

RESOLUTION # 31-2024

**Resolution to Amend the 1984 Joint County Human Services Agreement**

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

**WHEREAS**, in 1984 Vilas, Forest and Oneida Counties each passed resolutions to combine with the others to establish the Community Mental Health Program to provide services in mental health, developmental disabilities, alcoholism and other drug abuse pursuant to Wis. Stat. § 51.42; and,

**WHEREAS**, the Boards of Supervisors of Forest, Oneida & Vilas Counties modified the original organizational document at their respective meetings on November 13, 1984. The resolutions each also provided for the creation of a board of directors to be the governing and policy-making board for what was then called the Human Services Board. The County resolutions provided for the appointment of six (6) directors to the board by Oneida County and four (4) directors each to the board by Vilas and Forest Counties and for other provisions regarding the appointment and terms of office of the Human Services Board members, and,

**WHEREAS**, the Human Services Board established The Human Service Center to provide these services on behalf of the three counties; and,

**WHEREAS**, Forest, Oneida and Vilas Counties have each passed a Resolution to withdraw from the Tri-County Human Service Board effective December 31, 2024; and,

**WHEREAS**, the services offered by the Tri-County Human Service Board are vital community services and many are statutorily required to continue thereafter; and,

**WHEREAS**, the Counties, each and collectively, have a vested interest in retaining current Tri-County Human Service Board staff to ensure services continue uninterrupted to the vulnerable members of our communities that rely on these services; and,

**WHEREAS**, each of the three counties has passed a Resolution creating a County Transition Oversight Panel (Oneida and Forest County November 14, 2023 and Vilas County January 23, 2024) to ensure the smooth and seamless transition upon the effective date of the withdrawal; and,

**WHEREAS**, the Tri-County Human Service Board has not abided by the direction provided by the three counties as set forth in the County Transition Panel Resolutions; and,

**WHEREAS**, the Tri-County Human Service Board has sought clarification regarding the counties decision to form a Transition Oversight Committee.

**THEREFORE, BE IT RESOLVED**, that Forest, Oneida and Vilas Counties hereby amend any and all prior Agreements stated or not listed above with the attached Agreement; and,

**BE IT FURTHER RESOLVED**, that the attached 2024 AMENDED JOINT COUNTY HUMAN SERVICES AGREEMENT WITH COUNTY TRANSITION OVERSIGHT PANEL shall be effective upon passage by each of the three counties; and,

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**BE IT FURTHER RESOLVED**, that any actions of the Tri-County Human Service Board inconsistent with the County Transition Oversight Panel Resolutions passed by Forest, Oneida, and Vilas Counties are and hereby revoked effective as of January 23, 2024, which was the date of Vilas County's passage of the County Transition Oversight Panel Resolution.

Vote Required: Majority = ✓ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes ✓ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date: 2.14.24

Offered and passage moved by: \_\_\_\_\_

Scott Holewinski  
Supervisor Scott Holewinski

Seconded by Winkler

- 19 Ayes
- 1 Nays
- 1 Absent
- 0 Abstain
- X Adopted

by the County Board of Supervisors this 20<sup>th</sup> day February, 2024.

Defeated  
Tracy Hartman  
Tracy Hartman, County Clerk

Scott Holewinski  
Scott Holewinski, County Board Chair

**Resolution # 31-2024**

Supervisors	AYE	NAV	ABS	ABSTAIN
Briggs	X			
Rio	X			
Harris	X			
Sorgel	X			
Condado	X			
Ryden	X			
Almekinder	X			
Showalter	X			
Timmons	X			
Winkler	X			
Fried	X			
Fisher	X			
Roach	X			
Oettinger	X			
Hanus	X			
Cushing	X			
Schreier	X			
Schultz	X			
Newman		X		
Jensen	X			
Holewinski	X			
<b>TOTALS</b>	<b>19</b>	<b>1</b>	<b>1</b>	
TAGS				

**Resolution # 31 – 2024:** Offered by Chair Scott Holewinski to amend the 1984 Joint County Human Services Agreement.

Second: Winkler

2024 AMENDED JOINT COUNTY HUMAN SERVICES AGREEMENT WITH COUNTY  
TRANSITION OVERSIGHT PANEL

FOREST COUNTY  
ONEIDA COUNTY  
VILAS COUNTY

HUMAN SERVICES BOARD  
OF  
FOREST, ONEIDA AND VILAS COUNTIES

## CONTRACTUAL AGREEMENT

Forest County, State of Wisconsin; Oneida County, State of Wisconsin; Vilas County, State of Wisconsin, and the Human Services Board of Forest, Oneida and Vilas Counties contract pursuant to §51.42(3)(c) of the Wisconsin Statutes as follows:

### A. INTRODUCTION

1. Legislative Policy: The Legislature of the State of Wisconsin has stated in Wisconsin Statutes that it is the policy of the state to assure the provision of a full range of treatment and rehabilitation services in the state for all mental disorders and developmental disabilities and for mental illness, alcoholism and other drug abuse. There shall be a unified system of prevention of such conditions and provision of services which will assure all people in need of care access to the least restrictive treatment alternative appropriate to their needs, and movement through all treatment components to assure continuity of care.
2. Legislative Purpose: To carry out the above-stated policy of the State of Wisconsin, the Wisconsin Legislature enacted §51.42 of the Wisconsin Statutes stating its purpose as follows: The purpose and intent of this section is to enable and to encourage counties to develop a comprehensive range of services offering continuity of care; to utilize and expand existing governmental, voluntary and private community resources for provision of services to prevent or ameliorate mental disabilities, including but not limited to mental illness, mental retardation, alcoholism and drug abuse; to provide for the integration of administration of those services and facilities organized under this section through the establishment of a unified governing and policy-making board of directors; and to authorize state consultative services, review and establishment of standards and grants in aid for such programs of services and facilities.
3. County Responsibility – Mental Health: The Wisconsin Legislature in §51.42 of Wisconsin Statutes stated that the county boards of supervisors have the primary responsibility for this well-being, treatment and care of the mentally ill, developmentally disabled, alcoholic and other drug dependent citizens residing within their respective counties and insuring that those individuals in need of such emergency services found within their respective counties receive immediate emergency services.
4. County Responsibility – Developmental Disabilities: The Wisconsin Legislature further stated in §51.437 of the Wisconsin Statutes that the county boards of supervisors have the primary governmental responsibility for the well-being of those developmentally disabled citizens residing within their respective counties and the families of the mentally retarded insofar as the usual resultant family stresses bear on the well-being of the developmentally disabled citizen.

5. Required County Program – Mental Health: The Wisconsin Legislature in §51.42 of the Wisconsin Statutes has further provided that the county board of supervisors of every county, or the county boards of supervisors of any combination of counties, shall establish a community mental health, mental retardation, alcoholism and drug abuse program, make appropriations to operate the program and authorize the board of directors of the program to apply for grants and aid pursuant to this section.
6. Required County Program – Developmentally Disabled: The Wisconsin Legislature has further provided in §51.437 of the Wisconsin Statutes that the county board of supervisors shall establish community developmental disabilities services boards to furnish services within the counties. Adjacent counties, lacking the financial resources and professional personnel needed to provide or secure such services on a single county basis, may and shall be encouraged to combine their energies and financial resources to provide these joint services and facilities.

## B. COMMUNITY BOARD ESTABLISHMENT

1. Resolution of Establishment: By resolution of the Forest County Board of Supervisors, the Oneida County Board of Supervisors and the Vilas County Board of Supervisors, the Community Board, now known as the Human Services Board of Forest, Oneida and Vilas Counties (hereinafter “Human Services Board”) was established to govern the program requirements as stated above in part A.
2. Program Responsibilities of Board: Pursuant to the mandates of the Wisconsin Legislature as stated in the paragraphs above, Forest, Oneida and Vilas Counties have established the Human Services Board to carry out the responsibilities of Forest, Oneida and Vilas Counties pursuant to §51.42 and §51.437 of the Wisconsin Statutes. The Human Services Board shall carry out such other responsibilities as are delegated to it by the establishing counties which are permissible under Wisconsin Statutes.
3. Contract Requirement: Section 51.42(3)(c) of the Wisconsin Statutes requires that whenever counties combine to establish a community mental health, mental retardation, alcoholism and drug abuse and developmental disabilities program, the program and its governing board shall function under a detailed contractual agreement between the combining counties. It is intended that this agreement satisfy the requirements of §51.42(3)(c) of the Wisconsin Statutes for the combined program established by Forest, Oneida and Vilas Counties.
4. Procedure of Agreement: The terms of this agreement, when adopted by the County Boards of Supervisors of Forest, Oneida and Vilas Counties and executed shall take precedence over and supersede all prior resolutions which may conflict with this agreement.

