

## PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Pursuant to Section 19.84 and 59.14, Wis Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, July 21, 2004, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered at the regular monthly meeting:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Excused: Fleck

Supervisor Zima arrived right after the roll call was completed.

Total Present: 24 Total Excused: 1

Supervisor Fewell arrived at 7:20 p.m.

### **No. 1 -- Adoption of agenda with the additions.**

A motion was made by Supervisor Krueger and seconded by Supervisor Kaye **“to adopt the agenda as modified”**. Voice vote taken. Motion carried unanimously with no abstentions.

### **No. 2 -- Approval of minutes of County Board Meeting of June 16, 2004.**

County Clerk Marcelle apologized for the opening and closing roll calls. The new template was not used; all copies of the June 16<sup>th</sup> meeting will be corrected, both internet and hard copy.

A motion was made by Supervisor Hinz and seconded by Supervisor Clancy **“to adopt the minutes of the June 16, 2004 meeting”**. Voice vote taken. Motion carried unanimously with no abstentions.

**The short form minutes; long form minutes; and internet minutes were corrected on 7/22/04.**

### **No. 3 -- Announcements by Supervisors.**

Supervisor Collins requested a separation vote on item #5a – Appointments.

Supervisor Vander Leest recognized the Wrightstown Community, Mr. Ron Zahn and Bill Clancy with a commendation for raising \$76,000 for a new library in Wrightstown. Mr. Zahn thanked everyone saying it was a community effort. He said there will be a grand opening in fall and he invites everyone to attend.

Supervisor Graves announced that St. Bernard Parish will be having their Summer Blast on Saturday, July 24<sup>th</sup> and Sunday, July 25<sup>th</sup>. Supervisor Graves gave a detailed account of events and activities for St. Bernard's Summer Blast and he invited everyone to attend.

**No. 4 -- Communications.**

**No. 4a -- From Supervisor Pat Evans regarding: End process of Green Bay Police Officer walking inmates, who are residents of City of Green Bay, to Teleconference Room for their initial hearing.**

Refer to Public Safety Committee.

**No. 4b -- From Supervisor Christopher Zabel regarding: Brown County Veterans Memorial Arena.**

Refer to Education and Recreation Committee.

**No. 4c -- From Supervisor Tom Lund regarding: Brown County Medical Examiner Office.**

Refer to Public Safety Committee.

**No. 4d -- From Supervisor Pat Collins regarding: Review of Brown County Harassment Policy.**

Refer to Executive Committee.

**No. 4e -- From Supervisor Pat Collins regarding: Ethics Board.**

Refer to Executive Committee.

**No. 5 -- Appointments by County Executive.**

**No. 5a -- Appointments of Nancy Kaufman, Mike Aubinger and Luis Asbinac to Library Board.**

A motion was made by Supervisor Lund and seconded by Supervisor Van Deurzen **“to approve”**.

Supervisor Collins requested a separation vote on the appointments.

A motion was made by Supervisor Nicholson and seconded by Supervisor Johnson **“to approve the appointment of Nancy Kaufman”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Zabel and seconded by Supervisor Nicholson **“to approve the appointment of Mike Aubinger”**. Vote taken. Roll Call #5a(1):

Ayes: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Beyl, Backmann, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Nays: Frohna, Collins

Excused: Fleck, Fewell

Total Ayes: 22 Total Nays: 2 Excused: 2

Motion carried.

A motion was made by Supervisor Evans and seconded by Supervisor Beyl **“to approve the appointment of Luis Asbinac”**. Vote taken. Roll Call #5a(2):

Ayes: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Beyl, Backmann, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Nays: Collins:

Excused: Fleck, Fewell

Total Ayes: 23                      Total Nays: 1                      Excused: 2

Motion carried.

**No. 6a -- Report by County Executive.**

County Executive Kelso thanked Rich Nelson for his leadership in the successful “Inaugural Golf Outing” in which Brown County and the Packers sponsored for Brown County Charities. Ms. Kelso expressed her appreciation to Mr. Nelson for the many hours of hard work which had 23 teams and netted \$10,000 for children in Brown County. She also announced there are some shirts left from the golf outing that can be purchased in her office.

**No. 6b -- Report by Board Chairman.**

Chairman Moynihan acknowledged State Trooper Les Boldt, Brown County Officers Sgt. Bill Morgan and Deputy Ken Kinnard and thanked them for the selfless service on behalf of the citizens of Brown County. The officers were involved in saving the life of a suicidal person who was jumping off the Tower Bridge.

**No. 7 -- Other Reports. None.**

**No. 8 -- Standing Committee Reports.**

**No. 8a -- REPORT OF ADMINISTRATION COMMITTEE OF JULY 14, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on July 14, 2004, and recommends the following motions:

1. Communication from Supervisor Pat Collins regarding: Review of Petty Cash Accounts including Credit Cards. Hold for one month for Mr. Landin and to review the policies and procedures for petty cash accounts and credit cards.
2. Communication from Supervisor Pat Collins regarding: Hiring Pipeline Inefficiencies. Receive and place on file.
3. Communication from Supervisor Pat Collins regarding: Review all Funds that go to Administration Committee. Receive and place on file.
4. Communication from Supervisor Pat Collins regarding: New “Streamline Budget” Format. Review and place on file.

5. Communication from Supervisor Pat Collins regarding: TIF Districts. Forward to Planning, Development and Transportation Committee.
6. Department of Administration – 2004 Budget Transfer Log. Receive and place on file.
7. Human Resources Monthly Committee Report (June 2004). Receive and place on file.
8. Response to Communication from Supervisor Nicholson, titled “To review the Administrative Comp/Class Program “requesting a review of administrative comp time practices”. Receive and place on file.
9. Treasurer – Opening and awarding tax deed bids. Accept the bid of Donald and Laura Cormier, Jr. in the amount of \$32,000 for property #SU-454-5.
10. Corporation Counsel – Communication from Supervisor Pat Collins regarding: Timely Response to Open Records’ Requests. Hold for attendance by Corporation Counsel.
11. Audit of bills. Approve signing the bills.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Beyl “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:       /s/ Carol Kelso, County Executive      

Date: 8/3/2004

**No. 8b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF JULY 8, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on July 8, 2004, and recommends the following motions:

