

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 19, 2017**

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 Locke.

The following Supervisors were present: Konetzke, Brunn, Harpt, Eisen, Ramos, Powell, Roh, Smith, Long, Scherck, Albrecht, Gabert, Binder, Thompson, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Brooks, Powers, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher. (There is one vacancy on the board.)

Motion by Supervisor Robl and seconded by Supervisor Ellis to adopt the amended agenda with Resolution No. 194-92017 being brought forward before Resolution No. 189-92017. CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following person spoke in favor of Resolution No. 190-92017: Authorize Winnebago County to Become a Member of the Property Assessed Clean Energy (PACE) Commission:

- John Hochkammer, Wisconsin Counties Association Outreach Manager, Madison, WI

COMMUNICATIONS AND PETITIONS

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

- Notices of Claim:
 - Notice of Claim from Trevor and Beth Krueger for damage to their driveway after asphalt work was completed by the County Highway Department was referred to the Personnel and Finance Committee.
 - Notice of Claim from Jon and Kirby Treleven for damage to their driveway after asphalt work was completed by the County Highway Department was referred to the Personnel and Finance Committee.
- Petitions for Zoning Amendments:
 - No. 001 – A zoning request from Jeff Eagloski, Town of Wolf River, for tax parcel no. 032-0542-02 to change from A-2 to A-2 no wetlands was referred to the Planning and Zoning Committee.
 - No. 002 – A zoning request from Alison Thompson, Town of Nekimi, for tax parcel no. 012-0450(part) to change from A2 to R1 for a single family residence was referred to the Planning and Zoning Committee.
- Resolutions from Other Counties:
 - Forest County – Resolution No. 28-2017, “Support Legislation to Allow Only Aggrieved Parties to Petition for a Recount...” was referred to the Legislative Committee.
 - LaCrosse County – Resolution No. 24-8/17, “Creating a Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans” was referred to the Legislative Committee.
 - Outagamie County – Resolution No. 34-2017-18, “Support any Legislation Reducing the Forfeiture to \$100 for Possessing or Attempting to Possess not more than 10 grams of Marijuana...” was referred to the Legislative Committee.
 - St. Croix County – Resolution # 34 (2017), “Opposing Sections 52 and 53 of Assembly Bill 456 and Senate Bill 374 Relating to Vehicle Registration Fees” was referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Egan reported that there will be no Legislative Committee meeting in September.

Supervisor Finch reported on the Parks and Recreation Committee meeting and tour held on September 18, 2017. As a continuation of the morning meeting, an informational meeting was held at the Neenah City Hall at 7:00 that evening regarding a new dog park.

Supervisor Smith reported on his attendance at the East Wisconsin Counties Railroad Commission meeting held on Friday, August 25. They were able to ride on the Inspection Train to check the tracks from Horicon to Oshkosh.

Supervisor Konetzke reported on the Parks and Recreation Committee meeting and tour. He felt the meeting went well and that the site chosen would be a good place for a dog park.

Supervisor Norton reported on his attendance at the Aging and Disability Resource Center Conference. He felt the conference offered information that should aid in allowing people with disabilities to remain in their own homes versus care facilities. He encouraged Supervisors to use the booklet that was on their desks from the Aging and Disability Resource Center or share it with someone that can benefit from it.

Motion by Supervisor Robl and seconded by Supervisor Konetzke to approve the proceedings from the August 15, 2017 county board meeting. One correction was noted by Chairman Albrecht, on page 128, Ordinance No. 183-82017, the vote should have read that Supervisor Farrey voted “NAY”. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris spoke in support of the following resolutions and ordinance:

- Resolution No. 190-92017: Authorize Winnebago County to become a member of the Property Assessed Clean Energy (PACE) Commission
- Ordinance No. 191-92017: Create Section 3.15 of the General Code of Winnebago County: Property Assessed Clean Energy (PACE) Financing Ordinance
- Resolution No. 194-92017: Authorize Borrowing an Amount not to Exceed \$9,860,000, and Authorize the Issuance and Sale of General Obligation Promissory Notes Therefore

Executive Harris reported the due date for proposals for contracts for the race track is past. One proposal was received and was not a qualified bid. Executive Harris is looking for direction from the Parks and Recreation Committee and the County Board of Supervisors.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that District 15 Supervisor's position is still vacant. A second ad will be run to try to fill that position.

