

Corporation Counsel

DEPARTMENT MISSION

To protect the public health, safety and general welfare of Eau Claire County residents by providing quality legal services in an efficient and timely manner to the County, its boards, commissions, committees, departments and employees.

DEPARTMENT BUDGET HIGHLIGHTS

The Office of Corporation Counsel was fully staffed in 2023 and with the added Asst. Corporation Counsel position from 2022 was able to process caseloads in a timely manner. In addition, the added personnel allowed the department to provide more services to internal departments and external agencies and implement new processes to assist the County in a fiscal manner.

STRATEGIC DIRECTION AND PRIORITY ISSUES

- Initiating State Tax Debt Collection Program in Eau Claire County.
- Implementing the In REM tax lien foreclosure action on properties in Eau Claire with unpaid real property taxes.
- Ongoing cross training to employees in all areas of responsibilities to maintain and increase efficiency and improve effective case processing.
- Updating and providing training to school district on Mandatory Reporter Training.
- Training for Foster parents on Termination of Parental Rights cases.
- Drafted an Eau Claire County Code of Conduct which was adopted as Chapter 2.08 of the Eau Claire County Code of Ordinances in March 2023.

TRENDS AND ISSUES ON THE HORIZON

- Providing training to internal departments and outside agencies on processes and what Corp. Counsel role is at the County.
- Providing guides to internal departments and outside agencies on case timelines of the Corporation Counsel staff for more productive and timely processing of cases.

OPERATIONAL CHANGES IN 2023

- None.

POSITION CHANGES IN 2024

- No position changes are anticipated.

OPERATIONAL CHANGES – WITH FISCAL IMPACT

- None.

Corporation Counsel

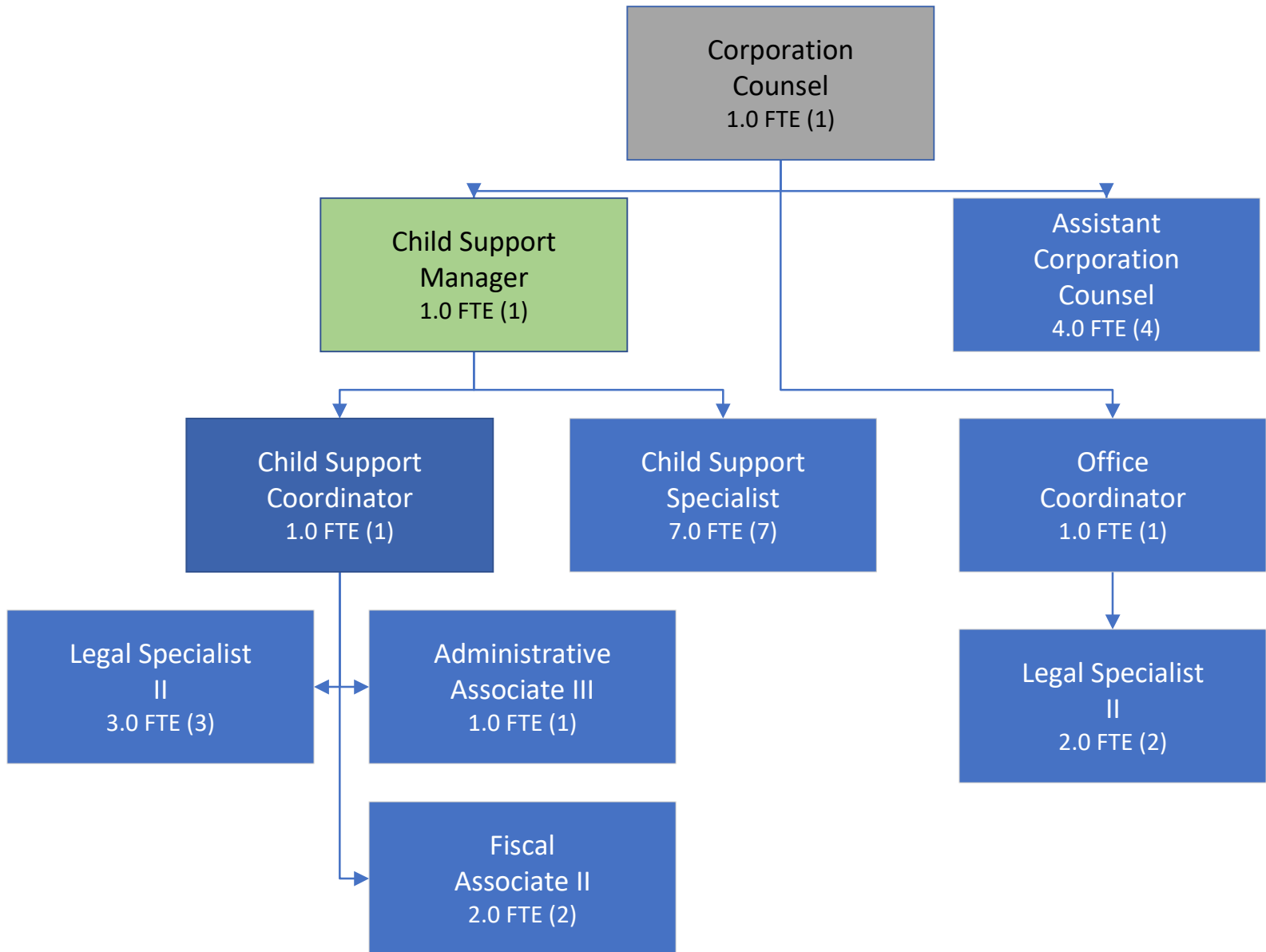
OPERATIONAL CHANGES – WITHOUT FISCAL IMPACT

