

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, OCTOBER 18, 2011**

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

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

The following Supervisors were present: Konetzke, Barker, Englebert, Eisen, Ramos, Miller, Roh, Smith, Hamblin, Albrecht, Gabert, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Singstock, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Kriescher.

Excused: Widener

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

PUBLIC HEARING

Ann Marshall, 1120 Olson Avenue, Oshkosh speaking for the League of Women Voters of Winnebago County, spoke in favor of Resolution No.298-102011, "Consolidate Health Departments for the County of Winnebago, City of Oshkosh and City of Neenah and Form a Combined Health Department".

Donna Lohry, 511 W Bent Street, Oshkosh spoke against Ordinance No. 276-82011: "Amend Sections 19.24 and 19.25 of the General Code of Winnebago County to Reflect the Elimination of Swimming Activities at the Community Park Swim Beach and Establish the Beach House as a Pavilion Available for Day Rentals".

COMMUNICATIONS, PETITIONS, ETC.

- Forest County – Resolution No. 21-2077, regarding federal restrictions on harvesting lumber in the Chequamegon-Nicolet National Forest was referred to the Legislative Committee.
- Kewaunee County – Resolution No. 8-8-11, "A Resolution Disapproving of the Non-Emergency Medical Transportation Service provided by Logisticare" was referred to the Human Services Board
- Lincoln County – Resolution No. 2011-09-54, "To Support H.R. 1489 of the United States Congress: The Return to Prudent Banking Act" was referred to the Legislative Committee
- Outagamie County – Resolution No.42—2011-12, "...resolution supports the 700 MHz radio system, regional interoperable approaches and requests that the Sheriff continue to pursue a joint public safety answering point (PSAP) with Winnebago County and other counties with compatible radio equipment as their interest indicates." was referred to the Judiciary & Public Safety Committee.

A "thank you" card from Supervisor Harvey Rengstorf was read thanking the board for the flowers that were sent to him.

Notice of Claim from Peter J. Long for damages caused by the Winnebago County Sheriff's Office referred to Personnel and Finance Committee

Notice of Claim from Wesley Potratz for damage to car caused by a Park's Department seasonal employee backing into the car with a golf cart was referred to Personnel and Finance Committee

Notice of Claim from AT & T for damage to a buried service wire near 6915 County Road M was referred to the Personnel and Finance Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Eisen shared with the Board his thoughts on a workshop that he attended at the recent WCA Conference.

Supervisor Barker told the committee that a new dean had been appointed to UW-Fox. His name is Dr. Martin Rudd.

Supervisor Kline told the Board that the Legislative Committee will be meeting on Monday, October 24, at 8:30 am in the J.P. Coughlin Building.

Supervisor Egan thanked Sheriff Matz for meeting with fire departments regarding the new radios.

Supervisor Rengstorf reminded the board to get any County Board rule changes to him for discussion at the next Judiciary and Public Safety meeting.

Motion by Supervisor Robl and seconded to approve the proceedings from the September 6 and September 20, 2011 Winnebago County Board meetings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris told the board that there will be some changes to his proposed budget because of changing debt dynamics in regard to the health departments' consolidation. The Cities of Oshkosh and Neenah will continue to levy for their health department on their budgets for 2012. It should be totally on the county's levy by 2013, but we will actually be providing the services on a lease basis for 2012 to Oshkosh and Neenah.

He also told the Board that this is the 3rd consecutive year that the total county spending in the budget is declining and in this budget, there is a small decrease in the total tax levy.

Executive Harris spoke about the United Way campaign and that is underway in Winnebago County. The forms for donation are on their desks. Anyone who contributes to the United Way will be eligible for a prize contributed by Executive Harris.

Executive Harris urged support of Resolution No. 298-10211: "Consolidate Health Departments for the County of Winnebago, City of Oshkosh, and City of Neenah and form a Combined Health Department".

Supervisor Norton asked Mr. Harris his thoughts on the new concealed carry law that would soon be in effect in Wisconsin. Mr. Harris told the Board that many county buildings were already posted for firearms, but it is his feeling that a sign will not keep out a person who is determined to get a firearm into a building.

Supervisor Hegg asked Executive Harris to clarify why the budget is only showing partial funding for the consolidation for the health departments, when earlier it was thought the budget would reflect a total consolidation of all health departments for 2012. Mr. Harris told the Board that the Cities of Oshkosh and Neenah will continue to levy for their health departments and then lease services from us. The major change will be revenues from Neenah and Oshkosh will come to the county in the form of leased revenues for services rather than be directly on our levy.

