

OTHER COUNTY FUNCTIONS

This section reviews most of the remaining functions of Milwaukee County government, but in a less comprehensive manner than the functions discussed above. That does not mean these functions are not significant, but simply that they do not involve as much staff or funding, or that the issues surrounding their transfer are not as complex. Departments or divisions that exist primarily to serve other units of county government are not discussed in this section, as it is assumed that those departments and divisions would cease to exist if Milwaukee County government was eliminated, or would be downsized in a roughly equivalent ratio to the reduction in county staff and services that would result from various streamlining strategies.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Department of Health and Human Services (DHHS) is one of the largest in county government, with a 2009 adopted budget totaling \$198 million and 682 FTEs. While this would suggest that attempting to transfer its functions out of county government would be an extremely complicated endeavor, that might not necessarily be the case given the state's recent actions to assume administration of other human services functions in Milwaukee County.

DHHS is comprised of four programmatic divisions: Economic Support, Delinquency and Court Services, Disabilities Services and Housing. The following describes the functions of each division and the potential assignment of those functions should county government be eliminated.

- **Economic Support Division (ESD).** Per Chapters 46 and 49 of the Wisconsin Statutes, ESD traditionally has administered eligibility determination and related functions on behalf of the state for public assistance programs in Milwaukee County, including Food Share, Medicaid, Child Day Care and Home Energy Assistance. The division had a budget of \$55 million in 2009, most of which was comprised of state and federal revenue allocated to the county to carry out these functions, as well as \$1.7 million of property tax levy. In terms of staff level, ESD was the second largest DHHS division in 2009 (after BHD) with 333 budgeted FTEs.

In the spring of 2009, the State of Wisconsin announced its intention to assume the administration of all public assistance programs in Milwaukee County, with the exception of the energy program and general assistance burials. This intent was codified with adoption of Wisconsin Act 15 this past summer, which placed the administration of these programs under the control of state government, but which also stipulated that the programs would continue to be staffed by county union-represented positions under the supervision of state managers. Act 15 also defined the financial terms and conditions of the arrangement.

In light of this development, if county government was eliminated, it would be logical simply to complete the state's takeover of public assistance programs by transferring the remaining county positions in ESD (including positions associated with the energy and general assistance burial programs) to state government. Among the key logistical/fiscal issues that would need to be worked out would be whether the state would assume the significant legacy costs associated with retired ESD workers; whether the state would replace county property

tax levy (which increases to \$3.7 million in the 2010 budget); and whether the state would assume debt service costs associated with the Marcia P. Coggs Human Services Building. If the state was unwilling to assume such costs, then it potentially could seek to assess county taxpayers for them, or intercept shared revenue or other state aids if parts of county government remained intact.

- **Delinquency and Court Services Division (DCSD).** Per Chapters 46, 48 and 938 of the Wisconsin Statutes, DCSD provides juvenile court intake and disposition services for youth referred for delinquency and youth in need of protection and services; administers a broad range of services designed to divert delinquent youth from the state juvenile corrections system; administers a 120-bed Juvenile Detention Center; and provides probation and related services to youth adjudicated delinquent. The division had a budget of \$41 million in 2009, with about \$23 million comprised of state revenue and \$18 million of property tax levy (making it one of the largest departmental recipients of property tax levy in the county). DCSD had 188 budgeted FTEs in 2009.

In addition to providing and contracting for delinquency services, DCSD pays the state for Milwaukee County youth sentenced to state juvenile corrections institutions per a daily rate established in the state budget. DCSD's budget does not include those charges, however, which are intercepted from the county's Youth Aids allocation from the state. In 2009, the county was budgeted to pay approximately \$28 million of state Department of Corrections charges, while its Youth Aids allocation was projected at \$38 million. The remaining \$10 million is reflected as revenue in DCSD's budget and is used to fund part of the cost of community-based delinquency programming.

If Milwaukee County government was eliminated, DCSD's functions logically could be taken over by state government. Because many of the division's functions could be considered judicial/correctional in nature, those functions potentially could be spread across the Wisconsin departments of health services and corrections, as well as the circuit courts. Pros, cons and logistical issues associated with such a transfer would be similar to those cited earlier for behavioral health services, the courts and other social services, and would need to include consideration of how to replace the significant county property tax levy contribution to delinquency programming.

- **Disabilities Services Division (DSD).** Per Chapters 46 and 51 of the Wisconsin Statutes, DSD provides services to adults and children with physical and developmental disabilities, with an emphasis on community-based services that allow such individuals to live independent lives in the community.

