

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

July 1, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, Modory, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Excused: Supervisor Larsen, O'Day, Marrelli, Molinaro.

Present: 24. Excused: 4.

County Executive Allan K. Kehl presented the State of the County address.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that a card for Supervisor Larsen was being circulated.

Chairman Kessler stated that the Tax Equity Study Report was just received by the County yesterday. A copy will be mailed to each supervisor.

Chairman Kessler stated that he attended a ribbon cutting at the CATI, Center for Advanced Technology & Innovation located in the Renaissance Business Park in Racine County and is part of Gateway Technical College System.

Chairman Kessler stated that the NACo Conference starts on Friday, July 11th and will finish up on Tuesday, July 15th in Milwaukee.

SUPERVISORS REPORTS

Supervisor Pitts stated that the State surveyed Brookside Nursing Home and found only two minor violations. There are over 300 people on the waiting list for Brookside.

Supervisor Gorlinski spoke regarding Resolution 39. He was informed today about a joint air quality study that was completed by the Public Service Commission and the Department of Natural Resources. The study is very technical. SEWRPC has the study in their hands and are reviewing it. He is bringing this to the county board to inform them that SEWRPC is willing to meet with the committee that is assigned and would want to hear their interpretation of the technical aspects of the study.

Supervisor Carbone spoke regarding Resolution 31, referred at the June 17th meeting regarding Advisory 2004 Budget Levy Cap. The Finance Committee met with the supervisors who signed the resolution. There was a great deal of discussion. The resolution went back to Supervisor Clark with some recommendations. Supervisor Clark will be bringing the resolution back to the Finance Committee on July 17th. There was a request of a possible Committee of the Whole to discuss the resolution.

Supervisor Carbone stated that a number of supervisors attended the unveiling of the Vision Park on 39th Avenue. One of the corner stones is a diamond for the physically challenged. There will be installed some kind of artificial turf so that wheel chairs can move on it. It will be the only park in the nation to have two such diamonds. They should be ready for the 2005 season.

Supervisor Wisnefski stated that he has replaced Mark Molinaro on the KAC Board.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 32

32. From Extension Education and Finance Committees regarding UW Extension 2003 Budget Modification - NRSA Implementation.

WHEREAS, UW-Extension Kenosha County has received a \$45,950 Community Development Block Grant (CDBG) from the City of Kenosha, and

WHEREAS, these funds awarded are designated for implementation of the Neighborhood Revitalization Strategies (NRSA) for two Kenosha neighborhoods, and

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

NOW, THEREFORE LET IT BE RESOLVED, that UW-Extension Kenosha County 2003 budget be modified as follows:

Fund 100 Business Unit# 67300	UW-CDBG Projects	
Other Professional Services	521900	\$29,450
Mileage & Travel	533900	1,500
Other Operating Supplies	534900	15,000
Office Supplies	531200	0
Printing/Duplication	530300	0
TOTAL:		\$49,450

Fund 100 Business Unit# 67300 Revenue: UW-CDBG Projects
CDBG Economic Dev Prog 442410 \$45,950

Submitted by:

EXTENSION EDUCATION COMMITTEE	FINANCE COMMITTEE
Mark Modory	Robert Carbone
Brenda Carey-Mielke	Terry Rose
Joe Montemurro	John O'Day
Ava Marrelli	Robert Pitts
Joe Clark	Gordon West

It was moved by Supervisor Modory to adopt Resolution 32. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 33

33. From Extension Education and Finance Committees regarding UW Extension 2003 Budget Modification - Youth Quest.

WHEREAS, Kenosha County UW-Extension has received a grant from the City of Kenosha Community Development Block Grant Program for Youth Quest, and

WHEREAS, Kenosha County UW-Extension has received a grant from the University of Wisconsin Cross Divisional Grant Funds, and

WHEREAS, Kenosha County UW-Extension has received a grant from the Greater Kenosha Area Foundation, and

WHEREAS, Kenosha County UW-Extension is part of a consortium to implement Youth Quest, a youth mentoring program, and

WHEREAS, county levy remains unaffected by this budget amendment,

NOW, THEREFORE, BE IT RESOLVED that the 2003 Kenosha County UW-Extension budget be amended as reflected in the attached Expense/Revenue Budget Modification Form incorporated herein by reference, and

BE IT FURTHER RESOLVED that the Kenosha County UW-Extension Youth Quest budget may be modified between appropriation units as necessary to reflect grant expenditures, and

BE IT FURTHER RESOLVED that the Kenosha County UW-Extension Youth Quest budget may be modified to increase the grant revenues and corresponding expenditures if a grant award comes in higher than expected and any expended dollars as of December 31, 2003, should be rolled over into the 2004 budget.