There was discussion among the Board regarding liability issues of posting for concealed carry.

COUNTY CHAIRMAN'S REPORT

Chairman Albrecht told the Board that on their desks was a Corrected Ordinance 297. Supervisor Widener is excused from tonight's meeting.

COUNTY CHAIRMAN'S APPOINTMENT

Chairman Albrecht asked for the Board's approval of his appointment of Supervisor Singstock to the Parks and Recreation Committee to replace Supervisor Swanson who has resigned from the Board. It was moved by Supervisor Finch and seconded. CARRIED BY VOICE VOTE.

PRESENTATION OF \$5000.00 FROM LAUREE RENAUD, PRESIDENT OF GREEN LAKE GREENWAYS FOR IMPROVEMENTS ON THE MASCOUTIN VALLEY STATE TRAIL

Parks Director Rob Way introduced Lauree Renaud, from the Green Lake Greenways. Ms Renaud's groups of volunteers have been working over the past several years raising money by fundraising activities to donate \$5000.00 toward the rehabilitation of the Mascoutin Valley Trail.

Ms. Renaud told the Board that the Mascoutin Trail is a favorite walking trail in our area. It runs between the Cities of Ripon and Berlin. There is 5 ½ miles in Winnebago County. She thanked the Winnebago County Park's Department for their cooperation and support of the efforts to renovate the trail.

WINNEBAGO COUNTY FARMLAND PRESERVATION PLAN PRESENTATION

Jerry Bougie, Director of Planning introduced Charlie Handy from Civi Tech Consulting to the Board. Mr. Bougie told the Board that the County Farmland Preservation draft plan will be brought to the Board at the November meeting for approval. They have been working on the plan for 2 years.

Mr. Handy, the project leader on this plan, told the Board that they received a significant amount of public input on this plan. Farmland Preservation is very important for economic development, for rural character and also urban areas of the county.

Mr. Bougie and the Winnebago County Corporation Counsel certified that this plan does not jeopardize one standard of the Wisconsin State Statutes. The plan has been submitted to DATCP for their certification. They reviewed it once and gave comments and the plan was improved. Mr. Handy believes that the certification from DATCP is coming very soon.

Mr. Handy told the Board that the map in their packets will show what Farmland Preservation will look like in Winnebago County. There will be a copy of that map on file in the Planning Office. There are 3 areas of certified Farmland Preservation in Winnebago County and they are qualified for certain benefits from the state. There is one local Farmland Preservation area that may be taken on for providing additional benefits.

The steering committee has approved this, as well as the Planning and Zoning committee. This will come before the Board as an amendment to the Comprehensive Plan in the form of an Ordinance.

Mr. Handy, Jerry Bougie then took questions from the Board regarding Farmland Preservation and its impact on Winnebago County.

WINNEBAGO COUNTY PUBLIC HEALTH DEPARTMENT CONSOLIDATION FEASIBILITY ASSESSMENT PROJECT SUMMARY

Christine Smith, Principal Planner for Baker Tilly Virchow Krause, LLP, introduced herself to the Board and told them that the presentation would be regarding the findings of the feasibility study. She also introduced Dave Hronis, Project Manager, who will be able to provide more of the details of the study. Also available for questions is Dennis Hibray, Director of NE Division of Public Health, Doug Geiryn – Winnebago County Public Health Director and Executive Harris.

Ms. Smith told the Board that this is a great point to be at. The consolidation is ready to move forward in a manner that benefits residents throughout the county from both a physical and service delivery perspective. After two years of discussions there are 3 entities to come together with a recommendation to merge the currently independent health departments. At this point, the City of Menasha determined that this was not the right time for them and has bowed out. However, the door is always open if at a future time they wish to join the consolidation.

The steering committee consisted of elected officials, public health directors, Manager of the City of Oshkosh and finance directors. They were integral to the project in framing the discussions, providing and evaluating all the data used to do the assessment, as well as making important decisions and recommendations throughout the project.

The 3 entities have had all their concerns addressed and all questions answered and at this point, are ready to move forward with this project.

Several factors were taken into consideration during the study:

How each department was currently delivering public health

- Staffing approaches and levels
- Population being served
- Service approaches

Once these were done, the costing piece of analysis was done. There was extensive data gathered and the input from that data came from management and staff members of each entity. After it was determined what was different and what was similar in each department, different models were looked at to see what might be feasible. There were 8 models. The committee worked through all 8 and determined the model being presented tonight is the most feasible. The primary reason for this choice is that the 3 entities are very close in their approach to services.

