

MODELS FOR GOVERNANCE

DHFS Planning Consortia Conference
September 20, 2006



STADLER, CENTOFANTI & PHILLIPS, S.C.
Attorneys at Law

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Governance Options

1. Family Care District
2. Wis. Stats. § 66.0301
3. New Statutory Authority

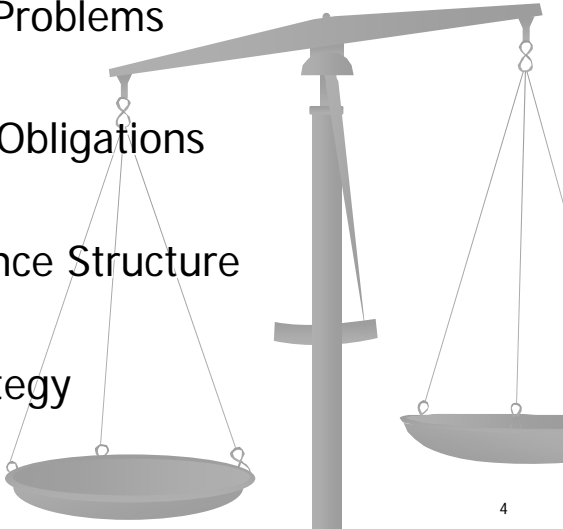
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Anatomy of a 66.0301 Agreement



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Why Enter Into a Formal Agreement?

- Prevent Future Problems
 - Clarify Funding Obligations
 - Clarify Governance Structure
 - Clarify Exit Strategy
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Wis. Stat. § 66.0301

- (2) In addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.
- (3) Any contract under sub. (2) may provide a plan for administration of the function or project, which may include but is not limited to provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, and formation and letting of contracts.
- (4) A commission created by contract under sub. (2) may finance the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects under s. 66.0621. Participating municipalities acting jointly or separately may finance the projects, or an agreed share of the cost of the projects, under ch. 67.

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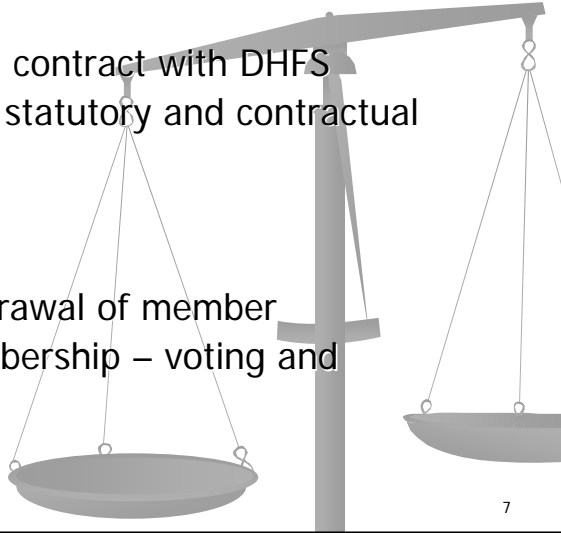
Contract Provisions

- Recitals – Provide background information concerning purpose and need for agreement. These should provide factual history sufficient to meet 66.0301 requirements.
- Period of Existence
- Purpose of Organization

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Contract Provisions (cont.)

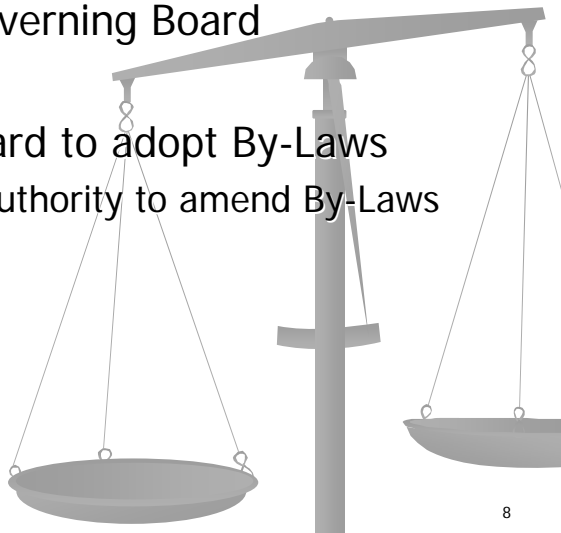
- Powers
 - General – Fulfill contract with DHFS
 - Specific – Meet statutory and contractual obligations
- Membership
 - Qualifications
 - Removal/Withdrawal of member
 - Classes of Membership – voting and nonvoting



