



## COUNTY BOARD OF SUPERVISORS

### NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

**NOTICE IS HEREBY GIVEN** the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Wednesday, the 8th Day of November at 7:30PM., in** the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

- A. Call To Order By Chairwoman Breunig
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Citizen Comments
- E. Announcements Of The Chairwoman
- F. Supervisor Reports
- G. OLD BUSINESS

Ordinance - Second Reading, Two Required

20. FROM THE FINANCE & ADMINISTRATION COMMITTEE AN ORDINANCE TO CREATE CHAPTER 3.70 ENTITLED "PROPERTY ASSESSED CLEAN ENERGY FINANCING" OF THE MUNICIPAL CODE OF KENOSHA COUNTY

Documents:

[ORD PACE.PDF](#)

Policy Resolution - Second Reading, Two Required

1. FROM THE FINANCE & ADMINISTRATION COMMITTEE A POLICY RESOLUTION - 2018 KENOSHA COUNTY BUDGET

Documents:

[2018 BUDGET POLICY RESOLUTION FINAL.PDF](#)

## H. NEW BUSINESS

### I. Resolution - One Reading

53. FROM THE FINANCE & ADMINISTRATION COMMITTEE AN INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,040,000 GENERAL OBLIGATION PROMISSORY NOTES FOR GRANTS TO THE KENOSHA AREA BUSINESS ALLIANCE

Documents:

[RES GOPN KABA.PDF](#)

54. FROM THE FINANCE & ADMINISTRATION COMMITTEE AN INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,100,000 GENERAL OBLIGATION PROMISSORY NOTES FOR BUDGETED CAPITAL PROJECTS INCLUDING ROAD AND HIGHWAY IMPROVEMENTS

Documents:

[RES GOPN CAPITAL PROJECTS.PDF](#)

55. FROM THE FINANCE & ADMINISTRATION COMMITTEE A RESOLUTION AUTHORIZING ENTRY INTO THE PACE (PROPERTY ASSESSED CLEAN ENERGY) COMMISSION

Documents:

[RES PACE.PDF](#)

### J. Adjourn

# County of Kenosha

## Board of Supervisors

Ordinance No. \_\_\_\_

### AN ORDINANCE TO CREATE CHAPTER 3.70 ENTITLED “PROPERTY ASSESSED CLEAN ENERGY FINANCING” OF THE MUNICIPAL CODE OF KENOSHA COUNTY

Original <u>X</u> Corrected ____      2 <sup>nd</sup> Correction ____      Resubmitted ____			
Date Submitted:      Date resubmitted:			
Submitted by: Finance/Administration Committee			
Fiscal Note Attached: ____      Legal Note Attached: ____			
Prepared By: Joseph M. Cardamone III, Corporation Counsel and Barna Benc, Budget Director			

The County Board of Supervisors of the County of Kenosha does ordain as follows:

**Section 1.**      Section 3.70 is created to read:

3.70      PROPERTY ASSESSED CLEAN ENERGY FINANCING.

(1)      PURPOSE. The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(2)      STATUTORY AUTHORITY. This ordinance is enacted pursuant to Wis. Stat. § 66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.

(3)      DEFINITIONS. In this section:

(n) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(4) PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS. Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. §66.0627 as amended.

(5) WISCONSIN PACE COMMISSION.

(a) Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

(b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stat. § 66.0627 as amended.

(6) LOAN APPROVAL.

(a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.

(b) The County shall approve the financing arrangements between a borrower and PACE lender.

(7) SUPPLEMENTAL AGREEMENT.

(a) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as amended;

2. Shall recite the amount and the term of the PACE loan;

3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;

5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;

6. Shall provide for any fees payable to the County and/or Program Administrator;

7. Shall recite that the supplemental agreement is a covenant that runs with the land;


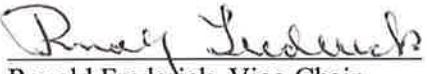
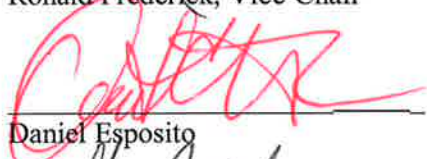

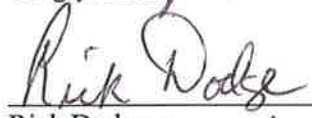
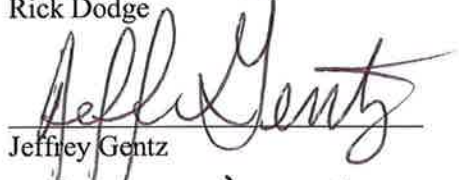

property.

**Section 2.** This Ordinance shall take effect the day after passage and publication as required by law.

All of which is respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by:

Finance and Administration Committee

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronald Frederick, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Greg Retzlaff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rick Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeffrey Gentz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## POLICY RESOLUTION NO. \_\_\_\_\_

<b>Subject:</b> <div style="text-align: center; font-weight: bold; margin-top: 10px;">2018 KENOSHA COUNTY BUDGET</div>	
<b>Original:</b> <b>X</b>	<b>2<sup>nd</sup> Correction:</b>
<b>Date Submitted:</b> <b>November 8, 2017</b>	<b>Date Resubmitted:</b>
<b>Submitted By:</b> <b>Finance and Administration Committee</b>	
<b>Fiscal Note Attached:</b> <b>Yes</b>	<b>Legal Note Attached:</b>
<b>Prepared By:</b> Dave Geertsens, CFO - Finance and Administration Robert Riedl, Human Resources Director  <b>Reviewed By:</b> Joseph Cardamone, Corporation Counsel	<b>Signature</b> <i>Dave Geertsens BUB</i> <i>Robert Riedl</i> <i>J. W. Cardamone</i>

WHEREAS, Pursuant to Section 65.90 of the Wisconsin Statutes, Kenosha County is a public body having the power to levy a general property tax and has the responsibility of formulating an annual budget and holding public hearings thereon; and

WHEREAS, pursuant to Section 59.17 of the Wisconsin Statutes, the County Executive is charged with the responsibility of annually submitting a proposed budget to the County Board; and

WHEREAS, the Executive's budget has been referred to the Finance and Administration Committee, and the Finance and Administration Committee has met and added its recommendations; and

WHEREAS, public notices were issued and public hearings were held in accordance with Wisconsin Statutes, Section 65.90; and

WHEREAS, Section 59.11 (1) of the Wisconsin State Statutes states that "Every board shall hold an annual meeting on the Tuesday after the 2<sup>nd</sup> Monday of November..." however the same statute provides that: "Any board may establish by rule an earlier date during October or November for the annual meeting..." and that the County is required to publish in the newspaper a Notice of Public Hearing on the Proposed Budget each year; and

WHEREAS, Section 59.52(6)(c) of the Wisconsin Statutes permits the County Board to direct the County Clerk to sell property on such terms as the County Board approves; and

WHEREAS, the State of Wisconsin has determined that an error in the determination of equalized value (known as a palpable error) has been made and as a result of the palpable error, the State has ordered under s.74.41 the County to make payments to certain municipalities; and

WHEREAS, pursuant to the provision of Section 75.22 of the Wisconsin State Statutes, the County shall charge back to the local municipalities illegal assessments and cancel the tax certificates; and

WHEREAS, the Summary of Budgeted Personnel Changes has been incorporated as part of the 2018 budget; and

WHEREAS, the County budget includes organization charts and FTE counts in the Budget; and

WHEREAS, the County has numerous grant funded positions that are for a limited term; and

WHEREAS, changes to County employee Policies and Procedures Manual have been reviewed as part of 2018 budget; and

WHEREAS, it is necessary that the salaries of the Sheriff, Clerk of Courts, County Board Supervisors, and County Executive be established prior to their next term; and

WHEREAS, the County health insurance program is self-funded and exposed to a degree of volatility; and

WHEREAS, the Budget includes a county-wide vacancy adjustment; and

WHEREAS, the County is anticipating losing key personnel as a result of retirements over the next few years; and

WHEREAS, the County Administration has determined that there is a need to undertake an analysis of the Human Resources Division, and this analysis is in process and the preliminary analysis recommends that operational and organizational changes are made; and

WHEREAS, Circuit Court uses civilian bailiffs; and

WHEREAS, the Sheriff's Department staffing of Deputies, Correctional Officers, and Direct Supervision Officers vacancies and overtime may cause recruiting, staffing, morale, and efficiency problems; and

WHEREAS, the County needs a comprehensive plan to address not only the immediate issues of delinquent property tax collections but also the future ongoing needs, and

WHEREAS, with an efficient process in place the community will be better informed and benefit from the resulting collection success, and

WHEREAS, temporary salary funds have been included in the District Attorney's budget; and

WHEREAS, the Veterans Services office has had increased demand for services for Veterans; and

WHEREAS, all County Fiscal Operations shall be under the oversight of the Department of Finance and Administration; and

WHEREAS, in prior years, the County adopted policy providing fiscal support staff for the Sheriff contingent upon Sheriff fiscal staff maintaining dotted line reporting to the Department of Finance and Administration; and

WHEREAS, the Sheriff's Department budget includes considerable revenue from the housing of federal inmates; and

WHEREAS, the federal inmate population may increase from the adopted budgetary projection of 212 inmates and/or the daily rate by which the federal government reimburses the County for its holds may increase, and

WHEREAS, the Kenosha County Sheriff is a public official and per State Statute 59.27 (13) may enforce all village ordinances in a village in which the Sheriff provides law enforcement services under a contract; and

WHEREAS, the County has realized a savings in Juvenile Detention and Human Services placements; and

WHEREAS, there is an increasing need for behavioral health program services within Kenosha County; and

WHEREAS, the Kenosha Area Business Alliance, Inc, (KABA) has been a partner with the County for economic development; and

WHEREAS, KABA has been very successful in bring new jobs to Kenosha County with the County funded "HIGH IMPACT FUND"; and

WHEREAS, there may be opportunities in the future for the County to apply for Community Development Investment Grants from the Wisconsin Economic Development Corporation; and

WHEREAS, the Highway Division budget includes revenue from the State of Wisconsin for providing routine maintenance services on State Highways located in Kenosha County; and

WHEREAS, the State may request that the Highway Division provide additional routine maintenance services above those included in the 2018 budget; and

WHEREAS, it is in the public interest to ensure that utilities sited on public lands are placed in a manner that is consistent and is intended to increase safety, improve traffic operations, and enhance the aesthetic quality of highways; and

WHEREAS, the Department of Public Works and Development Services - Golf has limited funding included in the budget for golf course operating/capital items; and

WHEREAS, Kenosha County has budgeted operating allocations to Kemper Center and Anderson Arts Center; and

WHEREAS, it may be desirous or necessary to provide those operating allocations at irregular times and intervals; and



WHEREAS, the property located at 1018 56<sup>th</sup> Street ("Subject Property") would be a desirable acquisition for Kenosha County, as it is located on the downtown campus and would provide further opportunities to address anticipated future growth; and

WHEREAS, the Subject Property located at 1018 56<sup>th</sup> Street is currently the subject of litigation which may result in a court ordered sheriff's sale of the Subject Property; and

WHEREAS, in the event that the court orders a sale of the Subject Property, the administration will not be able to proceed with the normal process of seeking County Board approval of a negotiated agreement, as a bid will have to be made at the time of the sheriff's sale; and

WHEREAS, the 2018 County Executive Proposed budget includes a capital project to renovate and restore the Anderson Arts Center; and

WHEREAS, it is the desire of the County to maximize donations, grants, and other revenue streams; and

WHEREAS, the estimated costs and revenue expected to be received by the County for this capital project may be revised at a later date; and

