

**WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, OCTOBER 20, 2020**

Chairman Shiloh Ramos called the Virtual ZOOM meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Administration Building at 112 Otter Avenue, Oshkosh, Wisconsin.

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

The following Supervisors were present: 36 - Konetzke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Neuhoff, Nussbaum, Spellman, Albrecht, Gabert, Binder, Konrad, Schorse, Bolante, Gordon, Wingren, Lautenschlager, Norton, Warnke, Zellmer, Schellenger, Buck, Powers, Locke, Cox, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas.

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

PUBLIC HEARING

Thirty-six people spoke in opposition of Ordinance No. 096-102020: Amend Section 11.08 of the General Code of Winnebago County: County Health Officer.

Five people spoke in support of Ordinance No. 096-102020: Amend Section 11.08 of the General Code of Winnebago County: County Health Officer.

Ten people spoke in opposition of Resolution No. 097-102020: Allow Additional Hazard Pay in the Form of One-Time Bonuses to Winnebago County Regular Employees to be Funded from the Undesignated General Fund Balance.

COMMUNICATIONS and PETITIONS

- Correspondence
 - Thank you note from Supervisor Bob Warnke
 - Notice of Claim:
 - Notice of Claim from Bruce Abraham for damages to his vehicle caused by recently painted road lines by the County Highway Department on Leonard's Point Road was referred to the Personnel & Finance Committee.
 - Notice of Claim from Andrew Kummerow for \$3,500.00 damage to his vehicle caused by an accident that occurred on August 7, 2020 was referred to the Personnel & Finance Committee.
 - Resolution from other counties:
 - Brown County – "Requesting that the State Senate Convene to Address 13 "Water Bills" Passed by the State Assembly" was referred to the Legislative Committee.
 - Outagamie County – Resolution No. 43, 47, 48-2020-21 – "Approve Entering into an Agreement with Brown and Winnebago Counties for Solid Waste Disposal..." was referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

No reports from Committee, Commissions or Boards.

Motion by Supervisor Defferding and seconded by Supervisor Binder to approve the proceedings from the September 1, 2020 special orders meeting and the September 15, 2020 business meeting. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris announced that Park View Health Center was voted the number one nursing home in Wisconsin. He congratulated the entire staff at Park View.

Executive Harris commented on Resolution No. 095-102020 – "Awarding the Sale of \$11,500,000 General Obligation Promissory Notes". The board will receive a report from Baird and Associates regarding the interest rate. Winnebago County was awarded the lowest interest rate that they have ever received. The County will be calling in two other bonds because of this low rate.

Executive Harris spoke in regard to Resolution No. 097-102020 - "Allow Additional Hazard Pay in the Form of One-Time Bonuses to Winnebago County Regular Employees to be Funded from the Undesignated General Fund Balance". This is a controversial issue. He feels that a hazard pay bonus would be better than a raise, raises are recurring and affected by levy freezes.

Executive Harris commented on Resolution No. 096-102020 – "Amend Section 11.08 of the General Code of Winnebago County: County Health Officer". The power given to a health officer is extremely broad. The power was granted by the State by State Statute. The County has no power to expand those powers or limit them unless the County has updated their County Codes.

COUNTY EXECUTIVE'S APPOINTMENTS

Winnebago County Land Records Council

Executive Mark Harris, asked for the Board's approval of his re-appointments of Natalie Strohmeier, Register of Deeds; Jerry Bougie, County Land Information Officer; Supervisor Robert Keller; Mary Krueger, County Treasurer; Linda Kollmann, Emergency Management; Paul Schmidt, member at large; Liz Nichols, Property Tax Lister; Jim Smith, member at large; Mark Zuege, Member at Large to the Winnebago County Land Records Council. These are three-year terms which will expire May 31, 2023. Motion by Supervisor Lenz and seconded by Supervisor Norton to accept. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Ramos noted that the County Board Budget meetings will start on Monday, October 26, 2020 at 6:00 p.m. The meetings will be virtually by ZOOM. The budget meeting will resume at 8:30 a.m. on Tuesday, October 27, 2020. Any amendments to the budget need to be presented to the Finance Department by 10:00 a.m. on Wednesday, October 28, 2020. All amendments will be posted on the County's website by 2:00 p.m. on Wednesday. The Board will reconvene at 4:00 p.m. to complete the 2021 budget.

