

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, OCTOBER 20, 2009**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Lennon.

The following Supervisors were present: Konezke, Barker, Griesbach, Eisen, Ramos, Roh, Koziczkowski, Smith, Widener, Hamblin, Albrecht, Gabert, Riste, Thompson, Lennon, Gearhart, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert. Excused: Farrey.

Motion by Supervisor Robl and seconded to adopt tonight's agenda with the change of order of the resolutions so that No. 297-102009 and No. 298-102009 will come before No. 294-102009. CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

Jay Schroeder, 1295 North Lake Street, Neenah spoke in opposition to Resolution No. 296-102009, "Authorize the Purchase of the Oshkosh B' Gosh Properties in Downtown Oshkosh and Remodel for County Use and Appropriate \$3.9 Million to the Purchase and Remodeling of the Buildings."

**COMMUNICATION, PETITIONS, ETC.**

The following resolutions were received:

- Outagamie County – a resolution supporting legislation that would prohibit, "a licensed lender from making or offering a motor vehicle title loan" was referred to the Legislative Committee.
- Trempealeau County – "Opposition to S.149 'Weekend Voting Act' and '2009 Assembly Joint Resolution 2'" was referred to the Legislative Committee.

Petition for Zoning Amendment from John L. Rath, Town of Winneconne, for zoning change for tax parcel nos. 030-0086-05-01 and 030-0086-06 from A-2 to R-1 for a new garage was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Norton reported that the Parks & Recreation Committee's ad hoc committee on returning life guards to the Community Park swimming beach will be meeting on Friday, October 30 at 1:00 in the Volunteer Room at the James P. Coughlin Center.

Supervisor Kline reported that there will not be a Legislative Committee meeting in October. Their next meeting will be held on November 23.

Motion by Supervisor Robl and seconded to approve the September 1 & 22, 2009 proceedings. CARRIED BY VOICE VOTE.

**COUNTY EXECUTIVE'S REPORT**

Executive Harris reported that Moody's Investors Services has renewed Winnebago County's "favorable Aa2 bond rating." Winnebago County's favorable rating comes at a time when other counties in the state have seen their rating reduced.

Executive Harris also discussed the situation surrounding the Pleasant Acres and the Oshkosh B'Gosh properties. He reminded the Board of the issues that make proceeding with this project in a timely manner important. Those issues include:

- Old elevator in the Rehabilitation Pavilion--This elevator is "on its last legs" and has the potential to fail. If this happens before the building is vacated by the Public Health Department and the Second Chance Program, the county will be required to replace or repair the elevator because it is the only handicapped-accessible way to either of these departments. That replacement or repair would be very expensive.
- Information Systems Department at the courthouse—Their air-conditioning and electrical needs at the courthouse have reached capacity. If this isn't addressed relatively soon, there could be system problems.

Executive Harris asked that the Board consider the fact that a three-quarters vote is needed to proceed with either the purchase of the Oshkosh B'Gosh building or the renovation of Pleasant Acres. If the resolution to purchase the Oshkosh B'Gosh building fails tonight, will there be enough votes to pass a resolution to renovate Pleasant Acres. He doesn't feel there would be and that would leave the county without resolution to the problems at the Rehabilitation Pavilion, the courthouse and other space problems.

## COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisor Farrey is excused from tonight's meeting.

Chairman Albrecht read a letter from Supervisor Hamblin explaining his medical situation and thanking the Board for the flowers that they sent him. The Board welcomed Supervisor Hamblin back with a round of applause.

### ECONOMIC IMPACT STUDY FOR WITTMAN REGIONAL AIRPORT

Peter Moll, Airport Manager of Wittman Regional Airport; Catherine Neiswender, Community Development Educator, UW-Extension Department; and Jeremy Monnett of Sonex Aircraft, LLC, presented information from the "Wittman Regional Airport Economic Impact Analysis" from August 2009.

Mr. Moll stated that this study shows the impact that the airport, excluding the EAA, has on Oshkosh and Winnebago County. Mr. Moll explained that the study also shows that an airport does not have to commercial airline service to be a successful airport.

