

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, NOVEMBER 10, 2009**

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, Griesbach, Eisen, Ramos, Koziczowski, Smith, Widener, Albrecht, Gabert, Riste, Thompson, Lennon, Gearhart, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert. Excused: Hamblin and Hall. (Note: Supervisor Roh resigned from the Board effective November 3, 2009.)

Motion by Supervisor Robl and seconded to adopt tonight's agenda. CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

Jay Schroeder, 1295 North Lake Street, Neenah, expressed his support of Resolution No. 310-112009, "Management Guidance for Union Negotiations Addressing the Escalating Cost of Medical Insurance".

**COMMUNICATION, PETITIONS, ETC.**

A "Notice of Claim" received from The ServiceMaster Co. for damage to one of their vehicles caused by a Winnebago County Highway Department vehicle, was referred to the Personnel & Finance Committee.

The following resolutions were received:

- Marathon County – Resolution #R-57-09, "Opposing Assembly Bill 145 Legislative Review of Municipal Ward Plans" was referred to the Legislative Committee.
- Outagamie County – Resolution No. 47—2009-10: "requests that any new entity with taxing authority shall be composed of elected individuals" was referred to the Legislative Committee.
- Outagamie County – Resolution No. 68—2009-10: opposes "pending legislation that would provide an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's gender" was referred to the Legislative Committee
- Outagamie County – Resolution No. 69—2009-10: in support of, "maintaining current law regarding jurisdictional amounts and court fees in small claims actions" was referred to the Judiciary & Public Safety Committee.

Petition for Zoning Amendment from Harvey Raether, Town of Wolf River, for zoning change for tax parcel nos. 032-0546-29(pt.) and 032-0546-29-02(pt.) from R-5 to R-1 for residential use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Jacob Fink, Town of Winchester, for zoning change for tax parcel no. 028-0497-01 from B-3 to R-1/R-2 for residential use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Adam Tigert, Town of Nekimi, for zoning change for tax parcel no. 012-0268 from A-1 to A-2/P-1 for a sports field was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from the Town of Menasha for zoning change for tax parcel nos. 008-0498-02 and 008-0500-01 from P-1 with 100/500 year flood plain to P-1 out of flood plain for recreational/community park use was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Kline reported that the Legislative Committee will meet on Monday, November 23. The agenda and supporting materials will be mailed to the members next week.

Motion by Supervisor Finch and seconded to approve the October 6, October 20 and October 26-28, 2009 proceedings. Supervisor Eisen asked that the ninth paragraph on Page 277 be corrected by changing "Department of Education (DOE)" to "Department of Public Instruction (DPI)". Motion to approve as corrected CARRIED BY VOICE VOTE.

Supervisor Barker distributed copies of the Glacierland RC & D newsletter to the Board.

**COUNTY EXECUTIVE'S REPORT**

Executive Harris gave an explanation on negotiating and bargaining with employee unions and associations. He stated that the county is in the last year of three-year contracts with the county's various unions and associations, so the county has started negotiations for contracts that will begin in January 2010.

Executive Harris explained that management's initial position for negotiations is discussed in a closed session with the Personnel & Finance Committee. Management then begins their meetings with the various unions and associations, where negotiation points are exchanged. Karon Kraft, Human Resources Director, handles the negotiations and reports to the County Executive frequently. A monthly report on how negotiations are progressing is also given to the Personnel & Finance Committee.

Executive Harris explained that if an agreement cannot be reached in negotiations, the next step is to go into mediation. In mediation, a mediator works with the two parties to try and come to a settlement. If that fails, the next step is arbitration. In arbitration, an arbitrator looks at the last best offer from both sides and then chooses one.

Executive Harris stated that the arbitrator will look at internal and external comparables and the terms of other county unions' contracts to help decide which side to choose.

Executive Harris explained that unless a county is taxing at their maximum amount allowed, a county's ability to pay for a provision in a contract is not a controlling factor taken into consideration by the arbitrator.

Executive Harris further explained that because negotiations are done in closed session, there are some risks when the County Board takes a position on an issue that is still being negotiated. This locks management in and doesn't allow them to be "flexible" in negotiating that issue.

