

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
December 3, 2013**

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

Roll call was taken.

Present: Supervisors Grady, Rose, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, O'Day, Arrington, R. Frederick, Nudo, Kohlmeier, B. Frederick, Molinaro, Noble, A. Johnson, Skalitzy, Underhill, Breunig, Elverman.

Excused: Supervisors Esposito, Decker.

Present: 21. Absent: 2.

**There were no Citizen Comments.**

At this time there was a KABA Business report by Todd Battle.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Gentz reminded the board of the Christmas Party on December 17<sup>th</sup>.

**SUPERVISOR REPORTS**

Supervisor Elverman stated the 60<sup>th</sup> St. Tower construction is underway and should be completed by March. There was an assessment of the county properties done with regards to the Emerald Ash Borer. There are major losses in some area. The Forestry Consultant estimates the removal and replanting cost to be nearly \$2,000,000. Without this most of the Ash Trees on county property will be deceased within 5 – 8 years. They are looking into getting grants, but will be asking for budgeted money also to mitigate these problems.

It was moved by Supervisor Arrington to approve the November 5<sup>th</sup> & 6<sup>th</sup> minutes. Seconded by Supervisor Underhill.

**OLD BUSINESS**

Resolutions – one reading

**RESOLUTION 63**

63. From Finance/Administration Committee regarding Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an amount not to exceed \$1,700,000 for Public Safety Software.

**BE IT RESOLVED** by the County Board of Supervisors of Kenosha County, Wisconsin that there may be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Promissory Notes in an amount not to exceed \$1,700,000 for the public purpose of financing the acquisition and installation of public safety software. 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.

SUBMITTED BY:

Finance/Administration Committee

Terry Rose

Ronald Frederick

John O'Day

William Grady

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 63. Seconded by Vice-Chair Kubicki.

Roll call vote passed unanimously.

**NEW BUSINESS**

Resolutions – one reading

**RESOLUTION 72**

72. From Finance/Administration Committee a Resolution Joint Service Public Safety Software.

**WHEREAS**, it is necessary to replace the public safety software within Joint Services which is over 27 years old;

**WHEREAS**, the Software provides computer aided dispatch (CAD), mobile data computers, (MDC), records management (RMS), jail management systems (JAM), etc. to agencies including the Kenosha County Sheriff's Department, Kenosha Police and Fire Departments; and

**WHEREAS**, the Joint Services has received requests for proposals (RFP) and is currently evaluating them along with a consultant and a team of affected users to determine a provider; and

**WHEREAS**, the Joint Services Board has approved funding of \$# million dollars in the Joint Services 2014 budget; and

**WHEREAS**, the Kenosha County Board has approved funding in its 2014 budget for its portion of the Software; and

**WHEREAS**, the Kenosha County Board has approved an Initial Resolution authorizing the issuance of 1.7 million of General Obligation Notes for Public Safety Software;

**NOW THEREFORE BE IT RESOLVED**, that Kenosha County Board must approve the software to be purchased prior to the disbursement of funds.

SUBMITTED BY:

Finance/Administration Committee

Terry Rose  
Ronald Frederick  
John O'Day  
William Grady  
Aaron Kohlmeier  
Edward Kubicki  
Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 72. Seconded by Supervisor R. Frederick.  
Roll call vote passed unanimously.

### **RESOLUTION 73**

73. From Finance/Administration Committee a Resolution Providing for the Approval by Kenosha County of the Execution and Delivery of an Amended and Restated Bond and Sale Agreement in Connection with the Outstanding Community Facility Revenue Bond (Kenosha YMCA Project), Series 2009; and Related Matters.

**WHEREAS**, the County of Kenosha, a county duly organized and validly existing under and by virtue of the laws of the State of Wisconsin (the "County"), on September 1, 2009 adopted a resolution (the "2009 Resolution") authorizing the issuance and delivery of its \$8,300,000 original principal amount Community Facility Revenue Bond (Kenosha YMCA Project), Series 2009 (the "Bond"), which was issued as a result of negotiations between the County Board of Supervisors of the County and Kenosha Young Men's Christian Association, Inc., a Wisconsin nonstock, nonprofit corporation (the "Borrower"), for which the Borrower used the Bond proceeds to (i) refinance certain then existing indebtedness of the Borrower incurred to build an existing indoor recreational facility and to finance the construction of a new indoor aquatic center which is an addition to the then existing indoor recreational facility, all located at 7101 53rd Street in Kenosha, Wisconsin (the "Project"), and (ii) pay all or a portion of the costs of issuing the Bond, and the County issued its revenue bond under Section 66.0621 of the Wisconsin Statutes to finance and refinance the cost of the Project and to enter into a Bond and Sale Agreement (as hereinafter defined) with the Borrower and the Purchaser (as hereinafter defined) upon terms that produce revenues and receipts sufficient to provide for the prompt payment as and when due of the principal, premium, if any, and interest on such Bond, all as set forth in the details and provisions of the Bond and Sale Agreement hereinafter identified; and

