

A resolution/ordinance from the Deputy Director, Department of Administrative Services, providing a report, resolution, and fiscal note to repeal, recreate, and renumber Milwaukee County Code of General Ordinances Chapter 32 Section 92, as Milwaukee County Code of General Ordinances Chapter 32 Section 11, related to the administration of the Tax Refund Intercept Program (TRIP), by recommending adoption of the following:

A RESOLUTION/ORDINANCE

to repeal, recreate, and renumber Section 32.92 of the Milwaukee County Code of General Ordinances, as Milwaukee County Code of Ordinances Section 32.11, related to the administration of the State of Wisconsin Department of Revenue (WDOR) Tax Refund Interception Program (TRIP) under Section 71.935 of the Wisconsin Statutes and other debt collection programs offered by the State of Wisconsin.

WHEREAS, Chapter 32 of the Milwaukee County Code of General Ordinances is the chapter regarding the Department of Administration; and

WHEREAS, the Milwaukee County Board adopted file number 02-573 on December 19, 2002, approving a Revenue Maximization Program that would utilize the WDOR TRIP as a method of collecting debts; and

WHEREAS, the Revenue Maximization Program was managed as a pilot program in the Department of Health and Human Services (DHHS) with assistance from the Department of Administrative Services (DAS); and

WHEREAS, the TRIP program was created in 1981 and made available to counties in 1995; and

WHEREAS, the state created the State Debt Collection program in 2009, which is not yet open to general use by county departments but is available to Clerks of Court and Wisconsin state agencies; and

WHEREAS, the state may create other programs to assist agencies and municipalities in collecting outstanding debts in the future; and

WHEREAS, the Milwaukee County Board of Supervisors approved centralized administration of the TRIP program under DAS through the adoption of file number 08-446 on December 18, 2008; and

WHEREAS, by adopting file number 08-446, the Milwaukee County Board of Supervisors established Chapter 32 Section 92 of the Milwaukee Code of General Ordinances; and

34 WHEREAS, Chapter 32 Section 92 of the Milwaukee County Code of General
35 Ordinances outlines the duties assigned to the Department of Administrative Services for
36 TRIP collections, and authorizes charging an administrative processing fee of \$50 per debt
37 certified to the WDOR; and

38 WHEREAS, both file 02-573 and 08-446 contemplated outside consultants
39 processing TRIP transactions for a percentage fee of the revenue collected; and

40 WHEREAS, Milwaukee County is allowed to certify debts to the WDOR without using
41 an outside vendor; and

42 WHEREAS, the WDOR has confirmed that Milwaukee County can process TRIP
43 collections through more than one department; and

44 WHEREAS, the DAS has an interest in allowing for decentralized TRIP operations;
45 delegating its authority under Chapter 32 Section 92 of the Milwaukee Code of General
46 Ordinances to DAS-approved designees; and

47 WHEREAS, the DAS has been reorganized since Section 32.92 of the Milwaukee
48 County Code of General Ordinances was enacted in 2008, and the authority within the DAS
49 to delegate TRIP collections now more appropriately falls under Subchapter I, General
50 Administration; and

51 WHEREAS, delegating said authority will result in efficient operations and increased
52 ability to collect on debts owed without using a third-party debt collections service that
53 charges fees to Milwaukee County; and

54 WHEREAS, the Milwaukee County Parks is now responsible for the administration
55 and collection of its parking citations as of January 2024; and

56 WHEREAS, the Milwaukee County Parks has expressed interest in collecting on its
57 unpaid parking citations and other debts owed to Milwaukee County Parks through the TRIP
58 program as an authorized designee of the Department of Administrative Services starting
59 on January 1, 2026; and

60 WHEREAS, allowing the Milwaukee County Parks, and any other Milwaukee County
61 department approved by the Department of Administrative Services, to certify its own
62 debts to the WDOR would require amending the existing Chapter 32 Section 92 of the
63 Milwaukee Code of General Ordinances; and

64 WHEREAS, Milwaukee County does not have a statutory basis to charge a fee of \$50
65 per debt certified to the WDOR, which is part of the current Chapter 32 Section 92
66 ordinance; and

67 WHEREAS, the previously adopted practice of charging a flat administrative fee of
68 \$50 to each debt certified to the WDOR represents an undue burden and equity concern for
69 the debtor; and

70 WHEREAS, the Milwaukee County Parks has uncollected parking citations and other
71 fees each year and is interested in using TRIP or any other available state debt collection
72 program; and

73 WHEREAS, allowing the DAS the flexibility to authorize other departments to set up
74 their own TRIP accounts and make their own determinations about whether using an
75 outside vendor is financially prudent will maximize the efficiency of debt collection without
76 removing DAS's oversight; now, therefore

77 BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby
78 approve an ordinance change allowing the Department of Administrative Services to
79 delegate authority and authorize, as well as rescind authority, at its discretion, for
80 Milwaukee County departments to process TRIP and any other debt collection service
81 offered by the State of Wisconsin; and

82 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors hereby
83 approves of the codifying administrative fees not to exceed the actual administrative cost
84 to the collecting department if enabling statutory authority exists to do so; and

85 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors hereby
86 approves the repeal of Chapter 32 Section 92 of the General Ordinances of Milwaukee
87 County; and

88 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
89 authorizes a recreation and renumbering of Chapter 32 Section 92 to Chapter 32 Section
90 11, of the Milwaukee County Code of General Ordinances by adopting the following:

91 **AN ORDINANCE**

92 The County Board of Supervisors of the County of Milwaukee does ordain as follows:

93 SECTION 1. Section 32.92 of the Milwaukee County Code of General Ordinances is
94 amended as follows:

95 **32.9211.** Tax refund interception program.

96 (1) **The department of administrative services or its authorized designee or**
97 **designees shall Pperform all administrative functions required in connection with**
98 **certification of debts owed to Milwaukee County for collection under the tax refund**
99 **interception program (TRIP) and any other debt collection service offered by the**

100 **State of Wisconsin** in conformity with ~~Wis. Stat. s. 71.935~~ **applicable statutes**,
 101 including but not limited to:

- 102 (a) Certifying debts to the Wisconsin Department of Revenue (WDOR) **or any**
 103 **other State of Wisconsin debt collection program**;
- 104 (b) Establishing and implementing a legally adequate appeal procedure for
 105 debtors who appeal the certification;
- 106 (c) Maintaining a balance of all TRIP **and any other State of Wisconsin debt**
 107 **collection** accounts;
- 108 (d) Cooperating with other county departments to identify debts appropriate for
 109 collection through TRIP **and other State of Wisconsin debt collection**
 110 **programs** and to develop procedures for efficient referral of those debts **to**
 111 **the division of fiscal affairs** for certification;
- 112 (e) Issuing refunds to debtors when required;
- 113 (f) Communicating in writing and by telephone with debtors regarding
 114 documentation of debts; and
- 115 (g) Other activities as required.

116 (2) The ~~division of fiscal affairs~~ **department of administrative services or its**
 117 **authorized designee or designee(s)** may add a fee in ~~the amount of \$50.00 an~~
 118 **amount not to exceed actual expenses** to each debt certified to the Wisconsin
 119 Department of Revenue after January 1, ~~2009~~ **2026**, to offset Milwaukee County's
 120 administrative costs **if such a fee is authorized by the applicable statute**. This fee
 121 may be waived at the discretion of the director of the department of administrative
 122 services or ~~his/her~~ **their** designee.

123 **(3) The department of administrative services may rescind authority granted under**
 124 **this section.**

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126 SECTION 2. The provisions of this ordinance shall be effective upon passage and
 127 publication.