

## AGENDA

### REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA

Tuesday, January 25, 2011, 9:30 A.M.



Cotton Town Hall  
9087 Highway 53  
Cotton, Minnesota  
(At the intersection of U.S. Hwy. 53 & County Hwy. 52)

**STEVE O'NEIL, Chair**  
Second District

**FRANK JEWELL**  
First District

**CHRIS DAHLBERG**  
Third District

**MIKE FORSMAN**  
Fourth District

**PEG SWEENEY**  
Fifth District

**KEITH NELSON, Vice-Chair**  
Sixth District

**STEVE RAUKAR**  
Seventh District

County Auditor  
Don Dicklich

County Administrator  
Kevin Gray

County Attorney  
Mark Rubin

Clerk of the Board  
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [County Board Resolution No. 560, adopted on September 9, 2003] Speakers will be limited to five (5) minutes.

\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.\*\*

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.co.st-louis.mn/us/slcportal>

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9:30 A.M. Pledge of Allegiance  
Roll Call  
*Recognition of those in the Arts & Sciences – Commissioner Nelson, Sixth District*

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA: Approval of business submitted on the Consent Agenda.

**REPORTS OF BOARDS AND COMMITTEES**

**Central Management and Intergovernmental Committee – Commissioner Raukar, Chair**

1. Authorize county officials to enter into legal services contracts for the Child in Need of Protective Services, Long Term Foster Care, and Termination of Parental Rights for January 1, 2011 to December 31, 2011, at an annualized cost not to exceed \$155,000, payable from Fund 100, Agency 113002, Object 626100. [**Without recommendation.**] {11-17}

# BOARD LETTER NO. 11 - 17

## CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE CONSENT NO. 11

JANUARY 25, 2011 BOARD AGENDA NO. 1

**DATE:** January 11, 2011                      **RE:** **Contracts for Court Appointed  
Attorneys in Child Protection  
Proceedings**

**FROM:** **Kevin Z. Gray**  
**County Administrator**

**Mark Rubin**  
**County Attorney**

**RELATED DEPARTMENT GOAL:**

To provide efficient, effective government.

**ACTION REQUESTED:**

The St. Louis County Board is requested to authorize legal service contracts to serve parents in cases for children in need of protection, long term foster care, and termination of parental rights.

**BACKGROUND:**

Due to state budget challenges, in 2008 the State Board of Public Defense ended the practice of representing parents involved in Child In Need of Protective Services (CHIPS), Long Term Foster Care (LTFC), and Termination of Parental Rights (TPR) matters. While Minn. Stat. § 260C.163, Subd. 3, require parents to be effectively represented by counsel in CHIPS, LTFC, and TPR matters, it is silent about the party of financial responsibility for the representation. However, Minn. Stat. § 260C.331, Subd. 3d states that in child protection proceedings, the county is responsible for “reasonable compensation for an attorney appointed by the court to serve as counsel...”

With the change in practice in the Public Defender’s Office, the County Board authorized contracts with five individuals to provide these legal services (County Board Resolution 08-374). These contracts were then renewed by County Board Resolution No. 09-309. The current contracts expired December 31, 2010.

The County Attorney’s Office developed and issued, in conjunction with County Administration, a Legal Services Request for Proposal and solicited proposals for these and other services. A review committee, comprised of members of the Sixth Judicial

District Administration, the Public Defender's Office, Public Health and Human Services, the County Attorney's Office and County Administration, met to review and make recommendations for these contract services.

The need for these services still exists, and it is in the best interest of the citizens of St. Louis County to extend four of these contracts and enter into a new fifth contract under the same terms and conditions for calendar year 2011. The fifth contract is proposed as a replacement to one of the current contractors since the proposed price was substantially more than the current providers and other qualified attorneys were interested and willing to work for the current rate. Due to increasing case numbers, the review committee recommends a \$100 increase per month per contract for 2011.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize the appropriate county officials to enter into one-year contracts with five private attorneys for the purpose of accepting court appointments on CHIPS, LTFC, and TPR matters. Funding is available in the County Attorney's budget, Fund 100, Agency 113002, Object 626100.

**BY COMMISSIONER** \_\_\_\_\_

**WHEREAS**, as of July 8, 2008, the State Public Defender's Office does not accept court appointments on Child in Need of Protective Services, Long Term Foster Care, and Termination of Parental Rights cases; and

**WHEREAS**, after review of the number of cases and the options of various costs, St. Louis County contracted with five attorneys to accept court appointments for representation of parents in these cases; and

**WHEREAS**, these contracts were renewed in 2009 and the current contracts expired on December 31, 2010; and

**WHEREAS**, the need for these services still exists, and it is in the best interest of the citizens of St. Louis County to renew the current contracts.

**NOW, THEREFORE, BE IT RESOLVED**, that the St. Louis County Board authorizes the appropriate county officials to enter into legal services contracts for the Child in Need of Protective Services, Long Term Foster Care, and Termination of Parental Rights for January 1, 2011 to December 31, 2011, at an annualized cost not to exceed \$155,000, payable from Fund 100, Agency 113002, Object 626100.