Not every detail has been worked out, however, the parties involved have reached the point where they are confident that they can figure out any details in a manner that will make sense for the individual departments, as well as residents being served.

Oshkosh will be voting on their resolution on November 25 and the City of Neenah will vote on theirs November 2.

Current staff at all departments will have the opportunity to join the expanded County Public Health Department. The service locations will not change with one exception. The City of Oshkosh location will close and move to the County Health Department facilities. It will be up to the department to decide how to provide services. The services provided will not change.

The consolidation will reduce staff significantly by not filling current vacancies. Many entities have functioned with staff vacancies for a couple of years. It is currently estimated that 9.5 fulltime employees will be reduced upon consolidation. Some other fulltime employees have been identified for long term reduction if and when the department starts to work together more efficiently. It is unsure whether or not this will come to fruition, and it will be up to the department head to make the determination.

Mr. Hronis took the Board through the levy impact. A handout of the levy impact had been provided to the Board prior to the meeting and is available in the County Clerk's office.

Total taxpayer funded public health expenditures will fall from \$1.7M to \$1.4M annually. The City of Neenah and Winnebago County residents will contribute less tax levy than in the past. City of Oshkosh will see a levy increase. Without the merger, entities involved would likely see an increase in the public health levy rate.

Overall service delivery strategy will not change in the short term. Moving forward, specific programs will be adjusted on emerging public health best practices and industry standards.

An intentional slow and deliberative path was taken to reach this point. This was done to get rid of any concerns all parties involved may have had, and to make sure of a positive fiscal impact without a significant impact on service levels. This merger will provide a more seamless public health service to the residents of Winnebago County.

After this presentation, the staff of Baker Tilly Virchow Krause, LLP, Dennis Hibray – Director of NE Division of Public Health Services, Executive Harris and Doug Geiryn – Winnebago County Public Health Director took questions and concerns from the board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001 and AMENDATORY ORDINANCE NO. 10/01/11 was withdrawn.

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Jonathan Bartz; and property owner Judith Jones, Town of Algoma for zoning change to P-1 for tax parcel no. 002-0028-19(p). Motion by: Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE

AMENDATORY ORDINANCE NO. 10/02/11. A requested zoning change from A-2 (General Farming) to P-1 (Institutional & Recreation Park District). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective Date – October 21, 2011)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Bruce Cecka; and property owner Rick Buser, Town of Neenah for zoning change to A-2 for tax parcel no.010-0116 (p). Motion by: Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE

AMENDATORY ORDINANCE NO. 10/03/11. A requested zoning change from A-1 (Agri-Business District) to A-2 (General Farming). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective Date – October 21, 2011)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Roger Rozek, Town of Winneconne, for zoning change to A-2 for tax parcel no. 030-2011 Motion by: Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE

AMENDATORY ORDINANCE NO. 10/04/11. A requested zoning change from R-1 (Single Family Non-Subdivided District) to A-2 (General Farming) Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective Date – October 21, 2011)

REPORT NO. 005 A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Dean Hughes , Town of Nekimi, for zoning change to A-2 for tax parcel no. 012-0503-03. Motion by: Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE

AMENDATORY ORDINANCE NO. 10/05/11. A requested zoning change from A-1 (Agri-Business District) to A-2 (General Farming) Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective Date – October 21, 2011)

ORDINANCE NO. 276-82011: Amend Sections 19.24 and 19.25 of the General Code of Winnebago County to Reflect the Elimination of Swimming Activities at the Community Park Swim Beach and Establish the Beach House as a Pavilion Available for Day Rentals

WHEREAS, in following with the recommendations expressed by both the Parks and Recreation Committee and the Ad Hoc Committee to study beach programming options, it is appropriate to discontinue the practice of facilitating swimming activities at the Community Park Swim Beach and to hereafter redirect usage of the facility towards another purpose; and

WHEREAS, it has been determined that the most practical function of the beach facility would be to serve as a park pavilion to be made available for day rentals; and

WHEREAS, comparison of the fees applied to similar facilities and services located in other municipalities demonstrates the appropriateness of instituting a separate fee category from the charges applied at each of the existing park shelters.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that effective January 1, 2012, Section 19.24 FEES AND CHARGES, (2) (a) and (b), and (3) of the General Code of Winnebago County be amended to reflect the establishment of the Pavilion rental facility in place of the former Community Park Beach House (Service Center) and that Section 19.24 (2) (a) and (b), & (3) thereafter read as follows:

19.24 FEES AND CHARGES:

(1) No person shall use any facility, land, or area for which a fee has been established by the Committee without payment of such fee.

