

☞ 13hr\_AC-GOSL\_ab0085\_pt03



☞

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2013-14

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on...

### Government Operations and State Licensing (AC-GOSL) (Repealed 10-17-13)

## INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (December 2014)

GWEN MOORE  
4TH DISTRICT, WISCONSIN  
COMMITTEE ON  
FINANCIAL SERVICES

CAPITAL MARKETS AND GSEs  
INTERNATIONAL MONETARY POLICY AND TRADE

COMMITTEE ON BUDGET



WASHINGTON OFFICE:  
2245 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4572  
FAX: (202) 225-8135

DISTRICT OFFICE:  
219 NORTH MILWAUKEE STREET  
SUITE 3A  
MILWAUKEE, WI 53202-5818  
(414) 297-1140  
FAX: (414) 297-1086

## Congress of the United States House of Representatives

Date: April 10, 2013

To: Representative Tyler August, Chairman Members, Committee on Government Operations and State Licensing  
From: Congresswoman Gwen Moore  
Submitted by Khalif Rainey, Milwaukee County Supervisor-Elect  
Re: Opposition to Assembly Bill 85/Senate Bill 95

### Statement of Congresswoman Gwen Moore

Representatives, as a former member of your honorable body, I thank you for the opportunity to share my thoughts on, and opposition to, Assembly Bill 85.

This legislation is an anathema to the principles of local control and upsets the systems of checks and balances in Milwaukee County government. Therefore, I urge you to reject Assembly Bill 85.

Right now, we all should be laser-focused on job creation. So, I urge those who are pushing this bill to, instead, advance state legislation that promotes jobs and creates economic prosperity in Milwaukee County.

For example, the Wisconsin Legislature currently is reviewing the 2013-2015 budget, and it is a perfect time for the state to deepen its commitment to mass transit.

Like you, I serve in the legislative body, and understand how consolidation of power in the hands of the Executive branch, no matter who holds the office, ill serves the public.

It concerns me that Assembly Bill 85 targets Milwaukee County, where about 20% of the state's population lives. About 27% of that population is African-American and 13.6% is Hispanic.

As a legislator who has represented Milwaukee for decades, I believe the provisions in Assembly Bill 85 that would reduce the powers of the legislative branch would, in turn, reduce the representation of minority communities in Wisconsin.

By reducing the role of the legislative branch, you reduce the role of the people, and reduce their say over the services that Milwaukee County delivers.

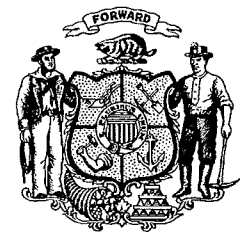
Individuals who live in high-need areas of Milwaukee County are the most likely to be negatively affected by this decreased representation.

The Board has been holding a series of town hall meetings across Milwaukee County to listen to the people and to hear how they want reforms to be implemented.

Therefore, I conclude by urging the Legislature to allow decisions about the governance structure of Milwaukee County to be made locally.



# WISCONSIN STATE LEGISLATURE



***CHARLES C. MULCAHY***

6445 North Lake Drive  
Milwaukee, WI 53217

State Representative Tyler August  
Chair, Committee on Government Operations  
and State licensing

Re: AB 85

April 10, 2013

My name is Charles C. Mulcahy. I am a retired attorney and resident of Milwaukee County. Theo Lipscomb is my county elected representative.

I served as an elected member of the Milwaukee County Board of Supervisors for 12 years from 1964 to 1976. I have been directly or indirectly involved with the county on various matters since 1964.

More recently, I was a member of the County Ethics Study Committee, which after about two years of study and deliberation, recommended a new code of ethics for county government which was unanimously adopted.

During my years on the county board, the county experienced tremendous growth. We took over the bus company and assisted in the development of the Performing Arts Center. We assumed operation of both Villa Terrace and the Charles Allis Art Museums. We acquired by gift the current site of the Milwaukee County Historical Society and we laid the foundation for what is now the Milwaukee Regional Medical Center. Nearly all county employees were organized at that time and we developed the necessary management structure needed for negotiations and contract administration. We also opened a new zoo and the Mitchell Park Domes. All of these projects involved major policy decisions which we made by the county board in conjunction with the county's first County Executive John L. Doyne.

As we all know, over the past 20 years, the Milwaukee County has dramatically downsized. The county is no longer taking on new programs and expanding. The county no longer operates county hospital, the Milwaukee Public Museum, the county power plant, county fire station and the fire/rescue operations in the Milwaukee Regional Medical Center. The State of Wisconsin has taken over several significant social services including Aid to Families with Dependent Children (AFDC), child welfare and eligibility for food stamps, Medicaid and child care assistance.

When I voluntarily left the county board, we had over *11,000 employees*. Today, the county has about *4,400 employees*.

When I left, we had less than *10 county staff people*. Today, the county board has about *38 staff positions*.

When I left, the *county board budget* for 1976 was *\$1,092,000*. Thirty-seven years later, the county provides about ½ the services with ½ the employees but the county board budget is over 5 times larger than 1976 at *\$6.5 million dollars*! Any company with those negative numbers would go out of business but government, as we know, normally does not go out of business.

In late 2011, I decided to contact some of my former colleagues to ask their opinions about the county situation including:

- Robert C. Brunner who is currently the Village President of River Hills.
- Michael J. Barron, retired, who went on to be a Milwaukee County Circuit Judge and eventually chair of board of judges.
- Thomas A. Bailey, retired attorney.
- Robert L. Jackson, Jr., former chairman of the county board and practicing attorney.

Barron and Jackson are Democrats and Brunner and Bailey are Republicans. I asked them what they thought of the current situation with the county board. We all agreed that the county board needed to significantly downsize itself and work to operate more efficiently and effectively.

Rather than just talk about it we decided to put our names on the line by publishing an article summarizing our position on county reform. We exchanged several drafts and everyone had input. On December 20, 2011, the Milwaukee Journal Sentinel published the article: *“Board isn’t listening to the public”*. We outlined our concerns in that article in an effort to gain the attention of the county board and our community. The county board completely ignored the article and never bothered to contact us for further input.

