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(ITEM) A resolution/ordinance by Supervisor Lipscomb, Sr., to amend Section 1.14(b) and Section 1.15 of the Milwaukee County Code of General Ordinances to revise the Milwaukee County Board of Supervisors’ “minority rule” provisions to exclude public contracts approved under “passive review” provisions Section 59.52(31)(b)(1) and (2), Wisconsin State Statutes, and County Executive appointment confirmations subject to the procedures in Section 59.17(2)(b)(1), Wisconsin State Statutes, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, the Milwaukee County Code of General Ordinances (the Code) outline the rules of the Milwaukee County Board of Supervisors (County Board) in Chapter 1; and

WHEREAS, Section 1.14(b) of the Code permits a committee report (i.e. resolution), when it first appears before the County Board, to be laid over until the next meeting of the County Board if one-third (1/3) of the members present and voting so request; a procedure commonly referred to as “minority rules”; and

WHEREAS, Section 1.15 of the Code has a similar minority rules provision that permits a resolution, ordinance, or report to be referred once to Corporation Counsel for a legal opinion, regardless of how many times the file has been before the County Board, with the support of one-third (1/3) of the members present and voting; and

WHEREAS, both minority rule provisions exclude matters related to the recommended budget, resolutions proposing tax levies, and recommendations on new positions in the following year budget; and

WHEREAS, 2013 Wisconsin Act 14 (Act 14) made significant changes to the roles, responsibilities, and duties of the County Executive and County Board, including new provisions related to public contract approvals and confirmation of County Executive appointments; and

WHEREAS, as outlined in Section 59.52(31)(b)(1) and (2), Wisconsin State Statutes (State Statutes), public contracts with a value of at least \$100,000 but not more than \$300,000, may take effect only if the County Board’s finance committee does not vote to approve or reject the contract within 14 days after the contract is signed by the County Executive, often referred to as “passive review”; and

WHEREAS, if the finance committee votes to reject the contract, the contract may only go into effect if approved by the County Board within 30 days after the rejection; and

46 WHEREAS, as outlined in Section 59.17(2)(b)(1), State Statutes, any
47 appointment made by the County Executive requiring confirmation by the County Board
48 must be acted upon within 60 days after the County Executive submits the appointment
49 to the County Board; and

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51 WHEREAS, since the short timeframe for consideration of passive review
52 contracts and County Executive appointments are promulgated by State Statutes, the
53 County Board's minority rules provisions may permit a minority of members to decide a
54 matter by laying over the item until the State imposed deadline passes; and

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56 WHEREAS, the consideration of passive review contracts and County Executive
57 appointments should ultimately be decided by a majority of the members of the County
58 Board, and thus excluded from minority rule layover privileges; and

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60 WHEREAS, the Committee on Finance and Audit, at its meeting of July 21, 2016,
61 recommended adoption of the this resolution/ordinance (vote 7-0); now, therefore,

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63 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends
64 Chapter 1 of the Milwaukee County Code of General Ordinances by adopting the
65 following:

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67 **AN ORDINANCE**

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69 The Board of Supervisors of the County of Milwaukee does hereby ordain as
70 follows:

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72 **SECTION 1.** Section 1.14 (b) of the General Ordinances of Milwaukee County is
73 amended as follows:

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75 (b) *Committee report laid over on request.* Action on the report of any committee as
76 defined in subsection (a) of this section, when it first makes its report, shall be
77 deferred until the next meeting of the county board if one-third (1/3) of the
78 members present and voting so request. If the report of said committee is re-
79 referred to said committee or any other committee and thereafter the subject
80 matter is again returned to the county board, action thereon shall not be deferred
81 except as provided by section 1.15 or by a majority vote of the members present.

82
83 The above rule shall not apply to the report of the committee on finance,
84 ~~personnel,~~ and audit on the executive budget, including resolutions proposing tax
85 levies and recommendations on new positions to become effective in and
86 included in the budget for the following fiscal year. The rule shall also not apply to
87 passive review public contracts subject to ss. 59.52(31)(b)(1) and (2) Wis. Stats.
88 or county executive appointment confirmations subject to s. 59.17(2)(b)(1) Wis.
89 Stats.

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SECTION 2. Section 1.15 of the General Ordinances of Milwaukee County is amended as follows:

1.15. - Referring resolution, ordinance or report for legal opinion.

With the affirmative vote of one-third (1/3) of the members present and voting at any meeting of the county board, any resolution, ordinance or report shall be referred to the corporation counsel and the written opinion of the latter secured as to the legality of the resolution or ordinance offered, or the recommendation made in any report presented to the county board for adoption. Such opinion shall be rendered to the county board at its next meeting held not less than forty-eight (48) hours after the referral, and copies distributed to all members. The resolution, ordinance or report, shall not be re-referred again to the corporation counsel for a legal opinion except by a majority vote of the members present.

The above rule shall not apply to:

- (1) The report of the committee on finance, ~~personnel~~, and audit on the executive budget.
- (2) Resolutions proposing amendments to the executive budget.
- (3) Resolutions proposing tax levies.
- (4) Recommendations of the committee on finance, ~~personnel~~, and audit on new positions to become effective in, and to be included in, the budget for the following fiscal year.
- (5) Passive review public contracts subject to s. 59.52 (31)(b)(1) and (2) Wis. Stats.
- (6) County executive appointment confirmations subject to s. 59.17(2)(b)(1) Wis. Stats.

SECTION 3. The provisions of this amended ordinance shall be effective upon passage and publication.