- None.

KEY ASSUMPTIONS AND POTENTIAL RISKS

- The case load of the Corporation Counsel Office is unpredictable and fluctuates throughout the year. The Corporation Counsel Office handles referrals from all County Departments, in addition to the primary practice areas. While there is a constant flow of referrals, it is impossible to predict the case volume throughout the year; therefore, the income received from representation in Guardianship cases is based on volume of cases processed and the judge's discretion of ordering fees to be paid to our department.
- Tax Intercept collections will vary each year as this is dependent on citizen's who owe fees and the filing of taxes each year.

Corporation Counsel



General Legal Services

Provide contract review and drafting, legal advice to departments and county board and training to county employees. Protect county interests and reduce liability risk.

| OUTPUTS | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>YTD* 2023</u> |
|--|-------------|-------------|-------------|------------------|
| Number of Child Abuse Restraining Orders opened | 25 | 24 | 12 | 10 |
| Number of claims reviewed | 13 | 13 | 21 | 15 |
| Number of contracts reviewed | 39 | 48 | 62 | 30 |
| Number of contacts (All) Maintained | 257 | 258 | 263 | 263 |
| Number of county ordinance violations pretrials held | 13 | 46 | 32 | 18 |
| Number of foreclosure cases reviewed | 6 | 3 | 12 | 2 |
| Number of ordinances and resolutions drafted | 50 | 55 | 67 | 23 |
| Number of ordinances and resolutions reviewed and/or revised | 140 | 111 | 97 | 44 |
| Number of Minor guardianship cases opened | 21 | 22 | 11 | 8 |

**YTD indicates Jan-June Results*

| OUTCOMES | Benchmark | 2020 | 2021 | 2022 | YTD* 2023 |
|---|-----------|------|------|------|-----------|
| 97% of contracts will be reviewed within 7 days of receipt. | 97% | 85% | 100% | 98% | 90% |
| 97% of resolutions and ordinances referred for drafting will be returned for review or additional information within 7 days. | 97% | 96% | 100% | 100% | 96% |
| 100% of in-house legal services will be provided at a rate less expensive than local private attorney rates as illustrated in local attorney rate survey. | 100% | 100% | 100% | 100% | 100% |
| 95% of claims filed against the county will be processed within 2 days of receipt of the claim by Corporation Counsel, excluding weekends and holidays. | 95% | 100% | 100% | 100% | 100% |

**YTD indicates Jan-June Results*

CHIPS, JIPS, TPRs and DHS Legal Services

Provide legal counsel and representation to the Department of Human Services (DHS) by processing children in need of protection and services (CHIPS) cases, juveniles in need of protection and services (JIPS) cases, and termination of parental rights (TPRs) cases. Protect children and allow them to thrive. Maintain families when possible.

| OUTPUTS | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>YTD* 2023</u> |
|--------------------------------------|-------------|-------------|-------------|------------------|
| Number of CHIPS cases opened | 120 | 119 | 99 | 50 |
| Number of CHIPS cases involving Meth | 79 | 65 | 52 | 15 |
| Number of JIPS cases opened | 100 | 114 | 87 | 96 |
| Number of TPR cases opened ** | 2/17NA | 6/18NA | 8/5NA | 11 |

**YTD indicates Jan-June Results*

*** TPR 1st number Opened Corp. Counsel Atty/2nd number opened contracted ECC attorneys*

| OUTCOMES | Benchmark | 2020 | 2021 | 2022 | YTD* 2023 |
|---|-----------|------|------|------|-----------|
| 100% of CHIPS and JIPS referrals will be responded to within 20 days of Corporation Counsel's receipt. | 100% | 100% | 100% | 100% | 100% |
| 100% of in-house legal services will be provided at a rate less expensive than local private attorney rates as illustrated in local attorney rate survey. | 100% | 100% | 100% | 100% | 100% |

