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**RESOLUTION #15-2014**

**Resolution offered by Supervisors of the Public Safety Committee**

**Resolved by the Board of Supervisors of Oneida County, Wisconsin:**

**WHEREAS**, the Wisconsin State Legislature has determined that a parents rights to their child be terminated if that child has been placed out of the parental home for 15 of the last 22 months; and

**WHEREAS**, Oneida County currently has multiple termination of parental rights cases that are required to be prosecuted under Wisconsin state statutes; and

**WHEREAS**, the Oneida County Corporation Counsel has a an employee on medical leave in their office increasing the workload for the two attorneys, and

**WHEREAS**, Oneida County Code s. 1.39(1)(a) reads:

*“Emergency or Conflict of Interest. In the event of an emergency, a conflict of interest or an appearance of a conflict of interest which may require the retainer of outside legal counsel, the chairpersons of the County Board, the Chairperson of Finance Committee and the Chairperson of the committee of jurisdiction, or in the absence of any chairperson, the vice chairperson, shall immediately meet with the Corporation Counsel, or in his/her absence, an Assistant Corporation Counsel, to determine whether an emergency exists requiring the immediate retainer of independent legal counsel. If such determination is made, the County Board Chair is authorized to make such retainer. The Chair shall thereafter inform the members of the County Board in writing. The retainer shall remain in effect until it is reviewed and approved at the next meeting of the County Board.”*

**WHEREAS**, given the current workload of the Corporation Counsel Office and the time involved in prosecuting termination of parental rights cases, the County Board Chairman, Administration Committee Chairman (formerly Finance Committee) and the Public Safety Committee chairman have all agreed that an emergency exists as set forth in Oneida County Code s. 1.39 and have approved the hiring of outside counsel, and

**WHEREAS**, Attorney Nancy Miller, a termination of parental rights specialist, has been hired to prosecute at least two outstanding termination of parental rights cases; and

**WHEREAS**, the State of Wisconsin may provide reimbursement to Oneida County for 40% of the funds expended under the above referenced contract with Attorney Miller (a application for funds needs to be prepared, submitted and approved); and

**WHEREAS**, Corporation Counsel office has been granted an initial budget of \$20,000 for payment of services provided by Attorney Miller under the above referenced contract, with money being transferred from the contingency fund; and

**NOW, THEREFORE, BE IT RESOLVED**, that Oneida County Board of Supervisors does hereby ratify the hiring of Attorney Miller, for termination of parental rights services, for the reasons stated above; and

**BE IT FURTHER RESOLVED**, that an initial budget of \$20,000 be allocated for payment, with money being transferred from the contingency fund, under the terms of the above referenced contract and that if further funds become necessary the County Board will have the sole authority to determine what, if any, further funding will be provided;

**BE IT FURTHER RESOLVED**, that the Corporation Counsel and Director of Social Services execute any necessary agreements with the State of Wisconsin that are required to receive the reimbursement of 40% of the funds paid to Attorney Miller under the terms of the above referenced contract.

**Vote Required:** Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

52 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed  
53 by the Corporation Counsel, \_\_\_\_\_, Date:  
54 \_\_\_\_\_

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56 Approved by the Public Safety Committee this \_\_\_\_ day of \_\_\_\_\_, 2014.  
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58 Offered and passage moved by: \_\_\_\_\_  
59 Supervisor

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61 \_\_\_\_\_  
62 Supervisor

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73 Seconded by \_\_\_\_\_

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75 \_\_\_\_\_ Ayes

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77 \_\_\_\_\_ Nays

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79 \_\_\_\_\_ Absent

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81 \_\_\_\_\_ Abstain

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84 \_\_\_\_\_ Adopted

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86 by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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88 \_\_\_\_\_ Defeated

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92 Mary Bartelt, Clerk Ted Cushing, County Board Chair