WHEREAS, the funding received from CDBG Disaster Recovery Assistance Awards, CDBG Housing and Emergency Assistance Awards, FEMA grant awards, and Wisconsin Department of Natural Resources awards, for the Fox River Flood Mitigation Program administered by the County Housing Authority has greatly diminished over the past few years; and

WHEREAS, several municipalities in Kenosha County have adopted the County's General Zoning Ordinances and permitting practices; and

WHEREAS, some municipalities have shown an interest in having the County's Division of Planning and Development administer their planning, permitting functions, building inspection services, or other planning and development services as mutually agreeable between the County and the municipality; and

WHEREAS, during the procurement process for Furniture/Fixtures, Machinery/Equipment and Vehicles, etc., the County may locate a source for used items that may be cost effective and meet the needs of the County; and

WHEREAS, no other requirements exist that would preclude the purchase of used commodities without a competitive bid process; and

WHEREAS, from time to time emergency situations occur which result in immediate action by a Department or Division; and

WHEREAS, there are instances in which the County is required by law to perform duties which may incur costs that will be reimbursed to the County at a later date such as a presidential vote recount; and

WHEREAS, certain accounts, accounting procedures, and fees have been revised in the budget; and

WHEREAS, the County has adopted an initial resolution to fund a capital project- "Law Enforcement Enhancements"; and

WHEREAS, the County and City will adopt an intergovernmental agreement (IGA) specifying the details of the funding arrangement; and

WHEREAS, the Joint Services Board has eliminated Joint Services reserves; and

WHEREAS, certain appropriations in the 2017 and 2018 Budget will be encumbered (contractually obligated, but not liquidated) at year end 2017 and 2018; and

WHEREAS, it is important the County continues to improve and replace its capital infrastructure and equipment; and

WHEREAS, the funding for capital projects was included in the 2017 and 2018 Budgets; and

WHEREAS, the state law requires that proceeds from debt issuance be recorded in a separate fund; and

WHEREAS, certain Capital Projects have been combined for budget purposes; and

WHEREAS, certain capital projects and capital outlay funded with bond proceeds are budgeted within Special Revenue or General Fund, however, it is the desire of the County Board to reflect these as capital projects; and

WHEREAS, the County charges certain personnel costs to capital projects and issuance costs; and

WHEREAS, the Kenosha County Housing Authority accounts are reflected in the County financials and audit; and

WHEREAS, the Corporation Counsel has unexpected legal costs from time to time; and

WHEREAS, the Finance and Information Technology divisions have numerous projects which span over many years; and

WHEREAS, Resolution #39 was passed by the County Board on August 21, 2012, in which Brookside Care Center was authorized to adjust current and future budgets for nursing (RN, LPN, and CNA positions) FTE levels to meet minimum standards when personnel appropriation is available; and

WHEREAS, Kenosha County has opened the Willowbrook facility to care for residents in an environment where they can receive care and assistance in a supervised setting yet maintaining their independence and individuality; and

WHEREAS, it is projected that there will be unspent funds at year end; and

NOW, THEREFORE, BE IT RESOLVED, by the Kenosha County Board of Supervisors, the County Executive's Budget of October 3, 2017, as modified by the Finance and Administration Committee, which is attached hereto and incorporated by reference, be adopted as the County

Board's Budget as herein amended and a copy of said budget document as certified by the County Clerk having been brought up for first reading on November 7<sup>th</sup>, 2017 is herewith attached; and

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors adopts the budget for 2018 as shown in the Kenosha County Budget Summary which is attached and incorporated as part of this resolution; and

BE IT FURTHER RESOLVED, that the Finance and Administration Committee budget adjustments as shown in the Summary of Finance and Administration Committee Budget Adjustments are incorporated in the 2018 Budget and are attached and incorporated by reference; and

BE IT FURTHER RESOLVED, that it is the policy intent, desire, and order of the County Board, that each appropriation unit of the budget's detailed pages for which money has been appropriated be carried out as if adopted by a separate resolution according to the terms and conditions as outlined in the "Establishment Of The Appropriation Unit for the 2018 Budget" which is attached and incorporated by reference; and to the extent necessary to carry out the public intent, the funds hereby appropriated are made available; and that unless provided by law, no monies appropriated for an appropriation unit are to be used for another purpose without prior approval (the Finance and Administration Committee is delegated such authority for amounts not to exceed \$1,000); and

BE IT FURTHER RESOLVED, that all expenditures herein appropriated are ordered not to exceed the funded monies as detailed in the budget document without prior approval of the County Board; and

BE IT FURTHER RESOLVED, that it is the policy of the County Board that the budget is authority for the departments or divisions to act as otherwise provided by law, and that administrative revisions of account identification, but not dollar totals or specific purposes, may take place during the budget year; and

BE IT FURTHER RESOLVED, that the sum of \$65,625,446 be apportioned to the city and the various towns and villages of Kenosha County for all purposes and expenses for 2018; and

BE IT FURTHER RESOLVED, that the sum of \$1,584,747 be apportioned to the towns and villages of Brighton, Bristol, Genoa City, Paris, Pleasant Prairie, Village and Town of Somers, and Wheatland for the purpose of library expense for 2018; and

BE IT FURTHER RESOLVED, that the property tax levy be allocated by fund on the books of Kenosha County; and

BE IT FURTHER RESOLVED, that the County Board does hereby support and endorse any policy adopted in a previous budget unless rescinded by previous action of the County Board, or by action herein; and

BE IT FURTHER RESOLVED, that when language in the budget resolution or previously adopted board action conflicts with budget action reflected in numbers or accounts within the budget document, that the numbers and accounts shall take precedence; and

BE IT FURTHER RESOLVED, that if the County publishes the Notice of Public Hearing on the Proposed Budget as required, no resolution is needed in the future to move the Annual Meeting from the Tuesday after the second Monday of November; and

BE IT FURTHER RESOLVED, that the County Clerk sell property under terms and conditions established by the Finance and Administration Committee; and

BE IT FURTHER RESOLVED, that the County Board does hereby authorize an appropriation to be disbursed to the applicable municipalities in this budget year for palpable errors identified by the State after adoption of this budget; and

BE IT FURTHER RESOLVED, that palpable errors be appropriated in account 15130.559100 for the purpose of paying to the municipalities, in accordance with State law, as ordered by the State of Wisconsin Department of Revenue; and

BE IT FURTHER RESOLVED, that palpable errors in the amount of \$60,322.34 will be added to the property tax levy for collection as allowed by the State of Wisconsin. Therefore, this apportionment will not affect the general fund; and

BE IT FURTHER RESOLVED, that the various towns and villages and the city within the County be charged for the recovery of the illegal assessments on certain parcels on which tax certificates are to be cancelled in whole or in part as shown in the following schedule; and

TOWN/VILLAGE	DESCRIPTION	YR/TAX	AMOUNT
None for 2018			

BE IT FURTHER RESOLVED, that the added, eliminated, defunded, reclassifications, and position name changes, as shown in the Summary of Budgeted Personnel Changes, shall be established with the Budget; and

BE IT FURTHER RESOLVED, that the organization charts and FTEs included in the budget are for "Informational Purposes Only"; and

BE IT FURTHER RESOLVED, that all County Fiscal operations shall be under the oversight of the Department of Finance and Administration as per the attached "Kenosha County Fiscal Operations" which is attached and incorporated by reference; and

BE IT FURTHER RESOLVED, that the County Board supports Sheriff fiscal staff maintaining dotted line reporting to the Department of Finance and Administration; and

BE IT FURTHER RESOLVED, that the Finance Division will have oversight authority over all Sheriff's Department budget and fiscal analysis; and

BE IT FURTHER RESOLVED, that the Finance Division continue to account for Sheriff Jail revenue in a special revenue or internal service fund and make the appropriate accounting and budget modifications; and

BE IT FURTHER RESOLVED, that the Kenosha County Sheriff's Department is authorized to retain all the fees and revenues related to law enforcement actions of the Sheriff to offset the expenditures of patrolling the Village of Somers with any shortfall of revenues compared to expenditures to be covered by County reserves in an amount not to exceed \$50,000; and

BE IT FURTHER RESOLVED, that if funds are available in the Human Services budget that

additional staff may be added to help alleviate the demand for services in the Veterans Service office; and

BE IT FURTHER RESOLVED, that any available surplus funds within Juvenile Intake for housing juveniles in secured detention be used for Human Services alternative programs or for youth job programs. Correspondingly, any surplus in Human Services alternative programs or youth job programs can be used to cover any Juvenile Intake secured detention shortfall; and

BE IT FURTHER RESOLVED, any available surplus funds available within the Division of Aging and Disability Services be used for behavioral health program services; and

BE IT FURTHER RESOLVED, that Kenosha County provide KABA with funding for the "HIGH IMPACT FUND" if necessary; and

BE IT FURTHER RESOLVED, that if additional opportunities arise, the County Administration shall appropriate up to an additional \$500,000 of funding for the KABA " HIGH IMPACT FUND" and bonding if deemed necessary for said additional appropriation, either in 2018 or reimburse itself in 2019, whichever is more practical at the time the County goes to market in 2018; and

BE IT FURTHER RESOLVED, that the County may authorize and revise the County budget as necessary in an amount not to exceed \$250,000 for any individual Community Development Investment Grants awarded to the County for future development projects which has no levy impact as it is pass-through funding, and that the administration of said funds including performance tracking regarding job and tax base creation, leveraged investment, and other grant performance measures in addition to the grant application process will be performed on behalf of the County by the Kenosha Area Business Alliance with periodic progress reporting provided to the Finance and Administration Committee; and

BE IT FURTHER RESOLVED, that all current or previously defunded positions in department budgets be allowed to be filled and budget modified for appropriation, if revenues for said position(s) become available; and

BE IT FURTHER RESOLVED, that except in the case of specific action by the County Board, all positions included in the budget which are fully or partially grant funded shall be terminated or modified if the grant is terminated and alternate, non-levy funding is not available; and

BE IT FURTHER RESOLVED, that grants may be modified to allow appropriations for spend down of the grant dollars in accord with the grant requirements, and that the Administration shall be authorized to modify grant funded appropriations for additional grant funds (for which the purpose is the same) or for purposes of capital items for which the County retains possession and grants which have not been expended by year end shall be automatically carried over where allowed; and

BE IT FURTHER RESOLVED, that the board authorizes the County Policy and Procedures Manual as proposed and which are attached and incorporated by reference; and

BE IT FURTHER RESOLVED, the salaries of the Sheriff, Clerk of Courts, County Board Supervisors, and County Executive be increased as per the attached schedule of Elected Official Salaries; and



BE IT FURTHER RESOLVED, the Health Insurance premium base to be used for the purpose of premium contributions (payroll deductions) shall be based upon estimates provided by the County Actuary and shall be as follows: Single Premium \$9,700, Family Premium \$23,280 (monthly premium contribution shall be rounded to the nearest dollar for payroll purposes); and

BE IT FURTHER RESOLVED, that premiums for self-paid retirees or former employees eligible for insurance shall pay the rate determined by the County Actuary; and

BE IT FURTHER RESOLVED, that at the close of books in 2017, it shall be the objective of the County to use any anticipated health insurance surplus to increase the health insurance reserve, provided that such an action by County Board is deemed to be prudent relative to the overall financial condition of the County; and

BE IT FURTHER RESOLVED, that legal expenditures associated with insurance may be charged to the Insurance Internal Service Fund; and

