

9-19-19 FINANCE AND AUDIT COMMITTEE APPROPRIATION TRANSFERS
 C CAPITAL IMPROVEMENTS

Action Required

Finance and Audit Committee
 Majority County Board

WHEREAS, department requests for transfers within their own accounts have been received by the Department of Administrative Services, Fiscal Affairs, and the Director finds that the best interests of Milwaukee County will be served by allowance of such transfers;

THEREFORE, BE IT RESOLVED, that the Director, Department of Administrative Services, is hereby authorized to make the following transfers in the 2019 appropriations of the respective listed departments:

1)	<u>From</u>	<u>To</u>
<u>WO14101 Zoo Interchange Legal Fees #</u>		
6146 – Prof. Services Major Maint.		\$14,295
<u>WO14104 Zoo Interchange Signage #</u>		
8530 – Bldg/Structures New – (Cap)	\$14,295	

Existing Project, + Included in 5-Year Plan, * New Project

An appropriation transfer of \$14,295 is requested by the Director of the Department of Transportation to increase expenditure authority in Project WO14101 Zoo Interchange – Legal Fees and decrease expenditure authority in Project WO14104 Zoo Interchange – Signage.

The legal firm of von Briesen & Roper, S.C. (“von Briesen”), was hired by Milwaukee County to assist in negotiations with the State of Wisconsin Department of Transportation (“WisDOT”) to remediate the impacts of the Zoo WisDOT Zoo Interchange construction project to County properties. As a part of this contract, a sub-consultant was hired by von Briesen to assist in evaluating the incremental impact of Milwaukee County Zoo Interchange project stormwater runoff on Milwaukee County Parks properties along Honey and Underwood Creeks. The AE&ES Section of DAS-FM (“AE&ES”) was involved in review of the consultant proposals for this work and endorsed using this consultant. The consulting firm of Montgomery Associates (“MA”) was authorized by von Briesen, in January 2017. The work initially focused on whether there was justification for claim for additional damage that could be submitted to WisDOT. That work concluded that although there was substantial damage ongoing along both creeks, it would be very difficult to quantitatively substantiate incremental damage due to Zoo Interchange runoff increases.

In August 2017, a meeting was held with the Milwaukee County Department of Parks, Recreation and Culture (“Parks”), AE&ES, the Milwaukee Metropolitan Sewage District (“MMSD”), and von Briesen to review a draft report from MA. The parties discussed conclusions described in the report and determined the best follow-up activities. MMSD had funding potentially available for this project, and Parks and DAS agreed that MA should analyze the highest priority actions on Honey Creek and associated planning level costs. Following the meeting, MA documented their proposed action plan. The report on that work was issued in September 2017.

In October 2017, MA received direction from von Briesen to proceed. MA completed their report on Honey Creek repair priorities and sent the results to all parties involved in September 2018. There was ultimately no subsequent agreement reached among the involved parties to proceed with any proposed erosion control project.

In February 2018, the contract between the County and von Briesen was terminated. There is an outstanding amount that is owed to MA in the amount of \$14,294.55. All other invoices have been paid to MA. Total billings on the project, including the outstanding \$14,294.55, are \$50,908.39. MA remains within the contract amount authorized.

The AE&ES Section intends to enter into an agreement with MA recognizing the project, scope of work performed, and the amount still owed. The agreement will also release the County from any additional liability related to the project.

There are sufficient funds remaining in the Project WO14104 – Zoo Interchange Signage account to cover this fund transfer and still complete all remaining work in that project. The signage project is anticipated to be substantially complete by September 2019.

This fund transfer has no tax levy impact.

TRANSFERS SIGNED BY THE COUNTY EXECUTIVE AUGUST 13, 2019.