By the end of the year, I decided to do something further about the non-responsiveness of the county board. We needed some direction from the general public concerning county reform. Supervisors Rice and Sanfelippo tried to get an advisory referendum on reducing the size of the board from 18 to 9 on the ballot for the April, 2012 election. As you may know, the county board refused to place this on the ballot and it did not offer any alternative referendum question on the ballot.

Shortly thereafter, I attended a meeting of the Milwaukee County Intergovernmental Cooperation Council (ICC) to get some reaction concerning the possibility of having the 19 municipalities place the county reform question of reducing the size of the board from 18 to 9 on referenda in their communities. With the leadership, support and assistance of ICC Chair and Franklin Mayor Tom Taylor and ICC Vice-Chair and Greenfield Mayor Mike Neitzke, we convinced 12 of the 19 municipalities to place the downsizing issue on the ballot. All of the North Shore communities except Glendale placed this advisory referendum on the ballot. I regret to say that my current supervisor, Theo Lipscomb lobbied the Glendale City Council to keep the referendum off the ballot. Supervisor Lipscomb was successful and the people in Glendale never had the opportunity to vote on this issue.

The results of the April, 2012 advisory referendum were astonishing. Not every community voted, but those that did, voted overwhelmingly (about 80%) in favor of reducing the size of the board and sending a clear reform message to the county board. This was clearly a bi-partisan vote. Both liberals and conservatives, Democrats and Republicans and informed followers of county government were in agreement – county reform was urgently needed.

Not surprisingly, just like our article of several months earlier, the county board chose not only to ignore the results of the electorate but as one supervisor summarized, the referendum was “not worth the paper it was written on.” Since the astonishing vote supporting reform, county board members have dismissed the vote as irrelevant and meaningless. The county board continued to ignore the will of the people.

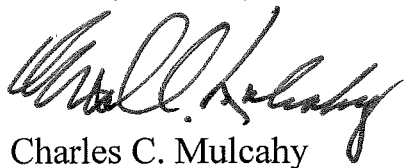
Now we have the Representative Sanfelippo’s attempt to achieve county reform using a local government model which has been used successfully in Wisconsin and throughout our county. The county Executive is elected to run the day to day operations of county government. The county board, for the first time, is told not to become involved in the day to day operations. Department heads report to the county executive. The county executive is responsible for negotiations with county employees. The county executive and not 18 county board members handles negotiations concerning real estate. The county board retains the ultimate authority on all fiscal matters including the county budget. The county board determines the configuration and size of departments but it is denied the authority to become involved in day to day decisions.

This is an approach which has been successfully used in multiple local governments throughout the U.S. We do not need 19 county executives in Milwaukee County. This is not about a power grab. It is not about Chris Abele. It is about how to structure an effective county government which may, in the alternative, be faced with extinction.

I want to thank State Representative Joe Sanfelippo on his leadership and vision in bringing these issues to the forefront and developing a specific plan for reform. He has performed a great public service in developing this legislation which I recommend be adopted. This will not ultimately hurt the county board. Rather, it will help county government to operate more efficiently and effectively to benefit county taxpayers, county employees and county government. This is an opportunity for the county to step forward with legitimate reform which will benefit everyone.

Please feel free to contact me with any follow up questions at cell: 414-254-6333 or email: [chasmulcahy@wi.rr.com](mailto:chasmulcahy@wi.rr.com)

Thank you and your committee members for your public service as well.

A handwritten signature in black ink, appearing to read "Charles C. Mulcahy". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles C. Mulcahy



## Board isn't listening to the public

By Michael J. Barron, Robert C. Brunner, Thomas A. Bailey, Robert L. Jackson, Jr. and Charles C. Mulcahy  
Dec. 20, 2011

As former elected members of the Milwaukee County Board of Supervisors, we have watched the ongoing downsizing of county government over the past several years. During our time in office, Milwaukee County was on the cutting edge of many projects and issues that ultimately made this a better community.

Milwaukee County Hospital provided state of the art "one standard of care" for all patients. The county took over the bus company to make sure all our citizens had transportation for work and personal matters. The county assisted in the development of the Performing Arts Center and assumed operation of both Villa Terrace and the Charles Allis Art Museum, all under the auspices of the Milwaukee County War Memorial. The county acquired, by gift from the First Wisconsin National Bank, the current site of the Milwaukee County Historical Society. The county built a mental health complex. The combination of county and private sector leadership resulted in the formation of what is now the Milwaukee Regional Medical Center.

County government had challenges but the board was able to unite in resolving the issues including the closing and demolition of County Hospital, which resulted in expansion of the highly successful and comprehensive Froedtert Hospital complex.

County government started to downsize with the closing of County Hospital, and followed by privatizing the Milwaukee Public Museum. In addition, during the past 15 years, state government has taken over several significant social services functions previously provided by the county, including Aid for Families With Dependent Children (which was replaced by W-2), child welfare and eligibility for food stamps, Medicaid and child care assistance. In the Milwaukee Regional Medical Center, the county sold the power plant, closed the county fire station and turned the fire/rescue operations over to the City of Wauwatosa.

When we served county government, there were over 11,000 county employees. By 2001, there were 7,395 county employees and by 2010, the number of county employees was further reduced to 5,457.

When we served, Milwaukee had about double the number of county employees. The county operated a hospital and massive amounts of time and energy were spent on the needs of welfare recipients.

All of us were part-time legislators, and the compensation was on the average less than one-third of the current supervisor salary of \$50,000. We had no staff other than the four or five committee clerks and a secretary to the County Board chairman who would occasionally help with some letters. We drafted our own legislation, and we focused our primary energy on the business of county government.

The current County Board has 19 legislative aides to the board members, five committee services staff, seven administrative operations staff, six community business development partners staff, five research

services staff and two intergovernmental relations staff for a total of 44. This does not include 19 supervisors and the 14 people working in audit.

There are few, if any, significant policy issues facing county government that require supervisors to have extensive staff.

