



## OFFICE OF CORPORATION COUNSEL

---

PAUL BARGREN  
Corporation Counsel

MARK A. GRADY  
COLLEEN A. FOLEY  
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
LEE R. JONES  
MOLLY J. ZILLIG  
ALAN M. POLAN  
JENNIFER K. RHODES  
DEWEY B. MARTIN  
JAMES M. CARROLL  
PAUL D. KUGLITSCH  
KATHRYN M. WEST  
JULIE P. WILSON  
Assistant Corporation Counsel

Date: September 23, 2014

To: Laurie Panella, IMSD Interim Director

cc: All Supervisors  
Comptroller Scott Manske  
Don Tyler, DAS Director

From: Paul Bargren *PB*  
Corporation Counsel

Re: Public Safety Radio System

At the September 18, 2014, Finance Committee meeting, a municipal administrator suggested that the proposed fee structure for the new Milwaukee County Public Safety Radio System would trigger Wis. Stat. § 66.0602(3)(a), resulting in a reduction in Milwaukee County's levy limit. In my opinion, however, there will not be any change in levy limit.

The new system is addressed in File 14-696, which was recommended for adoption by the Finance Committee and will be before the County Board at its meeting this Thursday, September 25, 2014. The county is building the new digital communications system for its own use and will make it available to municipalities that choose to join it. Those who do will pay a per radio usage fee. Using the existing analogue system had been without cost to the municipalities. Under either system, municipalities provide their own equipment. The county is not required to provide the radio system but has made its system available to municipalities for some years.

The municipal administrator who spoke at the Committee meeting stated that the new usage fee would trigger § 66.0602(3)(a), which states:

**(3) EXCEPTIONS.** (a) If a political subdivision transfers to another governmental unit responsibility for providing any service that the political subdivision provided in the preceding year, the levy increase limit otherwise applicable under this section to the political subdivision in the current year is decreased to reflect the cost that the political subdivision would have incurred to provide that service, as determined by the department of revenue.

In my opinion, this provision does not apply. This section applies only where “responsibility for providing any service” is transferred from one municipality to another. That is not the case here. Milwaukee County is retaining full responsibility for providing the Public Safety Radio System service. The municipalities can choose to remain users of the system, but the municipalities are not assuming any responsibility for providing the system.

The new system is more costly than the older one, and user fees will help defray those costs. However, because the County is retaining full responsibility for providing this service, no change in the levy limit is triggered even though the user fee is increasing from \$0 to \$X per radio.<sup>1</sup> This is no different than an increase in admission fees at the Zoo or swimming pools, where the County continues to hold responsibility for providing a service, even though costs for users may increase.

---

<sup>1</sup> Municipalities will pay a fee of \$2 per radio per month in 2015, increasing gradually to \$19 per radio per month in 2021 and beyond.