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To: Alders Donna Moreland, Shiva Bidar and Rebecca Kemble
Alder Workgroup to Develop Logistics and Operational Details for Madison Police Department
Independent Civilian Oversight

From: David Schmiedicke
Finance Director

Subject: Discussion of Budget for the Office of the Independent Monitor and the Police Independent
Civilian Oversight Board

At its July 13, 2020 meeting, the workgroup requested a memo describing a possible budget for the Office of the Independent Monitor (OIM) and the Police Independent Civilian Oversight Board (COB). What follows are preliminary estimates of potential costs associated with the powers and duties of both entities as described in current versions of city ordinance drafts. Information was drawn from data at the National Association of Civilian Oversight of Law Enforcement (NACOLE), and inquiries made to that group by city staff. Overall, the Mayor and Council should expect any budget developed for this new city function to be reviewed each year and possibly amended during the year to reflect actual workload and associated costs. As described below, the preliminary estimated cost is \$475,300 in the first year and \$449,300, thereafter. With \$200,000 already appropriated in the 2020 operating budget for a police auditor, the net cost in year one is \$275,300 and \$249,300, thereafter.

Staffing

The workgroup expressed interest in creating three positions initially for the OIM based on the ordinance provisions. Those positions would include the following:

Independent Monitor – Under the ordinance, this position would be in compensation group 21. After conversations with the Human Resources Director, this position is probably best placed in range 18. The estimated salary for an individual hired for this position is \$125,000.

Data Analyst – The ordinance envisions analysis of MPD data and production of an annual report. A data analyst 2 classification is best aligned with this work. This position is in compensation group 18, range 8. A starting salary for this position is estimated to be \$72,000.

Office Administrator – The ordinance outlines a complaint intake process, as well as support to the Independent Monitor. A program assistant 2 classification is best aligned with this work. This position is in compensation group 20, range 12. A starting salary for this position is currently \$51,000.

Total salary and fringe benefit costs for the three positions -- \$306,400

Operations

The OIM will need office space, IT hardware and software, workstations, furniture, office supplies and funding for staff travel and training. Total costs for these operational needs are estimated at \$66,000. This amount includes one-time costs of \$27,000 for workstations and furniture set-up, leaving \$39,000 for on-going operational needs. These costs are based on similar-sized city functions and costs for equipping office-based positions in city agencies.

Facility Rental	10,000
Technology/Supplies	
One Time IT/Furniture	27,000
Software/Telephone	8,000
Office Supplies	5,000
Conferences/Training/Other	16,000

Legal Counsel and Investigations

The ordinance authorizes the OIM to appoint legal counsel and engage investigators under certain circumstances. Based on information from other communities that engage outside legal counsel to support similar boards, a preliminary budget of \$30,000 is established for this purpose. This amount is based on a blended rate of \$250 per hour for 120 hours of work annually. Investigator work may cost less per hour than independent legal counsel; hours may vary from year to year based on actual activity.

Board Costs

The workgroup expressed interest in a number of provisions to support the level of participation and diversity of membership on the COB envisioned under the ordinance. These provisions include stipends to board members, child care during board meetings, IT support and equipment for board members, and annual specialized training for the board.

This suggested level of support is not currently provided to boards, committees and commissions in Madison. A review of civilian oversight board data from other communities showed that some offer some of the provisions, such as stipends, but many do not. The workgroup, and the Council generally, may want to carefully consider this level of financial support to one board and the possible policy and financial ramifications relative to other boards, committees and commissions in the city.

Stipends – Generally, most members of boards, commissions and committees in Madison do not receive stipends. Exceptions include the Board of Review (property assessments) and the Board of Public Works. Under state law, members of these bodies receive a stipend -- \$20 per meeting for Board of Review and \$100 per year for the Board of Public Works. A review of civilian oversight boards in other communities found that approximately half provide a stipend. A couple of examples include Denver (\$100 per month with two meetings per month) and Berkeley, CA (\$40 per meeting for members with income below \$20,000, filing jointly). Using Denver as a possible model, the cost of stipends to board members would be \$13,200 annually. Workgroup members also expressed interest in additional stipends for executive committee members. An add-on of \$25 per month for three members would cost an additional \$900.