Ms. Neiswender explained various aspects of the study:

- The information is from 2007 and was gathered from a written survey submitted by all the businesses that are at Wittman Regional Airport. EAA was not part of the study.
- The scope of the study is the same model as 2002, so there are some comparisons of data from the two studies.
- The purpose of the study was to show how Wittman Regional Airport contributes to the local economy.
  - Activities and functions at the airport includes corporate jet traffic, charter service, personal travel and recreational aviators
  - 16 aviation-related businesses are located at the airport
  - Provides a lot of jobs/income to people in the community
- Regional economic model called Social Accounting Matrix (SAM) was used to analyze and determine employment and income economic indicators. Initial impact, multiplier impacts and detailed multiplier impacts and implicit income multiplier of 1.346 and implicit employment multiplier of 1.382 were used to determine the data.
  - Implicit income multiplier of 1.346 means that for every \$1 of income generated at the airport, another \$.346 of income is generated in the local economy
    - \$23.7 Million in wages plus the multiplier effect of \$8.2 Million in wages = \$31.9 Million in wages
  - Implicit employment multiplier of 1.382 means that for every 100 jobs at the airport, another 38.2 jobs are created in the local economy. (This is a mix of full and part-time jobs.)
    - 581.5 jobs plus the multiplier effect of 222.1 jobs = 804 total jobs
    - Types of jobs created are primarily construction, manufacturing, transportation and warehousing, retail trade, educational services, accommodation and food service, and government and non-NAICS
- Fiscal impact – the airport and businesses at the airport contribute taxes and income to the local economy.

Mr. Monnett thanked the people involved in this study, the Aviation Committee and the entire Winnebago County Board for their continued support of Wittman Regional Airport.

Mr. Monnett speaking on behalf of his company and other businesses at the airport, described some of the "new economic activity" that has been going on at the airport. That activity includes:

- New state-of-the art control tower
- Orion Flight Services, Inc's. new large hangar/facility
- Private hangar developments
- Government storage of Oshkosh Corporation vehicles
- Expansion of Basler's "you fuel" station
- New business--Aviation Services is a new flight school at the airport
- Many structural improvements to the EAA grounds, which has allowed other organizations to hold their events there—Ducks Unlimited, etc.
- East/West runway was completely repaved
- South end of the north/south runway will be completely repaved

Mr. Moll, Ms Neiswender and Mr. Monnett took questions from the Board.

### COUNTYWIDE RADIO SYSTEM – SHERIFF MICHAEL BROOKS

Sheriff Brooks explained that the Federal Communications Commission (FCC) is requiring that by the end of 2012, all VHF radios must be "narrow banded". This means that all the frequencies will be compressed closer

together, which will help to eliminate interference with VHF frequencies. Sheriff Brooks gave examples of the various types of interference officers experience with their radios and explained the danger that it puts them in if they can't communicate with each other or the 911 center.

Sheriff Brooks stated that a couple of years ago the county surveyed the municipalities to determine what they need this radio system to do so they could provide their services. At this time, FoxComm (an advisory board for the three county regionalized computer-added dispatch system) recommended that the radio system be regionalized as well. Regionalization will benefit the tax payers of the three counties—Calumet, Outagamie and Winnebago—and the people who travel through the counties.

Sheriff Brooks explained that a consultant—Concepts to Operations, Inc. (CTO)—was brought in to go through the surveys from the municipalities and help them determine what type of radio system would best serve the region.

Sheriff Brooks then introduced Karen Carlson of FoxComm who explained the importance of communications and interoperability, and presented information on the proposed radio system.

- Interoperability allows safety officials to, “share information via voice signals on demand, in real time, when needed, and as authorized.”

Ms. Carlson explained that currently Winnebago County has single channel VHF systems in place for law enforcement and fire departments. This system lacks interoperability, redundancy—no backup for the system—and encryption. Other issues that plague the current system include: congestion of channels, interference, inadequate coverage, insufficient number of interference free VHF channels and aged equipment.

Ms. Carlson also stated that many times an officer will call in and the call doesn't go through and the officer isn't even aware of it. This puts the officers in a very dangerous situation. There are also problems with the existing mobile data system and paging and alerting systems.

Sheriff Brooks explained and discussed “in-building coverage issues”. In-building coverage problems occur when an officer is away from their squad car or a firefighter is away from their vehicle and in a building and are relying on mobile radios. These problems occur in schools, restaurants, hospitals, industrial buildings, town halls, and many other locations around the county. Sheriff Brooks cited various situations when this occurred and not only put officers and fire fighters in dangerous situations, but also citizens.

Ms. Carlson reported that in May 2008, CTO recommended that the new radio system be a 700 MHz trunked system for voice communications; 800 MHz broadband data system and a single channel VHF fire paging system. The FoxComm Fiscal Advisory Board (FAB) reviewed the consultant's recommendations and agreed with all their recommendations except the single channel fire paging system. They didn't feel this would have adequate capacity, so they increased that to a two-channel VHF fire paging system.

