

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: June 18, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution to retain outside legal counsel to provide guidance on the implementation and legality of 2013 Wisconsin Act 14

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 the Milwaukee County Board Chairperson to:

1. Sign, on behalf of the County Board the Consent to representation that Hawks Quindel has presented to the Chairperson for execution;
2. Sign on behalf of the County Board a Professional Services Agreement, or legal services retainer agreement, with Hawks Quindel, S.C. to act as Attorney Designee with respect to its legal representation of the Board in connection with the implementation and legality of Act 14;
3. Act as the County Board's duly-designated representative in communicating with and receiving counsel from Hawks Quindel with respect to issues related to the implementation and legality of Act 14;
4. Authorize, based on the advice of counsel and with the agreement of the Chairperson of the Committee on Judiciary, Safety and General Services, whether to commence litigation to challenge any or all portions of Act 14.

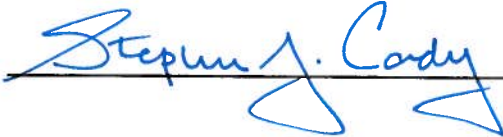
It is unclear as to the complexity of the legal services that may be required since the outside legal review has not yet been done. Based on past experience with the retention of outside counsel, this fiscal note assumes that an expenditure of approximately \$25,000 may be necessary to carry out the directive. The costs are likely to be higher if any or all portions of Act 14 are challenged through litigation.

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.

An appropriation transfer from Org. Unit 1961 – Litigation Reserve would most likely be required to pay for services rendered. The 2013 Adopted Budget includes an appropriation of \$350,000 for the Litigation Reserve. The County Board (Org. 1000) 2013 Adopted Budget also includes an appropriation of \$50,000 for legal services to access outside legal opinions.

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