



OFFICE OF THE COUNTY EXECUTIVE

Chris Abele

MILWAUKEE COUNTY EXECUTIVE

DATE: July 9, 2013

TO: The Honorable Milwaukee Board of Supervisors

FROM: Chris Abele, Milwaukee County Executive

RE: Veto of County Board File No. 13-569 a resolution allowing the County Board Chairperson the ability retain and direct outside legal counsel surrounding Act 14.

I am vetoing County Board File No. 13-569 pursuant to the authority granted to me by Article IV, Section 23(a) of the Wisconsin Constitution and Section 59.17(6) of the Wisconsin Statutes.

The County Board adopted a resolution on June 20, 2013 to hire the Hawks Quindel, S.C. law firm to sue the state legislature over their lawful passage of Act 14. The resolution allows Chairwoman Marina Dimitrijevic to move forward with litigation without approval of the Board.

I am vetoing this file because it is neither in the interest of the County nor the taxpayers.

Corporation Counsel, given their statutory role and according to their own statements, could guide the County on the implementation of Act 14. However, the Board voted to needlessly spend tax dollars. I remain concerned about the precedent and message this sends: that elected leaders can ask taxpayers to foot an outside counsel bill every time they disagree, or think they may disagree in the future, with Corporation Counsel. That is both costly to our community and troubling in its implications.

Further, the choice of Hawks Quindel, S.C. sends a terrible message. While I am confident the attorneys at the firm are more than competent litigators, their conflict of interest with the County and taxpayers cannot be overlooked.

In the memo Hawks Quindel, S.C. sent to the Board laying out their ability to represent the Board they wrote; "no material facts should arise in our representation of the County Board which relate to the current pending cases" against the County. Not only is that impossible to declare, it is also unlikely. Considering the number of clients and issues they represent, there is a very good chance a conflict could arise. Moreover, there are clearly many, many other highly qualified law firms that Board could call upon who are not currently involved in pending cases involving the County.

Hawks Quindel, S.C. is currently suing Milwaukee County on behalf of a number of their clients. At some point, the Board may vote on settlements in some of those cases. This will create, at a

minimum, a perceived conflict of interest that is neither in the interest of the County or our community.

In addition, I worry this decision creates the appearance of Board members putting their own political interests ahead of their fiduciary responsibilities. I know Supervisors take their fiduciary responsibilities seriously, but all elected officials should avoid putting themselves in a situation where there is even the appearance of this conflict.

I also am concerned by the Board's willingness to relinquish decision-making oversight in this matter. Allowing litigation decisions to move forward without approval of the Board or even a committee creates a system where Supervisors cannot protect taxpayers. In litigation issues, the Board's role as a check is indeed important, yet this decision by the Board ignores that important function. As Supervisor Willie Johnson rightly observed during the hearing on this issue, it is unprecedented for the Board Chair can make this decision without the input of other Supervisors.

For these reasons, I ask Supervisors to sustain this veto.