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4 **A RESOLUTION/ORDINANCE**

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6 Amending Chapter 1 of the Milwaukee County Code of Ordinances to modify the order
7 of Milwaukee County Board of Supervisors business pertaining to transit and other legal
8 claims and recognizing the ability to compel the County Executive or any other
9 employee or officer to appear before the board

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12 WHEREAS, from time to time claimants charge Milwaukee Transport Services,
13 Inc. (MTS) or Milwaukee County with civil liability; and

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15 WHEREAS, since the restructuring of MTS as a quasi-governmental entity in
16 2014, the County Board has continued to agendize transit claims which the Milwaukee
17 County Board of Supervisors routinely votes to disallow; and

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19 WHEREAS, the Milwaukee County Office of Corporation Counsel (OCC) in a
20 memo contained in File No. 18-472, advised the County Clerk and County Board to
21 discontinue voting on transit claims since statutorily the Board is not required to vote on
22 disallowances and such practice may be left to MTS; and

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24 WHEREAS, the OCC further recommended that the Board require informational
25 reports on claims and settlements against MTS or the County; and

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27 WHEREAS, on August 2, 2018, the State of Wisconsin District 1 Court of
28 Appeals issued an interpretation of Wis. Stat. § 59.794(3)(b) in *Theodore Lipscomb, Sr.*
29 *and Milwaukee County Board of Supervisors v. Christopher Abele*, 2018 WI App
30 2017AP1023, that among other items addressed in the appeal related to compensation
31 authority, the ruling established the County Board’s authority to compel County
32 employees or officers, including the County Executive, to appear before the County
33 Board upon request; and

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35 WHEREAS, the Milwaukee County General Ordinances include Chapter 1 –
36 Rules of the County Board of Supervisors, which establishes the rules of procedure,
37 including the delegation of certain authority, under which the Board operates; and

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39 WHEREAS, Milwaukee County General Ordinance Section 1.03(c) outlines the
40 Order of Business for the County Board of Supervisors and should be updated to reflect

41 the changes recommended by the OCC and the recent Wisconsin Court of Appeals
42 decision; and

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44 WHEREAS, as per Section 1.01(b) of the Milwaukee County Code of
45 Ordinances, the Chairman of the County Board establishes the monthly Board meeting
46 agenda and therefore has the delegated authority on behalf of the Board to directly
47 compel the appearance of County employees or officers, including the County
48 Executive, whenever deemed necessary, to answer questions of the Board; now,
49 therefore,

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51 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
52 amends Section 1.03(c) by adopting the following:

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AN ORDINANCE

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56 The Milwaukee County Board of Supervisors does ordain as follows:

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Section 1. Chapter 1 of the Milwaukee County Ordinances is amended as follows to amend Section 1.03(c):

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1.03(c). – Order of business. The order of business shall be as follows:

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(1) Roll Call

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(2) Presentations by supervisors

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(3) Presentation of petitions and communications

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(4) Required appearance of County employees or officers, including the County Executive, to answer questions of the County Board of Supervisors

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(5) Notice of claims

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~~(4)~~(6) Files referred to standing committees

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~~(5)~~(7) Correction and approval of the Journal of Proceedings

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~~(6)~~(8) Unfinished business

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~~(7)~~(9) Reports of county officers

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~~(8)~~(10) Resolutions and ordinances by and from standing committees

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~~(9)~~(11) Resolutions and ordinances by and from select committees

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~~(10)~~ Transit system claims

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~~(11)~~(12) County board citations and certificates

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~~(12)~~(13) Resolutions and ordinances presented under suspension of the rules

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~~(13)~~(14) Files not referred to standing committees

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~~(14)~~(15) Announcements and remarks under special privilege

82 ~~(15)~~(16) Adjournment
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84 **Section 2.** The provisions of this ordinance will be effective upon passage and
85 publication.