

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, OCTOBER 16, 2018**

Chairman Shiloh Ramos 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: 34 - Konetzke, Brunn, Eisen, Borchart, Ramos, Defferding, Lenz, Smith, Hogan, Spellman, Albrecht, Gabert, Binder, Schorse, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Singstock, Buck, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas. Excused: 2 – Wallin and Robl.

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

**PUBLIC HEARING**

No one from the public addressed the board.

**COMMUNICATIONS AND PETITIONS**

The following correspondence was presented to the board by Susan Ertmer, County Clerk:

- Resolutions from other counties:
  - Door County – Resolution No. 2018-63: Resolution in Support of Increased County Child Support Funding was referred to the Legislative Committee.
  - Door County – Resolution No. 2018-64: In Support of Increasing the Compensation for Defense Counsel Appointed by the Wisconsin Public Defender's Office was referred to the Legislative Committee.
  - Douglas County – Resolution #55-18: Compensation Increases for Defense Attorneys Assigned by State Public Defender Office Supported was referred to the Legislative Committee.
  - Sawyer County – Resolution No. 2018-31: Urging the State of Wisconsin to provide the resources to fully staff the Sawyer County District Attorney's Office was referred to the Legislative Committee.
- Notices of Claim:
  - Notice of Claim received from Joshua Lietz for damage to his vehicle caused by gravel coming off of a Highway Department vehicle was referred to the Personnel and Finance Committee.
  - Notice of Claim received from Adam Kuborn and Joseph & Nancy Kuborn for damages as a result of an incident with local police agencies was referred to the Personnel and Finance Committee.
- Petitions for Zoning Amendment:
  - No. 1 – A zoning request from James E. Collis, Town of Winneconne, to rezone from A-2 General Agriculture district to R-1 Rural Residential district for tax parcel nos. 030-0204-05 and 030-0204-06 to be used for a single family residence was referred to the Planning and Zoning Committee.
  - No. 2 – A zoning request from Tony Welnicke (ZBW, LLC); Town of Poygan, to rezone from B-2 Community Business district to R-1 Rural Residential district for tax parcel no. 020-0138-02 to be used for a single family residence was referred to the Planning and Zoning Committee.
  - No. 3 – A zoning request from Lonnie T. Darland, Town of Nekimi, to rezone from R-1/A-2 Rural Residential district/ General Agriculture district to A-1/R-1 Agribusiness district / Rural Residential district for tax parcel nos. 012-0647(p) and 012-0647-01-01(p) to be used for agriculture and residential was referred to the Planning and Zoning Committee.
  - No. 4 – A zoning request from Todd Goheen, Town of Algoma, to rezone from A-2 General Agriculture district to R-1 Rural Residential district for tax parcel no. 002-0240-10-01 to be used for a residential single family development was referred to the Planning and Zoning Committee.
  - No. 5 – A zoning request from Jonathan Faulks, Town of Wolf River, to rezone from A-2 General Agriculture district to R-2 Suburban Residential district for tax parcel no. 032-0096(p) to be used for splitting lots for neighbors to use as green space or garage lot was referred to the Planning and Zoning Committee.
  - No. 6 – A zoning request from Jay R. Jones, Town of Algoma, to rezone from A-2 /R-1 General Agriculture district / Rural Residential district to R-2 & R-3 Suburban Residential district / Two-family Residential district for tax parcel nos. 002-0028-19-05 and 002-0030 to be used for a residential subdivision was referred to the Planning and Zoning Committee.
  - No. 7 – A zoning request from Ian S. House, Town of Oshkosh, to rezone from R-1 Rural Residential district wetland to R-1 Rural Residential district wetland boundary adjustment for tax parcel no. 018-0406-05 to be used for a rural residential single family home was referred to the Planning and Zoning Committee.

## **REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Ellis encouraged supervisors to read the Park View Health Center Newsletter that was distributed at this meeting.

Supervisor Egan reported that there will be a Legislative Committee meeting on October 22 at 8:30 a.m. at the JP Coughlin Center. He noted a new line item on the agenda that allows committee members to have discussion with the legislators regarding proposed items.

Motion by Supervisor Konetzke and seconded by Supervisor Finch to approve the proceedings from the September 4, 2018 special orders session and the September 18, 2018 county board meeting. CARRIED BY VOICE VOTE.