Chairman Ramos commented on the complaints regarding access to virtual meetings. The meetings are a challenge to facilitate and reported that there were 301 people that attended this meeting via ZOOM.

COUNTY CHAIRMAN'S APPOINTMENTS

County Board Supervisor District 27

County Board Chairman, Shiloh Ramos, asked for the Board's approval of his appointment of Morris Cox, 2150 Deer Prairie Drive, Neenah to Supervisor District 27. Mr. Cox will complete the unexpired term of Jim Wise who resigned from the board. Mr. Cox's term will begin immediately and end on April 19, 2022. Motion by Supervisor Farrey and seconded by Supervisor Brunn to accept. CARRIED BY VOICE VOTE.

Information Systems Committee

County Board Chairman, Shiloh Ramos, asked for the Board's approval of his re-appointment of Patrick Brennand, 229 North 9th Avenue, Winneconne to the Information Systems Committee. This is a two-year term that will expire on June 30, 2022. Motion by Supervisor Lenz and seconded by Supervisor Powers to accept. CARRIED BY VOICE VOTE.

ZONING REPORTS AND ORDINANCES

- Report No. 001: Carol Lanzerotti, Jeffery Miller and Lynn A. Miller – Town of Wolf River. Motion by Supervisor Joas and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 100120 – Rezoning from A-2 General Agriculture to R-1 Rural Residential for tax parcel nos. 032-0184-02 & 032-0184-03. Motion by Supervisor Joas and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Report No. 002: Judith Domer – Town of Black Wolf. Motion by Supervisor Keller and seconded by Supervisor Defferding to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 100220 – Rezoning from R-1 Rural Residential to R-3 Suburban Medium Density Residential for tax parcel no. 004-0039-03. Motion by Supervisor Keller and seconded by Supervisor Defferding to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Report No. 003: Judith and Robert Felberg – Town of Winneconne. Motion by Supervisor Snider and seconded by Supervisor Buck to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 100320 – Rezoning from R-1/A-2 Rural Residential / General Agriculture to A-2 General Agriculture for tax parcel no. 030-0337-01. Motion by Supervisor Snider and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Report No. 004: Komai B Mehta Trust and Brent H. Walker Trust – Town of Oshkosh. Motion by Supervisor Gabert and seconded by Supervisor Finch to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 100420 – Rezoning from R-2 Suburban Low Density Residential to A-2 General Agriculture for tax parcel no. 018-0551. Motion by Supervisor Gabert and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Amendatory Ordinance 10/05/20: Bayland Building, Inc. – Town of Oshkosh – Rezoning from B-3 General Business District to M-1 Light Industrial District for tax parcel nos. 018-0112-01 & 018-0112-02. Motion by Supervisor Gabert and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Amendatory Ordinance 10/06/20: Michael Yost & Penny Brazee – Town of Clayton – Rezoning from R-1 Rural Residential District to A-2 General Agricultural District for tax parcel no. 006-0793. Motion by Supervisor Farrey and seconded by Supervisor Buck to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)
- Amendatory Ordinance 10/07/20: Carl Rasmussen – Town of Clayton – Rezoning from A-2 General Agricultural District to R-1 Rural Residential District for tax parcel no. 006-0243. Motion by Supervisor Joas and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)

- Amendatory Ordinance 10/08/20: Robert and Janice Schommer – Town of Clayton – Rezoning from A-2 General Agricultural District to R-1 Rural Residential District for tax parcel no. 006-0664-01. Motion by Supervisor Youngquist and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: October 26, 2020)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 090-102020: Commendation for Barbara Sheldon

WHEREAS, Barbara Sheldon has been employed with the Winnebago County Public Health Department for the past thirty-six (36) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Barbara Sheldon has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her 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 Barbara Sheldon for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Barbara Sheldon.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 091-102020: Commendation for Patti Strasser