Instead of meaningful downsizing reflecting the major reduction in the responsibilities and size of county government, the County Board conveniently went from 19 to 18 members. Instead of reducing compensation, County Board members continue to receive compensation, including salary and benefits, of approximately \$75,000 each per year.

The combination of these factors prompted the proposed referendums providing the citizens of Milwaukee County with the opportunity to vote on whether the County Board should be reduced from 18 to nine and board members serve part time. Several days ago, the Milwaukee County Personnel Committee, by a 4-3 vote, recommended the County Board place these questions on the April 3 ballot. The full County Board discussed and debated the referendums at its meeting on Dec.15 and voted to place it on file.

Five supervisors, Mark Borkowski, Paul Cesarz, Joseph Rice, Joseph Sanfelippo and Luigi Schmidt, supported placement of the referendums on the ballot; 14 voted to kill it.

By ignoring public opinion and refusing to seek public input, the County Board is perceived by many as an island.

Now the Intergovernmental Cooperation Council and the 19 municipalities of the county are considering the placement of these two issues on their municipal ballots to provide their residents with an opportunity to express their opinions. Several communities, including the villages of Whitefish Bay, River Hills and Shorewood and the cities of Greenfield and Franklin are committed to doing so.

We urge all 19 municipalities to approve these referendums.

*This op-ed was written by former members of the Milwaukee County Board Michael J. Barron, Robert C. Brunner, Thomas A. Bailey, Robert L. Jackson, Jr. and Charles C. Mulcahy.*

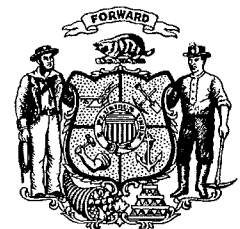
**Find this article at:**

<http://www.jsonline.com/news/opinion/board-isnt-listening-to-the-public-jl3h2q8-135965583.html>

Check the box to include the list of links referenced in the article.



# WISCONSIN STATE LEGISLATURE





## WISCONSIN LEGISLATIVE COUNCIL

---

---

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

TO: REPRESENTATIVE JOE SANFELIPPO

FROM: Laura Rose, Deputy Director

RE: Milwaukee County Board and Milwaukee County Executive Access to Corporation Counsel Services

DATE: April 10, 2013

You asked whether the Milwaukee County Board and the Milwaukee County Executive have equal access to the services of the Milwaukee County Corporation Counsel. Based on a review of the statutes relating to the appointment and responsibilities of the corporation counsel in Milwaukee County, both the board and the county executive have equal access to the services of the Milwaukee County Corporation Counsel.

The office of the Corporation Counsel is in the unclassified service. The corporation counsel is appointed by the county executive. A majority of the county board must concur with the appointment. The county executive may dismiss the corporation counsel at any time, but only with the concurrence of a majority of the members-elect of the board. In addition, the board alone may dismiss the corporation counsel at any time, by a majority vote of the board. The county executive may veto an action by the board to dismiss the corporation counsel, but the board may override the veto by a two-thirds vote of the members-elect of the board. [s. 59.42 (2), Stats.]

The statutes outline the duties of the corporation counsel, and nowhere do the statutes state any priority of access to the corporation counsel's services for either the county executive or the county board. The duties of the corporation counsel are, without limitation because of enumeration, to do the following:

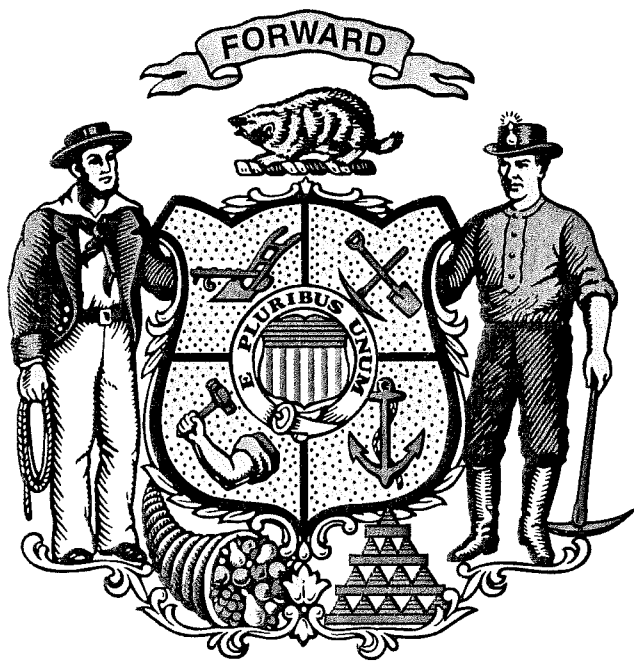
1. Prosecute and defend all civil actions, proceedings, applications, and motions in any court, commission, board, tribunal, or body in any jurisdiction of this or other states or of the nation in which the county or any board, commission, committee, or officer of the county is interested or a party by virtue of the office. The corporation counsel must also represent or assist in representing the state, or any state commission,

board, agency or tribunal, in such civil actions or proceedings when requested to do so by the Attorney General or when the county district attorney is required by any statute to do so.

2. Give advice to the county board, park commission, department of social services, and other county departments, boards, commissions, committees, agencies, or officers, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of these county entities.
3. Examine all claims against the county for officers', interpreters', witnesses', and jurors' fees in civil actions and examinations, when presented to the county board of supervisors, and report in writing as to the liability of the county for all claims filed against it.
4. Act as legislative counsel for the county board of supervisors when so authorized by the board.
5. Serve as legal adviser to the county highway commissioner and county highway committee, draw all papers required in the performance of their duties and attend to all civil legal matters in and out of court where the commissioner or committee is a party, or where the acquisition of lands for state or county highway purposes is concerned.
6. Perform all duties in connection with civil matters relating to the county or any county agency, board, commission, or officer, or relating to the state within the county that are imposed by any statute upon the county district attorney. Based upon this provision, the term "district attorney," wherever it appears in the statutes relating to duties of a civil nature shall, for Milwaukee County, mean the corporation counsel. Opinions of the corporation counsel have the same force and effect as opinions of the district attorney except that in matters relating to elections, the district attorney has the right of review. The corporation counsel may request the Attorney General to consult and advise with the corporation counsel in the same manner as it does with district attorneys.
7. In Milwaukee County, review and countersign all contracts to verify that the contracts comply with all statutes, rules, ordinances, and the county's ethics policy.