## C. BOARD COMPOSITION

1. Number of Representatives: The Human Services Board shall be composed of fourteen (14) member directors appointed as follows:
  - Residents of Forest County 4
  - Residents of Oneida County 6
  - Residents of Vilas County 4All of the above to be appointed by their respective County Board of Supervisors.
2. Qualifications of Directors: In order to fulfill statutory requirements, reasonable effort shall be taken to assure that the composition of the Human Services Board adequately represents all disability areas served by the Board. To assure this representation, the Chairman of the County Boards of Supervisors of the respective counties shall confer with the Executive Director of the Human Services Board to ascertain the representation needs of the Board before selecting nominees.
3. Terms of Office: Each director shall hold office for a term of three (3) years from their qualification.
4. Removal from Office: Any Human Services Board director may be removed from office upon recommendation of the Human Services Board to the appointing authority and a two-thirds (2/3<sup>rd</sup>s) vote of the appointing authority.
5. Appointment of County Supervisors: Each county shall appoint no less than one (1) and no more than three (3) County Supervisors to the Human Services Board. As indicated in 51.42(4)(b), all appointees shall have "recognized ability and demonstrated interest in the problems of the mentally ill, developmentally disabled, alcoholic or drug dependent persons."

## D. BOARD POWERS AND RELATIONSHIPS

1. Powers and Duties of Human Services Board: As required by law, within the limits of available state, federal and county funds, the Human Services Board shall provide for the program needs of persons suffering mental disabilities, including mental illness, mental retardation, alcoholism or drug abuse, by offering the following services:
  - a. To provide for collaborative and cooperative services with public health and other groups for programs of prevention;
  - b. To provide for comprehensive diagnostic and evaluation services, including initial assessment;

- c. To provide for inpatient and outpatient care and treatment, residential facilities, partial hospitalization, pre-care, aftercare, emergency care, rehabilitation and habilitation services and support transitional services;
- d. To provide for professional consultation;
- e. To provide for public informational and educational services;
- f. To provide for related research and staff in-service training;
- g. To provide for the program needs of persons suffering from mental disabilities, including but not limited to mental illness, mental retardation, alcoholism or drug abuse;
- h. To provide for continuous planning, development and evaluation of programs and services for all population groups; and shall;
  - 1) Establish long-range goals and intermediate-range plans, detail priorities and estimate costs;
  - 2) Develop coordination of local services and continuity of care where indicated;
  - 3) Utilize available community resources and develop new resources necessary to carry out the purposes of this section;
  - 4) Appoint a director of the program on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, mental retardation, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the director;
  - 5) Fix the salaries of personnel employed to administer the program;
  - 6) Enter into contracts to render services to or secure services, including independent professional accounting and legal services, from other agencies or resources including out-of-state agencies or resources; and
  - 7) Enter into contracts for the use of any facility as an approved public treatment facility for mental health, developmental disabilities, alcohol or drug abuse services.
- i. To provide the submission of a coordinated plan and budget.



2. Relationship to Establishing County Boards: The establishing County Boards of Supervisors shall annually review and approve the Human Service Board's plan and budgets; which budget shall provide for appropriations by the establishing counties in accord with the provisions of the "Financial" section of this agreement.
3. Human Services Board Governance of Other Programs: The County Board of Supervisors of any participating county may designate the Human Services Board to govern any other county health program or institution but the budget for such designated program or institution shall be separated from the general budget of the human Services Board and the designating county shall provide separate appropriation for the operation of the designated program or institution.
4. Conflicts of Interest: The Human Services Board shall adopt and enforce a policy to avoid conflicts of interest of Board members.
5. By-laws: The Human Services Board shall adopt by-laws to govern its operation and shall file by-laws and any amendments with the County Clerk of each participating county within thirty (30) days of adoption.
6. Legal Counsel: The Human Services Board shall only obtain legal advice by the three County Corporation Counsels unless the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide those services in a timely manner as provided in Wis. Stat. §51.42(3)(ar)1.

#### E. HUMAN SERVICES BOARD EXECUTIVE DIRECTOR

1. Powers and Duties of Executive Director: The Human Services Board shall, subject to the approval of the participating Counties, employ an Executive Director with the following powers and duties:
  - a. ALL of the administrative and executive powers and duties of managing, operating, maintaining and improving the program shall be vested in the Director, subject to such delegation of authority as is not inconsistent with §51.42 of Wisconsin Statutes and the rules of promulgated thereunder.
  - b. In consultation and agreement with the Board, the Director shall prepare:
    - 1) An annual comprehensive plan and budget of all funds necessary for the program and services in which priorities and objectives for the year are established;

- 2) An annual report of the operation of the program; and
- 3) Such other reports as are required by the Human Services Board and any of the County Boards of Supervisors.

c. The Director shall make recommendations to the Board for:

- 1) Personnel and the salaries of employees; and
- 2) Changes in program services.