WHEREAS, Patti Strasser has been employed with the Winnebago County Child Support Agency for the past twenty-six (26) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Patti Strasser has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her 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 Patti Strasser for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Patti Strasser.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 092-102020: Commendation for Pam Weber

WHEREAS, Pam Weber has been employed with the Winnebago County Department of Human Services for the past forty (40) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Pam Weber has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge she 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 Pam Weber for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Pam Weber.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 093-102020: Disallow Claim of WE Energies (August 12, 2019)

WHEREAS, your Personnel and Finance Committee has had the claim of WE Energies (August 12, 2019) referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of WE Energies (August 12, 2019), filed with the County Clerk on September 3, 2020, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 094-102020: Request Authority to Apply to the Department of Natural Resources for Funds to Reestablish Sections of Stream Bank at the Waukau Creek Dam Facility and to Commit Such Funds As May Be Made Available Towards the Restoration Project

WHEREAS, heavy rains during Fall 2019 triggered erosion issues along several areas of stream bank at the Waukau Creek Dam facility; and

WHEREAS, the annual County Conservation Aids (CCA) Grant Program administered by the Wisconsin Department of Natural Resources (WDNR) provides grants to all counties within the State of Wisconsin its cost share for fish and wildlife habitat projects, including stream bank restoration; and

WHEREAS, the Parks and Recreation Committee believes that it would be prudent to take advantage of the \$1,308 made available to Winnebago County through the CCA program to match the \$1,308 in funding available in the Parks Grounds Maintenance Account; and

WHEREAS, additional funding of \$1,192 may be made available dependent upon other counties not taking advantage of the CCA program. Said unclaimed monies are divided equally to counties requesting additional funding; and

WHEREAS, it is necessary that the Winnebago County Executive and the Winnebago County Clerk be granted the authority to apply for said funds.

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 apply to the Wisconsin Department of Natural Resources, on behalf of Winnebago County, for any of the aforementioned financial aid that may be available for the restoration of the stream bank at Waukau Creek Dam.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby approves accepting additional funding from the Wisconsin Department of Natural Resources that may become available dependent upon other counties not taking advantage of the CCA program, to be committed towards the restoration of the stream bank at Waukau Creek Dam.

Submitted by:
THOMAS KONETZKE, District 1
MICHAEL NORTON, District 20
STEVEN BINDER, District 13
LARRY LAUTENSCHLAGER, District 19
DON NUSSBAUM, District 9
PARKS AND RECREATION COMMITTEE

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

RESOLUTION NO. 095-102020: Awarding the Sale of \$11,500,000 General Obligation Promissory Notes

WHEREAS, on September 15, 2020, 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 "Initial Resolution") authorizing the issuance of general obligation promissory notes (the "Notes") in an amount not to exceed \$11,500,000 for the public purpose of paying the cost of constructing, remodeling, demolishing and improving roads, highways, bridges, buildings and sites, including projects at the University of Oshkosh-Fox Cities campus and airport projects, and acquiring and installing furnishings, fixtures and equipment (collectively, the "Project"); 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 proposal 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 ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$11,500,000) 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 ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$11,500,000) 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 \$11,500,000; shall be dated November 10, 2020; 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, 2021. 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, 2027 and thereafter are subject to redemption prior to maturity, at the option of the County, on October 1, 2026 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.

If the Proposal specifies that any of the Notes are 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 2020 through 2029 for the payments due in the years 2021 through 2030 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 10, 2020" (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 affect 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 Rasmussen and seconded by Supervisor Schorse to adopt.

Justin Fischer, Director of Public Finance for Baird & Associates spoke in regard to the interest rate. The rate that the County received is the lowest ever at 1.15%, prior lowest rate was 1.48%. Moody's gave Winnebago County a rating of AA1. The highest rating is AAA. To reach this level, the County would have to concentrate on the fund balance reserves and how they are being used. Because of the low interest rate, there is a savings of \$50,000.00 on interest cost. Mr. Fischer commended the County for paying close attention to their financial situation.

Vote on Resolution: CARRIED BY VOICE VOTE.

