

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
November 3, 2009**

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

Present: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Marks, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig Haas, Elverman, Ekornaas.

Excused: 0.

Present: 28. Absent: 0.

There were no citizen comments

ANNOUNCEMENT OF THE CHAIRMAN

Chairman Clark stated the family of Angelo Capriotti sent a thank you card for the plant which was sent by the county board. Chairman Clark announced there is an invitation to the Annual County Board Holiday Party, if interested please have money to the county clerk by the next county board meeting. The budget meetings will be Monday and Tuesday, November 9th and 10th @ 7:30.

SUPERVISOR REPORTS

Supervisor O'Day stated there are three bonding resolutions on the agenda tonight; there will be two more at the next meeting. The resolutions along with the financing plan which was updated as a result of Finance Committee action during the budget deliberations will be sent by courier later this week. On the desks is the County Audit; any questions can be directed to the Finance Department.

Supervisor Huff stated the Ethics Policy is ready to go to a joint meeting between Legislative and Finance Committees after the first of the year for consideration.

COUNTY EXECUTIVE APPOINTMENT

13. Carl Holborn to serve on the Kenosha County Civil Service Commission.

Chairman Clark referred County Executive Appointment 13 to Judiciary and Law.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 66

66. From the Finance Committee a Resolution Designating Kenosha County to be a Recovery Zone for the Purposes of the American Recovery and Reinvestment Act of 2009.

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

WHEREAS, in order to issue recovery zone economic development bonds, an issuer must first designate one or more "recovery zones", being areas which manifest significant poverty, unemployment, rate of home foreclosures or general distress or meet other criteria specified in the Stimulus Act; and

WHEREAS, Kenosha County, Wisconsin (the "County") has experienced significant poverty, a high rate of unemployment, a high rate of foreclosures and other general economic distress (the "Recovery Zone Conditions"), and such Recovery Zone Conditions impair the sound growth and the tax base of the County and threaten the well-being of the citizens of the County; and

WHEREAS, the existence of Recovery Zone Conditions in the County and the qualification of the County as a recovery zone are evidenced by, among other things, the following factors: (a) the unemployment rate in the County was 10.5% for August 2009, as compared to 5.5% for August 2008, (b) the County experienced over 3,400 job layoffs in 2008 and 2009, which is triple the 10 year historical average; (c) over 11% of people in the County are below the poverty level and the public assistance caseload is up significantly; and (d) in 2008 the County had the sixth highest rate of foreclosures per 100 housing units in the State of Wisconsin and has experienced over a 39% increase in foreclosure cases between the first quarter of 2008 and the first quarter of 2009; and

WHEREAS, in order to promote the well-being of the County and its citizens, it is necessary that the Recovery Zone Conditions be addressed by financing eligible costs for "qualified economic development purposes," being expenditures for promoting development and economic activity in the County through expenditures for public infrastructure and construction of public facilities and other capital expenditures with respect to property in the County; and

WHEREAS, it is desirable and in the best interests of the citizens of the County to designate the County as a recovery zone for purposes of and as provided in the Stimulus Act;

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

Section 1. Existence of Recovery Zone Conditions in County. There exist conditions including significant poverty, unemployment, rate of foreclosures and general economic distress which cause the County as a whole to be subject to designation as a recovery zone under the Stimulus Act.

Section 2. Designation of Recovery Zone. All of the territory located within the boundaries of the County is hereby designated as a recovery zone for all purposes of and as provided in the Stimulus Act.

Section 3. General Authorization. The officers of the County are authorized and directed to take all actions necessary or convenient in connection with the designation of the County as a recovery zone and the issuance of recovery zone economic development bonds by the County or by other eligible issuers within the County.

SUBMITTED BY:

Finance Committee

John O'Day

Mark Modory

Jeffrey Gentz

Mark Molinaro, Jr.

David Singer

It was moved by Supervisor O'Day to adopt Resolution 66. Seconded by Supervisor Molinaro.

Roll call vote passed unanimously.

RESOLUTION 67

67. From the Finance Committee a Resolution Providing for the Sale of Not to Exceed \$4,910,000 Taxable General Obligation Public Safety Building Bonds (Recovery Zone Economic Development Bonds).

WHEREAS, on July 7, 2009, 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 Issuance of General Obligation Bonds or Promissory Notes in an Amount Not to Exceed \$15,345,000 for Public Safety Building II Projects and Remodeling and Improvement Projects at the Existing Public Safety Building" (the "Initial Resolution") authorizing the issuance of general obligation bonds or promissory notes for the public purpose of paying the cost of constructing and equipping a project identified as "Public Safety Building II," building a third floor addition thereto and constructing and upgrading the mechanical systems and remodeling and improvement projects at the existing Public Safety Building (the "Project"); 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 Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, counties are authorized by the provisions of Section 67.04 of the Wisconsin Statutes to borrow money and to issue general obligation bonds for such purposes; and

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation bonds in an amount not to exceed \$4,910,000 for the purpose authorized in the Initial Resolution should be issued, and it is now necessary and desirable to authorize their sale; and

WHEREAS, because the County Board of Supervisors intends to designate said bonds to be qualified Recovery Zone Economic Development Bonds, a category of

Build America Bonds, within the meaning of Subsection 1400U-2(b) of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on said bonds 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. Authorization of the Bonds. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes, a principal amount not to exceed FOUR MILLION NINE HUNDRED TEN THOUSAND DOLLARS (\$4,910,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, its Taxable General Obligation Public Safety Building Bonds (Recovery Zone Economic Development Bonds) aggregating a principal amount not to exceed FOUR MILLION NINE HUNDRED TEN THOUSAND DOLLARS (\$4,910,000) (the "Bonds"). The County shall offer the Bonds for public sale on or about December 1, 2009.

