

LRB – RESEARCH AND ANALYSIS SECTION ANALYSIS

**JUNE 12, 2006 AGENDA
JUDICIARY & LEGISLATION COMMITTEE**

**ITEM 7, FILE 060166
Emma J. Stamps**

File #060166 is a resolution establishing and funding a draw down account with the Milwaukee County Clerk of Court for the payment of filing fees for property liens filed by the Municipal Court.

Background

1. The Municipal Court has jurisdiction over action for forfeitures for violations of city ordinances. The Court imposes, collects, and deposits fines and forfeitures for these violations on behalf of the City.
2. In 2005, the Municipal Court enforced approximately 1,200 judgments by filing property liens with the Milwaukee County Clerk of Court at \$10 per lien (\$12,000).
3. Property lien filing fees are funded annually in adopted city budgets in the Municipal Court Operating Expenditures – Professional Services allocations.

Discussion

1. The Municipal Court, City Treasurer Office, City Comptroller Office, and Milwaukee County Clerk of Courts have evaluated the current system for enforcing judgments through property lien filings. The Municipal Court funds and files the property liens which stay in effect for 10 years but the City Attorney's Office records the revenue offset.
2. Currently, the Municipal Court manually processes property lien filings in batches of 500 liens approximately 3-4 times per year.
3. Checks made payable to the Milwaukee County Clerk of Court are issued by the Comptroller's Office, forwarded to the Municipal Court, and delivered to the Milwaukee County Clerk of Courts with the lien documents for filing. The Municipal Court estimates a typical batch takes 4-6 month to enforce.
4. The City of Milwaukee wishes to reduce the overall processing time, capture more properties through the lien process, and accelerate compliance with court judgments.
5. The evaluators have determined that by establishing a draw down account (similar to an escrow account) for Municipal Court lien filings, the period in which judgments may become eligible for enforcement could be reduced from 4-6 months to 48 hours.
6. The use of Procards was determined not to be feasible because the Milwaukee County Clerk of Courts charges a processing fee (similar to credit card fees) against each filing.

Fiscal Impact

There is no fiscal impact in 2006 since annual Municipal Court Operating Expenditures – Professional Services allocations already fund property lien filing fees. File 060166 grants perpetual funding, subject to future city budgets.

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LRB-Fiscal Review
June 6, 2006