BE IT FURTHER RESOLVED, that the vacancy adjustment be \$700,000; and

BE IT FURTHER RESOLVED, that the savings which results from elimination of a position(s) or contract(s) reduction in a department budget that an offset be made to the vacancy adjustment personnel appropriation; and

BE IT FURTHER RESOLVED, that the County shall continue the Voluntary Reduction in Work Hour Plan which allows an employee to take unpaid days off (without pay) as long as vacation or casual days have first been used or scheduled with management approval; and

BE IT FURTHER RESOLVED, that if budget shortfalls occur during 2018, the Administration is hereby authorized to use hiring freezes, furlough days or other reduction of hours and or benefits to mitigate the impact of said shortfall on future budgets or the County General Fund; and

BE IT FURTHER RESOLVED, that Departments/Divisions be allowed to fill strategic position(s) prior to the incumbent vacating the position (up to a maximum of 90 days) so the transfer of knowledge can occur, thus reducing the learning curve of new employee(s) as to provide a smooth transition when such a position(s) is of critical importance and no additional levy is required; and

BE IT FURTHER RESOLVED, that salaries for the Bailiffs shall increase from \$33.41 to \$33.91 for four hours and from \$66.82 to \$67.82 for a full day (eight hours) effective January 1, 2018; and

BE IT FURTHER RESOLVED, that the County Board does hereby support an organizational and operational review of the Human Resources Division, and authorizes budgetary latitude as set forth in Attachment D for the County Executive to make the operational and organizational changes as needed to improve the performance and efficiency of the Human Resources Division operation; and

BE IT FURTHER RESOLVED, that the County Administration shall create a comprehensive plan to address not only the immediate issues of delinquent property tax collections but also the future ongoing needs; and

BE IT FURTHER RESOLVED, that goals and duties will be set by administration to ensure that the tax collection process is efficient and successful in the short term and in the future; and

BE IT FURTHER RESOLVED, that the Sheriff's Department be allowed to hire Deputies, Correctional Officers, and Direct Supervision Officers prior to the incumbent vacating the position so that a new hire can immediately fill said position, resulting in savings in overtime dollars, increasing morale and provide efficient transition of staff, as long as the early hiring can be accomplished within the approved budget of the department; and

BE IT FURTHER RESOLVED, the County pay Assistant District Attorneys an hourly rate for drafting of criminal complaints on weekends commencing with the approval of the budget (not to exceed Temporary Salary Appropriation); and

BE IT FURTHER RESOLVED, that if it is determined that the level of inmate holds increase is sustainable and/or the daily rate paid for by the Federal Government increases, the Sheriff is hereby authorized to increase the budgeted Federal Housing revenue and increase various expenditures (including additional personnel if necessary) associated with the increase in inmate population and/or daily rate increase, in order to affect increased costs for operations as long as its levy neutral; and

BE IT FURTHER RESOLVED, that prior to any budget modification for an increase in revenues and expenditures, the Sheriff shall make a report to the Finance and Administration and the Judiciary and Law Committees; and

BE IT FURTHER RESOLVED, that the County Board of Supervisors does hereby instruct the Highway Commissioner to require that all new or replacement aboveground utility lines be placed on only one side of the roadway unless, in his or her discretion, the Highway Commissioner deems it appropriate to provide, by permit or waiver, for alternative siting requirements, pursuant to and consistent with all applicable federal, state, and local laws and regulations; and

BE IT FURTHER RESOLVED, that if the level of maintenance work requested by the State increases above the current budgeted levels, the Highway Commissioner is hereby authorized to increase the budgeted revenue and operating/capital expenditures (including additional personnel) in order to accomplish the needed work as long as the increases are levy neutral; and

BE IT FURTHER RESOLVED, that any Golf Division unspent operating or capital outlay funds, after budgeted purchases of operating/capital items have been made, if needed, can be used for other operating/capital expenditures within the Golf Division; and

BE IT FURTHER RESOLVED, that the County Executive and the administration have the discretion as to when to release operating allocations to Kemper Center and Anderson Arts Center; and

BE IT FURTHER RESOLVED, that the County Board hereby authorize any surplus funds from capital projects be available for use for the Civic Center Development Project up to the amount of \$500,000 per annum; and

BE IT FURTHER RESOLVED, that the Administration be allowed to make the appropriate adjustments necessary to reflect funding for the Civic Center Development Project; and

BE IT FURTHER RESOLVED, that in the event that a sheriff's sale of the property located at 1018 56<sup>th</sup> Street ("Subject Property") is ordered, the County Board authorizes the administration to submit a bid for the Subject Property in an amount not to exceed that determined by the Public Works and Finance & Administration Committees; and

BE IT FURTHER RESOLVED, that the County Board approves the purchase of the Subject Property subject to the County submitting the winning bid at the sheriff's sale; and

BE IT FURTHER RESOLVED, that the County Executive or his designee is authorized to sign all documents necessary for the completion of this transaction when approved upon adoption of the 2018 budget and modify the 2017 budget to reflect the transaction and the County shall reimburse itself in 2017 if necessary; and

BE IT FURTHER RESOLVED, that if the costs of renovating and restoring the Anderson Arts Center are lower than current estimates or expected revenues received are greater than anticipated, the surplus capital funding be authorized to be used within the Department of Public Works and Development Services for a capital project as determined by Administration reporting its use to the Finance & Administration Committee; and

BE IT FURTHER RESOLVED, that the Division of Planning and Development have budgetary authority to carry over unspent funds in its 521900 account (Other Professional Services) to use for acquisition and related expenditures of properties that are in the designated 100 year recurrence interval; and

BE IT FURTHER RESOLVED, that the Division of Planning and Development have budgetary flexibility to cover small incidental Floodplain acquisition and related expenditures from within their Division budget; and

BE IT FURTHER RESOLVED, that the County Executive or his designees in the Division of Planning and Development or Corporation Counsel's Office be authorized and approved to acquire parcels in the designated Floodplain area and to sign any documents needed to complete such transactions; and

BE IT FURTHER RESOLVED, that any such acquisitions in the designated Floodplain areas shall be reported to the Public Works Committee at the next regularly scheduled meeting following the acquisition; and

BE IT FURTHER RESOLVED, that any unspent funds in the Department of Planning and Development Services Revolving Pre-Development Special Revenue fund, be carried over at year end and that the budget be modified during the year to reflect any additional revenues and expenditures paid by developers during the year; and

BE IT FURTHER RESOLVED, that the County Board hereby supports the intergovernmental cooperation and authorizes the Division of Planning and Development to provide planning, permitting services, building inspection services, or other planning and development services as mutually agreeable to the County and to municipalities within the County provided that these activities are levy neutral; and

BE IT FURTHER RESOLVED, that the County allow for the purchase of used Furniture/Fixtures, Machinery/Equipment and Vehicles, etc. by the County Purchasing Director, if requested by a department and deemed by the County Purchasing Director to be cost effective and in compliance with any other requirements; and



BE IT FURTHER RESOLVED, that purchases of used Furniture/Fixtures, Machinery/Equipment and Vehicles, etc. may be sole source purchased to a particular vendor through negotiation in lieu of any competitive bid process if deemed appropriate by the County Purchasing Director; and

BE IF FURTHER RESOLVED, that the Purchasing Director report to the Finance and Administration Committee annually on used purchases over \$10,000; and

BE IT FURTHER RESOLVED, that in no case shall any expenditure exceed the legal appropriation as established herein except in the case when the expenditure is issued as the result of an emergency (as defined by Webster's Dictionary) in which case the oversight committee and Finance and Administration Committee may approve the expenditure as soon as reasonably possible after the emergency has occurred (this shall not supersede County Ordinance Chapter 5 relative to Emergencies); and

BE IT FURTHER RESOLVED, that in case of emergency, the County Board does hereby authorize the Administration to appropriate an amount not to exceed \$50,000 to cover necessary emergency expenditures, and

BE IT FURTHER RESOLVED, that the County may authorize up to \$100,000 of funding and adjust the County budget as necessary to perform these duties required by law such as a presidential vote recount as long as the incurrence of said costs are levy neutral; and

BE IT FURTHER RESOLVED, that certain fees and charges for services have been reviewed and modified to reflect increased costs to the County and have been included in the budget; and

BE IT FURTHER RESOLVED, that if the capital project "Law Enforcement Enhancements" is approved, the County will increase its bonding to reflect such and the City will issue a note to the County for the City portion of the project cost (per the IGA); and

BE IT FURTHER RESOLVED, that the County may advance to Joint Services an amount not to exceed \$100,000 for cash flow purposes; and

BE IT FURTHER RESOLVED, that if a capital project is going to be done over a period of years and the County reimburses itself in a future year, an initial resolution shall be approved and appropriation authorized for the initial resolution amount and the capital project shall be listed in the 5 year Capital Improvement Plan section of the County Budget showing the total cost of the project; and

BE IT FURTHER RESOLVED, that year end encumbrances be approved and that appropriations are hereby authorized as necessary to satisfy the contractual obligations of the County; and

BE IT FURTHER RESOLVED, that the carryovers and/or reserves as shown in the budget be used to offset the County levy; and

BE IT FURTHER RESOLVED, that reserves and/or carryovers be listed in the budget for informational purposes only, and that these information accounts may be carried on the books as revenue accounts during 2018; and

BE IT FURTHER RESOLVED, that expenditures funded with carryovers be modified to reflect actual available funds to be expended; and

BE IT FURTHER RESOLVED, that funds available to replenish salt and gravel inventory be carried over from year to year to replenish such inventory; and

BE IT FURTHER RESOLVED, that if a capital project has been budgeted over a multi-year period and the expenditure for any one year exceeds the appropriation, the Administration may appropriate the additional funds and reimburse itself with bonding in the next year; and

BE IT FURTHER RESOLVED, that all fund balances or equity that are not earmarked or otherwise legally obligated shall be lapsed to the General Fund at such a time as it is determined that cash in these funds are available for appropriation; and

BE IT FURTHER RESOLVED, that appropriations funded with borrowing shall not be authorized until such time that a related initial resolution is approved by the County Board; and

BE IT FURTHER RESOLVED, that appropriations for costs related to the issuance of bond/notes shall be authorized when and if bonds/notes are issued to fund capital projects approved in the budget; and

BE IT FURTHER RESOLVED, that the proceeds from anticipated debt issuance be listed in the budget for informational purposes only and that the proceeds be recorded in a note/bond issuance proceeds account within the capital projects fund after the debt is approved by the County Board and deposited in the County Treasury; and

BE IT FURTHER RESOLVED, for purposes of arbitrage, it is the intent that bond proceeds can be applied to any legally allowable capital expenditures; and

BE IT FURTHER RESOLVED, that interest expense be allocated to capital projects when it is advantageous to the County to do so for reimbursement purposes; and

BE IT FURTHER RESOLVED, that appropriations within Capital Projects Funds and Capital Projects within Proprietary Funds unspent at year end be carried forward to future years to complete the designated project(s) unless prior appropriation is eliminated as part of the budget or other action of the County Board; and

BE IT FURTHER RESOLVED, that certain personnel and bond issuance costs can be charged to capital projects when appropriate; and

BE IT FURTHER RESOLVED, that when a project is complete and no further expenditures will be made from the fund, capital project funds shall be closed out to fund 411 to be used to fund other capital projects or used to pay down debt service to comply with bonding requirements; and

BE IT FURTHER RESOLVED, that Capital Item accounts and facilities maintenance projects which are unspent shall be automatically carried over; and

BE IT FURTHER RESOLVED, that any capital project in the budget be allowed to move (budget, actual revenues and expenditures) to the department/division if, by doing so, it allows the County to recoup the cost of the project through user fee or other funding mechanism; and

