

MINUTES
EXECUTIVE COMMITTEE

MAY 10, 2011

Members Present: Supervisors Molinaro, Ekornaas, Clark, Michel, Breunig, Elverman and Noble

1. The meeting was called to order by Chairman Molinaro at 6:30 pm in the second floor committee conference room at the Administration Building.
2. Citizen Comments:
Supervisor Boyd Frederick stated he gets updates from the State and every month will share it with the Committee. He handed out 4 documents for the committee's review. He said the State is looking to be done with the budget by July 1. Molinaro asked him to update the full board as well.
3. Chair, Supervisor and YIG comments:
Molinaro said we have a couple of topics for discussion and one is the casino extension. He wants to get a sense of how to proceed as a committee going forward.

Supervisor Ekornaas reported the Redistricting Committee will be acting on the maps on Monday, May 16 at 6:30 pm at the Job Center. The public hearing was last night and the committee did not act last night. There was very little interest in the meeting.

4. Communications: None
5. Report on status of corporation counsel's 2011 budget:
Frank Volpintesta gave an update on his budget and pointed out problem line items. Supervisor Michel asked him if he was looking for additional money for the case against the City. Volpintesta said there will be depositions and witness fees and possibly other costs involved and that comes out of the Trial Costs line item. **Supervisor Clark made a motion to receive and file the report. Seconded by Supervisor Michel. All aye. Motion carried.**
6. Discussion and possible action
 - Regarding Executive Committee structure, agenda, direction and future meeting:
Supervisor Clark made a motion to name Chairman Molinaro as the chairman of this committee, Vice-Chair Ekornaas as the Vice-Chair of this committee and Supervisor Noble as the secretary of this committee. Seconded by Supervisor Elverman. All aye. Motion carried.

- Regarding casino extension:
Clark said Attorney Wilhelmi and Ms. Bovine from the Tribe are here tonight. They were here in March and got a 90 day extension. I have asked for benchmarks to address who is going to cover county costs and the re-negotiation of the IGA. I have asked for an understanding of what is currently in play with the Feds so that we can have an understanding of when certain triggers occur so that we can know what the appropriate extension would be and whether to go forward and re-negotiate the IGA to see if it is where it should be on both sides. I also want to talk about costs and an update on the timeline.

Wilhelmi said we entered into an IGA with the City and County in 2004 and the beginning of 2005 it was signed. If the land was not in trust by December, 2009, the agreement would end. In 2009 the parties extended the agreement to 4/1/11. That date matched the length of the Tribe's option on the Dairyland land. The Tribe asked for an extension to June 30 because they have been working on an option to purchase the land. The issue came up

that the agreement is old and the parties may want to look at it to make sure it still meets everyone's needs. None of us want to spend a lot of time, money or effort to do that unless the project has taken a step forward. Right now the application was denied, the Tribe sued, and we hope to get a decision from the judge. A couple of things might be a trigger to allow any of the parties to re-look at the IGA. One is we win the lawsuit. Another is the BIA looks at it and the Feds decide they will approve it. Then it has to go to the Governor. A third trigger is if the Tribe loses or changes interest in the property. Once the land goes into trust, the IGA is there. The BIA would look for the City's and County's support.

Volpintesta asked Wilhelmi if the Court ruled against the Tribe, would you appeal and he said that is a possibility. Wilhelmi said the decision on the summary judgment would be the trigger. Volpintesta asked if the Court says the Tribe will prevail and the BIA should look at this again, is someone going to advise the Court or the BIA that the IGA could change? Wilhelmi said we would have to notify them of any change. Supervisor Elverman asked what would be your ideal timeframe that you would need from the City and County, 3 years, 4 years? Wilhelmi said three years would probably be fine. Elverman said he doesn't see the need for a lot of changes and is personally in favor of going three years. Wilhelmi said the Tribe filed their brief last week and the Feds have until May 24 to file. Supervisor Michel asked if there's been any communication with the new administration at the State. Wilhelmi said Walker has made no comment on the Kenosha project. The Feds have to approve and send it to the Governor before the land goes into trust. Bovine said someone could jump in and file suit if everything gets approved. Volpintesta said if that happens, a three year extension would not be enough.

Clark asked if there is anything that says who the manager is in the IGA. He liked the involvement of the Mohican Tribe. Do we have any approval process on who the management team is going to be? Volpintesta said they are still the proposed manager of the project, they are not the developer.