Executive Harris reported that health insurance, retirement contributions and wages were all part of opening negotiations.

Executive Harris asked the Board to keep this in mind when they act on their resolutions. He also asked if supervisors have employee contract issues they would like addressed, that they do that through either the County Executive or the Personnel & Finance Committee.

Executive Harris then discussed the possibility that the City of Oshkosh and Winnebago County will be involved in some type of a loan for Oshkosh Corporation. Executive Harris explained that this loan would be mutually beneficial in that Winnebago County interest income would be increased, while Oshkosh Corporation would still be paying a lower interest rate than they normally would have to pay. This loan and other potential government involvement were discussed as part of Oshkosh Corporations recent bid. Executive Harris stated that when he has more specifics about these issues, they will be brought to the Board for discussion and action.

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

Chairman Albrecht reported that Supervisor Hamblin and Hall are excused from tonight's meeting.

## **COUNTY BOARD CHAIRMAN'S APPOINTMENTS**

### **Park View Health Center Committee**

Chairman Albrecht asked for approval of his appointment of Supervisor Maribeth Gabert to the Park View Health Center Committee. Supervisor Gabert will replace Bill Roh who has resigned from the Board.

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

### **Personnel & Finance Committee**

Chairman Albrecht asked for approval of his appointment of Supervisor Ron Eichman to the Personnel & Finance Committee. Supervisor Eichman will replace Bill Roh who has resigned from the Board.

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

## **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, John Rath, Town of Winneconne, for a zoning change to R-1 for tax parcel nos. 030-0086-01 & 030-0086-06. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11/01/09. A requested zoning change from A-2 (General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 16, 2009)

AMENDATORY ORDINANCE 2. A requested zoning change from the Town of Black wolf on behalf of Robert & Janet Dahl for a zoning change from A-2 to R-1 for tax parcel nos. 004-0530-01, 004-0530-01-01 & 004-0527. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 16, 2009)

**RESOLUTIONS AND ORDINANCES**

**RESOLUTION NO. 300-112009: Authorize the Sheriff's Department to Accept a Homeland Security Grant of \$7,498 and Apply Towards the Purchase of an Eyeball Observation Kit**

WHEREAS, the Winnebago County Sheriff's Department has applied for and been awarded a Homeland Security Grant of \$7,498 for the purpose of purchasing an Eyeball Observation Kit, and  
WHEREAS, the Sheriff's Department's SWAT Team can be placed in very dangerous situations, and  
WHEREAS, the Sheriff's Department's SWAT Team is often in situations where it would be beneficial to see around corners, through 2<sup>nd</sup> floor windows, in underground chambers and other situations where their lives could be at risk and real-time intelligence could be the difference between life and death, and  
WHEREAS, the Eyeball Observation Kit consists of devices slightly larger than a baseball that can be rolled, lowered on a tether or thrown distances of more than 50 meters with landings in rough terrain, concrete, piles of debris or through windows, and  
WHEREAS, the devices send audio and video back to portable display units that can be operated by a single person, and  
WHEREAS, these devices would be very beneficial to officers out in the field in dangerous situations.  
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to accept a Homeland Security Grant of \$7,498 and appropriates the funds to the purchase of an Eyeball Observation Kit for the Sheriff Department.

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

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

**RESOLUTION NO. 301-112009: Appropriate \$50,000 from Airport Fund Balance to Installing Fencing Around Portions of the Airport Perimeter**

WHEREAS, Wittman Airport has been renting land on the airport grounds to the Federal government for storing vehicles being manufactured and/or refurbished by Oshkosh Corporation; and  
WHEREAS, portions of the airport perimeter, primarily adjacent to private property at Red Oak Court, need fencing where none has previously existed and/or has been compromised, both to secure the airport per Federal Aviation Administration (FAA) requirements, and to protect against potential vandalism to the stored vehicles per U.S. Government directives through Oshkosh Corporation; and  
WHEREAS, the lease agreement with the government has been providing Wittman Airport with a significant amount of revenue and will continue to do so for some time.  
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$50,000 from the airport fund balance to replace or install fencing around various portions of the airport grounds as described above.

