

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, OCTOBER 16, 2012**

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 Locke.

The following Supervisors were present: Konetzke, Barker, Englebert, Eisen, Ramos, Miller, Roh, Smith, Widener, Albrecht, Gabert, Tews, Thompson, Reynolds, Hardy, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Neubauer, Kline, Locke, Hegg, Finch, Farrey, Rasmussen, Brennand, Egan, Ellis, Snider and Kriescher. Excused: Hamblin, Lennon and Sievert.

Motion by Supervisor Robl and seconded to adopt the agenda. CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

Gordon Eckrich, President of the Tri-County Recreation Association, 700 Easy Shady Lane, Neenah, spoke in support of Resolution No. 98-102012, "Authorize Acceptance of Deed from Outagamie County Regarding Its Share of Ownership of the Tri-County Ice Arena."

**COMMUNICATIONS, PETITIONS, ETC.**

A note from the Patrick Brennand family thanking the Board for the flower arrangement that they sent for his father's funeral was read.

Notice of Claim from Virgil Gipson for injuries he received while being transported by a Sheriff's Department vehicle was referred to the Personnel & Finance Committee.

Notice of Claim from Thomas Insurance Group for Randy Boyce for damage done to his vehicle while it was parked at the county landfill was referred to the Personnel & Finance Committee.

Notice of Claim from Diane Field for damage to her vehicle when she hit a rock on Highway 41 was referred to the Personnel & Finance Committee.

Notice of Claim from AT&T for damage to a pedestal near 2025 Rabbit Trail Road caused by a county mower was referred to the Personnel & Finance Committee.

Notice of Claim from AT&T for damage to a buried service wire near 2860 Clairville Road caused by a county work crew was referred to the Personnel & Finance Committee.

Resolutions from other counties:

- Grant County – Resolution 06-12, "Resolution Supporting Request for Stay of Proceedings in MTI v. Walker" was referred to the Legislative Committee
- Ozaukee County – No. 12-39, "Supporting Request for Stay of Proceedings in MTI v. Walker" was referred to the Legislative Committee

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Barker reported on the September 19 open house and dedication of the Engineering Building at UW-Fox Valley. She encouraged all the Board members to visit this beautiful building on the UW-Fox Valley Campus.

Supervisor Barker announced that she will be doing a program on "what is haunted" from Oshkosh through the Fox River Valley on Wednesday, October 21 6:30 pm at the Menasha Public Library.

Supervisor Warnke stated that the "Winnebago County Highway Department & Winnebago County Wittman Regional Airport Joint Equipment Use Discussions" report has been placed on their desk. The report explains why various pieces of equipment cannot be shared by the two departments. He encouraged the Board to read the report and get back to him if they have questions.

Supervisor Kline reported that the Legislative Committee will be meeting on Monday, October 22 at 8:30 a.m.

Motion by Supervisor Kline and seconded to approve the proceedings from the September 4 and September 18, 2012 meetings. CARRIED BY VOICE VOTE.

**COUNTY EXECUTIVE'S REPORT**

Executive Harris recommended that the Board approve the following items on their agenda:

- Ordinance No. 97-102012, "Adopt Section 11.18: Fair Housing of the General Code of Winnebago County."
- Resolution No. 98-102012, "Authorize Acceptance of Deed from Outagamie County Regarding its Share of Ownership of the Tri-County Ice Arena"

Executive Harris explained that he has asked Supervisor Kline to withdraw Resolution No. 102-102012, "Authority to Execute 2013 Labor Agreement with the Public Safety Professional Dispatchers Association." He explained that the terms of the agreement are fine, but because portions of Act 10 are being challenged they don't feel now is the time to approve this contract.

### **COUNTY EXECUTIVE APPOINTMENT**

#### **Winnebago County Housing Authority**

Executive Harris asked for approval of his appointment of Tina Beahm, 3413 Logan Drive, Oshkosh to the Winnebago County Housing Authority. Ms. Beahm will fill the unexpired term of Karen Keller who passed away. The term will end of April 21, 2015. Motion by Supervisor Ellis and seconded to approve. CARRIED BY VOICE VOTE.