Submitted by:

EXTENSION EDUCATION COMMITTEE	FINANCE COMMITTEE
Mark Modory	Robert Carbone
Brenda Carey-Mielke	Terry Rose
Joe Montemurro	John O'Day
Ava Marrelli	Robert Pitts
Joe Clark	Gordon West

It was moved by Supervisor Modory to adopt Resolution 33. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 34

34. From Finance Committee regarding Bills over \$5,000.00.

WHEREAS, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

WHEREAS the County Resolution requires that the Finance Committee must act

on all bills over \$5,000.00, and

NOW, THEREFORE LET IT BE RESOLVED, that the following bills be approved

for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

<u>DIVISIONS</u>	<u>PAYMENT GROUPS</u>
FINANCE GROUPING # 1	\$ 577,228.21
PERSONNEL GROUPING # 1	\$ 249,251.71
HOUSING AUTHORITY #1	\$ 15,160.00
DISABILITY GROUPING # 1	\$ 100,505.20
PAYMENT GROUPS GRAND TOTAL:	\$ 942,145.12

Submitted by:

FINANCE COMMITTEE
 Robert Carbone
 John O'Day
 Terry Rose
 Gordon West
 Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 34. Seconded by Supervisor Rose.
 Motion carried.

RESOLUTION 35

35. From Human Services and Finance Committees regarding Modifying the 2003 Division of Aging Budget to reflect Federal Allocation Changes and Approval of a Foundation Grant.

WHEREAS, the Kenosha County Department of Human Services Division of Aging services has received changes in Older Americans Act allocations, and

WHEREAS, the Division of Aging has received a foundation grant of \$14,000 for Alzheimer's group respite, and

WHEREAS, County Levy remains unaffected by this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows:
 Expenditures and Revenues be increased by \$21,121 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

HUMAN SERVICES COMMITTEE
 Eunice Boyer
 Anne Bergo
 William Grady
 Don Smitz
 John O'Day

FINANCE COMMITTEE
 Robert Carbone
 Terry Rose
 Robert Pitts
 Gordon West
 John O'Day

It was moved by Supervisor Boyer to adopt Resolution 35. Seconded by Supervisor Carbone.
 2/3 vote required.
 Motion carried unanimously.

RESOLUTION 36

36. From Finance Committee regarding Awarding the Sale of Approximately \$8,170,000 General Obligation Refunding Bonds, Series 2003B; Providing the Form of the Bonds; and Levying a Tax In Connection Therewith.

WHEREAS, pursuant to a resolution adopted on June 17, 2003 (the "Initial Resolution"), the County Board of Supervisors of Kenosha County, Wisconsin (the "County") authorized the issuance of not to exceed \$8,180,000 General Obligation Refunding Bonds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding portions of the County's General Obligation Corporate Purpose Bonds, Series 1993B, dated September 1, 1993 (the "1993 Bonds"), General Obligation Corporate Purpose Bonds, Series 1994A, dated February 1, 1994 (the "1994A Bonds"), General Obligation Corporate Purpose Bonds, Series 1994B, dated February 1, 1994 (the "1994B Bonds") and General Obligation Promissory Notes, Series 1998B, dated October 1, 1998 (the "1998 Notes") (collectively, the "Prior Issues") (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding");

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the Prior Issues for the purpose of achieving debt service cost savings;

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds for the purpose of refinancing their outstanding obligations; and

WHEREAS, pursuant to the Initial 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 this reference) to be prepared and distributed setting forth the details of and the bid requirements for the County's General Obligation Refunding Bonds, Series 2003B (the "Bonds") and indicating that the Bonds would be offered for public sale;

WHEREAS, the following bids were received:

<u>BIDDER</u>	<u>NET INTEREST COST</u>	<u>TRUE INTEREST RATE</u>
	\$ _____	_____ %

(SEE BID TABULATION ATTACHED AS EXHIBIT B)

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 Notice of Sale and is deemed to be the most advantageous to the County. Ehlers & Associates, Inc. has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of EIGHT MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$8,140,000).

Section 1A. Ratification of the Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers & Associates, Inc. in connection with the preparation and distribution of the Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the Bonds for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2003B"; shall be dated July 1, 2003; shall be issued in the aggregate principal amount of \$8,140,000, in denominations of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on November 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2003.

