

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, OCTOBER 17, 2023**

A. CALL TO ORDER

Chairman Thomas Egan called the meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin and virtually by ZOOM.

B. ROLL CALL

The following Supervisors were present: 34 – Dowling, Nichols, Borchart, Eisen, Horan, Defferding, Ellenberger, Wise, Nussbaum, Stafford, Albrecht, Gabert, Binder, Swan, Robinson, Floam, Gordon, Ponzer, Belville, Ernst, Hinz, Zellmer, Schellenger, Buck, Powers, Hanson, Cox, Farrey, Harrison, Zastera, Egan, Beem, Nelson and Miller;
Excused: 1 – Gustafson; Vacant – 1.

C. PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance.

D. INVOCATION

Invocation by Supervisor Karen Powers

E. ADOPT AGENDA

Motion by Supervisor Albrecht, seconded by Supervisor Schellenger, to adopt the agenda for tonight's meeting.
CARRIED BY VOICE VOTE.

F. PUBLIC COMMENTS

Deb Houtz, Oshkosh, voiced her support for utilizing Spirit Funds for the Damascus Road Project so they can continue to help survivors of sex trafficking and sexual exploitation in the community.

Matt Olson, Town Chairman of the Town of Winchester, voiced his concerns of the ongoing overreach of authority which has become the status quo for the County Zoning Department as it relates to Shoreland and general zoning. He politely requests the County Board to take action to correct this situation.

Supervisor Nussbaum stated that the Damascus Road Project is an excellent needed organization. He also reiterated what Supervisor Zastera stated last month. If you want to know the truth of what's going on, listen to VCY America Radio out of Milwaukee on Fridays at 2:00 pm, they will give you all the news that you will not hear anywhere else.

Supervisor Zastera informed the board that she has three folders from the Aging Disability Resource Center Committee (ADRC) Blind Specialist. These folders are available to anyone who requests them.

Supervisor Zastera also voiced her support for the Winnebago County Fire Chief's Association (WCFCFA) and their request to utilize Spirit Funds to replace mobile, portable and DVRS radios.

G. COMMUNICATIONS, PETITIONS, MEMORIALS, ACCOUNTS, COMMENDATIONS, ETC.

Julie Barthels, Winnebago County Clerk, presented the following communications:

1. Resolution from Other County:

- Buffalo County – Resolution No. 23-08-05 – "Resolution Regarding Foreign Ownership of Farmland" was referred to the Legislative Committee.

2. Petition for Zoning Amendment:

- 001 – Derek Liebhauser, Town of Clayton, rezone from Non-Shoreland to R-2 (Shoreland – Suburban Residential District; R-3 (Shoreland – Two-family Residential District), and R-4 (Shoreland – Multifamily Residential District) for tax parcel nos. 006-0617(p), 006-0618(p), and 006-0632(p) was referred to the Planning and Zoning Committee.

H. REPORTS FROM COMMITTEES, COMMISSIONS & BOARDS

Supervisor Stafford thanked and appreciated Director Collard and all the department heads presenting their budgets at the last Judiciary and Public Safety Committee meeting.

Supervisor Defferding informed the board at the next Judiciary and Public Safety (JPS) meeting scheduled for Monday, November 6, 2023, there will be an agenda item to discuss and find out why the Medical Examiner's Office and evidence garage is not being built. He also stated that as they look at their budget, you will see a raise in transportation costs and that is due to transporting bodies to Fond du Lac. Supervisor Defferding encouraged fellow supervisors to attend the next JPS meeting to find out why these have not been built or started yet.

Supervisor Ponzer announced that the dedication of the Mike Norton bench and tree will take place on Wednesday, October 18, 2023, at 3:30 pm at the south end of the County Park.

Supervisor Stafford mentioned that the Judiciary and Public Safety (JPS) Committee will be discussing the feedback on the recommendation from the Ad Hoc Task Force on Committee Structure at their next meeting scheduled for Monday,

November 6, 2023, at 6:00 pm and encouraged everyone to attend and participate in that discussion as they further refine that recommendation.

