



OFFICE OF THE COUNTY CLERK

JOSEPH J. CZARNEZKI • COUNTY CLERK

MEMO

DATE: May 3, 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. 13-397 – A resolution by Supervisors Dimitrijevic, Lipscomb, Sr., Romo West, Cullen, Jursik, Borkowski, Bowen, Schmitt, Broderick, and Haas to reform and define the roles and responsibilities of the Milwaukee County Board of Supervisors as the policy-making body and the administrative duties of the County Executive, as determined locally.

This resolution was adopted by a vote of 15 ayes – 3 noes at your meeting of April 25, 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: May 1, 2013

TO: The Honorable Milwaukee Board of Supervisors

FROM: Chris Abele, Milwaukee County Executive

RE: Veto of County Board File No. 13-397 on a County Board Plan to Potentially Change Some Functions and Pay of Supervisors

I am vetoing County Board File No. 13-397 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 April 25, 2013 that promised to make changes to Supervisor pay and benefits, as well as a host of other issues.

I am vetoing this file for three main reasons:

- Parts of it are not legal;
- The resolution was not fully vetted by attorneys or the offices it affects; and,
- Numerous sections of the measure are impractical, unclear, and misleading to the voters.

Precisely because reforming the County governance structure is so important, it deserves a process that reflects its importance to our community.

The most troubling aspect of this resolution is that, even after Supervisors were told by attorneys that a section of the resolution violates the law, the Board still approved it. During debate on the Board floor, Corporation Counsel's written opinion on one legal concern – that the Board cannot legally mandate training for elected officials, as only the legislature has this authority, or make elected officials' compensation contingent on this mandate – was discussed. Despite that discussion, the Chairwoman advocated for moving forward with the package as introduced and 15 Supervisors still voted to pass the measure without amendment.

I am also concerned that this resolution was not seen before being introduced by the Comptroller's Office, which is directly affected by the suggested changes. Had this step been taken, there could have been at least a discussion and clarity on his opinion as an independently elected official. This, in turn, could have clarified that what this resolution calls for does not align with the Comptroller's preferences nor with the statute that creates his office. Had Corporation

Counsel been consulted before this resolution, the Board may have learned that, as an office headed by an independently elected officer, the Board cannot dictate the management of the Comptroller's office.

I am also vetoing this resolution because it calls for shifting staff from the Board to other parts of the County, but provides little to no rationale for why the moves would be beneficial nor does the resolution commit to a significant overall reduction in staff. The implication of the Board staff reduction is that it will save taxpayers a significant amount of money; however, since the staff may simply be shifted to other departments, the savings may be minimal.

I am particularly concerned about the plan to move the Community Business Development Partners (CBDP) from the County Board to the Comptroller's Office. According to the U.S. Department of Transportation regulation 49 C.F.R. 26.25, the Disadvantaged Business Program (DBE) liaison officer, who in this case is also the Director of CBDP, needs to have a direct and independent reporting relationship to the local unit of government's Chief Executive Office.

Attorney JoAnne Robinson, General Counsel of the Department of Transportation, informed Milwaukee County Corporation Counsel that the purpose of 49 C.F.R. 26.25 is to ensure that a local unit of government's DBE program be administered as an executive function of government and that the DBE liaison officer "must have unfettered access to the County executive to comply with Federal requirements."

Attorney Robinson stated that a failure to comply could result in the local unit of government losing eligibility for the federal funding it receives that is tied to the DBE program. Currently, Milwaukee County receives approximately \$34 million in federal funding that is tied to DBE, that funding could be put at risk.

I'm also concerned about the difficulty of complying with confusing and contradictory language surrounding Labor Relations. In one section, the resolution "transfers to the County Executive the charge of negotiating all matters arising under chapter. 111, Wis Stats...." Then, in the very next section, the resolution states, the County Board "shall be responsible for policy oversight and determining the parameters for the county labor negotiations."

I believe that the issues this bill is intended to address are more effectively and appropriately addressed in AB 85/SB 95. I understand many Supervisors are unhappy with my support for that state legislation. As I've stated many times in the past, my support for the state bill is not personal, nor is it about me or any Board members; rather, it is about achieving clarity so that we can become a high-performing organization that makes our community and our State proud.

Please sustain this veto and, if you go forward with a Board-supported package to complement the state legislation, I encourage a look into best governance practices across the country and consultation with those in the county affected by your proposals.