



# Milwaukee County

## Legislation Text

---

**File #:** 11-65, **Version:** 1

---

An adopted resolution, 11/4/10, authorizing and directing the Corporation Counsel and outside counsel to provide the Director, Department of Audit, confidential and privileged access to the unreleased Behavioral Health Division patient security report.]

### Issue

At the November 4, 2010 special meeting of the Committee on Judiciary, Safety and General Services, the Committee recommended approval of the subject file and further requested County Board staff to consult with the Department of Audit and the Office of Corporation Counsel to provide recommendations relative to allowing the County Auditor privileged and confidential access to all records of County government. File no. 10-396 was subsequently adopted by the County Board at its meeting on the same date.

### Discussion

Board staff conferred with the Office of Corporation Counsel and the Director of Audits as directed. Corporation Counsel and the Director of Audits both noted that s. 57.04 of the Milwaukee County Code of General Ordinances (MCGO) currently provides access authority for the Director of Audits:

*The documents, books and records of each county office, department, board or commission, or any agency receiving a grant of county funds, or any agency receiving a grant of federal or state funds through the county and for which the county is accountable shall be available to the director of audits at any and all times with or without notice. Every county unit and grantee is to cooperate with the director of audits and comply with all requests for information relating to this function.*

Additionally, s. 1.11 MCGO, as currently constructed, could reasonably be interpreted as providing the Judiciary Committee with authority with regard to "[l]egal questions pertaining to suits or claims against the county." Corporation Counsel suggests this provision gives "general superintending authority" over litigation matters, including decisions regarding access to information that may be protected as privileged under attorney-client or attorney-work product rules.

However, beyond the existing ordinance language, policy makers may wish to add clarifying language to remove any ambiguities with regard to the intent of the ordinance. The proposed ordinance revisions, attached here, are aimed at solidifying the integral role the Department of Audit plays in Milwaukee County government and empowering the County Board to bring audit resources to bear in the County's interests.

### Recommendation

Corporation Counsel makes a compelling argument that revisions to County ordinances are not necessary as sufficient authority exists under s. 1.11 and 57.04 to allow review of and access to records as needed by the Committee. However, Board staff and Audit agree that adoption of the attached ordinance revisions, while not specifically adding additional oversight and access, would certainly help to remove any ambiguity with regard to the intent of the those sections of the code.

Cc: Judiciary Committee members  
County Board Chairman  
Corporation Counsel  
Director of Audits