DSD was the second largest component of the DHHS budget in 2009 (after BHD), with expenditures of \$84 million. All of the division's expenditures were offset with state and federal revenue, primarily consisting of federal Medicaid waiver revenue that is provided to reimburse local governments for costs associated with providing services for persons with disabilities in the community, as opposed to nursing homes or other institutions. However, the full offset also reflects the county's discretionary decision to allocate a significant portion

of its state Community Aids allocation to disabilities services, as opposed to delinquency or other social services. DSD had 90 budgeted FTEs in 2009.

As discussed in the earlier section on the Family Care CMO, Milwaukee County currently is transitioning most of the adult population served by DSD to the Family Care program. Once that transition is complete, DSD will be reduced to a relatively small set of fully reimbursed programs and services for children with disabilities; a small set of contracted services for individuals with disabilities who do not qualify for Family Care; a small contingent of staff to conduct investigations regarding potential abuse or neglect of individuals with disabilities; and operation of the \$4 million Disabilities Resource Center, which serves as the intake and referral mechanism for individuals with disabilities who may be eligible for Family Care.

If county government ceased to exist, it would be logical to transfer administration of those functions to the state with other remaining county social service functions. The state would not have to be a direct provider of services, but could instead contract with community-based providers to operate these services, including the Resource Center. Pros, cons and logistical issues associated with such a transfer would be similar to those cited earlier for behavioral health services and other social services, and would need to include consideration of how to address legacy costs associated with hundreds of retired DSD employees.

- **Housing Division.** The Housing Division administers programs funded with Milwaukee County's allocation of federal Department of Housing and Urban Development (HUD) grant dollars, including the Section 8 Rent Assistance program, HOME/Home Repair, Community Development Block Grant (CDBG) and special needs housing programs. The division also administers a set of small contracts that provide general operational support to local homeless shelters, and it administers supportive housing programs for individuals served by BHD. The division had a budget of \$21 million in 2009, with most consisting of HUD dollars and \$2.3 million of property tax levy. The Housing Division had 31 budgeted FTEs in 2009.

The City of Milwaukee receives even greater allocations of Section 8, HOME/Home Repair and CDBG dollars from HUD and has a larger infrastructure to administer those programs. Other Milwaukee County municipalities – including West Allis, Wauwatosa and South Milwaukee – also receive allocations from HUD.

If county government was eliminated, it would be logical to shift the county's HUD allocations to city government and have it expand its reach to Milwaukee County suburbs, and/or distribute portions of the HUD allocations to those municipalities that already administer HUD grants. A similar concept also could be undertaken under an initiative to streamline county government, as was suggested by the Forum in its May 2009 report on Milwaukee County's affordable housing landscape (*Give Me Shelter: Responding to Milwaukee County's Affordable Housing Challenges*). The funding and services provided by the division to BHD clients, meanwhile, could be shifted to the state or a mental health authority with other mental health functions. A key logistical consideration would be addressing the legacy costs associated with Housing Division retirees (which municipal governments would be highly unlikely to assume), as well as replacing the \$2.3 million of county property tax levy dedicated to housing programs.

DEPARTMENT ON AGING

The Department on Aging was created in 1991 to be the designated Area Agency on Aging for Milwaukee County under the Older Americans Act, and to carry out other programs for the county's older adult population. It houses the Aging Resource Center, which serves as the point of entry for Family Care for older adults, and it also provides a network of support services funded through a combination of Older Americans Act funds, state revenue and property tax levy, including the Senior Meal Program and five county-owned senior centers. The department had a budget of \$19.1 million in 2009 (including \$2.9 million in property tax levy) and 83 FTEs.

If county government ceased to exist, it would be logical simply to transfer administration of aging programs to the state along with other remaining county social service functions. Pros, cons and logistical issues associated with such a transfer would be similar to those cited earlier for behavioral health services and other social services, and would need to include consideration of whether state government would be willing to fill the \$2.9 million property tax levy gap and assume the legacy costs associated with dozens of retired Department on Aging employees.

EMERGENCY MEDICAL SERVICES

The Milwaukee County Emergency Medical Services (EMS) system was established in the 1970s under Chapter 97 of the Milwaukee County Code of General Ordinances in order to establish a coordinated, countywide approach to providing paramedic and other emergency medical services in the county. Under this coordinated approach, Milwaukee County provides medical direction for the system (through a contract with the Medical College of Wisconsin) and certain centralized support functions, while municipal fire departments deliver actual paramedic services.

