

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
December 1, 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, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Excused: Marks.

Present: 27. Absent: 1.

There were no citizen comments.

ANNOUNCEMENT OF THE CHAIRMAN

Chairman Clark announced Supervisors West, Huff & Morton will not be seeking office next term.

SUPERVISOR REPORTS

Supervisor O'Day stated the County Administration along with Mike Harrigan from Ehlers, Todd Battle from KABA, Chairman Clark and himself went to Chicago and made a presentation to Standard and Poor and Moody Investments Services on November 16th & 17th. The county made an excellent presentation which allowed us to maintain our bond ratings of AA from Standard and Poor and Aa2 from Moody. The county's good rates will be reflected in the bonds that will be up for approval tonight. Dave Geersten continues to keep the Finance Committee updated on the status of the general fund. Purchasing Division reported there is an overall increase in both of number of purchase orders issued and the number of formal competitive bids conducted by the Purchasing Department this year. This is attributed to the current administration's initiative to require compliance with all purchasing procedures. Supervisor O'Day requested Resolutions 72 & 73 be acted upon before the presentation and review of the Intergovernmental Agreement. There was no objection.

Supervisor Modory stated there is a fundraising opportunity for people and their dogs to take advantage of at Old Settler's Park on Saturday to help fund the future dog parks. There will be a temporary dog park set up and people & their pets can get photos taken with Santa if they bring their own camera. The following Saturday it will be at Petrifying Springs Park.

COUNTY EXECUTIVE APPOINTMENT

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

Chairman Clark referred County Executive Appointment 14 to Judiciary and Law.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 72

72. From the Finance Committee a Resolution Awarding the Sale of \$9,645,000 General Obligation Promissory Notes, Series 2009C

RESOLUTION AWARDING THE SALE OF

\$9,645,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2009C

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;

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;

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 (collectively, the "Project") 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;

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;

WHEREAS, on November 3, 2009, the County Board of Supervisors of the County adopted a resolution providing 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 (the "Notes") be offered for public sale;

WHEREAS, the County has directed its financial advisor, Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Notes;

WHEREAS, Ehlers, in consultation with the officials of the County, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) 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 1, 2009;

WHEREAS, the County Clerk (in consultation with Ehlers) caused notice of the sale of the Notes to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale;

WHEREAS, the Notice of Sale provided the option for bidders to submit bids for the Notes to be issued as tax-exempt notes ("Tax-Exempt Notes") or as taxable Build America Bonds (Direct Payment) ("Taxable Notes");

WHEREAS, the County has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, no bids were received for Tax-Exempt Notes, and the County has determined to issue the Notes as Taxable Notes in the aggregate principal amount of \$9,645,000 (\$1,350,000 for the purpose authorized in the September 2008 Initial Resolution and \$8,295,000 for the purposes authorized in the November 2008 Initial Resolution);

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

WHEREAS, it is the finding of the County Board of Supervisors that it is desirable and in the best interest of the County to take the steps necessary to irrevocably designate the Notes to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the County may claim refundable credits with respect to each interest payment on the Notes, payable to the County by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the County Board of Supervisors will designate the Notes to be qualified Build America Bonds, the interest on the Notes 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 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 Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all

respects. All actions taken by officers of the County and Ehlers in connection with the preparation and distribution of the Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Notes. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal (as modified on the Bid Tabulation), plus accrued interest to the date of delivery, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes, Series 2009C (Build America Bonds - Direct Payment)"; shall be issued in the aggregate principal amount of \$9,645,000; shall be dated December 11, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. (a) Optional Redemption. The Notes maturing on December 1, 2017 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on December 1, 2016 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.

(b) Mandatory Redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

(c) Extraordinary Redemption. The Notes shall be subject to redemption prior to maturity, in whole or in part, at the option of the County, on any day, at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the date of redemption, in the event that an Extraordinary Event occurs.

An "Extraordinary Event" will have occurred if either (a) Section 54AA or 6431 of the Code is repealed, amended or modified in a manner which results in a reduction or elimination of the County's 35% cash subsidy payment from the United States Treasury or (b) the United States Treasury fails to make a cash subsidy payment to which the County is entitled and such failure is not caused by any action or inaction by the County.

