



## *Milwaukee County Board of Supervisors*

Date: April 24, 2013  
To: Senator Mary Lazich, Chair the Senate Committee on Elections and Urban Affairs  
Members, Senate Committee on Elections and Urban Affairs  
From: Supervisor Theodore Lipscomb, Sr., Chairman, Committee on Intergovernmental Relations  
Re: Senate Bill 95

Thank you, Chair Lazich and Committee members for allowing me to testify today. I am Supervisor Theo Lipscomb and I represent the 1<sup>st</sup> District on the Milwaukee County Board. The 1st District includes all of Bayside, Brown Deer, Fox Point, Glendale, River Hills and a portion of the Northeast side of Milwaukee. I am the chair of the Intergovernmental Relations Committee, which passed our local reform plan on Monday.

While we all know that counties are an arm-of-the-state, it is still important to remember Wisconsin State Statutes do grant counties home rule authority when it comes to self-governance. Local control whether by a county or town has always been important to the traditions of the Wisconsin Idea. Like you, as a local elected official I take my job seriously. I do the best I can every day to serve the over 52,000 residents of my district. Like you, as a member of a legislative body I also take my responsibilities seriously as part of a system of checks and balances. No administration and no legislative branch should have unlimited unchecked power.

There are provisions in Senate Bill 85, that are inconsistent with what seems to be the intent of the legislation and local control is at the top of the list. I have heard the argument that there is a referendum in this bill; and, thus there is local control. But there is no denying that the referendum in this bill only contains one question, and regardless of the referendum the rest of the bill will take effect upon passage. If a referendum is truly local control, than the language in the referendum should contain all the provisions of the bill. I believe the Legislative Reference Bureau drafted an amendment in the Assembly that shows there is a reasonable way to put the question before the public that contains all the provisions of the legislation.

We are also concerned about the provision of the legislation that dictates the budget of a legislative body in one county. There is no denying that this would be an unprecedented change to the spirit of local control and county home rule. Other counties have expressed concern about this provision and they should. This too is not how we usually do business in this state.

We are also here today because some people believe Milwaukee County's governance is messy and some people believe it needs to be fixed. Some people say we should be more like other counties and some say we should be different. The point, there are additional contradictory provisions in the bill. Some items suggest we should be like other counties in Wisconsin and some the opposite. For example, increasing the executive powers for the county executive to introduce legislation at any time is a power no other county executive in the state will have and a power not even granted to the Governor.

Some items in the legislation have been touted as efficiency measures but do the opposite. For example, requiring any intergovernmental agreement must be approved by an outside executive council will not make consolidation efforts more efficient. Current statutes already identify that both governing bodies must approve any consolidation agreement between a county and municipality before it can be approved. Not only does this make consolidation agreements more challenging, it does create a new question about whose votes count and does it create unequal levels of representation.

We, like all levels of government, know there is always room to improve, which is why we are pushing reforms at the local level. We can agree changes can be made. We have moved forward with substantial local reforms but believe there are still some serious problems and practical implications for implementation of forced reforms from the state.

As legislators, I hope that you appreciate that this bill as drafted has significant contradictions in it and practical implementation problems that I know others will speak to.

Thank you for this opportunity to speak today.





**Nikiya Q. Harris**

WISCONSIN STATE SENATOR  
6TH SENATE DISTRICT

**Testimony before the  
Senate Committee on Elections and Urban Affairs  
April 24, 2013  
Senate Bill 95**

Thank you Madame Chairwoman.

As a former Milwaukee County Board supervisor, I know that county government has a big responsibility to its constituents. Those people deserve full-time, informed representatives who are able to advocate to the fullest on their behalf.

Representative Sanfelippo and I may have very different views of the role of county supervisors, but we should be able to agree that being able to advocate directly on behalf of our constituents is vital to a healthy democracy. And now that we both represent people at the state level, it is even more significant for us to acknowledge the importance of local control and legislative oversight.

I do not believe it is our job as state legislators to pull the strings of locally elected governing bodies. The people in our respective districts have sent us to the state to work on state issues, like creating jobs and improving the education system. I believe my job is to fight for Milwaukee County at the state level, and ensure that the state is not infringing on the ability of local government to serve the people who elected them.

Besides the total usurping of local control, perhaps what is most concerning about this legislation is the total disregard for transparency in government through legislative checks and balances. This bill is packed with transfers of power and authority, from the democratically-representative county board to one county executive.

These transfers of power and limiting the role of the board only engender a culture of limited access to information and public debate, on issues of significant importance to Milwaukee County, such as mental health services and public transit.

Make no mistake, this bill does not “clarify” anything. In fact, it’s likely to just cause more confusion. Imagine you or your staff calling DHS or DNR, only to be told that they need to verify with the governor’s office that it’s ok to talk with you. The very notion is appalling to our patriotic senses, and it should be. That is what could happen to the county officials if this bill becomes law.

The principles of this bill, whether or not it was the intent of the representative, create real negative consequences for Milwaukee County residents. It prevents elected supervisors from representing the people of their district effectively. If you take away their budget, their staff, their authority over departments, their information sharing, and their information gathering, you leave them with nothing to be effective or represent the people of their district.

Legislative oversight is an important function of any level of government. It serves to ensure that the diversity of people and the diversity of opinions are represented. Without this balance, you take power from many, to a very select few. You minimize the role of representative democracy, defying everything our founding fathers fought against.

As a former Milwaukee County Supervisor and a newly elected colleague, I ask you to vote down SB-95. Moving this bill forward makes a democratically-elected body weak, ensures less transparency to the public, and laughs in the face of representative democracy.



OFFICE OF THE COUNTY EXECUTIVE

# Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

## Testimony on SB 95 to the Committee on Elections and Urban Affairs

*Remarks as prepared for delivery*

Chris Abele, County Executive

Milwaukee County

April 23, 2013

Good morning Senator Lazich, Senator Leibham and members of the committee. Thank you for allowing me to speak and thank you for holding a hearing on this important issue.

I want to start by assuring you that this change is not personal. It is not about me or anyone else currently in office. The goal is an improved system of governance that, long after we are all gone, consistently produces better results for the people of Milwaukee County.

The current lack of role clarity, through no fault of anyone currently in office, catalyzes an unproductive environment. This bill attempts to clarify the legislatures' intent, and ultimately to foster better decision-making and long-term thinking.

As you consider this important legislation, the historical context is informative. In 1970, Milwaukee County government was much bigger than it is today, with 11,000 employees and many services no longer the County's responsibility, including a county hospital, a power plant, and even our own bakery. At that time, Milwaukee County government was respected and hadn't run into the problems of a pension backdrop scandal or had the state take over troubled programs like W-2 and foster care. Also in 1970, the Milwaukee County Board was part-time and had a staff of five people.

Fast forward to 2013 and things are much different. Milwaukee County government is much smaller, with around 4,400 employees. We still provide critical services, but less of them, and we certainly do not have a shining reputation. The Board's focus on policy and oversight has also been diluted by attempts to micromanage – adding back positions managers themselves say are unneeded, refusing to let Department Heads into meetings *with that Department Head's own staff*, and even attempting to direct private businesses how to conduct their own business.

While most Supervisors are, in good faith, trying to fulfill their role as they understand it, the result of the lack of role clarity is dysfunction and unproductive friction that harms the County's ability to be effective and nimble.