The workgroup also discussed the possibility of paying board members on an hourly basis. The review of board member support in other cities did not identify any paid on an hourly basis. Members of the COB serve on a voluntary basis; they have not been elected, nor have they been hired by the city through a competitive selection process. Council members receive a fixed salary – they are not paid on an hourly basis. Given the above, and based on discussions with the Office of City Attorney relative to interpretation of federal employment and tax law, a stipend is best suited if policy makers choose to offer compensation for the services provided to the city through voluntary participation on a board, commission or committee.

Child Care – Workgroup members expressed interest in helping support participation on the board from all members of the community and recognized that child care for board meetings could be an important element of that participation. Based on the provision of child care during the Task Force on Government Structure (TFOGS) and Imagine Madison processes, the cost is estimated to be \$1,800 (\$75 per meeting; 24 meetings per year).

IT Support – Similar to the child care need, broad-based representation on the board may also require that members have access to information technology hardware and software. As a pilot, Information Technology (IT) recommends that the city contract with its digital inclusion partner, DANenet to provide laptops to board members who do not have devices as a continuation of DANenet’s Everyone On Madison program. The Everyone On Madison program offers low-cost laptops to eligible low-income households. Quality devices are donated by local businesses, refurbished by DANenet and Cascade Asset Management and deployed by DANenet staff. The city could contract with DANenet to provide a simplified version of the Everyone On Madison program, including a digital literacy workshop to members who may need training on basic computer skills, internet privacy, Zoom, email, and basic office software. The workshop should be offered in English and Spanish and provide Hmong translation, if needed. Based on prior contracts with DANenet, costs could range from \$1,000 to \$2,000.

Board Member Training – The workgroup expressed interest in annual training for board members on its responsibilities and latest best practices in civilian oversight of police. The OIR Group, which provided the support for the Madison Police Department Policy and Procedure Ad Hoc Committee, also provides training for civilian oversight boards. Based on hourly costs charged to the city during the work of the Ad Hoc committee, an estimated cost for training is \$5,000 (15 to 20 hours annually, including travel and preparation costs).

Total estimated costs related to board member support and training is \$22,900 annually.

Legal Representation

Workgroup members expressed interest in providing financial support to individuals who bring complaints before the Police and Fire Commission (PFC). Existing ordinances allow the city to pay for the legal costs of individuals in cases where the PFC rules in favor of the complainant’s case. The workgroup has not finalized ordinance language related to this provision. Staff discussed the possible financial and programmatic ramifications of paying all costs and thought one possible approach might be to authorize the independent monitor to approve reasonable attorney fees up to a maximum amount. If there is a disagreement with the independent monitor’s decision, it could be appealed to the Council. For purposes of this memo, the maximum amount was set at \$15,000, based on \$250 per hour for legal counsel and 60 hours of legal work. The 60 hours of work is the average annual amount for cases before the PFC represented by the Wisconsin Professional Police Association over the past 9 years. Given the overall

uncertainty about the number of cases that might be brought before the PFC under the proposed OIM/COB structure, an initial budget for legal representation, both for those that are decided in favor of the complainant and where the complainant is not successful, is set at \$50,000 for purposes of this memo.

Summary

Based on the above, a possible budget for the OIM/COB is \$475,300, in the first year and \$449,300, thereafter. Several of these cost estimates are based on a series of assumptions for which there is limited data and the actual experience may vary greatly from year to year. A summary of the budget can be found below:

Staffing	\$	306,400
Office Costs		66,000
Legal Counsel/Investigation		30,000
Board		
Stipends		14,100
Training		5,000
Child Care		1,800
IT Support		2,000
Legal Representation		50,000
Total	\$	475,300
One-Time		<u>26,000</u>
On-Going	\$	449,300

The 2020 operating budget includes \$200,000 for a police auditor. This funding is in the base budget going forward. As such, the costs listed above will be reduced by the \$200,000 already approved, with the remaining net appropriation of \$275,300 in year one and \$249,300 thereafter.

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The location of the OIM/COB and associated budgets within the organization was also raised by the workgroup. Two possible models include the Employee Assistance Program and the Police and Fire Commission. The former is a separate agency in the organization under the Administration program area (agencies in this program area include Finance, Information Technology, Human Resources, etc.). The latter is a line item under "Direct Appropriations" (other programs in this category include the Contingent Reserve, City Memberships, etc.). Both approaches could also be employed, with the OIM operations, legal and investigative support, and COB board costs within an OIM agency and the legal representation for complainants within "Direct Appropriations".

As the workgroup finalizes the proposed ordinance, these estimates and budget organization approaches can be refined further. Please let me know if you have further questions.

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