

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: August 31, 2021

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution authorizing and directing the use of outside legal counsel to review the constitutionality of the State of Wisconsin 2013 Act 14 relating to changes that impacted the Milwaukee County Board of Supervisors and Section 2 of the Voting Rights Act of 1965 that prohibits voting practices or procedures that discriminate based on race, color, or membership in one of the language minority groups

FISCAL EFFECT:

- | | |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input checked="" type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input checked="" type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	\$25,000	\$0
	Revenue	\$0	\$0
	Net Cost	\$25,000	\$0
Capital Improvement Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
 - B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
 - C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
 - D. Describe any assumptions or interpretations that were utilized to provide the information on this form.
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- A. Approval of this resolution will authorize the retention of outside legal counsel to provide an opinion that examines all the provisions of 2013 Wisconsin Act 14 and determine if it violates Section 2 of the Voting Rights Act of 1965, which prohibits voting practices or procedures that discriminate based on race, color, or membership in one of the language minority groups.
 - B. This resolution authorizes an expenditure of up to \$25,000 to retain outside legal counsel to provide the opinion. The funds would be provided by the Litigation Reserve (Org. Unit 1940). The 2021 Adopted Budget allocated \$186,362 to the Litigation Reserve to cover unanticipated litigation costs. As of August 31, 2021, the Litigation Reserve had an available balance of \$77,374.
 - C. If approved, this resolution would authorize the expenditure of up to \$25,000. This would reduce the balance of the Litigation Reserve and reduce the County's overall surplus at the end of the year (or increase its deficit) to the extent expenditures are made. It does not obligate the expenditure of additional funds in 2021 or subsequent years.
 - D. No assumptions were made.

Department/Prepared By Steve Cady, Research and Policy Director, Office of the Comptroller

Authorized Signature *Stephen J. Cady*

Did DAS-Fiscal Staff Review? Yes No

Did CDBP Review?² Yes No Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.