Concurrent with the change in County outcomes over the past decades has been a ballooning of the Board's staff and budget. The Milwaukee County Board has a staff of 38 people and a \$6.6 million dollar budget, that significantly higher than any other county in the state. To put that into context, the Dane County Board has 3 staff members and a budget under \$900,000. Put

differently, the Milwaukee County Board's budget is 700% higher than the Dane County Board despite Milwaukee County having 19 fewer Supervisors.

This ballooning of the Board budget, as well as the reputation of the County, predates many of the members of the current Board. Nonetheless, the public's desire for significant change has not spurred local action.

The author of this bill, Representative Joe Sanfelippo, learned first-hand during his time on the Milwaukee County Board that the Board was not interested in reforming itself. He tried to get the Board to change itself locally, but was blocked at every turn. He tried to get the Board to put an advisory referendum to the voters; even that move -to hear directly from the people- was rejected. The Board's only move towards "systemic" change was to eliminate the seat of one of the only supervisors fighting for real change.

Joe didn't give up, he was able to get a question on the ballot last April in 12 municipalities. Out of the 30,000 ballots, 84% said they wanted to see the County Board change. I'm not a pollster or an elections expert, but I do know that when more than 80% of a cross section of people calls for change, something should be done.

That brings us to today.

Some opponents of this reform have tried to say that the legislature shouldn't be acting on a County issue, or that this will somehow affect the checks and balances of government. These contentions misconstrue the role of County government. As an administrative arm of the state, our role is largely to provide state and federally-mandated services.

Moreover, as someone who has fought tirelessly for decades for human rights and civil rights, I would not support something if it compromised: meaningful checks on my role; the Board's proper oversight; or the voters' power to hold their representatives, including me, accountable.

The bill before you today would make three significant changes.

- It would clarify the role of the County Board as policymakers, letting them focus on policy and oversight while allowing the County Executive and Department Heads to focus on management.
- It would right-size the County Board's staff to support their oversight mission, while saving taxpayers millions of dollars a year.
- It would let the voters decide on the salary of Supervisors, the ultimate form of local control.

What the County needs is clarity so that we can become a high-performing organization that makes our community and our State proud.

I urge the committee to pass this bill and help us put Milwaukee County on a better path.

Thank you,  
Chris Abele  
Milwaukee County Executive

April 19, 2013

## **Milwaukee County Local Reform**

Milwaukee County reform encompasses the powers granted by the state in Wisconsin State Statute 59.03 (1) Administrative Home Rule, which states:

Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

Milwaukee County Board of Supervisors pursued OUR Milwaukee County Initiative or "Outreach for Unified Reform" based on dialogues and listening sessions with Milwaukee County residents about local reform.

Provisions of this package reflect suggestions and viewpoints from Milwaukee County residents, local organizations, state and local elected officials, and others interested in meaningful reform.

### **Local Control**

- Support of reforms occurring locally, but support for state legislation of items first passed and supported by the county

### **County Board Composition, Compensation and Terms**

- 20% salary cut for all supervisors beginning in the next term
- Any future salary increases shall require a two-thirds vote of the board and shall be limited to the rate of inflation
- Beginning in 2016 supervisors will need to voluntarily pay 100% of the cost of pension if they would like to participate
- Support 2 year terms; ask the state to support
- Support state granting Milwaukee County the tool to downsize by referendum and through public petition
- County Supervisors will contribute to the cost of health plan at a rate not less than state legislators

## **County Board Operating Budget/Staff/Procedures**

- 50% budget cut by 2014, which will include a 50% staff cut
- The board budget cut will be approximately \$2.75 million
- Any allowable savings generated through a reduction in the county board budget may be dedicated to county services and commitments
- Any future increases in appropriations for the county board budget that are not applied to all county departments shall require a 2/3rd vote of the county board
- Prohibits dual referrals of files in one board cycle
- Comptroller shall develop a new countywide budgeting procedure for legacy costs

## **Roles and Responsibilities of the County Board and County Executive**

- Clarification that the board is the policy making body of county government
- Clarification that the county executive is the administrator and manager of day-to-day operations responsible for carrying out the policies of the board
- The department heads are managed and supervised by the county executive; the board does not manage department heads and may not in any manner provide implementation direction to departments
- Supervisors have the right to make reasonable requests for information and/or attendance at county board meetings to communicate as to the effectiveness and implementation of policy objectives set by the legislative body
- The county board members may seek information from departmental staff to address constituent concerns
- Clarifying that the county executive shall have the authority in his or her annual budget process to establish, eliminate or modify departments and subunits

## **Training**

- The county executive, county board of supervisors and their respective staffs shall participate in training that focuses on roles and responsibilities and shall be provided by an organization that has the expertise in the area and can include departments or other elected officials



- Training will be provided on county governance, budgeting, parliamentary procedures, rules of decorum, conflict management, cooperative decision-making, ethics, and public records and open meetings law
- At least 12 hours of training is mandatory for county board staff and county board supervisors every two years within six months of the election
- In addition, each department shall provide an information session on their departments within 3 months of election
- Program shall be evaluated by the Office of the Comptroller
- Initial training will be provided by September 1, 2013

### **Governance Streamlining**

- The County Clerk shall assume control over all recording and maintaining of County Board proceedings and meetings.
- Intergovernmental Relations will be an independent department that will serve the county executive and the county board. Each shall get an appointment.
- Support state legislation to remove obsolete statutory provisions relating to civil service procedure, building inspector, soil conservation, mosquito control, professional baseball team, licensing of cats, design/build for sheriff's training facility. Also, support the county executive having the authority to manage the child support enforcement outside counsel.
- Community Business Development Partners (the only department that currently reports directly to the county board) shall be transferred to the Office of the Comptroller.
- Clarification that Corporation Counsel, while appointed by the county executive, serves both the executive and the board.
- Request the Office of the Comptroller to recommend needs for its department office to better serve the executive and board during the budget process.
- Increase the threshold for professional service contracts requiring county board approval to \$100,000.
- The Committee on Finance, Personnel and Audit shall have jurisdiction of all professional service contracts unless otherwise prescribed by state and federal law.

- If the committee has not taken an action on a professional service contract within 45 days after it was referred to them, the Comptroller is authorized to act on the contract without County Board approval.
- Comptroller is requested to reexamine all county contract procedures to determine if additional streamlining and efficiencies could be achieved and report to the board prior to October 1, 2103, so any potential changes could be considered in the budget.
- The county board maintains policy parameters for contracting and procurement to guide the county in negotiations.
- Clarify that the county executive is responsible for the negotiation of any labor contracts. The county board shall provide policy oversight and parameters with respect to labor/management relations and retain ratification authority over all collective bargaining agreements.

#### **Future Cuts and Efficiency Measures**

- Utilize the independent audit to identify additional efficiencies in areas related to governance and operations of the county. Shall include, but is not limited to: identification of appropriate staffing levels, appropriate roles and responsibilities of the branches of government including departments, identification of organizational best practices, and additional efficiency measures and recommendations for all branches of government.
- The audit shall be completed prior to board deliberation of 2014 budget and any additional budget and staff reduction recommendations shall be reflected in the annual budget.
- The Board commits to working on any long-term recommendations in the audit related to the executive office and/or departments to the extent practicable following a process that allows for public input and request a mediator, if necessary, to assist in the implementation of any long-term recommendations.
- The Board shall commit to the adoption of other non-budgetary audit recommendations, to the extent practicable under state and federal law and governance best practices.

Any ordinance changes necessary to effectuate the policy directions will be up in the next cycle or as soon as possible.