Section 2A. Designation of Maturities. The Bonds of this issue which mature first are designated as being issued to refund the Prior Issues in the order in which the debt evidenced by said obligations were incurred.

Section 3. Redemption Provisions. At the option of the County, the Bonds maturing on November 1, 2012 and thereafter shall be subject to redemption prior to maturity on November 1, 2011 or on any date thereafter. Said Bonds 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 Bonds 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 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds 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 2003 through 2012 for the payments due in the years 2004 through 2013 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 Bonds 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 for the Bonds created below.

The County has heretofore levied a direct annual irrepealable tax with respect to the Prior Issues. Upon the Refunding, a sum sufficient shall be transferred from the debt service accounts for the Prior Issues and deposited into the debt service account for the Bonds and used to pay the interest coming due on the Bonds on November 1, 2003.

Section 6. 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 \$8,140,000 Kenosha County General Obligation Refunding Bonds, Series 2003B, dated July 1, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, 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").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds 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 for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds 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 Bonds, 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 Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants Including Rebate; Six Month Expenditure Exemption from Rebate. 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 Bonds) to assure that the Bonds 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 Clerk or other officer of the County charged with the responsibility of issuing the Bonds, 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 Bonds 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 Bonds are not "private activity bonds" as defined in Section 141 of the Code.

For purposes of complying with the Regulations, particularly the rebate requirements of the Regulations, the portion of the proceeds of the Bonds that will be used to refund the 1998 Notes and the portion of the proceeds of the Bonds that will be used to refund the 1993 Bonds, the 1994A Bonds and the 1994B Bonds shall be considered proceeds of separate issues, respectively referred to herein as the "Current Refunding Portion" and the "Advance Refunding Portion."

In accordance with Section 148(f)(4)(B) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Current Refunding Portion of the Bonds are to be used for local governmental activities of the County and that 100% of the Current Refunding Portion of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the County did not qualify for the six month exemption from the rebate requirements of the Code with respect to the Current Refunding Portion, the County covenants that it would take all necessary steps to comply with such requirements.

The County does not anticipate that it will qualify for any exemption from the rebate requirements of the Code with respect to the Advance Refunding Portion of the Bonds. Accordingly, the County hereby covenants and agrees that there shall be paid from time to time all amounts to be rebated to the United States pursuant to Section 148(f) of the Code and any applicable Regulations with respect to the Advance Refunding Portion of the Bonds. This covenant and agreement shall survive payment in full or defeasance of the Bonds. In order to fulfill such covenant and agreement, the County is hereby authorized to employ independent accountants, consultants or attorneys to assist in determining the rebate amounts.

Section 9A. Rebate Fund. If necessary, the County shall establish and maintain, so long as the Bonds are outstanding, a separate account to be known as the "Rebate Fund". The County hereby covenants and agrees that it shall pay from the Rebate Fund the rebate amounts calculated pursuant to the provisions of the Code and Regulations to the United States of America.

Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds and may only be used to pay amounts to the United States.

The County shall maintain or cause to be maintained records of such calculations and shall make such records available upon reasonable request therefor.

The County hereby agrees it will disburse all moneys in the Rebate Fund to the United States of America at the times and in the manner set forth in any applicable Regulations proposed or promulgated thereunder.

Section 10. Execution of the Bonds. The Bonds shall be prepared 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 Bonds shall cease to be such officers before the delivery of the Bonds, 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 all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond 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 Bond or Bonds 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 Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds 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 Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, 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 Bonds 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 Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, 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 14. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the County, for the purpose of ensuring the payment of the principal of and interest on the callable portions of the Prior Issues (the "Escrow Agent").

The Chairperson and County Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit F (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the County Board of Supervisors of any such

modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the callable portions of the Prior Issues, other than any premium and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the callable portion of the Prior Issues to the Escrow Account, the taxes heretofore levied to pay debt service on the callable portion of the Prior Issues shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the callable portion of the Prior Issues, but such abatement shall not affect the County's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the callable portion of the Prior Issues. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 15. 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 Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond 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 Bonds 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 Bond provided herein.

Section 16. Redemption of the Prior Issues. The County Board of Supervisors hereby calls the 1993 Bonds due on and after September 1, 2005 for redemption on September 1, 2004; the 1994A Bonds and 1994B Bonds due on and after November 1, 2005 for redemption on November 1, 2004; and the 1998 Notes due on and after April 1, 2004 for redemption on September 1, 2003. The Prior Issues are called for redemption at the price of par plus accrued interest to their respective redemption dates. The County hereby directs the Escrow Agent appointed above to cause notices of redemption, in substantially the forms attached to the Escrow Agreement, to be provided at the times and in the manner provided thereon.