#### **Fox Valley Workforce Development Board, Inc.**

Executive Harris asked for approval of his appointments of David Kettner, Fused Innovation, 777 Kuehn Court, Neenah and Jodie Larsen, Oshkosh Corporation, 2600 American Drive, Appleton to the Fox Valley Workforce Development Board, Inc. These are three year terms that will expire on June 30, 2015. Motion by Supervisor Robl and seconded to approve. CARRIED BY VOICE VOTE.

#### **Winnefox Library System Board of Trustees**

Executive Harris asked for approval of his appointment of Alex Hummel, 1235 Wisconsin Street, Oshkosh to the Winnefox Library System Board of Trustees. Mr. Hummel will fill the unexpired term of Ken Friedman. The term will end on December 31, 2013. Motion by Supervisor Ramos and seconded to approve. CARRIED BY VOICE VOTE.

### **COUNTY BOARD CHAIRMAN'S REPORT**

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

Chairman Albrecht announced that Supervisor Barker received the Menasha Citizenship of the Year Award in September. The Board recognized her with a round of applause. Supervisor Barker said she was very surprised and happy that she received the award.

### **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, John Davel; and property owner, Richard Peapenburg; Town of Menasha, for a zoning change to R-3/R-4 & R-5 for tax parcel nos. 008-5905 thru 008-5912 & 008-0215. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-01-12. A requested zoning change from A-2/R-2 to R-3/R-4 & R-5. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2012)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Adam Tigert; and owners, Gale & Lora Tigert, Town of Nekimi, for a zoning change to A-2-p1 for tax parcel no. 012-0268(p). Motion by Supervisor Brennand and seconded to accept. Supervisor Brennand explained that there is a Certified Survey Map that needs to be corrected before this zoning change takes place. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-02-12. A requested zoning change from A-2/P-1 to A-2/P-1. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2012)

### **RESOLUTIONS AND ORDINANCES**

#### **RESOLUTION NO. 88-102012: Commendation for Richard J. Carow**

WHEREAS, Richard J Carow has been employed with the Winnebago County Highway Department for the past thirty-two (32) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Richard J Carow 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 is hereby extended to Richard J Carow for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Richard J Carow.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 89-102012: Commendation for Brian K. Plach**

WHEREAS, Brian K. Plach has been employed with the Winnebago County Sheriff's Department for the past twenty-six (26) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Brian K. Plach 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 is hereby extended to Brian K. Plach for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Brian K. Plach.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 90-102012: Disallow Claim of Eric Koleske**

WHEREAS, your Personnel and Finance Committee has had the claim of Eric Koleske referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Eric Koleske, filed with the Winnebago County Clerk on August 24, 2012, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 91-102012: Disallow Claim of John H. Heide**

WHEREAS, your Personnel and Finance Committee has had the claim of John H. Heide referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of John H. Heide, filed with the Winnebago County Clerk on September 6, 2012, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 92-102012: Disallow Claim of Lori Harness**

WHEREAS, your Personnel and Finance Committee has had the claim of Lori Harness referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Lori Harness, filed with the Winnebago County Clerk on August 29, 2012, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Farrey abstained.)

**RESOLUTION NO. 93-102012: Disallow Claim of American Family Insurance on Behalf of Ralph W. and Cynthia A. Schwister**

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance on Behalf of Ralph W and Cynthia A Schwister referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of American Family Insurance on Behalf of Ralph W and Cynthia A Schwister, filed with the County Clerk on August 29, 2012, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

WITHDRAWN by Supervisor Kline.