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Contract Provisions (cont.)

- Definition of Governing Board
- Authority of Board to adopt By-Laws
 - Delegation of authority to amend By-Laws



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By-Laws

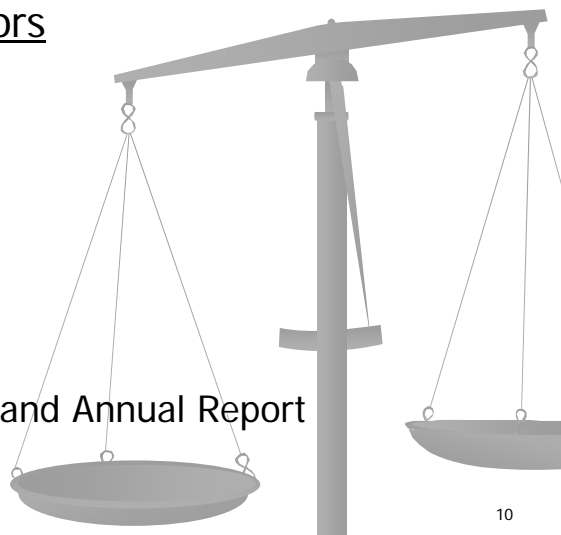
- Membership
 - Define Classes
 - Define Voting Rights
 - Define Voting Eligibility



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By-Laws (cont.)

- Board of Directors
 - Election
 - Term of Office
 - Compensation
 - Removal
 - Meetings
 - Annual Budget and Annual Report

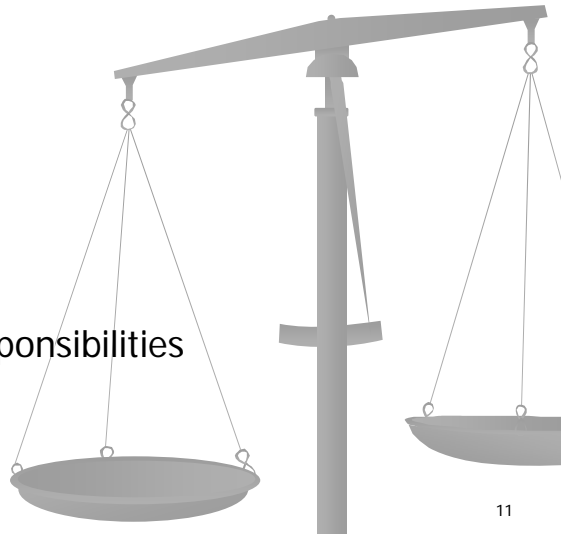


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By-Laws (cont.)

- Officers

- Election
- Term of Office
- Compensation
- Removal
- Duties and Responsibilities



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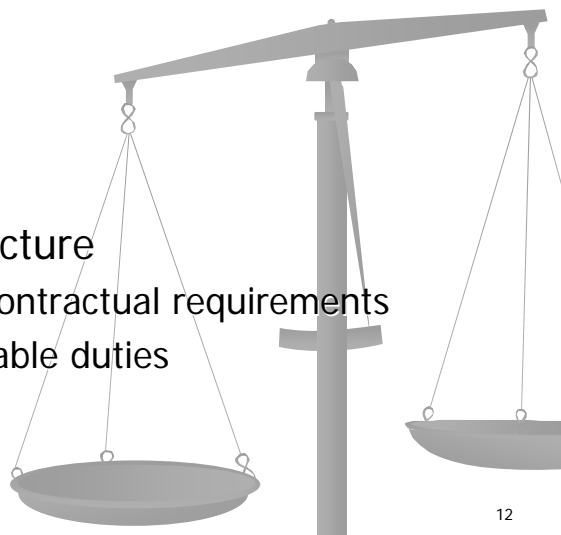
By-Laws (cont.)

