Street. Neither individual had the permission to operate the golf cart. The employee of the Parks Department was immediately terminated.

Because of the damage to the bus shelter it was necessary to replace the entire unit. The cost incurred by the bus company for replacement was \$7,147.01. The county's adjustor has reviewed the claim and has concluded that Milwaukee County is responsible for payment, and that the amount requested by the bus company is fair and reasonable. Corporation Counsel joins with the county's insurer in recommending that Milwaukee County Transit System be paid \$7,147.01 in full settlement of its claim against Milwaukee County arising out of the incident on July 16, 2009.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

Cc: Linda Durham
Jennifer Mueller
Barb Pariseau

RESOLUTION

Re: Claim filed by Milwaukee County Transit System
Date Claim Filed: November 11, 2009

WHEREAS, on July 16, 2009, a golf cart belonging to the Parks Department containing a seasonal county employee and an acquaintance struck and damaged a bus shelter belonging to the Milwaukee County Transit System at the intersection of N. Prospect Ave. and E. Brady St., and, an investigator for the County's insurance company has concluded that the County is liable for the damages, and,

WHEREAS, the bus company has submitted an invoice for the cost of replacement and repair in the amount of \$7,147.01 which the County's adjuster finds to be fair and reasonable, and,

WHEREAS, the adjustor along with the Office of Corporation Counsel recommend that the payment of \$7,147.01 to the Milwaukee County Transit System be made, and,

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on June 10, 2010, approved the recommended settlement, (vote:); now, therefore;

BE IT RESOLVED, that Milwaukee County approves the payment of \$7,147.01 to the Milwaukee County Transit System in full settlement of the claim arising out of the July 16, 2009 incident.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: May 27, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Claim filed by: Milwaukee County Transit System (dol 07/16/2009)

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	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 will result in the charge being applied to Milwaukee County's 2009 deductible with Wisconsin County Mutual Insurance Corporation in the amount of \$7,147.01.

Department/Prepared By Corporation Counsel

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

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.



OFFICE OF CORPORATION COUNSEL

Milwaukee County

16

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

ROBERT E. ANDREWS
Deputy Corporation Counsel

JOHN F. JORGENSEN
MARK A. GRADY
JOHN E. SCHAPEKAHM
TIMOTHY R. KARASKIEWICZ
JEANEEN J. DEHRING
ROY L. WILLIAMS
COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: May 27, 2010

TO: Mr. Lee Holloway, Chairman
Milwaukee County Board of Supervisors

FROM: Robert E. Andrews, Deputy Corporation Counsel

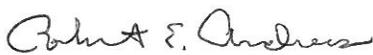
Subject: Claim filed by: Integrity Insurance re: Rouse Trucking
Date of Loss: December 23, 2009

Date Claim Filed: March 3, 2010

On December 23, 2009, Milwaukee County Highway employee, Terry Wilson, was operating a County truck westbound on W. Brown Deer Road approaching the traffic signal at N. 95th Street. In front of the County truck was a 1997 Mack dump truck driven by Gregory Rouse and owned by Rouse Trucking. The Mack truck slowed as the traffic signal was changing to red. Mr. Wilson did not notice the slowing of the dump truck and struck the rear of the truck. Because it was a rear end accident Milwaukee County is fully liable.

The trucking company submitted the claim to its insurer, Integrity Insurance, for handling. The insurer has submitted subrogation documents to support a claim of \$7,132.63 for the repair of the dump truck. Our adjustor is of the opinion that the cost of repair is fair and reasonable. Corporation Counsel agrees. It is recommended that Milwaukee County approve the payment of \$7,132.63 to Integrity Insurance to settle in full the property damage claim arising out of the December 23, 2009 motor vehicle accident. Gregory Rouse stated that he was injured as a result of the accident. It is presumed that at some time he will submit a bodily injury claim against the County.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting. Thank you.