**RESOLUTION NO. 94-102012: Proclaim October 2012 and November 2012 as United Way Months in Winnebago County**

WHEREAS, the United Way advances the common good by creating opportunities for better life; and

WHEREAS, the United Way focuses on education, health, and the acquisition of a greater income, which are the building blocks for a good life; and

WHEREAS, it takes every part of the Winnebago County community including, but not limited to, individuals, businesses, and organizations, to supply the passion, expertise, and resources needed to create lasting changes within the community for the betterment of its citizens ; and

WHEREAS, last year area citizens generously contributed their volunteer energies as well as more than one million ninety-seven thousand dollars to the Oshkosh Area United Way, not to mention similar contributions contributed to the Fox Cities Area United Way, thereby investing in programs that help improve lives and build a stronger community; and

WHEREAS, the United Way annual campaign commences every fall in order to support these efforts.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby proclaims October 2012 and November 2012 as United Way months throughout Winnebago County.

Submitted by:  
STAN KLINE, SUPERVISOR DIST. NO. 25

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

**RESOLUTION NO. 96-102012: Awarding the Sale of \$17,525,000 General Obligation Promissory Notes**

WHEREAS, on September 18, 2012, 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 \$17,525,000 for the public purpose of paying the cost of demolition work, constructing, remodeling and improving roads, highways, bridges, buildings and sites, including projects at the University of Wisconsin - Fox Valley campus, and acquiring and installing furnishings, fixtures and equipment (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 \$17,525,000 to pay costs of the Project;

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 16, 2012;

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"); and

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.

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 "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$17,525,000; shall be dated November 6, 2012; 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, 2013. 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, 2020 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on April 1, 2019 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.

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 2012 through 2021 for the payments due in the years 2013 through 2022 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 \$17,525,000 General Obligation Promissory Notes, dated November 6, 2012" (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; and (vi) 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 Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "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. No Arbitrage. 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. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects 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 tax-exempt status of the interest on 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 interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. 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.

(b) 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.

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 the County Clerk or County Treasurer (the "Fiscal Agent").

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") if 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).

To the extent required under the Rule, 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 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. Bradley D. Viegut, Director from Baird Financial, gave a brief presentation on the general obligation note issue.

Vote on Resolution – Ayes: 32. Nays: 0. Excused: 1 – Hamblin. Absent: 3 – Lennon, Finch and Sievert. CARRIED.

**RESOLUTION NO. 95-102012: Authorize the Sheriff's Department to Accept OWI Task Force Grant Funds in the Amount of \$75,000 and Appropriate the Funds to Monitor and Enforce OWI Traffic Laws.**

WHEREAS, the Winnebago County Sheriff's Department has been awarded an OWI Task Force Grant in the amount of \$75,000; and

WHEREAS, the Sheriff's Department is the fiscal agent for the program which is to be carried out by the Cities of Neenah, Menasha, and Oshkosh, as well as the Town of Menasha and Winnebago County; and

WHEREAS, the grant funds will be split between two years as estimated below; and

WHEREAS, this program will make it possible for the respective law enforcement departments to have a larger presence on Winnebago County roads to monitor traffic; and

WHEREAS, the goal of the OWI Task Force Grant is to improve safety by reducing the number of drunk drivers operating vehicles on the streets and highways of Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to accept the grant funds of \$75,000 and appropriate the funds to expense accounts as indicated above for the two respective years, for the purpose of increasing the presence of law enforcement officers on Winnebago County roads.

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

Motion by Supervisor Wingren and seconded to adopt. Ayes: 32. Nays: 0. Excused: 1 – Hamblin. Absent: 3 – Lennon, Finch and Sievert. CARRIED.

**ORDINANCE NO. 97-102012: Adopt Section 11.18: Fair Housing of the General Code of Winnebago County**

WHEREAS, Winnebago County has not formally adopted a fair housing ordinance; and

WHEREAS, it has been the practice of Winnebago County to prevent unlawful discrimination in housing within the County; and

WHEREAS, the Winnebago County Housing Authority Administrator has informed your undersigned that adopting a formal anti-discrimination ordinance regarding housing is necessary for Winnebago County to continue to obtain grants and funding regarding public housing within Winnebago County; and

WHEREAS, your undersigned believes that the adoption of said ordinance would serve the best interests Winnebago County.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that it hereby creates Section 11.15 of the General Code of Winnebago County which shall read as follows:

**11.18 FAIR HOUSING**

(1) STATEMENT OF POLICY: It is the intent of this subsection to render unlawful discrimination in housing. It is declared the policy of the County that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry.