Submitted by:  
AVIATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Supervisor Lennon WITHDREW this resolution.

**RESOLUTION NO. 302-112009: Appropriate \$40,000 from Wittman Airport Fund Balance to a Project to Repair Sections of the Airport Parking Lot and Shop Area**

WHEREAS, several areas of the county-owned parking lot and aircraft apron adjoining Hangars K-819 and K-821 at Wittman Airport, have deteriorated around underground utility chases and manholes more than expected this year; and  
WHEREAS, portions of the pavement between the Airport Maintenance Shop and Storage Building have sunk and rapidly deteriorated due to heavy vehicle traffic; and  
WHEREAS, repairs to the parking lots and apron would be prudent at this time to prevent further pavement deterioration and also prevent major damage to snow removal equipment during the winter season; and  
WHEREAS, it has been estimated that \$40,000 should be sufficient to cover the cost of the necessary resurfacing.  
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$40,000 from the airport fund balance to a project to repair deteriorated sections of the parking lot and adjoining hangers.

Submitted by:  
AVIATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Hamblin and Hall.  
CARRIED.

**RESOLUTION NO. 303-112009:                    Transfer \$30,000 from the Salary Contingency Fund to the Fringe Benefit Accounts of the Clerk of Courts 2009 Budget to Cover a Projected Overage in Fringe Benefits for 2009.**

WHEREAS, a number of employees in the Clerk of Courts office have switched from single to family health insurance coverage as a result of spousal layoffs; and  
WHEREAS, a few employees changing from single or no coverage to family coverage can have a significant impact on total fringe benefits for a department; and  
WHEREAS, there has also been unemployment compensation paid out that was not anticipated when the 2009 budget was prepared; and  
WHEREAS, the cost of health insurance was under budgeted in the 2009 budget; and  
WHEREAS, as a result of the above factors, the Clerk of Courts department is projecting that it will have a budget overrun in the fringe benefit expense accounts of about \$30,000 for 2009.  
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$30,000 from the salary contingency fund to the Clerk of Courts fringe benefit accounts to cover the projected 2009 overage in the fringe benefit accounts.

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

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Hamblin and Hall.  
CARRIED.

**RESOLUTION NO. 304-112009:                    Authorize the Public Health Department to Accept \$43,894 of Grant Funding and Appropriate to Expenses for Preparation and Planning for H1N1 Vaccine Distribution**

WHEREAS, the H1N1 virus is a national epidemic and has been rapidly spreading across the Country, State and Winnebago County; and  
WHEREAS, grant funding has been made available from the Center for Disease Control (CDC) for the purpose of planning for and the distribution of H1N1 vaccine; and  
WHEREAS, it would be prudent for the Health Department to accept these grant funds and start the process of planning for the distribution of the vaccine; and  
WHEREAS, the funds will be applied to the following expense accounts within the Health Department:

Temporary Employees	5107 - \$16,000
Fringe Benefits	5200 - \$ 4,000
Computer Supplies	5306 - \$ 1,500
Small Equipment	5360 - \$ 5,000
Other Operating Supplies	5373 - \$12,394
Regular Pay	5100 - \$ 5,000
	<u>\$43,894</u>

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Public Health Department to accept \$43,894 of H1N1 grant funding and appropriates the funds to the accounts listed above for the purpose of planning and preparation for distribution of the H1N1 vaccine when it becomes available.

Submitted by:  
BOARD OF HEALTH  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Sievert and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Hamblin and Hall.  
CARRIED.

