

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**November 13, 2002**

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

Present: Supervisors Kessler, Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Wisnefski, Gorlinski, Huff, Marrelli, Kerkman, Ruffolo, Elverman, O'Day.

Absent: None.

Present. 28. Absent. 0.

**CITIZEN COMMENTS**

Theresa Hannes, 1st Unit Chair of Local 990 Clerical. County positions will be reduced by seven positions. How can the budget support a line item of \$35,000,000.00 without any accountable. In the desperate economic time we are in the contractual line item is higher than in 2002. Who are these 365 contracted full time employees, what are their job responsibilities and where are they located? Do we have these answers?

Chairman Kessler stated that each supervisor will have the opportunity to speak on the budget before he will recognize any motion to stop debate.

Chairman Kessler thanked the Finance Committee, David Geersten, Al Swartz and Alan Kehl for all their work on the budget.

**OLD BUSINESS**

Policy Resolution - Second reading, two required.

**POLICY RESOLUTION 4**

4. From Finance Committee regarding the 2003 Budget.

**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 Committee, and the Finance 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**, certain accounts, accounting procedures, and fees have been revised in the 2003 budget; 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 Summary of Budgeted Personnel Changes has been incorporated as part of the 2003 budget, and funding for new positions/reclassifications has been included in the 2003 budget; 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 that the County make payments to certain municipalities.

**WHEREAS**, pursuant to 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.

**WHEREAS**, certain appropriations in the 2002 and 2003 budget will be encumbered (contractually obligated, but not liquidated) at year end 2002 and 2003; and

**WHEREAS**, Human Services revenue and expenditures are based on State and Federal funding estimates, and

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

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

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

**WHEREAS**, it is projected that there will be unspent funds at year end 2002; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Kenosha County Board of Supervisors, that the County Executive's budget of October 1, 2002, 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 as having been brought up for first reading on November 12, 2002 is herewith attached; and

**BE IT FURTHER RESOLVED**, by the Kenosha County Board of Supervisors, that the budget for 2003 be adopted as shown in the Kenosha County Budget Summary which is attached and incorporated as part of this resolution, 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 2003 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 Committee is delegated such authority for amounts not to exceed \$1000); and

**BE IT FURTHER RESOLVED**, that all expenditures herein appropriated be and the same 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 \$ 44,565,078 be apportioned to the city and the various towns and villages of Kenosha County for all purposes and expenses for 2003; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 1,132,117 be apportioned to the towns and villages of Brighton, Bristol, Genoa City, Paris, Pleasant Prairie, Somers, and Wheatland for the purpose of library expense for 2003; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 1,865,597 be apportioned to the city and the various towns and villages of Kenosha County for the State Forestry Tax; and

**BE IT FURTHER RESOLVED**, that \$1,936.98 be appropriated to account 15130.512100 for the purpose of paying \$780.67 to the City of Kenosha, \$1,156.31 to the Village of Pleasant Prairie in accordance with State law, as ordered by the State of Wisconsin Department of Revenue. This amount of \$1,936.98 will be funded by property tax levy for collection in 2003 as allowed by the State of Wisconsin. Therefore, this appropriation will not affect the General Fund.

**BE IT FURTHER RESOLVED**, that the County Board hereby authorize disbursement in the amount of \$1,936.98 in 2003 to the appropriate municipalities as set forth by orders of the State of Wisconsin which are attached as part of this resolution.

**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

**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 purpose of arbitrage, it is the intent bond proceeds can be applied to any legally allowable capital expenditures.

**BE IT FURTHER RESOLVED**, that the new positions/reclassifications, as shown in the Summary of Budgeted Personnel Changes, shall be established with the 2003 budget; and

**BE IT FURTHER RESOLVED**, that the County shall implement a Voluntary Reduction in Work Hour Plan which allows an employee to take up to five unpaid (without pay) days in 2003.

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors does approve an appropriation for the Federally required redisbursement 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 redisbursed 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.

**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 if the grant is terminated and alternate, non-levy funding is not available; 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 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 not be carried on the books as revenue accounts during 2003; and

**BE IT FURTHER RESOLVED**, that appropriations funded with post-mill rate freeze debt 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 2003 budget; and

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

**BE IT FURTHER RESOLVED**, that General Fund Undesignated Reserves shall be at least 10% of actual General Fund Expenditures, as measured by comparing undesignated reserves of the General Fund for the most recently completed audit to General Fund expenditures of that same audit 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.

**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 Committee may approve the expenditure as soon as reasonably possible after the emergency has

occurred. (This shall not supercede County Ordinance Chapter 5 relative to Emergencies).