PRESENTATION ON POSSIBLE RENOVATIONS/MODIFICATIONS TO THE WEST WING OF THE CURRENT AIRPORT TERMINAL

This presentation was pulled from the agenda.

ZONING REPORTS & ORDINANCES

Report No. 001 – A report from the Planning and Zoning Committee regarding a requested zoning change from Nicolas and Robyn Schertz, Town of Algoma, to change from R-2 Suburban Low Density Residential, Wetland to R-2 Suburban Low Density Residential, Non-Wetland for tax parcel no. 002-3300. Motion by Supervisor Rasmussen and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/01/17 – A requested zoning change from R-2 Suburban Low Density Residential, Wetland to R2 Suburban Low Density Residential, Non-Wetland for tax parcel no. 002-3300. Motion by Supervisor Rasmussen and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

Report No. 002 – A report from the Winnebago County Planning & Zoning Committee, Winnebago County, for a land use amendment to include a Farmland Preservation Plan as Mandated by Wisconsin State Statutes. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/02/17 – A requested Land Use Plan Amendment to include a Farmland Preservation Plan as Mandated by Wisconsin State Statutes for Winnebago County. Motion by Supervisor Egan and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

Amendatory Ordinance No. 003 – A requested zoning change from the Town of Clayton for Rick Steckling, et al, to rezone from A-2 General Farming District to R-2 Suburban Residential District for tax parcel no. 006-0670-01. Motion by Supervisor Youngquist and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

Amendatory Ordinance No. 004 – A requested zoning change from the Town of Clayton for Jeremy Dassler, Etal, to rezone from R-1 Rural Residential District to R-2 Suburban Residential District for tax parcel nos. 006-0638 & 006-0638-01. Motion by Supervisor Youngquist and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

Amendatory Ordinance No. 005 – A requested zoning change from the Town of Clayton for Mark Luebke, Etal, to Rezone from R-1 Rural Residential District to R-2 Suburban Residential District for tax parcel nos. 006-1790-03 & 006-1790-04. Motion by Supervisor Farrey and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

Amendatory Ordinance No. 006 – A requested zoning change from the Town of Clayton for Barbara Bombinski to Rezone from R-1 Rural Residential District to R-2 Suburban Residential District for tax parcel nos. 006-0637-01 & 006-0638. Motion by Supervisor Youngquist and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 22, 2017)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 194-92017: Authorize Borrowing an Amount Not to Exceed \$9,860,000, and Authorize the Issuance and Sale of General Obligation Promissory Notes Therefore

WHEREAS, the Winnebago County Board of Supervisors (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of constructing, remodeling, and improving roads, highways, bridges, buildings, and sites, including projects at the University of Wisconsin—Fox Valley campus, and acquiring and installing furnishings, fixtures, and equipment (the "Project"), and there are insufficient funds on hand to pay said costs; and

WHEREAS, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and, therefore, serves a "public purpose" as that term is defined in § 67.04(1)(b), Wis Stats; and

WHEREAS, counties are authorized by the provisions of § 67.12(12), Wis Stats, to borrow money and to issue general obligation promissory notes for such public purposes; and

WHEREAS, the Winnebago County Board of Supervisors hereby finds and determines that general obligation promissory notes in the aggregate amount of not to exceed \$9,860,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

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

Section 1. Authorization of the Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to § 67.12(12), Wis Stats, a principal sum not to exceed NINE MILLION EIGHT HUNDRED SIXTY THOUSAND DOLLARS (\$9,860,000) from a purchaser or purchasers to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Winnebago County Board Chairman, Winnebago County Executive, and Winnebago County Clerk are hereby authorized, empowered, and directed to make, execute, issue, and sell to the Purchaser for, on behalf of and in the name of Winnebago County, general obligation promissory notes aggregating a principal amount not to exceed NINE MILLION EIGHT HUNDRED SIXTY THOUSAND DOLLARS (\$9,860,000) (the "Notes"). There be and there hereby is levied on all the taxable property in Winnebago County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on the Notes.

Section 3. Notice of Sale. The Winnebago County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) is hereby authorized and directed to cause notice of the sale of the Notes to be disseminated at such times and in such manner as the Finance Director may determine.

Section 4. Official Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) shall also cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed an Official Statement or other form of offering circular.

