

Exemption Types

A - Mental Health Board jurisdiction: Pursuant to Wis. Stats. 46.21(2)(j), the County Board “may not exercise approval or disapproval power over any contract relating to mental health or mental health institutions, programs, or services.” Furthermore, Wis. Stats. 51.41(10) requires “Any contract related to mental health with a value of at least \$100,000, to which Milwaukee County is a party may take effect only if the Milwaukee County mental health board votes to approve, or does not vote to reject, the contract within 28 days after the contract is signed or countersigned by the county executive.”

B - Service contracts less than \$100,000 using funds only from this fiscal year: Wis. Stats. 59.52(31) authorizes the execution of a service contract with a value of less than \$100,000 without County Board or FPA Committee review unless that contract requires funds from a future fiscal year which has not yet been adopted. This applies to both professional service contracts under Milwaukee County General Ordinance (MGO) Ch. 56 and to nonprofessional service contracts under MGO Ch. 32.

C - County Executive jurisdiction using funds only from this fiscal year: Per Wis. Stats. 59.17(2)(b)(3) and 59.52(6), without County Board approval, the County Executive may sell, acquire, or lease land that is not zoned as a park with the exception of the Downtown Transit Center parcel. The County Executive may also “construct, purchase, acquire, lease, develop, improve, extend, equip, operate and maintain all county buildings, structures and facilities” except on most park-zoned land as noted above. However, a contract that uses funds from a future fiscal year which has not yet been adopted will still require County Board approval.

D - Public Works contracts: Wis. Stats. 59.52(29) provides that any public work contract over \$25,000 be let to the lowest responsible bidder. MGO Ch. 44.14 authorizes the director of transportation or the director of administrative services to enter into contracts with a value up to \$25,000 provided that certain criteria are met.

E - Other: Several contracts were executed prior to the changes introduced by 2013 Wisconsin Act 14. Subsequent amendments to some of those contracts have been grandfathered so they continue to follow the old rules. Those exemptions will phase out as Milwaukee County completely transitions to the new rules.

Corporation Counsel is reviewing the applicability of Wis. Stats. 59.52(31) to the procurement of supplies, materials, equipment and other commodities. Until such review is completed, purchases of goods and commodities continue to be made by the Procurement Director pursuant to MGO Ch. 32.

F - Community Based Residential Facilities: Contracts with community based residential facilities are exempt from County Board approval under Wisconsin Statutes. As set forth in MGO 46.09(3), “Pursuant to s. 46.215(2), Wis. Stats., the county board may not exercise approval or disapproval power over contracts and purchases of the director of the department relating to community living arrangements, as defined in s. 46.03(22)(a), Wis. Stats., or foster homes, and entered into pursuant to a coordinated plan and budget, regardless or whether the coordinated plan and budget mentions the provider.”