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

LR:ksm





# JOE SANFELIPPO

STATE REPRESENTATIVE • 15<sup>th</sup> ASSEMBLY DISTRICT

(608) 266-0620  
FAX: (608) 282-3615  
Toll-Free: (888) 534-0015  
Rep.Sanfelippo@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

April 10, 2013

Committee on Government Operations and State Licensing  
Public Hearing

Chairman August and committee members, thank you for considering AB85. This bill maximizes local control by providing citizens in Milwaukee County with the opportunity to vote in a countywide referendum to determine the level of representation they receive from the county board. It increases accountability to the voters by making the terms of Milwaukee County Supervisors consistent with board members in every other county in this state. It increases government efficiency and saves tax dollars by bringing the Milwaukee County Board's budget closer in line with all other boards around the state. It also adds context and content to existing state statutes that will more clearly define the roles of the county board and county executive.

An efficiently run, cost effective government in Milwaukee County is vital to economic development and job growth in the region. As an economic hub, and a large recipient of state aid, the financial health of Milwaukee County affects each and every resident in Wisconsin. AB85 is a statewide concern.

First, I would like to address the issue of state authority to enact the changes in this bill.

County government is defined as the local face of state government, and is part of our inheritance from England. In Wisconsin, County government predates the Wisconsin Territory. Through enactment of the Northwest Ordinance by the United States Congress on July 13, 1787, The Wisconsin Territorial Legislature had authority to create or consolidate counties. This same power is implicitly given to the state legislature under the Wisconsin Constitution.

In 1818, while still part of the Michigan Territory, Wisconsin had three counties. At the time the Wisconsin Territory was created in 1836 we had six counties. Today, of course we have 72 counties, the last one having been created in 1961: Menominee.

Article IV, Section 23 of the Wisconsin Constitution originally required the legislature to create all county governments "as nearly uniform as practical". However a 1972 constitutional amendment deleted the uniformity requirement for counties. As a result, the legislature has legal authority to enact legislation specific to one county. The reforms in this bill specifically address problems solely in Milwaukee County.

So, ample authority exists for the enactment of the reforms embodied in this bill, namely to define responsibility and confer authority between the county board and county executive. Article IV, Section 22 of the Wisconsin Constitution clearly enunciates the state's role in establishing and revising county

board powers : “The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe”.

There is long standing precedent for the legislature to step in and make changes to county governance from time to time. In 1960, the legislature created the office of county executive and chapter 59 mandates that Milwaukee County elect a county executive. In 1965 the legislature changed the manner in which supervisors were chosen. The formula used up until that time had Dane County with a 90 member board. A 1969 constitutional amendment and subsequent statutes gave all counties the option of electing a county executive or appointing a county administrator. In 1987 the state mandated that counties without an executive or administrator must designate an elected or appointed county official as administrative coordinator. In 2011, the legislature created the independently elected Comptroller specifically for Milwaukee County.

AB85 continues the ongoing process the state legislature has undertaken to improve and reform county government. Like the comptroller bill approved last session, this bill was drafted to address problems unique to Milwaukee County and upon passage, will affect only Milwaukee County.

It is inarguable that the State **can** make these changes. Next, I’ll address why these changes ought be made and are needed **now**.

Up until the time the state legislature created the position of county executive in 1960, the county board ran the day-to-day operations of county government. Recognizing the problems caused when there are “too many cooks in the kitchen,” the state legislature created the county executive position. The intent was to vest the executive branch with responsibility for the day-to-day operations of county departments leaving the board to carry out policy making and budget writing duties. Unfortunately, the legislature left the job half finished by failing to clearly define or otherwise reconcile the relative powers and responsibilities between the two branches in state statutes. Over time, this has led to chaos and dysfunction in Milwaukee County government that hampers economic development and job creation and wastes money. This bill will codify the original legislative intent by clearing up the ambiguous or conflicting statutes.

Some may ask how this bill, if it applies only to Milwaukee County, is of statewide interest. Continued and sustained improvement in our state’s economy is dependent on a thriving Milwaukee County. Economic development and job creation add revenue to the state treasury. With an annual state appropriation of over \$51 million dollars, Milwaukee County receives more state shared revenue than the next 14 counties combined. A wasteful, ineffective and inefficient government in Milwaukee County hurts the entire state. Every Wisconsinite has an interest in being assured that tax dollars are being spent wisely and efficiently.

You may hear supervisors tell you they need all that money because Milwaukee County is a special case as the largest county in the state. Size alone ought not be the sole factor justifying the expense of a



government unit. Consider, for example, that while the county board in Milwaukee has 38 staff members and spends \$6.5 million annually on itself to serve 947,000 residents, county boards in Dane, Waukesha, Racine and Kenosha counties operate with just 10 total staff members and spend a combined \$2.8 million on themselves. Those four county boards serve 32% more residents with 73% less staff. Their collective budgets are less than one-half the cost of what Milwaukee County's Board of Supervisors spends each year. To most reasonable observers, there is something amiss that demands repair. AB85 ends the board's uninhibited spending by capping their budget and bringing it in line with other county boards around the state.

They will also say Milwaukee County is the most diverse county in the state; except Milwaukee County and Milwaukee Public Schools have similar-sized overall budgets, but the part-time MPS school board is more diverse than the full-time county board.

Opposing this bill, they will tell you that the county board should be left alone to enact reforms on its own. But history has proven time and again that the county board is unwilling to forgo their own personal interests, and incapable of addressing the type of reforms demanded by county taxpayers.

Real and meaningful reform of the Milwaukee County Board simply will not come about from within.