BE IT FURTHER RESOLVED, that departments be allowed to transfer vehicles and equipment between departments as long as Generally Accepted Accounting Principles are followed and such transfers are properly reflected on the County books; and

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors does approve an appropriation for the Federally required re-disbursement of the Kenosha County Housing Rehabilitation Revolving loan program funds, and that the disbursements of these funds are to never exceed the amount collected from loan repayments; and

BE IT FURTHER RESOLVED, that all unspent funds of the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program remaining at the end of the year be carried over into the subsequent year to be disbursed or re-disbursed in compliance with all Federal regulations of this program and in compliance with generally accepted accounting principles; and

BE IT FURTHER RESOLVED, that the accounts and balances for the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program will continue to be maintained on Kenosha County's books; and

BE IT FURTHER RESOLVED, that any available surplus funds within the Corporation Counsel budget for legal services be carried forward to the next year's budget; and

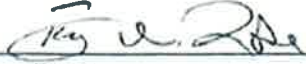

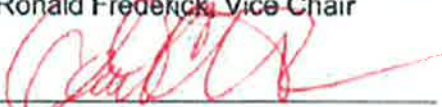
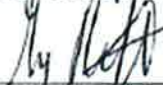


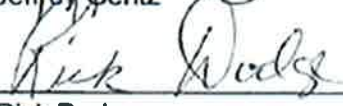
BE IT FURTHER RESOLVED, that any available funds within the Finance and Information Technology budgets in the contractual appropriation for accounting/audit, other professional services, and data processing costs be carried forward to the next year's budget; and

BE IT FURTHER RESOLVED, that the Willowbrook facility be extended the same authorization as Brookside Care Center per Resolution #39 approved by the County Board on August 21, 2012 to adjust current and future budgets for nursing (RN, LPN, and CNA positions) FTE levels to meet minimum standards when personnel appropriation is available; and

BE IT FURTHER RESOLVED, that the Brookside Care Center report on revenues and census quarterly to the Human Services and Finance and Administration Committees.

2018 Budget Resolution  
Approved by:

**FINANCE/ADMINISTRATION  
COMMITTEE**

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronald Frederick, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Greg Retzlaff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeffrey Gentz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rick Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ESTABLISHMENT OF THE APPROPRIATION UNIT FOR THE 2018 BUDGET

Section 2.11 of the Municipal Code defines the appropriation unit as the "level of control at which a line item is adopted in the annual budget."

Appropriation units shall be established at the Business Unit level as shown in the budget. The level of budget control shall be defined and established as the following: Personnel and Debt Service appropriations are a grouping of object codes with the same first two digits and are considered an individual appropriation unit. The following (contractual, supplies, fixed charges, grants/contributions) shall be considered one appropriation unit. Capital Outlay appropriations shall be as defined in the chart of accounts. Exceptions to this established level of appropriation are enumerated below.

1. The Kenosha County Chart of Accounts identifies each object code. Certain object codes as identified in the chart of accounts are allocated to Departments or business units for cost accounting purposes only. For budget purposes, all amounts in each said object code are considered as if adopted in one object code.
2. Transfers are allowed between contractual, supplies, fixed charges, and grants/contributions in instances where expenditures are within the established budgetary intent as documented in the budget. Transfers may not be done to create new budgetary intent. Transfer shall be from same grouping of object codes first and other grouping second. Highway may also transfer to and from cost allocation appropriations.
3. The Finance and Administration Committee shall have the authority to reestablish the appropriation unit at the object code level for any department that has been found to be abusing the established budget.
4. The following departments/divisions are combined for purposes of establishing the level of appropriation:
  - **Executive/Department of Finance and Administration** All Divisions.
  - **Law Enforcement** – All Divisions.
  - **Department of Human Services** – All Divisions.
  - **Department of Public Works and Development Services**– All Divisions
  - **Insurances** – Liability Insurance, Health Insurance and Worker's Compensation
  - **Elected Offices/Legislative** - County Clerk, County Treasurer, Register of Deeds, KCC – Elected Services and County Board.

In instances where appropriations are wholly or partially grant or revenue funded, the impact on the General Fund shall be a consideration in determining whether or not to allow a transfer between Business Units.

Allow for the transfer of funds from the Sheriff's Department to the Civil Service Commission budget to cover any shortfall in employment testing and/or fitness for duty.

Circuit Court's budget contains many line items, such as attorney fees, doctor fees, psychological services, interpreters, fees, witness fees, juror fees, transcript fees, etc., which are court ordered obligations. These particular fees are difficult to budget. Past history does not always give an accurate process for budgeting. Because of the difficulty in managing these fees, the Finance and Administration department and the Circuit Court used the Circuit Court budget as a pilot project in 2002. This pilot project approved by the County Board will continue. The pilot project allows the Circuit Court to reduce their expenditure levy dollar amount by \$50,000. In exchange for this reduction, the Circuit Court will have the ability to move money within appropriation units to cover cost overruns with approval of the Finance Director. Within the Department budget, the Circuit Court will have the authority to increase expenditures for overruns and increase budgeted revenues to cover the expenditures with the approval of the Finance Director. This pilot project will restrict the Circuit Court from adding additional personnel or outlay expenditures.

Finance and Administration department may transfer funds between and within appropriations units of Finance/Public Works/Human Services when it is necessary to deploy financial resources to another Department or Division that reports to the Finance Director.

Information Technology Division to have budgetary latitude to make operational changes as needed to improve the safety, security and retention/recruitment of the Information Technology Division as long as such changes are levy neutral.

Within Public Works and Development Services, divisions have budgetary latitude to make operational changes as needed as long as such changes are levy neutral and are not in conflict with other action taken by the County Board as part of this budget; and

Within Public Works and Development Services, the Finance Director may transfer funds between and within appropriations units when it is necessary to deploy Public Works and Development Services resources to another Department or Division that reports to the Public Works and Development Services Director – The Finance Director be authorized to make necessary levy neutral budget modifications.

Within the Public Works and Development Services- Highway Division budget, in instances where costs of maintenance on State or Municipal roads exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the costs are fully funded by revenues due from the State or a municipality.

Within the Public Works and Development Services– Golf Division budget, in instances where costs exceeds the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the costs are fully funded by golf revenues and not doing so will result in the loss of revenue.

Within the Public Works and Development Services - Planning and Development – Tree Planting program in instances where costs exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that cost is fully funded by tree planting revenues.



Human Services Building and Miscellaneous DHS – Internal Service Fund 202 budgets (Fund 202 is considered a sub fund of Fund 200); in instances where the interdivisional charges revenues exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the original intent of the services have not changed and are fully funded by the interdivisional revenues. This shall apply only to types of interdivisional charges that are currently approved in the budget, and shall not be used to create new expenditures.

Human Services Building and Miscellaneous DHS – Internal Service Fund 202 budgets may transfer funds between appropriations as long as no new levy dollars are expended.

Within Brookside Care Center budget, in instances where operating revenues exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the original intent of the services have not changed and are fully funded by the operational revenues. This shall apply only to operating revenues that are currently approved in the budget, and shall not be used to create a new program.

Brookside Care Center shall be allowed to transfer miscellaneous/emergency capital between capital and supply appropriations to accurately reflect miscellaneous/emergency expenditures with approval of the Finance Director.

Brookside Care Center shall be allowed to modify the budget and appropriations for the Culich/Schneider Endowment Fund as approved by the Brookside Board of Trustees.

Within the Human Services budget, in instances where the intergovernmental revenues exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the original intent of the services have not changed and are fully funded by intergovernmental revenues. This shall apply only to types of intergovernmental revenues that are currently approved in the budget, and shall not be used to create a new program.

Within Departments/Divisions, in instances where the intergovernmental revenues exceed the established appropriation, the Finance Director shall be authorized to increase the appropriation in the event that the original intent of the services have not changed and are fully funded by intergovernmental revenues. This shall apply only to types of intergovernmental revenues that are currently approved in the budget, and shall not be used to create a new program. The increase in expenditures may include additional staffing (county personnel grant funded positions, temporary employee, seasonal, etc.) and will only be allowed if additional positions have been previously established by the County Board. When the increase in expenditures is for new positions not previously established by the County Board, the addition of any new position titles will be subject to the approval of the Finance and Administration Committee of the County Board.

Within the UW Extension budget shall be authorized to increase revenue and expenditures to appropriate funds in the UW Extension Office account and to automatically carryover said accounts.

Within Insurance Internal Service Funds (ISF) – (for information only) if any of the insurance costs exceed the appropriation, the Administration shall be authorized to transfer or amend to make ISF balance any available funds (to include revenue and expenditure) within and between insurance internal service funds or insurance object code in an amount sufficient to cover any shortfall within the funds.

Between Departments – Departments may have budgetary latitude to make operational changes for interdepartmental expenditures for equipment and equipment maintenance as need as long as such changes are levy neutral and not in conflict with other action taken by the County Board as part of this budget.

Expenditures shall be charged to object codes as defined in the Kenosha County Chart of Accounts revised May 2013, to be modified by current Budget, unless it is the established past practice that the expenditures be charged to a different account and has been budgeted as such.

Note: Chart of Accounts change – 448310 Profit/Loss Tax Deed Sales

Expense associated with tax deed property (i.e. boarding of windows, cutting grass, demolition, environmental testing, etc.) shall be charge against tax deed revenue limited to \$50,000 per occurrence.

The Finance Director shall be authorized to reclassify financial transactions and create accounts and budget modifications when this is necessary to ensure that the County Financial Records are maintained in conformity with Generally Accepted Accounting Principles.

The Finance and Administration Department will provide the Finance and Administration Committee with reports summarizing all Administrative Budget Modifications. Administrative Budget Modifications are defined as all budget modifications that do not require Finance and Administration Committee approval.

The Kenosha County Capitalization policy is attached for informational purposes only



## KENOSHA COUNTY CAPITALIZATION POLICY

Capital assets are defined by the government as assets with an initial cost of more than \$5,000 for general capital assets and infrastructure assets, and an estimated useful life based on the asset type as shown below:

Buildings	50-100 Years
Land Improvements	20 Years
Machinery and Equipment	5-40 Years
Infrastructure	15-50 Years

The County uses the straight-line method of depreciation on all assets except land which is classified as an inexhaustible asset and not depreciated in accordance with general accounting principles. Computer system assets are capitalized as part of a network system so individual items may be less than \$5,000 but are considered capital assets due to the cost of the entire system.

All capital assets are valued at historical cost, or estimated historical cost, if actual amounts are unavailable, based on the amount provided by the appraisal firm retained by the County. Donated fixed assets are recorded at their estimated fair value at the date of donation. Assets obtained during the course of the year are depreciated for that year while assets that are disposed of are not depreciated in the year the disposal occurs.

- Additions to and replacements of capital assets of business-type activities are recorded at original cost, which includes material, labor, overhead, and an allowance for the cost of funds used during construction when significant. For tax-exempt debt, the amount of interest capitalized equals the interest expense incurred during construction netted against any interest revenue from temporary investment of borrowed fund proceeds. The cost of renewals and betterments relating to retirement units is added to plant accounts. The cost of property replaced, retired, or otherwise disposed of, is deducted from plant accounts and, generally, together with removal costs less salvage, is charged to accumulated depreciation.

The County uses the definition provided by GASB in the determination of whether a particular asset should be reported as a capital asset. If the following three questions are answered as a "yes", the asset is a capital asset that is reported in the statement of net assets.

Does the asset have an initial useful life that extends beyond a single reporting period?

Does the historical cost of the asset equal or exceed the government's GAAP capitalization policy or threshold?