**WHEREAS**, the Bond was issued pursuant to a Bond and Sale Agreement dated as of September 1, 2009 (the "Bond and Sale Agreement") among the County, the Borrower and First American Bank (the "Purchaser"); and

**WHEREAS**, the Borrower has requested the County and the Purchaser to amend certain provisions of the Bond and Sale Agreement, in order to provide for certain amendments relating to a change in the fixed interest rate on the Bond, a reduction in the principal amount of the Bond, a change in the payment schedule of the Bond and other amendments; and

**WHEREAS**, it is necessary and proper for the interests and convenience of the County to authorize such amendments to the Bond and Sale Agreement; and

**WHEREAS**, the County has caused to be prepared and presented to this meeting the Amended and Restated Bond and Sale Agreement dated as of December 1, 2013 among the County, the Borrower and the Purchaser (the "Amended Bond and Sale Agreement"), which the County proposes to enter into and which amends the Bond and Sale Agreement; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY THAT:**

That the form, terms and provisions of the proposed Amended Bond and Sale Agreement be, and its hereby is, in all respects approved, and that the County Board Chairman of the County be, and hereby is, authorized, empowered and directed to execute and deliver such instrument in the name and on behalf of the County, and the County Clerk is hereby authorized to attest the same and to affix thereto the corporate seal of the County and thereupon to cause the Amended Bond and Sale Agreement to be in substantially the form thereof submitted to this meeting and hereby approved, with such changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of such instruments hereby approved; that the Amended Bond and Sale Agreement shall be entered into with the Purchaser and the Borrower and after the execution and delivery of such instrument, the officials, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such instrument as executed. The Amended Bond and Sale Agreement shall constitute, and is hereby made a part of this Resolution and a copy of such document shall be placed in the official records of the County, and shall be made available for public inspection.

That from and after the execution and delivery of the Amended Bond and Sale Agreement, the proper officials, agents and employees of the County designated in this Resolution are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and to further the purposes and intent of this Resolution, including the preamble hereto. The County Board Chairman is hereby, further authorized and directed for and on behalf of the County, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution or to evidence said authority, including without limitation, the execution and delivery of the

Supplement to Certificate of the County re: Arbitrage, the signing of IRS Form 8038 and the filing thereof as therein required and the certifications relating to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations promulgated thereunder and changes in the documents approved hereby as approved by the officials of the County executing the same, and to exercise and otherwise take all necessary action to the full realization of the rights, accomplishments and purposes of the County under the Amended Bond and Sale Agreement and to discharge all of the obligations of the County thereunder. For purposes of certifying as to matters of arbitrage, the County Board Chairman is hereby designated an officer responsible for issuing the Bond.

That the County acknowledges that the Borrower has previously designated the Bond as "qualified tax-exempt obligations" for purposes of Section 265 of the Code.

That all prior acts and doings of the officials of the County which are in conformity with the purposes and intent of this Resolution are, in all respects, approved and confirmed.

That the Bond shall be amended and restated and reissued in compliance with and under the authority of the provisions of the Act, the 2009 Resolution, as amended by this Resolution, and the Amended and Restated Bond and Sale Agreement.

Except as expressly amended herein, the 2009 Resolution remains in full force and effect. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

SUBMITTED BY:

Finance/Administration Committee

Terry Rose

Ronald Frederick

John O'Day

William Grady

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 73. Seconded by Supervisor Kohlmeier.

Roll call vote passed unanimously.

It was moved by Supervisor to adjourn Breunig. Seconded by Supervisor Underhill.

Motion carried.

It was moved by Vice-Chair Kubicki to adjourn. Seconded by Supervisor Breunig.

Motion carried.

Meeting adjourned at 8:23 p.m.

Prepared by: Edie LaMothe

Deputy Clerk

Submitted by: Mary Schuch-Krebs

County Clerk