**RESOLUTION NO. 305-112009: Authorize the Public Health Department to Accept an Additional \$46,732 of Grant Funding and Appropriate to Expenses to Serve an Increased Case Load.**

WHEREAS, the Public Health Department has seen an increase in case load during 2009 of roughly 10% over 2008; and

WHEREAS, additional Women's, Infant's and Children's (WIC) funding is being made available to provide services to this additional caseload; and

WHEREAS, it would be prudent for the Health Department to accept these additional grant funds and serve the additional residents of Winnebago County; and

WHEREAS, the funds will be applied to the following expense accounts in serving the additional clients:

Regular Pay	5100 - \$20,000
Temporary Employees	5107 - \$ 7,500
Fringe Benefits	5200 - \$ 9,000
Small Equipment	5360 - \$ 4,000
Other Operating Supplies	5373 - \$ 4,232
Interpreter Fees	5547 - <u>\$ 2,000</u>
	\$46,732

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Public Health Department to accept \$46,732 of additional WIC grant funds and appropriates the funds to the accounts listed above to serve the additional clients.

Submitted by:  
BOARD OF HEALTH  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 306-112009: Authorize the Public Health Department to Accept \$99,335 of Grant Funding and Appropriate to Expenses for the Distribution of H1N1 Vaccine to Priority Groups and the General Public**

WHEREAS, the H1N1 virus is a national epidemic and has been rapidly spreading across the Country, State and Winnebago County; and

WHEREAS, grant funding has been made available from the Center for Disease Control (CDC) for the purpose of administering H1N1 vaccine to priority groups and the general public; and

WHEREAS, it would be prudent for the Health Department to accept these grant funds and administer this program; and

WHEREAS, the funds will be applied to the following expense accounts within the Health Department:

Temporary Employees	5107 - \$20,000
Fringe Benefits	5200 - \$ 7,000
Advertising	5309 - \$10,000
Small Equipment	5360 - \$ 1,500
Other Operating Supplies	5373 - \$ 5,835
Regular Pay	5100 - \$12,000
Auto Allowance	5251 - \$ 1,500
Medical Supplies	5362 - \$ 1,500
Other Contract Services	5532 - <u>\$40,000</u>
	\$99,335

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Public Health Department to accept \$99,335 of H1N1 grant funding and appropriates the funds to the accounts listed above for the purpose of distributing H1N1 vaccine to priority groups and the general public.

Submitted by:  
BOARD OF HEALTH  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Sievert and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Hamblin and Hall. CARRIED.

**RESOLUTION NO. 307-112009: Authorize the General Services Department to Enter into a 5-year Lease Agreement with Badger Mailing & Shipping Systems for a Mail Machine**

WHEREAS, the County is nearing the end of its lease agreement for the current mail machine; and  
WHEREAS, a Request for Proposals was issued to enter into a new contract for this equipment; and  
WHEREAS, the Finance Department evaluated the mail machines offered by responding vendors; and  
WHEREAS, the Finance Department selected Badger Mailing & Shipping Systems based on their machine's features and lowest overall cost for the next 5 years.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the General Services Department to enter into a 5-year contract with Badger Mailing & Shipping Systems to provide the county with a Neopost IJ90 mail machine and related accessories.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 0. Abstained: 1 – Reinert. Excused: 2 – Hamblin and Hall. CARRIED.

**RESOLUTION NO. 308-112009: Resolution Authorizing an Application for a State Trust Fund Loan from and the Issuance of Certificates of Indebtedness to the State of Wisconsin Board of Commissioners of Public Lands, And Making Certain Covenants Relating to the Recovery Zone Economic Development Bond Program**

WHEREAS, on September 22, 2009, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution (the "Authorizing Resolution") authorizing the County to borrow an amount not to exceed \$2,393,000 through a loan from the State of Wisconsin Board of Commissioners of Public Lands (the "Board") for the public purpose of paying costs of constructing, extending and improving roads and highways, consisting of various road resurfacing projects (the "Project");

WHEREAS, the provisions of Section 24.61(3), Wisconsin Statutes, authorize the Board to make loans from moneys under its control or belonging to its trust funds to counties for such public purposes;

WHEREAS, County staff has previously prepared and the County Board of Supervisors has approved an application for a state trust fund loan in the form required by the Board (the "Application"), with assistance from its financial advisor, Robert W. Baird & Co. Incorporated ("Baird");

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 borrow moneys from the Board through its state trust fund loan program under the terms and conditions specified in the Application, and to authorize the execution and delivery of one or more certificates of indebtedness evidencing the County's obligation to repay amounts drawn on such loan (the "Certificates");

