

AN ENGROSSED RESOLUTION

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Requesting the Audit Services Division of the Office of the Comptroller conduct an audit of 2012 agreement between Milwaukee County and the Rock Sports Complex/Ballpark Commons

WHEREAS, the Milwaukee County Board of Supervisors requested an audit of Ballpark Commons (BPC County Land, LLC) in File No. 19-602; and

WHEREAS, the Audit Services Division performed an audit of the agreements executed between Milwaukee County and the Rock from 2017 to 2018 and issued their findings in a report included in File No. 21-760; and

WHEREAS, the audit report issued in File No. 21-760 failed to review the original agreements the County entered into circa 2012 after the Rock Sports Complex, LCC approached the County with a proposal to construct and operate a multi-purpose recreational facility at Crystal Ridge, a former County landfill site; and

WHEREAS; the original 2012 agreement included a survival clause that states: "No expiration or termination of this Agreement and no entry into or onto the Sports Park by the County after such expiration or termination shall relieve the Operator of its liabilities and obligations under the Agreement, all of which shall survive such expiration or termination or entry"; and

WHEREAS, the original agreement and applicability of its survival clause must be evaluated thoroughly to ensure all contract obligations have been satisfied; and

WHEREAS, the Committee on Audit, at its meeting of December 7, 2022, recommended adoption of File No. 22-1167 (vote 3-2); now, therefore,

~~**BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby requests the Director of Audits, Audit Services Division, Office of the Comptroller, conduct a comprehensive audit of the 2012 Lease Agreement between Milwaukee County and the entities affiliated with Ballpark Commons and the Rock Sports Complex to review the following:**~~

- ~~• **Review of the RFP process and details leading up to the 2012 lease agreement. If no RFP was completed, review for compliance with State Statute/County Ordinance to enter into this lease agreement without an RFP process.**~~
- ~~• **Review of the terms included in the 2012 Lease Agreement, including, but not limited to, an audit of any guaranteed fixed revenue (rent), youth programming funding, contingency revenue payments, and DBE/TBE requirements.**~~
- ~~• **Review of the Noise Abatement Boundary map that is part of the County Development agreement Exhibit C Noise and Light Addendum.**~~

47 **BE IT RESOLVED, the Milwaukee County Board of Supervisors desires and**
48 **requests a report to be published by the Department of Parks, Recreation and**
49 **Culture, Office of Corporation Counsel, Department of Administrative Services-**
50 **Procurement Division, Office of the Comptroller, or any combination thereof, for**
51 **the purpose of providing the Milwaukee County Board of Supervisors and**
52 **members of the public with a summary overview of the County's relationship with**
53 **the developers, service providers, and tangential related organizations under the**
54 **same ownership, as related to the Rock Complex and include the following in the**
55 **report:**

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57 **• Reference and summary of any agreements entered into with said**
58 **organizations, including, but to limited to: date entered, date ended,**
59 **purpose of agreement, major tenets of agreement relating to neighborhood**
60 **tranquility, payments to the county, or other substantive provisions likely**
61 **to be concern to the public, plus information on any present agreement in**
62 **place and their effect;**

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64 **• Further identify any funds the county was supposed to receive but did**
65 **not, and when and how this was brought to the attention of the county**
66 **board, and identification of the department individual responsible for**
67 **failing to enforce contract provisions on behalf of the county;**
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69 **The report's goal shall be to provide a final comprehensive understanding of the**
70 **aforementioned so members of the public may gain knowledge as to the actual**
71 **historical events regarding these agreements along with how and why prior**
72 **agreements were not fully enforced, resulting in waiver of agreements, overriding**
73 **subsequent agreements, or the loss of revenue to the county.**
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