



Rock County Corporation Counsel

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Supervisor Orientation

May 2024

- I. Intro
- II. Who is Corporation Counsel?
 - a. General Counsel for the County. We handle all civil legal matters for the County.
 - b. Work with County Elected Officials, and Departments.
 - c. Staff of 10 plus myself
 - d. Budget of about \$1.5 Million, but only \$540,000 draws on the tax levy directly. Staff provided to Child Support and HSD are charged back to those departments and then those departments are able to capture some federal reimbursement for those services.
- III. Specific Job Duties:
 - a. Represent the County as a Party in Civil Cases
 - b. Representing the Public Interest
 - i. Corp. Counsel serves as prosecutor representing the *Public Interest* in several types of special kinds of cases:
 - ii. Child welfare Cases: CHIPS & TPR 147/24
 - iii. Mental Health/Alcohol Commitments 300
 - iv. Child Support Establish and Enforcement 11,638/1,115
 - v. Guardianship and Protective Placement 191
 - vi. Certain civil or administrative enforcement actions
 - c. Labor Agreement Negotiations.
 - d. Contract/Resolution/Ordinance language drafting
 - e. Serve as parliamentary advisor to the Board
 - f. Serve as a general legal advisor to Elected Officials, Administrator and Departments.
- IV. Contracts/Ordinances/Resolutions Review
 - a. All contracts must go through the County's contract review process (LaserFiche)
 - b. DO NOT SIGN any contracts.
 - c. Corp. Counsel, along with Admin and Finance, reviews all resolutions, and ordinances
 - d. Part of our job is to assist with drafting language on resolutions and ordinances
- V. No. 1 take away, if you don't know ASK! I'm always here to take your questions.
- VI. Open Meetings:
 - a. <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/OML-GUIDE.pdf>

- b. Policy: Public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.
- c. Applies to all meetings of a government body:
 - i. **Government Body** is any group formed by constitution, statute, ordinance, rule or order;
 - ii. **Meeting** is a gather of members of a government body for the purposes of exercising the responsibilities vested to body.
 - 1. Purpose Test: Meeting involves exercising the jurisdiction of the body. Can be information gathering, decision making, or discussion.
 - 2. Numbers Test: Meeting involves enough members to determine the outcome. (Quorum or Negative Quorum)
- d. Meetings must be held in compliance with Open Meetings Law and our Board rules.
 - i. At least 24 hours notice
 - ii. Held in a place accessible by the public
 - iii. Notice provided to the local newspaper of record (Janesville Gazette/BDN)
 - iv. Agenda items must provide the public **reasonable notice** to know what is going to be the subject discussed/acted on at the meeting. *If it is not on the Agenda you cannot act on it or engage in a discussion about it.*
 - 1. Communication from supervisors is for brief one-way updates on events or significant news, not for discussion, or to announce a policy position on a matter that may come before the Board.
- e. **Walking Quorum**
 - i. A series of meetings between members of a government body that individually don't meeting the numbers test but when taken together do. You can't defeat the open meetings law by agreeing to collective action outside of a meeting.
 - ii. Particularly concerning with:
 - 1. Talking before and after actual meetings.
 - 2. Using phone calls to talk about Board business with other Board members
 - 3. Email to multiple board members if it turns into a contemporaneous discussion
 - 4. Instant messaging or texting
- f. Penalties: Forfeitures in \$25-300
 - i. Any action taken at a meeting that is not properly noticed is null and void.

VII. Public Records

- a. <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf>
- b. What is a record: Any material that is written, drawn, printed, spoken, visual, or electronic information that is recorded or preserved or is being created or kept by an Authority.
 - i. Includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved.
 - ii. Does not include:
 - 1. drafts, notes, preliminary computations, and like materials prepared for the originator's personal use, or

- 2. Materials protected by intellectual property law, e.g. Copyright, Trademark, or patents
 - 3. Published materials that are offered for sale elsewhere.
 - iii. The defining characteristic is not where or how the information is stored, what it is.
- c. **Custodian**
 - i. In the County, each department has an official records custodian, usually the Department head or a designated administrative staff that will handle open records requests.
 - ii. Elected officials are their own custodians for their records. Meaning it is the official's responsibility to produce records if they receive an open records request. The County will try to help you as best we can. If you get an open Records Request call Corp. Counsel or Admin as soon as you can.
 - 1. County Email system as opposed to personal or campaign email.
 - 2. Personal emails sent through the county system, or if you use personal email system you
- d. **Timing:** "As soon as practicable and without delay"
 - i. There is no one-size-fits-all answer
 - ii. WI DOJ has said that 10 days is a good rule of thumb for simple requests but it's entirely fact dependent.
 - iii. Case law says you have to balance the functions of the job or office with duty responding and you don't have to stop doing your job to respond to public records requests.
- e. **Exceptions to Disclosure:**
 - i. Must meet a specific statutory exception. Most common, health care or other financial identifying information, certain types of police records; or
 - ii. Balancing Test
 - iii. If you can redact confidential info out and still release then you must release the record.
- f. Authority can charge fees for the actual and necessary costs associated with producing the records:
 - i. Search time:
 - ii. Copy or reproduction costs.
 - iii. Cannot charge for redaction fees

VIII. Ethics

- a. There is no County Ethics Code
- b. Wis. Stat. § 19.59 & Wis. Stat. § 946.13
- c. Use the smell test: When an official, a member of the official's family or a business organization with whom the official is associated is involved in a County Matter, the official needs to step back and question whether there are problems concerning his or her involvement
- d. **Actions prohibited by Wis. Stat. § 19.59**
 - i. Use of Office for Private Gain
 - ii. Offering or Receiving Anything of Value
 - iii. Taking action affecting a matter in which official has a financial interest.
 - iv. Includes immediate family
 - v. Could be subject to a forfeiture up to \$1000
 - vi. You can always request an advisory opinion from Corporation Counsel. Corporation Counsel is prohibited from disclosing to whom an advisory opinion has been given.

e. **Private Interests in Public Contracts Wis. Stat. § 946.13**

- i. Protection against self-dealing
- ii. Prohibits public officials from having a private financial interest in a public contract. So if you have a financial interest, or you immediate family, has a financial interest, in a construction company, or other vendor providing goods or services to the County.
- iii. Can't take official action, or take private action including bid for. So must recuse yourself from both sides of the transaction.
- iv. Some limited exceptions, but its best to stay far away
- v. Penalty Class E Felony!

IX. Liability & Insurance

- a. WMMIC (Mutual Insurance Company)
 - i. Member with many other Counties (Waukesha, Dane, Jefferson, Outagamie), City of Madison, City of Eau Claire, Green Bay MSD.
 - ii. General Liability Insurance
 - iii. SIR - \$200,000 / \$850,000
 - iv. Usually hire outside counsel on general / employment liability claims
 - v. If you get served with a law suit, get the paperwork to Corp. Counsel right away. Can scan and email.
- b. Self-Insured for Workers Compensation
 - i. Work with WMMIC TPA for claims
 - ii. Have excess layer for insurance through WMMIC. \$550,000 per injury
- c. Property Insurance through MMPIC
- d. If acting within the Scope of your official acts, you will be covered.
 - i. Limits: \$12,000,000 / \$30,000,000