

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
December 4th, 2007**

The **Regular Meeting** was called to order by Chairman Rose at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Rossow, Rose, Kessler, Huff, Kubicki, Marrelli, Booth, Carbone, Arrington, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Wisnefski, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Present: 28.

THERE WERE NO CITIZEN COMMENTS

Mary Beier, Director of Kenosha County Juvenile Intake reported on Juvenile Detention for Kenosha County Youth. Juvenile Detention is a secure environment that is a short-term court ordered placement for youth that are between the ages of 10 and 17. It is used as the last alternative. Kenosha County does not own or operate a juvenile detention facility. There are three facilities located in southeast Wisconsin. For the past ten years, Kenosha County entered into multi-year contracts with Racine County for use of their bed space. The current contract runs through December 2009, which include 18 beds that are guaranteed daily. The daily rate is \$127.00 per bed per day. The rate will increase gradually in the next two years. Without the contract the normal rate would be \$53.00 more per day. Through the first eleven months of this year, Kenosha County Juvenile Court has admitted an average of thirty-two youth per month to detention, which is a decrease of seven youth per month from the year before. The youth that were admitted this year have each stayed on average 10.3 days or almost one day longer than last year. There is no conclusive way to predict when increases or decreases will occur.

John Jansen, Director of Kenosha County Division of Family Services spoke regarding delinquency programs in Kenosha County. Many of the programs have been in place for over twenty years and they continue to monitor their effectiveness. Kenosha County has been recognized throughout the state as a county that has been very progressive in providing services to families, and helping kids stay in their home whenever possible.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Rose reminded the board the Holiday Party will be on December 18th at 6:00 p.m. at the County Center.

Chairman Rose announced that Supervisor Robert Carbone would not seek re-election. Supervisor Carbone has served some twenty years on the board of supervisors. He has served as the Chairman of this Board, and Chairman of the Finance and Judiciary and Law Committees. His leadership will be missed.

SUPERVISOR REPORTS

Supervisor West stated there is an open invitation to the Brookside Care Center's Christmas party on December 19th, from 2:00 p.m. to 4:00 p.m.

Supervisor Marrelli stated the Extension Education had their 90th Anniversary on May 1st. They put together a pamphlet, which is on the supervisor's desks.

Supervisor Wisnefski reported he had the opportunity to meet with our bond rating people in Chicago. They just got the news that Kenosha County has been raised up from Aa3 to Aa2 rating.

Supervisor Noble reported a letter would be submitted expressing preliminary support of the I-94 reconstruction project at the public hearing on December 6th. The improvements include interchange reconstruction, and adding an additional lane in both directions. A resolution supporting the project will be drafted and brought before the County Board. He also reported the Technical Advisory Committee of the KRM recommended they not submit an application without a funding source in place. The committee will likely vote to suspend the application for a year which will delay the project. The Commissioner of Railroads has dismissed the petition from Union Pacific Railroad for a closure of the railroad crossings at CTH A and L in the Town of Somers. The Commissioner has ordered the crossings be upgraded by December 31, 2008. Bids for the bike trail in Somers that connects the two universities has

been received. The bids are being reviewed and will be awarded for spring construction. Traffic signals are up and working at the intersection of CTH S & H. The ball diamonds at Brighton Dale and the soccer fields at Silver Lake are completed and will be ready for play this spring and a grand opening will be announced.

Supervisor Molinaro stated it is unfortunate the Extension Education didn't do more to celebrate their successes. His experience on the Extension Committee has been nothing short of fantastic. They do an incredible amount of work on an incredibly small budget. The staff doesn't get nearly enough credit for all the work they do.

Supervisor Grady caused to have placed on the supervisor's desks a two-page enclosure entitled "What deaths fall within the Medical Examiner." During the deliberations of the County Budget, it was brought up what appears to be the increased amount of autopsies and medical exams in Kenosha County. The enclosure is a concrete document on how the autopsies are done and he thinks this is being more tightly adhered to under our current medical examiner's jurisdiction than in the past years.

NEW BUSINESS

Ordinance - first reading, two required.

46. From Legislative Committee regarding Amending Subsection (2) of Section 2.08 of the Municipal Code of Kenosha County Entitled Exercise of Power and Presentation.

Policy Resolution - first reading, two required.

2. 2007 Affirmative Action Plan.

Resolutions - one reading

RESOLUTION 86

86. From Terry Rose regarding Authorizing a Review of 812-56th Street, Kenosha, WI as a Possible Site for Relocating 911 Dispatch.

Chairman Rose referred Resolution 86 to the Building & Grounds and Finance Committees.

RESOLUTION 87

87. From Human Services Committee regarding Approving the Appointment of LaVerne Jaros to serve as Director of the Division of Aging & Disability Services. (Approved in the 2008 County Budget)

RESOLUTION 88

88. From Human Services & Finance Committees regarding the Medical Examiner's 2008 Budget to reflect the addition of a full-time Deputy Medical Examiner position.

