



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

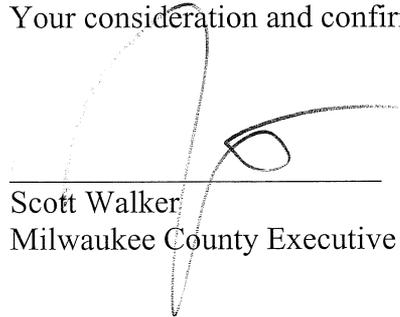
SCOTT WALKER • COUNTY EXECUTIVE

1

Date: September 8, 2010
To: Lee Holloway, Chairman, County Board
From: Scott Walker, County Executive
Subject: **Appointment to the Local Emergency Planning Committee**

Subject to the confirmation of your Honorable Body and pursuant to the provisions set forth in Title III of the Superfund Amendment and Reauthorization Act of 1986, Resolution File 88-788, I am hereby appointing Jack Takerian, Director of the Department of Transportation and Public Works, to serve on the Milwaukee County Local Emergency Planning Committee as the County Public Works representative.

Your consideration and confirmation would be appreciated.



Scott Walker
Milwaukee County Executive

SW:bn

cc: Gerry Broderick, Chair – Parks, Energy and Environment Committee
County Board of Supervisors
Terry Cooley
Carol Mueller
Linda Durham
Carl Stenbol
Jack Takerian

1 By Supervisor Rice

Journal,
File No. 10-

3 **AN ORDINANCE**

4 Amending Chapter 9, Code of Ethics, of the Milwaukee County Code of General
5 Ordinances as it relates to confidential information, privileged communications and
6 information acquired in meetings convened in closed session.

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

9 **SECTION 1.** Section 9.02 (14) of the General Ordinances of Milwaukee County is
10 amended as follows:

11 9.02 Definitions

12 (14) "Privileged information" means information obtained under government
13 authority which has not become a part of the body of public
14 information. including but not limited to information that has been
15 acquired in a meeting convened in closed session under the provisions
16 of Wis. Stats. 19.85, or information contained in a communication
17 labeled as privileged or confidential.

18 **SECTION 2.** Section 9.05 of the General Ordinances of Milwaukee County is
19 amended as follows:

20 9.05. Standards of conduct.

21 (1) No personal or economic interest in decisions and policies: The county
22 board hereby reaffirms that a county elected official, appointed official or
23 employee holds his/her position as a public trust, and any effort to realize
24 personal gain through official conduct is a violation of that trust. This
25 chapter shall not prevent any county elected official, appointed official or
26 employee from accepting other employment or from following any
27 pursuit which does not interfere with the full and faithful discharge of
28 his/her duties to the county. The county board further recognizes that in a
29 representative democracy, the representatives are drawn from society
30 and, therefore, cannot and should not be without all personal and
31 economic interest in the decisions and policies of government; that
32 citizens who serve as public officials or public employees retain their
33 rights as citizens to interests of a personal or economic nature; that
34 standards of ethical conduct for public employees and public elected and
35 appointed officials need to distinguish between those minor and
36 inconsequential conflicts which are unavoidable in a free society and
37 those conflicts which are substantial and material; and that county
38 elected officials, appointed officials or employees may need to engage in

39 employment and/or professional or business activities, other than official
40 duties, in order to support their families and to maintain a continuity of
41 professional or business activity or may need to maintain investments.
42 However, the code maintains that such activities or investments must not
43 conflict with the specific provisions of this chapter.

44 (2)(a) No financial gain or anything of substantial value: Except as otherwise
45 provided or approved by the county board, no county public official or
46 employee shall use his/her public position or office to obtain financial
47 gain or anything of substantial value for the private benefit of
48 himself/herself or his/her immediate family, or for an organization with
49 which he/she is associated. This paragraph does not prohibit a county
50 elected official from using the title or prestige of his/her office to obtain
51 campaign contributions that are permitted by and reported as required by
52 ch. 11, Wis. Stats.

53 (b) No person may offer anything of value: No person shall offer or give to
54 any public official or employee, directly or indirectly, and no public
55 official or employee shall solicit or accept from any person, directly or
56 indirectly, anything of value if it could reasonably be expected to
57 influence the public official's or employee's vote, official actions or
58 judgment, or could reasonably be considered as a reward for any official
59 action or inaction or omission by of the public official or employee. This
60 section does not prohibit a public official or an employee from engaging
61 in outside employment.

62 (c) No substantial interest or benefit: Except as otherwise provided in
63 paragraph (1.), no public official or employee shall:

64 1. Take any official action substantially affecting a matter in which the
65 public official, employee, a member of his/her immediate family, or
66 an organization with which the public official or employee is
67 associated has a substantial financial interest.

68 2. Use his/her office or position in a way that produces or assists in the
69 production of a substantial benefit, direct or indirect, for the public
70 official, employee, members of the public official's or employee's
71 immediate family either separately or together, or an organization
72 with which the public official or employee is associated.