**YTD indicates Jan-June Results*

Chapters 51, 54, and 55 and Annual Reviews

Provide legal counsel and representation to the Department of Human Services (DHS) by drafting and review of legal documents, court representation in matters prosecuting Chapter 51 mental commitments, Chapters 54 and 55 temporary guardianships, guardianships and protective placements and annual protective placement reviews. Protect individuals with mental illness and the residents of the county. Protect vulnerable adults from abuse / neglect.

| OUTPUTS | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>YTD* 2023</u> |
|--|-------------|-------------|-------------|------------------|
| Number of Chapter 51 cases opened | 382 | 331 | 367 | 184 |
| Number of Chapter 51 (New) cases committed | 41 | 40 | 28 | 22 |
| Number of Chapter 51 recommitment cases continued | 35 | 31 | 47 | 22 |
| Continued signed stipulation | 22 | 26 | 30 | 15 |
| Continued via court appearances | 13 | 5 | 17 | 7 |
| Number of Chapters 54 and 55 cases opened | 51 | 77 | 59 | 40 |
| Number of Chapter 54 Temporary Guardianship cases opened | 26 | 43 | 39 | 16 |
| Number of Protective Placement Annual reviews scheduled | 318 | 281 | 293 | 170 |
| Total fees collected from 54, 55 and Annual Reviews | \$24,775 | \$30,600 | \$29,675 | \$12,990 |

**YTD indicates Jan-June Results*

| OUTCOMES | Benchmark | 2020 | 2021 | 2022 | YTD* 2023 |
|---|-----------|------|------|------|-----------|
| 100% of Chapter 51 emergency detentions and recommitments, and Chapter 54 annual protective placement reviews will be processed and completed within the statutory time requirements. | 100% | 100% | 100% | 100% | 100% |
| 100% of Chapter 54 guardianship and protective placement petitions will be completed within the statutory time requirement. | 100% | 100% | 100% | 100% | 100% |
| 100% of in-house legal services will be provided at a rate less expensive than local private attorney rates as illustrated in annual local attorney rate survey. | 100% | 100% | 100% | 100% | 100% |

**YTD indicates Jan-June Results*

Collections

Provide legal counsel and representation to any department of the county requiring assistance in pursuing collection and reimbursement.

| OUTPUTS | <u>2020</u> | <u>2021</u> | <u>2022</u> | <u>YTD* 2023</u> |
|---|-------------|-------------|-------------|------------------|
| Number of collections cases referred and files opened | 0 | 0 | 0 | 0 |
| Number of tax intercepts filed | 16 | 0 | 0 | 0 |
| Amount of payments received from tax intercept | \$7,220 | \$5,124 | \$5,759 | \$5,134 |
| Amount of payments received, excluding tax intercepts | \$165 | \$195 | \$165 | \$105 |
| Total amount collected: | \$7,385 | \$5,319 | \$5,924 | \$5,239 |

**YTD indicates Jan-June Results*

| OUTCOMES | Benchmark | 2020 | 2021 | 2022 | YTD* 2023 |
|--|-----------|------|------|------|-----------|
| 95% of tax intercept cases that qualify will be referred to the Department of Revenue (“DOR”) within 7 days. | 95% | NA | NA | NA | NA |
| The cost of collections will be less than the amount of money collected. | Yes | Yes | Yes | Yes | Yes |

**YTD indicates Jan-June Results*

Corporation Counsel

Overview of Revenues and Expenditures

| Revenues | 2022 | 2023 | 2023 | 2024 | 2024 | % |
|---|------------------|------------------|------------------|------------------|------------------|-----------|
| | Actual | Adjusted Budget | Estimate | Request | Recommended | Change |
| 01-Tax Levy/General Revenue Allocation | \$755,520 | \$766,996 | \$766,996 | \$832,853 | \$832,853 | 9% |
| 05-Intergovernmental Charges for Services | \$4,640 | \$2,000 | \$4,000 | \$4,000 | \$4,000 | 100% |
| 06-Public Charges for Services | \$35,229 | \$32,675 | \$33,239 | \$33,000 | \$33,000 | 1% |
| Total Revenues: | \$795,389 | \$801,671 | \$804,235 | \$869,853 | \$869,853 | 9% |

