

Exemption Types

A - Mental Health Board jurisdiction: Pursuant to Wis. Stats. 46.21(2)(j), the County Board “may not exercise approval or disapproval power over any contract relating to mental health or mental health institutions, programs, or services.” Furthermore, Wis. Stats. 51.41(10) requires “Any contract related to mental health with a value of at least \$100,000, to which Milwaukee County is a party may take effect only if the Milwaukee County mental health board votes to approve, or does not vote to reject, the contract within 28 days after the contract is signed or countersigned by the county executive.”

B - ~~Service~~ Contracts for services less than \$100,000 using funds only from this fiscal year: Wis. Stats. 59.52(31) authorizes the execution of a service contract with a value of less than \$100,000 without County Board or Finance Committee review unless that contract requires funds from a future fiscal year that has not yet been adopted. This applies to both professional service contracts under Milwaukee County General Ordinance (MCGO) Ch. 56 and to nonprofessional service contracts under MCGO Ch. 32.

C - County Executive jurisdiction: Per Wis. Stats. 59.17(2)(b)(3) and 59.52(6), without County Board approval, the County Executive may make all orders concerning County property and sell, acquire, or lease property on land that is not zoned as a park and the Transit Center parcel. The County Executive may also “construct, purchase, acquire, lease, develop, improve, extend, equip, operate and maintain all county buildings, structures and facilities” on land that is not zoned as a park and at the Transit Center. Generally a contract that uses funds from a future fiscal year that has not yet been adopted will require County Board approval, but a lease or an easement of land not zoned park or of the Transit Center that uses funds from a not yet adopted fiscal year will not require County Board approval.

D - Public Works contracts: These contracts do not require County Board review. Per the authority cited in Exemption C, above, public works contracts on land not zoned as a park are exempt from County Board approval, but are subject to the bidding requirements set forth in Wis. Stats. 59.52(29). Public works contracts on land that is zoned as a park shall be awarded pursuant to Wis. Stats. 59.52(29) and according to County Board policy as set forth in MCGO 44.14.

E - ~~Other:~~ ~~Several contracts were executed prior to the changes introduced by 2013 Wisconsin Act 14. Subsequent amendments to some of those contracts have been grandfathered so they continue to follow the old rules. Those exemptions will phase out as Milwaukee County completely transitions to the new rules.~~

~~Corporation Counsel is reviewing the applicability of Wis. Stats. 59.52(31) to the procurement of supplies, materials, equipment and other commodities. Until such review is completed, purchases of goods and commodities continue to be made by the Procurement Director pursuant to MCGO Ch. 32.~~

Procurement of personal property using only funds from this fiscal year: Wis. Stats. 59.17(2)(b)3. and 59.52(6)(a) authorize the County Executive to acquire non-park personal property including goods, supplies, materials, equipment, and commodities procured under MCGO Ch. 32. However, the County Board must approve any procurement that requires funds from a future fiscal year that has not yet been adopted. The attached table illustrating the Types of Review Required Under 2013 Act 14 and 2015 Act 55 dated 3/8/2017 includes a footnote defining personal property.

F - Community Based Residential Facilities: Contracts with community based residential facilities are exempt from County Board approval under Wisconsin Statutes. Per Wis. Stats. 46.21(2)(j), the County Board may not approve or disapprove any personal service contract or any contract or purchase of the county human services director “that relates to community living arrangements, adult family homes, or foster homes and that was entered into pursuant to” an annual social services or youth corrections budget/contract that the County provides the State “regardless of whether the contract mentions the provider.”

G - Price agreements: Price agreements (also called blanket contracts) issued under MCGO Ch. 32 establishing a rate without guaranteeing a quantity do not require County Board or Finance Committee review.