Section 5. Award of the Notes. Following receipt of bids for the Notes, the Winnebago County Board of Supervisors shall consider taking further action to provide the details of the Notes and to award the Notes to the lowest responsible bidder or bidders therefore.

Section 6. 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.

Adopted and recorded this 19th day of September, 2017.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 189-92017: Disallow Claim of Jason Tesch

WHEREAS, your Personnel and Finance Committee has had the claim of Jason Tesch referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Jason Tesch, filed with the County Clerk on August 1, 2017, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 190-92017: Authorize Winnebago County to Become a Member of the Property Assessed Clean Energy (PACE) Commission

WHEREAS, pursuant to § 66.0301, Wis Stats, two or more municipalities in the State of Wisconsin may by contract create a commission for the joint exercise of any power or duty required or authorized by law; and

WHEREAS, Winnebago County is a "municipality" as that term is defined in § 66.0301, Wis Stats, and a political subdivision located in the State of Wisconsin; and

WHEREAS, Winnebago County is empowered by law to promote economic, cultural, and community development including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement, public health, safety, and general welfare which may be accomplished by various means; and

WHEREAS, § 66.0627(8), Wis Stats, authorizes a city, village, town, and county in this state to, among other things, make a loan to or otherwise arrange, participate in, or facilitate the financing of an energy improvement, a water efficiency improvement, or a renewable resource application to a real property within its jurisdiction and to provide for such financing through the imposition of a special charge against the property benefitted by the energy or water efficiency improvement or renewable resource project; and

WHEREAS, such financings are commonly referred to as "Property Assessed Clean Energy," or PACE, financings; and

WHEREAS, Winnebago County has determined that it is in the public interest to provide real property owners, lessees, lenders, and other transaction parties in Winnebago County with access to a uniformly-administered program for PACE financing; and

WHEREAS, the Wisconsin Counties Association, League of Wisconsin Municipalities, Green Tier Legacy Communities, and other stakeholders have studied the possibility of creating a commission pursuant to § 66.0301, Wis Stats, to be known as the Wisconsin PACE Commission (Commission); and

WHEREAS, Winnebago County has evaluated joining the Commission and the benefits of PACE financing and has determined that it is in the County's best interests to join the Wisconsin PACE Commission and authorize the execution of the Commission Agreement; and

WHEREAS, the PACE Commission would be formed and operated in accordance with a Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission; and

WHEREAS, it is the intent of this Resolution to authorize Winnebago County to become a member of the Commission and authorize the Winnebago County Executive and Winnebago County Clerk to execute a Commission Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Winnebago County Board of Supervisors hereby supports the Property Assessed Clean Energy (PACE) program, authorizes entering into the PACE Commission Agreement, and authorizes the Winnebago County Executive and County Clerk to sign such document after receipt of preliminary approval from the other participating municipalities, approval from the Winnebago County Treasurer, and approval of the Corporation Counsel for Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Executive is hereby directed to appoint himself or a Winnebago County Board Supervisor to act as Winnebago County's official representative in relation to the final approval of the form of the Commission Agreement and to otherwise take all action necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that the Winnebago County Executive is further directed to appoint an elected County Official as Representative Director of the Board of Directors of the Commission to conform with the Commission Agreement.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Keller and seconded by Supervisor Brooks to adopt. Vote on Resolution: AYES: 28; NAYES: 7 – Eisen, Roh, Gabert, Binder, Wingren, Powers and Hegg; ABSTAIN: 0; ABSENT: 0. There is one vacancy on the board.

ORDINANCE NO. 191-92017: Create Section 3.15 of the General Code of Winnebago County: Property Assessed Clean Energy (PACE) Financing Ordinance

WHEREAS, the Winnebago County Board of Supervisors adopted a resolution on September 19, 2017, which authorized Winnebago County to become a member of a Property Assessed Clean Energy (PACE) Commission in order to provide real property owners, lessees, lenders, and other financial parties in Winnebago County with access to a uniformly-administered program to provide PACE financing as authorized by § 60.0627(8), Wis Stats, and

WHEREAS, in order to implement the authority provided in said resolution, it is necessary for Winnebago County to enact an enabling ordinance;

NOW, THEREFORE, the Winnebago County Board of Supervisors does ordain as follows: That Section 3.15 of the General Code of Winnebago County is hereby adopted to read as follows:

3.15 PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING

(1) PURPOSE: Winnebago County finds that renovations or additions to premises located in Winnebago County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of Winnebago County residents. The purpose of this Ordinance is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(2) DEFINITIONS: In this Chapter:

(a) Annual Installment: The portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.