Molinaro would like to see a draft of the attachment he is asking for on any extension to come from the Tribe. One of the requirements is if at any time the land is no longer under option with the Tribe, the extension is terminated. Wilhelmi said he's not sure it is in anyone's best interest to automatically terminate the agreement. Things lapse and then come back. Supervisor Noble said he would like to see the property developed. It does not matter if it's a casino or a waterpark and hotel. Elverman said he doesn't understand the fear of extending the agreement because we all thought it was a good agreement 7 years ago and a whole lot has not changed. We have nothing to lose extending it three years. Molinaro said he is not in favor of extending it forever. He doesn't want to talk details of the IGA. We are 45 days into the 90 day extension. We need something back to us that I can share with the City. He outlined several issues he wants addressed.

Clark said we have the same project. Nothing is different than what was proposed. If so, that is subject to negotiation and approval. Volpintesta said that is my interpretation. Wilhelmi said he generally agreed. Clark said he is comfortable with the extension to give them time. Dairyland still has the option to do what they want with the land. Volpintesta suggested the Tribe get something to him soon because June is coming up fast. Wilhelmi said some of these provisions have been discussed with the Tribe. The business plan needs to be discussed with the Tribe and he wants to meet with them before he gets a draft to us possibly yet this week.

Volpintesta handed out an issue paper and a legal opinion from the Dorsey lawfirm and indicated it has no precedent with this agreement.

- Regarding County Board budget process:
Clark said he looked at the Government Finance Officers Association website. Kenosha County does not submit its budget to that Association. In Finance, he urged them to do that

and they are considering it. He handed out a document called "Anatomy of a Priority-Driven Budget Process". With this process you are looking more long term. There may be a better way to do this. It is worth reviewing and having a brief discussion on it and talk to the administration. It went to the county executive and Dave Geertsen. Molinaro said he would like Geertsen here to give us his thoughts.

- Regarding County Board Auditor:

Molinaro said this refers to a person hired and paid for through the county board budget to give us an independent review of financial issues. Clark said his role would be an independent professional, independent of administration, working at the direction of the county board. If there is a project that the county board wants to evaluate, this is the staff person. He thinks we should at least have a conversation about this and see where the leadership wants to go.

Noble said the Legislative Reference Bureau is available to us. He likes the concept. We had a \$50,000 budget and gave it away. Supervisor Hallmon said the State and Feds have the Legislative Audit Bureau. They do financial and non-financial program evaluations. At the Federal level the GAO is independent. The State Legislative Audit Bureau is a joint committee on audit. Samantha Kerkman is co-chair. Elverman said we need someone totally independent of the county workforce. The current contract financial people in my opinion are county employees.

- Regarding economic development:

Molinaro is looking to the committee to see what they want. We can have KABA here to report quarterly. He is looking for more direction to see where they may need help. Clark said from an efficiency standpoint of county board oversight, the reporting from KABA should come to this committee rather than the Finance and Administration Committee. Molinaro will ask Mr. Battle to be at our next meeting with an update. Keep in mind what happens through KABA is highly confidential.

Supervisor Breunig said she met with John Antaramian and talked about the Chrysler site. He wants to get a closed session with the county board and talk to the DNR about that site.

Hallmon said he would like to see something on small business and entrepreneurship.

- Regarding Voter ID bill:

Molinaro said he drafted a resolution in support of the bill but since it is going to be voted on tomorrow there is probably not much value in bringing forward something from the county board. Clark said unless a resolution has a financial impact on Kenosha County or has to do with public safety, why are we presenting them. Molinaro said he disagrees. He believes our role on a local level is to provide direction to our State legislators. He's not willing to draw the line on resolutions from any committee. Breunig said she has a problem with these "feel good" resolutions. The best way is to talk to them on the phone.

- Regarding scheduling of state representatives:

Molinaro said he would like to have a discussion prior to the approval of the budget. He will reach out to Samantha Kerkman and try to get something set up.

- Regarding committee meeting minutes:

Molinaro wants consistency with our meeting minutes. Some are very vague.

Volpintesta handed out an article from the League of Municipalities on minutes. He also provided a sample of minutes that were too detailed and ended up costing someone money.

Ekornaas said minutes should reflect what was done using the agenda as the core and showing only what action was taken, what the vote was and little else. Anything else turns into a transcript.

Clark said technology is out there to have digital meetings on the website. With a digital recording there is nothing to approve. The technology committee should look into the technology and bring it forward to us. The Finance Committee has very brief minutes and one of the considerations was staff time. The Administration Committee's minutes are one of the most detailed and I wanted them that way. Consistency and transparency are important to the public.

Volpintesta said you should distinguish between open and closed sessions. Minutes can save you but they also can hurt you. The last page I gave you is an example of that. Any minutes can be subject to subpoena.

7. Any other business:
Breunig said she won't be at the next meeting.
8. **Supervisor Clark made a motion to adjourn. Seconded by Supervisor Ekornaas. All aye. Motion carried.**

Meeting adjourned at 8:40 pm.

Respectfully submitted,

Linda Haney
Legal Assistant