

ADOPTED 2009 BUDGET

DEPT: COMBINED COURT RELATED OPERATIONS

UNIT NO. 2000
FUND: General - 0001

OPERATING AUTHORITY & PURPOSE

County-Funded State Court Services Division

Pursuant to Section 8, Article VII, Wisconsin Constitution, and Section 753.03, Wisconsin Statutes, the State Circuit Courts have original jurisdiction in all civil, family, juvenile, criminal and Probate matters. They also conduct administrative reviews. Milwaukee County comprises the First Judicial Administrative District of the State court system and has 47 judges.

Family Court Commissioner Division

The general purpose of this division is to conduct formal hearings in matters relating to marriage and actions affecting the family pursuant to Chapters 765 and 767 of the Wisconsin Statutes. It includes the Family Court Mediation Services Unit. It also handles Chapter 813 matters related to domestic abuse and harassment.

Clerk of Circuit Court

Pursuant to Wisconsin Statutes, the Clerk of Circuit Court maintains the records, books and files of the Circuit Courts – Civil, Family, Criminal and Children's Divisions; collects fees and costs prescribed by law; certifies copies of judgments or other papers or records; receives and disburses payment of trust, bail or other funds pursuant to court orders; invests funds and has custody of securities held for the benefit of minors, as ordered by the Court; furnishes attorneys with legal papers; prepares the daily court calendar; processes termination of parental rights proceedings, agency adoptions and documents filed in all adoption proceedings (Chapters 48 and 882) and processes all cases. Pursuant to Chapter 100 of the Milwaukee County Ordinances and the rules of the County Board of Judges, the Clerk of Circuit Court is also Director of Court Services. Eligible jurors for

the County-funded State Court System are summoned by the Clerk of Circuit Court. In addition, the Clerk of Circuit Court manages the Register in Probate Division.

Register in Probate Division

Pursuant to Wisconsin Statutes, the Register in Probate maintains the records and files of all probate proceedings; receives payments of statutory fees; performs administrative services and ministerial duties in connection with mental commitment proceedings (Chapter 51), protective placement proceedings (Chapter 55), will proceedings, contests of claims and other probate proceedings; performs administrative duties directed by the judges designated to hear probate proceedings; reviews documents and makes determinations required for informal administration of estates (Chapter 865); and exercises the powers and duties of a probate court commissioner when designated to do so by a judge assigned probate jurisdiction.

In addition, the 1985 Supreme Court decision in *State ex rel. Watts v. Combined Community Services*, 122 Wis. 2d 65, requires an annual court review of every existing protective placement case to protect the constitutional rights of persons under protective placement. The costs associated with such proceedings and other operating expenses not expressly assumed by the State are obligations of Milwaukee County [Sections 753.19 and Sections 753.016(4), Wisconsin Statutes. and *Romosco v. Milwaukee*, 108 Wis. 2d 32 (1982)]. Currently the Clerk of Circuit Court serves as the Register in Probate.

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BUDGET SUMMARY				
Account Summary	2007 Actual	2008 Budget	2009 Budget	2008/2009 Change
Personal Services (w/o EFB)	\$ 14,664,444	\$ 14,929,120	\$ 14,874,288	\$ (54,832)
Employee Fringe Benefits (EFB)	10,009,347	10,361,399	10,366,976	5,577
Services	9,839,482	9,230,962	10,660,721	1,429,759
Commodities	257,803	254,450	244,280	(10,170)
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	28,767	0	30,061	30,061
Capital Contra	0	0	0	0
County Service Charges	18,268,882	23,633,517	23,932,664	299,147
Abatements	(10,323,704)	(9,128,503)	(9,156,659)	(28,156)
Total Expenditures	\$ 42,745,021	\$ 49,280,945	\$ 50,952,331	\$ 1,671,386
Direct Revenue	4,443,493	4,476,347	4,575,002	98,655
State & Federal Revenue	7,764,170	8,097,177	6,639,875	(1,457,302)
Indirect Revenue	0	0	0	0
Total Revenue	\$ 12,207,663	\$ 12,573,524	\$ 11,214,877	\$ (1,358,647)
Direct Total Tax Levy	30,537,358	36,707,421	39,737,454	3,030,033