Ms. Carlson explained that these system recommendations were also reviewed by other groups. The first was a stakeholder's group made up of representatives from fire/EMS agencies, law enforcement agencies and emergency management departments and communication centers. The stakeholder group also concurred with the recommendations.

Next, 88 agencies from law enforcement, fire and EMS formed a user priority group and completed an operational survey of the recommendations. They identified the following radio system priorities:

- 95% in-building portable coverage
- Ordinances are needed to protect public safety system performance
- System must be able to handle daily capacity as well as major incident capacity
- Insure officer and firefighter safety
- System must be able to cross county and user lines
- Design for public safety needs, but with the ability to bring on public service including private ambulances and utilities
- Improve mobile data system
- improve capacity

Ms. Carlson stated that she has visited Minneapolis, Minnesota; Douglas County, Nebraska; and Indianapolis, Indiana which have radio systems comparable to the one being proposed here and learned that they have clear communications, no interference with adequate coverage and capacity.

Ms. Carlson explained that until RFP's are sent out, actual costs for the system can't be determined, but estimated costs are:

- Shared/common system elements = \$3.2 Million
- Calumet County, 7 radio sites = \$4.8 Million
- Outagamie County, 11 radio sites = \$7.4 Million
- Winnebago County, 10 radio sites = \$6.7 Million
- Dispatch consoles
  - Calumet = \$300,000 (3 positions)
  - Outagamie = \$680,000 (7 positions)
  - Winnebago = \$800,000 (9 positions)

- Portable radios – price range is \$2,250 to \$3,600 per unit
- Mobile radios – price range is \$1,500 to \$4,250 per unit
  - Agencies may choose not to purchase mobile radios

Ms. Carlson explained that funding opportunities are being explored. Following Ms. Carlson's presentation, she and Sheriff Brooks took questions from the Board. A copy of the full presentation is on file in the County Clerk's Office.

### **HUMAN SERVICES DEPARTMENT POSITIONS UPDATE – DR. BILL TOPEL, DIRECTOR**

Dr. Topel updated the Board on the progress his department is making with regards to the eight new positions that were approved last year:

- \$30,000 grant for video-conferencing equipment—used in the Oshkosh and Neenah offices
  - 300 video-conferencing meetings have been held, eliminating the need for travel
  - Child psychiatrist in Madison uses the video-conferencing to see her patients here – eliminates the need for them to travel to Madison
- New Crisis Center – 1 nurse and 1 resident program professional
  - Summit house - 8-bed hospital diversion facility
  - Since April 20, this facility eliminated the need for an equivalent of 546 in-hospital days, saving the county over \$300,000
- Intensive In-Home Team – 1 in-home therapist and 1 intensive case manager
  - In the past three months, they have been working with 10 high-risk families
  - They have diverted a group home placement, gotten some children out of juvenile corrections early, and diverted some from other foster care residential placement
  - Savings will be approximately \$300,000/year
- Home Consultant
  - 32 families are being served
  - 16 families avoided out-of-home placement
  - Yearly savings estimated to be \$30,000
- Two Intensive Child Protective Services (CPS) Social Workers
  - Working with 17 families, representing 33 children
  - In the first quarter of 2009, 22 of these children have been kept in their own homes; 4 children have been returned home
  - 212 days of out-of-home care were avoided, saving approximately \$80,000
- New contracted services
  - Individualized youth services partnering with them to perform crisis services for children.
  - Medicaid is billed for their crisis time
  - Anticipated revenue is \$50,000 per year
- Professional Services Group
  - “wrap around service” – they work with HS Department staff to get children out of corrections and residential placements faster
  - They see families on the weekends, run groups, work with gang-related issues and provide culturally-sensitive treatment
  - Medicaid monies and reduced placement costs will cover the costs of this program
- 2010 and Beyond
  - Develop minimum standards of service for each division based on evidence-based practices
  - Develop a children's hospital diversion facility and staff to support it to avoid placement at the state institutes when appropriate
  - Expand adult hospital diversion access
  - Develop more internal and external service providers for children, adults and families
  - Develop more local specialized foster care arrangements
  - Develop internal addiction services
  - Develop relationship with regional hospitals for child psychiatric admissions
  - Develop more respite sites for families in crisis
  - Develop clearer standards for case planning with internal and external providers of care
  - Develop more resources for children with long-term care needs

Dr. Topel explained that all of these things are being done so that families can be kept in the community, providing them better treatment in cost-effective manner.