**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 Budget or other action of the County Board; and

**BE IT FURTHER RESOLVED**, that the attached "Finance Committee Adjustments to Delete the Unfunded Actuarial Liability Borrowed Financing" be incorporated by reference as part of the 2003 Budget.

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

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O' Day

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Policy Resolution 4.

Seconded by Supervisor Rose.

It was moved by Supervisor Haen to reinstate part time position in the County Clerk's Office. Seconded by Supervisor Ruffolo.

Roll call vote.

Ayes: Supervisors Haen, Boyer, Huff, Molinaro, Marrelli, Bergo, Faraone, Johnson, Singer, Ruffolo, Montemurro, Clark.

Nays: Supervisors Kessler, Rose, Carbone, Modory, Pitts, O'Day, Larsen, Wisnefski, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Abstain: Supervisor Carey-Mielke.

Ayes. 12. Nays. 15. Abstain. 1.

Motion failed.

It was moved by Supervisor Singer to amend Policy Resolution 4 by amending Contractual Service Line in Informational Services Department and move it into the salary and benefit lines. Seconded by Supervisor Montemurro.

Roll vote.

Ayes: Supervisors Singer, Montemurro.

Nays: Supervisors Kessler, Haen, Boyer, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Ruffolo, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Abstain: Supervisor Carey-Mielke.

Ayes. 2. Nays. 25. Abstain. 1.

Motion carried.

Roll call vote on Policy Resolution 4.

Ayes: Supervisors Kessler, Haen, Boyer, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Ruffolo, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas, Singer, Montemurro.

Nays: Supervisors Carey-Mielke, Montemurro, Ruffolo, Bergo.

Ayes. 24. Nays. 4.

Motion carried.

NEW BUSINESS

Resolutions - one reading.

#### **RESOLUTION 79**

79. From Finance Committee regarding Authorizing the Issuance of General Obligation Promissory Notes in a amount not to exceed \$5,320,000.00. **BE IT RESOLVED** by the County Board of Supervisors of Kenosha County, Wisconsin that there may be issued, pursuant to Section 67.12(12), Wisconsin Statutes, General Obligation Promissory Notes in an amount not to exceed \$5,320,000 for the public purpose of remodeling, renovating and improving various County buildings and sites, including parks and golf courses; constructing, extending, repairing and improving roads and highways; and acquiring land or interests in land, vehicles, equipment, software, furnishings and fixtures. There be and there hereby is levied on all the taxable property in the County a direct,

annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such Notes.

Adopted and recorded this 13th day of November, 2002.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

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

3/4 vote required.

Ayes: Supervisors Kessler, Haen, Boyer, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisniewski, Clark, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Nays: Supervisors Carey-Mielke.

Ayes. 27. Nays. 1.

Motion carried.

#### RESOLUTION 80

80. From Finance Committee regarding Providing for the Sale of Not to Exceed \$4,270,000.00 General Obligation Promissory Notes.

**WHEREAS**, on November 14, 2001, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$4,270,000" (the "Initial Resolution") for the public purpose of paying the cost of remodeling, renovating and improving various County buildings and sites; constructing, extending, repairing and improving bridges and roads; and acquiring land or interests in land, vehicles, equipment, furnishings and fixtures (the "Project");

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

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

**WHEREAS**, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in an amount not to exceed \$4,270,000 for the purpose authorized in the Initial Resolution should be issued, and it is now necessary and desirable to authorize their sale.

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

Section 1. Authorization of the Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal amount not to exceed FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation promissory notes aggregating a principal amount not to exceed FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) (the "Notes"). The County shall offer the Notes for public sale on or about December 3, 2002.

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

Section 4. Award of the Notes. Following receipt of bids for the Notes, the County Board of Supervisors shall consider taking further action to provide

the details of the Notes; to award the Notes to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict.

In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 13th day of November, 2002.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 80. Seconded by Supervisor West.

3/4 vote required.

Ayes: Supervisors Kessler, Haen, Boyer, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Carey-Mielke.

Ayes. 27. Nays. 1.

Motion carried.

#### RESOLUTION 81

81. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Club Viper, Inc. (Nytro's)

It was moved by Supervisor Faraone to adopt Resolution 81. Seconded by Supervisor Montemurro.

It was moved by Supervisor Gorlinski to refer Resolution 81 back to Judiciary & Law Committee. Seconded by Supervisor Clark.

Motion to refer carried.

Ayes: Supervisors Kessler, Haen, Boyer, Huff, Molinaro, Bergo, Modory, Johnson, Singer, Ruffolo, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Rose, Marrelli, Carbone, Faraone, Pitts, O'Day, Montemurro, Elverman.

Ayes. 20. Nays. 8.

Motion carried.

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

Motion carried.

Meeting adjourned at 10:25 p.m.

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