# Suggestions for Amending Senate Bill 95

## From Milwaukee County Supervisor Deanna Alexander

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*The nine most terrifying words in the English language are: "I'm from the government and I'm here to help." – Ronald Reagan*  
*What the people want is very simple. They want an America as good as its promise. - Barbara Jordan*

**I support Senate Bill 95**, but I respectfully **urge you to amend the bill**, so you don't let the public down on our duties as lawmakers to craft good policy. The bill has many positive provisions that will help me do my job as a Supervisor better, and help Milwaukee County become more efficient, but this bill CAN BE BETTER.

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### **Local Control**

The citizens of Milwaukee County – even those that support this bill – believe in preserving local control. I have no doubt that a referendum to trim budgets and salaries would pass. However, if state lawmakers pass policy that asks residents a referendum question, and the policy will go into effect regardless of the people's answer, our citizens will feel duped. You must amend this bill to reflect truth and transparency in honoring referendum results.

### **Terms**

This bill proposes that County Supervisors' terms should change from the current length of four years to a length of only two years. As you know, 2-year terms entail constant campaigning, and thus, political distractions and fundraising. Our citizens are tired of politics and want to see the leadership they elect have time and opportunity to do their jobs well. **I support new 3-year or continued 4-year terms**, as well as extending those term lengths to the other 71 Counties' board members, and State Representatives.

### **Departmental Budget**

Assembly Bill 85 proposes a departmental budget cut of 83%, **based on tax levy**. Tying the departmental budget of the tax setting authority directly to tax levy is bad public policy. Doing so **creates an incentive for County Supervisors – who control tax levy – to raise taxes!** At a minimum, such a tie would ensure that tax levy will never go down, because allowing a decrease would require a sacrifice of the board's own budget.

You should also be very concerned that such a steep, state-imposed budget cut on a single department will result in fancy accounting tricks that lead to a mess down the line. You should prevent that headache now! Is it not better to perform surgery with the right instruments, rather than with an axe?

### **Supervisor Compensation**

<u>Current Compensation</u>	<u>Bill 85 Compensation</u>	<u>Alternate Recommendation</u>
\$50,670 salary	\$24,000 salary	\$34,717 salary
Pension Benefits	<del>Pension Benefits</del>	<del>Pension Benefits</del>
Health Insurance	<del>Health Insurance</del>	Health Insurance <i>for self only</i> ; (can purchase for family at full cost.)

\$24,000 per year is being suggested as compensation because it is the "per capita income" for Milwaukee County. **This statistic might be misleading** because it represents, not the average income of County residents, but the income averaged over all persons – even children. To demonstrate a comparison: the per capita income for Beverly Hills, California (an extremely wealthy area) is only \$62,250. Is there a different figure that might be better suited for creating a salary cap?

Perhaps "**median household income**" would be a more meaningful benchmark? It would certainly be a cut from what some consider lavish now, without being lavish on its own. **Or even a variation of this, such as "80% of Median Household income" (\$34,717) might be a more practical and reasonable calculation. This job can become a "half-time job," but it is certainly not a "part-time job."**

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

1. The first part of the experiment involves the preparation of a standard solution of sodium hydroxide. This is done by weighing a precise amount of sodium hydroxide and dissolving it in a known volume of distilled water.

2. The second part of the experiment is the titration of a weak acid with the standard sodium hydroxide solution. The endpoint of the titration is determined by the color change of an indicator.

3. The results of the titration are used to calculate the concentration of the weak acid.

4. The concentration of the weak acid is then used to calculate its dissociation constant,  $K_a$ . This is done by using the Henderson-Hasselbalch equation and the pH of the solution at the endpoint of the titration.

5. The dissociation constant,  $K_a$ , is a measure of the strength of the weak acid. It is defined as the equilibrium constant for the dissociation of the acid into its conjugate base and a proton.

6. The results of the experiment show that the dissociation constant,  $K_a$ , of the weak acid is  $1.5 \times 10^{-5}$ . This value is in good agreement with the literature value for this acid.

7. The experiment demonstrates the importance of accurate measurements and the use of indicators in titration.

Volume of NaOH added (mL)	pH	Indicator Color
0	3.5	Colorless
10	4.0	Colorless
20	4.5	Colorless
30	5.0	Colorless
40	5.5	Colorless
50	6.0	Colorless
60	6.5	Colorless
70	7.0	Colorless
80	7.5	Colorless
90	8.0	Colorless
100	8.5	Colorless

8. The titration curve shows a sharp increase in pH at the endpoint of the titration. This is due to the formation of the conjugate base of the weak acid.

9. The results of the experiment show that the dissociation constant,  $K_a$ , of the weak acid is  $1.5 \times 10^{-5}$ . This value is in good agreement with the literature value for this acid.



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## MEMORANDUM

TO: Honorable Members of the Senate Committee on Elections and Urban Affairs

FROM: J. Michael Blaska, Director of Programs and Services *J.M.B.*

DATE: April 23, 2013

RE: Opposition to Senate Bill 95

The Wisconsin Counties Association (WCA) shares the vision of the authors of Senate Bill 95 for county government to engage as a partner in fostering an environment that encourages economic growth and job creation and delivers services to its residents professionally and cost-effectively. WCA also recognizes that reform of Milwaukee County's governance structure is necessary in order to fully realize that mission.

WCA believes that a locally generated comprehensive reform package could have the impact of promoting a more congenial working relationship among county elected officials, including one that generates a greater desire for consensus building and solution-oriented decision-making thereby creating better outcomes for Milwaukee County businesses and taxpayers. A package of such reforms was recently introduced by Milwaukee County Board Chairwoman Marina Dimitrijevic and passed the Board's Intergovernmental Relations Committee on April 22<sup>nd</sup>.

Many elements of the Board-sponsored reform package are similar in composition and intent to Senate Bill 95, including a substantial reduction to the Board's operating budget and Supervisors' salaries; codification of the appropriate roles and responsibilities of the Board; transference of labor negotiations to the County Executive; support for state legislation allowing for the downsizing of the Board and changing Supervisors' terms from four-years to two-years; streamlining the contract approval process; elimination of county-sponsored pension benefits for Supervisors; creating an independent office of Intergovernmental Relations; and, placing the Community Business Development Partners division under the Office of the Comptroller. Other elements of the Board-sponsored reform package go further than the reforms included in Senate Bill 95, including a requirement that Supervisors receive training or forgo pay for non-compliance and adherence to the recommendations of a governance audit by an independent auditor.

In light of the introduction of the Board-sponsored reform package, WCA respectfully requests that the Committee defer action on SB 95 in favor of allowing the full Board to implement its proposed reforms. In the event the Board rejects the reform package or, if at some time the Board fails to implement the reforms, especially those additional reforms recommended through the independent governance audit, WCA recognizes that other steps to impose reform –



including the adoption of state legislation - may be required. In the event that action is necessary, WCA respectfully requests that the Committee consider clarifying certain provisions of the legislation as described in Appendix A.





### ***Roles and Responsibilities of the County Board and the County Executive***

Unlike in certain states where an elected county commission supervises and is directly responsible for the day-to-day operations of county government, Wisconsin chose to create a council form of government in which the legislative branch, in this case the county board, sets the broad policies of the county while the elected county executive or administration is responsible for the implementation of those policies through the day-to-day operation of county departments. WCA believes strongly that the county board should serve primarily in a legislative capacity largely limited to policy-making, law making, budgetary approval and cooperative decision-making.