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

WHEREAS, the American Recovery and Reinvestment Act of 2009 authorizes the issuance of "recovery zone economic development bonds," which bonds are eligible for a direct payment by the United States Department of the Treasury (the "Treasury") to the issuer of forty-five percent (45%) of the interest due on such bonds;

WHEREAS, the County has received an allocation of \$2,393,000 for the issuance of such recovery zone economic development bonds;

WHEREAS, the County Board of Supervisors of the County has heretofore adopted a resolution entitled: "Resolution Designating Winnebago County to be a Recovery Zone for Purposes of the American Recovery and Reinvestment Act of 2009;"

WHEREAS, it is the finding of the County Board of Supervisors that it is desirable and in the best interest of the County to take the steps necessary to irrevocably designate the Certificates to be qualified "Recovery Zone Economic Development Bonds" within the meaning of Subsection 1400U-2(b) of the Code so that the County may claim refundable credits with respect to each interest payment on the Certificates, payable to the County by the Treasury; and

WHEREAS, because the County Board of Supervisors will designate the Certificates to be qualified Recovery Zone Economic Development Bonds, a category of Build America Bonds, the interest on the Certificates will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

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

Section 1. Ratification of the Application. The Application in substantially the form previously presented to this County Board of Supervisors is hereby authorized and ratified in all material respects. All actions undertaken by representatives of the County and Baird in connection with the preparation of the Application are hereby ratified and

approved. Pursuant to Section 24.66(2), Wisconsin Statutes, the Application has been executed by a majority of the County Board of Supervisors and submitted, with all accompanying exhibits, to the Board for recording as provided under Section 24.66(6), Wisconsin Statutes.

Section 2. Authorization of the Borrowing and the Issuance of the Certificates. For the purpose of paying the cost of the Project, there shall be borrowed from the Board pursuant to Section 24.61(3), Wisconsin Statutes, the principal sum of not to exceed TWO MILLION THREE HUNDRED NINETY-THREE THOUSAND DOLLARS (\$2,393,000) in accordance with the terms and conditions of the Application upon its approval by the Board. To evidence the obligation of the County to repay such loan, pursuant to Section 24.67, Wisconsin Statutes, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and deliver to the Board for, on behalf of and in the name of the County, Certificates pursuant to Section 24.67(1), Wisconsin Statutes, aggregating the principal amount of such loan, not to exceed TWO MILLION THREE HUNDRED NINETY-THREE THOUSAND DOLLARS (\$2,393,000).

Section 3. Terms of the Certificates. The Certificates shall be issued in the aggregate principal amount of not to exceed \$2,393,000, shall be dated as of their date(s) of issuance and delivery, and shall have a final maturity date of March 15, 2019 (which is 10 years after the 15th day of March preceding the date of delivery). The Certificates shall bear interest at the rate of 4.50% per annum (calculated on the basis of actual days and a 365-day year). Payments of the principal of and interest on outstanding Certificates shall be made annually on March 15. Such annual payments will be made to the Secretary of Administration of the State of Wisconsin as indicated on respective certified annual billing statements to be provided to the County by the Board pursuant to Section 24.70(2), Wisconsin Statutes. The debt service schedule for the maximum principal amount authorized by the Application, assuming the entire principal amount were drawn on December 1, 2009, is set forth on Exhibit A and incorporated herein by this reference (the "Schedule"). The actual debt service schedule shall vary based on the principal amount drawn and the date or dates said amount is drawn.

Section 4. Additional Payments and Prepayment. Pursuant to Section 24.63(4), Wisconsin Statutes, and the procedures of the Board, the County may make additional payments or prepayments with respect to the Certificates after January 1 and prior to September 1 of each year (or during such period as the Board may otherwise prescribe) during which the Certificates are outstanding. In the event the County desires to make any such additional payment or prepayment, the County must provide at least 30 days written notice to the Board.