ADDITIONAL COSTS NOT INCLUDED IN TAX LEVY*				
Account Summary	2007 Actual	2008 Budget	2009 Budget	2008/2009 Change
Central Service Allocation	\$ 635,186	\$ 0	\$ 0	\$ 0
Courthouse Space Rental	5,218,932	0	0	0
Tech Support & Infrastructure	251,313	0	0	0
Distribution Services	114,482	0	0	0
Telecommunications	118,807	0	0	0
Record Center	117,460	0	0	0
Radio	0	0	0	0
Computer Charges	2,124	0	0	0
Applications Charges	81,638	0	0	0
Apps Charges - Network	0	0	0	0
Apps Charges - Mainframe	0	0	0	0
HRIS Allocation	87,718	0	0	0
Total Charges	\$ 6,627,661	\$ 0	\$ 0	\$ 0
Direct Property Tax Levy	\$ 30,537,358	\$ 36,707,421	\$ 39,737,454	\$ 3,030,033
Total Property Tax Levy	\$ 37,165,019	\$ 36,707,421	\$ 39,737,454	\$ 3,030,033

* In 2007, these costs were included in other charging departmental and non-departmental budgets. They were reflected here to show the "total" amount of tax levy support for this Department. In 2008 and 2009, these costs are budgeted within the receiving department to show the tax levy cost in the department.

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PERSONNEL SUMMARY				
	2007 Actual	2008 Budget	2009 Budget	2008/2009 Change
Personal Services (w/o EFB)	\$ 14,664,444	\$ 14,929,120	\$ 14,874,288	\$ (54,832)
Employee Fringe Benefits (EFB)	\$ 10,009,347	\$ 10,361,399	\$ 10,366,976	\$ 5,577
Position Equivalent (Funded)*	275.2	277.5	277.4	(0.2)
% of Gross Wages Funded	91.8	91.8	91.8	0.0
Overtime (Dollars)**	\$ 76,495	\$ 80,100	\$ 80,210	\$ 110
Overtime (Equivalent to Position)	1.6	1.6	1.6	0.0

* For 2007 Actuals, the Position Equivalent is the budgeted amount.

** Delineated for information. (Also included in personal services.)

PERSONNEL CHANGES				
Job Title/Classification	Action	Number of Positions/ Total FTE	Division	Cost of Positions (Excluding Social Security & Fringe)
Clerical Assistant 1	Abolish	1/1.0	Children's Division-Perm. Plan Rev.	(35,673)
			TOTAL	(35,673)

ORGANIZATIONAL COST SUMMARY					
DIVISION		2007 Actual	2008 Budget	2009 Budget	2008/2009 Change
Family Court Commissioner	Expenditure	\$ 4,877,537	\$ 4,676,275	\$ 4,626,340	\$ (49,935)
	Abatement	(2,724,422)	(2,705,088)	(2,735,258)	(30,170)
	Revenue	219,329	302,917	265,927	(36,990)
	Tax Levy	\$ 1,933,786	\$ 1,668,270	\$ 1,625,155	\$ (43,115)
Register in Probate	Expenditure	\$ 2,629,231	\$ 2,619,168	\$ 2,802,933	\$ 183,765
	Abatement	(398,820)	(137,805)	(133,799)	4,006
	Revenue	487,667	466,340	493,342	27,002
	Tax Levy	\$ 1,742,744	\$ 2,015,023	\$ 2,175,792	\$ 160,769
County Funded State Court Services	Expenditure	\$ 45,562,003	\$ 51,114,005	\$ 52,679,717	\$ 1,565,712
	Abatement	(7,200,474)	(6,285,610)	(6,287,602)	(1,992)
	Revenue	11,500,671	11,804,267	10,455,608	(1,348,659)
	Tax Levy	\$ 26,860,858	\$ 33,024,128	\$ 35,936,507	\$ 2,912,379

MISSION

The mission of Combined Court Related Operations is to provide judges, attorneys, persons proceeding without an attorney and all other persons involved in Circuit Court proceedings or other functions of the Circuit Court with courteous, proficient and professional services which facilitate the operations of the Circuit Court system.