AMENDED

ORDINANCE NO. 096-102020: Amend Section 11.08 of the General Code of Winnebago County: County Health Officer

WHEREAS, in December 2019, a novel strain of the coronavirus was detected, now known as COVID-19, and it has spread throughout the world, including every state in the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern; and

WHEREAS, on March 12, 2020, the Governor of the State of Wisconsin declared a public health emergency in the State of Wisconsin in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States proclaimed a National Emergency in response to COVID-19; and

WHEREAS, on March 20, 2020, Winnebago County Executive Mark L. Harris, by proclamation, declared that a state of emergency exists in Winnebago County as a result of the COVID-19 pandemic consistent with §323.14(4)(a), Wis. Stats.; and

WHEREAS, on April 28, 2020, the Winnebago County Board of Supervisors, pursuant to §323.14(4)(b), Wis. Stats., ratified the March 20, 2020 Proclamation Declaring the Existence of a County Emergency issued by Winnebago County Executive Mark L. Harris; and

WHEREAS, millions of people around the world have tested positive for COVID-19, including more than 7 million individuals in the United States, more than 100,000 individuals in Wisconsin, and more than 4,400 individuals in Winnebago County; and

WHEREAS, COVID-19 is present in every county throughout the State of Wisconsin, including Winnebago County; and

WHEREAS, it is prudent to use all available tools to reasonably address communicable diseases, including COVID-19; and

WHEREAS, Chapter 252, Wis. Stats, "Communicable Diseases" outlines the duties and responsibilities of a public health officer related to communicable diseases (See Appendix A); and

WHEREAS, as required by Wis. Stats. 252.03(1) the Winnebago County Health Department investigated the circumstances of COVID-19 appearing locally and made a full report to the Winnebago County Board, the Board of Health, and the Wisconsin Department of Health Services; and

WHEREAS, §66.0113(1), Wis. Stats., states the County Board may by ordinance adopt and authorize the use of a citation for violations of ordinances, including ordinances for which a statutory counterpart exists (See Appendix B); and

WHEREAS, §66.0113(2), Wis. Stats, states that citations may be issued by law enforcement officers of Winnebago County and also that the County Board may designate by ordinance or resolution other county officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Further, the officials may delegate, with the approval of the County Board, the authority to employees/designees (See Appendix B); and

WHEREAS, §66.0119, Wis. Stats., provides in pertinent part, a local health officer may apply for, obtain, and execute a special inspection warrant (See Appendix B); and

WHEREAS, consistent with state statute, locally authorizing the Winnebago County Health Officer to take measures to prevent, suppress, and control COVID-19 in Winnebago County Health Department's jurisdiction, coupled with authorizing the Winnebago County Health Officer, his/her designees, and law enforcement to issue penalties for violating state and local laws designed to suppress communicable diseases, will help contain the impact of COVID-19 in Winnebago County.

NOW, THEREFORE, BE IT RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS THAT IT HEREBY ACKNOWLEDGES AND ACCEPTS the duties, responsibilities, and enforcement mechanisms as outlined in Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., DHS 145.05 and 145.06, Wis. Admin. Code, and Section 25.04 of the General Code of Winnebago County (see Appendices A, B, C, D, and E), as the duties, responsibilities and enforcement mechanisms for its Public Health Officer.

BE IT FURTHER RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS THAT IT HEREBY ORDAINS that Section 11.08: County Health Officer, of the General Code of Winnebago County is hereby amended and shall read as follows:

11.08 COUNTY HEALTH OFFICER

(1) APPOINTMENT:

(a) A County Health Officer possessing the qualifications set forth in §251.06, Wis. Stats. (1993), shall be appointed by the Winnebago County Executive pursuant to §59.17(2)(br) and §251.03(2), Wis. Stats., subject to confirmation by the Winnebago County Board of Supervisors. The County Health Officer shall serve at the pleasure of the County Executive.

(2) **PURPOSE:** The purpose of this subchapter is to promote and protect public health, safety, and general welfare.

(3) **AUTHORITY:** The authority for this subchapter is Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., DHS 145.05 and 145.06, Wis. Admin. Code, and Section 25.04 of the General Code of

Winnebago County, which are incorporated herein by reference as if fully set forth at length (See Appendices A, B, C, D, and E).

