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4 **A RESOLUTION/ORDINANCE**
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6 to amend Chapter 1 of the Milwaukee County Code of General Ordinances to revise
7 the County Board of Supervisors' "minority rule" provisions to exclude public contracts
8 approved under "passive review" provisions of Wis. Stats. § 59.52(31)(b)(1) & (2) and
9 County Executive appointment confirmations subject to the procedures in Wis. Stat. §
10 59.17(2)(b)(1)
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12
13 WHEREAS, the Milwaukee County General Ordinances (MCGO) outline the
14 rules of the County Board of Supervisors in Chapter 1; and
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16 WHEREAS, MCGO 1.14(b) permits a committee report (i.e. resolution), when it
17 first appears before the Board, to be laid over until the next meeting of the County
18 Board if one-third (1/3) of the members present and voting so request; a procedure
19 commonly referred to as "minority rules"; and
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21 WHEREAS, MCGO 1.15 has a similar minority rules provision that permits a
22 resolution, ordinance, or report to be referred once to Corporation Counsel for a legal
23 opinion, regardless of how many times the file has been before the Board, with the
24 support of one-third (1/3) of the members present and voting; and
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26 WHEREAS, both minority rule provisions exclude matters related to the
27 recommended budget, resolutions proposing tax levies, and recommendations on new
28 positions in the following year budget; and
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30 WHEREAS, 2013 Wisconsin Act 14 ("Act 14") made significant changes to the
31 roles, responsibilities, and duties of the County Executive and County Board of
32 Supervisors, including new provisions related to public contract approvals and
33 confirmation of County Executive appointments; and
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35 WHEREAS, as outlined in Wis. Stats. § 59.52(31)(b)(1) and (2), public contracts
36 with a value of at least \$100,000 but not more than \$300,000, may take effect only if the
37 Board's finance committee does not vote to approve or reject the contract within 14
38 days after the contract is signed by the County Executive; often referred to as "passive
39 review"; and
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41 WHEREAS, if the finance committee votes to reject the contract, the contract
42 may only go into effect if approved by the County Board within 30 days after the
43 rejection; and
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45 WHEREAS, as outlined in Wis. Stat. § 59.17(2)(b)(1), any appointment made by
46 the County Executive requiring confirmation by the County Board must be acted upon

47 within 60 days after the County Executive submits the appointment to the County Board;
48 and

49

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

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

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59 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
60 amends Chapter 1 of the Milwaukee County Code of General Ordinances by adopting
61 the following:

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63

AN ORDINANCE

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65 The Board of Supervisors of the County of Milwaukee does ordain as follows:

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

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

77 The above rule shall not apply to the report of the committee on finance and audit on
78 the executive budget, including resolutions proposing tax levies and recommendations
79 on new positions to become effective in and included in the budget for the following fiscal
80 year. The rule shall also not apply to passive review public contracts subject to ss.
81 59.52(31)(b)(1) and (2) Wis. Stats. or county executive appointment confirmations subject
82 to s. 59.17(2)(b)(1) Wis. Stat.

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

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87 **1.15. - Referring resolution, ordinance or report for legal opinion.**

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89 With the affirmative vote of one-third (1/3) of the members present and voting at any
90 meeting of the county board, any resolution, ordinance or report shall be referred to the
91 corporation counsel and the written opinion of the latter secured as to the legality of the

92 resolution or ordinance offered, or the recommendation made in any report presented to
93 the county board for adoption. Such opinion shall be rendered to the county board at its
94 next meeting held not less than forty-eight (48) hours after the referral, and copies
95 distributed to all members. The resolution, ordinance or report, shall not be rereferred
96 again to the corporation counsel for a legal opinion except by a majority vote of the
97 members present.

98 The above rule shall not apply to:

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

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