1. Review minutes of:
  - a) Neville Public Museum Governing Board (5/18/04). Receive and place on file.
2. \* Communication from Supervisor Kathy Johnson regarding: Requesting allocations not to exceed \$325,000 to repair the roof at the Arena. Spend \$186,000 for the Green Products coating, power washing roof, patch existing splits, blisters, etc., and remove and replace 6’ of gutter with built-up roof. Also, to come back with a cost for a 10-year plan for the repair of the roof.
- \* REFER BACK TO EDUCATION AND RECREATION COMMITTEE AS PER THE COUNTY BOARD ON 7/21/2004.
3. Arena Event Attendance for May 2004 and Economic Impact Report (May 13-16). Receive an place on file.
4. Parks – Request from Town of Wrightstown and Town of Holland for permission to use four-wheelers and snowmobiles on the Fox River Trail. Wrightstown is requesting snowmobiles be allowed to be on the Fox River Trail between Fair Road south to the town line (Mill Road). Holland is requesting 4-wheelers and snowmobiles be allowed to be on the Fox River Trail in Holland and connecting to Calumet County. Allow

- snowmobile use as specified in the request in the Towns of Holland and Wrightstown. The snowmobile clubs will need to take care of the trails at no cost to the County.
5. Parks – Presentation by Dean Haen, Port Manager, of Renard Island options. Have City of Green Bay Park Director and Brown County Park Director work together to discuss options for the Island and report back to the committee.
  6. \* Parks – Request from the City of De Pere for Temporary Construction Right of Entry to start boat launch renovation at the Fairgrounds. Refer to Brown County Park Director and Marv Hanson to work with De Pere on coming to an agreement on zoning, campground and lease issues and report back to committee with the agreement.
  - \* APPROVED BY THE COUNTY BOARD AND REFERRED TO PARK FOR LEASE AGREEMENTS AS PER THE COUNTY BOARD ON 7/21/2004.
  7. Parks – Director’s report for May 2004. Receive and place on file.
  8. Parks – Update from Brown County Fair Association. Receive and place on file.
  9. Parks – Update on progress of Brown County fairgrounds. Receive and place on file.
  10. Parks – Discussion of Fonferek Glen possible action on signage or fencing. Receive and place on file.
  11. NEW Zoo – Request from Judy Krawczyk, President of NEW Zoological Society, requesting the contract fee and admission to the Zoo fees be waived for “Feast with the Beast” on Monday, August 9, 2004. Approve waiving fees for “Feast with the Beast”.
  12. NEW Zoo – Request from James Hermans, Superintendent of Brown County Shelter Care, for a waiver or reduction of admission fees to the Zoo for small groups of Shelter Care residents and supervisory staff. Refer to Brown County Shelter the list of free times available at the NEW Zoo and they can utilize those times.
  13. NEW Zoo – Monthly Activity Reports for May. Receive and place on file.
  14. Museum – Attendance and Admissions for May 2004. Receive and place on file.
  15. Museum – Director’s Report. Receive and place on file.
  16. Library – Communication from Supervisor Collins regarding: Library Budget Decisions for 2005. Receive and place on file.
  17. Library – Request for approval of Wrightstown’s Branch Library Lease. Approve Wrightstown Branch Library lease.
  18. Library – Director’s report. Receive and place on file.
  19. \*\* Library – Discussion of Weyers-Hilliard Library and possible action on correcting of siding. Receive and place on file.
  - \*\* REFER TO THE CORPORATION COUNSEL AS PER THE COUNTY BOARD ON 7/21/2004.
  20. Golf Course – Communication from Supervisor Van Den Heuvel regarding: Request audit of Brown County Golf Course for years of 2002-2003 (5 pages of requests). (Referred from June County Board.) Receive and place on file.
  21. Golf Course – Report (June 6, 2004). Receive and place on file.
  22. Golf Course – Daily Financial and Attendance Report. Receive and place on file.
  23. Golf Course – Update regarding: Brown County Children’s Charity Golf Outing. Receive and place on file.
  24. Golf Course – Superintendent’s report. No action.
  25. Audit of Bills. Pay the bills.

A motion was made by Supervisor Johnson and seconded by Supervisor Graves **“to adopt”**. Supervisor Zabel requested Item #2 be voted on separately.

Supervisor Van Deurzen requested Item #6 be voted on separately.

Supervisor Van Den Heuvel requested Item #11 and Item #19 be voted on separately.

Supervisor Collins requested Item #16 be voted on separately.

A motion was made by Supervisor Johnson and seconded by Supervisor Nicholson **“to adopt the remainder of the Education and Recreation Report”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #2 -- Communication from Supervisor Kathy Johnson regarding: Requesting allocations not to exceed \$325,000 to repair the roof at the Arena. COMMITTEE ACTION: Spend \$186,000 for the Green Products coating, power washing roof, patch existing splits, blisters, etc. and remove and replace 6’ of gutter with built-up roof. Also, to come back with a cost for a 10-year plan for the repair of the roof.

Supervisor Zabel requested clarification on the way item #2 was written. Chairman of the Education and Recreation Committee, Supervisor Vander Leest explained accepted bids for repair of roof, however, the bids have not been approved. That vote will take place at a special meeting on August 12<sup>th</sup>, before the August 18<sup>th</sup> County Board meeting.

Supervisor Johnson explained the motion (#2) is incorrect and because of that she made a motion **“to refer Item #2 back to the Education and Recreation Committee”**. Seconded by Supervisor Lund. Voice vote taken. Motion carried unanimously with no abstentions **“to refer item #2 back to committee”**.

Item #6 -- Parks – Request from the City of De Pere for Temporary Construction Right of Entry to start boat launch renovation at the Fairgrounds. COMMITTEE ACTION: Refer back to Brown County Park Director and Marv Hanson to work with De Pere on coming to an agreement on zoning, campground and lease issues and report back to committee with agreement.

Supervisor Van Deurzen explained that item #6 was approved at committee level under 8bi and then referred for an agreement to be drawn up.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Lund **“to approve item #6”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #11 -- NEW Zoo – Request from Judy Krawczyk, President of NEW Zoological Society, requesting the contract fee and admissions to the Zoo fees be waived for “Feast with the Beast” on Monday, August 9, 2004. COMMITTEE ACTION: Approve waiving fees for “Feast with the Beast”.

Supervisor Van Den Heuvel questioned why we are waiving the fees for “Feast with the Beast”. Education and Recreation Chairman, Supervisor Vander Leest explained that “Feast with the Beast” is a fundraising event with proceeds going directly to the Zoo. The cost to get in is \$20.00. The NEW Zoological Society is an Enterprise Fund that is not on the tax levy. This group funds many of the projects at the Zoo.

