



OFFICE OF THE COUNTY EXECUTIVE

DAVID CROWLEY

MILWAUKEE COUNTY EXECUTIVE

Honorable members of the Milwaukee County Board of Supervisors:

Pursuant to Wis. Stat. § 59.17(6), I have partially vetoed File Number 22-1040, the 2023 Budget resolution. I first want to thank each of you for the hard work and careful consideration you have undertaken with this budget process. Milwaukee County is the better for having dedicated representatives of its residents such as yourselves to advocate for the betterment of all we serve.

My sole partial veto is to the amendment regarding Wahl Avenue Bluff Maintenance for the reasons explained below. I am also taking this opportunity to explain my view of the path forward on the Community Reintegration Center, though I am not vetoing any portion of that amendment.

Veto # 1 – Parks Wahl Avenue Bluffs Language
[Levy Change from Board Action: \$0]
2023 Recommended Budget Reference Page 402
Amendment #69

This amendment added language granting Lake Park Friends a perpetual right to fix, repair, or maintain 4 acres of Milwaukee County parkland along the Wahl Avenue Bluffs. The amendment also directs the Department of Parks, Recreation, and Culture to work with Lake Park Friends and submit an informational report to the County Board by March 2023.

This amendment has no tax levy impact.

I have partially vetoed amendment number 69 to address two specific errors and/or legal infirmities in the amendment, but I have not vetoed the more important, operative language of the amendment that requires agreements to be put in place as quickly as possible to achieve the sustainable upkeep and beautification of the Wahl Avenue Bluffs for the use and enjoyment of all County residents and visitors. I agree with the sponsor, who has zealously represented his constituents, that action must be taken to address the upkeep of the Wahl Avenue Bluffs in alignment of all applicable duties and responsibilities of the County, as well as the rights granted to certain Wahl Avenue residents over one hundred thirty years ago.

Specifically, on the advice of the Office of Corporation Counsel, I have vetoed language that incorrectly specified acreage to which certain access rights were granted 132 years ago without defining those acres with a proper property plat (and also specified an incorrect number of acres), as well as language that purports to grant a permanent easement (i.e., access and maintenance rights in perpetuity) to those acres. As Corporation Counsel has explained, access rights to property (or deed restrictions/easements) cannot be legally conveyed via budget amendments, and a court is not likely to conclude that this budget amendment language meets the standards required to create legally cognizable land access/maintenance rights. I also understand that this amendment was not intended to create any new property rights, but rather to acknowledge and affirm those



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rights already in existence per deed restrictions established in 1890. If this is true, then any language that specifies a number of acres and/or purports to grant rights does not, in fact, create any new rights and is unnecessary. If not, then the language appears to attempt to create new rights, which, as explained above, cannot be legally conveyed via budget amendment, especially without appropriate property plat language.

That said, because I am committed to ensuring that this issue reaches a satisfactory conclusion, I have left intact the provisions of the amendment that require the Department of Parks, Recreation and Culture to coordinate with stakeholders and to reach agreements to advance this maintenance work for spring 2023 and to report back to your body by March 2023. I have also left intact references in the amendment to the “deed restricted land,” which acknowledges and affirms the already-in-existence deed restrictions and resultant duties, rights, and obligations that apply to the County and interested stakeholders and landowners.

I have instructed the Office of Corporation Counsel and the Parks Department to prioritize coming to a resolution that best serves Milwaukee County and the constituents of this area for spring 2023 and beyond, and I have the utmost confidence in their ability to do so. Corporation Counsel and the Parks Department have had continued dialogue with the constituents which this amendment affects, and I have further asked that Corporation Counsel complete a written opinion on the property rights implicated before the end of the year.

This limited line-item veto is intended to make technical corrections required by law and best practices but to leave intact the more important, operative portions of the amendment that require this issue to be efficiently resolved in a cooperative manner, to affirm the long-acknowledged deed restrictions dating back to 1890, and to allow your body’s continued oversight to ensure that a mutually beneficial outcome is reached. I am confident that we can reach that mutually beneficial outcome without creating the legal confusion that this amendment would beget if left in its original form.

Community Reintegration Center

I very much appreciated the robust discussion, both in Finance Committee and on the Board floor, regarding the renaming of the House of Correction to the Community Reintegration Center. The point, repeatedly made, that additional information was needed for many Supervisors was well-taken, and going forward, I pledge to make sure that you are adequately informed on the important work that this facility does. In the spirit of cooperation and in light of the discussion had by your body regarding this item, I have chosen not to veto any part of this amendment.

With that said, I want to be clear that I have renamed this facility. The House of Correction is now the Community Reintegration Center. Though your points concerning the need for both additional communications to the Board and a track record establishing successful reintegration outcomes



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were well-made and well-taken, my view is that this change is too critical to the advancement of our shared mission – to become the healthiest county in Wisconsin by achieving racial equity – to delay the important culture shift at this facility symbolized by the name change. There are times when proof of concept appropriately comes before a name change. This is not one of those times. I believe that we must lead with a symbol of the culture change and our commitment to community-focused reintegration, as opposed to punishment. Decades of research by independent, objective experts supports this culture and programming commitment at the CRC and by extension, the name change itself. What we say we want to be and how we say it matters.

Therefore, in line with the programming already in place that is laser focused on successful community reintegration and the reduction of recidivism, and in line with our goals of expanded enrollment in those programs, the addition of new programs, and improved outcomes, we have made the decision to proceed as the Community Reintegration Center. I hope to continue this dialogue as we move forward, and I truly believe that this decision is in the best interest of Milwaukee County and the residents we serve.

As I have elected not to veto the amendment that removed the funding for the name change, it is my hope that, after a full discussion of the merits of the programming and reintegration work currently being done by the CRC, the Board will approve the funding via an appropriation transfer in 2023 and that the work to physically change the signage, uniforms, and other markers of the prior name can be effectuated.

I thank you again for your hard work in considering this budget and look forward to continuing to work together to achieve Milwaukee County's the healthiest county in Wisconsin by achieving racial equity in 2023. As always, my office's door remains open, and please don't hesitate to reach out to myself or my staff with any questions or concerns.

Respectfully,

David Crowley
Milwaukee County Executive