## F. FINANCIAL

1. Accounting Period: The accounting period of the Human Services Board shall be the calendar year.
2. Accounting Practices: The Human Services Board shall follow generally accepted accounting principles and periodically provide each establishing county with financial information as may be requested by the establishing counties to meet federal, state or internal requirements.
3. Annual Audit: On an annual basis, the financial records of the Human Services Board will be audited either by the State of Wisconsin or by an independent certified public accounting firm. Each establishing county shall be provided with a copy of the annual audit report.
4. Determination of County Funds and Funding Shares: As part of its preparation of the annual coordinated plan and budgets (CPB) required by the state, the Human Services Board shall determine the amount of county funds needed for the calendar/fiscal year. Based on this annual budget as determined by the Human Services Board, and approved by the establishing counties and the State of Wisconsin, each county shall contribute a funding share equal to its percentage of the combined total population of all three counties. The population figures used are those of the United States Census Bureau. On this basis, the funding share for each county is as follows:
  - Forest County 16%
  - Vilas County 29%
  - Oneida County 55%
5. Billing: In accordance with county preference and direction, the Human Services Board shall bill each county on a monthly or quarterly basis for its funding share. On a quarterly basis, billings shall be made on the fifth (5<sup>th</sup>) day of January, April, July and October. On a monthly basis, billings shall be made on the fifth (5<sup>th</sup>) day of the month prior to the month for which the funding share applies. Each county shall reimburse the Human Services Board within thirty

(30) days of receipt of the billing statement. No county shall withhold funds that have been approved by the county for the Human Services Board.

6. Repayment of Funds to Counties: The Human Services Board may return county funds not needed for its operation upon receipt and approval of the annual audit, a copy of which shall be given to each establishing county.

7. Collection Procedures:

a. The collection procedures utilized by the Human Services Board shall be consistent with established state laws, policies and procedures applicable to collection.

b. The Board shall charge clients a uniform schedule of fees as defined in §46.03(18) of Wisconsin Statutes, unless waived by the Executive Director or on an individual case basis.

c. All client fees collected will be used to offset the costs of the Human Services Board, and to reduce the need for additional county funds.

8. Other Financial Arrangements: No establishing county shall enter into any agreement with the Human Services Board which financially benefits such county at the expense of the other establishing counties.

9. Withdrawal from the Tri-County Human Services Board: If any establishing county chooses to withdraw from the Tri-County Human Services Board, it shall not withdraw prior to December 31<sup>st</sup> of the calendar/fiscal year. Further, it shall notify the Human Services Board and the other two counties by July 1<sup>st</sup> of the year preceding withdrawal, thus providing at least six (6) months advance notice.

G. The terms and provisions of this Agreement are modified by each of the three counties passing County Oversight Transition Panel Resolutions. The powers and duties contained in each of the County Oversight Transition Panel Resolutions supersede and modify this Agreement. The County Oversight Transition Panel Resolutions are an explicit delegation of power by each of the County Boards and shall be construed broadly. Any perceived inconstancy amongst the County Oversight Transition Panel Resolutions is hereby incorporated by reference and intended to expand the powers delegated by each of the County Boards to the County Oversight Transition Panel.

H. This Agreement is further modified to prohibit the §51.42 Board from passing any changes to any compensation package, including retention or severance, not previously presented to the County Boards for approval relative to the 2024 Human Service Center Budget.

This Amendment shall be immediately effective upon passage by the Board of Supervisors of Forest, Oneida, and Vilas Counties.

D.

6. Legal Counsel: The Human Services Board shall only obtain legal advice by the three County Corporation Counsels unless the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide those services in a timely manner as provided in Wis. Stat. §51.42(3)(ar)1.

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G. The terms and provisions of this Agreement are modified by each of the three counties passing County Oversight Transition Panel Resolutions. The powers and duties contained in each of the County Oversight Transition Panel Resolutions supersede and modify this Agreement. The County Oversight Transition Panel Resolutions are an explicit delegation of power by each of the County Boards and shall be construed broadly. A Any perceived inconstancy amongst the County Oversight Transition Panel Resolutions is hereby incorporated by reference and intended to expand the powers delegated by each of the County Boards to the County Oversight Transition Panel.

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