Supervisor Binder asked the board to look at the parking lots when they are out at the County Park. \$750,000 was approved back in 2021 to complete all the parking lots but since it took until 2023, only half of them have been completed. They will be asking for an additional \$600,000 to complete them now. That's the problem when we drag these projects on, it costs more. It is essential when the money is approved for these projects, we get them completed because the costs will only go up if they're not completed in the year they were approved.

I. APPROVAL OF SEPTEMBER 5, 2023, SPECIAL ORDERS SESSION AND SEPTEMBER 19, 2023, REGULAR SESSION PROCEEDINGS

Motion by Supervisor Albrecht and seconded by Supervisor Robinson, to approve the September 5, 2023, Special Orders Session and September 19, 2023, Regular Session Board Proceedings with one correction. Supervisor Youngquist was not present, but Supervisor Buck was present for the Winnebago County Board of Supervisors September 19, 2023, Regular Session. CARRIED BY VOICE VOTE.

J. COUNTY EXECUTIVE'S REPORT

Executive Doemel reported on the following topics:

- The Winnebago County American Legion Youth Government Day is being scheduled in the Spring of 2024. The County has been working with the American Legion, schools, and departments to ensure a high-quality education experience for all students.
- The printed budget books were placed on the Supervisors desks. Executive Doemel stated he had two concerns with this budget. He wanted to ensure long term sustainability of the compensation plan passed this year; and also wanted to reduce the county's dependence on planned use of fund balance. He invited anyone who had questions or wanted to discuss the budget to reach out to him or his office.
- Executive Doemel commented and asked for support on the following resolutions:
 - Resolution 270; regarding the sale of \$9.9 million in promissory notes. This is the standard process the county has been using. The county board approves the projects and then approves the bonding.
 - Resolution 271; regarding a new sign at Sunnyview. This deal will save the county the capital costs of a new sign and will also provide revenue to the Parks Department.
 - Resolution 272; regarding conference room 120.
 - Resolution 275; regarding a Spirit Fund grant to the Omro Area Community Center. Without an Omro Area Community Center, the county's ability to serve the citizens in the western part of the county would be significantly limited.

K. COUNTY EXECUTIVE'S APPOINTMENTS

Executive Doemel asked for the board's approval of the following appointments and re-appointments:

- Aging & Disability Resource Center Commission – Appointment of Tanisha E. A. McLaurin, City of Oshkosh. This term will expire August 31, 2026.
Motion by Supervisor Albrecht, seconded by Supervisor Ellenberger, to accept. CARRIED BY VOICE VOTE.
- Board of Adjustment – Re-appointment of Sue Drexler, Town of Algoma. This term will expire June 30, 2026.
Motion by Supervisor Ellenberger, seconded by Supervisor Albrecht, to accept. CARRIED BY VOICE VOTE.
- Board of Health– Appointment of Supervisor Kay Horan, City of Neenah. This term will expire July 1, 2024. Supervisor Horan fills a vacancy that the county code requires to live in the City of Neenah.
Motion by Supervisor Ellenberger, seconded by Supervisor Albrecht, to accept. Vote on Appointment: AYES: 25; NAYES: 7 – Binder, Gordon, Ponzer, Ernst, Schellenger, Powers and Cox; ABSTAIN: 2 – Horan and Gabert; ABSENT: 1 – Gustafson; VACANT: 1. PASSED.
- Human Services Board – Appointment of Supervisor Kay Horan, City of Neenah. This term will expire December 31, 2023. Supervisor Horan is filling the vacancy caused by the resignation of Rachel Youngquist.
Motion by Supervisor Powers, seconded by Supervisor Ellenberger, to accept. CARRIED BY VOICE VOTE.
- Veterans Service Commission – Re-appointment of Jerome F. Schultz, Village of Winneconne. This term will expire December 31, 2026.
Motion by Supervisor Robinson, seconded by Supervisor Floam, to accept. CARRIED BY VOICE VOTE.
- Winnefox Library System Board of Trustees – Samantha (Sam) Goldben, City of Oshkosh. This term will expire December 31, 2024.
Motion by Supervisor Beem, seconded by Supervisor Albrecht, to accept. CARRIED BY VOICE VOTE.