Section 4. 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 5. Tax Provisions.

(A) 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 2009 through 2018 for the payments due in the years 2010 through 2019 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same

time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$9,645,000 Taxable General Obligation Promissory Notes, Series 2009C (Build America Bonds - Direct Payment), dated December 11, 2009" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; (vi) all Direct Payments (defined below) received by the County; and (vii) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund.

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 a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes

have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws.

(a) The Notes are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the County hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Notes. The County represents that all Note Proceeds, less costs of issuance financed with such Note Proceeds (which costs shall be in an amount not to exceed 2% of such Note Proceeds) plus all income from temporary Permitted Investments with respect to such Note Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The County acknowledges that among the requirements for the Notes to qualify and continue to qualify as qualified Build America Bonds is that the Notes, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Notes. The County hereby covenants to comply with such requirements.

(b) The County thus further represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the qualified Build America Bond status of the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the 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 the Notes to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. 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 certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(c) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(d) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified Build America Bonds - Application for Direct Payments to the County.

The County shall claim available refundable credits from the Treasury with respect to each interest payment on the Notes as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). Bond Trust Services Corporation, Roseville, Minnesota, is hereby authorized and directed to take all necessary actions on behalf of the County to apply for the receipt by the County of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the County shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), 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 (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 11. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the County Clerk or County Treasurer (the "Fiscal Agent").

Section 12. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. 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 Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any 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.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). 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 Record Date.

Section 14. 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 15. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 16. 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" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by 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 owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners 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 18. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

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.

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 72. Seconded by Supervisor Molinaro.

Roll vote passed unanimously.

RESOLUTION 73

73. From the Finance Committee a Resolution Awarding the Sale of \$4,910,000 Taxable General Obligation Public Safety Building Bonds, Series 2009B (Recovery Zone Economic Development Bonds)

SOLUTION AWARDING THE SALE OF
\$4,910,000 TAXABLE GENERAL OBLIGATION PUBLIC SAFETY BUILDING BONDS, SERIES
2009B (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS)

WHEREAS, on July 14, 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");

WHEREAS, on November 3, 2009, the County Board of Supervisors adopted a resolution providing that general obligation bonds authorized by the Initial Resolution in an amount not to exceed \$4,910,000 (the "Bonds") be offered for public sale;

WHEREAS, the County has directed its financial advisor, Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds;

WHEREAS, Ehlers, in consultation with the officials of the County, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on December 1, 2009;

WHEREAS, the County Clerk (in consultation with Ehlers) caused notice of the sale of the Bonds to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the County has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

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

WHEREAS, the County Board of Supervisors now deems it to be necessary, desirable and in the best interest of the County that the Bonds be issued in the aggregate principal amount of \$4,910,000;

WHEREAS, it is the finding of the County Board of Supervisors that the Project consists of costs eligible for qualified economic development and that it is desirable and in the best interest of the County to take the steps necessary to irrevocably designate the Bonds to be qualified "Recovery Zone Economic Development Bonds" within the meaning of Subsection 1400U-2(b) of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable regulations promulgated under the Code (the "Regulations") so that the County may claim refundable credits with respect to each interest payment on the Bonds, payable to the County by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the County Board of Supervisors will designate the Bonds to be qualified Recovery Zone Economic Development Bonds, a category of Build America Bonds, the interest on the 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 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 any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers in connection

with the preparation and distribution of the Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation), plus accrued interest to the date of delivery, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Public Safety Building Bonds, Series 2009B (Recovery Zone Economic Development Bonds)"; shall be issued in the aggregate principal amount of \$4,910,000; shall be dated December 11, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. (a) Optional Redemption. The Bonds maturing on December 1, 2020 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on December 1, 2019 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.

(b) Mandatory Redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

(c) Extraordinary Redemption. The Bonds shall be subject to redemption prior to maturity, in whole or in part, at the option of the County, on any day, at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the date of redemption, in the event that an Extraordinary Event occurs.