A motion was made by Supervisor Frohna and seconded by Supervisor Dantine **“to adopt item #11”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #16 -- Library – Communication from Supervisor Collins regarding: Library Budget Decisions for 2005. COMMITTEE ACTION: Receive and place on file.

Supervisor Collins explained why he put this on the agenda. He said the Library is facing difficult times and he is appealing to the County Executive to not be harsh on the Library System in her Budget. After much discussion, a motion was made by Supervisor Van Deurzen and seconded by Supervisor Kaye **“to adopt item #16”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #19 -- Library – Discussion of Weyers-Hilliard Library and possible action on correcting the siding.

Supervisor Van Den Heuvel explained he is a painting contractor and he knows a lot about stain. He questioned the quality of work done on this. He is suggesting we go after the general contractor to replace the siding. He doesn't feel the County should be held responsible.

A motion was made by Supervisor Van Den Heuvel **“to refer to general contractor for costs replacing the siding at general contractors cost, not the County's expense”**.

Supervisor Zima requested a friendly amendment to Mr. Van Den Heuvel's motion by requesting that **“item #19 be referred to Corporation Counsel”**.

After questions and concerns from several Supervisors, a motion was made by Supervisor Van Den Heuvel and seconded by Supervisor Zima **“to adopt Supervisor Zima's friendly amendment to Supervisor Van Den Heuvel's motion by referring to Corporation Counsel”**.

Voice vote taken. Supervisor Collins and Supervisor Krueger voted “nay”. Motion carried.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 8/3/2004

**No. 8b(i) -- REPORT OF “SPECIAL” EDUCATION AND RECREATION COMMITTEE OF JULY 21, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in *“special”* session on July 21, 2004 and recommends the following motions:

1. Update of Request from City of De Pere for temporary construction right-of-entry to start boat launch renovation at the fairgrounds. Approve.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Johnson **“to adopt”**. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 8/3/2004

No. 8c -- **REPORT OF EXECUTIVE COMMITTEE OF JULY 12, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on July 12, 2004 and recommends the following motions:

1. Langlade County Resolution (#78-2004) regarding: Urge Legislature to allow time for input from taxpayers before moving forward with a constitutional amendment called the Taxpayers Bill of Rights (TABOR). Receive and place on file.
2. County Executive Report. (No report.)
3. Legislative Subcommittee Report.
  - a) Communication from Supervisor Dan Haefs (Chair, Executive Committee) appointing four members to Legislative Subcommittee. Approve.
4. Internal Auditor Report (no action).
5. Discuss FY2004-2007 External Audit proposals. Accept Clifton Gundersen as the Auditing Firm for 2004-2006.
6. Communication from Supervisor Andy Nicholson regarding: Requesting the reorganization of the County Board office. (Held from previous meeting.) Refer this for preparation for the January 2005 budget to have a new position of Executive Assistant to the County Board, including grant writing and lobbyist duties.
- 7.\* Communication from Supervisor Earl Van Den Heuvel regarding: Requesting the Diversity Affairs Council be dissolved or reformed to serve the needs of all and get more participation as to performing the tasks as the Council was formed. (Held from previous meeting.) Receive and place on file.
- \* APPROVED BY THE COUNTY BOARD WITH AMENDMENTS ON 7/21/2004.
- 8.\*\* Communication from Supervisor Evans regarding: Authorizing Sheriff's department to bill John Kerry for President Campaign \$8,300 for his visit to Brown County. (Referred from Public Safety Committee.) Bill the John Kerry for President campaign \$8,300 for his visit to Brown County and any future presidential and vice-presidential campaign visits to Brown County which produce a financial impact of over non-traditional expenses. Ayes: 5 (Evans, Dantine, Vander Leest, Moynihan, Haefs); Nays: 2 (Lund, Kaye). Motion Approved.
- \*\* REFER BACK TO EXECUTIVE COMMITTEE AS PER THE COUNTY BOARD ON 7/21/2004.
9. Communication from Supervisor Pat Collins regarding: Late communications on County Board agenda. Receive and place on file.
10. Communication from Supervisor Pat Collins regarding: Table of Organization for County Executive Office. Receive and place on file.
11. Resolution regarding: Public Safety Communications Department Change in Table of Organization – Request for Additional Telecommunication Operator Positions. (Referred from Public Safety Committee.) Committee approved. See Resolutions, Ordinances July County Board.



12. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85(1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82(1) of the Wisconsin State Statutes. And also for the purpose of conferring with legal counsel for Brown County as to legal advice concerning strategy as to litigation pending pursuant to sec. 19.85(1)(g) of the Wisconsin State Statutes.
- a) Enter into closed session.
  - b) Return to regular order of business.
  - c) No action.

A motion was made by Supervisor Clancy and seconded by supervisor Van Deurzen **“to adopt”**. Supervisor Clancy requested item #5 be voted on separately. Supervisor Fewell requested item #7 and item #8 be voted on separately. A motion was made by Supervisor Van Deurzen and seconded by Supervisor Dantine **“to adopt remainder of the report”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #5 -- Discuss FY 2004-2007 External Audit proposals. COMMITTEE ACTION: Accept Clifton Gundersen as the Auditing Firm for 2004 – 2006.

Supervisor Clancy stated that he took this separately because he is uncomfortable with the external audit being an open end contract. He feels we should stay with local contractor who is familiar with our county’s auditing. He asked Jeff Landin if we are up to speed in the Administration Department.

Jeff Landin, Administration Director, stated this audit is done by Internal Auditor and Administration. He did an evaluation on all three applications and the cost will be \$69,500.

Discussion followed.

Vote taken on Supervisor Zima’s motion **“to adopt item #5 awarding the bid to Clifton Gundersen”**. Roll Call #8c5(1):

Ayes: Van Den Heuvel, Graves, Nicholson, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Dantine, Backmann, Van Deurzen, Moynihan, Zabel, Scray, Lund

Nays: Theisen, Krueger, Johnson, Frohna, Collins, Beyl, Clancy, Hinz, Fewell

Excused: Fleck

Total Ayes: 16 Total Nays: 9 Excused: 1

Motion carried.

Item #7 -- Communication from Supervisor Earl Van Den Heuvel regarding: Requesting the Diversity Affairs Council be dissolved or reformed to serve the needs of all and get more participation as to performing the tasks as the Council was formed. (Held from previous meeting.) COMMITTEE ACTION: Receive and place on file.

A motion was made by Supervisor Fewell and seconded by Supervisor Evans **“to reaffirm the Diversity Affairs Council and its role to be advisory to the County Board and request that the County Executive make appointments so that this council can be functional”**.