L. COUNTY BOARD CHAIRMAN'S REPORT

Chairman Egan reported that Supervisor Gustafson is excused from tonight's meeting.

Chairman Egan announced that there was one applicant that sent in an application to fill the vacancy for District 29. His name is George Bureau and could not be here tonight. Chairman Egan will be appointing him at the Monday, October 30, 2023, Budget meeting.

M. PRESENTATION: REGIONAL TOURISM & PROJECTS BY PAUL SUNDQUIST

Paul Sundquist, a member of the East Central International Trade, Business and Economic Development (ITBEC) Board, informed and provided information to the County Board regarding recent projects that the East Central ITBEC Board has been involved in.

Mr. Sundquist spoke about tourism and what it has done for Winnebago County. For example, this past year, the EAA had 650,000 people attend and Lifestart brought in about 100,000 people. That is ¾ of a million people in two-three weeks. What can we do for the remaining weeks of the year to bring people to Winnebago County? Mr. Sundquist talked about considering working with other counties together to make it work and that could be very effective.

Mr. Sundquist thanked the Wisconsin Counties Association (WCA) who supplies the staff and administration to make this possible. He also thanked the Industrial Development Board (IDB) who pays their dues. As a side note, the IDB has always been very positive for Winnebago County. He thanked Chairman Egan and thanked this Board for being here. The County Board has done a wonderful job over the years of taking care of the people of Winnebago County.

N. PRESENTATION: PROPOSAL ON MERGED PAID TIME OFF (PTO) PLAN BY MARK HABECK, DIRECTOR OF HUMAN RESOURCES, JAMIE LUEHRING AND STEPHANIE STIEG, HUMAN RESOURCE GENERALISTS

Director Mark Habeck, Stephanie Stieg and Jamie Luehring, Human Resource Generalists, presented the Proposal on Merged Paid Time Off (PTO) plan.

The goal is to increase paid time off benefits under the current system or change to PTO. Currently the sick time is under market. The goal is to increase from 8 days to 12 days, and to find a way to provide for accumulation of vacation. Benefits need to be competitive to retain and attract employees. There is a need to allow for flexibility with time earned. PTO is recommended due to administrative ease, simplification, and flexibility for employees.

Jamie covered the benefits that are currently offered. HR reached out to all Counties in Wisconsin regarding PTO. 30 of 72 counties responded.

The following categories are reasons to change to PTO:

- Competitive – Become Competitive with Paid Time Off
- Retain – Retain and Attract is the Goal
- Lessen – Lessen Limitations on Employee's Time
- Flexibility – More Flexibility with Time Off
- Ease Administrative – Ease Administrative Burden and Uniform Rules for PTO

Jamie explained what Paid Time Off and Extended Leave Bank entails. PTO will include vacation, sick/sick family, floating holidays, and bereavement. Holidays will remain a separate benefit. ELB is a separate bank where employees' paid time goes when they have reached the maximum number of hours allowed in the PTO bank (480 hours).

Stephanie explained how the funeral/bereavement policy will work. She explained how termination and retirement payouts will work and the payout eligibility.

Director Habeck noted how the transition to 2024 will work. They have met with employees and from feedback, they have come up with a plan that they feel will work. By approving the PTO Proposal, it would conclude the Compensation Study and provide Uniform Framework for the Future.

