



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 14
[2013 Assembly Bill 85]

**Various Changes to Milwaukee
County Government**

2013 Wisconsin Act 14 (“the Act”) makes changes to Milwaukee County government in the areas described below.

LIMITATION ON SUPERVISORS’ SALARIES AND BENEFITS; CONTINGENT ON REFERENDUM

Under *prior law*, the Milwaukee County Board set the annual salary for Milwaukee County Board supervisors. The Board was authorized to provide higher compensation for the chair than is provided to other supervisors.

The Act requires a referendum regarding Milwaukee County Board supervisors’ compensation to be held in Milwaukee County during the spring elections in 2014. The approach to compensation set forth in the Act, described below, would take effect only if approved as part of that referendum.

If the referendum passes, then, beginning with the term that begins with the 2016 Spring Election, the Act 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 Act provides that the chair’s salary may be no more than 150% of the salary set for supervisors, and the salary of the chair of the Board’s Finance Committee may be no more than 125% of the salary set for supervisors. The Act also specifies that a Milwaukee County Board supervisor may not receive any compensation or benefits that are not specifically authorized or required by law.

The Act allows for limited 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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

Under *prior law*, a county board could also provide additional compensation to the Vice-Chair of the Board. Under *the Act*, the Milwaukee County Board is not authorized to provide additional compensation to the Vice-Chair of the Milwaukee County Board.

REDUCTION IN TERM LENGTH FROM FOUR YEARS TO TWO YEARS

Under *prior law*, Milwaukee County supervisors were elected for four-year terms. Under *the Act*, beginning with the term that begins following the April 2016 Election, the term for Milwaukee County supervisors is two years.

LIMITATION ON BOARD EXPENDITURES TO .4% OF THE COUNTY TAX LEVY

Under *prior law*, there was no statutory limitation on the portion of the county tax levy that could be used for expenditures related to the operation of the Milwaukee County Board.

The Act generally limits expenditures that are directly related to the operation and functioning of the board to .4% of the county's portion of the county tax levy. Among other expenses, the Act specifies that the budget limitation applies to reimbursements for expenses incurred by county officers.

However, the .4% limit does not apply to the following expenditures:

- Costs related to pension and health care payments for retired Milwaukee County employees, officers, and their families.
- Costs for salaries and health and pension benefits 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.
- Costs associated with a nonpartisan research department, described below.
- Space rental that is attributable to the Milwaukee County Board.

POWERS OF THE MILWAUKEE COUNTY EXECUTIVE AND THE MILWAUKEE COUNTY BOARD

The Act makes various changes to the powers of the Milwaukee County Executive and 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.

Supervision and Day-to-Day Control of County Departments

Prior law required the Milwaukee County Executive to supervise the heads of county departments, but the department heads were responsible for supervising the administration of their departments.

Under *the Act*, unless otherwise specified in the Wisconsin statutes, the Milwaukee County Executive must administer, supervise, and direct all county departments, including any department established by the County Executive and any person who negotiates on behalf of the county. In addition, the Act prohibits the Milwaukee County Board from exercising day-to-day control of any county department or department

subunit. The Act 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. Except for the purpose of inquiry, or to refer a specific constituent concern, the Act specifies that the County Board and its members may deal with county departments and department subunits solely through the County Executive. The Act also specifically 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 Act.

Appointment of Department Heads

Under *prior law*, unchanged by the Act, 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.

The Act retains those authorities 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 Act specifies that the County Board must take action on any appointment within 60 days. The Act also requires the County Executive to comply with hiring policies set by the Board when making appointments.

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

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

- Subject to approval of the creation and funding for such departments by the County Board, establish departments in the Milwaukee County government, and sections and divisions within those departments that the County Executive believes are necessary for the efficient administration of the county.
- Acquire, lease, or rent real and personal property for public uses or purposes of any nature provided that the sale or lease of property is approved by the County Board and is consistent with County Board policy.
- Take and hold land acquired from 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 a specific class or classes of persons residing in the county.
- Operate harbor facilities on county land.

Additional Authorities of the Milwaukee County Executive

In addition to authorities under prior law, *the Act* authorizes the Milwaukee County Executive to do the following:

- 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 to the county clerk.
- Sign all contracts, conveyances, and evidences of indebtedness on behalf of the county, if no other county officer is required to sign, and to countersign all other contracts, conveyances, and evidences of indebtedness.
- Introduce proposed ordinances and resolutions for consideration by the County Board.
- Subject to approval by the Milwaukee County Board of the Milwaukee County Executive's department 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.

Creation of a Nonpartisan Research Department

The Act authorizes the Milwaukee County Board to enact an ordinance creating a department in Milwaukee County government to provide independent and nonpartisan research services for the Milwaukee County Board and the Milwaukee County Executive. Staff of the research department is limited to four full-time equivalent positions, who serve at the pleasure of the Milwaukee County Comptroller.

Use of Lobbying Services

Under *the Act*, if Milwaukee County has an office of intergovernmental relations, or a department or subunit that provides lobbying services for the county, then that office, department, or subunit must employ one person who is responsible for representing the interests of, and reports to, the Milwaukee County Executive and one person who is responsible for representing the interests of, and reports to, the Milwaukee County Board.

Milwaukee County Board Use of Corporation Counsel's Legal Services

Under *prior law*, among other duties, a county corporation counsel was required to give advice to the county board. *The Act* specifies that the Milwaukee County Board "may use" the legal services of the Milwaukee County Corporation Counsel.

Collective Bargaining Authority

A municipal employer may negotiate a collective bargaining agreement under ch. 111, Stats. *The Act* specifies that, with regard to employees of Milwaukee County, the County Executive is the entity authorized to bargain collectively with county employees.

Temporary Limitation on Termination and Salary Reductions for County Executive Employees

The Act 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 Act 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.

Repeal of Certain Other Authorities of the Milwaukee County Board

In addition to authorities that the Act transfers from the Milwaukee County Board to the Milwaukee County Executive, *the Act* repeals specified other authorities from the Milwaukee County Board. Specifically, the Milwaukee County Board is not authorized to do the following under the Act:

- 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.

PROCESS FOR APPROVAL OF CONTRACTS

The Act creates a new process for the approval by the Milwaukee County Board of contracts to which Milwaukee County is a party. Under the Act, 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.

Under the Act, 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.

In addition, the Act specifies that the Board's Finance Committee is the only committee with jurisdiction over contract approvals.

LIMITATION ON MILWAUKEE COUNTY RETIREMENT SYSTEM ANNUITIES

Milwaukee County provides a pension program for county employees that is separate from the Wisconsin Retirement System. Under *prior law*, unchanged by *the Act*, in certain circumstances, the Milwaukee County Board 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.

The Act provides that the 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.

PROCEDURE FOR INTERGOVERNMENTAL AGREEMENTS

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

Under the Act, the procedure described above applies only to agreements between Milwaukee County and another local governmental unit that is located wholly within Milwaukee County. In addition, with regard to intergovernmental cooperation agreements, the procedure applies only to a contract, or group of contracts negotiated by the same parties and relating to the same transaction, that has a value or aggregate value of more than \$300,000.

OPERATION OF FISH HATCHERIES AND FACILITIES FOR RAISING GAME BIRDS

Under *prior law*, unchanged by the Act, county boards may establish, maintain, and operate fish hatcheries and facilities for raising game birds. *The Act* retains the authority of the Milwaukee County Board 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.

Effective date: The Act took effect on June 2, 2013.

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