- (b) Borrower: The property owner or lessee of the subject property that borrows the proceeds on a PACE loan.
- (c) Default Loan Balance: The outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.
- (d) Foreclosure Proceeds: The proceeds received by Winnebago County from the disposition of a subject property through an *in rem* property tax foreclosure.
- (e) Loan Amount: The principal, interest, administrative fees (including the Program Administrator's fees), and other loan charges to be paid by the borrower under the PACE loan.
- (f) PACE: Property Assessed Clean Energy.
- (g) PACE Default Provisions:
1. The delinquent annual installment(s) due when Winnebago County initiates an *in rem* property tax foreclosure on the subject property;
 2. Any additional annual installment(s) that become due between the time that Winnebago County initiates an *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds.
 3. Any default interest charges applied to unpaid annual installments referenced in Subsections (2)(g)1. and 2., above, as provided in the supplemental agreement; and
 4. Any default loan balance.
- (h) PACE Lender: Any person that makes a PACE loan, which may include an affiliate of the borrower.
- (i) PACE Loan: A loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.
- (j) Person: Any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture, or other legal entity or a political subdivision as defined in § 66.0627, Wis Stats.
- (k) Program Administrator: The person retained by the Wisconsin PACE Commission as provided in Subsection (5)(b).
- (l) Subject Property: Any premises located in Winnebago County on which energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.
- (m) Supplemental Agreement: A written agreement among a borrower, a PACE lender, and Winnebago County as provided for in Subsection (7).
- (n) Wisconsin PACE Commission: The Wisconsin PACE Commission formed under § 66.0301, Wis Stats, as may be amended by Winnebago County, and one or more other political subdivisions as defined in § 66.0627, Wis Stats, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission as provided hereafter.
- (3) STATUTORY AUTHORITY: This Section is enacted pursuant to § 66.0627, Wis Stats, as may be amended, which authorizes a county to make a loan or enter into an agreement regarding loan repayments to a third party for owner-arranged or lessee-arranged financing to an owner or a lessee of a premises located in the county for making or installing an energy efficiency improvement, a water efficiency improvement, or a renewable resource application to a premises..
- (4) PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS: Any PACE loan made and secured pursuant to this Chapter shall be considered a special charge on the subject property. Any installment or portion of a PACE loan made and secured pursuant to this Chapter that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll as permitted pursuant to § 66.0627, Wis Stats, as may be amended.
- (5) WISCONSIN PACE COMMISSION:
- (a) In the event a Wisconsin PACE Commission is formed and Winnebago County becomes the originator of such PACE Commission and any Joint Exercise of Powers Agreement thereunder, any of the powers and duties of Winnebago County under this Chapter, except for those under Subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.
 - (b) The Wisconsin PACE Commission shall further be authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements consistent with this Chapter and § 66.0627, Wis Stats, as may be amended.
- (6) LOAN APPROVAL:
- (a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by Winnebago County.
 - (b) The financing arrangements between a borrower and PACE lender shall be subject to the approval of Winnebago County.
- (7) SUPPLEMENTAL AGREEMENT:
- (a) The County, the borrower, and the PACE lender shall execute the supplemental agreement which, without limitation:
 1. Shall inform the participants that the PACE loan amount shall, if requested by the Program Administrator, be imposed as and considered a special charge, and any year's annual installment, if delinquent, may

be included on the property tax roll of the subject property as a special charge, and an annual installment that is delinquent shall be a lien against the subject property pursuant to § 66.027, Wis Stats, as may be amended;

2. Shall recite the amount and the term of the PACE loan;
3. Shall provide for the amount or a method for determining the amount of the annual installment due

each year;

4. Shall provide whether default interest shall be applied to unpaid annual installments;
5. Shall require the PACE lender and the borrower to comply with all federal, state, and local lending and disclosure requirements;
6. Shall provide for any fees payable to Winnebago County and/or the Program Administrator;
7. Shall recite that the supplemental agreement is a covenant that runs with the land;
8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and
9. May allow for amendment by the parties.

(b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property, must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Chapter and its consequences, including the remedies for collecting the special charge.

(c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.

(d) The annual payments of a PACE loan may be payable in installments as authorized by § 66.0627, Wis Stats, as may be amended.