A motion was made by Supervisor Lund and seconded by Supervisor Zabel **“to amend the motion that the Diversity Affairs Committee acts only in advisory capacity to the Board”**.



A motion was made by Supervisor Frohna and seconded by Supervisor Backmann “to adopt”.  
Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_

Date: 8/3/2004

**No. 8e-- REPORT OF HUMAN SERVICES COMMITTEE OF JUNE 16, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on June 16, 2004, and recommends the following motions:

1. Review minutes of:
  - a) Children with Disabilities Education Board (5/12/04).
  - b) Human Services Board (5/6/04).
  - c) Veterans’ Recognition Subcommittee (5/11/04).
  - d) Community Options Program Appeals Committee (5/24/04).
  - e) Aging Resource Center (5/28/04).
  - f) Homeless Issues and Affordable Housing (5/18/04).Receive and place on file items a-f.
2. Communication from Supervisor Fewell regarding: Additional Handicap parking for individuals needing access to both the Sophie Beaumont and Northern Buildings. Refer this to Facilities to see if additional handicapped parking could be made available for Human Services.
3. Communication from Supervisor Fewell regarding: Teen Pregnancies in Brown County. Receive and place on file with information from the Adolescent Parenting Coalition mailed to this committee, as well as, an invitation to the fall meeting.
4. Communication from Supervisor Fewell regarding: Request for Report on Remodeling Brown County Mental Health Center. Receive and place on file.
5. Syble Hopp School – Request for approval of July 1, 2004 to June 30, 2005 Syble Hoppe School Budget. Approve.
6. Human Services Department – Request for Budget Transfer (#04-22): Increase in Expenditures with Offsetting Increase in Revenue: Increase in prior year revenue offset by an increase in the guardianship fees, professional fees for authorization systems programming and an increase for IS charge back account for an additional computer, two printers and time and attendance software; Data processing charge backs \$38,264; Volunteer Exp – Guardianships \$38,000; Professional Services - \$60,000; Prior Year Revenue - \$136,264. Approve.
7. Human Services Department – Presentation on Economic Support Services. (Nan Pahl Employment and Economic Support Manager.) Receive and place on file.
8. Human Services Department – Interim Assistance. Receive and place on file.
9. Audit of bills. (Committee signed the bills.)

A motion was made by Supervisor Zima and seconded by Supervisor Lund “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 8/3/2004

**No. 8f -- REPORT OF “SPECIAL” JOINT HUMAN SERVICES COMMITTEE AND HUMAN SERVICES BOARD OF JUNE 30, 2004**

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE AND HUMAN SERVICES BOARD met in “special” joint session on June 30, 2004, and recommends the following motions:

1. Presentation by Virchow Krause regarding: Human Services Department Study. No action.

A motion was made by Supervisor Zima and seconded by Supervisor Beyl “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 8/3/2004

**No. 8g -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF JUNE 23, 2004**

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE & LAND CONSERVATION SUBCOMMITTEE met in regular session on June 23, 2004, and recommend the following motions:

**Land Conservation Subcommittee:**

1. Update on Kewaunee County Ordinance Revisions, Brown County Soil Depths Map. Receive and place on file.
2. Lake Michigan Forum – Stewardship Assessment of Baird Creek, June 29, 30, 2004. Receive and place on file.
3. Lake Michigan Area Land and Water Conversation Association Tour – July 16, 2004 of Green Bay/Fox River. Receive and place on file.
4. Director’s report. No action.

**Planning, Development and Transportation Committee:**

1. Review minutes of:
  - a) Planning Commission Board of Directors (5/5/04).
  - b) Harbor Commission (5/10/04).Receive and place on file items a-b.
2. Zoning – Request for review of non-metallic mining fees as applied to Alden J. Servais. (Pictures to be distributed at meeting.) That because Mr. Alden Servais was not informed of the new State regulation permit fees in 2001, he pays \$450 for the year 2004 only, plus three years of back State fees in the amount of \$30 per year, or \$90, for a total of \$540. He is also required to submit a reclamation plan.
3. Informational – Swan I Statement at June 16, 2004 County Board Meeting regarding: Requesting enforcement of Federal Goals for the Department of Transportation to increase minority participation on the expansion of the Austin Straubel International Airport. (Referred from June County Board.) Receive and place on file.
4. Highway – Resolution regarding Authorizing County Trunk Highway Jurisdictional Revisions on Pine Road, Westview Road and Sunrise Road, I the Village of Suamico, Brown County. Committee approved resolution based on the condition that Suamico takes the roads back after repairs are completed. See Resolutions, Ordinances July County Board.
5. Highway – Ordinance regarding: Dealing with Revision of Speed Zone on County Highway “G”, Town of Morrison, Brown County, State of Wisconsin. Committee approved the ordinance to reduce the speed limit from 55 to 35 miles per hour from the intersection of CTH “W” in Wayside to the intersection of Queens Road in the Town of Morrison. See Resolutions, Ordinances July County Board.
6. Highway – Commissioner’s Report. No action.
7. Port and Solid Waste – Harbor Assistance Improvement (HAP) Grant for U.S. Oil Company Inc., Mooring Facility Improvements bid approval (see attached). Accept the low bid of Roen Salvage in the amount of \$273,550.
8. Port and Solid Waste – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Increase Other Contracted Expense Account \$312,445 to be used to provide for U.S. Oil, Inc. Mooring Facility Improvements with Offsetting Increase of \$312,445 from the WI Harbor Assistance Improvement (HAP) Grant to be placed into Port and Solid Waste’s Harbor Dredging Fund. Approve.
9. Port and Solid Waste – Communication from Supervisor Norb Dantine, Jr., regarding: Review price difference between burning PCB rather than landfill them. (Referred from June County Board.) Receive and place on file.
10. Audit of bills. Approve audit of bills.