| Expenditures | 2022 | 2023 | 2023 | 2024 | 2024 | % |
|----------------------------|------------------|------------------|------------------|------------------|------------------|-----------|
| | Actual | Adjusted Budget | Estimate | Request | Recommended | Change |
| 01-Regular Wages | \$536,066 | \$611,147 | \$612,579 | \$652,015 | \$652,015 | 7% |
| 02-OT Wages | \$355 | \$200 | \$200 | \$200 | \$200 | 0% |
| 03-Payroll Benefits | \$208,871 | \$168,934 | \$182,936 | \$196,518 | \$196,518 | 16% |
| 04-Contracted Services | \$2,160 | \$2,240 | \$1,920 | \$1,920 | \$1,920 | -14% |
| 05-Supplies & Expenses | \$9,515 | \$13,150 | \$10,735 | \$13,700 | \$13,700 | 4% |
| 09-Equipment | \$5,028 | \$6,000 | \$5,200 | \$5,500 | \$5,500 | -8% |
| Total Expenditures: | \$761,995 | \$801,671 | \$813,570 | \$869,853 | \$869,853 | 9% |

| | | | | | | |
|---|-----------------|------------|------------------|------------|------------|--|
| Net Surplus/(Deficit)- Corporation Counsel | \$33,393 | \$0 | (\$9,335) | \$0 | \$0 | |
|---|-----------------|------------|------------------|------------|------------|--|

Corporation Counsel

Budget Analysis

| | 2023 Adjusted Budget | Cost to Continue Operations in 2024 | 2024 Requested Budget |
|--|-----------------------------|--|------------------------------|
| 01-Tax Levy/General Revenue Allocation | \$766,996 | \$65,857 | \$832,853 |
| 05-Intergovernmental Charges for Services | \$2,000 | \$2,000 | \$4,000 |
| 06-Public Charges for Services | \$32,675 | \$325 | \$33,000 |
| Total Revenues | \$801,671 | \$68,182 | \$869,853 |

| | | | |
|-----------------------------------|------------------|-----------------|------------------|
| 01-Regular Wages | \$611,147 | \$40,868 | \$652,015 |
| 02-OT Wages | \$200 | - | \$200 |
| 03-Payroll Benefits | \$168,934 | \$27,584 | \$196,518 |
| 04-Contracted Services | \$2,240 | (\$320) | \$1,920 |
| 05-Supplies & Expenses | \$13,150 | \$550 | \$13,700 |
| 09-Equipment | \$6,000 | (\$500) | \$5,500 |
| Total Expenditures | \$801,671 | \$68,182 | \$869,853 |

Corporation Counsel

Revenue Assumptions

| | 2022 | 2023 | 2023 | 2024 | 2024 | | |
|----------------------|------------------|------------------|------------------|------------------|------------------|---|-----------------------|
| Revenue Source | Actual | Budget | Estimate | Request | Recom- mended | Assumptions | Confidence Level % |
| County Tax Levy | 755,520 | 766,996 | 766,996 | 832,853 | 832,853 | County funding request | 100% |
| Corp Counsel Fees | 172 | 175 | 10 | - | - | Bad debt collection will decrease with time | 90% |
| Bad Debt Collections | 5,382 | 5,500 | 5,229 | 5,000 | 5,000 | Bad debt collection will decrease with time | 90% |
| Gn / Pp Service Fees | 29,675 | 27,000 | 28,000 | 28,000 | 28,000 | Dependent on GN/PP filings | 90% |
| Airport Chargeback | 4,640 | 2,000 | 4,000 | 4,000 | 4,000 | Airport time varies with need | 50% |
| TOTAL | \$795,389 | \$801,671 | \$804,235 | \$869,853 | \$869,853 | | |

Corporation Counsel

Contracted Services Summary

| | 2022 | 2023 | 2023 | 2024 | 2024 |
|---------------------------|----------------|----------------|----------------|----------------|------------------|
| Expenditure Type | Actual | Budget | Estimate | Request | Recom- mended |
| Professional Services | - | - | - | - | - |
| Utility Services | 2,160 | 2,240 | 1,920 | 1,920 | 1,920 |
| Repairs And Maintenance | - | - | - | - | - |
| Other Contracted Services | - | - | - | - | - |
| Total | \$2,160 | \$2,240 | \$1,920 | \$1,920 | \$1,920 |

Corporation Counsel
Contracted Services Detail

| | 2022 | 2023 | 2023 | 2024 | 2024 | | |
|----------------------|----------------|----------------|----------------|----------------|------------------|------------------|---------------------|
| Expenditure | Actual | Budget | Estimate | Request | Recom- mended | Description | Expenditure Type |
| Corp Coun/ Telephone | 2,160 | 2,240 | 1,920 | 1,920 | 1,920 | Office Telephone | Utility Services |
| TOTAL | \$2,160 | \$2,240 | \$1,920 | \$1,920 | \$1,920 | | |