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(ITEM) A resolution/ordinance by Supervisor Lipscomb, Sr., amending Section 1.11(c) and Section 9.05(3) of the Milwaukee County Code of General Ordinances, to strengthen the limits on contact with former Milwaukee County staff within twelve months of the date he/she ceases to be a County public official or employee, by recommending adoption of the following:

AN AMENDED RESOLUTION/ORDINANCE

WHEREAS, Chapter 9 of the Milwaukee County Code of General Ordinances (the Code) Code of Ethics, includes provisions to limit contact with former Milwaukee County (the County) associates for compensation for at least twelve months following the date on which he/she ceases to be a County public official or employee; and

WHEREAS, the current Code of Ethics does not prohibit an employee from terminating County employment and accepting a contract from the County or other agency to provide services to the County within the first twelve months of separation; and

WHEREAS, the Ethics Board in its 2015 Annual Report summarized a case in which a department wanted to enter into a contract with a former employee who had left County service less than 12 months earlier to perform non-lobbying related activities (which was permissible) but suggested that similar situations “might be better evaluated as a request for a waiver of post-employment restrictions for former appointed officials under Section 9.05(3)(d)” of the Code; and

WHEREAS, a one-year “cooling off” period would reduce instances where employees retire and receive payment often times to perform the same job function as a contractor while collecting a County pension as well; and

WHEREAS, a one-year restriction on former employees being paid by the County for contractual services, with the opportunity for a waiver for mission-critical needs, would help slow the revolving door and reduce opportunities for abuse; and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of March 10, 2016, recommended adoption of this resolution as amended (vote 8-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends Chapters 1 and 9 of the Milwaukee County Code of General Ordinances, by adopting the following:

43
44 **AN ORDINANCE**
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46 The Board of Supervisors of the County of Milwaukee does ordain as follows:
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48 **Section 1.** Chapter 9.05(3) of the Milwaukee County Code of General Ordinances is
49 hereby amended as follows:

50 9.05 Standards of conduct.

51 (3) Limits on contact:

52 (a) *Limits on contact with former county associates:* No former county public
53 official or employee, for twelve (12) months following the date on which he/she
54 ceases to be a county public official or employee, shall, for compensation, on
55 behalf of any person other than a governmental entity, provide any contractual
56 services to the county. Nor shall the former county public official or employee
57 make any formal or informal appearance before or try to settle or arrange a
58 matter by calling, writing, or conferring with, any county public official, officer or
59 employee of the department with which he/she was associated as a county
60 public official or employee. The county board committee on finance, personnel,
61 and audit may waive the contractual services prohibition provision of this section,
62 first effective for county public officials or employees that separate service after
63 April 1, 2016, upon the petition of the administrator seeking services with the
64 former public official or employee that the need is critical to county operations.

65
66 (d) *Consideration of exemptions:* The ethics board shall accept and review
67 written requests by former appointed officials for an exemption from the
68 prohibitions of (3)-, except that only the committee on finance, personnel, and
69 audit shall consider exemptions to the contractual services prohibition. Such
70 exemption requests must be heard and deliberated during a properly convened
71 open session of an ethics board meeting and must be included in a written ethics
72 board opinion stating the reason(s) that the former appointed official should be
73 exempt from the otherwise prohibited conduct.
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75 **Section 2.** Chapter 1.11(c) of the Milwaukee County Code of General Ordinances is
76 hereby amended as follows:
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78 1.11. - Standing committees.

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80 (c) The duties of such committees shall be to have charge of the several matters
81 hereinafter designated but such enumeration shall not be exclusive:
82 (1) Committee on finance, personnel and audit. All matters affecting reclassification
83 and compensation, hours, benefits and conditions of employment of county
84 offices and employe personnel, and the classification and pay of additional
85 positions; departmental policy of the civil service commission; administration of

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employees' award program. (The co-chairpersons of the committee on finance, personnel and audit may appoint an advisory committee consisting of the county executive or designee, the corporation counsel or designee, the director of the department of administrative services or designee, the director of human resources or designee, and a member of the committee to assist in the administration of the employees' award program.)

1. Departmental policy of: the general office of the county executive, general office of the county board, department of administrative services (divisions of administration and fiscal affairs, information management services, procurement, and risk management), department of human resources and divisions of employee benefits labor relations, office of the comptroller, and county treasurer.
2. County budget matters.
3. Issuance of debt.
4. Taxation matters.
5. Insurance matters.
6. Need for additional positions.
7. Policy matters having a fiscal effect outside the current budget.
8. Review the audit reports of the office of the comptroller to ensure that departments implement the many program improvements and cost saving recommendations so that the county board can provide the best service at the lowest possible cost to the taxpayer. (The co-chairpersons of the committee on finance, personnel and audit may appoint a special audit implementing subcommittee to spearhead the implementation of audit report recommendations.)
9. Other financial matters of concern to the county.
10. The committee shall have the authority to review and approve, without county board approval, departmental requested waivers of section 9.05(3)(a) of county ordinances related to contractual services with former employees.

Section 3. This amended ordinance shall become effective upon passage and publication.

jmj
03/10/16
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