73 (d) No disclosure of privileged information: No county public official or
74 employee shall use or disclose privileged information gained in the
75 course of, or by reason of, his/her position or activities which in any way
76 could result in financial gain for himself/herself or for any other person.

77 (e) No use of public position to influence or gain unlawful benefits,
78 advantages or privileges: No county public official or employee shall use
79 or attempt to use his/her public position to influence or gain unlawful
80 benefits, advantages, or privileges for himself/herself or others.

81 (f) No offer of gifts or anything of value: No county public official shall offer
82 or give anything of value to a member or employee of a county
83 department or entity, while that member or employee is associated with

84 the county department or entity, and no member or employee of a
85 department shall solicit or accept from any such person anything of value
86 from a county official or employee.

87 (g) Limits on contracts with county: No county public official or employee
88 and no business with which he/she or his/her spouse has a significant
89 fiduciary relationship or any organization with which he/she or his/her
90 spouse is associated shall enter into any contract with the county unless
91 that contract has been awarded through a process of public notice and
92 competitive bidding in conformity with applicable federal and state
93 statutes and county ordinances.

94 (h) Limits on lease of real estate with county: No county public official or
95 employee and no business in which that county public official or
96 employee has a ten (10) percent or greater interest shall enter into a lease
97 of real property with the county, except that the county board, upon a
98 publicly filed and considered request, shall waive this subsection when it
99 is in the best interests of the county.

100 (i) No limits on lawful payments: Paragraph (c) does not prohibit an elected
101 official from taking any action concerning lawful payment of salaries or
102 employee benefits or reimbursement of actual and necessary expenses, or
103 prohibit an elected official from taking official action with respect to any
104 proposal to modify a county ordinance.

105 (j) No solicitation of at-will employees: No elected county official shall
106 knowingly solicit a campaign contribution from any "at-will employee"
107 defined as an employee who is not under union or labor contract with
108 the county, who is hired for an indefinite term or who is under an
109 independent contract with the county or its subparts or who can be
110 discharged or terminated at any time for any nondiscriminatory reason.

111 (k) No campaign contributions to county officials with approval authority:
112 No person(s) with a personal financial interest in the approval or denial of
113 a contract or proposal being considered by a county department or with
114 an agency funded and regulated by a county department, shall make a
115 campaign contribution to any county elected official who has approval
116 authority over that contract or proposal during its consideration. Contract
117 or proposal consideration shall begin when a contract or proposal is
118 submitted directly to a county department or to an agency funded or
119 regulated by a county department until the contract or proposal has
120 reached final disposition, including adoption, county executive action,
121 proceedings on veto (if necessary) or departmental approval. This
122 provision does not apply to those items covered by section 9.14 unless
123 an acceptance by an elected official would conflict with this section. The
124 language in subsection 9.05(2)(k) shall be included in all Requests for
125 Proposals and bid documents.

126 | (l) ~~(l)~~—Limits on honorarium fees or expense reimbursements: No county
127 public official or employee shall accept or solicit any honorariums, fees
128 | or expense reimbursements except in accordance with section 9.14.

129 (m) Closed Session, Confidential Information and Privileged
130 Communications.

131
132 (1) No county public official or employee may disclose privileged
133 information, as defined in Section 9.02, to any individual who was not
134 authorized to receive such information as defined below, except as
135 provided in subsection (4) below.

136
137 (2) For purposes of this section, an individual is authorized to receive
138 privileged information if:

- 139 a. that individual is a public official as defined in Section 9.02 of this
140 chapter or a member of the governmental body as defined in Wis.
141 Stats. 19.89; or
142 b. that individual was authorized to attend a closed session by the
143 County Board Chairman or presiding Committee Chair; or
144 c. that individual was authorized to receive privileged information
145 presented in a closed session after the fact with the authorization
146 of the County Board Chairman or the presiding Committee Chair;
147 or
148 d. that individual is specified as an addressee or copied recipient of a
149 privileged communication, or otherwise authorized as a recipient
150 by the author of such communication.

151
152 (3) Violation of this section may be addressed by the use of such
153 remedies as are currently available by law, including but not limited to
154 the following actions:

- 155 a. Corporation Counsel is authorized to seek injunctive relief to
156 prevent disclosure or further disclosure of privileged information
157 obtained in closed session;
158 b. An investigation request or verified complaint may be filed as
159 provided in Section 9.09(4) of this chapter, and shall be processed
160 and disposed in accordance with the procedures contained herein.

161
162 (4) No action authorized under subsection (3) above may be taken
163 against a person, nor shall it be deemed a violation of this section, if:

- 164 a. The disclosure of privileged information is part of a confidential
165 inquiry or complaint to a district attorney concerning a perceived
166 violation of law, including the disclosure of facts to a district
167 attorney that are necessary to establish the illegality of an action
168 taken by a public official or the potential illegality of an action if
169 that action were to be taken by a public official;
170 b. The County Board adopts a resolution authorizing the release of
171 privileged information.