(4) DEFINITIONS:

(a) Individual Order: ~~This Order applies to a specific individual(s) or a specific entity(ies).~~ Any health order under this Ordinance applicable to a specific person, group of persons, or gathering spot that is deemed reasonable and necessary to prevent and suppress communicable disease.

(b) General Order: ~~This Order applies to the entire County or a portion of the County.~~ Any health order under this Ordinance that impacts the public at large that is deemed reasonable and necessary to prevent and suppress communicable disease. Any health order not deemed an Individual Order will be considered a General Order.

(5) DUTIES AND RESPONSIBILITIES: The duties and responsibilities as set forth in Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., and DHS 145.05 and 145.06, Wis. Admin. Code, shall be performed by the Winnebago County Health Officer, and he/she shall administer the policies, programs, and services of the Winnebago County Health Department. These duties are outlined in Appendices A, B, C, and D verbatim from Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., and DHS 145.05 and 145.06, Wis. Admin. Code, and are adopted as Public Health Officer Duties as part of this Ordinance.

(6) ORDERS:

(a) The Winnebago County Health Officer may issue orders for guarding against the introduction of any communicable disease into his or her jurisdiction, for the control and suppression of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a communicable disease and for the sanitary care of schools, public buildings, and other places.

(b) Any rule or order may be made applicable to the whole or any specified part of Winnebago County or to any vessel or other conveyance. Orders that are issued under the authority herein supersede conflicting or less stringent regulations, orders or ordinances.

(c) Under this Ordinance, no person may interfere with an investigation of any place or its occupants by the Winnebago County Health Officer or his/her designees.

(d) Orders will be identified as General Orders or Individual Orders as defined in the definitions section of this Ordinance and conform to the following:

1. Any individual Order and potential enforcement action must conform to DHS 145.05 and 145.06, Wis. Admin. Code, and §§66.0113 and 66.0119, Wis. Stats.

2. Any General Order must be based upon the duties, responsibilities, and powers as identified in Chapter 252, Wis. Stats., §251.06(3), Wis. Stats., and §§66.0113 and 66.0119, Wis. Stats. Any General Order is advisory only until reviewed and reaffirmed or revised and affirmed by the Winnebago County Board of Supervisors at its next regularly-scheduled meeting date or within 14 days, whichever is earlier. All general orders will specify a duration for the order and an expiration date, but will have a maximum duration of 60 days unless otherwise authorized by the County Board.

(7) COMPLIANCE:

(a) Written Orders: Compliance with this subchapter shall include compliance with written orders issued under this subchapter or state health laws by the Winnebago County Health Officer or his/her designees to abate and/or contain a communicable disease or to bring any other situation or condition in noncompliance with this subchapter into compliance.

(b) Noncompliance: Noncompliance with this subchapter and a written order from the Winnebago County Health Officer or his/her designees shall be cause for penalties pursuant to Paragraph (9), Violations and Penalties, below.

(8) ENFORCEMENT:

(a) Written Order: When a violation of this subchapter is encountered, the Winnebago County Health Officer or his/her designees may issue a written order to the violator in accordance with DHS 145.05 and 145.06, Wis. Admin. Code. This order shall specify the following:

1. The nature of the violation and the steps needed to abate and/or correct the violation.

2. The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).

3. The penalty or penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.

(b) Exceptions to Written Order: In cases where a violation poses an immediate human health threat as determined by the Winnebago County Health Officer or his/her designee, or in the case of repeated occurrences of the same violation by the same persons, actions specified in Paragraph 9, Violations and Penalties, below may be initiated immediately in accordance with Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., DHS 145.06, Wis. Admin. Code, and Section 25.04 of the General Code for Winnebago County.

(9) VIOLATIONS AND PENALTIES:

(a) Any person who violates or obstructs this Ordinance or an order of the Winnebago County Health Officer under Paragraph 6 (a), 6 (c), and 8 (a) above is subject to the following:

1. The issuance of a citation pursuant to Section 25.04 of the General Code of Winnebago County §66.0113, Wis. Stats, and §252.25, Wis. Stats. A citation hereunder may be issued by the Winnebago County Health Officer or Winnebago County Health Department jurisdiction law enforcement officers. Any citation arising from

enforcement on this Ordinance will utilize the Uniform Citation form set forth in §66.0113, Wis. Stats., (See Appendix E, B, and A).