Conversely, as confirmed through opinions of the Wisconsin Attorney General, the county executive should “exercise substantial direct and indirect control over personnel performing administrative and management functions for the various county departments and offices.” Section 59.17 specifically provides that the county executive, not the county board, is responsible for the day-to-day management and operation of county departments.

WCA believes there is significant statutory language and case law making this distinction clear and that the portion of Section 35 of the proposed legislation creating Sec. 59.794(3)(a), dealing with limitations on board authority is redundant, unnecessary and could lead to problems in its interpretation and application.

### ***County Executive Authority to Create New Departments***

WCA supports existing authority relating to the county executive’s ability to propose in his or her budget the creation of new departments with the consent or approval of the county board. However, Section 11 of the proposed legislation vests the county executive with supervisory authority over all departments that are created. It is possible that this newly authorized statutory authority could conflict with other statutes vesting supervisory authority in other county officers or boards. Without language prohibiting such conflicts, it is possible that the proposed language could create confusion relating to a new department that the county executive could create to the extent that the duties would overlap with an existing department.

Further, on Page 10, Section 11 (Lines 10-17), the bill allows the county executive to create departments, and sections and divisions within the departments, but there is no mechanism for funding the creation. Although the creation of any new department would occur within a budget or an amendment to a budget, the statutory language does not make clear that the county executive cannot create a new financial obligation for which the county board is mandated to fund without budgetary approval. *(Partially amended in Assembly Bill 85)*

### ***Applicability Outside of Milwaukee County***

We understand it is the authors’ intent to limit the impact of the proposed legislation to Milwaukee County alone. However, although certain provisions of the bill - including those which modify existing statutes as well as others that create new statutory sections - reference counties with a population of 750,000 or more, there are several others which reference counties with a population of 500,000 or more.



According to the state Department of Administration, Dane County's population as of January 1, 2012 is 491,555, meaning that certain provisions of the bill could soon be applicable not just to Milwaukee County, but also to Dane County. Those sections of the bill that could soon impact Dane County are:

- Section 10: relating to County Executive appointments, departmental oversight, lobbying services and diversity statements.
- Section 19: relating to county support enforcement office oversight.
- Section 25: relating to county board operating budget limitation.
- Section 42: relating to non-statutory provisions requiring a referendum on county board salaries<sup>1</sup>.

*(Amended in Assembly Bill 85)*

### ***Non-compensatory Benefits***

Based upon our discussions, we understand it is the authors' intent to limit the financial impact of county government on Milwaukee County taxpayers; however, we have identified elements of the proposed legislation that could have the unintended consequence of not reducing the financial burden of county government on Milwaukee County taxpayers. For example, we believe that Section 7 of the bill, which would preclude supervisors from receiving any benefits not required by law would also restrict the county from allowing supervisors to participate in the county health care pool even if supervisors were required to pay 100% of the premium. Many counties allow for this practice. However, it is unclear whether merely allowing supervisors to participate in a larger, presumably lower cost pool would be considered a benefit.

Further, there may be federal, state and local rules that require employee participation in employee welfare and benefit plans. Since county board members are considered employees of the county under certain circumstances, there may be a need to maintain eligibility for participation.

### ***Self-organization and Administrative Home Rule***

The Legislature granted counties the ability to declare themselves "self-organized" in 1970, thus giving them the ability to adopt ordinances for the purpose of setting board compensation, establishing staggered supervisory terms and filling vacancies in supervisory districts. Thereafter, in 1985, the Legislature granted counties broad administrative home rule authority. The Legislature granted counties these powers not only to provide them with flexibility in managing their operations, but also as an acknowledgement that local communities are best positioned to determine how county government should be structured.

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<sup>1</sup> It is possible that Dane County's population could exceed 500,000 prior to the date of the referendum proposed in the legislation.



Certain provisions in the proposed legislation would rescind some of these powers, making Milwaukee County the only self-organized county without the ability to set its supervisors' salaries, determine the size of its budget, set its own hiring practices and manage the structure of its' departments.

Perhaps more importantly, certain provisions in the legislation raise concerns on separation of powers grounds. The legislation would provide the Milwaukee County Board, the county's legislature, with no check over the executive branch's budget and staffing levels. This type of budgetary challenge is exacerbated considering that the legislation allows the executive to circumvent budgetary limitations by growing his or her budget and staff without oversight from, and to the exclusion of, statutorily mandated programs and services.

### ***County Board Operating Budget***

Although the legislation specifically excludes certain costs as being exempt under the 0.4% cap, other expenses would not be exempt. WCA believes that because specific exemptions were cited in the legislation, other costs *not* specifically cited must therefore be calculated for inclusion under the cap. Expenses such as time spent by corporation counsel advising the board, County Courthouse rent allocation, janitorial staff, etc. would not only be difficult to calculate, but would certainly impact the ability of the Board to maintain a budget of no greater than 0.4% of the levy.

In addition, it is unclear whether this provision would ultimately result in taxpayer savings given that there is no mechanism in the legislation that would require that any reduction in the county board operating budget be made to the overall county budget. As a result, other departments could potentially absorb that portion of the levy without taxpayer savings.

### ***Lobbying Functions***

WCA believes that county lobbyists first and foremost should serve the interests of the county, not a specific branch of county government. However, the proposed legislation could create an internal conflict of interest as it relates to Milwaukee County's lobbyists. The Intergovernmental Relations Department – the Department that houses Milwaukee County's lobbyists – is organized as a Department under the County Board. Nonetheless, the proposed legislation would make the county executive responsible for the supervision and direction of the Intergovernmental Relations Department's staff. As a consequence, the county board would hire the staff, but the county executive would direct the staff. WCA believes that not only would this be functionally challenging to implement, but that organizational, and perhaps legal, issues would also arise out of the unorthodox nature of the relationship.

### ***Intergovernmental Cooperation Agreements***

Although agreements authorized under § 66.0301 of the Wisconsin Statutes can have significant and far-reaching public policy ramifications, many agreements are routine in nature and can even affect the delivery of services in an emergency. Examples of routine agreements include shared ownership of equipment, group purchasing agreements for various office and maintenance supplies, equipment rental between municipal entities, emergency and routine road maintenance,



snow plowing and repair and in-kind personnel trades. WCA is concerned that the effect of the language under Section 35 of the proposed legislation, which requires all agreements established under § 66.0301 to first be approved by every city and village in the county before taking effect, could preclude the procurement or provision of services in an emergency, require burdensome and time-consuming approvals for routine agreements and allow communities not impacted by an agreement to have undue influence in the determination of service delivery in another community. Furthermore, this provision could impact intergovernmental agreements to which local units of government *outside* of Milwaukee County are party as well. (*Partially amended in Assembly Bill 85*)

### ***County Executive Exclusive Oversight Over Certain County Operations***

A number of counties own and operate a variety of public facilities ranging from airports to convention centers. In these counties, the common practice is for a county commission or county board committee to make recommendations related to the adoption of policies governing the facility for approval by the full county board and, ultimately, for approval or rejection by the county executive. Sections 18-23 of the proposed legislation, which consolidate policy setting responsibilities of various county facilities wholly into the office of the county executive without oversight by the county board or independent commission, is a significant departure from the operations of other counties and could create a situation in which one person would be granted significant authority that could limit the public's ability to seek redress over potentially wide-reaching policy decisions made by the county executive.

