

A resolution by Supervisor Lipscomb, Sr., urging and requesting that the Milwaukee County Mental Health Board adopt a code of ethics for the operation of the Behavioral Health Division, Department of Health and Human Services, by recommending adoption of the following:

A RESOLUTION

WHEREAS, on April 10, 2013, the Milwaukee County Mental Health Board (MHB) was created with the passage of Wisconsin Act 203; and

WHEREAS, Act 203 removed all mental health oversight from the Milwaukee County Board of Supervisors and granted those powers to the MHB including jurisdiction of all functions, programs, and services related to mental health; and

WHEREAS, accordingly, contracting for goods and services for the Behavioral Health Division (BHD) falls under the purview of the MHB; and

WHEREAS, in March of 2017, the Office of the Comptroller stated concern with a Professional Services Contract between BHD and an employee who was formerly the Chief Operating Officer of the BHD, stating that the BHD did not have ethics rules precluding the contract or providing alternative safeguards; and

WHEREAS, the contract was a no-bid contract for \$99,900, just under the \$100,000 threshold that would require MHB approval, and it was only after concerns were raised by the Milwaukee County Comptroller that BHD administration agreed to take the contract to the MHB; and

WHEREAS, under the Milwaukee County (the County) Code of Ethics, a former employee is prohibited from providing any contractual services to the County for twelve months following their separation from the County; and

WHEREAS, in this case, the former employee separated from the BHD in February 2017, and the contract had a listed start date that same month; and

WHEREAS, in response to these concerns a spokesperson for the BHD stated, "County ordinances do not apply to BHD employees since the enactment of Act 203," as reported in the Milwaukee Journal Sentinel on May 18, 2017; and

WHEREAS, in August 2016, the MHB adopted its bylaws including a provision that BHD administration should develop an administrative procedure for procurement "which shall conform to the American Bar Association's (ABA) Model Procurement Code (2000)" (emphasis added); and

45 WHEREAS, the ABA Model Procurement Code clearly states that ethics are a
46 basic principle and “bedrock notion” associated with public procurement; and
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49 WHEREAS, in February 2017, BHD Administration presented a procurement
50 and purchasing procedure to the MHB that does not include any guidance on ethics,
51 including contracting with current or former employees; and
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53 WHEREAS, a code of ethics provides guidance to officials and employees to
54 help them avoid conflicts between their personal interests and public responsibilities,
55 strengthens the confidence of citizens in their local government, improves standards of
56 service, and is an integral part of an ethical organization; and
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58 WHEREAS, the Committee on Finance and Audit, at its meeting of June 15,
59 2017, recommended adoption of File No. 17-469 (vote 7-0); now, therefore,
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61 BE IT RESOLVED, the Milwaukee County Board of Supervisors urges and
62 requests that the Mental Health Board (MHB) adopt a code of ethics for the Behavioral
63 Health Division (BHD), Department of Health and Human Services, or adopt in its
64 entirety the Milwaukee County Code of Ethics; and
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66 BE IT FURTHER RESOLVED, the County Clerk is requested to transmit this
67 resolution to the MHB, the BHD, the Director of Health and Human Services, and other
68 interested parties that may have a role in the adoption of ethical practices in the
69 operation of the BHD.
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