Does the expenditure extend the useful life of the asset?

A component of the County's overall capital asset inventory is the County's infrastructure assets. Various capitalization rules have been developed specific to this type of capital asset including the following:

Original valuation of highway infrastructure was determined using current value replacement cost adjusted using published rate tables with Price Trends for Federal-Aid

Highway Construction deflation factors. The actual amount expended for current year constructions costs is the historical cost for each new road segment to be capitalized. Salvage value is 25% of the historical cost. This represents the physical road base which is reused even if the road is completely rebuilt. When a road is reworked any remaining book value less the salvage value is depreciated in that year. The same salvage value is then attributed to the newly reworked road as its salvage value. If a road becomes fully depreciated without its being reworked at the end of the expected useful life of the road segment, a new adjusted estimated useful life is used and the segment is depreciated using the revised estimated useful life.

#### *Kenosha County Fiscal Operations*

Effective January 1<sup>st</sup>, 2012, all Kenosha County fiscal operations shall be under the oversight of the Department of Finance and Administration to the extent permitted by law.

Fiscal operations under this order shall include but not be limited to: payroll, time and attendance, general ledger, accounts payable, grant and grant compliance, budgeting, cash handling, cost reporting, construction fiscal management, purchasing, information systems, fiscal studies, management of fraud and fraud prevention, and all other fiscal functions and fiscal operations.

Kenosha County employees/contractors who perform fiscal tasks as their primary duty who are not currently employed/contracted within the Department of Finance and Administration may be reassigned to that Department for supervision, work assignment, etc, as determined by the Director of the Department of Finance and Administration.

Departments shall have the responsibility of conducting their operations so as to ensure that they remain within their legally approved budget. All Departments shall ensure that their operations balance as a whole when revenues are balanced against expenditures.

Fiscal tasks or fiscal functions performed by County staff/contractors shall be done in accord with procedures established by the Department of Finance and Administration. County staff performing fiscal tasks shall abide by procedures established by the Department of Finance and Administration regardless of whether they are supervised within the Department.

From time to time, The Department of Finance and Administration may conduct a review of County fiscal operations. Based upon these reviews, staff and contractors that are determined to perform fiscal tasks as their primary duty may be directed to report directly to the Department of Finance and Administration as determined by the Department Director (or designee) to fulfill the purpose and intent of this order.

## 2018 Kenosha County Budget Summary

Operating Summary	Expense
Legislative	251,987
Executive	6,626,519
Human Services	91,872,368
Law Enforcement	50,220,901
Finance and Administration	2,295,118
Elected Offices	1,422,905
Public Works and Development Services	20,132,904
Debt Service - Governmental Funds	17,625,116
Internal Service Funds/Non-Departmental/Board of Adjmt	28,282,266
Total Operating Budget	218,730,084
Less Revenue	149,966,489
Less Carryovers/Reserves	3,198,590
Total Operating Budget Levy	153,165,079
Capital Outlay/Projects Budget	19,459,691
Less Carryovers/Reserves	-
Less Borrowed Funds	15,125,000
Less Revenue	4,277,500
Total Capital Outlay/Projects Levy	57,191
Total Operating Budget Levy	65,565,005
Total Capital Outlay/Projects Levy	57,191
Total General Purpose Levy	65,622,196
<b>Summary:</b>	
Total Operating/Capital Outlay Expense	238,189,775
Less Total Revenue and Carryovers	157,442,579
Less Total Bonded Outlay for Capital Projects	15,125,000
Total General Purpose County Levy	65,622,196

## **Attachment A**

### **Policy Changes for 2018**

The County is recommending two policy changes for 2018:

On page 13, we are reducing the eligibility lists for our jobs to six months.

On page 25, we are clarifying the differences between a clause in the Fair Labor Standards Act and Wisconsin Law.

The changes are highlighted in red on the succeeding pages.

Access to this information is strictly limited to employees of the Division of Human Resources and others on a need to know basis to ensure that the privacy of the applicant is respected. All searches will be in compliance with all applicable federal and state laws regarding the collection, storage, use and disposal of information obtained as part of the credit check. This includes the consent and notice provisions of the Fair Credit Reporting Act and the Fair and Accurate Credit Transactions Act.

#### Oral Interview Panel

The Director of Human Resources will arrange an oral interview for those applicants whose qualifications best meet the qualifications of the position for which they applied. The interview panel will include a representative of the department/division, the Human Resources Division, and other professionals as determined appropriate by the Human Resources Director.

#### Cancellation or Postponement

The Director of Human Resources may cancel or postpone any selection device when there are an insufficient number of qualified candidates. Suitable notice will be given of such action. The Director of Human Resources may discontinue offering any examination in the County when there are a sufficient number of names on the eligibility list to meet the needs of the County.

#### Responsibilities of Applicants

All applicants are responsible for reporting to and participating in all tests or parts of an examination and furnishing all information or materials that are requested, in accordance with the examination announcement and such instructions as are furnished by the Division of Human Resources. Candidates who fail to follow such instructions shall be disqualified. Applicants must notify the Division of Human Resources immediately of any change in name, address, or phone number.

#### Notification of Candidates

Each person competing in the selection process shall be given notice of whether they were certified as eligible.

### **III. Eligibility Lists**

The Director of Human Resources will be responsible for establishing and maintaining eligibility lists as may be necessary or desirable. All eligibility lists shall be posted as category grouped. All lists shall have a life of **six months**, with the ability to extend if agreed to by the Department/Division Head and Director of Human Resources.

assignments, in-range market adjustments, etc. Proposals for adjustments must be made to the Director of Human Resources by the Department Director. The proposal includes operational justification for the recommended increase. Fiscal analysis and sign-off is required by the Department Director of Finance and Administration before presentation for approval to the County Executive.

#### **IV. Safe Harbor Policy**

Exempt employees must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any work week in which they perform no work at all for Kenosha County.

There are certain circumstances where deductions from the salaries of exempt employees are permissible under the Fair Labor Standards Act (FLSA). Such circumstances include:

- Full day absences for personal reasons such as vacation or personal days or PTO.
- Full day absences for sickness or disability which may be reimbursed by the County's Accident and Sickness Leave benefit plan.
- Full day disciplinary suspensions for major safety violations or significant infractions of important written workplace conduct rules. Full day disciplinary suspensions for major safety violations or significant infractions of important written workplace conduct rules **(this permissible deduction has not been adopted by Wisconsin.)**
- To offset amounts received as payment for witness or jury fees, or for military pay.
- Family and Medical Leave absences (full day absences).
- The first or last week of employment in the event you work less than a full week.
- Any other deductions allowed by state or federal law.

Exempt employees who believe that an improper deduction has been made to their salary, should immediately report this information to their direct supervisor, or to the Director of the Division of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

#### **V. Annual Performance Evaluations**

All employees must be evaluated by their supervisor at least once per year on the anniversary date of the employee's current job. Criteria upon which employees are evaluated include, but are not limited to, accuracy, quality of work, quantity of work, dependability, adaptability, job knowledge, organization, judgment, initiative, ability to get along with others, attitude and attendance. Evaluations become a permanent record in an employee's personnel file and are considered for wage increases, promotions, transfers, disciplinary action and workforce reductions. Employees will be eligible for wage increases of three percent (3%) of the midpoint of the range from which their job is paid.

An employee who receives an average evaluation, a less than satisfactory evaluation, or is deficient in a major area of job performance, will not be eligible for a wage increase.

## **Attachment B**

### Wages for County officials with elections scheduled for 2018

The county Executive, Sheriff and Clerk of Courts will earn the following annual salaries:

Effective April, 2018	County Executive	\$108,627
Effective April, 2019	County Executive	\$111,615
Effective January, 2019	Sheriff	\$105,774
	Clerk of Courts	\$87,068
Effective April, 2020	County Executive	\$114,684
Effective January, 2020	Sheriff	\$108,683
	Clerk of Courts	\$89,463
Effective April, 2021	County Executive	\$117,838
Effective January, 2021	Sheriff	\$111,671
	Clerk of Courts	\$91,923
Effective January, 2022	Sheriff	\$114,742
	Clerk of Courts	\$94,451
Effective April, 2018	County Board of Supervisors	\$6,351
	County Board Chairperson	\$12,703
Effective April, 2019		\$6,526
		\$13,052

For information only, approved with 2014 Budget:

Effective January, 2018	Sheriff	\$102,943
	Clerk of Courts	\$84,738

## Attachment C

### Kenosha County 2018 Wages

Position, Grade	Minimum	Midpoint	Maximum
NEA	\$12.28	\$13.93	\$15.59
Dining Service Assistant - Brookside			
<i>Dining Service Assistant who accept Cook responsibilities receive \$1.00/hr.</i>			
Environmental Services Worker - Brookside			
NEB	\$13.01	\$14.77	\$16.53
NEC	\$13.79	\$15.66	\$17.52
Certified Nursing Assistant - Brookside			
Certified Nursing Assistant - Pool - Brookside			\$19.11
Life Enrichment Assistant - Brookside			
Cook - Brookside			
NED	\$14.62	\$16.60	\$18.57
Cook - Sheriff			
NE1	\$15.50	\$17.59	\$19.69
Administrative Assistant			
Unit Secretary - Brookside			
Lead Cook - Brookside			
Custodian			
<i>Second shift differential is \$.25/hour. Third shift differential is \$.35/hour.</i>			
Shope Utility Worker			
NE2	\$16.43	\$18.65	\$20.87
Deputy Court Clerk			
Life Enrichment Coordinator			
NE3	\$17.42	\$19.77	\$22.12
Billing/Reimbursement Specialist - Brookside			
Admissions/Release Specialist			
<i>Second shift differential is \$.25/hour. Third shift differential is \$.35/hour.</i>			
NE4	\$18.46	\$20.95	\$23.45
Accounting Associate			



Position, Grade	Minimum	Midpoint	Maximum
Administrative Assistant, Senior			
Buyer			
Child Support Enforcement Associate			
Economic Support Specialist			
Environmental Health Technician			
Public Health Technician			
Veterans Benefits Specialist			
NE5	\$19.57	\$22.21	\$24.85
Communication & Educational Support Specialist			
Deputy Court Clerk, Senior			
Economic Support Specialist, Senior			
Elected Officials Clerk			
Payroll Specialist			
Real Property Lister			
Restitution Coordinator			
Relief Custodian			
Corrections Professional			
<i>Second shift differential is \$.25/hour. Third shift differential is \$.35/hour.</i>			
Casual Corrections Employee			
Laboratory Technologist			
NE6	\$20.74	\$23.54	\$26.34
Patrol Worker/Laborer - Highways			
<i>\$1.50 premium on base wage for working as a Group Leader, Heavy Equipment Operator (Excavator, Bull Dozer, Grader, Backhoe, Paver Screed, Roller, Asphalt Planer, Street Sweeper/ Vacuum Truck, Bucket Truck, Mainline I-94, Concrete Finisher. Second Shift Premium = \$1.00/hour.</i>			
Child Support Enforcement Specialist			
Deputy County Clerk			
Deputy Register of Deeds			
Elected Officials Deputy			
Executive Secretary			
Lead Economic Support Specialist			
Legal Secretary			
Judicial Assistant			
Network Technician			
Mechanic - Parks			