### ***Separation of Powers***

Under Sections 8 and 11 of the proposed legislation respectively, the county executive is provided the authority to both convene a special meeting of the county board and also to introduce legislation. Additionally, Section 10 of the proposed legislation provides for a "passive review" of county executive appointments. While WCA understands the convenience associated with such allowances, these privileges represent a blurring of the boundaries between the legislative and executive branches under a legislative form of county government.

### ***County Board Inquiries of County Departments***

WCA respects and agrees with the notion that county boards should not be involved with the day to day supervision of county departments; however, it is possible that 59.794(3)(b), a newly created section of the statute under the proposed legislation, could preclude supervisors from making departmental inquiries without directly engaging the office of the county executive. This practice would be a significant departure from that of both the county board and legislative practice, both of which routinely engage department liaisons to investigate the status of constituent cases, and potentially represents both a practical and logistical issue with the cost-effective deployment of county government.

### ***Municipal Employer Certification***

Section 39 of the proposed legislation authorizes the county executive to serve as the sole "municipal employer" for the purposes of labor relations. This provision would significantly





modify and reduce the checks and balances currently in place and vests a great amount of authority in one person. The Milwaukee County executive would be the only individual office holder vested with the authority to act as a "municipal employer" in the state of Wisconsin. Even the state does not allow its executive branch to act in such a unilateral fashion.

***Technical Concerns***

The word "exclusively" (Page 9, Section 10, Line 21 and Page 14, Section 17, Line 8) is redundant and could create a great deal of confusion. (*Amended in Assembly Bill 85*)

Language on Page 11, Section 11 (Lines 7-10) is a current law provision and is redundant.

The County Board currently has the ability to utilize the services of corporation counsel. However, Page 20, Section 33 (Lines 6-7) adds explicit language to the same effect. Rather than adding language that may cause confusion (for Milwaukee and other counties), WCA believes this may be better addressed by a memorandum from Legislative Council.



**Chris Rockwood**  
**Testimony to Senate Committee on Elections and Urban Affairs in opposition to SB 95**  
**April 24, 2013**

My name is Chris Rockwood. I work as a technical marketing engineer for a software company, and last year I was a candidate for the State Assembly. Unlike the gentleman who won that election and now represents me, I live in Milwaukee County and am affected by this bill.

I am not against county government reform. Specifically, I am not opposed to clarifying the roles and responsibilities of the county executive and the County Board, but I am very much opposed to Senate Bill 95 and Assembly Bill 85. This bill is a Trojan horse; the talking points used by its supporters sound good to a wide variety of people who like the idea of county government reform, but the sponsors and supporters of the bill are not being honest with Milwaukee County residents about what's in it or how it was written.

First, any and all claims that this bill is written to allow or respect "local control" are false. Only one of many provisions in the bill is subject to a referendum: the salary reduction for county supervisors. The largest fiscal impact will result from a different provision that cuts the County Board's budget to 0.4% of the county portion of the property tax levy and is not subject to any referendum. Although the proposed salary and benefit cuts cannot go into effect until 2016, the budget cut would take effect immediately; I'm quite sure that the budget cut will be promoted by supporters of the bill as a reason for voters to approve the salary reduction in the spring 2014 election.

Supporters of the bill talk a lot about making the jobs of county supervisors "part-time." The previous advisory referendum in some communities did use the term "part-time," but nothing in this bill (including the language specified for the spring 2014 countywide referendum) uses the words "part-time" or "full-time." Reducing the salary (and eliminating benefits) is not the same thing as changing a job to "part-time."

Supporters of the bill don't talk about the reduction of supervisors' terms to two years. This reduction in the length of their terms will reduce the power of the supervisors relative to the county executive. If this is about increasing accountability to voters, why not also reduce the county executive's term to two years?

Supporters of the bill also don't talk about the provision requiring ICC approval of intergovernmental agreements between Milwaukee County and its municipalities. Why should the village president of Brown Deer have anything to say about an agreement between Milwaukee County and Franklin, Hales Corners, Oak Creek, or South Milwaukee? This provision is designed to give more power to suburban mayors and village presidents, who have 18 of 19 votes on the ICC while Milwaukee, with more than 60% of the county's population, has only one vote.

There has been a lot of talk about how important it is to create jobs in Wisconsin. Our economy is recovering more slowly than most of the country. How will this bill create jobs? How many jobs will it create? (I don't think supporters of the bill have good answers to these questions.)

Chris Rockwood

Testimony in opposition to SB 95 – April 24, 2013

Page 2

If this isn't about jobs, why is it a priority now? It certainly has something to do with the fact that a disgruntled former Milwaukee County supervisor is now in the Assembly, and it looks good for him to take the lead on this because he happens to be a Republican who lives in Milwaukee County. Many of the co-sponsors represent portions of Milwaukee County, but if I'm not mistaken all of them except Sen. Taylor live outside the county.

There would be nothing wrong with a bill designed to clarify the roles and responsibilities of county executives and supervisors statewide, but this bill is not a statewide concern. Rep. Sanfelippo has repeatedly stated that the bill applies only to Milwaukee County, and he has tried to reassure county government officials and legislators from other counties that they have nothing to worry about.

The real purpose of this bill is to begin implementing a "wish list" of the Greater Milwaukee Committee. I'm not here to demonize the GMC or its members; I admire many of their philanthropic initiatives, but this bill is designed to shape county government so that it can better serve them. The GMC's long-term agenda is supported by our current and former county executives. I recently watched a video in which County Executive (and now Governor) Walker was addressing GMC members in 2009 and "teasing" them with remarks about "eliminating" county government if the County Board, the legislature, and then-Gov. Doyle failed to provide the "tools" he wanted for reform. This bill obviously doesn't eliminate county government, but I suspect that it contains at least some of Gov. Walker's famous "tools." Documents from the Legislative Reference Bureau prove that lobbyists working for the GMC were included in the drafting and review processes for this bill, and I wouldn't be surprised if they also helped Rep. Sanfelippo write his remarks in favor of the bill.

This bill is a power grab by and on behalf of the county executive and a coalition of wealthy and powerful people on the GMC, one of whom recently described the County Board in an interview as "sand in the gearbox" and said "all they do is impede so we can't go forward." Many of us in Milwaukee County believe that we need to maintain the County Board's ability to act as a check and balance on the county executive's office. I want some "sand" in that "gearbox."

Finally, although the offices of the county executive and county supervisors are non-partisan, there is a partisan angle here in the Legislature. This is essentially a Republican bill with one Democratic co-sponsor, which isn't all that uncommon. The big surprise is that County Executive Abele, who has identified himself as a Democrat and (as far as I can tell) gave campaign contributions only to Democrats from 2008 through 2011, suddenly began contributing to Republican candidates last year. Specifically, he gave maximum contributions to both Rep. Sanfelippo, the author of this bill, and Rep. Kooyenga, a co-sponsor of the bill who represents part of Milwaukee County but lives in Waukesha County.

In conclusion, as a resident of Milwaukee County, I strongly oppose Senate Bill 95 and Assembly Bill 85. Thank you for hearing my testimony today.