Section 3. Notices of Sale. The County Clerk (in consultation with the County's financial advisor, Ehlers & Associates, Inc.) shall cause a Notice of Sale to be prepared and distributed and may prepare or cause to be prepared an Official Statement or other form of offering circular setting forth the details of the Bonds.

Section 4. Award of the Bonds. Following receipt of bids for the Bonds, the County Board of Supervisors shall consider taking further action to provide the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Section 5. 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

John O'Day

Mark Modory

Jeffrey Gentz

Mark Molinaro, Jr.

David Singer

It was moved by Supervisor O'Day to adopt Resolution 67. Seconded by Supervisor Singer.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Kessler, Huff, Kubicki, Hallmon, Marks, Gentz, Modory, Ronald Johnson, Michel, O'Day, Singer, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig Haas, Ekornaas.

Nays: Supervisors Rose, Faraone, Nudo, Moore, Elverman.

Ayes: 23. Nays: 5

Motion carried.

RESOLUTION 68

68. From the Finance Committee a Resolution Providing for the Sale of Not to Exceed \$9,645,000 General Obligation Promissory Notes.

WHEREAS, on September 16, 2008, 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 Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$2,700,000 for Road Improvements" (the "September 2008 Initial Resolution") authorizing the issuance of general obligation promissory notes in an amount

not to exceed \$2,700,000 for the public purpose of paying the cost of road improvements; and

WHEREAS, on November 13, 2008, the County Board, by a vote of more than three-quarters of the members-elect, adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Bonds or Promissory Notes in an Amount Not to Exceed \$8,380,000 for Budgeted Capital Projects" (the "November 2008 Initial Resolution") authorizing the issuance of general obligation bonds or promissory notes in an amount not to exceed \$8,380,000 for public purposes, consisting of construction, acquisition and improvement projects set forth in the County's Capital Budget including constructing, extending, repairing and improving streets, roads and bridges; construction, improvement and maintenance projects at various County buildings and sites; fiber connectivity and communications projects; information systems projects; and acquiring vehicles, equipment, furnishings and fixtures; and

WHEREAS, the County Board of Supervisors hereby finds and determines that the projects authorized by the September 2008 Initial Resolution and the November 2008 Initial Resolution are within the County's power to undertake and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such purposes; and,

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in an amount not to exceed \$1,350,000 for the purpose authorized in the September 2008 Initial Resolution and general obligation promissory in an amount not to exceed \$8,295,000 for the purposes authorized in the November 2008 Initial Resolution should be issued, and it is now necessary and desirable to authorize their sale.

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

Section 1. Authorization of the Notes. For the purpose of paying costs of the projects authorized by the September 2008 Initial Resolution and the November 2008 Initial Resolution, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal amount not to exceed NINE MILLION SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$9,645,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County its General Obligation Promissory Notes aggregating a principal amount not to exceed NINE MILLION SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$9,645,000) (the "Notes"). The County may, by further action of the County Board of Supervisors, determine to issue the Notes as tax-exempt notes designated "General Obligation Promissory Notes" or as taxable Build America Bonds designated "Taxable General Obligation Promissory Notes (Build America Bonds - Direct Payment)". The County shall offer the Notes for public sale on or about December 1, 2009.

Section 3. Notices of Sale. The County Clerk (in consultation with the County's financial advisor, Ehlers & Associates, Inc.) shall cause a Notice of Sale to be prepared and distributed and may prepare or cause to be prepared an Official Statement or other form of offering circular setting forth the details of the Notes.

Section 4. Award of the Notes. Following receipt of bids for the Notes, the 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 therefor.

Section 5. 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

John O'Day

Mark Modory

Jeffrey Gentz

Mark Molinaro, Jr.

David Singer

It was moved by Supervisor O'Day to adopt Resolution 68. Seconded by Supervisor Modory.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Marks, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig Haas, Ekornaas.

Nays: Supervisor Elverman.

Ayes: 27. Nays: 1.

Motion carried.

Supervisor Elverman later stated he voted against Resolution 68 in error, his intention was to vote in favor of Resolution 68.

It was moved by Supervisor O'Day to approve the October 20, 2009 minutes. Seconded by Supervisor Breunig.

Motion carried.

It was moved by Supervisor Gentz to adjourn. Seconded by Supervisor Haas.

Motion carried.

Meeting adjourned at 7:52 p.m.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Mary Schuch-Krebs
County Clerk