



Office of Corporation Counsel
2018 Annual Report

Presented: September 18, 2019



OFFICE OF CORPORATION COUNSEL

Attorneys for the Municipal Corporation of Dunn County

Nicholas P. Lange
Corporation Counsel

Barbara Anne Fagan
Assistant Corporation Counsel

September 11, 2019

Honorable Members of the Dunn County Board of Supervisors:

RE: 2018 Annual Report (presented September 18, 2019)

The Office of Corporation Counsel serves as the chief legal counsel for the county government, providing a broad range of legal services to the Dunn County Board of Supervisors and its committees and county departments and officials. In doing so, we strive to be available, accessible, and proactive, and to deliver legal services in a cost-effective and fiscally responsible manner so that more tax dollars can be used for the delivery of programs and services through other departments.

Assistant Corporation Counsel Barbara Fagan is responsible for the prosecution of zoning violations and most other civil matters, guardianship and protective placement cases and involuntary mental commitments, as well as bankruptcy case management and primary responsibility for providing legal services to the Child Support Agency.

Adult involuntary mental commitments in 2019 are on pace with previous years. Due to hospital shortages and increased need, more of those individuals are being hospitalized at Winnebago Mental Health Institute, which increases the costs for hospitalization and exams, and the time needed to schedule hearings and arrange for examinations and examiner testimony. The duration of a commitment is different for each person, but they all require ongoing legal support to the Dept. of Human Services and time in court. Currently, there are 30 adults under commitment. The number of juvenile involuntary mental commitments in 2019 (15 cases so far this year) is already more than for all of 2018 (14 cases for the whole year). Because the court options for juveniles under commitment are limited, these cases require more collaboration with various divisions of Dept. of Human Services.

Guardianship cases – where our office brings a legal action to have the court appoint a decision-maker for an individual struggling who is not competent – is where we have seen the biggest increase in 2019. In 2018, our office filed 23 guardianship cases. In the first 8½ months of 2019, we have already filed 46 guardianship cases.

Time spent on providing legal services to the Dunn County Child Support Agency is reimbursed at 66% from the State of Wisconsin. In 2018 there were 593.6 hours of attorney time, with reimbursement revenue of \$22,565.00.

We file an *In Rem* tax foreclosure action each year. A tax certificate for tax delinquencies must be at least 2 years old before a foreclosure action can be filed. The tax foreclosure action filed in 2018 was for \$103,513.29 in past due taxes, interest, penalty, assessments and other costs. Through

outreach, letters, phone calls, and meetings with property owners, \$76,134.75 was collected before judgment. Ultimately, the county took judgment against 10 properties, which represented a total of \$11,732.04 in back taxes, interest, and penalty. Two of those parcels have since been repurchased by the former owner.

A Chapter 980 Committee was formed and headed by the Corporation Counsel Office. The committee's statutory responsibility is to find a place for sexually violent offenders to be placed within the county of their residency after they've served their sentences and have been discharged from treatment. Working together, and with the State of Wisconsin, we found a placement that was ultimately approved by the Court.

Other highlights from 2018 and 2019 include:

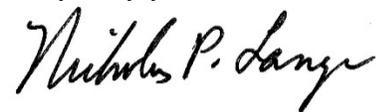
- Collective bargaining agreement reached with Sheriff's Deputies
- Termination of SAP contract with Quintel
- Drafting many ordinances and resolutions, including a health ordinance and substantial revisions to the zoning ordinance.
- Review, negotiation, and drafting of many contracts.
- In September 2018, I was elected to my third (and final) 1-year term as President of the Wisconsin Association of County Corporation Counsels (WACCC).
- Ongoing and continuous work on other large-scale ordinance projects that will update and bring older uncodified ordinances into the County Code of Ordinances.

Working in the Office of Corporation Counsel is extremely rewarding while, at the same time, increasingly challenging. The issues and cases we handle are diverse and numerous, and often present new and unique opportunities. We must continually balance competing priorities and the expectations of others and of ourselves.

Our objectives are to keep up with the workload of the office with high-quality legal services while continually evaluating and making or recommending improvements to ordinances, policies and procedures, to assist Dunn County's elected and appointed officials and employees to best accomplish their work of serving members of the public, and protecting the interests of Dunn County.

Please feel free to visit or call the Corporation Counsel Office at any time to discuss your expectations or concerns or to simply learn more about the duties of our office.

Very truly yours,



Nicholas P. Lange
Corporation Counsel

History

The Wisconsin Legislature has authorized the creation of the Corporation Counsel Office in Section 59.42 of the Wisconsin Statutes in order to provide specialized legal services to the County Board of Supervisors and its Committees, as well as county departments and officials.

The Dunn County Board of Supervisors created the part-time Corporation Counsel position in November 1970, appointing Howard Thedinga in April 1971. Recognizing that “the legal work of Dunn County has progressively increased in volume and complexity,” the position of Corporation Counsel, with a more detailed description of duties, and an annual operating budget were approved in 1978. The County continued to contract with a law firm for Corporation Counsel services.

During the 1970's and 1980's, the District Attorney was a county employee and performed many of the jobs that are currently performed by the Corporation Counsel, such as adult protective services, guardianships, mental commitments and child support enforcement, while the Corporation Counsel served as general counsel. In 1990, when District Attorneys became state employees, a half-time Assistant Corporation Counsel Position was created to perform duties transferred from the District Attorney's Office. In 1991, the Child Support Director, who at the time was an attorney, was designated as an Assistant Corporation Counsel in order to ensure backup coverage for matters outside Child Support enforcement.

