



OFFICE OF CORPORATION COUNSEL

Client-Driven. Community-Focused.

Mark O'Connell, Executive Director
Wisconsin Counties Association
22 E Mifflin St., Suite 900
Madison, WI 53703

VIA ELECTRONIC MAIL

Re: Milwaukee County's Continued Relationship with WCA

January 16, 2021

Dear Mark:

I write at the direction of the Milwaukee County Board of Supervisors to open a cooperative dialogue between the Wisconsin Counties Association (WCA) and Milwaukee County (County) to foster a maximally beneficial and reciprocal relationship. The Office of Corporation Counsel's (OCC) involvement and this communication are intended to streamline and focus prior formal and informal communications among County leaders and WCA staff and board members regarding certain events over the past year that have stressed the relationship between the County and WCA. It is my hope, shared by County leaders, that the contents of this letter and your response will ensure shared understandings, candid dialogue, and forward progress.

The County Board requested a written response to this communication by February 22, 2021 (to accommodate a special Board meeting on February 24, 2021 during which Milwaukee County's 2021 WCA membership will be considered). Your response need not address each issue discussed below in detail, but rather affirm your commitment to address these topics in a meaningful way in cooperation with the County.

In addition to a written response, I would very much appreciate if you and I (and anyone else you deem appropriate) discuss these items as soon as possible, address any potential obstacles, and specify (where appropriate) data-driven measurements of success and timeframes, as well as how the County can be a cooperative partner with WCA to achieve these mutual goals.

I will begin by noting Milwaukee County stakeholders and elected officials expressed appreciation for WCA's nonpartisanship and the value that it delivers to all counties, including smaller and more rural counties who, like Milwaukee County, frequently face daunting financial challenges. All of us rely upon dedicated public servants seeking simply to serve their residents without any particular political or partisan agenda. It is this shared desire to protect, preserve and promote better county government that provides the foundation for the County's requests.

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The following policy and/or process improvements are important to the County and, if implemented, should benefit WCA and all counties.

1. **Diversity, Inclusion & Belonging.** At this time of fever-pitched political and social divisions, Milwaukee County looks to WCA to be a leader in increasing equity in Wisconsin by increasing equity within WCA and serving as a resource to WCA members. In this regard, the County requests WCA consider the following measures:
 - a. Increased diversity among WCA Board members, committees, and WCA staff. (According to the WCA website, there appear to be no people of color among the approximately twenty-one WCA staff.)
 - b. Increased diversity among Wisconsin County Mutual Insurance Corporation (WCMIC) Board members, committees, and staff.
 - c. Increased diversity among law firms and attorneys assigned to legal matters by WCMIC (in addition to including minority-owned firms on the roster of pre-approved outside counsel, encouraging diverse attorney hiring and retention at all approved firms).
 - d. Increased diversity among Aegis Corp. staff. (According to the Aegis Corp. website, there appears to be only one person of color among the approximately forty Aegis staff.)
 - e. Attention to diversity and a sensitivity regarding racial equity overall, but in particular with respect to the images, photos, language used in materials, website, and presentations produced by WCA, WCMIC, and the Aegis Corp.
 - f. Annual training for county leaders and stakeholders (including WCA, WCMIC and Aegis Corp.) regarding institutional racism, implicit bias, history of race in America, microaggressions, etc. The County has deep resources and networks to assist this effort.

2. **Transparency.** The County would appreciate WCA's help in fostering members' understanding of decision-making and the financial health of the WCA. Milwaukee County requests that WCA consider the following measures:
 - a. Disclosure of decision-making authority regarding lobbying activity. Who decides what is lobbied? When? How (what are the decision rules?) How are differences among member interests addressed?
 - b. Annual financial reporting and audit reporting, including a disclosure of reserves.
 - c. Disclosure of compensation structures, not individual salaries, in a manner that does not disrupt recruitment and retention of WCA's valuable staff.¹
 - d. Disclosure of all material vendor relationships, contract values, and selection processes.
 - e. Disclosure of relationship (financial and organizational) among WCA, WCMIC, and Aegis Corp.

3. **Accountability.** Milwaukee County looks to WCA to help ensure that all members have confidence that WCA represents members interests without preference and in a consistently nonpartisan and unconflicted manner. Milwaukee County requests that WCA consider the following measures:

¹ The County recognizes and will be willing to work cooperatively regarding requests that may involve confidential information under appropriate open records exceptions.

- a. Adoption and disclosure of a conflict of interest and ethics policy/process for staff, vendors, and members.
- b. Specification of how conflicts of interest are addressed by outside counsel to WCA, beyond the restrictive "legal conflict of interest" as defined by the Lawyers' Code of Professional Responsibility, particularly with respect to election matters and/or redistricting.
- c. Discussion of other appropriate reporting and frequency thereof.
- d. Availability of WCA leadership to appear at appropriate County committee hearing(s).
- e. Consideration of competitive bidding for outside vendors to WCA.
- f. Commitment to working with counties and their clerks to support the critical role clerks and counties play in election administration.

Many County stakeholders specifically reached out to me to affirm the great value that WCA brings to their particular operational area, including, but not limited to:

- State budget advocacy
- Coordination and analysis of complex legal issues and related communications regarding draft legislation
- Coordination with other statewide operationally specific organizations (such as the Wisconsin County Executives and Administrators Association, Wisconsin County Highway Association, and Wisconsin Child Support Enforcement Association, among others)
- Access to the Wheeler Report and related resources

Last, the County hopes to engage in a dialogue regarding redistricting as soon as practicable.

Thank you for your time and consideration. I look forward to hearing from you. Should you have any immediate questions or concerns, please do not hesitate to reach out.

Best regards,

/s/
MARGARET C. DAUN
Corporation Counsel

cc: Andrew T. Phillips, Attorney, von Brisen & Roper, s.c.
Milwaukee County Board of Supervisors
Milwaukee County Executive David Crowley
Milwaukee County Clerk George Christenson