## ZONING REPORTS & ORDINANCES

AMENDATORY ORDINANCE 1. A requested zoning change from the Town of Vinland on behalf of Kuehnl Farms, Inc. for a zoning change from A-1 to A-2 for tax parcel nos. 026-0150, 026-0161 and 026-0153. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 21, 2009)

### RESOLUTIONS AND ORDINANCES

**RESOLUTION NO. 297-102009: Authorize Winnebago County to Apply For and Borrow \$2,393,000 from the Wisconsin Board of Commissioners of Public Lands to Finance Road Resurfacing Projects Approved During 2009**

WHEREAS, by the provisions of Sec.24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed; and,

WHEREAS, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

NOW, THEREFORE, BE IT RESOLVED, that the County of Winnebago, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Two Million Three Hundred Ninety Three Thousand And 00/100 Dollars (\$2,393,000.00) for the purpose of financing various road resurfacing projects and for no other purpose. The loan is to be payable within 10 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 4.50 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

BE IT FURTHER RESOLVED that there shall be raised and there is levied upon all taxable property, within the County of Winnebago, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

BE IT FURTHER RESOLVED that no money obtained by the County of Winnebago by such loan from the state be applied or paid out for any purpose except financing various road resurfacing projects without the consent of the Board of Commissioners of Public Lands.

BE IT FURTHER RESOLVED that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the County of Winnebago, Wisconsin, are authorized and empowered, in the name of the county to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the county pursuant to this resolution. The chairman and clerk of the county will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

BE IT FURTHER RESOLVED that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this county forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Bradley Viegut of Robert W. Baird & Co., presented information on the results of the bids and the final pricing summary.

Vote on Resolution – Ayes: 35. Nays: 0. Excused: 1 – Farrey. CARRIED

**RESOLUTION NO. 298-102009: Resolution Awarding the Sale of \$3,825,000 Taxable General Obligation Promissory Notes (Build America Bonds-Direct Payment)**

WHEREAS, on September 15, 2009, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution (the "Authorizing Resolution") authorizing the issuance and providing for the sale of general obligation promissory notes (the "Notes") in an amount not to exceed \$3,825,000 for the public purpose of paying costs of constructing, extending and improving roads and highways; park improvements; acquisition of vehicles for the airport; improvements to the Sheriff's department; and acquiring equipment, furnishings and fixtures (the "Project");

WHEREAS, pursuant to the Authorizing Resolution, the County Board of Supervisors heretofore has directed its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Notes in the principal amount of \$3,825,000 to pay costs of the Project;

WHEREAS, none of the proceeds of the Notes shall be used to fund operating expenses of the general fund of the County or to fund operating expenses of any special revenue fund of the County that is supported by property taxes;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on October 20, 2009;

WHEREAS, the County Clerk (in consultation with Baird) caused notice of the sale of the Notes to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Notes for public sale;

WHEREAS, the County has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. Baird has recommended that the County accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference;

WHEREAS, it is the finding of the County Board of Supervisors that it is desirable and in the best interest of the County to take the steps necessary to irrevocably designate the Notes to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the County may claim refundable credits with respect to each interest payment on the Notes, payable to the County by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the County Board of Supervisors will designate the Notes to be qualified Build America Bonds, the interest on the Notes will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the County and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Notes. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes (Build America Bonds-Direct Payment)"; shall be issued in the aggregate principal amount of \$3,825,000; shall be dated November 10, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2018 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on April 1, 2017 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2009 through 2018 for the payments due in the years 2010 through 2019 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$3,825,000 Taxable General Obligation Promissory Notes (Build America Bonds-Direct Payment), dated November 10, 2009" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; (vi) all Direct Payments (defined below) received by the County; and (vii) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Notes are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the County hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Notes. The County represents that all Note Proceeds, less costs of issuance financed with such Note Proceeds (which costs shall be in an amount not to exceed 2% of such Note Proceeds) plus all income from temporary Permitted Investments with respect to such Note Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The County acknowledges that among the requirements for the Notes to qualify and continue to qualify as qualified Build America Bonds is that the Notes, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Notes. The County hereby covenants to comply with such requirements.

(b) The County thus further represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section

141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the qualified Build America Bond status of the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Notes to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(c) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(d) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified Build America Bonds - Application for Direct Payments to the County. The County shall claim available refundable credits from the Treasury with respect to each interest payment on the Notes as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the County to apply for the receipt by the County of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the County shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 11. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

Section 12. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 15. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 17. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 18. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Kline corrected the first line of the Resolution by changing the date from "September 15, 2009" to "September 22, 2009".