The system includes 14 paramedic units and multiple paramedic first response units operated by municipalities; a communications base that provides the communication link between paramedic units, receiving hospitals and medical staff; an education center that provides paramedic training and continuing education; and other support functions, including quality assurance, supply purchasing and recordkeeping. Milwaukee County property tax levy supports the centralized, system-wide functions, and the county also provides a \$3 million tax levy appropriation to help offset the cost of paramedic services incurred by municipalities. Municipalities split the \$3 million via a formula agreed to by the Intergovernmental Coordinating Council (ICC) and also retain reimbursement revenue from health insurance companies and individuals to offset costs. The EMS function had a budget of \$7.6 million in 2009 (including \$6.9 million in property tax levy) and 25 FTEs.

For much of its existence, EMS has been housed in the county's County Health Programs Division, which also housed the General Assistance Medical Program (GAMP). GAMP was eliminated in 2009 because of the state's implementation of a new Badger Care benefit for childless adults. Consequently, EMS was shifted in the 2010 budget to the Behavioral Health Division.

If county government ceased to exist, municipal paramedic providers could provide for their own medical direction and other supports, though such an approach could require each municipality to establish its own infrastructure, thereby reducing economies of scale and producing greater inefficiency. An alternative approach might be to turn to the City of Milwaukee or another municipal provider to purchase medical direction services and fulfill the coordination and centralization functions currently provided by Milwaukee County, or perhaps attempt to house that function in the ICC. Under any of those alternatives, the county's significant property tax levy contribution would need to be replaced, and legacy costs associated with dozens of retired EMS employees would need to be addressed.

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS (DTPW)

The largest divisions of DTPW – Airport and the Milwaukee County Transit System – have been covered earlier in this report. Remaining divisions consist primarily of services that support other county operations and those that support state and county highways. The former set of services likely would not be needed if county government was eliminated, though legacy costs associated with those services would need to be addressed, and the entities inheriting county buildings and equipment (to the extent those would not be sold or mothballed) would need to determine how to provide the services needed to maintain them. The highway functions, meanwhile, could be shifted to the state or to municipalities.

DTPW divisions that support other county operations are Architectural, Engineering and Environmental Services, Fleet Management and Facilities Management. Brief summaries of those divisions are provided below.

- **Architectural, Engineering and Environmental Services (A, E & E).** The A, E & E division provides architectural and engineering services related to the county's infrastructure and new capital projects, as well as environmental services largely related to county land and facilities. The division had a \$6.3 million budget in 2009 (including \$665,000 of property tax levy) and 38 FTEs. The functions of this division could be eliminated if county government was dissolved, though the entity that assumed ownership of the county's physical assets ostensibly would have to assume and pay for architectural, engineering and environmental services related to those assets. This division also houses the Milwaukee County Automated Mapping and Land Information System, which functions as the county's Land Information Office. That function likely would have to be picked up by the state or perhaps SEWRPC.
- **Fleet Management.** This division purchases and maintains vehicles and major equipment used by most county departments, including vehicles related to the sheriff's office, zoo and parks. The airport assumed responsibility for its own fleet maintenance in 2009, and MCTS also maintains its own fleet. The division had a \$9.4 million budget in 2009 and 43 FTEs. Virtually all costs are recovered through charges to county departments that utilize the division's services. The functions of this division could be eliminated if county government was dissolved, though the entities that assumed administration of functions that possess vehicles and equipment would need to pay for their own fleet management services.

- **Facilities Management.** This division provides maintenance operations and property management functions for most county departments and buildings (including the Courthouse, Criminal Justice Facility, Vel R. Phillips Juvenile Justice Center and Mental Health Complex), as well as for buildings on the Milwaukee County Grounds owned by the Milwaukee County Research Park. Those functions include security and skilled trades services. The division had a \$23 million budget in 2009 and 150 FTEs. Virtually all costs are recovered through charges to county departments that utilize the division's services. The functions of this division could be eliminated if county government was dissolved, though the entities that assumed ownership of the county's buildings and properties would have to assume and pay for maintenance operations and property management. A particular challenge would be the numerous buildings and vast property on the County Grounds.

