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4 **A RESOLUTION**

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6 authorizing and directing the use of outside legal counsel to review the constitutionality
7 of the State of Wisconsin 2013 Act 14 relating to changes that impacted the Milwaukee
8 County Board of Supervisors and Section 2 of the Voting Rights Act of 1965 that
9 prohibits voting practices or procedures that discriminate based on race, color, or
10 membership in one of the language minority groups
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13 WHEREAS, 2013 Wisconsin Act 14 (“Act 14”), enacted May 31, 2013, made
14 sweeping changes to the governance model of Milwaukee County that included limiting
15 Milwaukee County Board of Supervisor’s (“the Board”) authority, altering the Board’s
16 pay structure, term length, and pension options; and
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18 WHEREAS, Act 14 also increased the Milwaukee County Executive’s (“County
19 Executive”) authority and now allows the County Executive to introduce resolutions to
20 the County Board, in essence making his position a “Super Supervisor” that is elected
21 countywide and allows him to serve as the day-to-day administrator and as a legislator;
22 and
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24 WHEREAS, Act 14 only applies to counties with a population of 750,000 or more,
25 and Milwaukee County has a population of 945,726, making it the sole county in
26 Wisconsin to which the law applies; and
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28 WHEREAS, the majority of people the Board represents are people of color as
29 51 percent of the residents in Milwaukee County identify as a person of color according
30 to the United States Census Bureau; and
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32 WHEREAS, the Civil Rights Act of 1964 prohibits discrimination based on race,
33 color, religion, sex, or national origin and bans unequal application of voter registration
34 requirements and racial segregation in schools, employment, and public
35 accommodations; and
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37 WHEREAS, Milwaukee County adopted File No. 19-707 in November 2019
38 requesting the Office of Corporation Counsel review whether Act 14 violates the Civil
39 Rights Act of 1964; and
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41 WHEREAS, on May 25, 2019, Milwaukee County adopted File Nos. 19-416 and
42 19-397, supporting the Office on African American Affairs' long-term racial equity action
43 plan and Milwaukee County's commitment to achieve racial equity, respectively; and
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45 WHEREAS, Milwaukee County's commitment to achieve racial equity includes
46 addressing racial bias in organizational culture and decision-making and aims to
47 improve racial equity in operations, fiscal appropriations, information systems, policies
48 and programs, legislation, workforce, organizational culture, and community
49 engagement; and
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51 WHEREAS, on February 4, 2021, Milwaukee County adopted File No. 21-76
52 requesting the Office of Corporation Counsel to provide a written opinion on whether Act
53 14 violates the Voting Rights Act of 1965; and
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55 WHEREAS, the Milwaukee County Board of Supervisors are elected officials and
56 subject to the provisions of Act 14 and requests that all provisions of Act 14 are
57 examined by outside counsel to determine if it violates the Voting Rights Act of 1965
58 based on race, color, religion, sex, or national origin; now, therefore,
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60 BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and
61 requests the Chairperson of the Milwaukee County Board of Supervisors to select a
62 legal firm that could assist with issues relating to the implementation and legality of
63 various provisions contained in Act 14; and
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65 BE IT FURTHER RESOLVED, the designated legal firm shall provide the
66 Milwaukee County Board of Supervisors a written opinion that examines all the
67 provisions of Act 14 and determine if it violates Section 2 of the Voting Rights Act of
68 1965, which prohibits voting practices or procedures that discriminate based on race,
69 color, or membership in one of the language minority groups; and
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71 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
72 authorizes the use of up to \$25,000 of funds already appropriated to the Litigation
73 Reserve (Org. 1940) to retain a legal firm to help obtain the legal opinion.