The infamous pension scandal that cost taxpayers hundreds of millions of dollars in obscene lump-sum retirement payments sparked a reform movement that has been underway in Milwaukee County for more than a decade. Multiple reports including a 2002 audit by the state Legislative Audit Bureau have all recommended governance reforms. Those calls for reform have gone unheeded

It is informative that significant public interest in and support for real reform exists among Milwaukee County citizens. In an April 2012 advisory referendum, twelve of nineteen communities in the county approved of county board reform by over 80%. Yet that advice has gone largely ignored. By the way, the county board refused to allow these questions of reform to be voted upon by all voters in Milwaukee County – it took the leaders of those twelve municipalities to put it on their individual ballots.

Others have travelled here today to testify about the impact of the current dysfunction on county government and the resistance that has been demonstrated time after time when real reform measures have been forwarded.

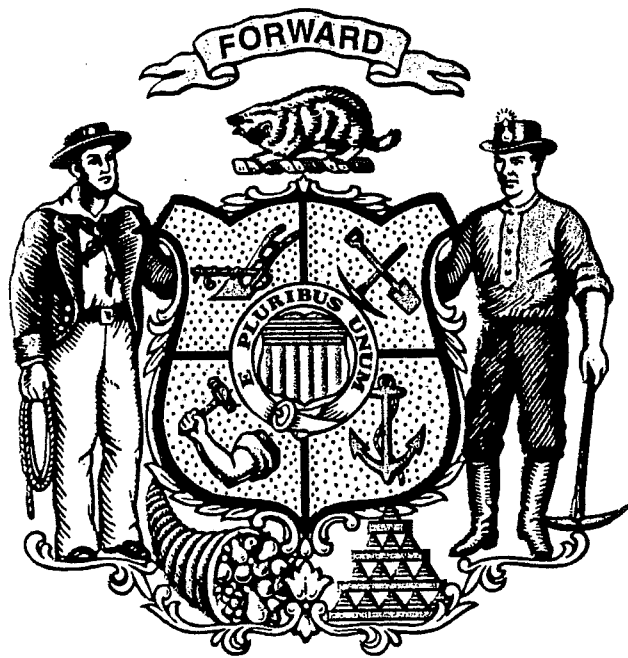
You no doubt will also hear a strong defense of the status quo. Those wed to the current structure will tell you that their strong resistance to reform from within is a thing of the past. They will point to a resolution approved last month to seek permission from the state to downsize the board on their own as turning a new leaf. But some of those same members who have suddenly found religion and who voted in favor of that resolution have stated publicly that they will never really support a reduction of the board. That is why the resolution did not contain a specific plan, but merely a "just trust us, we'll really do it this time" statement, along with a wink and a nudge. But the citizens of Milwaukee County have no reason to trust, they have been waiting long enough.

A few have even said the state should not be telling Milwaukee County what to do from Madison. But who other than the legislature can fix state statutes? And since county government is an agent of state government, the legislature has the obligation to take action and fix problems as they arise. That is why in 1998, the state stepped in and took over the county's broken child welfare program. In 2009, the state took over income maintenance administration from the county. In 2011 the separately elected Comptroller position was created. And late last year, the state was asked to step in and remedy serious problems at the county's psychiatric hospital. This bill is just another example of the state fulfilling its obligation to fix problems in Milwaukee County.

Finally, while it is well within the legislature's constitutional authority to do so, this bill on its own does nothing to change the level of representation citizens will receive from county government. By calling for a countywide binding referendum, this bill gives citizens in Milwaukee County similar ability to effectuate some type of change on their county government, an ability nearly every other county resident in this state has.

If the compensation of a board member is capped, and the job of supervisor in Milwaukee County is effectively returned to a part time position as it used to be, and as it currently is in every other county of the state, it will have been done so solely by Milwaukee County voters and not State Legislators.

Thank you for allowing me this opportunity to testify. I urge you to listen to those who have come to this hearing to talk about reform – many or most of whom are not part of any special interest group but simply want county government to be improved. In the name of responsive, efficient and accountable government, and on behalf of taxpayers all over this state, I urge you to vote in favor of AB85. I am happy to answer questions you may have regarding this bill.





April 10, 2013

Dear State Rep. Christine Sinicki

Thank You for the opportunity to hear our concerns about Milwaukee County Government. In doing research for this hearing, I was looking at some old federal documents, one of which has largely been over looked and almost forgotten. Please allow me to read one short paragraph from this document that I believe is very relevant to this discussion. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness-That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute new government"

Obviously that is from the 2<sup>nd</sup> paragraph of the Declaration of Independence which was written over 230 years ago. While we largely ignore this Founding document, I believe it is very relevant to the debate over the Milwaukee County board. The Milwaukee County board was originally compensated as a part-time position and has seen its oversight responsibilities significantly reduced in the past decade or more.

In 1995 former County Executive Tom Ament commissioned the "Milwaukee County Commission for the 21<sup>st</sup> Century", a one year study at the cost of \$75,000 that identified problems and solutions similar to what we find today.

- a)The Board should be exclusively a policy-making body, not a managing body.
- b) The board was then and continues today to be guilty of micro-managing.
- c) Streamline the County Board staff.

In 2002 it became clear that the Milwaukee County board had enacted the now infamous "Ament Pension Scandal" which so enraged the citizens that they removed Tom Ament and 25% of the sitting board members by recall. Some of those members still persist on today's board. Some are the same members who actively backed the former county board chairman even after he was charged with 90 ethics violations. That same pension scandal continues to encumber the taxpayers of Milwaukee County well into the millions of dollars today. They recently oversaw the botching of a transit contract that cost the taxpayers \$8.6 million dollars. In the most recent budget, one department head told the board that he did not need the 1 extra position in the budget yet the board insisted that he keep that position

funded, costing the taxpayers thousands of dollars. These are just a few examples of what has gone wrong because of votes by members of the Milwaukee County board.

I was one of the original people who started the now infamous "Ament Recall" in 2002. It has been 11 years almost to the day that Scott Walker was elected as Milwaukee County Executive in the wake of the "Ament Pension Scandal" Our group called for a part-time board 11 years ago and here is the document that proves that. In fact, the idea of a part-time board with part-time pay was the #1 item on the list of 10 items.