2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each violation together with the costs of prosecution. (See Section 25.04 of the General Code of Winnebago County and §252.25, Wis. Stats.)

3. The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and injunctive (temporary and/or permanent) relief.

4. Suspension of any license or permit issued by the Winnebago County Health Department.

(b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this Ordinance.

(10) SEVERABILITY: Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

(11) EFFECTIVE DATE: This Ordinance shall become effective as of the date following the date of its publication.

Submitted by:
BOARD OF HEALTH

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

Motion by Supervisor Ramos and seconded by Supervisor Powers to amend line 81 to read as follows: "Any general health order under this ordinance must not include a general work place shut down".

After discussion, Supervisor Farrey asked Supervisor Ramos to consider changing the wording from "must" to "shall". Supervisor Gordon agreed to the change. Vote on Supervisor Ramos' amendment with change of wording: CARRIED BY VOICE VOTE.

Motion by Supervisor Lenz and seconded by Supervisor Binder to remove lines 100 and 101 which state "Any individual Order and potential enforcement action must conform to DHS 145.05 and 145.06, Wis. Admin. Code, and §66.0113 and 66.0119, Wis. Stats." from the resolution; delete the words "or Individual Orders" from line 98; change line 102 from the number "2" to number "1". Supervisor Eisen requested a recorded vote on this issue.

After additional discussion, a motion was made by Supervisor Finch and seconded by Supervisor Eisen to postpone until the November business meeting of the Winnebago County Board. CARRIED BY VOICE VOTE.

RESOLUTION NO. 097-102020: Allow Additional Hazard Pay in the Form of One-Time Bonuses to Winnebago County Regular Employees to be Funded from the Undesignated General Fund Balance

WHEREAS, since the onset of the COVID-19 pandemic, extraordinary demands have been placed on Winnebago County regular employees; and

WHEREAS, as a result of the COVID-19 pandemic, Winnebago County regular employees have been working under very stressful conditions and have received no additional compensation for their work; and

WHEREAS, Winnebago County wishes to recognize the dedicated efforts of our regular employees by providing a one-time hazard payment of \$500 to full-time employees and \$250 to part-time employees in appreciation for their service; and

WHEREAS, Winnebago County may receive federal and state monies to partially reimburse funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes one-time hazard payment bonuses of \$500 to full-time regular employees and \$250 to part-time Winnebago County regular employees who have been so employed from March 17, 2020, through the date of passage of this Resolution.

Submitted by:
MICHAEL NORTON, District 20
STEVEN BINDER, District 13
KOBY SCHELLENGER, District 23
KAREN POWERS, District 25
LARRY LAUTENSCHLAGER, District 19
STEPHANIE SPELLMAN, District 10
ANDY BUCK, District 24

Motion by Supervisor Norton and seconded by Supervisor Snider to adopt.

After much discussion, motion by Supervisor Wingren and seconded by Supervisor Schellenger to call for the question. Vote on Call for the Question: AYES: 25; NAYES: 3 – Konetzke, Binder and Norton; ABSTAIN: 0; ABSENT/NOT RECORDED: 8 – Neuhoff, Albrecht, Wingren, Warnke, Locke, Cox, Finch and Ellis. CARRIED. VOTE ON RESOLUTION: AYES: 8 – Spellman, Binder, Gordon, Norton, Schellenger, Buck, Powers and Cox; NAYES: 22; ABSTAIN: 1 – Finch; ABSENT/NOT RECORDED: 5 – Neuhoff, Albrecht, Warnke, Locke and Ellis. FAILED.

Motion by Supervisor Albrecht and seconded by Supervisor Snider to adjourn until the October 26, 2020 budget meeting at 6:00 p.m. The meeting was adjourned at 11:10 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 20, 2020.

Julie A. Barthels
Winnebago County Deputy Clerk