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A resolution/ordinance by Supervisor Lipscomb, Sr., amending Section 1.03(c) of the Milwaukee County Code of General Ordinances to modify the order of Milwaukee County Board of Supervisors (County Board) business pertaining to transit and other legal claims, and recognizing the ability to compel the County Executive or any other Milwaukee County employee or officer to appear before the County Board, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

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

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

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

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

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

WHEREAS, the Milwaukee County Code of General Ordinances (the Code) include Chapter 1 – Rules of the County Board, which establishes the rules of procedure, including the delegation of certain authority, under which the County Board operates; and

WHEREAS, Section 1.03(c) of the Code outlines the Order of Business for the County Board and should be updated to reflect the changes recommended by the OCC and the recent Wisconsin Court of Appeals decision; and

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

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of September 6, 2018, recommended adoption of File No. 18-696 (vote 5-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends Section 1.03(c) of the Milwaukee County Code of General Ordinances by adopting the following:

**AN ORDINANCE**

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

**SECTION 1.** Section 1.03(c) of the Milwaukee County Code of General Ordinances is hereby amended as follows:

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

- (1) Roll Call
- (2) Presentations by supervisors
- (3) Presentation of petitions and communications
- (4) Required appearance of County employees or officers, including the County Executive, to answer questions of the County Board of Supervisors
- (5) Notice of claims
- ~~(4)~~ (6) Files referred to standing committees
- ~~(5)~~ (7) Correction and approval of the Journal of Proceedings
- ~~(6)~~ (8) Unfinished business
- ~~(7)~~ (9) Reports of county officers
- ~~(8)~~ (10) Resolutions and ordinances by and from standing committees
- ~~(9)~~ (11) Resolutions and ordinances by and from select committees
- ~~(10)~~ (12) ~~Transit system claims~~
- ~~(11)~~ (12) County board citations and certificates
- ~~(12)~~ (13) Resolutions and ordinances presented under suspension of the rules
- ~~(13)~~ (14) Files not referred to standing committees
- ~~(14)~~ (15) Announcements and remarks under special privilege
- ~~(15)~~ (16) Adjournment

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**SECTION 2.** The provisions of this Ordinance shall become effective upon passage and publication.

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