WHEREAS, the Office of the Medical Examiner, is required to provide coverage for the residents of Kenosha County for 24 hours per day, 7 days per week, and

WHEREAS, the increase in the Office of the Medical Examiner's caseload, number of autopsies, and number of external examinations have necessitated a reevaluation of the staffing levels within the Office, and

WHEREAS, the Office of the Medical Examiner and the Division of Personnel Services is recommending that the position of Deputy Medical Examiner be filled in 2008, while reducing the number of coverage hours allocated to the part time Deputy Medical Examiners, and

WHEREAS, the contracted position of Autopsy Assistant will be eliminated through the addition of the Deputy Medical Examiner, and

WHEREAS, the Office of the Medical Examiner and the Division of Personnel Services, is requesting a reclassification of the Deputy Medical Examiner from a salary range of D to a salary range of C, and

WHEREAS, this budget modification poses no additional levy-funded costs to the County, and

NOW, THEREFORE LET IT BE RESOLVED, that the Kenosha County Board of Supervisors amends the Non-Represented Employee Pay Plan to place the position of the Deputy Medical Examiner in salary range C and amend the Office of the Medical Examiner's 2008 budget to include the addition of a Deputy Medical Examiner position: Revenues and expenditures increase by \$44,918 as indicated in the attached budget modification, which is incorporated into this resolution by reference.

SUBMITTED BY:

Human Services Committee:

Judy Rossow

Finance Committee:

Robert Carbone

William Grady
Edward D. Kubicki
David Arrington
Ruth Booth

Joseph Clark
John O'Day

It was moved by Supervisor Rossow to adopt Resolution 88. Seconded by Supervisor Carbone.
2/3 vote required.

Ayes: Supervisors Grady, Rossow, Kessler, Huff, Kubicki, Marrelli, Booth, Carbone, Arrington, Ronald Johnson, Michel, O'Day, Singer, Nudo, Molinaro, Jackson, Clark, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: Supervisors Rose, Faraone, Moore, Wisnefski, Noble.
Ayes: 23. Nays: 5
Motion carried.

RESOLUTION 89

89. From Legislative Committee regarding Maintaining the size of the County Board at 28 Members and to Review the Question of the Size of the Board at the Next Decennial Census in 2010.

Whereas, recent amendments to Wisconsin Statutes Sec. 59.10 (3)(cm)1 allow a County Board to decrease the number of elected Supervisors serving on the County Board and redistrict, readjust and change the boundaries of supervisory districts once between decennial census' provided that the number of districts equals the number of Supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are as compact as possible, and the districts consist of contiguous whole ward in existence at the time at which the redistricting plan is adopted, and to the extent possible place contiguous municipalities or contiguous parts of the same municipality are placed within the same district, and

Whereas, there is no petition pending for a referendum on the question of decreasing the number of seats on the County Board, and

Whereas, the Kenosha County Board has studied various alternatives pertaining to the size of the County Board, and

Whereas, the Kenosha County Board has determined that the decennial census and scheduled re-districting is to be reviewed in 3 years and further that any action taken at this time would have to be redone at that time, and

Whereas, the requirement of utilizing existing wards in any reduction between decennial censuses can result in larger deviations from the target population for each district which, in turn, can result in unequal representation between supervisory districts and litigation, and

Whereas, the Legislative Committee has conducted two public hearings on the size of the County Board, and whereas only three members of the public appeared and spoke on the question, and

Whereas, the Kenosha County Board, after having reviewed and discussed this matter throughly has determined that the size of the Kenosha County Board can and should at this time remain at the same and that further review take place after the 2010 census;

Now Therefore Be It Resolved that the size of the Kenosha County Board remain the same and that further review of the size of the County Board take place at the time of the 2010 census.

SUBMITTED BY:

Legislative Committee
James Huff
Ronald Johnson
Gordon West
Jennifer Jackson

It was moved by Supervisor Huff to adopt Resolution 89. Seconded by Supervisor Jackson.
Roll call vote.

Ayes: Supervisors Rossow, Rose, Kessler, Huff, Kubicki, Marrelli, Booth, Carbone, Arrington, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Molinaro, Wisnefski, Jackson, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: Supervisors Grady, Faraone, Moore, Clark, Noble.
Ayes: 23. Nays: 5

Motion carried.

RESOLUTION 90

90. From Finance Committee the Sale of Approximately \$4,050,000, General Obligation Promissory Notes, Series 2007A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

WHEREAS, on June 21, 2005, the County Board of Supervisors of Kenosha County, Wisconsin (the "County"), by a vote of more than three-quarters of the members-elect, adopted a resolution entitled "Initial Resolution Authorizing the Borrowing of Not to Exceed \$20,000,000; Providing for the Issuance and Sale of General Obligation Securities Therefor; and Authorizing the Borrowing of Not to Exceed \$56,300,000; Providing for the Issuance and Sale of General Obligation Refunding Securities Therefor; and Levying a Tax in Connection Therewith" (the "2005 Initial Resolution") authorizing, among other things, the issuance of general obligation promissory notes in an amount not to exceed \$20,000,000 for public purposes, including paying the cost of constructing, extending, repairing and improving streets, roads and bridges; improvement and maintenance projects at various County buildings and sites; constructing and equipping a law enforcement and dispatch center; implementing the survey monumentation program; upgrades to the communications systems; and acquiring vehicles, equipment, furnishings, fixtures and land;