In 1992 the County Board approved the hiring of a full-time Corporation Counsel and a full-time legal secretary to establish the Department of Dunn County Corporation Counsel. In 1993, a full-time Assistant Corporation Counsel was hired. Office organization has remained the same since then.

Office Organization and Staff

The Corporation Counsel Office is staffed by 2 full-time attorneys and 1 full-time legal secretary. The Assistant Corporation Counsel position is dedicated approximately 25-30% to Child Support Agency legal services.

The staff of the Corporation Counsel Office are as follows:

Corporation Counsel	Nicholas P. Lange
Assistant Corporation Counsel	Barbara Anne Fagan
Legal Secretary	Beth M. Stai

Duties of the Corporation Counsel Office

The mission of the Corporation Counsel Office is to facilitate and support Dunn County's goals by providing timely and effective legal services, to the highest professional standards, with integrity and respect to policy-makers and administrators. The Corporation Counsel Office is an integral part of Dunn County's operational system, attending to all civil legal matters relating to Dunn County and serving as legal counsel for the County Board of Supervisors, its Committees, Agencies, Commissions and Boards, Elected Officials, Departments and Department Heads. Pursuant to County Ordinance, the Corporation Counsel acts as County Manager when the County Manager is absent due to illness, vacation or a vacancy in the County Manager position.

The duties and responsibilities of the Corporation Counsel Office are many and varied. They include:

- ♦ **Government Authority and Duties.** Interpreting the powers and duties of boards, commissions, committees, departments, employees, and officers of the county.

- ◆ **General Legal Counsel.** Serving as legal adviser to the County Board, Committees, Boards, commissions, officers, County Manager, departments and offices, and where appropriate, other county employees.
- ◆ **Board and Committee Meetings; Parliamentarian.** Attending County Board and committee meetings; serving as parliamentarian for the Board of Supervisors, providing interpretation and explanation of County Board Rules.
- ◆ **Employment and Labor Relations.** Serving as legal counsel in Employment and Labor Relations, which encompasses: ensuring compliance with state and federal employment laws, regulations and rules; legal aspects of hiring, discipline and termination; labor negotiation, mediation and grievance and interest arbitration; representing the County in proceedings before the court, administrative bodies and various agencies.
- ◆ **Contracts.** Reviewing, drafting, negotiating, interpreting and enforcing contracts, memoranda of understanding and leases.
- ◆ **Ordinances and Resolutions.** Drafting and reviewing ordinances, resolutions, directives and other legal documents.
- ◆ **Land Use and Environmental Issues.** Acting as legal counsel on land use, land division, zoning, sanitation, mining reclamation and environmental issues, including enforcement of Dunn County's ordinances through legal action.
- ◆ **Board of Adjustment.** Acting as legal counsel to the Board of Adjustment.
- ◆ **Guardianship and Protective Placement.** Representing Dunn County in Guardianship and protective placement actions under Chapters 54 and 55 of the Wisconsin Statutes.
- ◆ **Involuntary Commitment.** Representing the interests of the public in involuntary civil (mental and alcohol) commitments under Chapter 51 of the Wisconsin Statutes.
- ◆ **Child Support Legal Services.** Providing legal services and court representation to the Child Support Agency in fulfilling its responsibility to establish paternity judgments, child support and medical support orders, to enforce court orders through contempt proceedings, and to seek modification of child support orders where appropriate.
- ◆ **Claims.** Reviewing claims against the county and its officials and employees; defending uninsured claims; monitoring the defense of and assisting outside counsel assigned by Wisconsin County Mutual Insurance Company to defend insured claims.
- ◆ **Tax Foreclosure and Property Sales.** Prosecuting the foreclosure of real property tax liens by action *In Rem* and managing and selling tax-foreclosed properties under Chapter 75 of the Wisconsin Statutes.
- ◆ **Ethics and Conduct of Public Officials.** Providing legal opinions and advice regarding ethics and conflict of interest issues under Sections 19.42 – 19.59 of the Wisconsin Statutes.
- ◆ **Public Records Law Compliance.** Reviewing public records requests and providing verbal and written opinions regarding release of records under Sections 19.21 – 19.39 of the Wisconsin Statutes.
- ◆ **Open Meetings Law Compliance.** Reviewing meeting notices and agendas for compliance with, and providing legal opinions and advice regarding, the open meetings law under Sections 19.81 – 19.98 of the Wisconsin Statutes.

- ♦ **Real Estate Transactions.** Handling the legal aspects of the purchase and sale of real property and property interests by Dunn County.
- ♦ **Bankruptcy.** Representing Dunn County's interests (on behalf of all County departments) in federal bankruptcy proceedings.
- ♦ **Bank Foreclosures.** Representing Dunn County's interests (on behalf of all County departments) in bank foreclosure proceedings.
- ♦ **Miscellaneous.** Elections, referenda, intellectual property, telecommunications, and whatever other legal issues which may arise from time to time.
- ♦ **Monitor Legislature and Courts.** Monitor changes in state and federal law and make recommendations for changes in county policy or ordinance, where appropriate.