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(ITEM) A resolution by Supervisors Cullen and Romo West to acknowledge the responsibility and limitations of the Milwaukee County Board of Supervisors to approve and review the tax levy required to operate the Department of Health and Human Services - Behavioral Health Division as determined by the Mental Health Board and County Executive, by recommending adoption of the following:

A RESOLUTION

WHEREAS, 2013 Wisconsin Act 203, effective April 10, 2014, created the Milwaukee County Mental Health Board (MHB) and substantially changed the way mental health services are governed, administered, and funded in Milwaukee County; and

WHEREAS, essentially, Act 203 removed all mental health jurisdiction from the Milwaukee County Board of Supervisors (County Board) to the MHB, which comprises unelected individuals appointed by the Governor based on recommendations from the County Executive and County Board; and

WHEREAS, the new legislation created a new process for the adoption of the Behavioral Health Division’s (BHD) annual budget that requires the MHB to propose a budget to the County Executive who, in turn, may adjust the total tax levy provided that it is no less than \$53 million and no more than \$65 million; and

WHEREAS, the new statute requires that the County Board “shall incorporate into the budget for Milwaukee County” the “tax levy amount as proposed by the County Executive”; and

WHEREAS, according to the meeting minutes, the MHB received the proposed budget which staff worked “closely with the County Executive in preparing”; and

WHEREAS, the MHB adopted at its meeting held on August 28, 2014, a 2015 Budget that includes \$183.5 million in expenditures, \$121.4 million in non-tax levy revenues, and tax levy of \$62.1 million without taking verbal public comment or adopting or considering any amendments to the proposed budget; and

WHEREAS, the County Executive’s 2015 Recommended Budget for BHD includes \$179.6 million in expenditures, \$120.5 million in non-tax levy revenues, and a tax levy of \$59.1 million; and

WHEREAS, the \$3 million reduction in the tax levy for BHD included in the County Executive’s 2015 Recommended Budget is primarily due to reductions made in active and legacy employee fringe benefit costs that were made for all County departments after the MHB adopted its budget in late August 2014; and

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WHEREAS, the Milwaukee County Corporation Counsel advised in a memo dated September 3, 2014, that while statutes state that the County Board “shall incorporate into the budget for Milwaukee County” the “tax levy amount as proposed by the County Executive,” the law is silent on what happens if the County Board refuses to adopt the BHD tax levy as proposed by the County Executive; and

WHEREAS, according to Corporation Counsel, the ramifications for failing to adopt the proposed BHD tax levy could include a court order to do so; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors (County Board) hereby opposes the concept that requires the Behavioral Health Division (BHD) property tax levy to be incorporated into the adopted County budget, as opposed to a separate County-administered tax levy for BHD; and

BE IT FURTHER RESOLVED, that the County Board shall incorporate the proposed 2015 BHD tax levy of \$59,099,341 as contained in the County Executive’s Recommended Budget (File No. 14-765) into the 2015 Adopted Budget as required by 2013 Wisconsin Act 203; and

BE IT FURTHER RESOLVED, that in light of the new legislation creating the Mental Health Board, Milwaukee County residents are hereby informed that the proposed 2015 BHD tax levy represents a County Executive recommended tax levy increase of approximately \$1.62 million that must be incorporated into the 2015 Adopted Budget.

jmj
10/23/14
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