An "Extraordinary Event" will have occurred if either (a) Section 1400U-2 or 6431 of the Code is repealed, amended or modified in a manner which results in a reduction or elimination of the County's 45% cash subsidy payment from the United States Treasury or (b) the United States Treasury fails to make a cash subsidy payment to which the County is entitled and such failure is not caused by any action or inaction by the County.

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. Tax Provisions.

(A) 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 2009 through 2028 for the payments due in the years 2010 through 2029 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same

time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$4,910,000 Taxable General Obligation Public Safety Building Bonds, Series 2009B (Recovery Zone Economic Development Bonds), dated December 11, 2009" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; (vi) all Direct Payments (defined below) received by the County, and (vii) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Bonds; Segregated 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 a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds

have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. Qualified Recovery Zone Economic Development Bond Designation; Allocation of Recovery Zone Bond Volume Cap to the Bonds; Compliance with Federal Tax Laws and Prevailing Wage Requirements. (a) The Bonds are hereby irrevocably designated qualified Recovery Zone Economic Development Bonds within the meaning of Subsection 1400U-2(b) of the Code. The County hereby allocates to the Bonds \$4,910,000 of the volume cap for Recovery Zone Economic Development Bonds received by it pursuant to Section 1400U-1(a)(3) of the Code and Internal Revenue Service Notice 2009-50.

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

(c) The County thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the qualified Recovery Zone Economic Development Bond status of the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Notes to lose their status as qualified Recovery Zone Economic Development Bonds within the meaning of Subsection 1400U-2(b) of the Code and the Regulations. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(d) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(e) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

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

Section 9. Qualified Recovery Zone Economic Development Bonds - Application for Direct Payments to the County. The County shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 1400U-2(a) of the Code and Section 6431 of the Code ("Direct Payments"). Bond Trust Services Corporation, Roseville, Minnesota, is hereby authorized and directed to take all necessary actions on behalf of the County to apply for the receipt by the County of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the County shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), 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 (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The County will enter into a contract with bond Trust Services Corporation, Roseville, Minnesota (the "Fiscal Agent") to serve as the County's fiscal agent pursuant to Wis. Stats. Sec. 67.10(2). The Chairperson and County Clerk are hereby authorized to enter into such contract on the County's behalf. Such contract may provide among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 12. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. 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 Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any 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.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). 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 Record Date.

Section 14. 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 15. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 16. 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" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by 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 owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners 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 18. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

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.

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 73. Seconded by Supervisor Modory.

Roll call vote.

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

Nays: Supervisors Nudo, Moore, Haas, Elverman.

Ayes: 23. Nays: 4.

Motion carried.

RESOLUTION 74

74. From Human Service and Finance Committees a Resolution to Modify Division of Medical Examiners 2009 Budget.

WHEREAS, the Kenosha County Department of Human Services, Division of the Medical Examiner has an adopted 2009 budget and will realize budgetary savings within other professional services, and

WHEREAS, the Medical Examiner's Office is requesting to purchase a body scale in the amount of \$6,195 to adequately weigh decedents to be used at the morgue facilities, and

WHEREAS, the Medical Examiner's Office has unallocated 2009 capital outlay funds in the amount of \$3,695 to assign towards the scale purchase, and

WHEREAS, the Medical Examiner's Office is requesting the use of the budgetary savings in the amount of \$2,500 from other professional services to cover the remaining balance of the scale purchase, and

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

NOW THEREFORE, BE IT RESOLVED THAT the Kenosha County Department of Human services, Division of the Medical Examiner budget be modified as follows:

Authorize increase and decrease of expenditures with a net \$0 impact, per the attached budget modification incorporated herein by reference.

SUBMITTED BY:

Human Services Committee

Edward Kubicki

Terry Rose

Richard Kessler

Jennifer Jackson

Jeffrey Gentz

Finance Committee

John O'Day

Mark Molinaro Jr.

David Singer

Mark Modory

Jeffrey Gentz

It was moved by Supervisor Kubicki to adopt Resolution 74. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 75

75. From Human Services and Finance Committees a Resolution to Modify Division of Aging and Disability Services 2009 Budget to add American Recovery and Reinvestment Act Funding for Western Transit Capital Equipment.