Section 17. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds 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 Bonds, 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 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded July 1, 2003.

Richard A. Kessler
Chairperson

Allan Kehl
County Executive
Submitted by:

FINANCE COMMITTEE

Robert Carbone
Terry Rose
John O'Day
Robert Pitts
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 36. Seconded by Supervisor Pitts.
Motion carried.

RESOLUTION 37

37. From Finance Committee regarding Awarding the Sale of \$5,320,000 General Obligation Promissory Notes, Series 2003C; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

WHEREAS, on November 13, 2002, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$5,320,000" (the "Initial Resolution") which authorized the issuance of general obligation promissory notes for the public purpose of remodeling, renovating and improving various County buildings and sites, including parks and golf courses; constructing, extending, repairing and improving roads and highways; and acquiring land or interests in land, vehicles, equipment, software, furnishings and fixtures (the "Project");

WHEREAS, the Initial Resolution was not subject to petition for referendum;

WHEREAS, on June 17, 2003, the County Board of Supervisors of the County adopted a resolution entitled "Resolution Providing for the Sale of Not to Exceed \$5,320,000 General Obligation Promissory Notes" (the "Sale Resolution") which provided for the sale of not to exceed \$5,320,000 General Obligation Promissory Notes (the "Notes") for the public purpose of financing the Project;

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 July 1, 2003;

WHEREAS, the following bid proposals were received:

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

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 2003C"; shall be dated July 1, 2003; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on August 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on February 1 and August 1 of each year commencing on February 1, 2004.

Section 4. Redemption Provisions. At the option of the County, the Notes maturing on August 1, 2010 and thereafter shall be subject to redemption prior to maturity on August 1, 2009 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 2003 through 2010 for the payments due in the years 2004 through 2011 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 \$5,320,000 Kenosha County General Obligation Promissory Notes, Series 2003C, dated July 1, 2003", 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").

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 Project which it pays from other funds of the County prior to receipt of the Note Proceeds no more than 60 days prior to the date the Initial Resolution was adopted. The County may also reimburse itself for preliminary expenditures relating to the Project (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; Two Year Expenditure Exemption from Rebate. 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)(C) of the Code, the County covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the County as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the County did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

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.

Adopted and recorded July 1, 2003.

Richard A. Kessler,
Chairperson

Allan Kehl
County Executive
ATTEST:

Submitted by:
FINANCE COMMITTEE
Robert Carbone
Terry Rose
John O'Day
Robert Pitts
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 37. Seconded by Supervisor Pitts.
Motion carried.

RESOLUTION 38

38. From Judiciary & Law regarding Activity Control License - Country Thunder 2003.

WHEREAS, pursuant to chapter 8.01 of the Municipal Code of Kenosha County, the Sheriff's department received the application of Geneva Jam, Inc. for an Activity Control License for County Thunder, Randall Wisconsin, in the Town of Randall, made during the month of June 2003 was turned over to this office,

WHEREAS, the Sheriff's department has reviewed the documentation of the applicant, and

WHEREAS, an actual physical inspection of said property indicates that all items that could be have been complied with pursuant to chapter 8.01 of the Municipal Code of Kenosha County.

NOW, THEREFORE BE IT RESOLVED, by the Kenosha County Board of Supervisors that application of an Activity Control License for Country thunder 2003 be granted to Geneva Jam for the dates of July 17, 2003 through July 20, 2003.

It was moved by Supervisor Huff to adopt Resolution 38. Seconded by Supervisor Carey-Mielke.
Motion carried.

RESOLUTION 39

39. From Supervisor Terry Rose in Opposition to WE Energies Addition of Coal-Burning Power Plants in Oak Creek.

Chairman Kessler referred Resolution 39 to the Legislative Committee.

CLAIM

11. Jamie Siler - lost items while incarcerated.

Chairman Kessler referred Claim 11 to Corporation Counsel.

It was moved by Supervisor Ruffolo to approve the June 17, 2003 minutes.
Seconded by Supervisor Bergo.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Faraone.

Motion carried.

Meeting adjourned at 8:35 P.M.

Prepared by: Pam Young
Chief Deputy Clerk
Submitted by: Edna R. Highland
County Clerk