### **COUNTY EXECUTIVE'S REPORT**

Executive Mark Harris reported that the Sheriff's Department is having trouble with the Integrator System at the jail. This is the system that controls all the locking devices, the camera and the recording systems. It is currently working. However, if it should fail, they would be forced to address this as an emergency and then bring it to the board at the next meeting.

Executive Harris reported that bids went out for the \$8 Million bond issue.

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

Chairman Ramos reminded Supervisors that budget sessions will be held starting Monday, October 29, 2018 at 6:00 p.m. at the Courthouse and continue the following morning at 8:30 a.m. All Supervisors that requested a hard copy of the budget book should have them on their desks.

Chairman Ramos noted the new version of Roll Call Pro and gave brief instructions on its operation. He introduced Victor Kluck the Roll Call Pro representative.

Chairman Ramos noted a date correction for the April, 2019 meeting. It will be held on April 16, 2019 not on April 23, 2019.

### **COUNTY BOARD CHAIRMAN'S APPOINTMENT**

#### **JUDICIARY & PUBLIC SAFETY COMMITTEE / EMERGENCY MANAGEMENT COMMITTEE**

Chairman Ramos asked for the Board's approval of his appointment of Supervisor Vicki Schorse to the Judiciary & Public Safety Committee and the Emergency Management Committee. Supervisor Schorse will replace Supervisor Tim Hogan has resigned from the committee.

Motion by Supervisor Ellis and seconded by Supervisor Konetzke to approve. CARRIED BY VOICE VOTE.

### **ZONING REPORTS & ORDINANCES**

Report No. 01 – A report from the Planning and Zoning Committee regarding a requested zoning change from Integrity Constructions, LLC, Town of Vinland; for tax parcel 026-0256-02. Motion by Supervisor Farrey and seconded by Supervisor Finch to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 10/01/2018 – A requested zoning change from A-2 General Agriculture to R-2 Suburban Low Density Residential for tax parcel no. 026-0256-02. Motion by Supervisor Farrey and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 23, 2018)

Report No. 02 – A report from the Planning and Zoning Committee regarding a requested zoning change from Randall B. Streblov, Town of Nekimi; for tax parcel nos. 012-0390(p) and 012-0391-23(p). Motion by Supervisor Keller and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 10/02/18 – A requested zoning change from R-8 Manufactured/Mobile Home Park/A-2 General Agriculture to A-2 General Agriculture for tax parcel nos. 012-0390(p) and 012-0391-23(p). Motion by Supervisor Keller and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 23, 2018)

### **RESOLUTIONS & ORDINANCES**

#### **RESOLUTION NO. 056-072018:**

#### **Advocate the State Legislature to Prohibit the Use and Practice of Conversion Therapy to Minors Within the State of Wisconsin**

WHEREAS, the Human Rights Campaign has rated Oshkosh 29th out of 100 in its 2017 Municipal Equality Index, which examines how inclusive state, county, and city laws, policies, and services are of the LGBTQ people who live and work in Oshkosh.

WHEREAS, conversion therapy is a practice that is detrimental to the mental, emotional, and physical well-being of LGBTQ individuals; and

WHEREAS, "conversion therapy" means any practice that seeks to change an individual's gender expression, gender identity, or sexual orientation, including efforts to change behaviors or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex; and

WHEREAS, "conversion therapy" does not include counseling or therapy that provides acceptance, support, and understanding of the individual or the facilitation of an individual's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, or counseling for an individual seeking to transition from one gender to another.

WHEREAS, California, Connecticut, District of Columbia, Hawaii, Illinois, Maryland, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington, have all banned conversion therapy for minors in their states; and

WHEREAS, 34 cities and/or counties including Milwaukee, WI, have passed local conversion therapy bans.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Winnebago County hereby advocates the prohibition of conversion therapy practices for individuals under 18 years of age in the State of Wisconsin.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the implementation of a ban against the use of conversion therapy practices for individuals under the age of 18 pursuant to amendments to the Wisconsin State Statutes and Administrative Code rules.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward this Resolution to the Wisconsin Counties Association, the Office of Governor Scott Walker, and all state legislators and assembly members representing Winnebago County constituents.