A motion was made by Supervisor Erickson and seconded by Supervisor Kaye **“to adopt”**.  
Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:           \s\ Carol Kelso, County Executive          

Date: 8/3/2004

No. 8h -- REPORT OF PUBLIC SAFETY COMMITTEE REPORT OF JUNE 30, 2004

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on June 30, 2004, and recommends the following motions:

1. Volunteers in Probation – Monthly Statistics (month ending May 31, 2004). Receive and place on file.
2. Volunteers in Probation – Informational – Volunteers in Probation Advisory Board meeting agenda for July 20, 2004. Receive and place on file.
3. Teen Court Report. Receive and place on file.
4. Medical Examiner – Communication from Supervisor Nicholson regarding: Questions to review the job duties of the Medical Examiner/**Response** from Medical Examiner. (Held from previous meeting.) Hold until next meetings.
5. Public Safety Communications – Request for Budget Transfer (04-28): Increase in Expenditures with Offsetting Increase in Revenue: Emergency Management has been awarded a Weapons of Mass Destruction Exercise Grant in the amount of \$53,535 to conduct full-scale Chemical, Biological, Radiological, Nuclear, Explosive weapons of mass destruction preparedness exercises. Approve.
6. Public Safety Communications – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: 2004 Homeland Security grant for infrastructure protection for County rescue services. Approve.
7. Public Safety Communications – Discussion regarding: Staffing analysis for Communications Center. Receive and place on file.
8. Resolution regarding: Public Safety Communications Department Change in Table of Organization – Request for Additional Telecommunication Operator Positions. (Referred to Administration and Executive Committees.) Ask that Corporation Counsel add those figures to the “Whereas” clause and approve with that assumption. See Resolutions, Ordinances July County Board.
9. Public Safety Communications – Director’s report. Receive and place on file.
10. Sheriff – Communication from Supervisor Andy Nicholson Questions regarding: Review the consolidation of the two existing jails into one by closing the Huber jail (downtown) on Walnut Street Answers from Sheriff’s department (downtown) on Walnut Street. (Held from previous meeting.) **Response** to Questions from Sheriff’s department Refer this back to Sheriff’s department to give updated figures, an estimate of what size facility to start with, and how we would adapt the Kimme report.
11. Sheriff – Discussion of jail pharmacy bids. (From previous meeting for review of RFP.) Hold for one month.
12. Sheriff – Communication from Supervisor Van Den Heuvel regarding: Requesting to look at certain supervisory positions in the Sheriff’s Department from being paid by the



WHEREAS, the County deems the Project to be within its powers to undertake and therefore to be a public purpose as defined in Section 67.04(2) of the Wisconsin Statutes;

WHEREAS, the Director of Administration of the County and the County's financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") discussed the tentative timetable and other details with respect to the proposed bond issue and the County directed Baird to take the necessary steps to sell the proposed bond issue;

WHEREAS, an Official Notice of Sale (a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference) has been prepared and distributed setting forth the details of and the bid requirements for the aforesaid general obligation airport improvement bonds which provided that the general obligation airport improvement bonds would be offered for public sale on July 21, 2004; and

WHEREAS, sealed bid proposals were received as summarized in Exhibit B attached hereto; and

WHEREAS, it has been determined that the bid proposal submitted by A.G. Edwards & SONS, INC., ST. LOUIS, MISSOURI, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. A copy of said bid is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1. Award of the Bonds. The bid proposal of A.G. EDWARDS & SONS, INC., ST. LOUIS, MISSOURI, (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$7,000,000 Brown County General Obligation Airport Improvement Bonds, Series 2004A (the "Bonds") for the sum of SIX MILLION NINE HUNDRED THIRTY-SIX THOUSAND SIX HUNDRED TWENTY-ONE DOLLARS (\$6,936,621), plus accrued interest to the date of delivery, resulting in a net interest cost of FOUR MILLION ONE HUNDRED EIGHTY-TWO THOUSAND NINE HUNDRED FIFTY DOLLARS AND EIGHTY-SEVEN CENTS (\$4,182,950.87) and a true interest rate of 4.6999%. The Bonds bear interest as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2005	100,000	6.000%
2006	125,000	6.000
2007	150,000	6.000
2008	175,000	6.000
2009	200,000	6.000
2010	225,000	4.000
2011	250,000	4.000
2012	300,000	4.000
2013	350,000	4.050
2014	400,000	4.100
2015	425,000	4.250



2016	450,000	4.350
2017	475,000	4.450
2018	500,000	4.500
2019	525,000	4.600
2020	550,000	4.650
2021	575,000	4.750
2022	600,000	4.850
2023	625,000	5.000

Section 2. Designation of Purchaser as Agent. The County hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 3. Terms of the Bonds. The Bonds shall be designated “General Obligation Airport Improvement Bonds, Series 2004A”; shall be dated August 1, 2004, shall be in the denomination of \$5,000 or any integral multiple thereof; and shall mature on November 1 of each year, in the years and principal amounts as set forth above. Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year.

Section 4. Redemption Provisions. At the option of the County, the Bonds maturing on November 1, 2015, and thereafter shall be subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years and amounts as follows:

<u>Levy Year</u>	<u>Amount</u>	<u>Levy Year</u>	<u>Amount</u>
2004	506,546.88	2014	643,662.50
2005	444,237.50	2015	650,600.00
2006	461,737.50	2016	656,025.00
2007	477,737.50	2017	659,887.50
2008	492,237.50	2018	662,387.50
2009	505,237.50	2019	663,237.50
2010	521,237.50	2020	662,662.50
2011	561,237.50	2021	660,350.00

<u>Levy Year</u>	<u>Amount</u>	<u>Levy Year</u>	<u>Amount</u>
2012	599,237.50	2022	656,250.00
2013	635,062.50		

The aforesaid direct annual irrevocable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrevocable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein.

Section 7. Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from every other County fund or account designated “Debt Service Fund Account for \$7,000,000 Brown County General Obligation Airport Improvement Bonds, Series 2004A, dated August 1, 2004”. There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Construction Fund. The proceeds of the Bonds (the “Bond Proceeds”) herein provided for (other than any premium and accrued interest paid at the time of delivery which must be paid into the Debt Service Fund Account created above) shall be segregated in a special fund upon receipt and shall be used solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Section 9. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Bonds (the “Closing”), would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and any income tax regulations promulgated thereunder (the “Regulations”).

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from the Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be “arbitrage bonds” within the meaning of the Code or Regulations.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of

proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

The County anticipates that it will qualify for the construction expenditure exemption from the rebate requirements of the Code. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, with respect to said exemption from the rebate requirements, and said County Clerk or other officer is hereby authorized to make any election on behalf of the County in order to comply with the rebate requirements of the Code. If, for any reason, the County did not qualify for any exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

Section 11. Persons Treated as Owners; Transfer of Bonds. The fiscal agent appointed in Section 14 hereof shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payment shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of said fiscal agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, said fiscal agent shall deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and said fiscal agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. Said fiscal agent shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the County Board Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The 15<sup>th</sup> day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County maintained by said fiscal agent at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York (“DTC”), the County has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and the County Clerk has executed such Letter of Representation and delivered it to the DTC on behalf of the County.