(8) ANNUAL INSTALLMENTS ADDED TO TAX ROLLS: Upon the request of the Program Administrator, Winnebago County shall place any year's annual installment, if delinquent, on the tax roll for the subject property as permitted pursuant to § 66.0627, Wis Stats, as may be amended.

(9) REMITTANCE OF SPECIAL CHARGES: Winnebago County shall promptly remit to the Wisconsin PACE Commission any payment(s) it receives with respect to any special charge imposed under this Subsection including penalties and charges thereon it may receive from any taxing district or the Winnebago County Treasurer pursuant to Chapter 74, Wis Stats, as amended, subject to Winnebago County retaining any agreed-upon portion thereof for its own costs and expenses attributable to administering the PACE loan and its collection.

(10) PROPERTY TAX FORECLOSURE PROCEDURES:

(a) If a subject property owner fails to pay any special charges imposed on the subject property under this Section as required, Winnebago County may proceed in collecting the special charge pursuant to the General Code for Winnebago County.

(b) Winnebago County shall begin an *in rem* property tax foreclosure proceeding on the subject property at the earliest time allowed under the Wisconsin Statutes unless the County determines that that subject property is a "brownfield" (as defined in § 75.106, Wis Stats, as may be amended) or that *in rem* property tax foreclosure is not in the best interests of the County due to the condition of the property or other reasons.

(c) If Winnebago County has determined that it will not commence an *in rem* property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to § 75.106, Wis Stats, as may be amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of § 75.106, Wis Stats, as may be amended, concerning the subject property, and the PACE lender agrees to pay the amounts required by § 75.36(3)(a)1 and 1m, Wis Stats, as may be amended.

(11) EFFECTIVE DATE: The herein Ordinance shall take effect on October 15, 2017.

Submitted by:

PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to adopt. Vote on Ordinance: AYES: 30; NAYES: 5 – Eisen, Roh, Gabert, Binder & Hegg; ABSTAIN: 0; ABSENT: 0. CARRIED. There is one vacancy on the board.

ORDINANCE NO. 192-92017: Amend Section 19.24(2)(a) of the General Code of Winnebago County to Reflect Fee Increases in Each Category of the Community Park Shelter Rental Fees Program and Eliminate the Small Group Open Air Shelter Rental Service

WHEREAS, for nine (9) years there have been no increases in the rental fees for Community Park Shelters, while at the same time the cost associated with maintaining and servicing each of the 45+-year-old shelter facilities has continued to rise; and

WHEREAS, a comparison of the fees applied to similar facilities and services located in other municipalities demonstrates the appropriateness of instituting a \$10.00 increase in fees affecting Shelter 1, Shelter 2, and the Pavilion, as well as a \$5.00 increase in fees affecting Shelter 3 and Shelter 4; and

WHEREAS, along with these fee changes, it is desirable to eliminate the shelter rental fee for the small group open air shelters due to an absence of public interest in renting these structures.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that effective January 1, 2018, Section 19.24(2)(a) of the General Code of Winnebago County be amended to reflect an increase of \$10 in each of the fee categories affecting Community Park Shelter 1, Shelter 2, and the Pavilion, as well as an increase of \$5 in each of the fee categories affecting Shelter 3 and Shelter 4, and that Section 19.24(2)(a) shall thereupon read as follows:

19.24 FEES AND CHARGES
 (2)(a) Community Park Shelter Rental Fee Schedule

| Shelters | Group Size | Weekday Charge | Weekend Charge |
|----------|------------|---------------------------------|----------------------------------|
| 1 & 2 | Up to 150 | \$50.00 | \$60.00 |
| | 151-300 | \$80.00 | \$80.00 |
| | 301-1000 | \$140.00 | \$140.00 |
| | Over 1000 | Negotiable Minimum \$220.00) | Negotiable (Minimum \$220.00) |
| 3 & 4 | Up to 50 | \$35.00 | \$40.00 |
| | 51-300 | \$80.00 | \$80.00 |
| | 301-1000 | \$140.00 | \$140.00 |
| | Over 1000 | Negotiable Minimum \$220.00) | Negotiable (Minimum \$220.00) |
| Pavilion | Up to 150 | \$120.00 | \$145.00 |
| | 151-300 | \$180.00 | \$180.00 |
| | 301-1000 | \$220.00 | \$220.00 |
| | Over 1000 | \$265.00 | \$265.00 |

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that the rental fee for small group open air shelters shall be eliminated.