Mr. Habeck, Ms. Luehring and Ms. Stieg then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

O. ZONING REPORT

- Report No. 001 – E. St. Pierre; Town of Neenah
Motion by Supervisor Nussbaum, seconded by Supervisor Floam to approve. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 10/001/23 – Rezoning from A-2 (General Agriculture) to R-1 (Rural Residential) for tax parcel no. 010-0315-02
Motion by Supervisor Nussbaum, seconded by Supervisor Floam to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 20, 2023)

P. RESOLUTIONS & ORDINANCES

1. Resolution No. 270-102023: Awarding the Sale of \$9,900,000 General Obligation Promissory Notes

WHEREAS, on September 19, 2023, the County Board of Supervisors of Winnebago County, Wisconsin (the "County"), by a vote of at least 3/4ths of the members-elect, adopted an initial resolution (the "Initial Resolution") authorizing the issuance of general obligation promissory notes (the "Notes") in an amount not to

exceed \$9,900,000 for the public purpose of paying the cost of constructing, remodeling, demolishing and improving roads, highways, buildings, parks and sites including projects at the University of Wisconsin Oshkosh-Fox Cities campus and acquiring land, furnishings, fixtures and equipment (collectively, the "Project"); and

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

WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Sale of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes and the Initial Resolution, the principal sum of NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and 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. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating the principal amount of NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$9,900,000; shall be dated November 9, 2023; 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 B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2024. 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 B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2031 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on October 1, 2030 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 shall be subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the County shall direct.

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 C 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 2023 through 2032 for the payments due in the years 2024 through 2033 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 shall 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 General Obligation Promissory Notes, dated November 9, 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into 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 (the "Borrowed Money Fund") separate and distinct from all other funds of the County and disbursed solely for the purpose or purposes for which borrowed. 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 purpose or 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 purpose(s) 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 the 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 15th day of the 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, which the County Clerk or other authorized representative of the County is authorized and directed to execute and deliver to DTC on behalf of the County to the extent an effective Blanket Issuer Letter of Representations is not presently 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 Chairperson and 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 Cox, seconded by Supervisor Nussbaum, to adopt.

Vote on resolution: AYES: 30; NAYES: 4 – Dowling, Defferding, Hanson and Zastera; ABSTAIN: 0; ABSENT: 1 – Gustafson; VACANT – 1. MOTION PASSED.

2. Resolution No. 271-102023: Authority to Execute an Agreement with Wisconsin Sign Company, LLC, for the Purpose of Installing a New Marquee Sign on Sunnyview Exposition Property following Removal of the Existing Marquee Sign by Winnebago County

WHEREAS, along Jackson Street, the Sunnyview Exposition Center has a yellow sign with an electronic marquee, which was installed over three decades ago and is no longer operational, efficient, or effective; and

WHEREAS, Winnebago County has been approached by a community sign company, Wisconsin Sign Company, LLC, for the purpose of removing the existing sign and installing a new Sunnyview Exposition Sign and LED video board at minimal cost to the county; and

WHEREAS, should Winnebago County choose to own and operate a new sign, the estimated cost is between \$150,000 and \$250,000; and

WHEREAS, Wisconsin Sign is proposing to own the sign through an agreement while Winnebago County would receive payments to cover rent and utilities from Wisconsin Sign and up to 10% of the advertisement space on the new video board; and

WHEREAS, Wisconsin Sign will be required to pay for the installation of the new multi-media sign and sell advertising space on the new marquee sign.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes Winnebago County administration to negotiate and enter into a ten-year agreement with Wisconsin Sign Company, LLC, for the purpose of installing a new multi-media sign on the Sunnyview Exposition Center property after the removal of the existing marquee sign by Winnebago County provided the following provisions are included in the agreement:

- 1) the Town of Oshkosh issues a conditional use permit for the sign;
- 2) Wisconsin Sign Company, LLC, pays for all utilities;
- 3) After removal of the existing sign, Winnebago County bears no responsibility for the installation or maintenance of the new multi-media sign;
- 4) Advertisements on the sign are appropriate for display on Winnebago County property, follow all Winnebago County rules and regulations, and are reviewable by the County Executive or designee;
- 5) No less than ten percent (10%) of the advertising time is available to Winnebago County free of charge.

