



OFFICE OF THE COUNTY CLERK

JOSEPH J. CZARNEZKI • COUNTY CLERK

MEMO

DATE: March 20, 2013
TO: The Honorable County Board of Supervisors
FROM: Joseph J. Czarnezki, County Clerk
SUBJECT: Vetoed File Returned

The County Executive has returned to my office the following file:

File No. 13-77 – From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured.

This resolution was adopted by a vote of 12 ayes – 4 noes at your meeting of March 12, 2013.

The County Executive has vetoed this resolution and attached is a copy of his veto message wherein he states his objection.

This matter is now before your honorable body.

Joseph J. Czarnezki, County Clerk



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

DATE: March 20, 2013

TO: The Honorable Milwaukee Board of Supervisors

FROM: Chris Abele, Milwaukee County Executive

RE: Veto of County Board File No. 13-77 on the Transition of the House of Correction to an appointed Superintendent.

I am vetoing County Board File No. 13-77 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 an amended resolution on March 12, 2013 delaying the transition of the House of Correction (HOC) to an appointed Superintendent and ordering the Sheriff to grant access to the HOC upon confirmation of the Superintendent by the County Board.

I am vetoing this amended resolution because it delays the ability of the interim Superintendent to get access to the facility he has been hired to run. This, in turn, impedes my ability to carry out the County Board's policy.

My office worked closely with Chairwoman Marina Dimitrijevic and with Supervisor Mark Borkowski to ensure they understood that in implementing the Board's policy in the face of the Sheriff's legal action, the administration needed policy clarity to smooth the transition and minimize the risks to the County. The result was a compromise resolution that passed out of the Judiciary, Safety and General Services Committee. That resolution would have helped the HOC transition proceed in a safe manner, while giving the interim Superintendent and other County staff adequate time and access to the facility and HOC staff. Instead, the Board passed an amendment that was hastily introduced on the floor and wasn't shared with my office or Corporation Counsel.

The intent of the amendment introduced on the floor is unclear. Its only effect is to delay access to the facility that the County Board asked my administration to take over.

As I informed you all on March 1st, Mr. Hafemann has been hired on a personnel services contract because of the uncertainty resulting from the Sheriff's pending legal action. The intent was, and remains, to ensure a smooth and safe transition while also maximizing the County's

flexibility. I do not intend to appoint a full-time Superintendent – as this resolution calls for – until there is legal clarity surrounding this issue, as that will only increase the County’s liability and costs. As Supervisors have been told by Corporation Counsel, this case could drag on for more than a year. Appointing someone now would unnecessarily reduce flexibility and stick taxpayers with an avoidable bill for salary and fringe benefits.

While this legal case moves forward, the Superintendent's workload is uncertain. Under the compromise resolution, Mr. Hafemann will only be paid for the time he works. If he only works 10 hours per week, that will cost taxpayers \$2,450 a month. However, were he to be appointed full-time Superintendent (with benefits), the cost to taxpayers skyrockets to \$10,638 a month. In just three months that would end up costing taxpayers \$24,563 more.

Once there is legal clarity, I will certainly bring the Superintendent to the Supervisors for their approval. In the meantime, Mr. Hafemann has and will continue to meet with Supervisors and address any concerns that you have.

To be clear, while I am forced to veto this entire file, I continue to believe that because of legal uncertainty an April 1st transition is not in the County’s best interest. I appreciate the Board’s work in holding a Special Meeting and getting to the compromise reached in the Judiciary, Safety and General Services Committee, and I hope that the Board will work with me to ensure that we can achieve the goals of the transition safely while also maintaining our flexibility in the face of the Sheriff’s legal action. Ideally, Mr. Hafemann could work hand-in-hand with the Sheriff’s staff to transfer knowledge, practices, and policies and reach agreement on shared services. We will continue to work to ensure the smoothest transition possible given the circumstances.

Like most Supervisors, I think we can do better at the HOC, and I want to move forward on the transition but we must do it in an effective way.

I encourage the Board to sustain this veto and, under suspension of the rules, consider the attached compromise resolution as passed by the Judiciary, Safety and General Services Committee. That compromise resolution moves forward the Board’s policy regarding the transition while maintaining fiscal and practical flexibility for the County.

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(ITEM) From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, the 2013 Adopted Budget transfers management of the County Correctional Facility – South (CCFS) to a Superintendent, appointed by the County Executive, effective April 1, 2013; and

WHEREAS, the Office of the Sheriff has filed a law suit alleging constitutional authority over CCFS on December 12, 2012; and

WHEREAS, there are several services that require collaboration between the Office of the Sheriff and the Superintendent in order to operate the CCFS and the County Correctional Facility – Central (CCFC) in a manner that is both safe for inmates and the public and efficient with taxpayer resources; and

WHEREAS, access to facilities, operations and documents is not currently available to the Transition Team; now, therefore,

BE IT RESOLVED, that Milwaukee County hereby clarifies its intent, in the event the litigation is terminated in a manner that allows the transition to occur, to transition control of CCFS from the Office of the Sheriff to an appointed Superintendent by July 31, 2013; and

BE IT FURTHER RESOLVED, the Office of the Sheriff will operate and control CCFS until the transition to the Superintendent is complete; and

BE IT FURTHER RESOLVED, in the event the litigation is terminated in a manner that allows the transition to occur, the Office of the Sheriff will fully cooperate with the County Executive in implementing the CCFS transition to an appointed Superintendent, including leaving in place sufficient quantity and quality of staff to operate the CCFS in an effective and safe manner during the transition period.

BE IF FURTHER RESOLVED, that the Office of the Sheriff will immediately grant the County Executive, Interim Superintendent, and any appropriate county official he designates, access to the CCFS (House of Correction) and all CCFS records, including but not limited to classification and personnel records, in order to enable a smooth and secure transition of the facility.