Submitted by:
 PARKS AND RECREATION COMMITTEE

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

RESOLUTION NO. 193-92017: Authorize Transfer of \$150,000 from the General Fund Contingency Fund to the Equipment Budget of the Winnebago County Clerk of Courts 2017 Budget for the Purchase of File Shelving to be Installed During the Winnebago County Courthouse Relocation Project.

WHEREAS, the Winnebago County Clerk of Courts office is being relocated as part of the Courthouse relocation project; and

WHEREAS, new file shelving is needed as part of the department's move; and

WHEREAS, originally, the Clerk of Courts believed that the funds for the file shelving were included as part of the relocation project budget; and

WHEREAS, there are no funds included in the relocation project budget for furniture, fixtures, or equipment for any departments in the department relocation project; and

WHEREAS, there are not sufficient funds within the Clerk of Courts 2017 Budget to cover the cost of the new filing shelving; and

WHEREAS, the cost of the built-in shelving along with relocating the files currently housed on the 2nd and 4th floor of the Courthouse is estimated at \$150,000; and

WHEREAS, this cost does not include the movement or storage of the files currently on the 3rd floor of the Courthouse.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$150,000 from the General Fund Contingency Fund to the Equipment Budget of the Winnebago County Clerks of Courts 2017 Budget for the purpose of purchasing and installing file shelving and relocating the above referenced files.

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

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

RESOLUTION NO. 195-92017: Authorize the Winnebago County Finance Department to Enter Into a 5-Year Contract with Maximus to Prepare Winnebago County's Annual Cost Allocation Plan at a Cost of \$5,500 Per Year

WHEREAS, the Winnebago County Finance Department contracts with a company to prepare a cost allocation plan; and

WHEREAS, the cost allocation plan is a document that allocates administrative and other costs to various departments such as Child Support, Public Health, Human Services, and others; and

WHEREAS, these indirect costs are included in Federal and State grant reporting; and

WHEREAS, these indirect costs are funded by Federal and State grant programs bringing in additional revenue in amounts in excess of \$130,000 per year; and

WHEREAS, the contract with the current contractor expired in 2016; and

WHEREAS, the Winnebago County Finance Department sought quotes from companies who prepare cost allocation plans, and Maximus offered the lowest price; and

WHEREAS, after interviewing several staff members from Maximus and contacting other counties, the Winnebago County Finance Department believes that Maximus is qualified and, therefore, the Finance Director is recommending that Winnebago County enter into a 5-year contract with Maximus at an annual cost of \$5,500.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Finance Department to contract with Maximus to provide cost allocation plans to Winnebago County for 5 years, from the years 2017 through 2021.

Submitted by:

PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 196-92017: Support Legislation to Allow an Individual Meeting Certain Requirements to File a Petition for Expungement of the Individual's Criminal Record with the Sentencing Court After the Individual Completes a Sentence

WHEREAS, under current law, a Court may order an individual's criminal record expunged of certain crimes that a person committed before the age of 25; and

WHEREAS, under current law, the expungement may only be ordered at sentencing and the record may not be expunged until the completion of the sentence; and

WHEREAS, a proposal to amend the law is currently be considered that would allow an individual to file a petition for expungement with the sentencing court after the individual completes his or her sentence; and

WHEREAS, according to the proposal, upon receipt of such a petition, the court shall review the petition at a hearing unless the victim of the crime waives a hearing, then order the record be expunged or deny the petition; and

WHEREAS, according to the proposal, if the court denies the petition, the individual may not file another petition for two years; and

WHEREAS, your undersigned Committee recommends that the Winnebago County Board of Supervisors adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports proposed legislation to allow an individual meeting certain requirements to file a petition for expungement with the sentencing court after he or she completes his or her sentence.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby supports permitting a person whose petition is denied to file another petition in two years.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk be directed to forward a copy of this Resolution to the Wisconsin Counties Association, the Office of Governor Scott Walker, all state legislators that serve constituents within Winnebago County, and the Winnebago County District Attorney.