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: SENATOR ALBERTA DARLING

FROM: Katie Bender-Olson and Anna Henning, Staff Attorneys

RE: Comparison Between 2013 Senate Bill 95 and Proposed Milwaukee County Board Resolution 13-397

DATE: April 24, 2013

This memorandum responds to your request for a comparison of 2013 Senate Bill 95 ("the bill") and the proposed Milwaukee County Board Resolution 13-397 ("the resolution"). The bill and the resolution make various structural reforms to Milwaukee County government.<sup>1</sup>

### LIMITATION ON SUPERVISOR'S SALARIES

*Current law* provides that the Milwaukee County Board sets the annual salary for Milwaukee County Board supervisors and permits the Board to provide higher compensation for the chair than is provided to other supervisors. [s. 59.10 (2) (c), Stats.] Current law also allows the County Board to provide additional compensation to the vice-chair of the Board.

*The bill* proposes changes to compensation for Milwaukee County Board supervisors that would take effect if approved by a referendum in Milwaukee County held at the time of the 2014 Spring Election. The compensation changes, if approved by the referendum, would first apply to the supervisor terms beginning with the 2016 Spring Election.

The bill generally limits the annual salary that may be paid to a Milwaukee County Board supervisor to the annual per capita income of Milwaukee County, as determined by the most recent U.S. Census (currently \$24,051). The bill sets a higher salary limit for the Board chairperson and the chair of the Board's Finance Committee. Under the bill, the Board chairperson's salary may be no more than 150% of the salary amount for supervisors, and the salary of the chair of the Finance Committee may be no more than 125% of the salary set for

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<sup>1</sup> Provisions of the bill do not specifically refer to "Milwaukee County," but rather, refer to counties with populations of 500,000 or more or 750,000 or more. Presently, Milwaukee County is the only county in the state with a population over 500,000.

supervisors. The bill further specifies that a Milwaukee County Board supervisor may not receive any compensation or benefits that are not specifically authorized or required by law.

The bill allows for slight increases to supervisors' salaries based on increases in the Consumer Price Index, and it allows for greater increases in salary if approved by referendum. However, in no case may the salary and benefits, including health insurance and pension benefits, provided to a supervisor (other than the Board Chair and Finance Committee Chair) exceed the annual per capita income of Milwaukee County, as determined in the latest U.S. Census. The bill also eliminates the authority of the County Board to provide additional compensation to the vice-chair of the Milwaukee County Board.

*The resolution* pledges to reduce supervisor salaries by 20% beginning with the term commencing in 2016. The resolution specifies that supervisor salaries will be reduced from approximately \$50,679 to \$40,543, with the understanding that future salaries shall not exceed the salary of state legislators. The resolution further specifies that the chairperson's salary will be reduced from \$71,412 to \$57,130.

The resolution allows for slight salary increases for county supervisors, but these increases require a two-thirds approval of the Board and are limited to the rate of inflation, as determined by the U.S. Department of Labor, Consumer Price Index - Urban, Milwaukee - Racine area. The resolution also provides that supervisors shall no longer receive pension service credit unless they voluntarily pay the full normal cost of the pension benefit as allowable under state and federal law. Finally, the resolution provides that county supervisors shall continue to be able to participate in the health insurance plan offered to county employees, but must pay a portion of the premium that is no less than the portion paid by state legislators.

#### **REDUCTION IN TERM LENGTH OF BOARD SUPERVISORS**

*Current law* provides that Milwaukee County supervisors are elected for four-year terms; supervisors in other counties are generally elected for two-year terms. [s. 59.10 (1) (b) and (2) (b) and (3) (cm) 4., Stats.]

*The bill* shortens the term for Milwaukee County supervisors to two years. The Milwaukee County supervisor terms commencing after the 2016 Spring Election are the first terms which are two years in length, rather than four.

*The resolution* directs intergovernmental relations staff to seek state legislation to reduce the term of office for county supervisors from four years to two years, beginning with the 2016 term.

#### **SIZE OF THE MILWAUKEE COUNTY BOARD**

*Current law* provides that the county board must adopt a redistricting plan specifying the number of supervisors to be elected and dividing the county into supervisory districts during the year following the year of the decennial census. [s. 59.10 (2) (a) and (3) (b) 1., Stats.]

The Board cannot change the supervisory districts outside of the decennial redistricting process unless it receives specific authorization.

*The bill* does not authorize the Milwaukee County Board to enact a new supervisory district plan prior to the next decennial census.

*The resolution* provides that the Milwaukee County Board shall consider downsizing the number of supervisors for the term beginning in 2016, if the state Legislature amends the statutes to grant Milwaukee County authority to reduce the number of supervisors between decennial redistricting plans. The resolution references a previous Milwaukee County Board Resolution (File no. 13-273) making a request for such authorization from the state Legislature.

#### LIMITATION ON BOARD EXPENDITURES

*Current law* does not limit the portion of the county tax levy that may be used for expenditures related to the operation of the Milwaukee County Board.

*The bill* generally limits expenditures that are directly related to the operation and functioning of the board, including staff, to 0.4% of the county's portion of the property tax levy. Among other expenses, the bill specifies that the budget limitation applies to reimbursements for expenses incurred by county officers.

However, the bill exempts the following expenses from the 0.4% limitation:

- Costs related to pension and health care payments for retired Milwaukee County employees, officers, and their families.
- Costs for salaries for Milwaukee County Board supervisors and the Milwaukee County Board Chair prior to the 2016 Spring Election.
- Costs associated with duties performed by the Milwaukee County Clerk.

*The resolution* provides that the County Board will submit a 2014 budget request that includes a 50% overall reduction. This overall reduction will include at least a 50% reduction in authorized and funded staff positions. The resolution also specifies that County Board research staff positions will be transferred into the county's civil service system upon approval of the Civil Service Commission.

Further, the resolution provides that any property tax savings generated through the reduction in operating budget must be dedicated to county services. It also specifies that future increases in appropriations within the County Board budget require a two-thirds vote, unless a similar change is made which affects all other departments on a countywide basis.

#### POWERS OF THE COUNTY EXECUTIVE AND COUNTY BOARD

The bill and resolution make various changes to the powers of the Milwaukee County Executive and the Milwaukee County Board. In general, the effect of the changes is to add

certain new authorities to the Milwaukee County Executive, transfer or remove certain authorities of the Board, and clarify the roles of the two entities in some areas in which power is shared. These changes are outlined in more detail below.

### Supervision of Day-to-Day Control of County Departments

*Current law* specifies that the Milwaukee County Executive must supervise the heads of county departments, but the department heads are responsible for supervising the administration of their departments. [s. 59.17 (2) (b), Stats.]

*The bill* provides that the Milwaukee County Executive, exclusively, must administer, supervise, and direct all county departments, including any department established by the County Executive and any person who provides lobbying services for, or negotiates on behalf of, the county.

The bill also prohibits the Milwaukee County Board from exercising day-to-day control of any county department or department subunit. The bill authorizes the County Board to require, as necessary, the attendance of any county employee or officer at a board meeting to provide information and answer questions. The bill specifies that the County Board and its members may deal with county departments and subunits solely through the County Executive, except for purposes of inquiry or to refer a particular constituent concern. The bill also prohibits County Board supervisors from giving any instructions or orders to any subordinate of the County Executive that conflict with the relevant provisions in the bill.

*The resolution* affirms the County Executive as the administrator and manager of day-to-day operations of county government and states that the County Board shall refrain from interfering in the day-to-day operations of Milwaukee County. The resolution specifies that the County Executive, and not the County Board, manages and supervises department heads. However, the resolution reserves to County Board members the right to make reasonable requests for information and attendance at Board meetings and to seek information from departmental staff to address constituent concerns or policy-making relating to the execution of their duties.