173 (5) Nothing in this section shall be construed to prohibit disclosures
174 permitted under Subchapters III and IV of Wis. Stats. 230
175 ("Whistleblower" laws).

176
177 (6) The Ethics Board shall include the requirements of closed session
178 confidentiality and notice of the requirements of this section as part of
179 Ethics training conducted under 9.08 (10).

180
181 (3) *Limits on contact:*

- 182 (a) *Limits on contact with former county associates:* No former county
183 public official or employee, for twelve (12) months following the date on
184 which he/she ceases to be a county public official or employee, shall, for
185 compensation, on behalf of any person other than a governmental entity,
186 make any formal or informal appearance before or try to settle or arrange
187 a matter by calling, writing, or conferring with, any county public official,
188 officer or employee of the department with which he/she was associated
189 as a county public official or employee.
- 190 (b) *Limits on contact with judicial or quasi-judicial proceedings:* No former
191 county public official or employee for twelve (12) months following the
192 date on which he/she ceases to be a county public official or employee,
193 shall for compensation on behalf of himself/herself or any person other
194 than a governmental entity, make any formal or informal appearance
195 before, or try to settle or arrange a matter by calling, writing, or
196 conferring with, any county public official, officer or employee of a
197 department in connection with any judicial or quasi-judicial proceeding,
198 application, contract, claim, or charge which was under the former public
199 official's or employee's responsibility as a county public official or
200 employee.
- 201 (c) *Limits on contacts with judicial or quasi-judicial proceedings where*
202 *personally participated:* No former county public official or employee
203 shall, whether for compensation or not, act on behalf of any party other
204 than the county in connection with any judicial or quasi-judicial
205 proceeding, application, contract, claim, or charge in which the former
206 public official or employee participated substantially as a public official
207 or employee.
- 208 (d) *Consideration of exemptions:* The ethics board shall accept and review
209 written requests by former appointed officials for an exemption from the
210 prohibitions of (3). Such exemption requests must be heard and
211 deliberated during a properly convened open session of an ethics board
212 meeting and must be included in a written ethics board opinion stating
213 the reason(s) that the former appointed official should be exempt from the
214 otherwise prohibited conduct.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: June 2, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: AN ORDINANCE

Amending Chapter 9, Code of Ethics, of the Milwaukee County Code of General Ordinances as it relates to confidential information, privileged communications and information acquired in meetings convened in closed session.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" 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 ordinance amendment addresses disclosure of confidential information obtained through privileged or confidential communications, and information acquired in a meeting convened in closed session. There is no direct fiscal impact, although Ethics Board staff will be required to add training on confidentiality to the Ethics Training materials.

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: September 13, 2010

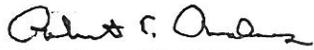
TO: Supervisor Willie Johnson, Jr., Chairman
Committee on Judiciary, Safety and General Services

FROM: Robert E. Andrews, Deputy Corporation Counsel

SUBJECT: File No. 10-258 – Ordinance by Supervisor Rice, amending Chapter 9, Code of Ethics of the Milwaukee County Code of General Ordinances, as it relates to confidential information, privileged communications and information acquired in meetings convened in closed session.

At your meeting on July 15, 2010, the committee voted to refer the above matter to the Office of Corporation Counsel for further review. The referral did not contain any specific questions or issues.

We have reviewed the proposed amended version of the initial proposal and it is our opinion that there is no legal impediment to the adoption of the resolution/ordinance.



REA/rf

cc: Linda Durham

**MILWAUKEE COUNTY
REGISTER OF DEEDS OFFICE**

Inter-Office Communication

Date: August 31, 2010

To: County Board Chairman Lee Holloway

From: John La Fave, Register of Deeds

Subject: Resolution to Create a Land Information Council as Required by
2009 WI Act 314

Attached is a resolution to be referred to committee that creates a Land Information Council and also to transfer positions funded by retained recording fees from the Department of Transportation and Public Works to the Register of Deeds (County designated Land Information Office).