BE IT FURTHER RESOLVED that the agreement may be extended for an additional ten-year period with approval of the Parks and Recreation Committee.

Submitted by: PARKS AND RECREATION COMMITTEE

Motion by Supervisor Powers, seconded by Supervisor Beem, to adopt. CARRIED BY VOICE VOTE.

3. Resolution No. 272-102023: To Name Conference Room 120 in the David W. Albrecht Administration Building the Susan T. Ertmer Conference Room

WHEREAS, Susan T. Ertmer was employed by Winnebago County Wisconsin for forty-four years; and

WHEREAS, Susan T. Ertmer has served since 1997 as Winnebago County Wisconsin elected County Clerk; and

WHEREAS, Susan T. Ertmer has been vital to the functioning of the Winnebago County Board of Supervisors, aiding in the creation of the agendas, recording minutes, and maintaining County Board and Committee records; and

WHEREAS, Susan T. Ertmer has served as the Chief Election Officer for Winnebago County Wisconsin, advertising, setting up, and recording votes; and

WHEREAS, Susan T. Ertmer has conducted her duties and responsibilities with decorum, respect and empathy, deserving of recognition.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Conference Room 120 in the David W. Albrecht Administration Building be hereafter known as the Susan T. Ertmer Conference Room.

Submitted by: FACILITIES AND PROPERTY MANAGEMENT
COMMITTEE

Motion by Supervisor Buck, seconded by Supervisor Hinz, to adopt. CARRIED BY VOICE VOTE.

4. Resolution No. 273-102023: Authorize the Execution of a Lease Agreement Between Winnebago County and the United States Department of Agriculture

WHEREAS, the United States Department of Agriculture ("USDA") has rented office space at the James P Coughlin Center since 1998; and

WHEREAS, the location of the USDA at the James P Coughlin Center is of mutual benefit to Winnebago County and the public since the Winnebago Land And Water Conservation Department shares building space; and

WHEREAS, the current lease with the USDA has expired and converted to a month to month tenancy; and
WHEREAS, the USDA has agreed to enter into a 10-year lease with the first 3 years of the lease guaranteed; and

WHEREAS, the lease period will begin upon completion and acceptance of USDA remodeling requests; and

WHEREAS, the remodeling costs totaling \$125,976.85 will be recovered during the first year of the lease, with rent totaling \$196,760.05; and

WHEREAS, thereafter, the USDA agrees to pay Winnebago County Seventy Thousand Seven Hundred Eighty Three Dollars and Twenty Cents (\$70,783.20) annually.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a ten (10) year lease between Winnebago County and the USDA.

Submitted by: FACILITIES AND PROPERTY MANAGEMENT
COMMITTEE

Motion by Supervisor Buck, seconded by Supervisor Schellenger, to adopt. CARRIED BY VOICE VOTE.

5. Resolution No. 274-102023: Authorize Five-Year Cooperative Service Agreement Between Winnebago County and Wisconsin Department of Natural Resources (WDNR) and United States Department of Agriculture Animal Plant Health Inspection Service (APHIS), Wildlife Services (WS)

WHEREAS, the black bear, Canada goose white-tailed deer, wild turkey and Sandhill crane populations in portions of Winnebago County are at levels that may cause damage to agricultural and forest crops; and

WHEREAS, the commercial agriculture producers costs of production of agricultural and forest crops have increased substantially over time; and

WHEREAS, Wis. Stats. 29.889 and Wis. Adm. Code NR12 provides a State funded Wildlife Damage Abatement and Claims Program (WDACP) to reimburse participating producers for crop losses caused by certain wildlife; and

WHEREAS, administrative participation is required of Winnebago County to make its land eligible for the WDACP; and

WHEREAS, Winnebago County will be reimbursed by WDNR for all associated costs incurred in the administration and implementation of the WDACP; and

WHEREAS, Winnebago County may through formal agreement, cooperate with APHIS WS and WDNR to make the WDACP available to eligible producers.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the Land and Water Conservation Department / Land Conservation Committee are hereby authorized to enter into a five-year Cooperative Service Agreement with WDNR and USDA, APHIS WS for the Administration and Implementation of the WDACP.