OBJECTIVES

- Fulfill state constitutional mandates to keep all courts functioning for the benefit and safety of the citizens of this county.
- Manage resources properly and in such a way that instills confidence among the general public, policymakers and State and Federal funding entities.

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- Expand and enhance the provision of Court services via the use of technology.
- Provide timely, thorough and accurate court record information and related documents. Statistical reports will provide policymakers with the ability to make sound and informed decisions.

DEPARTMENT DESCRIPTION

The Department of Combined Court Related Operations includes the following three divisions: Family Court Commissioner, Register of Probate and County-funded State Court Services, which includes the Clerk of Circuit Court.

The **Family Court Commissioner Division** has three sections: the General Office Unit, Child Support Enforcement Unit and Family Court Mediation Services Unit.

The *General Office Unit* conducts hearings for the family matters of separation, divorce, domestic abuse and harassment cases. This unit also provides clerical support for these activities. A portion of salaries for this unit are internally charged to the Child Support Enforcement Unit for services provided to that unit.

The *Child Support Enforcement Unit* provides support to Child Support Enforcement in coordination with the County-funded State Court Services and the Family Courts. This unit conducts the paternity hearings and monitors the job search task for those individuals liable for child support. This unit also receives staff support from the General Office Unit.

The *Family Court Mediation Services Unit* was created in 1989 to provide mediation services and custody studies for the Family Courts as mandated by Section 767.11, Wisconsin Statutes. Costs of mediation and custody studies are funded by user fees, filing fees and from a portion of the fee for marriage licenses.

The **Register in Probate Division** has two sections, the Probate Administration Unit and Probate Court Support Unit.

The *Probate Administration Unit* provides administrative services for the probate system. It

maintains all wills deposited for safekeeping or filed for probate, all probate records of estates, trusts, guardianships of persons and estates, conservatorship, protective placements and involuntary commitments; provides information on probate procedures, practices and the status of pending probate proceedings; verifies disbursements and assets in guardianship accounts; collects probate filing fees; issues certified copies of probate records; microfilms probate records and processes originals for destruction; provides the mechanism and direct public services for informal administration of estates; provides legal services associated with procedural requirements for final settlements of estates and enforcement of time limits for filing estate inventories and guardianship accounts and for closing estates; and certifies appeal records to the Court of Appeals.

The *Probate Court Support Unit* assists the courts assigned probate jurisdiction in adjudicating matters involving probate, trusts, guardianships of persons and estates, conservatorship, protective placements, involuntary commitments, temporary restraining orders and injunctions in individuals at risk cases.

The **County-Funded State Court Services Division** consists of three sections; the Chief Judge, Alternatives to Incarceration, and the Clerk of Circuit Court. The Clerk of Circuit Court includes the following divisions: Administration, Criminal, Civil, and Children's.

The *Chief Judge* is the Administrative Chief of the First Judicial Administrative District which is solely comprised of Milwaukee County. The Chief Judge is responsible for the oversight of administration of judicial activities in the 47 Circuit Courts within the District.

The *Alternatives to Incarceration* section was created in 2001 to recognize the incorporation of the Non-Departmental Alternatives to Incarceration budget (Org. 1940) into the County-funded State Court Services Division of Combined Court Related Operations. The programs under this section are designed to reduce pretrial failure to appear and re-arrest rates, enhance public safety, reduce overcrowding at the Criminal Justice Facility and House of Correction and enhance the processing and adjudication of criminal cases. The Chief Judge and the Judicial Review Coordinator are responsible for managing and monitoring pretrial contracts,

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programs, and program outcomes. In addition, a Pretrial Services Advisory Board meets regularly to review program activity, outcomes and recommendations regarding program development.

The **Clerk of Circuit Court** has four divisions: Administration, Criminal, Civil and Children's.