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services was awarded American Recovery and Reinvestment Act (ARRA) of 2009 funds in the amount of \$248,900 through the Wisconsin Department of Transportation; and

WHEREAS, the county was eligible for the funding because of its provision of public transportation under the Western Kenosha County Transit project, and

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services will receive \$248,900 for the purpose of enhancing and improving services through the purchase of capital equipment to Western Transit services; and

WHEREAS, the capital equipment consists of a bus, van, software, communication devices, and bus stop amenities which are fully funded with the ARRA grant, and

WHEREAS, the funding can be used within a period of three years of the date of execution of the Wisconsin Department of Transportation contract, and

WHEREAS, no additional county Levy is required;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services, Division of Aging and Disability Services 2009 budget be modified as follows:

Authorize increase of expenditures of \$248,900 and to increase revenues by \$248,900, per the attached budget modification incorporated herein by reference. Any unexpended dollars as of December 31, 2009 will be carried over into the 2010 budget and 2011 budget.

SUBMITTED BY:

Human Services Committee	Finance Committee
Edward Kubicki	John O'Day
Terry Rose	Mark Molinaro Jr.
Richard Kessler	David Singer
Jennifer Jackson	Mark Modory
Jeffrey Gentz	Jeffrey Gentz

It was moved by Supervisor Kubicki to adopt Resolution 75. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 76

76. From Human Services and Finance Committees a Resolution to Modify Division of Aging & Disability Services 2009 Budget for Community Living Program.

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services was awarded a federal Community Living Program grant to assist older persons at risk of decline and impoverishment, and

WHEREAS, these funds have been allocated from Sept 30, 2009 through Sept 29, 2011 to Kenosha County in the amount of \$693,041, and

WHEREAS, the Community Living Program grant will be used to increase Resource Center support services to assist older persons who are not eligible for Family Care but need assistance to remain safely in their homes, and

WHEREAS, when the funding for these services ends on or before September 29, 2011, the services will be discontinued, and

WHEREAS, this budget modification poses no additional levy funded costs to the County in 2009, 2010 and 2011; and

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services, Division of Aging and Disability Services budget be modified as follows:

Authorize increase of expenditures of \$693,041 and to increase revenues by \$693,041, per the attached budget modification incorporated herein by reference. Any unexpended dollars as of December 31, 2009 will be carried over into the 2010 budget and 2011 budget.

SUBMITTED BY:

Human Services Committee	Finance Committee
Edward Kubicki	John O'Day
Terry Rose	Mark Molinaro Jr.
Richard Kessler	David Singer
Jennifer Jackson	Mark Modory
Jeffrey Gentz	Jeffrey Gentz

It was moved by Supervisor Kubicki to adopt Resolution 74. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 77

77. From Judiciary & Law and Finance Committees regarding request to suspend the Competitive Bid Process for purchase of Multi-Site Controller.

WHEREAS, by previous approval of a Repurposing Memo at the Finance Committee Meeting on October 15th, 2009 the County Board Finance Committee approved the purchase of a replacement multi-site controller for the Mobile Data Computer System, and

WHEREAS, the Multi Site Controller is a custom piece of hardware that is specifically designed by Data Radio to function with the Mobile Data Computer System currently in use by Law Enforcement in Kenosha County, and

WHEREAS, the Multi-Site Controller is needed to ensure the quality and reliability of the Mobile Data Computer System, and

WHEREAS, Data Radio is the only provider of the Multi Site Controller for a Data Radio RF Multi Tower System, and is the required hardware to replace the current Multi-Site Controller.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors authorize suspension of the competitive bidding process, as outlined in 3.11 (4)(a) of the Kenosha County Municipal Code for this purchase only and allow Purchasing to obtain the new Multi-Site Controller from Data Radio.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	Mark Molinaro, Jr.
Bob Haas	David Singer
Roger Johnson	Mark Modory
Ronald Johnson	Jeffrey Gentz

It was moved by Supervisor Michel to adopt Resolution 77. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 78

78. From Judiciary & Law and Finance Committees regarding request to suspend the Competitive Bid Process for New Bomb Squad Robot Purchase.