Thank you.

cc : Judiciary, Safety and General Services Committee

1 By Register of Deeds John La Fave

2

3

A RESOLUTION

4

5 WHEREAS, 1989 Wisconsin Act 31 and 1989 Wisconsin Act 339 created a
6 statewide Land Information Program for the purpose of facilitating land records
7 modernization in each county in Wisconsin; and,

8

9 WHEREAS, in 1989 the Milwaukee County Board of Supervisors designated the
10 Office of the Register of Deeds as the County Land Information Office (File No. 89-747);
11 and,

12

13 WHEREAS, in 1990 the Milwaukee County Board of Supervisors approved a
14 cooperative agreement with utilities and the County to establish a Milwaukee County
15 Automated Mapping and Land Information System (MCAMLIS); and,

16

17 WHEREAS, current membership of the Milwaukee County Automated Mapping
18 and Land Information System includes the Land Information Officer/Register of Deeds,
19 Milwaukee County Surveyor, Director of Milwaukee County Department of
20 Administrative Services, Director of Milwaukee County Department of Transportation
21 and Public Works, City of Milwaukee, Intergovernmental Coordinating Council of
22 Milwaukee County, Milwaukee Metropolitan Sewerage District, and We Energies; and,

23

24 WHEREAS, pursuant to the provisions of Section 59.72, of the Wisconsin
25 Statutes, each county in Wisconsin, including Milwaukee County, funds its Land
26 Information Program with real estate document recording fees that are charged and
27 collected in the Office of the Register of Deeds; and,

28

29 WHEREAS, 2009 Wisconsin Act 314 was enacted on May 12, 2010, became
30 effective on June 25, 2010, and renumbered, amended, and created statutory language
31 which relates to changing the fees collected by a Register of Deeds, the redaction of
32 social security numbers from electronic documents, and changes to the land information
33 program; and,

34

35 WHEREAS, prior to the enactment of 2009 Wisconsin Act 314, in order for a
36 county to retain part of the fee for recording or filing each instrument that is recorded or
37 filed in the office of Register of Deeds, for use by a county to fund its land information
38 program, the county must have established a land information office, and, in order for a
39 county to apply to the department of administration for a grant for a land information
40 project, the county must have established a land information office; and,

41

42 WHEREAS, pursuant to the provisions of Section 59.72, of the Wisconsin
43 Statutes, as amended by 2009 Wisconsin Act 314, in order for a county to retain part of

44 the fee for recording or filing each instrument that is recorded or filed in the office of
45 Register of Deeds, for use by the county to fund its land information program, the
46 county must have established a land information office and created a land information
47 council, and, in order for a county to apply to the department of administration for a
48 grant for a land information project, the county must have established a land information
49 office and a land information council; and,

50

51 WHEREAS, 2009 Wisconsin Act 314 created Section 59.72(3m), of the
52 Wisconsin Statutes, which defines the membership and duties of a land information
53 council; and,

54

55 WHEREAS, Section 59.72(3m), of the Wisconsin Statutes, states that a land
56 information council shall consist of not less than eight members and shall consist of the
57 Register of Deeds, the Treasurer, and, if one has been appointed, the real property
58 lister or their designees and the following members appointed by the board of
59 supervisors for terms prescribed by the board of supervisors:

60

- 61 1. A member of the board;
- 62
- 63 2. A representative of the land information office;
- 64
- 65 3. A realtor or a member of the Realtors Association employed within the county;
- 66
- 67 4. A public safety or emergency communications representative employed within
68 the county;
- 69
- 70 5. The county surveyor or a registered professional land surveyor employed within
71 the county;
- 72
- 73 6. Any other members of the board of supervisors or public that the board of
74 supervisors designates; and,
- 75

76

77 WHEREAS, Section 59.72(3m), of the Wisconsin Statutes, states that the duties
78 of a land information council are to review the priorities, needs, policies, and
79 expenditures of a land information office established by the board of supervisors and
80 advise the county on matters affecting the land information office; and,

81

82 WHEREAS, the Milwaukee County Land Information Officer recommends that
83 the Milwaukee County Board of Supervisors create a Milwaukee County Land
84 Information Council so that Milwaukee County will continue to be authorized to retain
85 part of the fee for recording each instrument that is recorded in the Office of the
86 Milwaukee County Register of Deeds, for use by Milwaukee County to fund its Land
Information Program, and so that Milwaukee County will continue to be authorized to

87 apply to the Wisconsin Department of Administration for grants for land information
88 projects; now therefore,

89

90 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
91 creates a Milwaukee County Land Information Council; and,

92

93 BE IT FURTHER RESOLVED, that the duties of the Land Information Council
94 shall be to review the priorities, needs, policies, and expenditures of the Milwaukee
95 County Land Information Office and advise Milwaukee County on matters affecting the
96 Milwaukee County Land Information Office; and,

97

98 BE IT FURTHER RESOLVED, that the Milwaukee County Land Information
99 Council shall consist of the Milwaukee County Register of Deeds whose membership
100 also fulfills the requirement to have a representative of the land information office, the
101 Milwaukee County Treasurer, and the following members appointed by the Chairman of
102 the Milwaukee County Board of Supervisors and confirmed by the Milwaukee County
103 Board of Supervisors:

104

- 105 1. One member of the Milwaukee County Board of Supervisors;
- 106
- 107 2. A realtor or a member of the Realtors Association employed within
108 Milwaukee County;
- 109
- 110 3. A public safety or emergency communications representative employed
111 within Milwaukee County;
- 112
- 113 4. A registered professional land surveyor employed within Milwaukee
114 County;
- 115
- 116 5. The Director of Milwaukee County Department of Administrative
117 Services;
- 118
- 119 6. The Director of Milwaukee County Department of Transportation and
120 Public Works;
- 121
- 122 7. The City of Milwaukee;
- 123
- 124 8. The Intergovernmental Coordinating Council of Milwaukee County;
- 125
- 126 9. The Milwaukee Metropolitan Sewerage District;
- 127
- 128 10. We Energies; and,
- 129

130 BE IT FURTHER RESOLVED, that the initial terms of the members of the
131 Milwaukee County Land Information Council who will be appointed by the Chairman of
132 the Milwaukee County Board of Supervisors and confirmed by the Milwaukee County
133 Board of Supervisors shall be for a period of time commencing on the date that the
134 appointments will be confirmed by the Milwaukee County Board of Supervisors and
135 ending on September 30, 2012, both inclusive; and,
136

137 BE IT FURTHER RESOLVED, that commencing on October 1, 2012, and
138 continuing thereafter, the terms of the members of the Milwaukee County Land
139 Information Council who will be appointed by the Chairman of the Milwaukee County
140 Board of Supervisors and confirmed by the Milwaukee County Board of Supervisors
141 shall be for a period of two years; and,
142

143 BE IT FURTHER RESOLVED, that the Milwaukee County Land Information
144 Council shall meet on an as-needed basis; and,
145

146 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
147 withdraws from the cooperative agreement with utilities that established a Milwaukee
148 County Automated Mapping and Land Information System; and,
149

150 BE IT FURTHER RESOLVED, that the Milwaukee County Land Information
151 Office shall oversee and decide on all policy matters relating to the conduct of land
152 information projects including but not limited to, proposed contracts and specification
153 and the selection of contractors, while giving due consideration to advice from the
154 Milwaukee County Land Information Council; and,
155

156 BE IT FURTHER RESOLVED, that those positions that have been funded by the
157 Milwaukee County Automated Mapping and Land Information System utilizing land
158 information fees collected by the Register of Deeds and are currently located in the
159 Architectural and Engineering Division within the Department of Transportation and
160 Public Works (Org. No. 5084), are hereby transferred to the Land Information Office/
161 Register of Deeds (Org. No. 3400):
162

162 1 GIS Supervisor

163 1 GIS Specialist

164 1 GIS Info Tech
165

166 , noting that these changes as proposed in the Register of Deeds (3400) submitted
167 2011 budget have no tax levy impact.
168

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: August 30, 2010

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Resolution to Create a Land Information Council and to Transfer Positions funded by Retained Recording Fees that fund Land Information Activities

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		
	Revenue		
	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.

2009 Wisconsin Act 314 mandates that Milwaukee County must create a Land Information Council in order to continue to retain \$8 of each \$30 recording which is to be used for Land Information activities. WI Act 314 states that the role of the Land Information Council is "to review the priorities, needs, policies, and expenditures of a land information office established by the board of supervisors and advise the county on matters affecting the land information office." WI Act 314 describes the membership that is required in the Council. The resolution creating the Land Information Council has Milwaukee County withdraw from the cooperative agreement that created the Milwaukee County Land Information (MCAMLIS) and appoints its members to serve on the new Land Information Council.

MCAMLIS has used retained fees for Land Information projects and to fund several county positions to carry out those activities. The resolution creating the Land Information Council moves those positions from the Department of Transportation and Public Works to the Register of Deeds, the designated Land Information Office of Milwaukee County. Any costs for transferring the positions will be covered by the Land Information retained fees.

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 . Register of Deeds/John La Fave

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

Milwaukee County

Interoffice Communication

DATE: August 24, 2010

TO: Supervisor Willie Johnson, Jr., Chairman, Judiciary, Safety and General Services Committee

FROM: Laurie Panella, Acting Chief Information Officer, IMSD
Prepared by: Hugh Morris, IT Director- Business Development

SUBJECT: INFORMATIONAL REPORT – 800 MHz REBANDING PROJECT

ISSUE SUMMARY

Milwaukee County Information Management Services Division (IMSD) is working diligently to complete the federally mandated 800 MHz radio rebanding project. The implementation phase of the project is on schedule to be completed in Q4, 2010 followed by a closeout/audit phase which will be completed early in 2011.

BACKGROUND

Milwaukee County's 800 MHz radio voice system provides mission critical voice communications for 17 municipalities in Milwaukee County, the Milwaukee County Sheriff's Office, Public Works and several other agencies throughout the community. Effective coordination of the reprogramming and replacing of agency radios is a critical aspect of the voice system reconfiguration. In addition, the infrastructure at the fixed-end of the radio system, i.e. the equipment at each of the nine tower sites throughout the county, must be re-tuned to function properly with the new frequencies.