(2) The following fees shall apply for the reserved use of picnic shelter buildings at the Community Park:

(a) COMMUNITY PARK FEE SCHEDULE

| Facility | Group Size | Weekday Charge | Weekend Charge |
|-------------------|--------------|----------------|----------------|
| Shelters 1 & 2 | Up to 150 | \$40.00 | \$50.00 |
| | 151 – 300 | \$70.00 | \$70.00 |
| | 301 – 1000 | \$130.00 | \$130.00 |
| | Over 1000 | \$210.00 | \$210.00 |
| Shelters 3 & 4 | Up to 50 | \$30.00 | \$35.00 |
| | 50 - 150 | \$40.00 | \$50.00 |
| | 151 – 300 | \$70.00 | \$70.00 |
| | 301 – 1000 | \$130.00 | \$130.00 |
| Pavilion | Up to 150 | \$110.00 | \$135.00 |
| | 151 – 300 | \$170.00 | \$170.00 |
| | 301 – 1000 | \$210.00 | \$210.00 |
| | Over 1000 | \$255.00 | \$255.00 |
| Open Air | Small Groups | \$10.00 | \$10.00 |

(b) A security deposit of not less than \$100.00 may be required at the discretion of the Parks Director.

(3) The availability for partial rental of the Community Park Pavilion shall be at the discretion of the Director and shall be a negotiated price with a minimum charge starting at \$30.00 for the initial hour of use.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Section 19.25 BEACHES (1) (a) of the General Code of Winnebago County be amended to reflect the elimination of swimming activities at the former Community Park Swim Beach and that Section 19.25 thereafter read as follows:

19.25 WATERFRONT AREAS:

(1) No person in a park shall:

(a) Swim, bathe, or wade in any waters or waterways in any park, except in such waters and at such places in which swimming is specifically permitted and in compliance with such regulations as are herein set forth or may be adopted thereafter.

(b) If permitted, swimming at all park areas shall be strictly at the person's own risk.

Note: The remaining portion of Section 19.25, which mainly refers to beach regulations, is to be deleted.

Submitted by:
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Brennand and seconded to take off the table. CARRIED BY VOICE VOTE
Motion by Supervisor Finch and seconded to adopt. AYES – 23. NAYS – 10 Thompson, Reynolds, Hall, Wingren, Warnke, Robl, Neubauer, Egan, Ellis and Rengstorf. EXCUSED – 1 Widener CARRIED.

RESOLUTION 289-92011: Amend the Table of Organization for Winnebago County District Attorney's Office

WHEREAS, the current Table of Organization for the Winnebago County District Attorney's Office identifies seven (7) full-time Legal Secretary positions, one (1) of which is currently vacant; and

WHEREAS, the District Attorney desires to eliminate one (1) full-time Legal Secretary position and add one (1) full-time Paralegal position (H-5) to improve operating efficiencies within the office by allowing greater legal assistance to the attorneys.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the Table of Organization for the Winnebago County District Attorney's Office is amended to eliminate one (1) full-time Legal Secretary position and add one (1) full-time Paralegal position (H-5).

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded. CARRIED BY VOICE VOTE

Motion by Supervisor Robl and seconded to adjourn until Monday, October 31, 2011. CARRIED BY VOICE VOTE.

RESOLUTION NO. 292-102011: Commendation for Anna Malek

WHEREAS, Anna Malek has been employed with Park View Health Center for the past twenty (20) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Anna Malek 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 Anna Malek 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 Anna Malek.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded. CARRIED BY VOICE VOTE

RESOLUTION NO. 293-102011: Commendation for Fred Umland IV

WHEREAS, Fred Umland has been employed by the Winnebago County Department of Human Services for the past thirty-five (35) years, and during that time has been a most conscientious and devoted County employee; and

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

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

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

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 294-102011: Transfer \$10,000 from County Road FF Capital Project Fund to the County Road F Capital Project Fund to Cover Unanticipated Costs

WHEREAS, there were unforeseen costs associated with the County Road F resurfacing project, and there are not sufficient funds in the project budget to cover these costs; and

WHEREAS, the County Road FF project is near completion, and there will be sufficient funds left in that project fund to cover the funds shortfall in the County Road F project.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$10,000 from the County Road FF Capital Project Fund to the County Road F Capital Project Fund to cover the unforeseen costs associated with completing the County Road F project.