Section 5. Form of the Certificates. The Certificates shall be issued in registered form, shall be executed and delivered in the form provided by the Board pursuant to Section 24.67(1), Wisconsin Statutes, which is presently in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Certificates 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, in addition to all other taxes, a direct annual irrepealable tax in an amount and at the times sufficient for that purpose in the years 2010 through 2018 inclusive, and shall be in such amounts as are necessary to provide for payment of the principal of and interest on the Certificates in 2011 through 2019, inclusive, when due. Pursuant to Section 24.66(5), Wisconsin Statutes, the levy imposed hereby shall be void in whole or in part if the Board declines to make all or any portion of the loan evidenced by the Certificates.

(B) Tax Collection. So long as any part of the principal of or interest on the Certificates 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 Certificates, as provided under Section 24.70(3), Wisconsin Statutes, 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 Certificates 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 7. 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 \$2,393,000 State Trust Fund Loan," which designation shall also include the date of delivery of each of the Certificates (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Certificates is fully paid or otherwise extinguished. The County Treasurer shall deposit

in the Debt Service Fund Account (i) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Certificates when due; (ii) such other sums as may be necessary at any time to pay principal of and interest on the Certificates when due; (iii) surplus monies in the Borrowed Money Fund as specified below; and (iv) all Direct Payments (defined below) received by the County.

(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 Certificates until all such principal and interest has been paid in full and the Certificates canceled; provided (i) the funds to provide for each payment of principal of and interest on the Certificates 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 Certificates may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested 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 Code and any applicable Regulations.

(C) Remaining Monies. When all of the Certificates 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 8. Proceeds of the Certificates; Segregated Borrowed Money Fund. The proceeds of the Certificates (the "Proceeds") shall be deposited into a special fund separate and distinct from all other funds of the County (the "Borrowed Money Fund") and disbursed solely for the purposes for which borrowed as provided in the Application or for the payment of the principal of and the interest on the Certificates. 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 Certificates 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 9. Qualified Recovery Zone Economic Development Bond Designation; Allocation of Recovery Zone Bond Volume Cap to the Certificates; Compliance with Federal Tax Laws and Prevailing Wage Requirements. (a) The Certificates are hereby irrevocably designated qualified Recovery Zone Economic Development Bonds within the meaning of Subsection 1400U-2(b) of the Code. The County hereby allocates to the Certificates \$2,393,000 of the volume cap for Recovery Zone Economic Development Bonds received by it pursuant to Section 1400U-1(a)(3) of the Code and Internal Revenue Service Notice 2009-50.

(b) The County hereby covenants to comply with the requirements of Section 1400U-2 of the Code and Section 54AA of the Code (to the extent applicable). The County represents that all Certificate Proceeds, less costs of issuance financed with such Certificate Proceeds (which costs shall be in an amount not to exceed 2% of such Certificate Proceeds) plus all income from temporary Permitted Investments with respect to such Certificate Proceeds ("Available Project Proceeds") shall be used only for a "qualified economic development purpose" as defined in Subsection 1400U-2(c) of the Code. The County acknowledges that among the requirements for the Certificates to qualify and continue to qualify as qualified Recovery Zone Economic Development Bonds is that the Certificates, but for their qualified Recovery Zone Economic Development Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Certificates. The County hereby covenants to comply with such requirements.

(c) The County thus further represents and covenants that the projects financed by the Certificates and their ownership, management and use will not cause the Certificates 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 qualified Recovery Zone Economic Development Bond status of the Certificates 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 Certificates) if taking, permitting or omitting to take such action would cause any of the Certificates to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Certificates to lose their status as qualified Recovery Zone Economic Development Bonds within the meaning of Subsection 1400U-2(b) of the Code and the Regulations. The County Clerk or other officer of the County charged with the responsibility of issuing the Certificates 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.

(d) 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 Certificates provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Certificates and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.



(e) 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 Certificates 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 Certificates, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Certificates to the Purchaser which will permit the conclusion that the Certificates are not "arbitrage bonds," within the meaning of the Code or Regulations.