In 2005, the FCC ruled that Public Safety 800 MHz systems in the United States be modified to eliminate cell phone interference. As part of a legal settlement, Sprint Nextel is required to pay all costs related to the project.

In 2008, Milwaukee County IMSD negotiated 2 separate contracts with Sprint/Nextel to meet the mandate. The first covered the MCTS Data System – which required complete replacement of all hardware and software for maintaining the vehicle communications systems. The second contract covered the replacement/reprogramming of all the voice radios on the system – including all equipment in the 17 municipalities on our radio network.

In 2010 an amendment was negotiated with Sprint/Nextel to address items which discovered as a result of the rebanding work in the County over the last year.

To date, all consultant fees for services provided to Milwaukee County for the project are paid directly by Sprint Nextel. In addition, Milwaukee County has recovered revenue for internal staff costs related to the project. As a result of the amendment additional funds will be paid by Sprint/Nextel to offset internal staff costs.

OVERALL PROJECT STATUS

The implementation of the voice system reconfiguration began in Q2, 2009 and will be complete by the end of 2010. The following is a list of objectives achieved to date and upcoming milestones for the project:

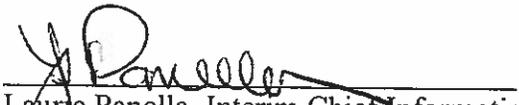
Objectives Achieved:

1. Voice System Implementation Phase initiated and 90% of all agencies/departments are completed. There are still roughly 5 county departments/municipal agencies remaining. It is anticipated these will be completed by the end of September, 2010.
2. Amendment to original contract has been negotiated and signed. Work on the amendment will begin in August of 2010.

Upcoming Milestones:

1. Completion of subscriber (mobile and portable) updates by October 2010.
2. Completion of critical work in contract amendment to the original contract before tower upgrades in October 2010.
3. Coverage map before radio tower site updates begin by October 2010.
4. Voice system infrastructure (radio tower sites) to be completed by Q4, 2010.
5. Data system reconfiguration scheduled to be completed by Q4, 2010.
6. Coverage map after radio tower site updates by November 2010.
7. The project audit/closeout phase will begin the last quarter of 2009 with expected completion in the first quarter of 2011.

It is recommended that this report be received and placed on file.


Laurie Panella, Interim Chief Information Officer
Information Management Services Division

CC: County Executive Scott Walker
Supervisor Lee Holloway, Chairman, Milwaukee County Board of Supervisors
Sheriff David A. Clarke
Cynthia Archer, Director, Department of Administrative Services
Jack Takerian, Interim Director, Department of Transportation and Public Works
Terry Cooley, Chief of Staff, County Board of Supervisors
Rick Ceschin, County Board Research Analyst
Linda Durham, Committee Clerk, Judiciary, Safety and General Services Committee



MILWAUKEE COUNTY SHERIFF'S OFFICE

DATE: September 1, 2010

REPORT

TO: Supervisor Willie Johnson Jr., Judiciary Chairman
Milwaukee County Board of Supervisors

Cc: Supervisor Lynne DeBruin, Vice Chair
Gerry Broderick, Supervisor
Paul Cesarz, Supervisor
Patricia Jursik, Supervisor
Christopher Larson, Supervisor
Joe Sanfelippo, Supervisor

RE: Judiciary Committee's Questions Regarding Immigration Customs Enforcement (ICE)

1. How many individuals are being deported from Milwaukee County?

The requested data does not fall under the purview of the Sheriff's Office. Federal immigration law determines whether a person is an alien, and how immigration issues are handled within the United States. Congress has complete authority over immigration. States have limited legislative authority regarding immigration, and 28 U.S.C. 1251 details the full extent of state jurisdiction. The U.S. government alone can initiate deportation proceedings against aliens. As such, the requested information resides within ICE. Per ICE Public Information Officer Gail Montenegro, they do not document or track this information by county or state. The statistical information maintained by ICE is documented by region, and "our" region includes Illinois, Indiana, Kansas, Kentucky, Missouri and Wisconsin.

2. Is there a written policy from the Office of the Sheriff regarding ICE holds?

Yes. The policy regarding holds from any lawful agency applies. ICE holds are treated the same as any other agency that requests a hold be placed on an inmate. The agency sends correspondence to the Sheriff's Office documenting the requested hold, which is verified and placed on the inmate. The agency with the hold then has 48 hours (excluding weekends / holidays) to pick up the inmate(s). After being picked up by ICE, the inmate is taken to their office for an interview. Upon completion of the interview, the matter may or may not be referred to the Immigration Court, located in Chicago.

3. What is the funding related to incarcerating Illegal Aliens based upon? (In 2009, the amount was about \$135,000; in 2008, it was about \$60,000).