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
NE7	\$21.99	\$24.96	\$27.92
Administrative Secretary			
Chief Deputy County Clerk			
Chief Deputy Register of Deeds			
Deputy Treasurer			
Executive Assistant			
GIS Analyst			
Paralegal			
Service Desk Technician			
Social Worker I			
Licensed Practical Nurse - Brookside			
Chief of Building Maintenance			
Shop Operator - Highways			
Assistant Sign Maker			
Licensed Practical Nurse - Pool - Brookside			\$27.92
NE8	\$23.75	\$26.95	\$30.16
Accountant			
Chief Cook - Sheriff			
Chief Deputy Treasurer			
Desktop Technician			
Human Resources Assistant			
Land Use Specialist			
Social Worker II			
Mechanic - Highways			
Sign Maker			
NE9	\$25.65	\$29.11	\$32.57
Senior Desktop Technician			
Deputy Medical Examiner			
Network Technician - Public Safety			
Social Worker IV			
NE10	\$27.70	\$31.44	\$35.18
Social Worker V			
HVAC/Maintenance Specialist			
Electrician/Maintenance Specialist			
NE11	\$29.91	\$33.95	\$37.99

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Public Health Nurse			
School Health Nurse			
Registered Nurse - Health			
Registered Nurse - Brookside			
<i>Second shift differential is \$2.00/hour. Third shift differential is \$2.50/hour.</i>			
<i>\$1.50 premium on base wage for working as a Charge Nurse</i>			
Registered Nurse Pool - Brookside			\$37.99

### **Kenosha County 2018 Salaries - Exempt Employees**

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
E16	\$103,398	\$123,561	\$143,723
Chief Financial Officer			
E15	\$97,545	\$116,567	\$135,588
Chief Information Officer			
Corporation Counsel			
Department Director, Public Works and Planning			
Department Director, Human Services			
E14	\$92,024	\$109,969	\$127,913
Director, Human Resources			
Director, Finance			
Executive Director, Brookside Care Center			
E13	\$86,815	\$103,744	\$120,673
Nursing Home Administrator			
Assistant Director, Information Technology			
First Assistant Corporation Counsel			
E12	\$81,901	\$97,872	\$113,842
Senior Assistant Corporation Counsel			
Manager, IT Application Services			
CFO, Human Services			
Director, Health Services			
Circuit Court Commissioner			
E11	\$77,265	\$92,332	\$107,398

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Director, Purchasing Services			
Director, Highways			
Director, Planning Operations			
E10	\$72,892	\$87,105	\$101,319
Director of Nursing, Brookside			
Director, Land Information			
Director, Workforce Development			
Director, Aging and Disability Services			
Director, Children and Family Services			
Chief of Staff			
Director, Parks			
Golf Operations Director			
Senior Transportation Engineer, Highways			
Lead Child Support Enforcement Attorney			
E9	\$68,766	\$82,175	\$95,584
Child Support Enforcement Attorney			
Director of Clinical Services, Health			
Assistant Director, Human Resources			
IT Project Manager			
IT Senior Network/Web Application			
Unified Communication Engineer			
Budget/Finance Analyst			
E8	\$64,873	\$77,523	\$90,174
Manager, Facilities Maintenance			
Manager, Environmental Health			
IT Senior Network Engineer			
Manager, Children and Family Services			
Workforce Development Manager			
Assistant Director of Nursing, Brookside			
Nurse Practitioner, Health			
Project Engineer, Facilities			
E7	\$61,201	\$73,135	\$85,070
Medical Examiner			
Director, Juvenile Intake			
IT Endpoint Technology Specialist			
IT Software Engineer			

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
IT Business Analyst, Senior			
IT Project Coordinator			
IT Customer Service Team Leader			
Manager, Aging and Disability Services			
Nursing Supervisor, Brookside			
Supervisor, Children and Family Services			
Manager, Child Support			
Administrative Patrol Superintendent			
Human Resources Analyst			
Nursing Supervisor, Health			
Lead Program Supervisor			
Home Visiting Program Supervisor			
School Nurse Team Leader			
MCH Team Leader			
<hr/>			
E6	\$57,737	\$68,996	\$80,254
Manager, Court Services			
Manager Fiscal Services, Brookside			
Manager Fiscal Services, Circuit Court			
Manager Fiscal Services, DADS			
Manager Fiscal Services, Payroll			
Manager Fiscal Services, Public Works			
Manager Fiscal Services, Sheriff			
Economic Support Program Manager			
Chief Deputy Medical Examiner			
County Conservationist			
Corrections Sergeant			
Manager, Shop Operations			
Patrol Superintendent			
Contract Specialist, Human Services			
Director, Veterans Services			
MDS Coordinator, Brookside			
Civil Engineer			
<hr/>			
E5	\$54,469	\$65,090	\$75,712
Victim/Witness Coordinator			
Dietary Manager, Brookside			
Economic Support Supervisor			
Child Support Supervisor			
Lead Environmental Sanitarian			

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Highway Foreman			
Park Superintendent			
Grounds Supervisor (Pets & BD)			
Analytic and Forensic Chemist			
Memory Care Coordinator/CBRF Manager			
Laboratory Team Leader			
E4	\$51,386	\$61,406	\$71,426
Detention Systems Manager			
IT Coordinator, GIS Systems			
IT Services Support Analyst			
Senior Land Use Planner			
Administrative Programs Coordinator, Sheriff			
Food Service Manager, Sheriff			
Sanitarian			
Admissions/Marketing Manager, Brookside			
Communications Manager			
E3	\$48,477	\$57,930	\$67,383
Purchasing Specialist			
Register in Probate/Probate Registrar			
Investigator, District Attorney			
Office Manager, County Executive			
Office Manager, District Attorney			
Office Manager, KCDC			
Office Manager, Sheriff			
Life Enrichment Director, Brookside			
Nursing Office Manager, Brookside			
Environmental Services Support Manager, Brookside			
Medical Records Supervisor			
Human Resources Specialist			
Admissions/Release Supervisor			
Corrections Corporal			
Epidemiologist			
Dietetic Technician, Brookside			
E2	\$45,733	\$54,651	\$63,569
Head Golf Professional			
Assistant Grounds Supervisor			
Park Foreman			

<b>Position, Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Mental Health Coordinator			
Health Services Coordinator			
KLIHF Program Coordinator			
Healthy Homes Project Coordinator			
<hr/>			
E1	\$43,144	\$51,558	\$59,971
Assistant Officer, Veterans Services			
Laundry Manager, Sheriff			
Lead Program Risk Assessor			
Clubhouse Manager			

## **Attachment D**

The County is undergoing a comprehensive review of the Human Resources Division and preliminary analysis recommends that operational and organizational changes be made to improve the performance and efficiency of the Division. As part of this review, the County has engaged the services of a consultant for a period of nine months with the tentative completion date of this ongoing review to be March 2018. The review was funded through the use of authorized funds in 2017. An initial review of funding indicates expected operational efficiencies and potential additional revenue sources to fully offset costs related to the operational and organizational changes with no additional levy expected for the 2019 budget. The County hereby authorizes the Administration to add new positions related to the operational and organizational changes as recommended by the consultant subject to the advice and consent of the County Board. The consultant will as part of the review provide job descriptions and guide the Administration in the implementation of the review recommendations. When the consultant recommendations and implementation plan are finalized, the Administration will provide a report to the Finance & Administration Committee.





*Kenosha*



*County*

***BOARD OF SUPERVISORS***

**RESOLUTION NO. 2017 - \_\_\_\_\_**

Subject:		An Initial Resolution Authorizing the Issuance of Not to Exceed \$2,040,000 General Obligation Promissory Notes for Grants to the Kenosha Area Business Alliance	
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:	October 26, 2017	Dates Resubmitted:	
Submitted By:	Finance/Administration Committee		
County Board Meeting Date:	November 8, 2017		
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By:	Foley & Lardner LLP	Signature:	

**COUNTY BOARD OF SUPERVISORS  
OF  
KENOSHA COUNTY, WISCONSIN**

November 8, 2017

Resolution No. 2017 - \_\_\_\_\_

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**An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$2,040,000 General Obligation Promissory Notes  
for Grants to the Kenosha Area Business Alliance**

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BE IT RESOLVED, by the County Board of Supervisors of Kenosha County, Wisconsin (the “**County**”), that under and by virtue of the provisions of Section 67.12(12) of the Wisconsin Statutes, the County shall issue its negotiable, general obligation promissory notes, in one or more series, in an aggregate principal amount of not to exceed \$2,040,000 for grants to the Kenosha Area Business Alliance; *provided, however*, that said notes shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law.

\*\*\*\*\*

Adopted:      November 8, 2017

\_\_\_\_\_  
County Board Chairperson

\_\_\_\_\_  
County Clerk




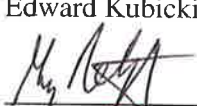

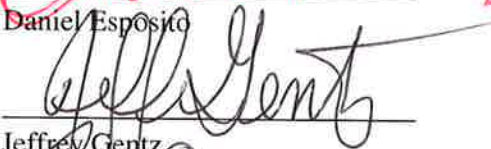
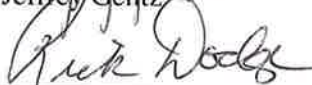
\_\_\_\_\_  
County Executive

Subject:

An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$2,040,000 General Obligation Promissory Notes  
for Grants to the Kenosha Area Business Alliance

Approved by:

FINANCE/ADMINISTRATION COMMITTEE:

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronald Frederick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Greg Rotzlaff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Espósito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeffrey Gentz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rick Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Kenosha*



*County*

***BOARD OF SUPERVISORS***

**RESOLUTION NO. 2017-\_\_\_\_\_**

Subject:		An Initial Resolution Authorizing the Issuance of Not to Exceed \$13,100,000 General Obligation Promissory Notes for Budgeted Capital Projects Including Road and Highway Improvements	
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: October 26, 2017		Dates Resubmitted:	
Submitted By: Finance/Administration Committee			
County Board Meeting Date: November 8, 2017			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Foley & Lardner LLP		Signature:	

**COUNTY BOARD OF SUPERVISORS  
OF  
KENOSHA COUNTY, WISCONSIN**

November 8, 2017

Resolution No. 2017-\_\_\_\_\_

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**An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$13,100,000 General Obligation Promissory Notes  
for Budgeted Capital Projects  
Including Road and Highway Improvements**

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BE IT RESOLVED, by the County Board of Supervisors of Kenosha County, Wisconsin (the “**County**”), that under and by virtue of the provisions of Section 67.12(12) of the Wisconsin Statutes, the County shall issue its negotiable, general obligation promissory notes, on one or more dates and in one or more series, in an aggregate principal amount of not to exceed \$13,100,000 for budgeted capital projects, including road and highway improvements, and grants as described in the County’s capital improvement budget, including but not limited to, technology upgrades, the purchase of trucks and equipment in multiple County departments, improvements to parks and County buildings, and construction of and improvements to County roads, highways, bridges, paths, and related transportation infrastructure, and acquisition of land, property, and right-of-way; *provided, however*, that said notes shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law.