BE IT FURTHER RESOLVED that the Revenue and Expenses associated with this program continue to be included within the appropriate accounts in the Land and Water Conservation Department Annual Budget

Submitted by: LAND CONSERVATION COMMITTEE

Motion by Supervisor Farrey, seconded by Supervisor Schellenger, to adopt. CARRIED BY VOICE VOTE.

6. Resolution No. 275-102023: Approving \$250,000 from the Spirit Fund's Government Identified Community Projects Category to Renovate the Omro Area Community Center

WHEREAS, the Omro Area Community Center ("OACC") was established in 1995 and its mission is to strengthen the lives of individuals, families, and the community by offering health, educational, economic and inter-generational activities; and

WHEREAS, the OACC submitted a timely Spirit Fund application requesting \$250,000 to cover renovations at 1005 East Main St in Omro, Wisconsin; and

WHEREAS, the renovations include plumbing, electrical, HVAC, framing, insulation, flooring and sheetrock work; and

WHEREAS, when the previous OACC location closed it displaced many self-sustaining social groups and services that have struggled to find alternative meeting space that is safe and accessible to the public, and

WHEREAS, programs offered at the OACC include literacy and learning through music, exercise classes, painting, and mental health programs targeted to middle and high school students. Partnering agencies such as Advocap, Winnebago County Aging and Disability Resource Center, Public Health and Veteran Services have all utilized this community resource to engage and improve social access for rural residents. The OACC has, and wants to continue hosting Scout meetings, babysitting and CPR classes, Healthy Aging Wellness Plus Classes, and more. It is also anticipated that Alcoholics Anonymous, the American Legion, Women's Service League, and the Red Cross will use the OACC:

WHEREAS, the OACC serves as a vital connection between citizens in the Omro area and county resources, programs and services.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that \$250,000 from the Spirit Fund's Government Identified Community Project category be approved to renovate the Omro Area Community Center **as long as the OACC remains committed to its mission to strengthen the lives of the individuals, families, and the community.**

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that upon completion, OACC will submit supporting documentation to the Winnebago County Finance Director outlining the expenditures. The documentation will be submitted within 6 months of the completion of the project but not to exceed 5 years from date of disbursement.

Submitted by: ARPA STRATEGY AND OUTCOMES COMMISSION

Motion by Supervisor Farrey, seconded by Supervisor Powers, to adopt.

Motion by Supervisor Dowling, seconded by Supervisor Zastera, to postpone until the County Board of Supervisor's March 19, 2024, meeting.

Motion by Supervisor Eisen, seconded by Supervisor Defferding, to call the question.

Vote on call the question: CARRIED BY VOICE VOTE.

Vote on amendment to postpone until the County Board of Supervisors March 19, 2024, meeting.

MOTION FAILED BY VOICE VOTE.

Back to original resolution.

Motion by Supervisor Beem, seconded by Supervisor Stafford, to call the question on resolution.

Vote on call the question: CARRIED BY VOICE VOTE.

Vote on resolution: AYES: 28; NAYES: 3 – Dowling, Defferding, and Zastera; ABSTAIN: 3 – Stafford, Albrecht, and Hanson; ABSENT: 1 – Gustafson; VACANT – 1. MOTION PASSED.

N. ADJOURNMENT

Motion by Supervisor Beem, seconded by Supervisor Nichols, to adjourn until the Board's Budget Session meeting on Monday, October 30, 2023, at 6:00 p.m. The meeting was adjourned at 9:08 p.m.

Submitted by:

Cassie J. Smith-Gregor

Winnebago County Deputy Clerk

State of Wisconsin)

County of Winnebago) ss

I, Cassie J. Smith-Gregor 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 17, 2023.

Cassie J. Smith-Gregor

Winnebago County Deputy Clerk