The State Criminal Alien Assistance Program (SCAAP) has multiple variables that determine the funding for individual agencies each year, which is not solely based on the actual number of inmates determined to be illegal aliens. The detailed information can be obtained on-line at:

<http://www.ojp.usdoj.gov/BJA/grant/scaap.html>

4. What is the number of illegal immigrants being processed through the jail on a yearly basis and how many are turned over to ICE?

ICE determines a person's status as being illegal, not the Sheriff's Office. Per ICE Public Information Officer Gail Montenegro, they do not track the number of aliens turned over to ICE from our facility.

5. Has there been a change in the system relative to how the Office of the Sheriff handles illegal immigrants?

No. In early 2009, at the request of ICE, they began receiving a daily list of the prior day's bookings of inmates that self-identify as foreign-born. It should be noted that MPD, ATF, and several agencies receive similar lists of inmate bookings, which are available under open records statutesⁱ.

ⁱ **Applicable State Statutes:**

59.27 Sheriff; duties. The sheriff of a county shall do all of the following:

- (1) Take the charge and custody of the jail maintained by the county and the persons in the jail, and keep the persons in the jail personally or by a deputy or jailer.
- (2) Keep a true and exact register of all prisoners committed to any jail under the sheriff's charge, in a book for that purpose, which shall contain the names of all persons who are committed to any such jail, their residence, the time when committed and cause of commitment, and the authority by which they were committed; and if for a criminal offense, a description of the person; and when any prisoner is liberated, state the time when and the authority by which the prisoner was liberated; and if any person escapes, state the particulars of the time and manner of such escape.

302.17 (1) Register of inmates (State) When any inmate is received into any state penal institution the department shall register the date of admission, the name, age, nativity and nationality and such other facts as may be obtained as to parentage, education and previous history and environments of such inmate.

19.35(1) Records: Right to inspection.

19.35(1)(a) Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect.

19.35(1)(b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record. If a requester appears personally to request a copy of a record that permits photocopying, the authority having custody of the record may, at its option, permit the requester to photocopy the record or provide the requester with a copy substantially as readable as the original.


Richard R. Schmidt, Inspector



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

Date: September 8, 2010

To: Supervisor Lee Holloway, Chairman, Milwaukee County Board of Supervisors

From: Richard Schmidt, Inspector, Office of the Sheriff, Milwaukee County

Subject: **Request authorization to apply for and accept homeland security funding of \$85,000**

REQUEST

The Sheriff's Office requests the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance to be used to catastrophic event planning.

BACKGROUND

Under Chapter 99 of the County Ordinances and Wisconsin State Statute 323, County Emergency Management has certain responsibilities in the preparation, mitigation, response, and recovery of emergency situations. The state annually offers opportunities for counties to apply for federal and state homeland security grant dollars to assist with meeting these responsibilities.

Homeland Security grant opportunities available now from the State of Wisconsin Office of Justice Assistance include:

1. State Homeland Security Office of Justice Assistance (OJA) Catastrophic Event Planning: provide for enhancements to special populations evacuation and shelter planning, \$85,000.

Program Effect

The approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance that allow the Office of the Sheriff to assist with supporting Special Needs Population Sheltering capability and special populations evacuation and shelter planning.

Service to the Community Since 1835

821 West State Street • Milwaukee, Wisconsin 53233-1488
 414-278-4766 • <http://www.mksheriff.org>

FISCAL NOTE

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$85,000. There is no local match to the funding and therefore no tax levy impact.

Sincerely,

Richard Schmidt, Inspector
Milwaukee County Sheriff's Office

cc: Willie Johnson, Jr., Chair, Judiciary, Safety and General Services
Committee
Jon Priebe, Public Safety Fiscal Administrator
Molly Pahl, Fiscal Operations Manager – HOC
Rick Ceschin, Research Analyst, County Board
Linda Durham, Committee Clerk, County Board

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(ITEM) From the Sheriff requesting to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for specific projects:

A RESOLUTION

WHEREAS, the Sheriff's Office requests the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance to be used to provide for catastrophic event planning; and

WHEREAS, under Chapter 99 of the County Ordinances and Wisconsin State Statute 323, County Emergency Management has certain responsibilities in the preparation, mitigation, response, and recovery of emergency situations and the state annually offers opportunities for counties to apply for federal and state homeland security grant dollars to assist with meeting these responsibilities; and

WHEREAS, Homeland Security grant opportunities that are designated for Milwaukee County and available now from the State of Wisconsin Office of Justice Assistance, include:

1. State Homeland Security Office of Justice Assistance (OJA) Catastrophic Event Planning, \$85,000; and

WHEREAS, the approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance will assist with providing for enhancements to special populations evacuation and shelter planning; now, therefore,

BE IT RESOLVED, the Office of the Sheriff is hereby authorized to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for specific projects.