Respectfully submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 295-102011: Award the Sale of \$3,715,000 General Obligation Promissory Notes

WHEREAS, on September 20, 2011, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution (the "Authorizing Resolution") authorizing the issuance and providing for the sale of

general obligation promissory notes (the "Notes") in an amount not to exceed \$3,715,000 for the public purpose of paying the cost of constructing, remodeling and improving roads, highways, buildings and sites, including projects at the University of Wisconsin - Fox Valley campus, and acquiring and installing equipment, furnishings and fixtures (the "Project"); and

WHEREAS, pursuant to the Authorizing Resolution, the County Board of Supervisors heretofore has directed its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Notes in the principal amount of \$3,715,000 to pay costs 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 18, 2011; 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 Winnebago County Board of Supervisors that:

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

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$3,715,000; shall be dated November 8, 2011; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2019 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on April 1, 2018 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

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

Section 5. Tax Provisions.

(A) **Direct Annual Irrepealable Tax Levy.** For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2011 through 2020 for the payments due in the years 2012 through 2021 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$3,715,000 General Obligation Promissory Notes, dated November 8, 2011" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) **Use and Investment.** No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

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

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

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing

the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

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

Section 10. 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 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 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

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

Section 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 previously executed on behalf of the County and 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") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

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

Section 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.

Respectfully submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded. Brian Ruechel from Robert W. Baird went through the offer.
Motion by Supervisor Kline and seconded. AYES – 34, NAYS – 0, EXCUSED – 1, Widener. CARRIED

RESOLUTION NO. 296-102011: Authorize the Sheriff's Department to Accept a Homeland Security/Alert Grant of \$16,131 and Appropriate the Funds for the Purchase of Homeland Security Equipment

WHEREAS, the Winnebago County Sheriff's Department has been awarded a \$16,131 Homeland Security/Alert Grant for the purpose of purchasing homeland security-related equipment; and

WHEREAS, these funds are provided so that the Sheriff's Department can purchase equipment to meet the minimum equipment standards for a homeland security alert; and

WHEREAS, it would be beneficial to accept the grant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Department to accept a Homeland Security/Alert Grant of \$16,131, and appropriates the funds for the purchase of homeland security-related equipment that meet the requirements of the grant agreement.

Respectfully submitted:
JUDICIARY AND PUBLIC SAFETY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded. AYES – 34, NAYS – 0, EXCUSED – 1 Widener. CARRIED

CORRECTED

ORDINANCE NO. 297-102011: Amend Chapter 9 and Section 25.04 of the General Code of Winnebago County (Establish Fines and Statutory Surcharges for Various Ordinance Violations)

WHEREAS, portions of Chapter 9: Public Peace and Good Order, and Section 25.04: Penalty Provisions, of the General Code of Winnebago County, are vague regarding fines and statutory surcharges to be applied to Ordinance violations; and

WHEREAS, the Winnebago County Sheriff, the Winnebago County Clerk, and the Courts have requested clarification of the fines and statutory surcharges for Ordinance violations; and

WHEREAS, it is necessary to amend the General Code of Winnebago so as to more precisely reflect fines and statutory surcharges to be levied against persons violating the Winnebago County General Code.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Supervisors of the County of Winnebago as follows:

1. That the following portions of Chapter 9 of the General Code of Winnebago County be amended to read as follows:

A. That Section 9.06(5)(c)5 of the General Code of Winnebago County be created to state as follows:

9.06 PRIVATE ALARM SYSTEMS.

(5) Penalty.

(c) Except as hereinafter provided, the following schedule shall apply for answering false alarms, whether the alarm is caused by human error, malfunction of system or equipment, or weather conditions:

5. No statutory surcharges shall be levied against any person found to have violated any part of this subsection of the Code.

B. That Section 125.0001 of the General Code of Winnebago County be renumbered to Section 9.34 of the General Code of Winnebago County.

C. That Section 9.25(5)(a) of the General Code of Winnebago County be amended to read as follows:

9.25 COIN-OPERATED MOVING PICTURE HOUSES.

(5) Penalty.

(a) Conviction. Upon conviction of a violation of this Section, violators shall be fined \$100.00 plus any statutory surcharges imposed by state law. Each and every act of violation shall constitute a separate offense. Each day of violation, disobedience, omission, neglect, or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned no less than three (3) days nor more than thirty (30) days.