(2) DISCRIMINATION PROHIBITED: It is unlawful for any person to discriminate contrary to the provisions of this Chapter.

(3) STATE STATUTE ADOPTED BY REFERENCE: The provisions of § 106.50, Wis Stats, are hereby adopted by reference. It shall be unlawful for any person to violate such section.

**(4) ENFORCEMENT AGENCY:**

(a) The Winnebago County Affirmative Action Commission is hereby charged with the responsibility of enforcing the provisions of this article within areas of Winnebago County that have not adopted an anti-discrimination housing ordinance.

(b) The powers and duties of the Winnebago County Affirmative Action Commission are as follows:

1) To adopt, amend, publish, and rescind rules for governing its meetings and hearings.

2) To receive and investigate all complaints alleging any discriminatory practice prohibited by this section. The Corporation Counsel's Office shall work in conjunction with the Affirmative Action Commission in the investigation of said complaints.

3) The Affirmative Action Commission shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.

4) To hold hearings, if necessary, after the efforts at settlement, based on complaints made against any person, to administer oath and take testimony, to compel the production of books, papers, and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.



5) To make recommendations for enforcement of this section to the Corporation Counsel.

6) To recommend to the Winnebago County Board of Supervisors any legislation necessary to promote and further the purposes of this section.

(5) **ENFORCEMENT AND PENALTY:** The following are the procedures for enforcement and penalty involving complaints under this article:

(a) **Complaint:** Any complaint alleging any discriminatory practices prohibited by this section shall be reduced to writing and verified by the complainant. Such complaints may be initiated by any person having personal knowledge of the facts constituting the alleged discriminatory practice. All complaints shall contain the following:

1) The name and address of the complainant, and of the person allegedly discriminated against, if different.

2) The name and address of the respondent or respondents.

3) A statement setting forth the facts constituting the alleged discriminatory practice.

4) The date or dates of the alleged discriminatory practice.

(b) **Where Filed:** Complaints shall be filed with the County Clerk who shall transmit the same to the Affirmative Action Commission within five (5) business days after receipt.

(c) **When Filed:** Complaints alleging any discriminatory practice prohibited by this section shall be filed no later than thirty (30) days after the alleged discriminatory practice occurred.

(d) **Notice to Respondent:** The Affirmative Action Commission shall provide a copy of the complaint to the respondent by regular first class mail within ten (10) business days after filing.

(6) **JURISDICTION:**

(a) This ordinance shall be in effect as to all municipalities in Winnebago County, with the exception of those incorporated municipalities that have adopted similar restrictive ordinances.

(7) **PENALTIES:**

(A) Penalties under this ordinance may be imposed pursuant to Section 25.04 of the General Code of Winnebago County.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that said ordinance shall take full force and effect as of the date following the date of this publication.

Submitted by:

MICHAEL NORTON, DIST. NO. 20

Motion by Supervisor Norton and seconded to adopt. Ayes: 30. Nays: 2 – Hegg and Farrey. Excused: 1 – Hamblin. Absent: 3 – Lennon, Finch and Sievert. CARRIED.

**RESOLUTION NO. 98-102012: Authorize Acceptance of Deed from Outagamie County Regarding its Share of Ownership of the Tri-County Ice Arena**

WHEREAS, Winnebago County and Outagamie County jointly own the Tri-County Ice Arena in the Town of Menasha; and

WHEREAS, at its September 2012 County Board Meeting, the Outagamie County Board of Supervisors approved a resolution to sell its portion of the Tri-County Ice Arena to Winnebago County for One and 00/100 Dollars (\$1.00); and

WHEREAS, the Winnebago County Executive has submitted a draft offer to the Outagamie County Corporation Counsel to purchase the Tri-County Ice Arena for the sum of One and 00/100 Dollars (\$1.00); and

WHEREAS, oral assurance has been provided to Winnebago County that said offer will be accepted; and

WHEREAS, placing ownership of the Tri-County Ice Arena in one municipal entity will allow Winnebago County to ultimately determine the fate and ownership of said ice arena and the management of said property in the future.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive to accept a deed transferring ownership of the Tri-County Ice Arena to Winnebago County. Legal descriptions of said property is herewith attached as "Appendices A and B" and made a part of this Resolution by reference.

