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TO: William H. Lynch, Chair, Milwaukee County Task Force on the Mitchell Park Conservatory Domes

CC: Allyson R. Smith, Taskforce Coordinator

FROM: Paul Kuglitsch, Deputy Corporation Counsel *PK*

DATE: September 5, 2018

RE: Referral of Agenda Item 8 (August 1, 2018 meeting)

At its August 1, 2018 meeting, the Milwaukee County Task Force on the Mitchell Park Conservatory Domes (Task Force) referred Agenda Item 8 to the Office of Corporation Counsel (OCC). Agenda Item 8 is as follows:

Discussion on Phase 3 of the Future Path and Feasibility Project, and the intended process for completing needed work.

During discussions on this item, Task Force members Bautista and McCarthy moved to strike from consideration Options 1, 2, and 6 of the Future Path and Feasibility Project (Project).

- Option 1 is a recommendation to take no action on remediating deferred maintenance at the Domes.
- Option 2 is a recommendation to demolish the Domes.
- Option 6, which is divided into 2 parts, is a recommendation to raze the Show Dome and construct a new EcoDome (6A) or Adventure Dome (6B) as a destination attraction.

Instead of acting on the motion, the Task Force requested that the OCC provide a written opinion relative to the removal of Options 1, 2, and 6 from the Project considering the policy statements set forth in Milwaukee County Board File No. 16-200.

File No. 16-200 was adopted by the Milwaukee County Board of Supervisors on March 17, 2016. See Exhibit 1. For purposes of this opinion, the legislation very clearly established a county policy of “pursuing the repair and preservation of the existing Mitchell Park Conservatory (the Domes).” *Id.* at ll. 61-62. In support of this policy, the legislation required that any “recommendations by

engineering experts to repair the Domes should aim to extend the maximum usable life of the existing facility.” *Id.* at ll. 72-73.

Options 1, 2, and 6, as previously described, are not consistent with the County Board’s stated policy to repair, preserve, and prolong the existing Domes. However, the information the Task Force has already gathered on each option, e.g. the cost of demolition, etc., might be useful to the Board when it evaluates the remaining options to the extent that these are consistent with the Board’s stated policy. Ultimately, the decision on which options to present to the County Board rests with the Task Force.

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3 (ITEM) A resolution by Supervisors Lipscomb, Sr., Broderick, Haas, and Taylor
4 supporting the repair and reopening of the Mitchell Park Conservatory (the Domes) to
5 the public in 2016, the creation of a task force to develop a comprehensive long-term
6 plan for the Domes, and the authorization to use \$500,000 from the Appropriation for
7 Contingencies, Org. 1800-1945, for use in the immediate repairs of the Domes, by
8 recommending adoption of the following:

9
10 **A SUBSTITUTE RESOLUTION**

11
12 WHEREAS, on July 15, 2015, the Milwaukee County Board of Supervisors
13 (County Board) adopted File No. 15-526 to reinvest budget surplus funds from the
14 previous fiscal year with \$4 million designated as cash to finance eligible park
15 infrastructure improvements; and

16
17 WHEREAS, the County Executive vetoed File No. 15-526 on July 27, 2015,
18 which was subsequently overridden by the County Board; and

19
20 WHEREAS, in August 2015, Corporation Counsel opined in File No. 15-623 that
21 the County Executive and the administration are required to execute and administer
22 Milwaukee County's policies that have been directed and authorized by the legislative
23 action; and

24
25 WHEREAS, on August 27, 2015, the Director, Department of Parks, Recreation,
26 and Culture (DPRC) provided a verbal status update to the Capital Improvements
27 Committee regarding the department's progress in assembling a list of \$4 million worth
28 of cash infrastructure projects adopted in File No. 15-526; and

29
30 WHEREAS, on September 15, 2015, the Director, DPRC submitted a list of \$4
31 million in infrastructure projects for cash financing, which included the Mitchell Park
32 Conservatory Domes (the Domes) in the amount of \$500,000; and