Submitted by:

AARON WOJCIECHOWSKI, District 16

Motion by Supervisor Wojciechowski and seconded by Supervisor Gordon to adopt.

Motion by Supervisor Smith and seconded by Supervisor Konetzke to refer to the Legislative Committee.

Vote on motion to refer: AYES: 7 – Brunn, Smith, Albrecht, Wingren, Finch, Keller and Joas; NAYES: 25; ABSTAIN: 2 – Schorse and Rasmussen; ABSENT: 2 – Wallin and Robl. FAILED.

Vote on original resolution: AYES: 19; NAYES: 6 – Brunn, Borchart, Smith, Albrecht, Warnke and Singstock; ABSTAIN: 9 – Konetzke, Binder, Schorse, Wingren, Wise, Farrey, Rasmussen, Keller and Joas; ABSENT: 2 – Wallin and Robl. FAILED.  $\frac{3}{4}$  of those members present vote required.

**RESOLUTION NO. 072-102018: Resolution Awarding The Sale of \$8,075,000 General Obligation Promissory Notes**

WHEREAS, on September 18, 2018, the County Board of Supervisors of Winnebago County, Wisconsin (the "County"), by a vote of at least 3/4 of the members-elect, 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 \$8,075,000 for the public purpose of paying the cost of 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 (collectively, the "Project"); and

WHEREAS, pursuant to the Authorizing Resolution, the County Board of Supervisors directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Notes to pay the cost of the Project; and

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, 2018; and

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; and

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 1. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors 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 1A. Award 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, the principal sum of EIGHT MILLION SEVENTY-FIVE THOUSAND DOLLARS (\$8,075,000) from the Purchaser in accordance with the terms and conditions of the Proposal. 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 and applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall 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 \$8,075,000; shall be dated November 6, 2018; 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 reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019. 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 reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2026 and thereafter are subject to redemption prior to maturity, at the option of the County, on April 1, 2025 or on any date thereafter. Said Notes are 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 2018 through 2027 for payments due in the years 2019 through 2028 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 General Obligation Promissory Notes, dated November 6, 2018" (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 §67.11, Wis Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than 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 §67.11(2)(a), Wis Stats, 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 purpose or 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 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. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. 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 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 Rasmussen and seconded by Supervisor Ellis to adopt.

Justin Fischer, Senior Vice-President of R.W. Baird & Co., Inc. reported on the activity that took place to award the sale of the general obligation promissory notes. The sale was awarded to Bank of Oklahoma Financial Securities at a rate of 2.7893%. Mr. Fischer provided the board with materials showing the credit analysis for Winnebago County.

Vote on Resolution: AYES: 34; NAYES: 0; ABSTAIN: 0; ABSENT: 2 – Wallin and Robl. CARRIED.

**RESOLUTION NO. 073-102018: Disallow Claim of Bob Messerschmidt**

WHEREAS, your Personnel and Finance Committee has had the claim of Bob Messerschmidt 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 Bob Messerschmidt, filed with the County Clerk on September 5, 2018, 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 Rasmussen and seconded by Supervisor Snider to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 074-102018: Authorize the Transfer of \$27,697 from the Other Operating Expense Category to the Labor Expense Category of the Coroner's 2018 Budget to Cover Wage and Fringe Overage Anticipated Due to Additional Workload and Participation in Two Pilot Programs for Overdose and Suicide Death Reviews**

WHEREAS, the Coroner's Office is anticipating a \$27,697 overage in wages and fringe benefits; and  
WHEREAS, there are sufficient funds available in the Pathology Services Account of the Coroner's 2018 Budget to cover the overages: and

WHEREAS, because of the available funds in these other operating accounts, the Coroner's Office will not need to request fund transfers from either the Contingency Fund or the Undesignated General Fund Balance Accounts.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$27,697 from the Pathology Services Account to the wage and fringe accounts of the Coroner's 2018 Budget to cover anticipated excess labor costs in 2018.

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

Motion by Supervisor Wingren and seconded by Supervisor Snider to adopt. Vote on Resolution: AYES: 31; NAYES: 2 – Finch and Farrey; ABSTAIN: 1 – Powers; ABSENT: 2 – Wallin and Robl. CARRIED.