Submitted by:

PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Roh asked that the Board pass this resolution with a unanimous vote. Ayes: 31. Nays: 2 – Ramos and Albrecht. Excused: 1 – Hamblin. Absent: 2 – Lennon and Sievert. CARRIED.

**RESOLUTION NO. 99-102012: Execute Easement Agreement Between Winnebago County and Wisconsin Public Service**

WHEREAS, Wisconsin Public Service Corporation (WPS) desires an easement across Wittman Regional Airport property for the purpose of constructing, installing, and maintaining a natural gas main beneath Wittman Regional Airport property; and

WHEREAS, the Aviation Committee has reviewed the attached easement agreement and believes that its execution would be in the best interests of the citizens of Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves execution by the Winnebago County Executive and Winnebago County Clerk of the attached easement agreement between Winnebago County and Wisconsin Public Service Corporation (WPS) for the purpose of providing ingress and egress to, and maintenance of, a natural gas main beneath Wittman Regional Airport property

Submitted by:  
AVIATION COMMITTEE

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

**RESOLUTION NO. 100-102012: Approve Ground Lease Between Winnebago County and Dennis H. Moehn**

WHEREAS, Dennis H. Moehn desires to lease space at Wittman Regional Airport for a period of twenty (20) years for the purpose of constructing a hangar upon Airport property; and

WHEREAS, Dennis H. Moehn desires to lease 3,715 square feet of property at Wittman Regional Airport for said purpose at an initial price per year of \$.15 per square foot per year, or \$600.00; and

WHEREAS, your undersigned Aviation Committee has approved said lease and recommends its approval by the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to enter into a lease agreement between Winnebago County and Dennis H. Moehn for 3,715 square feet of property at Wittman Regional Airport for a term of twenty (20) years commencing on January 1, 2013, at a rate of \$.15 per square foot per year, or \$600, whichever is greater. (A copy of the lease may be obtained from the Airport Director or the Corporation Counsel's Office.)

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the terms of said lease agreement are incorporated into this Resolution by reference.

Submitted by:  
AVIATION COMMITTEE

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

**RESOLUTION NO. 101-102012: Authority to Execute 2012 Labor Agreement with the Public Safety Professional Dispatchers Association**

BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a one-year agreement on behalf of Winnebago County and the Public Safety Professional Dispatchers Association for the 2012 calendar year, effective January 1, 2012, through December 31, 2012, which agreement shall provide the following major changes from the previous agreement:

- 1) WAGES: .50% across-the-board (atb) wage increase effective October 1, 2012.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 1 – Hamblin. Absent: 2 – Lennon and Sievert. CARRIED.

**RESOLUTION NO. 102-102012: Authority to Execute 2013 Labor Agreement with the Public Safety Professional Dispatchers Association**

BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a one-year agreement on behalf of Winnebago County and the Public Safety Professional Dispatchers Association for the 2013 calendar year, effective January 1, 2013,

through December 31, 2013, which agreement shall provide the following major changes from the previous agreement:

- 1) WAGES: 1.50% across-the-board (atb) wage increase effective January 1, 2013.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

WITHDRAWN by Supervisor Kline.

Motion by Supervisor Robl and seconded to adjourn until Monday, October 29, 2012. CARRIED BY VOICE VOTE. The meeting was adjourned at 6:50 p.m.

Submitted by,  
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 16, 2012.

Susan T. Ertmer  
Winnebago County Clerk