

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE : October 14, 2013
TO : Marina Dimitrijevic, Chair, County Board of Supervisors
FROM : Don Tyler, Director of Administrative Services
SUBJECT : Authority to Pay Contract for Dr. Ruben Anthony

Policy

Section 56.30(9) of the Milwaukee County Ordinances states that no work shall be performed by any professional service contractor until a written contract has been executed and signed by all appropriate officials. County Board approval is required to authorize the Comptroller - Accounts Payable to pay a contractor for services.

Background

Dr. Ruben Anthony was requested by Director of the Department of Administrative Services to immediately take an interim role to lead the Community Business Development Partners (CBDP), upon the departure of the former CBDP Director. The departure occurred on Monday, July 29th and Dr. Anthony took on the interim role on that same day.

A formal contract is required for professional services greater than \$2,000 and the contract must be reviewed and approved by the corporation counsel, risk manager and the CBDP department. Due to the process of crafting a professional services contract, vacations and departures the agreement between Milwaukee County and Dr. Anthony was not fully executed by all parties before September 12th; however, he had been performing duties under the terms of the agreement during the period beginning July 29, 2013 through September 12, 2013.

Dr. Anthony adequately performed services during this period and submitted two invoices, one for \$15,057.58, dated August 25, 2013 and one for \$9,033.58, dated September 12, 2013. It should be noted that Dr. Anthony continues to perform the duties under this contract.

Recommendation

The Director of the Department of Administrative Services requests that 56.30 (9) be waived and payment approved for the services performed by Dr. Ruben Anthony prior to the completion of the professional services agreement.

Fiscal Note

Sufficient funds are available in the 2013 budget for the \$24,091.16 payment to Dr. Anthony.

Don Tyler
Director of Administrative Services

cc: Chris Abele, County Executive
Supervisor Willie Johnson Jr., Chairman, Finance and Audit Committee
Supervisor David Cullen, Chairman, Finance and Audit Committee
Josh Fudge, Fiscal and Budget Administrator
Stephen Cady, Director of Research, County Board

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5 From the Director of the Department of Administrative Services, requesting relief from and waiver of
6 Section 56.30(9) of the Milwaukee County Code of General Ordinances, in order to pay invoices submitted
7 by Dr. Ruben Anthony, in the amount of \$24,091.16, for professional services incurred prior to full and
8 complete execution of an agreement, by recommending adoption of the following:
9

10 A RESOLUTION

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12 WHEREAS, Section 56.30(9) of the Milwaukee County Ordinances provides that no payment shall be
13 made to professional service contractors prior to proper execution of a contract, including required
14 departmental reviews and sign-offs; and
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16 WHEREAS, the Department of Administrative Services is not permitted by ordinance to exempt
17 departments from Section 56.30(9) but is able to make payments following authorization by the Milwaukee
18 County Board of Supervisors; and
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20 WHEREAS, the Department of Administrative Services required the services of Dr. Ruben Anthony to
21 lead the Community Business Development Partners (CBDP) Division directly after the previous director's
22 departure; and
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24 WHEREAS, Dr. Ruben Anthony began providing services as outlined in the professional services
25 contract that was executed on or before September 12, 2013 for the benefit of CBDP and the County; and
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27 WHEREAS, the urgency of this matter and the process of crafting, reviewing and executing a
28 professional services agreement did not allow for the contract to be executed prior to the service being
29 performed; now, therefore,
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31 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby authorize the
32 Comptroller, to pay invoices submitted by Dr. Ruben Anthony for work completed between July 29, 2013
33 and September 12, 2013.
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MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/14/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Payment of Professional Service Contracts

FISCAL EFFECT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input checked="" type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input checked="" type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget

<input type="checkbox"/> Decrease Operating Expenditures

<input type="checkbox"/> Increase Operating Revenues

<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures

<input type="checkbox"/> Decrease Capital Expenditures

<input type="checkbox"/> Increase Capital Revenues

<input type="checkbox"/> Decrease Capital Revenues

<input type="checkbox"/> Use of contingent funds |
|---|--|

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	0	0
	Revenue		
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	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 Board is being requested to authorize, by resolution, the payment of invoices for a professional service contract for Dr. Ruben Anthony. In accordance with 56.30(9), the invoices cannot be paid because contract work was performed prior to the contract being executed. However, the ordinance does allow for payment, if the board authorizes payment by resolution.

B. Approval of this resolution will authorize the department to pay for the contract work of \$24,091.16 from 2013 available funds. This is a one-time cost for payment of the contract work.

C. There is no budgetary impact associated with this contract, since work will be paid with available budgeted funds.

D. No assumptions or interpretations were utilized to calculate this fiscal note, since actual invoices were used.

Department/Prepared By Department of Administrative Services - Julie Esch

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

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.