\*\*\*\*\*

Adopted:        November 8, 2017

\_\_\_\_\_  
County Board Chairperson

\_\_\_\_\_  
County Clerk



\_\_\_\_\_  
County Executive

Subject:

An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$13,100,000 General Obligation Promissory Notes  
for Budgeted Capital Projects  
Including Road and Highway Improvements

Approved by:

**FINANCE/ADMINISTRATION COMMITTEE:**

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronald J. Frederick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Greg Retzlaff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeffrey Gentz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rick Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# County of Kenosha

## Board of Supervisors

Resolution No. \_\_\_\_

### A RESOLUTION AUTHORIZING ENTRY INTO THE PACE (PROPERTY ASSESSED CLEAN ENERGY) COMMISSION

Original <u>X</u> Corrected <u>    </u> 2 <sup>nd</sup> Correction <u>    </u> Resubmitted <u>    </u>			
Date Submitted:      Date resubmitted:			
Submitted by: Finance/Administration Committee			
Fiscal Note Attached: <u>    </u> Legal Note Attached: <u>    </u>			
Prepared By: Joseph M. Cardamone III, Corporation Counsel and Barna Benc, Budget Director			

**WHEREAS**, pursuant to Wis. Stat. § 66.0301, two or more municipalities of the State of Wisconsin, may by contract create a commission for the joint exercise of any power or duty required or authorized by law; and

**WHEREAS**, Kenosha County is a “municipality” as that term is defined in Wis. Stat. § 66.0301 and a political subdivision located in the State; and

**WHEREAS**, Kenosha County is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare, which may be accomplished by various means; and

**WHEREAS**, Wis. Stat. § 66.0627(8) authorizes a city, a village, a town and a county in this State to, among other things, make a loan to or otherwise arrange, participate in or facilitate the financing of an energy improvement, a water efficiency improvement or a renewable resource application to a real property within its jurisdiction and to provide for such financing through the imposition of a special charge against the property benefitted by the energy or water efficiency improvement or renewable resource project; and

**WHEREAS**, such financings are commonly referred to as “Property Assessed Clean Energy” or “PACE” financings; and

**WHEREAS,** Kenosha County has determined that it is in the public interest to provide **real property owners, lessees, lenders and other transaction parties** in Kenosha County with access to a uniformly-administered program for PACE financing; and

**WHEREAS,** Kenosha County and other counties, with the support and counsel of the Wisconsin Counties Association, League of Wisconsin Municipalities, Green Tier Legacy Communities and other stakeholders, have studied the possibility of creating a commission pursuant to Wis. Stat. § 66.0301 to be known as the Wisconsin PACE Commission (“Commission”); and

**WHEREAS,** the Wisconsin PACE Commission would be formed and operated in accordance with a Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission (“Commission Agreement”) of which a substantially final draft is attached to this Resolution; and

**WHEREAS,** it is in Kenosha County’s best interests to join the Wisconsin PACE Commission and authorize the execution of the Commission Agreement; and

**WHEREAS,** in accordance with Wis. Stat. § 66.0627 and the provisions of the Commission Agreement, Kenosha County must adopt an Ordinance relating to the administration of PACE financings in Kenosha County and throughout the State (“PACE Ordinance”); and

**WHEREAS,** attached to this Resolution is the proposed ordinance which will be considered at the same meeting at which this Resolution is being considered (“PACE Ordinance”); and

**WHEREAS,** adoption of the PACE Ordinance is a necessary condition to Kenosha County entering into the Commission Agreement; and

**WHEREAS,** it is the intent of this Resolution to authorize Kenosha County to become a member of the Commission and authorize a duly-appointed representative of Kenosha County to finalize and execute the final Commission Agreement in substantially the form of the draft Commission Agreement attached to this Resolution;

**THEREFORE, BE IT RESOLVED:**

That the Kenosha County Board of Supervisors hereby approves the draft Commission Agreement, a copy of which is attached to this Resolution, and authorizes and directs the Kenosha County Executive to sign such document after receipt of preliminary approval from the other participating municipalities, approval from the Kenosha County official duly-appointed to approve the final form of the Commission Agreement and approval of the Kenosha County Corporation Counsel; and

**BE IT FURTHER RESOLVED:**

That the County Executive is hereby directed to act as Kenosha County’s official representative in relation to the final approval of the form of the Commission Agreement and to otherwise take all action necessary to effectuate the intent of this Resolution; and



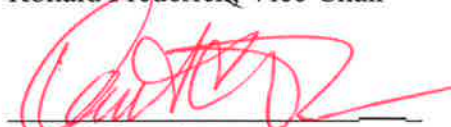
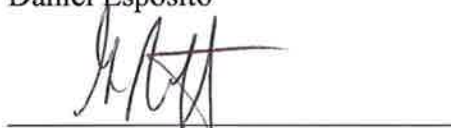

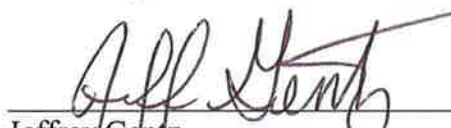
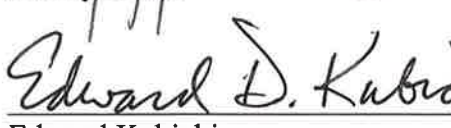
**AND BE IT FINALLY RESOLVED:**

That the County Executive is hereby directed to designate a Kenosha County "Representative Director" of the Board of Directors of the Commission in accordance with the Commission Agreement, said "Representative Director" to be either the County Executive or a member of the County Board of Supervisors who shall serve at the pleasure of the County Executive.

All of which is respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by:

Finance and Administration Committee

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ronald Frederick, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Greg Retzlaff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rick Dodge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeffrey Gentz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## JOINT EXERCISE OF POWERS AGREEMENT

relating to

### WISCONSIN PACE COMMISSION

a Joint Powers Commission under Section 66.0301 of the Wisconsin Statutes

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**THIS AGREEMENT** (“Agreement”), dated as of \_\_\_\_\_, 2016 among the parties hereto (all such parties, except those which have withdrawn as provided herein, being referred to as the “Members” and those parties initially executing this Agreement being referred to as the “Initial Members”):

#### WITNESSETH

**WHEREAS**, pursuant to Section 66.0301 of the Wisconsin Statutes (as in effect as of the date hereof and as the same may from time to time be amended or supplemented, the “Joint Powers Law”), two or more municipalities of the State of Wisconsin (the “State”), may by contract create a commission for the joint exercise of any power or duty required or authorized by law; and

**WHEREAS**, each of the Members is a “municipality” as that term is defined in the Joint Powers Law and a political subdivision located in the State; and

**WHEREAS**, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare, which may be accomplished by various means; and

**WHEREAS**, Section 66.0627(8) of the Wisconsin Statutes (as the same may from time to time be amended or supplemented, the “PACE Statute”) authorizes a city, a village, a town (a “Municipality”) or a county (a “County”) in this State to, among other things, make a loan to or otherwise arrange, participate in or facilitate the financing of an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a real property within its jurisdiction and to provide for such financing through the imposition of a special charge against the property benefitted by the energy or water efficiency improvement or renewable resource project; and

**WHEREAS**, such financings are commonly referred to as “Property Assessed Clean Energy” or “PACE” financings; and

**WHEREAS**, the Members have determined that it is in the public interest to provide real property owners, lessees, lenders and other transaction parties (collectively, “Participants”) in their respective jurisdictions with access to a uniformly-administered program for PACE financing; and

**WHEREAS**, each Member has authorized entering into this Agreement by its governing body.

**NOW, THEREFORE**, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

**Section 1.      Creation.** Pursuant to the Joint Powers Law, there is hereby created a commission to be known as the “**Wisconsin PACE Commission**” (the “*Commission*”).

**Section 2.      Purpose.** This Agreement is a contract entered into pursuant to the provisions of the Joint Powers Law. The purpose of this Agreement is to establish a joint powers commission for the joint exercise of any power or duty of the Members under applicable law. In particular, the purpose of the Commission is to adopt, implement and administer a uniform program for the qualification for, and approval, granting, administration and collection of, PACE loans (the “*PACE Program*”). Such purposes shall be accomplished in the manner provided in this Agreement.

**Section 3.      Effectiveness; Term.** This Agreement shall become effective and be in full force and effect and a legal, valid and binding agreement of each of the Members on the date that the Board shall have received from at least two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof. This Agreement shall continue in full force and effect until such time as it is terminated by written instrument executed by all of the Members.

**Section 4.      Powers.** The Commission shall have the power, in its own name, to exercise any powers or duties of the Members required or authorized by law and to exercise all additional powers given to a joint powers commission under any law, including, but not limited to, the Joint Powers Law, for any purpose authorized under this Agreement. Such powers shall include the power to make loans or otherwise arrange, participate in or facilitate the financing of energy or water efficiency improvement projects or renewable resource applications as provided in the PACE Statute including, without limitation, the exercise of the power and authority, without further action by the Member, to impose special charges pursuant to the PACE Statute on real property within the Members’ jurisdictions. The Commission is hereby authorized to do all acts necessary or convenient for the exercise of such power and authority, including, but not limited to, any or all of the following: (i) to make and enter into contracts; (ii) to employ agents and employees; (iii) to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works, improvements, equipment or furnishings; (iv) to acquire, hold or dispose of property wherever located; (v) to incur debts, liabilities or obligations; (vi) to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from persons, firms, corporations or any governmental entity; (vii) to sue and be sued in its own name; (viii) to make grants to governmental and nonprofit organizations to accomplish any of its purposes; (ix) to establish and collect fees; and (x) generally to do any and all things necessary or convenient to accomplish its purposes.

**Section 5. Contractors and Subcontractors.** The Commission may enter into a contract with a third-party contractor for the provision of services related to the PACE Program. Such contractor shall be a nonstock corporation organized under Ch. 181 of the Wisconsin Statutes with its principal place of business located in the State of Wisconsin. The participant fee schedule established by the Board (as defined below) shall make provision for reasonable compensation and payment of the expenses of such contractor as may be set forth in the contract. A contractor may subcontract for any of its services to the extent permitted by the contract. The Board is also authorized to hire counsel or other consultants or advisers as it deems necessary in carrying out his functions.

**Section 6. Members' Obligations.** Each Member by its execution hereof acknowledges and agrees that it shall do all things necessary and appropriate in respect of the collection of special charges (or installments thereof), the certification of special charges on the tax rolls, the remittance of special charges collected as directed by the Commission and otherwise as such Member would perform in connection with special charges imposed by it on real property within its jurisdiction; and further shall cooperate with the Commission in respect of the enforcement of the liens of special charges on such properties.

**Section 7. Governance; Administration**

(a) **Board of Directors.** The Commission shall be governed by a Board of Directors (the "Board"). The Board shall oversee all functions of the Commission under this Agreement and, as such, shall be vested with the powers set forth herein, shall administer this Agreement in accordance with the purposes and functions provided herein and shall otherwise exercise all powers set forth in the Joint Powers Law on the Commission's behalf.

(b) **Classes of Directors.** The Board shall be divided into two classes known as the "Representative Director Class" and the "Nominee Director Class" consisting of the number of members (each a "Director") serving for the terms as provided in this Section 7. In this Agreement, the term "Board" shall mean the entire Board (comprising all Representative Directors and Nominee Directors) and the term "Director" shall be used to refer generally to either a Representative Director or a Nominee Director).

(1) ***Representative Directors.*** The number of Representative Directors shall correspond to the number of Members of the Commission from time to time. Each Member of the Commission shall designate, by name or *ex officio*, one public official to serve as its representative on the Board. The term "public official" means an individual who holds a local public office, as that term is defined in Section 19.42(7w) of the Wisconsin Statutes, for the Member of the Commission designating him or her as its Representative Director. Each Representative Director shall serve at the pleasure of the Member designating him or her to such position; *provided*, that a Representative Director shall be deemed to have resigned upon withdrawal from the Commission of the Member designating him or her to such position. A majority of the Directors shall at all times be Representative Directors except that such requirement shall not apply until the Commission has at least four (4) Members.

(2) *Nominee Directors.*

(i) The number of Nominee Directors shall initially be three (3), nominated one each by the Wisconsin Counties Association, the League of Wisconsin Municipalities and the Green Tier Legacy Communities (the “*Supporting Organizations*”). Thereafter, so as to insure that at all times Representative Directors comprise a majority of the Board, at such time as the Commission has at least seven (7) Members, the number of Nominee Directors shall be increased to six (6) and at such time as the Commission has at least ten (10) Members, the number of Nominee Directors shall be increased to nine (9), in each case with the additional directors nominated by the Sponsoring Organizations as provided above.