**RESOLUTION NO. 075-102018: Authorize Transfer of Jurisdiction and Maintenance of Segments of Three Separate County Highways to the City of Oshkosh**

WHEREAS, the Winnebago County Highway Department has determined that the public interest is best served by transferring jurisdiction and maintenance of County Highway "I" from Waukau Avenue to 24<sup>th</sup> Street, County Highway "K" from South Park Avenue to Oakwood Road, and County Highway "E" from Koeller Road to Westhaven Drive from Winnebago County to the City of Oshkosh; and

WHEREAS, the City of Oshkosh must pass a resolution accepting jurisdiction of the aforementioned roadway segments; and

WHEREAS, the Wisconsin Department of Transportation must record the jurisdictional transfers in the state records; and

WHEREAS, §83.025, Wis Stats, enables Winnebago County and the City of Oshkosh to enter into a jurisdictional transfer agreement, thereby facilitating the changes in the highway system.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves transferring jurisdiction and maintenance of the roadway segments described below from Winnebago County to the City of Oshkosh:

1. An existing segment of County Highway "I" between Waukau Avenue and 24<sup>th</sup> Street, a distance of 4,000 feet;
2. An existing segment of County Highway "K" between South Park Avenue and Oakwood Road, a distance of 7,600 feet;
3. An existing segment of County Highway "E" from Koeller Road to Westhaven Drive, a distance of 4,000 feet.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that jurisdiction and maintenance responsibilities of the aforementioned roadway segments shall be transferred to the City of Oshkosh pursuant to this Resolution and shall become effective upon the passage of a resolution by the City of Oshkosh accepting jurisdiction and maintenance.

Submitted by:  
HIGHWAY COMMITTEE

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

**RESOLUTION NO. 076-102018:           Execute Easement Agreement Between Winnebago County and Fox Valley Technical College**

WHEREAS, Fox Valley Technical College (FVTC) desires an easement agreement on Wittman Regional Airport property for the purpose of installing one (1) new light pole as part of an upgrade to the exterior lighting of their leased property on the southeast end of the airfield; and

WHEREAS, the cost of installation, operation, repair, and maintenance of the light pole will be borne solely by FVTC; and

WHEREAS, should there be a need to remove or relocate the light pole, any costs associated with the future removal or relocation of said light pole will be borne solely by FVTC; and

WHEREAS, the Aviation Committee has approved the 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 authorizes the the Winnebago County Executive and the Winnebago County Clerk to execute the attached Easement Agreement between Winnebago County and Fox Valley Technical College, which is made a part of this Resolution and incorporated herein by reference, for the purpose of providing ingress and egress to install, maintain, and repair one (1) new light pole on Wittman Regional Airport property.

Submitted by:  
AVIATION COMMITTEE

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

**RESOLUTION NO. 077-102018:           Authorize Execution of Airport Facilities Use Agreement Between Oshkosh Corporation and Winnebago County**

WHEREAS, Oshkosh Corporation desires to enter into an Airport Facilities Use Agreement with Winnebago County permitting Oshkosh Corporation to use certain taxiways and ramp areas at Wittman Regional Airport for the purpose of motor vehicle testing as designated in the proposed Agreement; and

WHEREAS, said Agreement shall be for a period of three (3) years, from November 1, 2018, through October 31, 2021; and

WHEREAS, Oshkosh Corporation agrees to pay Winnebago County the fee of \$180 per vehicle test hour for each vehicle tested; and

WHEREAS, parties to this Agreement have executed similar agreements in the past.

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 three (3)-year Airport Facilities Use Agreement between Winnebago and Oshkosh Corporation that would allow Oshkosh Corporation to use certain taxiways and ramp areas at Wittman Regional Airport to test large motor vehicles, pursuant to those terms contained within the attached Agreement, which is made a part of this Resolution and incorporated herein by reference.

Submitted by:  
AVIATION COMMITTEE

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

Motion by Supervisor Albrecht and seconded by Supervisor Ellis to adjourn until the October 29, 2018 budget meeting at 6:00 p.m. The meeting was adjourned at 7:05 p.m.

Submitted by:  
Julie A. Barthels  
Winnebago County Deputy Clerk



State of Wisconsin)  
County of Winnebago) ss

I, Julie A. Barthels, 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, 2018.

Julie A. Barthels  
Winnebago County Deputy Clerk