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From the Director of Audits, Audit Services Division (ASD), Office of the Comptroller, requesting authorization to retain outside legal counsel through a Professional Services Contract in an amount not-to-exceed \$35,000, concerning ASD’s authority under Section 34.095 of the Milwaukee County Code of General Ordinances, regarding the Milwaukee County Sheriff’s Office, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Section 59.255(2)(i), Wisconsin State Statutes, reads in part, the comptroller “shall perform any additional duties and shall have any additional powers as are imposed and conferred upon him or her from time to time by resolution adopted by the board;” and

WHEREAS, File No. 15-171 authorized the adoption of Section 34.095 of the Milwaukee County Code of General Ordinances (the Code) to strengthen investigations into fraud, waste, and abuse by the Audit Services Division (ASD), Office of the Comptroller; and

WHEREAS, the ordinance as adopted applies to all Milwaukee County (the County) employees, officers, elected officials, vendors, contractors, subcontractors, and applicants unless otherwise excluded; and

WHEREAS, ASD personnel intended to interview Milwaukee County Sheriff’s Office (MCSO) personnel in accordance with Section 34.095 of the Code; and

WHEREAS, MCSO management denied the request, asserting that ASD’s authority under Section 34.095 of the Code does not include the authority to interview MCSO law enforcement personnel related to their law enforcement duties; and

WHEREAS, the ASD disagrees with the MCSO’s position and discussions between MCSO, ASD, and the Office of Corporation Counsel (OCC) have been unable to resolve the impasse; and

WHEREAS, all parties agree that court action is necessary; and

WHEREAS, the OCC cannot represent either office due to a conflict of interest; and

WHEREAS, ASD believes that this issue of its authority and jurisdiction under Section 34.095 of the Code warrants legal action; and

WHEREAS, funds are available from the Litigation Reserve account; and

46 WHEREAS, ASD anticipates the potential costs of litigation to exceed \$10,000;
47 and

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49 WHEREAS, Section 1.11(c)(4)2(b) of the Code commands the approval process
50 for all suits or claims initiated by the County with a potential fiscal effect in excess of
51 \$10,000; and

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53 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
54 meeting of April 6, 2017, recommended adoption of File No. 17-324 (vote 4-0); and

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56 WHEREAS, the Committee on Finance and Audit, at its meeting of April 13,
57 2017, recommended adoption of File No. 17-324 (vote 5-0); now, therefore,

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59 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby
60 authorizes the Audit Services Division (ASD), Office of the Comptroller, with the input of
61 the Office of Corporation Counsel (OCC), to enter into a Professional Services Contract
62 for outside counsel and to initiate litigation against the Milwaukee County Sheriff's Office
63 concerning ASD's authority under Section 34.095 of the Milwaukee County Code of
64 General Ordinances; and

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66 BE IT FURTHER RESOLVED, the OCC is authorized to process payments from
67 the Litigation Reserve (Org. Unit 1940-1961) to the contracted outside counsel
68 performing the services outlined in this resolution in an amount not-to-exceed \$35,000.

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71 jmj
72 04/13/17
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