33
34 WHEREAS, the Committee on Parks, Energy, and Environment approved a By
35 the Committee resolution to authorize DPRC's project list on September 15, 2015,
36 resulting in the County Board adopting File No. 15-601 on September 24, 2015; and

37
38 WHEREAS, on September 29, 2015, the County Executive returned
39 File No. 15-601 unsigned; and

40
41 WHEREAS, the Administration indefinitely closed all three domes on February 5,
42 2016, due to fallen concrete debris from the structure; and

43
44 WHEREAS, the County Board held a public hearing on the future of the Domes
45 on February 24, 2016, to listen to the concerns of Milwaukee County residents about the
46 Administration's closure of the Domes; and

47 WHEREAS, on February 22, 2016, the Office of Performance, Strategy, and
48 Budget, Department of Administrative Services (OPSB-DAS) requested an additional
49 \$500,000 for repairs to the Domes, and the Administration announced that the Show
50 Dome would reopen by May 1, 2016; and
51

52 WHEREAS, to date, there is a discrepancy between the amount of \$500,000 in
53 contingency funds requested by DAS-OPSB to make the immediate repairs to the
54 Domes that differs from an estimate of \$700,000 included in a 2016 Budgeted
55 Contingency Appropriation Summary which has not been explained or reconciled; and
56

57 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
58 March 8, 2016, recommended adoption of this substitute resolution (vote 6-0); now,
59 therefore,
60

61 BE IT RESOLVED, Milwaukee County shall pursue the repair and preservation of
62 the existing Mitchell Park Conservatory (the Domes); and
63

64 BE IT FURTHER RESOLVED, the Director, Department of Parks, Recreation,
65 and Culture (DPRC) is requested to reopen the Domes before the end of 2016 under
66 the following established timeline:

- 67 • May 1, 2016, for the Show Dome
- 68 • August 1, 2016, for the Tropical Dome
- 69 • September 1, 2016, for the Arid Dome

70 ; and
71

72 BE IT FURTHER RESOLVED, the recommendations by engineering experts to
73 repair the Domes should aim to extend the maximum usable life of the existing facility;
74 and
75

76 BE IT FURTHER RESOLVED, if it is determined by authorized expert facility
77 engineers that any one of the Domes are unsafe for public use and should remain
78 closed, the Director, Facilities Management Division (FM), Department of Administrative
79 Services (DAS), is requested to provide a written report to the Milwaukee County Board
80 of Supervisors (County Board) by next reporting cycle; and
81

82 BE IT FURTHER RESOLVED, the County Board authorizes the creation of a
83 task force to develop a comprehensive long-term plan for the Domes; and
84

85 BE IT FURTHER RESOLVED, the task force shall be comprised of eleven (11)
86 members, or their designees, including the County Board Supervisor for District 12, the
87 Chairperson of the Parks, Energy, and Environment, the Chairperson of the Milwaukee
88 County Parks Advisory Commission, the DPRC Director, Director, FM-DAS, one
89 representative from the Friends of the Domes, one (1) representative from the historical
90 preservation community, three (3) members of local community organizations

91 representative of the diversity of Milwaukee County, and one additional member that the
92 County Board Chairperson shall appoint as the Chairperson of the task force; and

93

94 BE IT FURTHER RESOLVED, DPRC shall provide adequate meeting space for
95 the task force in close proximity to the Domes, and the task force meetings shall be
96 staffed by the Office of the Comptroller; and

97 BE IT FURTHER RESOLVED, the task force shall provide a written
98 recommendation to the Committee on Parks, Energy, and Environment, no later than
99 the September 2016 cycle; and

100

101 BE IT FURTHER RESOLVED, the County Board will waive requirements of any
102 Milwaukee County Code of General Ordinances, including Sections 44.01, 44.14, and
103 56.30(5)(a) that may delay immediate repairs to the Domes; and

104

105 BE IT FURTHER RESOLVED, the Office of Performance, Strategy, and Budget-
106 DAS, is authorized to process an appropriation transfer of \$500,000 from Org Unit
107 1800-1945 Appropriation for Contingencies, for immediate repairs to the Domes.

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