REA/kpe

cc: Linda Durham
Jennifer Mueller
Barb Pariseau

RESOLUTION

Re: Claim filed by Integrity Insurance re: Rouse Trucking
Date Claim Filed: March 3, 2010

WHEREAS, on December 23, 2009, Milwaukee County Highway employee, Terry Wilson, was operating a County truck westbound on W. Brown Deer Road approaching the intersection at N. 95th Street, and,

WHEREAS, Mr. Wilson failed to notice a 1997 Mack dump truck slowing in front of him for the changing traffic signal, and,

WHEREAS, the County truck rear ended the dump truck for which Mr. Wilson received a citation for inattentive driving, and,

WHEREAS, the Mack dump truck was driven by Gregory Rouse, owned by Rouse Trucking and insured by Integrity Insurance. Integrity Insurance paid \$7,132.63 which includes its insured's deductible for the repair costs of the truck, and,

WHEREAS, the County's adjustor and the Office of Corporation Counsel recommend the payment of \$7,132.63 to Integrity Insurance in full settlement of any property damage claim arising out of the December 23, 2009, motor vehicle accident, and,

WHEREAS, the Committee on Judiciary, Safety and General Services at its meeting on June 10, 2010 approved the recommended settlement (vote:); now, therefore;

BE IT RESOLVED, that Milwaukee County approves the payment of \$7,132.63 to Integrity Insurance to settle in full all property damage claims arising out of the December 23, 2009 motor vehicle accident.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: May 27, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Claim filed by: Integrity Insurance re: Rouse Trucking

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	0	0
	Revenue	0	0
	Net Cost	0	0

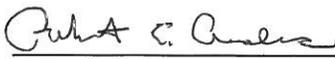
DESCRIPTION OF FISCAL EFFECT

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 will result in the amount of \$7,132.63 to be applied to Milwaukee County's 2009 deductible with Wisconsin County Mutual Insurance Corporation.

Department/Prepared By Corporation Counsel

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

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.



OFFICE OF CORPORATION COUNSEL

Milwaukee County

17

TIMOTHY R. SCHOEWE
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COLLEEN A. FOLEY
LEE R. JONES
MOLLY J. ZILLIG
Principal Assistant
Corporation Counsel

DATE: June 1, 2010

TO: Hon. Lee Holloway
Chairman, Milwaukee County Board of Supervisors

FROM: John E. Schapekahn,
Principal Assistant Corporation Counsel

SUBJECT: Claimant: TLY, Inc.
a/k/a The Learning Years
932 S. 60th Street,
West Allis, Wisconsin
Date Claim Filed: March 16, 2009

Milwaukee County, in behalf of U.W. Extension, entered into a lease agreement with TLY, Inc. a/k/a The Learning Years, whereby U.W. Extension would occupy the second and third floors of the Roosevelt School property located at 932 S. 60th Street, West Allis, Wisconsin. The lease agreement commenced on May 15, 2002 and was to terminate on September 30, 2014.

By the terms of the lease, Milwaukee County, in behalf of U.W. Extension, was required to (1) pay two-thirds of all shared utilities, was required to (2) contribute two-thirds the cost of maintaining the parking lot including any necessary resurfacing, (3) pay two-thirds of grass cutting, snow removal and other miscellaneous maintenance expenses, (4) upgrade the building's HVAC and (5) bring the building into ADA compliance for its occupancy of the second and third floors, by providing ground level ramps and erecting an elevator lift to access the second and third floors.

Disputes arose between TLY, Inc. a/k/a The Learning Years and U.W. Extension over the cost of maintaining the parking lot including any necessary resurfacing, over the upgrades for HVAC and, over providing ground level ramps and erecting an elevator lift to access the second and third floors. Eventually, as a result of Milwaukee County's

failure to resurface the parking lot and erect the elevator lift, the City of West Allis revoked U.W. Extension's conditional use permit.

On February 27, 2009, Milwaukee County, in behalf of U.W. Extension, provided the plaintiff with notice that the defendant was vacating the property. Milwaukee County last paid rent in January 2009.