Section 13. Execution of the Bonds. The Bonds shall be issued in typewritten form, one Bond for each maturity, executed on behalf of the County by the manual or facsimile signatures of the County Board Chairperson and County Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 14. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County’s registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the “Fiscal Agent”). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 15. Continuing Disclosure. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate which the County will execute and deliver on the Closing Date. Any Bondholder may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this Section.

Section 16. Bond Insurance. The Purchaser will obtain insurance upon the Bonds from MBIA Insurance Corporation, Armonk, New York (“MBIA”), which will issue its municipal bond insurance policy with respect to the Bonds. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, if necessary, for inclusion in the transcript of

proceedings, certifying that it can and covenanting that it will comply with the provisions and requirements of MBIA.

Section 17. Approval of Issuance. The County Board, on behalf of the County, approves the issuance of the Bonds for purposes of Section 147(f) of the Code.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County 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.

## **EXHIBIT A**

### OFFICIAL NOTICE OF SALE

\$7,000,000

BROWN COUNTY, WISCONSIN  
GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS, SERIES 2004A

DATED: AUGUST 1, 2004

**(The Series 2004A Bonds Are Subject To The Alternative Minimum Tax.)**

SEALED BIDS will be received by the County Clerk, Brown County, Wisconsin for all but no part of its \$7,000,000 General Obligation Airport Improvement Bonds, Series 2004A, in the office of Robert W. Baird & Co. Incorporated, Public Finance Department, 28<sup>th</sup> Floor, 777 East Wisconsin Avenue, Milwaukee, WI 53202, the County's financial advisor, until 10:30 a.m. (Central Time) on:

July 21, 2004

at which time the bids will be publicly opened and read. The bids should be directed to the County Clerk and plainly marked "Bid for Bonds". Bids may be faxed to Robert W. Baird & Co. Incorporated at (414)298-7354, or submitted electronically via MuniAuction, as described below, as long as the good faith check, required below, has been received by the County or its Financial Advisor at or before the time of opening of the bids or the bidder complies with the financial surety bond provisions discussed below. A meeting of the County Board will be held on July 21, 2004 for the purpose of taking action on such bids as may be received.

The Bonds will be dated August 1, 2004, and will mature serially on November 1 of each year, in the years and principal as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2005	100,000	2015	425,000
2006	125,000	2016	450,000
2007	150,000	2017	475,000
2008	175,000	2018	500,000
2009	200,000	2019	525,000
2010	225,000	2020	550,000
2011	250,000	2021	575,000
2012	300,000	2022	600,000
2013	350,000	2023	625,000
2014	400,000		

Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year.

Bids for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds, provided that no serial bond may mature on or after the first mandatory sinking fund redemption date of any term bonds. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption. In order to designate term bonds, the bid must specify “Last year of Serial Maturities” and “Years of Term Maturities” in the spaces provided on the Bid Form.

At the option of the County, the Bonds maturing on November 1, 2015 and thereafter shall be subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

The Bonds will be issued as fully registered bonds without coupons and, when issued, will be registered only in the name of CEDE & CO., as nominee for The Depository Trust Company, New York, New York (“DTC”). DTC will act as securities depository of the Bonds. A single Bond certificate for each maturity will be issued to DTC and immobilized in its custody. Individual purchases will be made in book-entry form only pursuant to the rules and procedures established between DTC and its participants, in the principal amount of \$5,000 and integral multiples thereof. Individual purchasers will not receive certificates evidencing their ownership of the Bonds purchased. The successful bidder shall be required to deposit the Bond certificates with DTC as a condition to delivery of the Bonds. Associated Trust Company, National Association, Green Bay, Wisconsin will act as the paying agent and will make payments of principal and interest on the Bonds on the dates set forth above, to DTC or its nominee as paying agent of the Bonds in next-day funds. Transfer of said payments to participants of DTC will be the responsibility of DTC; transfer of said payments to beneficial owners by DTC participants will be the responsibility of such participants and other nominees of beneficial owners all as required by DTC rules and procedures. No assurance can be given by the county that DTC, its participants and other nominees of beneficial owners will make prompt transfer of said payments

as required by DTC rules and procedures. The County assumes no liability for failures of DTC, its participants or other nominees to promptly transfer said payments to beneficial owners of the Bonds.

In the event that the securities depository relationship with DTC for the Bonds is terminated and the County Board does not appoint a successor depository, the County Board will prepare, authenticate and deliver, at its expense, fully registered certificate Bonds in the denominations of \$5,000 or any integral multiple thereof in the aggregate principal amount of Bonds of the same interest rate or rates then outstanding to the beneficial owners of the Bonds.

The Bonds are general obligations of the county. The principal of and interest on the Bonds will be payable from ad valorem taxes, which may be levied without limitation as to rate or amount upon all of the taxable property located in the County. The Bonds shall be issued for the purpose of paying the cost of airport concourse renovation and expansion.

The County will not designate the Bonds as “qualified tax-exempt obligations” under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Bids must be submitted either: (1) to Robert W. Baird & Co. as set forth herein; or (2) electronically via the MuniAuction website at [www.granstreet.com](http://www.granstreet.com), in accordance with the Rules of MuniAuction and this Official Notice of Sale. No provider of electronic bidding services other than MuniAuction will be accepted. If any provisions in this Notice conflict with the Rules of MuniAuction, this Notice shall control. For further information about MuniAuction, including any fee charged and registration requirements, potential bidders may contact Robert W. Baird & Co., 28<sup>th</sup> Floor, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, Attention: Ms. Ann Karczewski, Financial Analyst (414) 765-3827. The County assumes no responsibility or liability for bids submitted through MuniAuction.

To bid by MuniAuction, bidders must first visit the MuniAuction website where, if they have never registered with MuniAuction or one of its private label websites, they can register and then request admission to bid on the Bonds. Only NASD registered broker-dealers and dealer banks with DTC clearing arrangements will be eligible to bid.

An electronic bid shall be deemed an irrevocable offer to purchase the Bonds on the terms provided in the Official Notice of Sale, and shall be binding upon the bidder as if made by a signed bid delivered to the County. The County shall not be responsible for any malfunction or mistake made by, or as a result of the use of the facilities of, MuniAuction, the use of such facilities being the sole risk of the prospective bidder.

The “Rules of MuniAuction” can be viewed on the Muni-Auction website and are incorporated herein by reference. Bidders must comply with the Rules of MuniAuction in addition to the requirements of this Official Notice of Sale. In the event the Rules of MuniAuction conflict with this Official Notice of Sale, this Official Notice of Sale shall prevail.

