

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: February 8, 2019

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: Authorization to file a large claims civil action against Hammer, Green, and Abrahamson, Inc. and VJS Construction Services, Inc.

FISCAL EFFECT:

- | | |
|--|--|
| ☐ No Direct County Fiscal Impact | ☐ Increase Capital Expenditures |
| ☒ Existing Staff Time Required | |
| ☐ Increase Operating Expenditures
(If checked, check one of two boxes below) | ☐ Decrease Capital Expenditures |
| ☐ Absorbed Within Agency's Budget | ☐ Increase Capital Revenues |
| ☐ Not Absorbed Within Agency's Budget | ☐ Decrease Capital Revenues |
| ☐ Decrease Operating Expenditures | ☐ Use of contingent funds |
| ☒ Increase Operating Revenues | |
| ☐ 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	\$250,000.00 (depending)
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

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.

A. The Office of Corporation Counsel is requesting authorization to file a large claims civil action against Hammer, Green, and Abrahamson, Inc. and VJS Construction Services, Inc. for errors and/or omissions in designing and constructing the Milwaukee County Zoo's Adventure Africa Elephant Exhibit.

B. Authorization to file the claim would require existing staff time and the costs associated with pursuing litigation. Given the uncertain nature of litigation, it is impossible to predict the anticipated revenues. Revenues, if any, will likely be attributed to the subsequent year. At the present time, it is estimated that the damages are approximately \$250,000.00.

C. No Impact.

D. None.

Department/Prepared By Office of Corporation Counsel

Authorized Signature

Paul Kyjstul

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CBDP Review?² ☐ Yes ☐ No ☒ Not Required

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.