The *Administration Division*, under direction of the Clerk of Circuit Court/Court Services Director, plans, directs and coordinates the operations of all the divisions of the Circuit Court. It includes General Administration, Budget and Accounting, Appeals, Jury Management, and Management Information units. The Administration Division coordinates budget preparation, accounting controls, cash management and investments, personnel, courts automation, jury management and the purchase and distribution of equipment and supplies, prepares statistical reports for the court system, and prepares cases for appeal to the State Appellate Court.

The courts in the *Criminal Division* hear, try and determine all matters for pretrial, trial and post-conviction proceedings in felony, misdemeanor and traffic matters. In addition, the Misdemeanor Courts conduct proceedings on matters in which jury demands have been filed in the municipal courts in Milwaukee County. The Clerk of Circuit Court, Criminal Division, consults with litigants and attorneys on procedural matters; processes the records for the court; receives cases from the municipal courts; accounts for and disburses fees and fines to the County Treasurer; prepares judgment rolls and case records; issues warrants and necessary documents for court actions including the issuance of occupational licenses in operating while intoxicated cases, and maintains records for the automated JUSTIS System.

In the *Civil Division*, the Civil Courts adjudicate small-claims, large claims, replevin and eviction actions. The Clerk of Circuit Court consults with litigants and attorneys on procedural matters, calculates costs and records judgments. This section maintains the central court files for civil and family matters. The Civil Section directs the work of the clerical staff of the court, assigns and calendars all cases in the Civil Division of the Circuit Court and supervises the processing of civil appeals to the State Court of Appeals. The Civil Division includes Family Courts which hear all actions affecting the

family as set forth in Chapter 767, Wisconsin Statutes.

The Clerk of Circuit Court, *Children's Division*, consults with petitioners, court-appointed guardians, probation officers and other officials. The Children's Courts exercise jurisdiction over matters involving persons under the age of 18 years regarding delinquency, dependency, neglect, guardianships, detention and termination of parental rights. This section directs the preparation of legal processes, court orders and vouchers and maintains and files Children's Court records, including disposition of cases. This section also processes termination of parental rights proceedings, agency adoptions and documents filed in all adoption proceedings (Chapters 48 and 882).

BUDGET HIGHLIGHTS

DEPARTMENTAL

- Personal Services expenditures without fringe benefits decrease \$54,832, from \$14,929,120 to \$14,874,288.
- One (1.0 FTE) Clerical Assistant 1 position is abolished in the Permanency Plan Review division for a salary and active fringe benefit cost reduction of \$56,671. The position savings is offset by a corresponding decrease in grant revenue from the State.
- Expenditure authority is budgeted at \$50,952,331, partially offset by revenue of \$11,214,877. The County provides property tax levy of \$39,737,454 to support the State Circuit Court System, a \$3,030,033 increase over the 2008 Adopted Budget.
- Expenditures for professional services increase by \$650,643, from \$2,434,294 to \$3,084,937, primarily due to the following:
 - o Contract appropriations associated with a \$146,643 increase in the Treatment and Diversion (TAD) grant;
 - o Professional service appropriations supported by a new Assess, Inform, and Measure (AIM) grant in the amount of \$500,000.

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- Milwaukee County is responsible for certain costs associated with the operation of the State Circuit Court System. Some of these costs are partially reimbursed with revenues from the State of Wisconsin. Fees paid to outside vendors by the Combined Court Related Operations are necessary to support court proceedings as determined by a judicial officer. The fee amounts are determined either by State Statute or local judicial directive, as approved by the Chief Judge of the First Judicial District. The table below highlights the major fees paid by all Milwaukee County court divisions for the State Circuit Court System.

Major Expenses	2008 Budget	2009 Budget	2008/2009 Change
Legal Fees-General	\$ 415,000	\$ 480,750	\$ 65,750
Guardian ad Litem Fees	2,400,743	2,785,200	384,457
Adversary Counsel Fees	1,300,000	1,375,000	75,000
Psychiatrist Fees	517,000	642,000	125,000
Transcript Fees Outside Services	125,150	142,100	16,950
Interpreter Fees	256,400	370,400	114,000
Juror Expenses (Meals, Hotel, Fees)	742,100	742,000	(100)
TOTAL	\$5,756,393	\$6,537,450	\$ 781,057