FISCAL NOTE

Upon receipt of grant funds, an appropriation transfer request will be prepared to recognize the grant revenue and establish expenditure authority of \$85,000. There is no local match to the funding and therefore no tax levy impact

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 9/8/10

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Authorization to apply for and accept homeland security funding of \$85,000 for catastrophic event planning.

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 type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input checked="" type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|--|--|

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

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	85,000	
	Revenue	0	
	Net Cost	85,000	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

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

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

The approval to apply for and accept homeland security grant funding from the State of Wisconsin Office of Justice Assistance that allow the Office of the Sheriff to assist with supporting Special Needs Population Sheltering capability and special populations evacuation and shelter planning. The grant award is for \$85,000 . The project is fully funded and there is no tax levy impact. An appropriation transfer will be submitted to establish revenue and expenditure authority.

Department/Prepared By Molly Pahl, Public Safety Fiscal Analyst

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

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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: September 7, 2010

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

FROM: Robert E. Andrews, Deputy Corporation Counsel

SUBJECT: Claim filed by: Stanley Saltzberg
Date Claim Filed: May 13, 2010

Mr. Stanley Saltzberg was booked into the Milwaukee County Jail (CCF-C) on March 10, 2010. He was transferred to the Milwaukee County Secure Detention Facility (MSDF) on April 2, 2010. While at the CCF-C, Mr. Saltzberg indicated that he was instructed to place his dentures into a plastic bag and he said that he handed them to a deputy prior to his transfer to MSDF. The deputy placed the dentures on the counter next to Mr. Saltzberg's nebulizer. That was the last time that we are aware of in which a deputy saw the dentures. When Mr. Saltzberg arrived at MSDF the nebulizer was returned to him, but he never received his dentures. A thorough search of the property room failed to locate the dentures. Because the county requested that the dentures be turned over to the county a bailment was created between the county and Mr. Saltzberg. Liability is established when the County failed to return the dentures to Mr. Saltzberg. The cost to replace both the upper and lower dentures of Mr. Saltzberg is \$2,070.80. The County's insurer has determined that such an amount is reasonable and necessary. The Office of Corporation Counsel supports our insurer's recommendation that the claim be paid.

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

TIMOTHY R. SCHOEWE
Acting Corporation Counsel

8

ROBERT E. ANDREWS
Deputy Corporation Counsel

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

DATE: September 7, 2010

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

FROM: Robert E. Andrews, Deputy Corporation Counsel

SUBJECT: Claim filed by: Adriana Macias
9710 S. Bluegrass Place
Oak Creek, WI
Date Claim Filed: June 7, 2010

On February 10, 2010, Adriana Macias was traveling on the northbound collector ramp from West Howard Avenue to I-43 when traffic in front of her began to slow it was necessary for her to do likewise. Unfortunately, a county squad driven by Detective Louis Cooper of the Office of the Sheriff did not slow in time and struck the rear of Ms. Macias' vehicle. An investigation by the Office of the Sheriff concluded that full liability rests with the county.

A vehicle that Ms. Macias was driving was a 2003 Chevrolet Suburban. It has been estimated that the cost to repair the damage to the trailer hitch on the Suburban is \$684.32. In addition, Ms. Macias was seen by her family physician later that same day for back spasms. The cost for her medical treatment was \$113.24. That is the only medical treatment that she received.

Our insurer recommends that Ms. Macias be compensated \$797.56 in full settlement of any and all claims arising out of the February 10, 2010 motor vehicle accident. Corporation Counsel is in agreement.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting at which time Corporation Counsel will appear recommending approval of this settlement. Thank you.

REA/rf

cc: Linda Durham
Jennifer Mueller
Barb Pariseau



OFFICE OF CORPORATION COUNSEL

Milwaukee County

TIMOTHY R. SCHOEWE **9**
Acting Corporation Counsel

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

DATE: September 7, 2010

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

FROM: Robert E. Andrews, Deputy Corporation Counsel

SUBJECT: Claim filed by: Brian Temke
467 E. Howard Avenue
Milwaukee, WI
Date Claim Filed: July 20, 2010

M

On June 25, 2010, Brian Temke legally parked his 2002 Honda Accord at the Lincoln Park lot. While there Mr. Tempe's vehicle was struck by a County Parks Department vehicle driven by County employee Joyce Owens. Ms. Owens did not note the presence of the Honda while she was backing her vehicle in order to avoid pedestrians at the park. The damage to Mr. Temke's vehicle was limited to the front bumper and an estimate to repair the related damage came in at \$713.70. The County's adjustor finds this amount to be fair and reasonable and recommends payment. Office of Corporation Counsel concurs.

Please refer this matter to the Judiciary Committee to be placed on the agenda for its next meeting at which time Corporation Counsel will appear to recommend the payment of \$713.70 to Brian Temke in full settlement of this claim. Thank you.

REA/rf

cc: Linda Durham
Jennifer Mueller
Barb Pariseau