MILWAUKEE COUNTY FISCAL NOTE FORM

| DATE: November 15, 2018 | | Origin | al Fiscal Note | X | | | | | |
|---|--|--------|---------------------------|-------------|--|--|--|--|--|
| | | Subst | itute Fiscal Note | | | | | | |
| SUBJECT: A resolution to approve the settlement of a breach of contract, promissory estoppel, and wrongful discharge lawsuit filed by James Kubicek, a former Milwaukee County employee. | | | | | | | | | |
| FISC | CAL EFFECT: | | | | | | | | |
| | No Direct County Fiscal Impact | | Increase Capital Exp | penditures | | | | | |
| | Existing Staff Time Required | | Decrease Capital Ex | coenditures | | | | | |
| \boxtimes | Increase Operating Expenditures (If checked, check one of two boxes below) | | Increase Capital Revenues | | | | | | |
| | Absorbed Within Agency's Budget | | Decrease Capital Ro | evenues | | | | | |
| | Not Absorbed Within Agency's Budget | | | | | | | | |
| | Decrease Operating Expenditures | | Use of contingent fu | nds | | | | | |
| | 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 | 350,000.00 | |
| | Revenue | 0 | |
| | Net Cost | 350,000.00 | |
| Capital Improvement | Expenditure | | |
| Budget | Revenue | 72 | |
| | Net Cost | | |

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 County is proposing a settlement with James Kubicek, who prevailed at a jury trial in his lawsuit related to his discharge from County employment in May 2015.
 - B. Approval of this resolution authorizes a settlement of \$350,000.00 to James Kubicek from Fringe Benefits, Org. 1950. This payment represents a portion of the damages that Kubicek would be entitled to per the jury verdict in his favor. This results in a direct financial cost to the County of \$350,000. This is a one-time settlement and had no future financial impact.
 - C. Approval of this resolution authorizes a payment of \$350,000 to Mr. Kubicek from Fringe Benefits, Org. 1950. There is currently sufficient expenditure authority within Org. 1950 to cover these costs. There is no future budgetary impact as this is a one-time settlement.
 - D. There are no assumptions or interpretations.

| Department/Prepared By Ar | Anne Kearney, Deputy Corporation Counsel | | | | | |
|-------------------------------|--|---------|---|----|----------------|--|
| Authorized Signature | anne | Kearney | | | | |
| Did DAS-Fiscal Staff Review? | | Yes | x | No | | |
| Did CBDP Review? ² | | Yes | | No | X 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.