- o Guardian ad Litem (GAL) expenditures increase by \$384,457, from \$2,400,743 to \$2,785,200, a 16 percent increase over the 2008 Adopted Budget. State revenue for GAL services is estimated to decrease \$4,918, from \$986,773 to \$981,855, requiring additional property tax levy of \$389,375.
 - o Psychiatrist fee expenditures increase \$125,000, from \$517,000 to \$642,000, a 24 percent increase over the 2008 Adopted Budget.
 - o Interpreter fee expenditures increase \$114,000, from \$256,400 to \$370,400, a 44 percent increase over the 2008 Adopted Budget. The increase in interpreter fees is completely offset by an increase in state reimbursement.
- The State of Wisconsin appropriates payments to counties under the Circuit Court Support Grant Program. The support payment decreases \$2,113,516, from \$5,656,291 in the

2008 Adopted Budget to \$3,542,775 in 2009. The level of support included in the 2008 Adopted Budget was based on a proposal that would have increased the circuit court support payment to Milwaukee County by approximately \$2,000,000. However, that funding was not approved in the final 2007-09 Biennial State Budget.

- In 2007, the Chief Judge and the Sheriff developed a Memorandum of Understanding for provision of bailiff services. In 2009, the crosscharge to the Combined Court Related Operations for bailiff services is \$9,534,360, a \$34,928 increase from the 2008 Adopted Budget. The Bailiff Services Unit is authorized with 87.0 FTE Deputy Sheriff 1 positions, 3.0 FTE Deputy Sheriff Sergeant positions, 1.0 FTE Deputy Sheriff Lieutenant position, 1.0 FTE Deputy Sheriff Captain position, and 1.0 FTE Clerical Assistant 1 position. The budgeted positions provide coverage for the following 75 posts:

BAILIFF POSTS	
Felony (including preliminary)	27
Misdemeanor and Traffic	19
Intake Court	2
Small Claims	2
Family Branches & Commissioners	9
Children's Court Judges & Commissioners	15
Traffic Court Commissioner	1
Total Posts	75

All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is jointly and severely liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."

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FAMILY COURT COMMISSIONER DIVISION

- Personal Services expenditures without fringe benefits decrease \$73,599, from \$1,839,899 to \$1,766,300.
- Expenditure authority for this division is budgeted at \$1,891,082, partially offset by revenue of \$265,927, for a total tax levy cost of \$1,625,155. This is a tax levy decrease of \$43,115 from the 2008 Adopted Budget.
- The Family Court Commissioner IV-D section provides support to the Department of Child Support Enforcement (CSE) in coordination with the Sheriff, County-funded State Court Services and the Family Courts. The 2009 crosscharge issued from the Family Court Commissioner to CSE is \$2,553,314, an increase of \$51,175 over 2008. An additional crosscharge is issued to CSE from the Family and Civil Courts in the County-funded State Court Services Division in the amount of \$1,529,027, an increase of \$68,381 over 2008. The total combined crosscharge from Courts to CSE is \$4,082,341 for a total increase of \$119,556 from 2008.
- The crosscharges to the Child Support program from the Family Court Commissioner and Clerk of Circuit Court are limited to the 66 percent federal revenue offset. The remaining 34 percent is charged back to the Combined Court Related Operations in the amount of \$1,388,075.
- The \$268,766 cost contained in the Family Court Mediation Services section is offset with revenues collected from filing fees in certain family cases, user fees for mediation and custody study services, and from a portion of marriage licenses. If, during 2009, the actual revenue received from these sources exceeds actual expenditures, the State mandates that the excess revenue be set-aside in a reserve account to offset future operating costs in this section. For 2009, a contribution of \$36,445 from the reserve is budgeted for a zero tax levy in this section.

REGISTER IN PROBATE DIVISION

- Personal Services expenditures without fringe benefits increase \$35,356, from \$967,673 to \$1,003,029.
- Expenditure authority for this division is budgeted at \$2,669,134, partially offset by revenue of \$493,342, for a total tax levy cost of \$2,175,792. This is a tax levy increase of \$160,769 above the 2008 Adopted Budget.
- Legal fee expenditures increase \$16,750, from \$175,000 to \$191,750, due to an increase in the number of cases the Legal Aid Society is handling for Milwaukee County.
- Guardian ad Litem fee expenditures increase \$81,843 in this division, from \$158,657 to \$240,500. Revenue from the State to offset GAL court costs for the Register in Probate Division decreases slightly, requiring additional property tax levy support of \$82,286.