- Meetings

- Annual
- Special

- Committee Structure

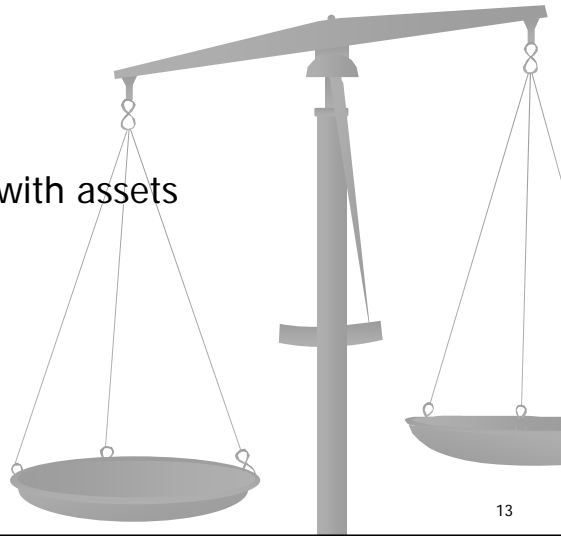
- Review DHFS contractual requirements
- Consider delegable duties



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By-Laws (cont.)

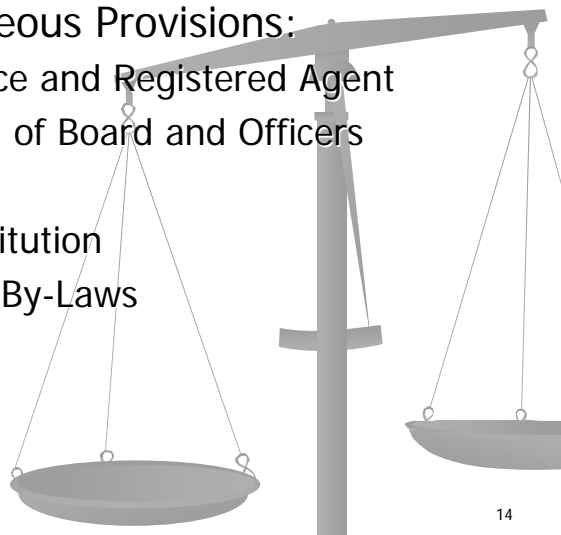
- Dissolution
 - Why and when
 - What happens with assets