Vote on Resolution – Ayes: 35. Nays: 0. Excused: 1 – Farrey. CARRIED.

**RESOLUTION NO. 294-102009: Commendation for Stephen S. Roach**

WHEREAS, Stephen Roach has been employed with the Winnebago County Highway Department, for the past thirty-one years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Stephen Roach has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Stephen Roach for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Stephen Roach.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 295-102009: Authorize the Sheriff's Office to Accept a Grant of \$23,069 for the Purchase of Equipment Needed to Improve Interoperability of the MARC and IFERN Radio Network**

WHEREAS, Law Enforcement in Winnebago County currently uses the State Mutual Aid Radio Communications (MARC) frequency during events like Country USA and EAA; and

WHEREAS, if adjacent Counties have their MARC frequency on this causes interference with Winnebago County's use of the MARC channel; and

WHEREAS, the State of Wisconsin has determined that all agencies must have an automated identifier on their MARC frequency by January 31, 2010 to help eliminate the communication interference; and

WHEREAS, it has determined that when multiple fire agencies that are operating off of different radio frequencies and are working together at an incident, that the radio communications between those agencies has been a major problem; and

WHEREAS, the State of Wisconsin has identified IFERN (Interagency Fire Emergency Radio Network) and IFERN2 as two common State wide frequencies that could be used for such incidents; and

WHEREAS, installing these two frequencies at the Sheriff's Office Communications Center would enhance the communication interoperability for the County's Fire Departments; and

WHEREAS, the Winnebago County Sheriff's Department has been awarded a grant of \$23,069 for the purpose of purchasing equipment to alleviate this problem.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to accept a grant of \$23,069 and appropriates the funds to purchasing and implement systems to alleviate the interoperability problems outlined above.

Submitted by:  
JUDICIARY & PUBLIC SAFETY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 35. Nays: 0. Excused: 1 – Farrey.  
CARRIED.

**RESOLUTION NO. 296-102009: Authorize the Purchase of the Oshkosh B' Gosh Properties in Downtown Oshkosh and Remodel for County Use and Appropriate \$3.9 Million to the Purchase and Remodeling of the Buildings**

WHEREAS, several County offices are facing space needs problems; and

WHEREAS, other County offices are housed in leased facilities; and

WHEREAS, the Public Health Department and Second Chance program are currently housed in the old Park View Pavilion building which needs to be razed; and

WHEREAS, Carter's (formerly Oshkosh B' Gosh) is moving most of their operations out of Oshkosh and has offered their facilities to the County at a very favorable purchase price provided we allow them to continue to lease for \$1/year including utilities a small portion of the facilities for an extended period of time; and

WHEREAS, it would be in Winnebago County's best interest to purchase and remodel the facilities to alleviate current and future space needs problems.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the purchase and remodeling of the B' Gosh properties located at 112 Otter Street, 215 Waugoo Street and 206 State Street all in Oshkosh Wisconsin, including furnishings, at a cost not to exceed \$3.9 million.

BE IT FURTHER RESOLVED that funds to pay for said purchase and improvements be transferred from the General Fund of Winnebago County to a Capital Project fund to be set up to track the purchase and remodeling, with the General Fund being reimbursed from a subsequent bond issue.

Submitted by:  
FACILITIES & PROPERTY MANAGEMENT COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Griesbach and seconded to adopt.

Motion by Supervisor Eisen and seconded to amend Line 26 by adding, "Be it further resolved that the lease back to Carter's not exceed ten years." After discussion, Supervisor Eisen asked John Bodnar, Corporation Counsel, to assist him with the wording of his amendment. Amendment was reworded as follows: Be it further resolved by the County Board of Supervisors that the lease of the portion of the premises back to Carter's shall be for a period not to exceed ten years, however, the parties may renegotiate said lease at the end of ten years at arms length." Supervisor Thompson offered a substitute amendment to delete Lines 16 to 19. This motion was out of order.

Vote on Eisen's amendment - Ayes: 19. Nays: 16 – Barker, Griesbach, Roh, Koziczkowski, Widener, Albrecht, Gabert, Lennon, Wingren, Jacobson, Norton, Eichman, Egan, Ellis, Rengstorf and Reinert. Excused: 1 – Farrey. CARRIED.

Vote on Resolution as amended – Ayes: 30. Nays: 5 – Ramos, Riste, Nelson, Rengstorf and Reinert. Excused: 1 – Farrey. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until the budget session on Monday, October 26, 2009 at 6:00 p.m. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held October 20, 2009.

Susan T. Ertmer  
Winnebago County Clerk