For information purposes only, bidders are requested to state in their electronic bids the true interest cost to the County, as described in this Official Notice of Sale and in the written form of Official Bid Form. All electronic bids shall be deemed to incorporate the provisions of this Official Notice of Sale and the form of Official Bid Form.

Bids will be received on an interest rate basis in integral multiples of One-Twentieth (1/20) or One-Eighth (1/8) of One Percent (1%). Any number of interest rates may be bid but the spread between the highest and lowest interest rates shall not exceed Two Percent (2%). All Bonds of the same maturity shall bear the same interest rate. No bid for less than \$6,930,000 or Ninety-nine Percent (99%) of the principal amount of the Bonds plus accrued interest to the date of delivery will be considered. The Bonds shall be awarded to a responsible bidder whose proposal results in the lowest true interest cost to the County (the "Purchaser").

A Good Faith Deposit ("Deposit") in the form of a certified check or cashier's check or a Financial Surety Bond payable to the County Clerk in the amount of One Hundred Forty Thousand Dollars (\$140,000) is required for each bid to be considered. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Wisconsin, and such bond must be submitted to the County or its Financial Advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Purchaser utilizes a Financial Surety Bond, the Purchaser is required to submit its Deposit to the County or its Financial Advisor in the form of a cashier's check (or wire transfer such amount as instructed by the County or its Financial Advisor) not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the Purchaser fails to honor its accepted bid, the Deposit will be retained by the issuer.

The Bonds shall be delivered in typewritten form, one Bond per maturity, to the Depository Trust Company, securities depository of the Bonds for the establishment of book-entry accounts at the direction of the successful bidder, within approximately forty-five (45) days after the award. Payment at the time of delivery must be made in federal or other immediately available funds. In the event delivery is not made within sixty (60) days after the date of the sale of the Bonds, the successful bidder may, prior to tender of the Bonds, at its option, be relieved of its obligation under the contract to purchase the Bonds and its good faith check shall be returned, but no interest shall be allowed thereon.

The successful bidder will be furnished without cost, the unqualified approving legal opinion of Godfrey & Kahn, S.C. of Milwaukee, Wisconsin, Bond counsel. A transcript of the proceedings relative to the issuance of the Bonds (including a No-litigation Certificate and a Continuing Disclosure Certificate) shall be furnished to the successful bidder without cost. CUSIP numbers will appear on the typewritten Bonds. The successful bidder will be responsible for the cost of obtaining CUSIP numbers.



Simultaneously with or before delivery of the Bonds, the successful bidder shall furnish to the County a certificate, made on the best knowledge, information and belief of the successful bidder, acceptable to bond counsel, stating the initial reoffering prices to the public of each maturity of the Bonds and further stating that a substantial amount of the Bonds was sold to the public or final purchasers thereof (not including bond houses and brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at or below such initial reoffering prices together with such other information as may be required by the County to enable it to determine the "issue price" of the Bonds awarded to such bidder as defined in Section 1274 of the Internal Revenue Code of 1986.

Upon the sale of the Bonds, the County will publish a Final Official Statement in substantially the same form as the Preliminary Official Statement. Promptly after the sale date but in no event later than seven business days after such date, the County will provide the successful bidder (i.e., the sole underwriter or the senior managing underwriter of the syndicate to which the Bonds are awarded) 50 copies of the Final Official Statement without cost.

In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to the Award Resolution and a Continuing Disclosure Certificate, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Final Official Statement.

The County shall designate the successful bidder as its agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter, if any. Each underwriter executing and delivering an Official Bid Form with respect to the Bonds agrees thereby that if its bid is accepted by the County (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all participating Underwriters of the Bonds, if any, for purpose of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

The successful bidder agrees to supply to the County all necessary pricing information and any Participating Underwriter identification necessary to complete the Final Official Statement within 24 hours after the award of the Bonds. Additional copies of the Final Official Statement may be purchased from Robert W. Baird & Co. Incorporated up to three months following the sale of the Bonds.

The County reserves the right to reject any and all bids and to waive any and all irregularities.

The internet address of the Preliminary Official Statement is: [www.grantstreet.com](http://www.grantstreet.com). Copies of the Preliminary Official Statement and additional information may be obtained by addressing inquiries to: ROBERT W. BAIRD & CO. INCORPORATED, 777 East Wisconsin Avenue, 28<sup>th</sup> Floor, Milwaukee, Wisconsin, 53202, Attention: An Karczewski (414) 765-3827 or:

P. Terry Haut, Finance Manager  
Brown County, 305 East Walnut Street, Green Bay, WI 54301-5027  
(920) 448-4046

**EXHIBIT B**

**Brown County  
Results of Competitive Bids**

**\$7,000,000 General Obligation Airport Improvement Bonds, Series 2004A**  
*(The Series 2004A Bonds are subject to the alternative minimum tax)*

Bids Taken at 10:30 A.M. (CT)  
Wednesday, July 21, 2004

<b><u>Rank</u></b>	<b><u>Bidder</u></b>	<b><u>Purchase Price</u></b>	<b><u>Net Interest Cost</u></b>	<b><u>True Interest Rate</u></b>
1	A.G. Edwards & Sons, Inc.	\$6,936,621.00	\$4,182,950.87	4.6999%
2	Robert W. Baird & Co.	\$6,930,000.00	\$4,813,593.75	5.4219%
	Citigroup Global Markets, Inc. *			
	Griffin, Kubik, Stephens & Thompson, Inc. *			
	Piper Jaffray & Co. *			
	Stifel, Nicolaus & Co., Inc. *			
* Passed.				

**EXHIBIT C**

**BID FORM  
BROWN COUNTY, WISCONSIN  
JULY 21, 2004**

**\$7,000,000 General Obligation Airport Improvement Bonds, Series 2004A**  
*(The Series 2004A Bonds are subject to the alternative minimum tax.)*

Ms. Carol Kelso, County Executive and Members of the  
County Board of Supervisors of Brown County  
305 East Walnut Street  
Green Bay, Wisconsin 54301-5027

Dear Ms. Kelso and Members of the County Board of Supervisors:

For all but no part of your issue of \$7,000,000 General Obligation Airport Improvement Bonds, Series 2004A (the "Bonds") said bid being no less than \$6,930,000 (99.0% of par), we offer to pay a price of \$ 6,936,621.00 plus accrued interest from August 1, 2004, the dated date, to the date of delivery. The Bonds shall bear interest as follows:

<u>November 1</u>	<u>Rate</u>	<u>November 1</u>	<u>Rate</u>	<u>November 1</u>	<u>Rate</u>
2005	6.00%	2012	4.00%	2018	4.50%
2006	6.00%	2013	4.05%	2019	4.60%
2007	6.00%	2014	4.10%	2020	4.65%
2008	6.00%	2015	4.25%	2021	4.75%
2009	6.00%	2016	4.35%	2022	4.85%
2010	4.00%	2017	4.45%	2023	5.00%
2011	4.00%				

This bid is made subject to all the terms and conditions of the Official Notice of Sale heretofore received and the Notice of Sale heretofore published, all terms and conditions which are made a part hereof as fully as though set forth in full in this bid.