(ii) Nominee Directors may but need not be public officials.

(iii) Each Nominee Director shall serve for an initial term expiring at the first annual Board meeting held after December 31, 2016. The successors to such Nominee Directors shall be selected by majority vote of the entire Board consistent with a nomination process to be established by the Board. Thereafter, Nominee Directors shall serve staggered three (3) year terms expiring at the Annual Board Meeting in every third year or until their respective successors are appointed. Any appointment to fill an unexpired term, however, shall be for the remainder of such unexpired term. The term of office specified herein shall be applicable unless the term of office of a Nominee Director is terminated as hereinafter provided, and provided that the term of any Nominee Director shall not expire until a successor thereto has been appointed as provided herein.

(iv) The number of Nominee Directors may be increased or decreased by resolution adopted by the Board from time to time, *provided*, that any decrease in the number of Nominee Directors shall not decrease the term of any current director at the time of such decrease.

(v) A Nominee Director may be removed and replaced at any time by a majority vote of the Board.

(3) *Executive Committee.* The Board shall by resolution create an Executive Committee which shall be charged with carrying out the supervisory functions of the Board in such manner as the Board so directs. A majority of the members of the Executive Committee shall be Representative Directors.

(4) *Expenses.* Directors shall be entitled to reimbursement for any actual and necessary expenses incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose. The Board may establish a per diem and/or expense reimbursement policy by resolution.



(c) Meetings of the Board.

(1) *Meetings Generally.* All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Wisconsin Open Meetings Law, Wis. Stat. § 19.81 *et seq.* (the “Open Meetings Law”). To the extent permitted by the Open Meetings Law, Board meetings may be held by telephone conference or other remote access technology as approved by the Board. A director shall be “present” at any regular or special meeting if he or she participates in person or telephone conference or other remote access technology as approved by the Board.

(2) *Proxy Voting.* Directors may not vote by proxy.

(3) *Regular Meetings.* The Board shall from time to time establish a schedule for its regular meetings; *provided, however*, it shall hold at least one regular meeting each year. The date, hour and place of the holding of regular meetings shall be fixed by resolution of the Board.

(4) *Special Meetings.* Special meetings of the Board may be called in accordance with the provisions of the Open Meetings Law. The date, hour and place of the holding of special meetings shall be fixed by resolution of the Board

(5) *Minutes.* The Secretary of the Commission shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(6) *Quorum and Voting, Generally.* Except as provided in Sub. 6, below: (i) a majority of the Directors shall constitute a quorum for the transaction of business; (ii) Representative Directors and Nominee Directors shall vote as a single class on all matters to come to a vote of the Board; and (iii) no action may be taken by the Board except upon the affirmative vote of a majority of the Directors present (or, with respect to any matter, such greater number as may be provided by the By-Laws or resolution of the Board), except that less than a quorum may adjourn a meeting to another time and place.

(7) *Special Quorum and Voting Requirements.* With respect to any vote to approve the imposition of a special charge on real property pursuant to the PACE Statute, the following shall apply:

(i) A quorum with respect to such vote shall exist only if (A) a majority of the Directors are present, and (B) a majority of the Directors who are present are Representative Directors.

(ii) No imposition of a special charge on real property shall be approved except upon the affirmative vote of (A) a majority of the Directors present and (B) a majority of the Representative Directors present.

(d) Officers; Duties; Official Bonds. The officers of the Commission shall be the Chair, Vice-Chair, Secretary and Treasurer, such officers to be elected by the Board from among the Directors, each to serve until such officer is re-elected or a successor to such office is elected by the Board. Each officer shall have the following general duties and responsibilities in addition to any further specific duties and responsibilities set forth herein, in the By-Laws or by resolution of the Board.

(1) The Chair shall be the chief executive officer of the Commission and shall be responsible for the calling of, and shall preside at, meetings of the Board.

(2) The Vice-Chair shall exercise the duties and functions of the Chair in the Chair's absence.

(3) The Secretary shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(4) The Treasurer shall be the depository of the Commission to have custody of all money of the Commission, from whatever source derived and shall have the powers, duties and responsibilities specified in by-laws or by resolution, and is designated as the public officer or person who has charge of, handles, or has access to any property of the Commission.

(e) Committees; Officers and Employees. The Board shall have the power to appoint such other committees, officers and employees as it may deem necessary.

(f) Delegation of Authority. The Board shall have the power, by resolution, to the extent permitted by the Joint Powers Law or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees, administrators or agents of the Commission (including, without limitation, the contactor and any counsel or consultant hired or appointed pursuant to Section 5) and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Commission.

(g) By-Laws. The Commission may adopt, from time to time, by resolution of the Board such by-laws for the conduct of its meetings and affairs as the Board may determine to be necessary or convenient.

**Section 8. Fiscal Year.** The Commission's fiscal year shall be the period from January 1 to and including the following December 31, except for the first fiscal year which shall be the period from the date of this Agreement to December 31, 2016.

**Section 9. Disposition of Assets.** At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 3, after payment of all expenses and liabilities of the Commission and provision for the continuing administration of all PACE financings that have been completed and are outstanding at the time of such termination, all property of the Commission both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; *provided, however*, that any surplus money on hand shall be returned in proportion to any contributions made by the Members and not previously repaid.

**Section 10. Accounts and Reports; Audits.** All funds of the Commission shall be strictly accounted for. The Commission shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Commission shall be open to inspection at all times by each Member. The Treasurer of the Commission shall cause an annual audit to be made of the books of accounts and financial records of the Commission by a certified public accountant or public accountant. Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section 10, shall be borne by the Commission and shall be a charge against any unencumbered funds of the Commission available for that purpose.

**Section 11. Funds.** The Treasurer shall receive, have the custody of and disburse Commission funds pursuant to the accounting procedures developed under Section 10, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

**Section 12. Notices.** Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member.

**Section 13. Additional Members; Withdrawal of Members.**

(a) **Counties.** Any County in this State may be added as a party to this Agreement and become a Member upon: (i) the filing by such County with the Commission an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such County approving this Agreement and the execution and delivery hereof; (ii) adoption by the County of the Model PACE Ordinance in accordance with Section 14(a) hereof and a certified copy of the resolution adopting same; and (iii) adoption of a resolution of the Board approving the addition of such County as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

(b) Municipalities. Any Municipality in this State may be added as a party to this Agreement and become a Member upon: (i) the filing by such Municipality with the Commission an executed counterpart of this Agreement, together with a certified copy of the resolution of the governing body of such Municipality approving this Agreement and the execution and delivery hereof; and (ii) adoption of a resolution of the Board approving the addition of such Municipality as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

(c) Withdrawal. A Member may withdraw from this Agreement upon written notice to the Board; *provided, however*, that no such withdrawal shall reduce the number of Members to fewer than two (2). Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Secretary which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing. Withdrawal by a Member shall not affect any outstanding PACE loans within such Member's jurisdiction or the Member's obligations, if any, with respect to the certification, collection and remittance of special charges in accordance with the PACE Program, nor shall withdrawal entitle any former Member to impose a tax, fee or charge prohibited to the remaining Members under Section 17.

#### **Section 14. Model PACE Ordinance for County Members.**

(a) As a condition to membership in the Commission, each County Member shall have adopted an ordinance (the "Model PACE Ordinance") in substantially the form, and substantively to the effect, set forth in EXHIBIT A to this Agreement.

(b) As a condition to continued membership in the Commission, a County Member shall not have repealed its Model PACE Ordinance or amended its Model PACE Ordinance unless such amendment has been submitted to and approved by the Board (a "Conforming Amendment") prior to its adoption. The Board shall not unreasonably withhold approval of such an amendment but shall not approve any amendment to a County Member's Model PACE Ordinance that, in the opinion of the Board, would frustrate or unreasonably interfere with the uniform application and administration of the PACE Program. Approvals or non-approvals by the Board shall be final and conclusive.

(c) The repeal of or adoption of an amendment (other than a Conforming Amendment) to a County Member's Model PACE Ordinance shall be deemed to be a voluntary withdrawal by such County Member with the effects set forth in Section 13(c).

**Section 15. Indemnification.** To the fullest extent permitted by law, the Board shall cause the Commission to indemnify any person who is or was a Director or an officer, employee of other agent of the Commission, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Commission, against expenses, including attorneys' fees, judgments, fines, settlements and other amounts actually and reasonably incurred in con-

nection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Commission and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Commission, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The Board may purchase a policy or policies of insurance in furtherance of any indemnification obligation created.

**Section 16. Contributions and Advances.** Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Commission by Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Commission and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Commission to provide for the costs and expenses of administration of the Commission or otherwise, even though any Member may do so.

**Section 17. Prohibition on Charges.** No Member may impose upon or demand or collect from any Participant any tax, fee, charge or other remuneration as a condition to a Participant's obtaining PACE financing through or with the assistance of the Commission, except that Members may be permitted to do so pursuant to a uniform participant fee schedule established from time to time by the Board as part of the PACE Program.

**Section 18. Immunities.** To the fullest extent permitted by law, all of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Commission while engaged in the performance of any of their functions or duties under this Agreement.

**Section 19. Amendments.**

(a) Amendments to the Agreement may be proposed by the Board or by any two Members. Except as provided in Section 13 and in Subsection (c), below, this Agreement shall not be amended, modified, or altered, without the affirmative approval of the Board and the affirmative written consent of each of the Members; *provided*, that if the number of Members exceeds ten (10) in number, this Agreement may also be amended with the affirmative approval of the Board and negative consent of each Member. To obtain the negative consent of the Members, the following procedure shall be followed: (i) the Commission shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (ii) the Commission shall provide each Member who did not respond a reminder notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (iii) if no Member objects to the proposed amendment in writing within sixty (60) days after

the initial notice, the proposed amendment shall become effective with respect to all Members. No amendment may impose a direct financial obligation on any Member without that Member's affirmative written consent.

(b) The Board may, without the consent of the Members, amend this Agreement if, in its reasonable opinion and upon the advice of counsel, if deemed appropriate, upon which advice the Board may rely, such amendment is technical or clarifying in nature and does not substantively affect the rights and responsibilities of the Members. Notice of such amendment shall be provided to the Members at least twenty (20) but not more than sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and, upon the written request of any two (2) Members, the Board shall submit the proposed amendment for ratification by the Members in accordance with the procedure otherwise set forth in this Section 19.

**Section 20. Partial Invalidity.** If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

**Section 21. Successors.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

**Section 22. Miscellaneous.**

(a) This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(b) The Section headings herein are for convenience only and are not to be construed as modifying or governing the language in the Section referred to.

(c) Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

(d) This Agreement shall be governed under the laws of the State of Wisconsin.

(e) Any future amendments to the Joint Powers Laws shall be automatically incorporated into the terms of this Agreement and any terms of this Agreement inconsistent with future amendments to the Joint Exercise of Powers Laws shall, only to the extent necessary, be reformed in a manner consistent with the amendments.

(f) This Agreement is the complete and exclusive statement of the agreement among the Members, which supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

*[SIGNATURES ON FOLLOWING PAGE]*



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>	<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>
<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>	<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>
<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>	<p>On behalf of _____ COUNTY / CITY / VILLAGE / TOWN:</p> <p>By: _____</p> <p>Its: _____</p>

**Joint Exercise of Powers Agreement**  
**relating to**  
**WISCONSIN PACE COMMISSION**

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**EXHIBIT A**  
**Model Pace Ordinance**