The board continues to micro-manage functions and mismanage funds in addition in engaging in political subterfuge such as the effort to drive out members who do not conform to their political ideology such as former board member Joe Rice.

I am in full agreement with AB 85 and reducing the pay and benefits of the Milwaukee County board. I am also in agreement that the budget of the county board should be reduced. I am not in favor of reducing the number of people who serve on the county board. The number of board members should stay the same or be increased.

I base this on what I refer to as the New Hampshire model. The state of New Hampshire is roughly the same size by population as Milw. County. New Hampshire has about 1.3 million people and Milwaukee County has just under a million. New Hampshire is the closest thing that we have to what the Founding fathers intended our government to look like, by that I mean more representation by citizens representatives not career politicians. What many people do not know is that New Hampshire has a state legislature that has 400 state representatives. Each one represents about 3,300 people. They are paid \$200 dollars per biennium. So clearly, the Milwaukee County Board is a part-time position and most of the people who serve in the assembly in New Hampshire are doing it as a public service and not because they want a great job with benefits at taxpayer's expense.

New Hampshire has the 4<sup>th</sup> largest government in the world, yet they are one of the smaller states measured by population in the country. It might be instructive to note that the state motto of New Hampshire is "Live Free or Die"

If we were to reduce the number of people who serve on the county board, it would make the districts much larger meaning that each supervisor would represent a substantially larger number of constituents. When you have more constituents to represent, that means more yard signs, more political literature, a larger mailing list and more of those wonderful phone calls to make, that everyone enjoys receiving. It could even mean that candidates may have to run expensive radio ads. As elected officials, you all know that all of the things I have just brought up cost a lot of money. Where does that money come from?

Again, as elected officials, you all know that it is difficult to get contributions from the average Joe or Mary who live in your district. A large amount of your contributions comes from special interests be they business interests or labor interests.

Our group much prefers the concept of a citizen county board, one that truly represents the interests of the people, not the special interests no matter which side of the aisle that you sit on.

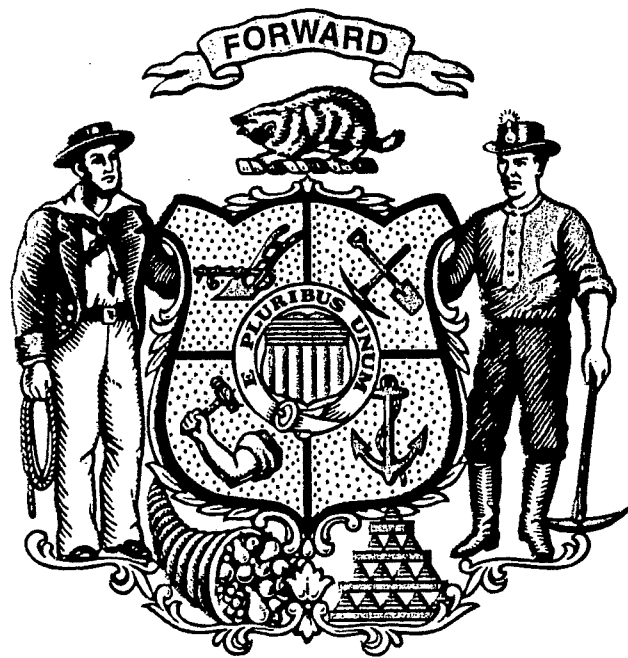
Over the past several years, I have been making a number of Open Records Requests to Milwaukee County Board members for items such as their calendars, phone records, travel expenses, office accounts just to name a few. I have all of those records with me if any of you are interested in looking at any of them. They clearly show that the position of Milwaukee County Supervisor is a part-time position.

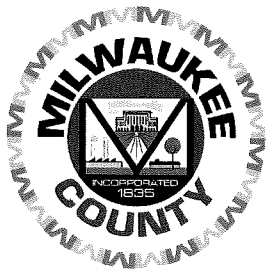
In addition, I have spoken to several people who are former Milwaukee County supervisors who have since been elected to the Milwaukee Common Council. While I am not defending the members of the Milwaukee Common Council, their work load is substantially larger and much more rigorous than the Milwaukee County Board.

Thank You for taking the time to consider our position

Orville Seymer

A handwritten signature in cursive script that reads "Orville Seymer". The signature is written in dark ink and is positioned below the printed name.





# *Milwaukee County Board of Supervisors*

## Supervisor Russell Stamper II: AB 85

Testimony on Assembly Bill 85  
Committee on Government Affairs and State Licensing  
Rep. August, Chair  
April 10, 2013

Good morning, Chairman August and Committee members. My name is Russell Stamper II. I am a newly elected County Supervisor who represents the residents of the 5<sup>th</sup> District on the north side of Milwaukee. As one of the seven new members of the Board, I'm here to offer brief testimony against AB 85. This legislation would reduce the powers and compensation of the legislative branch and greatly increase those of the executive branch in Milwaukee County. By limiting the authority of elected officials in the legislative branch to properly govern, it strips away public accountability.

I have heard supporters of AB 85 say that the bill is the ultimate in local control because the voters will decide through a binding referendum whether the Board should be paid less. However, simply put, the referendum in the bill is a sham. Major provisions of the bill, including the consolidation of power in the office of the County Executive and cuts to the legislative branch, are not included in the referendum question and will never go before the voters. To be clear, under AB 85, the residents of Milwaukee County will not actually be voting on whether or not Supervisors should be part-time or full-time because that is not the question that the bill mandates. Why not ask the voters whether they approve of all the provisions in the entire bill? Further, one must ask why the bill requires that this binding referendum be placed on the ballot in the spring election rather than the fall election with far greater voter participation.

Moreover, the bill prohibits the County Board from scheduling a referendum to run concurrently. Due to that provision, we won't be able to ask voters to consider reform possibilities such as whether or not they would be interested in having a Board with fewer Supervisors. The only question before the voters would be one on legislative pay. Please ask yourselves how a referendum to reduce any legislator's pay would fare on the ballot anywhere in this country. Let's say there was a state-wide referendum on the compensation of State legislators. How do you think the voters would respond to cutting state legislators' pay?