(f) The County further covenants and agrees that it will comply with the federal Davis Bacon prevailing wage requirements (as determined by the Secretary of the United States Department of Labor in accordance with subchapter IV of chapter 31 of title 40 of the United States Code) in connection with the Project to the extent those requirements are applicable to the County by virtue of the issuance of the Certificates.

Section 10. Qualified Recovery Zone Economic Development Bonds - Application for Direct Payments to the County. The County shall claim available refundable credits from the Treasury with respect to each interest payment on the Certificates as provided under Subsection 1400U-2(a) of the Code and Section 6431 of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the County to apply for the receipt by the County of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the County shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 11. Payment of the Certificates; Fiscal Agent. The principal of and interest on the Certificates shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent"). The County will enter into a contract with the Fiscal Agent to serve as the County's fiscal agent pursuant to Wis. Stats. Sec. 67.10(2). The Chairperson and County Clerk are hereby authorized to enter into such contract on the County's behalf. Such contract may provide among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Certificates.

Section 12. Execution of the Certificates; Closing; Professional Services. The Certificates shall be issued in the form provided by the Board, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk as provided in Section 24.67, Wisconsin Statutes, and delivered to the Board in exchange for and as evidence of the County's obligation to repay the loan of trust fund moneys from the Board as of the date of the Closing. The aforesaid officers, together with other officials of the County, are hereby authorized and directed to do all acts and execute and deliver the Certificates 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 Certificates, 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 Certificates is hereby ratified and approved in all respects.

Section 13. Persons Treated as Owners; Transfer of Certificates. The County shall cause books for the registration and for the transfer of the Certificates to be kept by the Fiscal Agent. The person in whose name any Certificate 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 Certificate 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 Certificate to the extent of the sum or sums so paid.

If it is transferable, any Certificate may be transferred by the registered owner thereof by surrender of the Certificate 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 Certificate or Certificates 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 Certificate surrendered for transfer. The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Certificate or Certificates necessary to effect any such transfer.

Section 14. Record Date. The last day of February of each year shall be the record date for the Certificates (the "Record Date"). Payment of interest on the Certificates on any interest payment date shall be made to the registered owners of the Certificates as they appear on the registration book of the County at the close of business on the Record Date.

Section 15. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Hamblin and Hall.  
CARRIED.

**RESOLUTION NO. 309-112009: Recognizing Formation of an Ad Hoc Committee to Develop a Recommendation on Future Programming of the Community Park Swimming Beach**

WHEREAS, for well over a decade significant changes have occurred throughout the country in the patterns of public participation at aquatic leisure facilities; and

WHEREAS, the aforementioned changes have had a profound affect on the amount of public use at these aquatic leisure facilities and has ultimately impacted both the expense and revenue activities associated with the operation of these venues; and

WHEREAS, over the course of years municipalities on the whole have had to make significant programming adjustments at their pools, swimming parks and beaches in response to these changing trends; and

WHEREAS, the operations of the Community Park Swimming Beach have likewise been influenced in many ways and the facility has also been affected by accompanying budgets reductions that have occurred over the past several years; and

WHEREAS, because it is unlikely that the factors which have brought about alterations in the programming of the Community Park Swim Beach are going to change anytime in the near future; and

WHEREAS, the Winnebago County Parks Committee deems that it would be productive to form an ad hoc committee to both research and recommend to the Parks Committee an appropriate course of action to take in the way of future programming of the Community Park Swimming Beach;

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that an ad hoc committee be formed with five (5) members appointed by the County Board Chairman and the Committee shall be assigned to develop a recommendation to be given to the Winnebago County Parks Committee by March 31, 2010 on future programming of the Community Park Swimming Beach.

Submitted by:  
PARKS & RECREATION COMMITTEE

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

**RESOLUTION NO. 310-112009: Management Guidance for Union Negotiations Addressing the Escalating Cost of Medical Insurance**

WHEREAS, the expense for Winnebago County employer medical plans is out of control; and

WHEREAS, the dual design of the employer medical plans having two separate plans and two separate networks is excessively expensive; and

WHEREAS, the increasing cost-share of employees contributions is becoming burdensome.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Executive and Human Resource Director be instructed to report back alternative medical insurance plans that reduce county expense; offer a single plan design; and in quid pro quo adjust employee contributions so as to make the plan design available for union contract negotiations.