WHEREAS, on December 21, 2006, the County issued its \$2,150,000 General Obligation Promissory Notes, Series 2006, to finance capital projects authorized by the 2005 Initial Resolution;

WHEREAS, on October 2, 2007 the County Board of Supervisors, by a vote of more than three-quarters of the members-elect, adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$1,000,000 for Kenosha Area Business Alliance Project" (the "2007 Initial Resolution") for the public purpose of making a contribution to the Kenosha Area Business Alliance ("KABA") to be used to ensure an adequate power supply to the existing Kenosha Engine Plant (the "Plant") operated by DaimlerChrysler ("Chrysler") as an inducement for Chrysler to make substantial improvements to the production lines and buildings at the Plant (the "KABA/Chrysler Project");

WHEREAS, the 2005 Initial Resolution and the 2007 Initial Resolution were not subject to petition for referendum;

WHEREAS, on October 2, 2007, the County Board of Supervisors of the County adopted Resolution No. 71 (the "Sale Resolution") which provided for the sale of General Obligation Promissory Notes (the "Notes") in an amount not to exceed \$4,050,000* (\$3,050,000 for purposes authorized in the 2005 Initial Resolution and \$1,000,000 for the purpose authorized in the 2007 Initial Resolution);

WHEREAS, pursuant to the Sale Resolution, the County Clerk, in consultation with its financial advisor, Ehlers & Associates, Inc., has caused a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by reference) to be prepared and distributed setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on December 4, 2007;

WHEREAS, the following bid proposals were received:

<u>BIDDER</u>	<u>NET INTEREST COST</u>	<u>TRUE INTEREST RATE</u>
(SEE BID TABULATION ATTACHED AS <u>EXHIBIT B</u>)		

WHEREAS, it has been determined that the bid (the "Bid") submitted by the institution listed first on the attached 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. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

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

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

Section 1. Approval of Offering Documents. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved.

Section 2. Award of the Notes. The Bid of the Purchaser offering to purchase the Notes for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Notes bear interest at the rates set forth on the Bid.

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2007A"; shall be dated December 20, 2007; shall be issued in the aggregate principal amount of \$4,050,000*; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule attached hereto as Exhibit D and incorporated herein by reference (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2008.

Section 4. Redemption Provisions. At the option of the County, the Notes maturing on December 1, 2015 and thereafter shall be subject to redemption prior to maturity on December 1, 2014 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 shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 5. 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 6. 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 2007 through 2016 for the payments due in the years 2008 through 2017 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll 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. So long as any part of the principal of or interest on the Notes remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created below.

Section 7. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for Kenosha County General Obligation Promissory Notes, Series 2007A, dated December 20, 2007", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

* Preliminary, subject to change.

Section 8. Borrowed Money Fund; Reimbursement. 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 an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes.

The County declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the projects financed by the Notes which it pays from other funds of the County prior to receipt of the Note Proceeds no more than 60 days prior to the dates the 2005 Initial Resolution and the 2007 Initial Resolution were adopted. The County may also reimburse itself for preliminary expenditures relating to those projects (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the County Board of Supervisors.

Section 9. Arbitrage Covenant. The County shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Small Issuer Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. 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 as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(D) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Notes are to be used for local governmental activities of the County and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued by the County, including all subordinate entities of the County, during calendar year 2007 will not exceed \$5,000,000. If for any reason the County did not qualify for the small issuer exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

The County Board of Supervisors hereby designates the Notes to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the County Clerk or other officer of the County charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the County, all as of the Closing.

Section 11. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, 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. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 12A. Persons Treated as Owners; Transfer of Notes. The County shall keep books for the registration and for the transfer of the Notes. 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 County Clerk, 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 County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk 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.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes. 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 corresponding record date.

Section 13. 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 14. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the Note Proceeds allocable to the payment of issuance expenses to U.S. Trust Company, Minneapolis, Minnesota on the closing date for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

Section 15. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Notes, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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 holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders 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 17. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Notes 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, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 18. 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:

Finance Committee:

Robert Carbone

Mark Wisnefski

Anita M. Faraone

Joseph D. Clark

John O'Day

It was moved by Supervisor Carbone to adopt Resolution 90. Seconded by Supervisor Wisnefski.

Roll call vote passed unanimously.

COMMUNICATIONS

18. From Michael K. Higgins, City Clerk-Treasurer, regarding temporary Zoning District Classification of Land in the Town of Somers.

Chairman Rose referred Communication 18 to Land Use.

CLAIMS

21. Monique E. McWhorter - bad experience while being booked.
Chairman Rose referred Claim 21 to Corporation Counsel.

It was moved by Supervisor Carbone to approve the November 20, 2007 minutes.
Seconded by Supervisor Nudo.
Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Kessler.
Motion carried.

Meeting adjourned at 9:00 P.M.

Prepared by: Edie LaMothe
Deputy

Submitted by: Edna R. Highland
County Clerk