The other two DTPW divisions are Transportation Services and Highway Maintenance, which are devoted largely to construction, engineering and maintenance activities related to county-owned highways and bridges, as well as maintenance and plowing of state highways in Milwaukee County. Per Chapter 86 of the Wisconsin Statutes, each county in Wisconsin maintains its own county highway system, which is known by routes that are designated by letters instead of numbers. Milwaukee County's county trunk highways consist of 343 lane miles.

Transportation Services provides planning, design and management for construction projects on county trunk highways and bridges. The division had a \$2.3 million budget in 2009 (including \$228,000 in property tax levy) and 12 FTEs. Highway Maintenance, meanwhile, provides general and winter maintenance on state expressways and state trunk highways in Milwaukee County (for which it is fully reimbursed from state revenue), and similar functions plus major improvements for county trunk highways (for which considerable reimbursement is available through state General Transportation Aids and the state's Local Road Improvement Program). The division had a \$17.6 million budget in 2009 (including \$855,000 in property tax levy) and 136 FTEs.

The elimination of county government obviously would raise the question of which entity should be charged with maintaining state expressways and highways in Milwaukee County, as well as who should own and maintain the county trunk highways. The state highway maintenance question is a difficult one because, according to the Wisconsin Legislative Audit Bureau, "Wisconsin is the only state to rely exclusively on counties to perform maintenance on state highways."²⁸ The state might logically seek to transfer state highway maintenance to the City of Milwaukee, which has its own significant public works department. Another option would be to contract with private firms, which is an alternative that has been employed in varying degrees in other states.

With regard to county trunk highways, a logical alternative would be to determine which of those serve a localized function and should simply be broken up and transferred to the municipal governments through which they traverse, and which fall more appropriately under the category of state trunk highway and should revert back to the state. The general question of whether certain elements of Milwaukee County's county trunk highway system should be re-designated

²⁸ Wisconsin Legislative Audit Bureau Report No. 97-4.

or maintained by other entities has been discussed at various times in the past several years outside of the context of eliminating county government. For example, in July 2009, the current county executive “floated the idea of county government giving up its responsibilities for county highways and giving its share of state transportation money to municipalities to do the job.”²⁹ SEWRPC also currently is examining this issue.

Municipal officials have expressed concern, however, about the sufficiency of state reimbursement to fully offset their costs should they assume elements of the county trunk highway system, and about the ability of small municipal public works departments to assume this responsibility. Another key set of questions would revolve around who would assume outstanding debt on county trunk highway construction projects, whether pending capital projects should be completed and paid for by the county prior to transfer, and how to address legacy costs associated with retired county highway workers.

DEPARTMENT OF CHILD SUPPORT ENFORCEMENT

Per Sections 49 and 59 of the Wisconsin Statutes, the Department of Child Support Enforcement (CSE) implements and administers federal child support enforcement regulations in Milwaukee County. Those regulations require the department to provide services to locate parents, establish paternity and enforce and establish child support and medical support orders on cases referred by county, state and private social service agencies. The department’s legal division represents the state before Family Court judges and commissioners. The department had a budget of \$17.6 million in 2009 (including \$1.2 million in property tax levy) and 131 FTEs.

If county government ceased to exist, it would be logical simply to transfer administration of child support enforcement functions to the state. Delegation of child support enforcement responsibilities varies from state to state, but many states do administer this function themselves. According to a recent consultant’s report developed for the Minnesota Department of Human Services, “24 states have some form of service delivery in which local services are delivered by an independent local governmental agency,” while the remainder are administered at the state level.³⁰

The Minnesota consultant’s report recommends that Minnesota move from its current county-operated child support enforcement system to a state-administered system. Among the reasons cited are enhanced consistency in service delivery, reduced costs and greater accountability.

Pros, cons and logistical issues associated with such a transfer in Milwaukee County would be similar to those cited earlier for behavioral health services and other social services, and would need to include consideration of whether state government would be willing to fill the \$1.2 million property tax levy gap and assume the legacy costs associated with hundreds of retired CSE employees.

²⁹ “Public works projects defy partnerships,” *The Daily Reporter*, July 21, 2009.

³⁰ Executive Summary, Minnesota Department of Human Services Child Support Enforcement Division (CSED) Analysis of Service Delivery Model (ASDM) Project, October 2009, p. 15.