WHEREAS, by previous Resolution #62 in the 2009 Budget Year, The Kenosha County Board approved the purchase of a new Andros Bomb Robot for the Bomb Squad, and

WHEREAS, the Andros Robot is a custom piece of hardware and is proprietary to Remotec, and

WHEREAS, the Andros Robot by Remotec is the only product specified by the OJA Grant parameters.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors authorize suspension of the competitive bidding process, as outlined in 3.11 (4)(a) of the Kenosha County Municipal Code, in this purchase only and allow Purchasing to obtain the Andros Robot from Remotec.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	Mark Molinaro, Jr.
Bob Haas	David Singer
Roger Johnson	Mark Modory
Ronald Johnson	Jeffrey Gentz

It was moved by Supervisor Michel to adopt Resolution 77. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 79

79. From Judiciary & Law and Finance Committees regarding BOTS - Traffic Enforcement Grants 2009-2010.

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$60,000 from the WI Bureau of Transportation Safety to establish mobilized enforcement efforts between October 1st, 2009 and Sept. 30, 2010 to enforce high-risk driver behaviors, and

WHEREAS, the grant funds offered must be used to reimburse personnel costs for increased patrol presence to control alcohol/drug impaired drivers,

speeders, and enforce underage drinking laws in targeted areas and to purchase law enforcement equipment to use during these patrol efforts, and

WHEREAS, the 25% local match required is met with soft dollars within the current budget and will not require any additional tax levy dollars.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the grant and approve that the revenue and expenditure line items be modified, as per the attached budget modification form, which is incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$60,000 and increases expenditures by \$60,000.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	Mark Molinaro, Jr.
Bob Haas	David Singer
Roger Johnson	Mark Modory
Ronald Johnson	Jeffrey Gentz

It was moved by Supervisor Michael to adopt Resolution 79. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 80

80. From Judiciary & Law and Finance Committees regarding Organized Crime Drug Enforcement Task Forces Strategic Initiative for Overtime support.

WHEREAS, the federal Organized Crime Drug Enforcement Task Forces (OCDETF) office has allocated to the Sheriff's drug unit, K-DOG, up to \$8,500 to cover overtime costs and other expenditures incurred while assisting in OCDETF investigations, Strategic Initiatives and prosecutions, and

WHEREAS, this funding will cover the period beginning October 1, 2009 through September 30, 2010, and

WHEREAS, the Sheriff will submit reimbursement claims monthly to the OCDETF Executive Office, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the \$8,500 and approve the Revenue and Expenditure line item modifications to the Sheriff's 2009 budget as per the attached budget modification form, which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that any unobligated funds remaining at year end be hereby authorized for carryover to the subsequent year until such time as the funds are expended in accord with the OCDETF requirements, and that the Administration be authorized to modify the grant appropriations among various budget and expenditure units within the Sheriff's Department in accordance with all federal and state regulations of the program and in compliance with generally accepted accounting principles.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	Mark Molinaro, Jr.
Bob Haas	David Singer
Roger Johnson	Mark Modory
Ronald Johnson	Jeffrey Gentz

It was moved by Supervisor Michael to adopt Resolution 80. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 81

81. From the Legislative Committee regarding Assembly Bill 403/Senate Bill 282.

It was moved by Supervisor Huff to adopt Resolution 81. Seconded by Supervisor Rose.

It was moved by Supervisor Singer to refer Resolution 81 back to the Legislative Committee. Seconded by Supervisor Molinaro.
Roll call vote.

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

Nays: Supervisors Hallmon, Gentz, Faraone, Nudo, Moore, Jackson, Rose.

Ayes: 20. Nays: 7.

Motion carried

CLAIMS

20. C Delsman & Sons/West Bend Mutual - vehicle damage.

21. Donald C. Flesch, Sr. - vehicle damage.

Chairman Clark referred Claims 20 & 21 to Corporation Counsel.

It was moved by Supervisor O'Day to approve the November 9, 10th & 17 2009 minutes. Seconded by Supervisor Singer .

Motion carried.

It was moved by Supervisor Ronald Johnson to adjourn. Seconded by Supervisor Singer.

Motion carried.

Meeting adjourned at 9:56 p.m.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Mary Schuch-Krebs
County Clerk