The TLY, Inc. claim on its lease with Milwaukee County, in behalf of U.W. Extension, totaled \$409,203.00 as of January 2010, broken out as follows:

Unpaid rent (Feb. 2009 to Jan. 2010)	\$73,976.00 ¹
Unpaid Utility Expenses to Jan. 2010	\$12,053.00
Unpaid maintenance (lawn, plowing, shoveling)	\$5,800.00
HVAC	\$75,000.00
Parking Lot	\$94,270.00
ADA Compliance (ramps, elevator lift)	<u>\$148,104.00</u>
Total	\$409,203.00

The court to which the TLY, Inc. case is assigned referred the dispute to mediation, which resulted in a negotiated settlement, subject to County Board approval, in the amount of \$73,000.

CONCLUSION

Corporation Counsel requests that the Judiciary, Safety and General Services Committee and the Finance and Audit Committee recommend to the Milwaukee County Board of Supervisors approval of the settlement of the claims of TLY, Inc. a/k/a The Learning Years, Inc., in return for the dismissal of the pending lawsuit, to be paid as follows:

TLY, Inc. a/k/a The Learning Years, Inc. \$73,000.00

Respectfully submitted,


JOHN E. SCHAPEKAHM
Principal Assistant Corporation Counsel

JES/kcm

cc: Linda Durham
Delores Hervey
Jennifer Mueller
Barbara Pariseau
Pamela Bryant

¹ Total potential unpaid rent (Feb. 2009 to lease-end, September 30, 2014): \$644,198.00

RESOLUTION

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By the Committee on Judiciary, Safety and General Services and Committee on Finance and Audit

(Item __)

WHEREAS, Milwaukee County, in behalf of U.W. Extension, entered into a lease agreement with TLY, Inc. a/k/a The Learning Years, for occupancy of the second and third floors of the Roosevelt School property located in West Allis, Wisconsin commencing on May 15, 2002 and terminating September 30, 2014.; and

WHEREAS, by the terms of the lease, Milwaukee County obligated itself to contribute toward the payment for utilities and maintenance as well as making capital improvements to premises including HVAC, parking lot and elevator lift ; and

WHEREAS, when disputes arose between TLY, Inc. a/k/a The Learning Years and U.W. Extension over the costs of parking lot resurfacing, HVAC upgrades and the elevator lift, and in consequence Milwaukee County failed timely to resurface the parking lot and erect the elevator lift, the City of West Allis revoked U.W. Extension’s conditional use permit; and

WHEREAS, U.W. Extension vacated the Roosevelt School premises in January 2009, but by January 2010 still faced potential responsibility for continued rents as well as for contributions toward the payment for utilities and maintenance as well as making capital improvements in the amount of \$409,203.00; and

32

33 WHEREAS, the Committee on Judiciary, Safety and General Services, at its
34 June 10, 2010 meeting approved the recommended settlement with a vote of
35 ___-___;

36

37 WHEREAS, the Committee on Finance and Audit, at its June 17, 2010 meeting
38 approved the recommended settlement with a vote of ___-___; now therefore,

39

40 BE IT RESOLVED, that the Milwaukee County Board of Supervisors approves
41 and authorizes payment of \$73,000.00, all or a portion of which coming from
42 the appropriation for contingencies, to TLY, Inc. a/k/a The Learning Years,
43 and its attorneys in full settlement all its claims arising out of Milwaukee
44 County's lease obligations relative to the Roosevelt School premises and in
45 return for a dismissal of its pending lawsuit.

46

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 6/01/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: TLY, Inc. a/k/a The Learning Years, Inc. vs. Milwaukee County

FISCAL EFFECT:

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

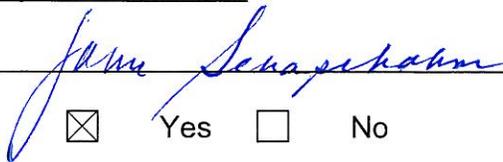
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- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Approval of this Resolution will result in a \$73,000.00 in charges. There may be a request to take all or a portion of the \$73,000 from the appropriation for contingencies. DAS Fiscal is currently researching financing options..

Department/Prepared By Corporation Counsel

Authorized Signature



Did DAS-Fiscal Staff Review? Yes No

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.