The resolution additionally establishes intergovernmental relations (lobbying) as a separate, independent department serving both the County Executive and County Board. The resolution provides that intergovernmental relations staff will have two co-equal positions, one appointed by the County Executive and one by the County Board Chairperson, and will speak with one voice to other units of government.

### Appointment of Department Heads

*Current law* provides that the Milwaukee County Executive has the power to appoint all county department heads, except in situations where the statutes designate another appointing body. Such appointments must be confirmed by the Milwaukee County Board, unless the Board, by ordinance, elects to waive its confirmation. [s. 59.17 (2) (b), Stats.]



*The bill* retains the authority of the County Executive to appoint and the authority of the County Board to confirm, but provides that an appointee of the Milwaukee County Executive may assume his or her duties immediately upon appointment, pending action by the Milwaukee County Board. The bill specifies that the County Board must take action on any appointment within 60 days. The bill requires the County Executive to comply with hiring policies set by the Board when making appointments.

*The resolution* does not propose changes to the appointment or confirmation process or related authorities of the Milwaukee County Executive and County Board.

#### **Certain Authorities Transferred from the Milwaukee County Board to the County Executive**

*The bill* transfers certain authorities currently held by the Milwaukee County Board to the Milwaukee County Executive. It retains other authorities of the Board, including most of the Board's general administrative home rule authority, and the authority to *establish* certain programs and facilities for which the bill transfers *operational authority* to the County Executive. The bill transfers from the Board to the Milwaukee County Executive the power to do all of the following:

- Establish departments, sections, and divisions in Milwaukee County government that the County Executive believes are necessary for the efficient administration of the county, subject to approval by the County Board.
- Acquire, lease, or rent real and personal property for public uses or purposes of any nature provided that any sale or lease of property is approved by the County Board and is consistent with County Board policy.<sup>2</sup>
- Take and hold land acquired for the sale of tax delinquent property.
- Contract with the Department of Children and Families (DCF) to implement and administer certain programs provided for by Title IV of the federal Social Security Act, including programs for child and spousal support, establishment of paternity, and medical support liability.
- Hire or contract with attorneys to provide support enforcement for health and human services programs.
- Operate a work center to provide employment for severely handicapped individuals.
- Operate a program of relief for specific classes of persons residing in the county.

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<sup>2</sup> The bill further provides that the County Board may only approve or reject this type of contract as negotiated by the County Executive.

- Operate harbor facilities on county land.

*The resolution* does not provide for the transfer of the specified duties from the County Board to the County Executive. However, the resolution states that the Board does not oppose a grant of authority to the County Executive to hire and supervise outside counsel to assist with state-mandated child enforcement activities. In addition, the resolution provides that the County Executive has authority to establish, eliminate, or modify departments or subunits as part of the budget process, subject to approval of the County Board, and that the County Board has the same authority as part of the budget process, subject to approval of the County Executive.

#### **Additional Authorities of the Milwaukee County Executive**

*The bill* authorizes the Milwaukee County Executive to do the following in addition to the authority already possessed under current law:

- Subject to approval by the County Board Chair, call a special meeting of the Milwaukee County Board with a written request specifying a time and place for the meeting, to be held at least 48 hours after the request is delivered.
- Sign all contracts, conveyances, and evidences of indebtedness on behalf of the county.
- Introduce proposed ordinances and resolutions for consideration by the County Board.
- Subject to approval by the Milwaukee County Board of the County Executive's budget, hire and supervise the number of employees that the County Executive reasonably believes are necessary to carry out the duties of the County Executive's office.

*The resolution* does not provide authority to the County Executive to engage in the actions enumerated above.

#### **Milwaukee County Board Use of Corporation Counsel**

*Current law* provides that a county corporation counsel, among other duties, must give advice to the county board. [s. 59.42 (2) (b) 2., Stats.]

*The bill* specifies that the Milwaukee County Board may use the legal services of the Milwaukee County Corporation Counsel.

*The resolution* does not propose changes directly related to the Milwaukee County Corporation Counsel's duties, but it provides that the County Board reaffirms the portion of s. 59.42 (2), Stats., which states the following:

The corporation counsel shall be appointed by the county executive, with the concurrence of a majority of the board and shall not serve at the pleasure of the county executive. The corporation counsel may be dismissed at any time by the county executive with the concurrence of a majority of the members-elect of the board. The corporation counsel may also be dismissed at any time by a majority vote of the board. If the county executive vetoes an action by the board to dismiss the corporation counsel, the board may override the veto by a two-thirds vote of the members-elect of the board.

### **Collective Bargaining Authority**

*Current law* provides that a municipal employer may negotiate a collective bargaining agreement under ch. 111, Stats.

*The bill* provides that the County Executive in Milwaukee County is the entity authorized to bargain collectively with county employees.

*The resolution* transfers to the County Executive charge of negotiation of all matters arising under ch. 111, Stats., which is currently vested with the County Board Committee on Finance, Personnel and Audit. However, the resolution also provides that the Committee on Finance, Personnel and Audit shall be responsible for policy oversight and determining the parameters for the county's labor negotiations.

### **Limiting Termination and Salary Reductions for County Executive Employees**

*The bill* places a restriction on terminations and salary reductions, to be in effect until new Milwaukee County Board Supervisors take office following the 2016 Spring Election. Specifically, until that time, the bill prohibits the Milwaukee County Board from terminating, lowering the salary or benefits of, or eliminating the position of, any county employee who works in the Office of the Milwaukee County Executive, unless a similar change is made that affects all county employees.

*The resolution* does not place any restrictions on the ability of the County Board to terminate or reduce salaries of county employees who work in the Office of the Milwaukee County Executive.

### **Repeal of Certain Other Milwaukee County Board Authorities**

*The bill* repeals specified authorities of the Milwaukee County Board. Specifically, under the bill, the Milwaukee County Board is not authorized to do the following:

- Appoint a building inspector.
- Contract to do soil conservation work on privately owned land.

- Establish a mosquito control district.
- Appropriate money for planning and participation in a world festival celebration, or similar program or activity designed to promote international commerce and culture.
- Own and operate a professional baseball team.
- Enact an ordinance requiring licenses for cats.
- Let a contract for the construction of a sheriff's department training academy.

*The resolution* supports eliminating the County Board authorities enumerated in the bullet-points above. The resolution also directs the intergovernmental relations staff to seek state legislation to remove the relevant statutory provisions.

#### Authority and Duties of Other County Elected Officials

*The bill* does not transfer authority to or impose additional duties on elected county officials other than the County Executive.

*The resolution* requires the County Comptroller and the County Clerk to assume additional duties. The resolution provides that:

- The County Comptroller must identify staffing requirements and resources to policy-makers that enable the Comptroller to be fully engaged, especially during the preparation and adoption of the annual budget.
- The County Comptroller must develop a budgeting procedure for legacy costs where the expense is abated out of departmental budgets and presented to reflect that the costs are an obligation of the county and not directly related to the actual cost to operate a particular department, program or service.
- The County Comptroller must evaluate the training program required for County Board supervisors and staff to ensure efficacy of the program.
- The County Board-Community Business Development Partners is transferred to the Office of the Comptroller as a separate division within the office to administer the county's disadvantaged business enterprise program.
- The County Clerk must assume control of all committee clerk and committee support staff functions and related expenditures as it relates to recording and maintaining county board proceedings and meetings.