And that's just one problem. Having read the bill, you know that this legislation is more than an effort to reduce the pay of local legislators. This bill seeks to make fundamental changes to the governance structure of Milwaukee County. Powers and duties long performed by the elected legislative body in Milwaukee County, and in other counties throughout the state, would be shifted to one individual. Who asked for these changes, and why aren't they included in the



proposed referendum question? Adoption of this bill would set all these changes in motion without any input from the very residents they would affect.

If approved, the bill would limit the County Board's budget to no more than 0.4 percent of the county portion of the property tax levy. With this provision, the State Legislature would set the budget for an independent local department. If that's not the essence of micromanaging, Mr. Chairman, I don't know what is. Even worse, this 0.40 limit would go into effect January 1, 2014, regardless of the outcome of the proposed referendum. So even if the residents vote to reject the referendum mandated by AB 85, legislative oversight powers still would be stripped, the legislative budget still would be reduced, and the powers still would be consolidated into the Executive office. However, this is not a battle over who has more power. It is about transparency and access to information for the public. The more you strip authority away from the legislative branch the less information the public has. The result is a less transparent process and reduced accountability.

The County Board has been downsizing. Over the last decade, it has reduced the number of Supervisors by seven to 18. It is now 20 percent smaller than the average County Board in Wisconsin, and our Supervisors each represent over 15 times more constituents than an average County Supervisor in the State of Wisconsin. As Chairwoman Dimitrijevic already has shared with you, the reform continues.

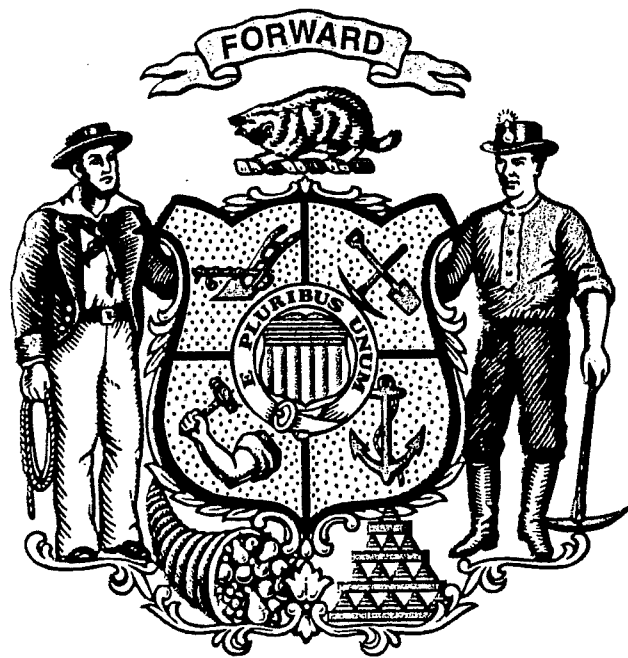
As a 2003 Greater Milwaukee Committee report stated, a part-time Board would decrease representation, a decrease which would be felt most by our highest-need districts. Mr. Chairman, I represent one of those districts. My constituents need resources and depend on services, and they rely on me, as their elected representative, to help them. As an elected official, it is my duty to responsibly represent the interests of my community. This bill would hinder my ability to perform my duties.

In the end, this bill does more than reduce the power of the legislative branch of Milwaukee County. It shifts an awful lot of power away from the people and into the hands of one individual. Passage of this bill would make the Milwaukee County Executive the most powerful County Executive in Wisconsin. Wisconsin has a rich tradition of allowing local governance to be decided at the local level. Local control is a good policy and one that should continue in Wisconsin. The residents of Milwaukee County should be given the opportunity to weigh in on all of the changes proposed.

This legislative body is moving to unilaterally change the governance structure of Milwaukee County. We have heard it's because of problems in Milwaukee County. Yes, locally we sometimes have some disagreements on what is best for our constituents and how to allocate resources. But that is a natural function of a healthy democracy. This bill would move us away from democracy and toward a dictatorship. It does nothing to create efficiencies in service delivery, but rather provides unchecked authority to the County Executive.

Therefore, I ask you not to support this bill. Instead of moving this bill forward, let Milwaukee County residents engage in more thoughtful conversations on this subject, like we are currently doing, so we can collectively determine what is best for Milwaukee County.

Thank you for your time.





22 EAST MIFFLIN STREET, SUITE 900  
MADISON, WI 53703  
TOLL FREE: 1.866.404.2700  
PHONE: 608.663.7188  
FAX: 608.663.7189  
WWW.WICOUNTIES.ORG

---

**MEMORANDUM**

TO: Honorable Members of the Assembly Committee on Government  
Operations and State Licensing

FROM: Liz Stephens, Membership & External Affairs Manager

DATE: April 10, 2013

RE: Opposition to Assembly Bill 85

The Wisconsin Counties Association (WCA) shares the vision of the authors of Assembly Bill 85 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 could further augment the County's ability to fully realize that mission, possibly leading to further efficiencies and taxpayer savings. However, WCA believes that locally generated governance reforms are better suited to address the unique and dynamic circumstances that exist within each county, including Milwaukee County. Local stakeholder groups, including business and civic- and community-based interests, can and should provide the framework for a plan to enhance the operations of Milwaukee County. Furthermore, WCA believes that a locally generated reform package could itself promote a more congenial working relationship among county elected officials, including one that generates a greater desire for consensus building and solution-oriented decision-making. State legislation could have the permanent and opposite impact.