MEDICAL EXAMINER

Per Chapters 59, 69, 157 and 979 of the Wisconsin Statutes, the Milwaukee County Medical Examiner's Office (ME) is charged with responsibilities involving the investigation of sudden, unexpected or unusual deaths, detection of communicable diseases, issuance of death certificates and maintenance of a forensic toxicology laboratory. The position of County Coroner was once a constitutionally required position, but the Legislature adopted a change in 1978 abolishing the elected office of coroner in counties with more than 500,000 citizens (i.e. Milwaukee County) and allowing other counties to do likewise. In place of an elected coroner, counties can establish a system with an appointed medical examiner. Milwaukee County's ME office had a budget of \$4.6 million in 2009 (including \$3.5 million in property tax levy) and 29 FTEs.

If county government ceased to exist, it would be logical simply to transfer the ME's office to state government similar to the sheriff, district attorney and other public safety functions. A similar approach was proposed by Milwaukee County's ME in 2002 in a detailed position paper calling for creation of a state-administered medical examiner system implemented through seven regional offices. He argued that such an approach would standardize policies and procedures at a more appropriate level across all counties, create higher standards and better quality control, and produce administrative efficiencies.

Pros, cons and logistical issues associated with such a transfer only in Milwaukee County would be similar to those cited for other public safety services, and would need to include consideration of whether state government would be willing to fill the \$3.5 million property tax levy gap and assume the legacy costs associated with retired ME employees.

ELECTION COMMISSION

Chapter 7.20 of the Wisconsin Statutes stipulates that each county and municipality with 500,000 or more citizens shall have a three-member election commission board and shall be empowered to hire staff to carry out the commission's duties. In Milwaukee County, the Election Commission prepares, prints, distributes and maintains custody of ballots, canvasses and certifies returns, advertises federal, state and countywide elections, and administers ethics and campaign-related oversight functions pertaining to county elected officials. The commission had a budget of \$603,000 in 2009, though the budget is dependent upon the number and scope of elections in a given year, and is typically slightly over \$1 million in even-numbered years. Most of that allocation is property tax levy. FTE levels typically fluctuate between six and eight.

If county government ceased to exist, one option would be to transfer the Milwaukee County Election Commission to state government under the Wisconsin Government Accountability Board – Elections Division. The office still could be housed in Milwaukee County and carry out the same functions, and commissioners could be selected in the same manner as they are today, but employees would be state employees. The state would need to determine whether it would be willing to fill the property tax levy gap and assume any potential legacy costs associated with commission employees. Another option would be to have municipalities handle this function within their own jurisdictions, with the City of Milwaukee assuming responsibility for countywide elections pertaining to constitutional officers.

CONSTITUTIONAL OFFICERS

The Wisconsin Constitution establishes the positions of County Clerk, Register of Deeds and County Treasurer in Milwaukee County (as well as the previously discussed positions of Sheriff, Clerk of Court and District Attorney). The following is a brief summary of each office.

- **County Clerk.** The County Clerk supports the legislative activities of the Milwaukee County Board of Supervisors by maintaining records of county board actions and updating and publishing county ordinances. The clerk's office also issues marriage licenses and regulates lobbyists and lobbying activities pertaining to county government. The office had a budget of \$802,000 in 2009 (including \$321,000 in property tax levy) and 7 FTEs.
- **County Treasurer.** The County Treasurer performs cash, investment management and banking functions for the county and collects delinquent property taxes for 18 of its 19 municipalities (the City of Milwaukee collects its own). The treasurer's office had an expenditure budget of \$1.5 million in 2009 and 9 FTEs. Because interest collected on delinquent property taxes is housed in this budget, there is no expenditure of property tax levy.
- **Register of Deeds.** The Register of Deeds records, indexes and maintains a variety of official documents, including real estate documents, corporation papers, and birth, marriage and death certificates. The office also collects the real estate transfer tax. The office had an expenditure budget of \$4.3 million in 2009 and 43 FTEs. Because real estate transfer and general recording fee revenues are housed in this budget, there is no expenditure of property tax levy.

If county government ceased to exist, the fact that these positions are constitutionally established would create a challenge. If there was a desire to maintain the positions, they potentially could continue to be elected on a countywide basis, but the positions and the office's employees and budgets could be placed in state government. Alternatively, they could simply remain as independent offices. As discussed in a later section of this report, Massachusetts elected to move constitutional officers to state government when it eliminated several of its county governments. Whether such an approach would be legally permissible under the Wisconsin Constitution would have to be determined by state attorneys. The question of legacy costs also would have to be addressed. Another option might be to abolish the County Clerk and County Treasurer positions in light of the elimination of many of their functions should county government no longer exist.