Submitted by:

LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE.
NAYES: 1 – Eisen; ABSTAIN: 1 – Hegg

RESOLUTION NO. 197-92017: Support Legislation to Maintain Full Funding for the Great Lakes Restoration Initiative

WHEREAS, the Trump Administration has proposed cutting funding for the Great Lakes Restoration Initiative (GLRI); and

WHEREAS, the Federal government currently appropriates \$330 million in funding to multiple Federal agencies, which in turn makes competitive grants available to local units of government to protect and improve water quality in the Great Lakes; and

WHEREAS, since the initiative began, Winnebago County and surrounding counties which make up portions of the Lower Fox River Basin have successfully installed several million dollars of conservation practices on the landscape and have seen measurable improvements in water quality in watercourses flowing to and through Lake Winnebago, Lake Butte des Morts, Lake Poygan, and other waterways flowing to the Fox River and Lake Michigan; and

WHEREAS, if funding for this initiative is eliminated, it will have significant impacts on local programs working towards improving water quality locally and overall within the Great Lakes region. Currently, GLRI funding accounts for approximately 30% of the Land Conservation Department budget annually; and

WHEREAS, the Legislative Committee requests supporting full funding of the Great Lakes Restoration Initiative in the Federal budget; and

WHEREAS, your undersigned Committee recommends that the Winnebago County Board of Supervisors adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports full funding of \$300 million for the Great Lakes Restoration Initiative (GLRI) in the upcoming Federal budget.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk is hereby directed to forward a copy of this Resolution to the Wisconsin Counties Association, the Office of Governor Scott Walker, and all U.S. Congressman and U.S. Senators that serve constituents within Winnebago County.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE.
ABSTAIN: 1 – Hegg.

ORDINANCE NO. 198-92017: Adopt Chapter 14 of the General Code of Winnebago County: Illicit Discharge and Illicit Connection Ordinance

WHEREAS, the Winnebago County Board of Supervisors finds that the uncontrolled discharge of pollutants to its Municipal Separate Storm Sewer System (MS4) has an adverse impact on the water quality of receiving waters; and

WHEREAS, the United States Environmental Protection Agency (EPA) has promulgated regulations implementing the National Pollution Discharge Elimination System (NPDES) program; and

WHEREAS, the EPA has authorized the State of Wisconsin to issue NPDES permits under the Wisconsin Pollutant Discharge Elimination System (WPDES) permit system; and

WHEREAS, the WPDES regulations require Winnebago County to control the contribution of pollutants to its regulated MS4 by prohibiting illicit discharges, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its regulated MS4 via an Illicit Discharge and Illicit Connection Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that Chapter 14 of the General Code of Winnebago County is hereby adopted to read as follows:

See attached Document

Submitted by:
LAND CONSERVATION COMMITTEE
HIGHWAY COMMITTEE

Motion by Supervisor Farrey and seconded by Supervisor Snider to adopt. Vote on Ordinance: AYES: 34; NAYES: 0; ABSTAIN: 1 – Hegg; ABSENT: 0. There is one vacancy on the board. CARRIED.

RESOLUTION NO. 199-92017: Designate the Winnebago County Department of Human Services to Receive Coordinated Services Team (CST) Funding from the Wisconsin Department of Health Services for the Purpose of Providing Wrap-Around Services to Uninsured Youth and Families

WHEREAS, the goal of Coordinated Services Teams (CST) is to keep individuals with multiple needs in their communities (home, schools, work, etc) through the establishment of a comprehensive, coordinated, and community-based system of care centered on the individuals; and

WHEREAS, the Wisconsin Department of Health Services has offered Winnebago County \$60,000 per year in funding to provide wrap-around services to uninsured youth and families through a coordinated service team; and

WHEREAS, the Wisconsin Department of Health Services requires that the Winnebago County Board of Supervisors designate a County agency to receive CST funding prior to such funding being provided; and

WHEREAS, such funding will be provided to Winnebago County commencing in the 2018 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby designates the Winnebago County Department of Human Services as the appropriate agency to receive Coordinated Services Team (CST) funding from the Wisconsin Department of Health Services for the purpose of providing wrap-around services to uninsured youth and families within Winnebago County.

Submitted by:
HUMAN SERVICES BOARD

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

Motion by Supervisor Robl and seconded by Supervisor Konezke to adjourn until the October 17, 2017 meeting at 6:00 p.m. The meeting was adjourned at 7:20 p.m.

Submitted by:
Julie A. Barthels
Winnebago County Deputy Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. Barthels, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 19, 2017.

Julie A. Barthels
Winnebago County Deputy Clerk