

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: March 20, 2017
To: Theodore Lipscomb, Sr., Milwaukee County Board Chairman
From: Jerome J. Heer, Director of Audits, Office of the Comptroller
Subject: Request for Professional Services Contract

In accordance with Milwaukee County General Ordinance (MCGO) § 1.11(c)(4)2(b), the Comptroller's Audit Services Division (ASD) requests approval to retain counsel through a professional services contract and initiate action concerning ASD's authority under MCGO § 34.095 as it relates to the Milwaukee County Sheriff's Office (MCSO).

As background, ASD personnel intended to interview MCSO personnel in accordance with MCGO § 34.095. ASD submitted the interview request to MCSO management. MCSO responded in writing that ASD's authority under § 34.095 "does not include the sovereign authority to conduct interviews of MCSO law enforcement personnel related to their LE [law enforcement] duties." ASD disagrees with this position. Subsequent verbal communications between members of ASD, MCSO and the Corporation Counsel's Office have not resolved this impasse. All parties concur that court action is necessary.

The Corporation Counsel's Office cannot represent either office due to conflict of interest as the attorney for both entities. ASD will select counsel in conjunction with Corporation Counsel. An exact cost of litigation is unknown, but could exceed the \$10,000 threshold. Funds are available from the Litigation Reserve account.

ASD recognizes that expenditure of County resources on litigation must be carefully scrutinized. However, it deems this matter a critical issue of its authority and jurisdiction under MCGO 34.095.

I request that this item be marked for closed session per Wis. Stats. 1985(1)(g) so that committee members may receive oral or written advice from legal counsel concerning this matter.


Jerome J. Heer

JJH/cah

cc: Scott Manske, Milwaukee County Comptroller
Margaret Daun, Corporation Counsel