COUNTY-FUNDED STATE COURT SERVICES DIVISION

- Personal Services expenditures without fringe benefits decrease by \$16,589, from \$12,121,548 to \$12,104,959.
- One (1.0 FTE) Clerical Assistant 1 position is abolished in the Permanency Plan Review unit for a salary and active fringe benefit cost reduction of \$56,671. The position savings is offset by a corresponding decrease in grant revenue from the State.
- Expenditure authority for this division is budgeted at \$46,392,115, partially offset by revenue of \$10,455,608, for a total tax levy cost of \$34,936,507. This is a tax levy increase of \$2,912,379 above the 2008 Adopted Budget.
- Expenditure authority of \$2,948,491 is budgeted in the Alternatives to Incarceration section for programs developed by the Chief Judge's Work Group on Pretrial Services, an increase of \$617,975 from 2008. The Chief Judge is responsible for managing and monitoring the pretrial programs developed by the Chief Judge's Work Group for Pretrial Services.

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- o The Community Justice Council Steering Committee will evaluate the costs and benefits related to the potential implementation of a Universal Screening initiative in the Milwaukee County Courts and Public Safety functional area. This initiative would provide screenings and assessments for better evaluation of offenders upon entrance into the Milwaukee County Circuit Court system. The information gathered would further enable various agencies within the criminal justice system to make effective decisions regarding offender needs and sentencing.
- o The Courts have acquired a new Access, Inform, and Measure (AIM) grant from the State for \$500,000. This funding supports professional service contracts that provide presentencing assessments that can be used to assist in making sentencing decisions.
- o The State will continue to fund the Treatment and Diversion (TAD) grant in the amount of \$375,000, a revenue increase of \$146,643 above the 2008 Budget.
- o Revenue from the State in the amount of \$109,470 will continue to fund the Operating While Intoxicated (OWI) program.
- One (1.0 FTE) position of Audio Visual Technician, created in 1999 for the video conferencing initiative in the Courts, is continued at a salary and active fringe benefit cost of \$62,326 and offset with Federal Justice Assistance Grant (JAG) revenue. The initiative allows court participants in certain cases to appear via video and telephone link-ups. The goal is to reduce the cost of transporting inmates, especially from remote facilities, and to lessen the security risk to the community.
- Guardian ad Litem fees increase \$302,614 in the Family and Children's divisions, from \$2,242,086 to \$2,544,700, as a result of increased appointments. Revenue from the State to offset Guardian ad Litem court costs for the Family and Children's divisions decreases, requiring additional property tax levy support of \$307,089.
- Juror costs are budgeted at \$742,000 for 2009, a decrease of \$100 from 2008. This includes \$640,000 for juror fees, \$92,000 for juror meals and \$10,000 for juror hotel bills.
- For 2009, the Permanency Plan Review division has expenditure authority of \$586,197, which is offset with State revenue. The project provides children in an out-of-home situation with a review every six months by the court. Revenue from the Bureau of Child Welfare funds 5.0 FTE positions. As previously mentioned, a Clerical Assistant 1 position was budgeted for the Permanency Plan Review grant in prior years; however, this position is abolished in 2009 due to a loss in grant funding.
- Bail forfeitures remain at \$700,000 in 2009. However, a possible reduction could occur beginning in 2008 as a result of Wisconsin Act 447 and changes to WI Statutes 969.02(2), 969.03(1)(d) and 969.13(1). Forfeited bail may now be applied to court ordered restitution.
- The Clerk of Circuit Court is requesting authority to enter into the following Professional Service Contracts in 2009. It is included in this budget for County Board approval in lieu of separate review and approval during the budget year. This contract is with an identified vendor.

Contract Amount	Description	Provider
\$218,000	Legal Resource Center	State of Wisconsin