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November 5, 2021

City of Milwaukee Common Council Members
City of Milwaukee City Clerk
City of Milwaukee Mayor

Re: Budget Amendments and Council Meeting on 11/5/2021
Council File No. 210001

Dear City Clerk, Council Members, and Mayor Barrett:

The City Attorney's Office respectfully requests that any effort to remove positions from the City Attorney's Office be denied. This includes budget amendment 6 (eliminating an ACA position and adding a special counsel position to the City Clerk's Office), and any effort to move the Risk Manager position from the City Attorney's Office to Department of Employee Relations (DER).

Per City Charter 3-03, the City Attorney conducts all the law business of the City and its departments. Consequently, unless the Charter is to be amended, lawyers in other departments should not be performing *any* law business for the City or for any department or component part thereof such as the Council or the City Clerk's Office.

As you know, the operation of the City presents a high volume of complex legal work with significant consequences associated with the performance of that work. Even the "background" section of proposed Amendment 6 recognizes that the "City Attorney's Office protects the City's interests in litigation; provides legal opinions on matters of significance to the City; manages risk so that liabilities do not disrupt finances; provides day-to-day legal advice to City officials and departments; reduces nuisances that detract from neighborhood quality of life; and prosecutes municipal ordinance violations." Those are all vitally important functions that merit and require full staffing. The City Attorney's Office is now close to being, once again, fully staffed. We need more personnel, not less personnel, in this office to conduct the City's business. Accordingly, we ask that you please let us fill our remaining, few vacancies and do not take away position authority. If the Council removes positions from the City Attorney's Office, it will continue indefinitely the overwork already taxing our existing staff and add delay in responding to legal matters.



The Common Council put a lot of thought into creating the Risk Manager position in the Office of the City Attorney. It made sense then and continues to make sense for the position to be a part of the Office of the City Attorney where claims are filed, investigated, and defended. We are seeing an increase in the number of claims as well as in the amount of claims filed against the City. See the attached addendum for a snapshot of outcome of claims handled by the City Attorney's Office in 2019, 2020, and 2021 (to date). The increase in claims against the City evidence the need to more fully evaluate and analyze how we can decrease the amount and extent of liability in City departments. A risk management analysis will allow us to identify repeat claim areas and provide valuable insight into the causes of financial losses to the City and ways to reduce them. The current role of the Risk Manager is to collaborate with city departments to develop and implement a risk management plan for each department based on data analytics. The Risk Manager has been collecting data from the various departments in order to make recommendations. The proposed amendment to move the Risk Manager position to DER should be denied; the need for this position in the Office of the City Attorney is critical to the City's ability to effectively examine its risk and thereby reduce its claim liability.

Very Truly Yours,

Special Deputy City Attorney, Celia Jackson
Deputy City Attorney, Odalo Ohiku
Deputy City Attorney, Robin Pederson
Deputy City Attorney, Yolanda McGowan
Deputy City Attorney Todd Farris

ADDENDUM

	Claims Demand	Claims Paid
2019	\$ 1,281,962.57	\$ 714,116.57
2020	\$ 748,783.46	\$ 644,978.23
2021	\$ 893,703.14	\$ 523,181.44

2019	Settlements	Judgments	Total
Total	\$ 13,371,946.25	\$ 206,299.79	
For City	\$ 200,933.09	\$ 30,191.25	\$ 231,124.34
Against City	\$ 13,171,013.16	\$ 176,108.54	\$ 13,347,121.70
2020	Settlements	Judgments	Total
Total	\$ 4,460,186.32	\$ 1,960,661.83	
For City	\$ 193,988.67	\$ 15,370.06	\$ 209,358.73
Against City	\$ 4,266,197.65	\$ 1,945,291.77	\$ 6,211,489.42
2021	Settlements	Judgments	Total
Total	\$ 1,650,124.36	\$ 228,102.24	
For City	\$ -	\$ 34,583.13	\$ 34,583.13
Against City	\$ 1,650,124.36	\$ 193,519.11	\$ 1,843,643.47