D. That Section 9.28(4) be amended to read as follows:

9.28 RESTRICTIONS ON STOPPING AND PARKING OF VEHICLES.

(4) Penalties. Any person who violates any provision of this section of the Code shall be subject to the imposition of a forfeiture of \$10.00 per violation. No statutory surcharges shall be applied to any person violating this Section of the Code.:

E. That Section 9.30(3) of the General Code of Winnebago County be amended to read as follows:

9.30 POSSESSION OF TOBACCO PRODUCTS BY MINORS PROHIBITED.

(3) Penalty. Any person who violates any provision of this Section of the Code shall be subject to a forfeiture of \$100.00 plus any statutory surcharges imposed by the State Legislature.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago as follows:

1. That Section 25.04(1) of the General Code of Winnebago County be amended to read as follows:

25.04 PENALTY PROVISIONS.

(1) General Penalty. Any person who shall violate any of the provisions of this Code for which a penalty for such violation has not been provided otherwise in the Chapter in which the provision is found, or in Appendix A of Chapter 25, which is incorporated herein by reference and made a part of this Chapter herein, shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(a) First Offense Penalty: \$100.00 together with the costs of prosecution and any statutory surcharges as established pursuant to § 814.61, Wis Stats, by the Wisconsin Legislature. Any person convicted of a violation, who shall default on payment of such forfeiture and costs of prosecution, and statutory surcharges, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense Penalty: Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year and for which a penalty for such violation has not been provided in the Chapter in which the provision is found or in Appendix A to this Chapter shall, upon conviction thereof, forfeit \$250 for each such offense, together with costs of prosecution and statutory surcharges and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution and statutory surcharges are paid, but not exceeding six (6) months.

(c) Juvenile Offenses: Notwithstanding any other Code provision, except for those offenses related to the possession or sale of alcohol and tobacco products, all forfeitures for violation of any section of this Code wherein the person violating the Code is 12 years of age or under, shall be \$55.00.

(d) Court Costs and Surcharges: Court costs, penalty surcharges, jail surcharges, crime lab and drug surcharges, court support surcharges, justice information surcharges, and any other surcharges adopted by the Wisconsin Legislature pursuant to § 814.61, Wis Stats, shall automatically take

effect, as they relate to any violations of the General Code of Winnebago County, upon the effective date of said surcharges without any further action by the Winnebago County Board of Supervisors.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that the above amendments to the General Code of Winnebago County shall take effect as of December 1, 2011.

Respectfully Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

Motion by Rengstorf and seconded: AYES – 34, NAYS – 0, EXCUSED – 1, Widener. CARRIED

RESOLUTION NO. 298-102011: Consolidate Health Departments for the County of Winnebago, City of Oshkosh, and City of Neenah and Form a Combined Health Department

WHEREAS, the City of Neenah, City of Oshkosh, County of Winnebago, and Baker Tilly have worked over the past nine (9) months to determine the feasibility of consolidating the three respective health departments; and

WHEREAS, consolidation is anticipated to save taxpayers of the combined health department \$350,000 annually over individually and fully staffed independent health departments; and

WHEREAS, consolidation will result in a 20% decrease in overall staffing and, by eliminating only currently vacant positions, no layoffs of remaining staff will occur, solely as a result of the consolidation; and

WHEREAS, consolidation achieves a greater uniformity of provided health department services; and

WHEREAS, consolidation provides for increased accessibility to walk-in services for all residents of the combined service area; and

WHEREAS, through pooling of resources, consolidation allows for increased ability to rapidly respond to local emergencies, outbreaks, disasters, and other public health issues in our community; and

WHEREAS, consolidation realizes efficiency through elimination of redundant activities, referral errors, and greater expertise in core functional areas.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves and recommends that the Winnebago County Executive engage in an interagency agreement with the City of Neenah and City of Oshkosh for the purpose of consolidating the three respective health departments into one County Health Department, and to submit a proposed budget with consideration of the consolidation effective January 1, 2012.

Submitted by:
BOARD OF HEALTH
PERSONNEL AND FINANCE COMMITTEE

Supervisor Ramos moved and seconded. AYES – 34, NAYS – 0, EXCUSED -1, Widener. CARRIED

Motion by Supervisor Robl and seconded to adjourn until Monday, October 31, 2011. CARRIED BY VOICE

VOTE

The meeting was adjourned at approximately 8:47 p.m.

State of Wisconsin)
County of Winnebago) ss

I, Jean Mahy, 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 18, 2011.

Submitted by:
Jean Mahy
Deputy Winnebago County Clerk