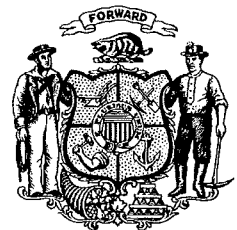
While certain elements of AB 85 are consistent with WCA's positions relating to county operations, such as those sections prescribing the County Board as the policy making body and the County Executive as the administrator of county operations, WCA is concerned that other provisions contained within the bill could lead to confusion and a lack of clarity with respect to other critical county operations. (*See Appendix A for additional details.*)

To be certain, there are times when state statutes must be modified to allow for counties to perform functions in a particular manner; however, certain provisions contained within AB 85, such as the requirement that all intergovernmental agreements be approved by an executive council, may be overly prescriptive and could actually have the impact of making Milwaukee County operations less efficient. By virtue of the dynamic nature of government, state legislation cannot anticipate every circumstance that may arise in

county government and should therefore refrain from adopting policies that could impede government's efficient operation. *(See Appendix A for additional details.)*

Counties in Wisconsin have historically been among the lowest taxing jurisdictions and have managed increased programmatic responsibilities frugally and responsibly. While AB 85 is aimed specifically at Milwaukee County operations, counties from all parts of the state have expressed concern that such a precedent may lead to unnecessary action by the state in other counties.

WCA appreciates the need for efficient and cost-effective county government and looks forward to the opportunity to continue to work with the authors of this bill and this Committee on these important topics. However, due to the complexity of these issues and the need for local input, WCA respectfully requests that the Committee defer action on AB 85 in favor of allowing a local solution to be developed and implemented.



To: Wisconsin State Assembly Committee on Government Operations and State Licensing  
From: Linea Sundstrom, Shorewood, WI  
Re: AB 85  
Date: April 10, 2013

To begin, I'd like to comment on some statements made earlier. First, let me clarify that 80% of Milwaukee County residents did not favor county board reforms in referendum votes, Representative Sanfelippo's statement to the contrary. In fact, only about 25% of Milwaukee County residents had referenda on which to vote. It is not clear to me who Rep. Sanfelippo can assert that he wants Milwaukee County to operate like all other counties in Wisconsin, when this bill is all about singling out Milwaukee County. (The 500,000 versus 750,000 discussion clearly illustrates this.)

Now, I have a few questions and then a statement.

Question 1. Why would you consider voting on this before holding even one public hearing in Milwaukee County? Why are you afraid to hear from the people directly affected?

Question 2. How large is the Milwaukee County board compared to those of other counties? I'll answer this one for you. Of Wisconsin's 72 counties, only 13 have boards smaller than Milwaukee's. You may know that Milwaukee is Wisconsin's most populous county.

Questions 3. How many of you receive state health and retirement benefits? Do you think that hinders your ability to represent your constituents? If you adhere to the rationale behind this bill, you will need to refuse those benefits in order to do your job right.

Question 4. Given the demonstrated recent history of corruption, fraud, secrecy and waste in the County Executive's office, why isn't that office the focus of—or at least included in—your reform package? Instead, this bill gives the County Exec even more power and less oversight.

Question 5. Why should the president of a village of 1300 residents have as much say in what happens to county-owned real estate as the mayor of Milwaukee with 600,000 residents?

Now the statement: This bill is unjustified. Senator Darling stated that we need to change leadership in Milwaukee County. [This was stated at a press conference in Milwaukee when the bill was first announced, but before it was introduced in the legislature.] We have a process already in place for that. It's called elections.

The word ghetto goes back to the Middle Ages. It referred to the part of a city that was completely walled off and in which the Jews were required to stay. If it became overcrowded and disease-ridden, burned to the ground, or ran out of water, that was the Jews' problem. That wall was not coming down. This practice was revived in 1930s Germany, as some of you may know.

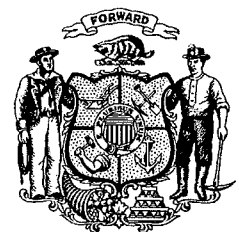
The real motive of this bill is obvious to anyone who's paying attention. It is a power grab leading to a land grab. You are trying to build a wall around the City of Milwaukee. You are trying everything you can to disenfranchise Milwaukee voters. You are trying to construct a massive, undemocratic power shift from the city to the suburbs. You are desperately—and like desperadoes—trying to get your mitts on county real estate. Does this have to do with paying back donors who are real estate and highway developers? I don't know.

I live in Milwaukee County. I am proud of our parks system, our lake front, our county facilities. I am proud of those old German socialists who had the foresight to establish public institutions that were the envy of a growing nation. Please do not destroy this heritage for your short-term gain. If you have lost belief in the concept of the common good, it is time for you to leave public office. The common good is what you were elected to promote and protect.





# WISCONSIN STATE LEGISLATURE



## Bacher, Luke

---

**From:** Hoisington, Joshua  
**Sent:** Thursday, April 11, 2013 1:38 PM  
**To:** Bacher, Luke  
**Subject:** Info on Bill and Amendments  
**Attachments:** MC Reform Response.pdf; Comparison Present Practice to Post Reform[1].pdf; Larson newsletter myth vs truth.docx; Sanfelippo Testimony on Ab 85.pdf; AB 85 facts & figures.pdf; Assembly Bill 85 op-ed (2).pdf; Schuette v Van De Hey.rtf

Amendment 1 changes every reference of a county with a population over 500,000 to read a county with a population over 750,000. This addresses the issue that Dane county will be over 500,000 in population in the next census and ensure that this bill only applies to Milwaukee County.

Amendment 2 deletes the use of the word “exclusively” at 3 places in the bill. The word “exclusively” has caused confusion for county board staff with staff not knowing how they can interact with departments and department heads. To eliminate the confusion we deleted the word “exclusively”. The bill still accomplishes the goal of dept. heads reporting to the county exec. by using the word “shall”.

Amendment 2 also asserts that salary, health benefits and pension benefits are to be exempt under the .4% of the property tax levy budget until 2016. The bill states only salary is covered. The intent all along was to exclude not only salary but, health benefits and pension benefits as well under the .4% cap, until 2016.

Amendment 2 gives voters a reference point for what the per capita income is in Milwaukee County by providing the per capita income level in 2012, \$24,051.

Lastly, Amendment 2 inserts the words “and funding” after “creation to read, “Any department or sub unit of a department that the county executive creates under this subdivision may not be established unless its creation and funding is approved by a vote of the board.” This clarifies that the board has final control over creations of depts. The county board retains its checks and balances on the exec. branch.

Best,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620