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A resolution by Supervisors Lipscomb, Sr., Cullen, Schmitt, and Sartori opposing State legislation (Legislative Reference Bureau 5135/1) that further empowers the County Executive, and reduces or eliminates the legislative oversight of the Milwaukee County Board of Supervisors, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, 2013 Wisconsin Act 14 (Act 14), enacted May 31, 2013, made sweeping changes to the governance model of Milwaukee County (the County); and

WHEREAS, the State of Wisconsin (the State) legislation, in general, reduced the authority of the Milwaukee County Board of Supervisors (County Board) and increased the authority of the Milwaukee County Executive (County Executive); and

WHEREAS, the County Executive also pursued passage of 2013 Wisconsin Act 203, adopted April 8, 2014, that transferred the authority for mental health operations in the County to the County Executive and an unelected Mental Health Board from the County Board; and

WHEREAS, the County Executive also pursued 2015 Wisconsin Act 55, adopted July 12, 2015, that, among other things, increased the County Executive’s authority related to the sale and acquisition of County property; and

WHEREAS, the County Corporation Counsel, Office of Corporation Counsel, in an opinion included in File No. 17-274, made the following statement about the changes made by the State legislature in Act 55:

*“These conflicts, among others, discussed in turn at greater length below, cannot be reconciled by the Office of Corporation Counsel (“OCC”) because in doing so, the OCC would be forced to decide the fundamental balance of powers between the board and the executive in Milwaukee County, which in turn would usurp the state legislature’s function.”*

; and

WHEREAS, despite these changes, the County Executive is pursuing additional State legislation, currently Legislative Reference Bureau (LRB) draft 5135/1, that would extend many of these changes to other State counties with county executives and make additional changes to consolidate even more power with the County Executive; and

43 WHEREAS, the proposed legislation would grant the County Executive the  
44 unilateral authority to use a biennial budget process that dictates a shortened timeline  
45 for legislative review and would permit the County Executive to increase or decrease  
46 appropriations when revenues or expenditures are different than anticipated; and  
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48 WHEREAS, the proposed legislation would grant the County Executive the sole  
49 authority to create, abolish, and determine the pay and fringe benefits (including  
50 bonuses, pension, and health benefits) of unelected employees; and  
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52 WHEREAS, the proposed legislation would remove the County Board from  
53 confirming certain key positions and the public vetting of political appointees; and  
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55 WHEREAS, the proposed legislation would grant the County Executive exclusive  
56 authority over procurement and permit all contracts to be approved without County  
57 Board approval or review, including the leasing of all parkland; and  
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59 WHEREAS, the proposed legislation also removes the County Boards' authority  
60 over civil service, debt issuance, transportation, and requires the courts to broadly  
61 construe the authorities of the County Executive; and  
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63 WHEREAS, the adoption of the additional statutory language sought by the  
64 County Executive in LRB 5135/1 would create additional difficulties in the interpretations  
65 of new State law that would be difficult to reconcile and in turn would enhance conflicts;  
66 and  
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68 WHEREAS, Section 1.25(4) and (5) of the Milwaukee County Code of General  
69 Ordinances related to political activity on behalf of the County, reads in pertinent part as  
70 follows:  
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72 (4) *Political activity prohibited.* The heads of county departments, bureaus,  
73 boards and commissions or any other member of their respective departments,  
74 bureaus, boards and commissions, in their official capacities, are prohibited from  
75 recommending any changes or amendments of the laws of the State of  
76 Wisconsin to the legislature of the State of Wisconsin, or to any committee of the  
77 legislature, or to any member of the legislature of the State of Wisconsin without  
78 first submitting to the county board any changes or amendments of the laws of  
79 the State of Wisconsin and obtaining the approval of and a directive from said  
80 county board.

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(5) *Other political activity.* Nothing in section 4 above, or the remainder of this section shall be construed as preventing any elected official from engaging in lobbying activities as an individual, or in their official capacity, if they make it clear that they are not representing the position of Milwaukee County. Further, no privately funded lobbying activities shall be engaged by any official, elected or appointed, on behalf of any policy position that is not the adopted or stated position of Milwaukee County Government.

; and

WHEREAS, the Wisconsin Attorney General Opinion 06-13, dated August 14, 2013, concluded “that a county board may require a county executive to clarify that he or she is not representing the position of the county when engaging in lobbying activities on behalf of a position that is not the position adopted by the county”; and

WHEREAS, the County Executive's Government Affairs Liaison is the registered contact with the Wisconsin Ethics Commission for the County Leaders for Modernization that has hired four lobbyists to push this legislation in Madison that removes checks and balances in local government; and

WHEREAS, due to County Board oversight in early 2017, the public learned that the Pension Manager and Attorney filed a Voluntary Correction Program (VCP) report with the Internal Revenue Service in 2014 outlining hundreds of pension errors that were never brought to policymakers’ attention despite having significant fiscal implications both to the fund and pensioners; and

WHEREAS, lessons learned from the 2002 County pension controversy suggest that proper legislative oversight, accountability, disclosure, and checks and balances on power are critical to operating a government with integrity; and

WHEREAS, the Committee on Intergovernmental Relations, at its meeting of February 1, 2018, recommended adoption of File No. 18-166 (vote 5-0); now, therefore,

BE IT RESOLVED, it is the policy of Milwaukee County (the County) to oppose Legislative Reference Bureau (LRB) draft legislation 5135/1, or bills that contain similar provisions to eliminate legislative oversight of the Administration of the County; and

BE IT FURTHER RESOLVED, the County supports a governance model that includes checks and balances on the authority of the County Executive and authorizes and requests the Milwaukee County Board of Supervisor’s Legislative Liaison to lobby against the aforementioned draft legislation, or drafts or bills that contain similar provisions; and

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BE IT FURTHER RESOLVED, that pursuant to Section 1.25(4) and (5) of the Milwaukee County Code of General Ordinances, and confirmed by Wisconsin Attorney General Opinion 06-13, that County elected officials and staff advocating on behalf of the proposed legislation outlined above must clarify that he or she is not representing the position of the County.

jmj  
02/01/18  
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