

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: April 23, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution authorizing and directing Corporation Counsel to retain outside legal counsel to review the provisions of State reform legislation (AB 85 and SB 95) to assess the authority of its provisions and to provide guidance on the implementation of all State imposed governance changes in Milwaukee County

FISCAL EFFECT:

- | | |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact
<input checked="" 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 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	\$25,000	0
	Revenue	0	0
	Net Cost	\$25,000	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.

Approval of this resolution will authorize and direct the Corporation Counsel to retain outside legal services for the purposes of reviewing State legislation to reform Milwaukee County governance (AB 85 & SB 95) to determine if the legislation's provisions are in conformance with all other laws and provisions, especially as they impact minority populations, and to provide legal guidance in enacting any reforms mandated by the State legislation.

It is unclear as to the complexity of the legal services that may be required since, at the time this fiscal note was prepared, State legislation to reform the Milwaukee County governance model had not yet been approved. Based on past experience with the retention of outside counsel, this fiscal note assumes that an expenditure of approximately \$25,000 may be necessary to carry out the directive. Actual expenditures may be more or less depending on the scope and specific legal engagement. Funds for this initiative are not contained in the Adopted Budget of Org. Unit 1130 – Corporation Counsel. An appropriation transfer from Org. Unit 1961 – Litigation Reserve would most likely be required. The 2013 Adopted Budget includes an appropriation of \$350,000 for the Litigation Reserve.

The 2013 Adopted Budget also contains provisions outlining the retention of outside counsel by the Corporation Counsel. These provisions were addressed by the Corporation Counsel in a report as part of File No. 13-189, adopted March 21, 2013.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

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

Department/Prepared By Stephen Cady, Fiscal and Budget Analyst, County Board

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required