- The County Clerk is responsible for recording the attendance of all county board supervisors and staff for whom training is required and shall provide the attendance as an informational report to the County Board.

### PROCESS FOR APPROVAL OF CONTRACTS

*The bill* creates a new process for the approval by the Milwaukee County Board of contracts to which Milwaukee County is a party. Under the bill, any contract with a value of at least \$100,000 but not more than \$300,000, may take effect only if one of the following occurs:

- The Board's Finance Committee votes to approve the contract.
- The Board's Finance Committee does not vote to approve or reject the contract within 14 days after the contract is signed or countersigned by the County Executive.
- The Board's Finance Committee votes to reject a contract, but the contract is approved by a vote of the Board within 30 days after the Finance Committee votes to reject the contract.

The bill further provides that any contract with a value or aggregate value of more than \$300,000 may take effect only if it is approved by a vote of the Board. The bill specifies that the Board's Finance Committee is the only committee with jurisdiction over contract approvals.

*The resolution* increases the threshold value of a professional service contract which requires County Board approval from \$50,000 to \$100,000. The resolution also provides that the County Comptroller is authorized to act on a professional service contract without County Board approval if the Committee on Finance, Personnel and Audit has not taken action on the contract within 45 days after the contract is referred to the committee.

The resolution further provides that the Board's Committee on Finance, Personnel and Audit has jurisdiction of all professional service contracts, unless otherwise prescribed by law. In addition, the resolution requests that the County Comptroller review county contract procedures and the efficiency of having the County Executive sign or countersign contracts prior to the contracts taking effect.

### LIMITATION ON MILWAUKEE COUNTY RETIREMENT SYSTEM ANNUITIES

*Current law* permits Milwaukee County to provide a pension program for county employees that is separate from the state Wisconsin Retirement System. The Milwaukee County Board, under certain circumstances, may enter a contract to rehire, for a period not to exceed two years, a retired county employee who receives an annuity from the Milwaukee County Employee's Retirement System. [s. 59.79 (8), Stats.]

*The bill* provides that a rehired retiree may continue to receive his or her annuity from the Milwaukee County Employee's Retirement System during such employment only if the retiree would be allowed to receive an annuity from the Wisconsin Retirement System in similar circumstances.

*The resolution* does not propose limits on the ability of a rehired retiree to continue to receive an annuity from the Milwaukee County Employee's Retirement System.

#### PROCEDURE FOR INTERGOVERNMENTAL AGREEMENTS

*The bill* creates a new requirement for certain intergovernmental cooperation and consolidation service agreements negotiated by Milwaukee County. Before such an agreement may take effect and become binding on the county, the agreement must be approved by an executive council, comprised of elected executive officer of every city and village that is wholly located within Milwaukee County, provided that the elected executive officer is also a member of the Executive Council for the Milwaukee Metropolitan Sewerage District. The bill requires the executive council to meet as soon as practicable to take action on any intergovernmental cooperation agreement negotiated by the Milwaukee County Board.

*The resolution* does not require approval by an executive council before an intergovernmental cooperation agreement and consolidation service agreement may take effect.

#### OPERATION OF FISH HATCHERIES AND FACILITIES FOR RAISING GAME BIRDS

*Current law* provides that county boards may establish, maintain, and operate fish hatcheries and facilities for raising game birds. [s. 59.56 (11), Stats.]

*The bill* retains the authority of Milwaukee County to own such hatcheries and facilities, but it requires the County Board to lease such hatcheries and facilities to another person who will maintain and operate them.

*The resolution* does not impose any requirements relating to fish hatcheries or facilities for raising game birds.

#### COUNTY BOARD PROCEDURES AND TRAINING

*The bill* does not impose specific limitations on County Board procedure nor does it impose training requirements.

*The resolution* limits County Board procedures by prohibiting the County Board from referring reports, resolutions, ordinances, and appointments to more than one standing committee, unless otherwise required by law.

The resolution further requires the County Board, the County Executive, and their respective staffs to participate in training focusing on roles and responsibilities, as well as training on county governance, budgeting, public records and open meetings law,

parliamentary procedures, rules of decorum, conflict management, cooperative decision making, and ethics. The resolution specifies that County Board supervisors, as a condition of employment, and County Board staff must complete 12 hours of training every two years within six months after the election.

**GOVERNANCE, OPERATIONAL AND EFFICIENCY AUDIT**

*The bill* does not provide for an audit of Milwaukee County relating to efficiencies in governance and operations.

*The resolution* requires an independent audit of Milwaukee County to identify efficiencies related to governance and operations of the county, including staffing levels, appropriate roles and responsibilities of governmental branches, and best practices. The resolution commits the County Board to implementing particular audit recommendations and requires that recommendations regarding budget and staff reduction be reflected in the annual budget. Further, the resolution commits the Board to working on long-term audit recommendations relating to governance best practices after public input and use of a mediator, if necessary.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AH:KBO:ksm:jal

# Alberta Darling

Wisconsin State Senator  
Member, Joint Committee on Finance

## Senate Bill 95 Milwaukee County Board Reform

Thank you Senator Lazich and committee members,

Today you will hear from some people who are trying to prevent these badly needed reforms for Milwaukee County. They will tell you that they are finally, really going to reform themselves. It's clear that the so-called reforms offered by the Milwaukee County Board are at best temporary and at worst a deliberate attempt to avoid giving up power.

The bill offered by Representative Sanfelippo and myself allows the people of Milwaukee County – not politicians - to determine how they want their county to operate.

That's a key point missing from the so-called reform package offered by the Milwaukee County Board. Our bill gives the people a say through a binding referendum. The hail-Mary reforms do not.

*The resolution from the*

If the referendum passes, the annual salary that can be paid to a Milwaukee County supervisor to be the annual per capita income of Milwaukee County. The change would begin after the spring 2016 election. The most recent U.S. Census puts that average salary at \$24,000. The county board chair's salary can be no more than 150% of the supervisors' salary. The Board's Finance Committee chair's salary would be 125% of a supervisor's salary. In short, like the rest of the counties in Wisconsin, Milwaukee



County's board will be part-time. The County Board's plan keeps their member's salaries well above the county average and keeps their jobs as full-time.

Since Counties are an arm of the state, the Legislature should be the one who determines the roles of the county executive and county board. The County Board's reform plan would be done by county ordinance. That means it takes an ordinance to pass and an ordinance to undo. Given the recent history of the Milwaukee County Board, it's pretty obvious that that the "undo" ordinance will come as soon as they think the heat is off them.

Bottom line, these reforms will help restore Milwaukee County to being a model of governance.

**We know this will work**, because the same model of a part-time board is working in the rest of Wisconsin. There will be no shortage of good people willing to serve on the board

**We know it will save money.** For too long, the Milwaukee County Board has forced taxpayers to invest in them instead of services. The board's current budget is around \$6.5 million. If passed, this legislation would save Milwaukee County millions of dollars annually, freeing up much-needed resources for transit, parks and other key county services – without additional taxes. It would also bring the cost of board governance closer to its statewide and national peers. Locally, it's not even close. The compensation for a Milwaukee County Board members is about 5 times more than board members in Waukesha County and about six times more than board members in Dane County.

**We know people want these changes.** This is change that we know most Milwaukee County voters are craving. In spring of 2012, residents of 12 Milwaukee County municipalities indicated their desire for change when more than 80 percent of voters supported a nonbinding referendum regarding county board reform.

Thank you for allowing me the opportunity to testify on this needed reform package.