Submitted by:  
PAUL EISEN  
COUNTY BOARD SUPERVISOR, DIST. #4

Motion by Supervisor Eisen and seconded to adopt. Motion by Supervisor Wingren and seconded to table. Motion to table – Ayes: 22. Nays: 11 – Eisen, Ramos, Smith, Widener, Albrecht, Jacobson, Nelson, Finch, Farrey, Brennand and Rengstorf. Excused: 2 – Hamblin and Hall. CARRIED.

**RESOLUTION NO. 311-112009: Approve Values of Tax Deeded Property**

WHEREAS, Section 3.03(1)(a), General Code of Winnebago County requires that all tax deeded lands have their appraisal prices determined by the Personnel and Finance Committee of the Winnebago County Board of Supervisors and approved by the County Board of Supervisors; and

WHEREAS, an appraisal of tax deeded property acquired as a result of delinquent real estate taxes as a consequence of an In Rem action have been made; and

WHEREAS, the parcel numbers, legal descriptions and the appraised values of said tax deeded properties are as follows:

CITY OF MENASHA, Parcel No. 701-0509, 428 SIXTH ST, MENASHA WI 54952

The West ½ of Lots One (1) and Two (2) of Block Two (2) in REED'S FIRST ADDITION to the Village of Menasha, now in the First Ward, City of Menasha, Winnebago County, Wisconsin, excepting therefrom the West Seventy (70) feet of said Lots.

\$10,000.00

CITY OF OSHKOSH, Parcel No. 912-0574, 1308 W NEW YORK AVE, OSHKOSH WI 54901

That part of Lot Two (2) of Block "A" in BARBERS' AND FORWARD'S REPLAT, in the City of Oshkosh, Winnebago County, Wisconsin, described as follows, viz:-

Commencing at the point of intersection of the North line of New York Avenue with the Northeasterly line of Elmwood Avenue, said point being the Southwest corner of said Lot; thence East along the South line of said Lot to the Southeast corner thereof; thence North along the East line of said Lot, 74.9 feet; thence West parallel with the South line of said Lot, 35.2 feet to an iron stake; thence Southwesterly to a point of the Northeasterly line of Elmwood Avenue, 59 feet Northwesterly of the place of beginning; thence Southeasterly to the place of beginning, excepting therefrom that portion of the following described tract of land included within the limits of this tract, viz:-

Commencing on the East line of said Lot at a point 13-1/2 feet South of the most Northerly corner of said Lot; thence West parallel with the North line of New York Avenue, 8 feet 10-1/2 inches; thence South parallel with the East line of said Lot, 31 feet 6 inches; thence Southeasterly to a point on the East line of said Lot, 50 feet South of the place of beginning; thence North along the East line of said Lot to the place of beginning.

\$18,000.00

CITY OF OSHKOSH, Parcel No. 913-1441, 1045 Greenfield Tr, Oshkosh WI 54904

Lot Two Hundred Thirty-three (233) in FIRST ADD TO WESTHAVEN, in the Thirteenth Ward, City of Oshkosh, Winnebago County, Wisconsin.

\$115,000.00

WHEREAS, the appraised value of said property as provided by the treasurer have been approved by the committee as is required by Section 3.03(1)(a) of the General Code of Winnebago County and is herewith submitted to the Winnebago County Board of Supervisors for approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the appraised value of the parcel of property listed above, which was acquired by the Winnebago County Treasurer for tax delinquency pursuant to an In Rem judgment.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Eisen to amend Line 50 by changing "\$115,000" to "\$60,000". No second to Supervisor Eisen's motion. Vote on original Resolution – Ayes: 28. Nays: 5 – Eisen, Riste, Finch, Farrey and Reinert. Excused: 2 – Hamblin and Hall. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, December 15, 2009 at 6:00 p.m. CARRIED BY VOICE VOTE.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held November 10, 2009.

Susan T. Ertmer  
Winnebago County Clerk