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A resolution by Supervisor Weishan, Jr., requesting an opinion from the State of Wisconsin Attorney General on whether 2013 Wisconsin Act 14, 2013 Wisconsin Act 203, and 2015 Wisconsin Act 55 violate the Civil Rights Act of 1964, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, in 2013, the State of Wisconsin (the State) adopted 2013 Wisconsin Act 14 (Act 14), which altered the pay structure, term length, and pension options of the Milwaukee County Board of Supervisors (County Board), including limiting their authority over entering into certain agreements; and

WHEREAS, in 2014, the State adopted 2013 Wisconsin Act 203 (Act 203), which transferred the oversight of Milwaukee County (the County) mental health functions, programs, and services to a newly-created, unelected, Milwaukee County Mental Health Board; and

WHEREAS, in 2015, the State adopted 2015 Wisconsin Act 55 (Act 55), which allows the County Executive to unilaterally sell any County property that is not zoned as parkland, without the approval of the County Board; and

WHEREAS, Act 14 also permits the County Executive to introduce resolutions to the County Board, in essence making his position a “Super Supervisor” that is elected County-wide, and allows him to serve as the day-to-day administrator, and as a legislator; and

WHEREAS, Act 14 and Act 55 apply only to counties with a population of more than 750,000, of which the County is the sole county to which this applies, while Act 203 specifically targets the County’s oversight of mental health services; and

WHEREAS, according to the State Department of Health Services, Wisconsin’s African American population was 6.1 percent of the State’s total population, and the County is home to 69.4 percent of Wisconsin’s African American population; and

WHEREAS, the City of Milwaukee makes up 63 percent of the County’s total population, including 96 percent of the County’s African American population, and 81 percent of the County’s Hispanic population; and

WHEREAS, the County Board represents the majority of the people of color in the State; and

44 WHEREAS, on May 25, 2019, the County adopted File No. 19-416 and
45 File No. 19-397, supporting the Office on African American Affairs' long-term racial
46 equity action plan, and the County's commitment to achieve racial equity, respectively;
47 and

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49 WHEREAS, the County's commitment to achieve racial equity includes
50 addressing racial bias in organizational culture and decision-making, and aims to
51 improve racial equity in operations, fiscal appropriations, Information Services systems,
52 policies and programs, legislation, workforce, organizational culture, and community
53 engagement; and

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55 WHEREAS, the Civil Rights Act of 1964 outlaws discrimination based on race,
56 color, religion, sex, or national origin, and prohibits unequal application of voter
57 registration requirements, and racial segregation in schools, employment, and public
58 accommodations; and

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60 WHEREAS, Act 14, Act 55, and Act 203 target the representative body of the
61 County, which is home to a majority of the people of color in the State; and

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63 WHEREAS, the acts may constitute an unequal application of the law based on
64 race, color, religion, sex, or national origin; and

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66 WHEREAS, the Committee on Intergovernmental Relations (IGR), at its meeting
67 of September 5, 2019, recommended adoption of File No. 19-707 as amended
68 (vote 3-2); and

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70 WHEREAS, the County Board, at its meeting of September 19, 2019, referred
71 File No. 19-707 back to the Committee on IGR (vote 10-7); and

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73 WHEREAS, the Committee on IGR, at its meeting of October 23, 2019,
74 reaffirmed its previous action to recommend adoption of File No. 19-707 (vote 3-0);
75 now, therefore,

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77 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
78 requests that the State of Wisconsin (the State) Attorney General **and Milwaukee**
79 **County (the County) Corporation Counsel** review 2013 Wisconsin Act 14, 2013
80 Wisconsin Act 203, and 2015 Wisconsin Act 55, to determine whether they violate the
81 Civil Rights Act of 1964, and provide an opinion to the County Executive and the County
82 Board; and

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84 BE IT FURTHER RESOLVED, the Office of Corporation Counsel is requested to
85 transmit the contents and request of this resolution to the State Attorney General.

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89 10/23/19
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