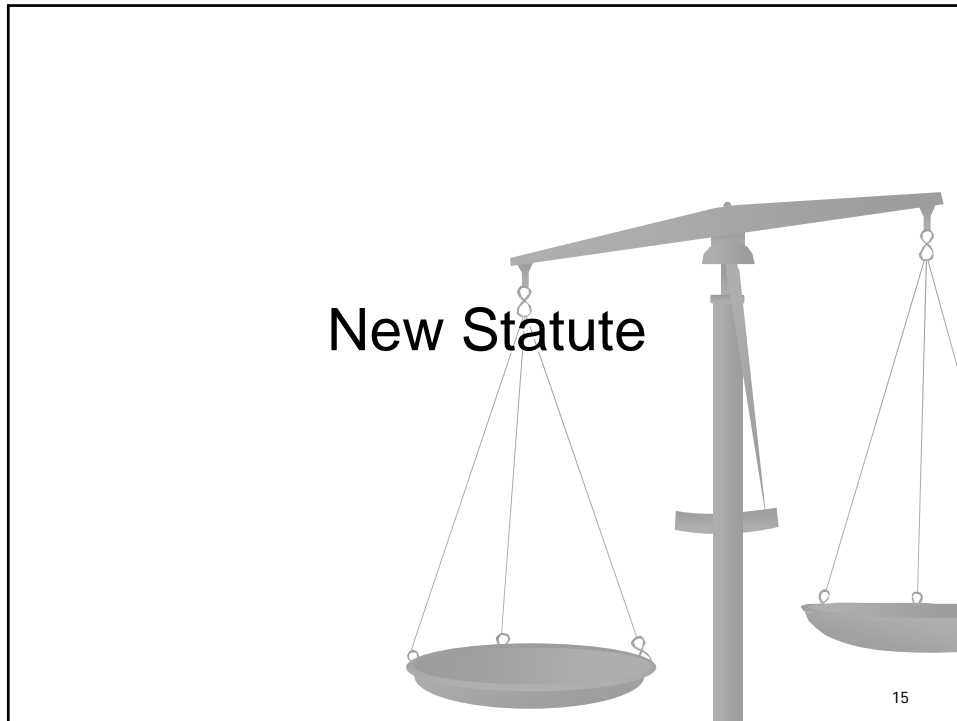
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By-Laws (cont.)

- Other Miscellaneous Provisions:
 - Registered Office and Registered Agent
 - Indemnification of Board and Officers
 - Fiscal Years
 - Depository Institution
 - Amendment of By-Laws



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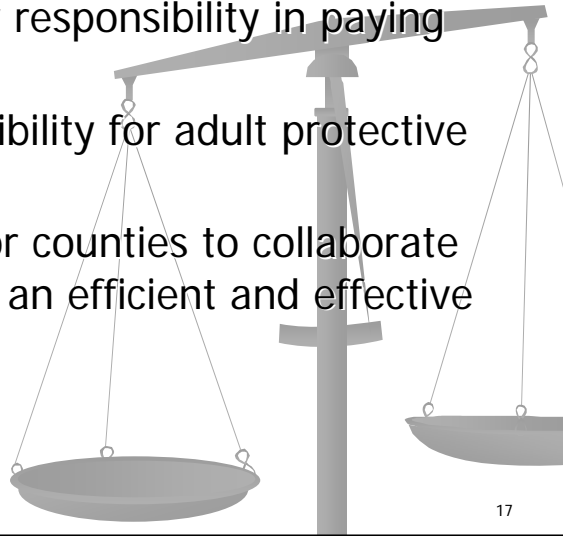
Modeled After Family Care

- Recognition of different potential contractual relationships with DHFS
- Recognition of different service provided
- Expansion of Family Care District Model

A grayscale illustration of a balance scale, identical to the one on slide 15. The left pan is lower than the right pan. A list of three bullet points is positioned above the left pan. The number "16" is located in the bottom right corner of the image frame.

Topics Legislature Must Address

- State vs County responsibility in paying services
- County responsibility for adult protective services
- Authorization for counties to collaborate and organize in an efficient and effective manner.



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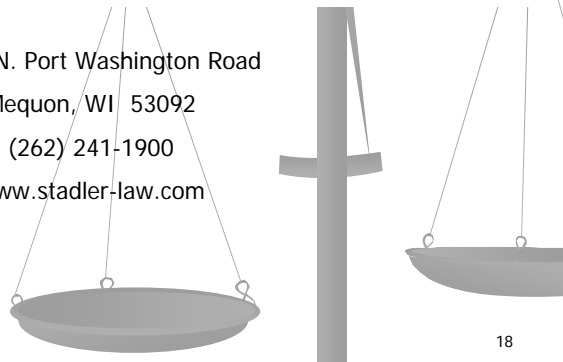
Attorneys at Law

10140 N. Port Washington Road

Mequon, WI 53092

(262) 241-1900

www.stadler-law.com



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