There is enclosed herewith a certified or cashier's check for \$140,000 payable to the County Clerk: OR a Financial Surety Bond in the amount of \$140,000 has been provided for and evidence of same will be delivered on the sale date to accompany this bid form.

\s\ A. G. Edwards & Sons  
 Managing Underwriter

Direct Contact and Phone Number: Jim Pratl (314)955-3500

By: \s\ Jim Pratt

-----\*Please attach a list of account members\*-----

For your information, but not as a condition of this bid, the above interest rates result in:

Net Interest Cost \$ 4,182,950.87 True Interest Rate: 4.6999 %

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The foregoing offer is hereby accepted this 21<sup>st</sup> day of July 2004 by the Members of the County Board of Supervisors and in recognition therefore is signed by the Officers empowered and authorized to make such acceptance.

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

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

**EXHIBIT D**

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
REGISTERED BROWN COUNTY  
NO. R-\_\_\_\_\_ GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS, SERIES 2004A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
NOVEMBER 1, 20\_\_ AUGUST 1, 2004 \_\_.\_\_\_\_\_% 115511\_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS  
( \$ \_\_\_\_\_ )

KNOW ALL MEN BY THESE PRESENTS, that Brown County, Wisconsin (the "County"), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable in lawful money of the United States by Associated Trust Company, National Association, Green Bay, Wisconsin, the fiscal agent appointed by the County pursuant to the provisions of Section 67.10(2), Wisconsin Statutes, to act as bond registrar and paying agent (the "Bond Registrar"). The principal of this Bond shall be payable only upon presentation and surrender of the Bond at the office of the Bond Registrar. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Bond Registrar at the close of business on the 15<sup>th</sup> day of the calendar month next preceding the semi-annual interest payment date (the "Record Date").

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the County are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$7,000,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the County pursuant to the provisions of Chapter 67, Wisconsin Statutes for the purpose of paying the cost of airport concourse renovation and expansion, all as authorized by resolutions of the County Board duly adopted by said governing body at meetings held on June 16, 2004 and July 21, 2004. Said resolutions are recorded in the official minutes of the County Board for said dates.

At the option of the County, the Bonds maturing on November 1, 2015 and thereafter are subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds are redeemable as a whole or in part from maturities selected by the County and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the County exercises its option to redeem the Bonds prior to maturity, as long as the Bonds are in book-entry-only form, the County shall direct the Bond Registrar to give official notice of the redemption by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Bonds shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bond shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the County, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the County kept for that purpose at the office of the Bond Registrar. In the event that the Depository does not continue to act as depository for the Bonds, and the County board appoints another depository, new fully registered Bonds in the same aggregate principal amount shall be issued to the new depository upon surrender of the Bonds to the Bond Registrar, in exchange therefore and upon the payment of a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such registration. The Bond Registrar shall not be obliged to make any transfer of the bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The County and the Bond Registrar may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

IN WITNESS WHEREOF, Brown County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the signatures of its duly qualified County Board Chairperson and County Clerk; and to be sealed with its official or corporate seal, all as of the 1<sup>st</sup> day of August, 2004.

BROWN COUNTY, WISCONSIN

By:           /s/ Patrick W. Moynihan, Jr.            
County Board Chairperson

(SEAL)

By:           /s/ Darlene K. Marcelle            
County Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_  
\_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:\_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company or Securities Firm)

\_\_\_\_\_  
(Depository or its Nominee Name)

\_\_\_\_\_  
(Authorized Officer)

NOTICE: The above-named Depository or its Nominee Name must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

**EXHIBIT E**

**FISCAL AGENCY AGREEMENT**

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of August, 2004, by and between Brown County, Wisconsin (the "County"), and Associated Trust Company, National Association, Green Bay, Wisconsin (the "Agent").

WITNESSETH:

WHEREAS, the County has authorized the borrowing of the sum of SEVEN MILLION DOLLARS (\$7,000,000) pursuant to Section 67.05, Wisconsin Statutes, and resolutions adopted by the County Board on June 16, 2004 and July 21, 2004 and has authorized the issuance and sale of \$7,000,000 principal amount of general obligation airport improvement bonds to evidence such indebtedness (the "Obligations"). The Obligations shall be designated "General Obligation Airport Improvement Bonds, Series 2004A"; shall be dated August 1, 2004; shall bear interest at the rates set forth below; and shall mature serially on November 1 of each year, in the years and principal amounts as follows:

<b><u>Year</u></b>	<b><u>Principal Amount</u></b>	<b><u>Interest Rate</u></b>
2005	100,000	. %
2006	125,000	. %
2007	150,000	. %
2008	175,000	. %
2009	200,000	. %
2010	225,000	. %
2011	250,000	. %
2012	300,000	. %
2013	350,000	. %
2014	400,000	. %
2015	425,000	. %
2016	450,000	. %
2017	475,000	. %
2018	500,000	. %
2019	525,000	. %
2020	550,000	. %
2021	575,000	. %
2022	600,000	. %
2023	625,000	. %

Interest shall be payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year until the principal of the Obligations is paid in full or discharged;

WHEREAS, the County is issuing the Obligations in registered form pursuant to Section 149 of the Internal Revenue Code of 1986, as amended, and any applicable income tax regulations; and,

WHEREA, pursuant to the aforesaid resolution or resolutions and Section 67.10(2), Wisconsin Statutes, the County Board of the County has authorized the appointment of the Agent as Fiscal Agent of the County for the purpose of performing any or all of the following functions with respect to the Obligations: paying the principal of and interest on the Obligations; accounting for such payments; registering, authenticating, transferring, and canceling the Obligations; and maintaining a registration book in addition to other applicable responsibilities all in accordance with the provisions of Section 67.10(2), Wisconsin Statutes.

NOW, THEREFORE, the County and the Agent do hereby agree as follows:

#### I. APPOINTMENT

The Agent is hereby appointed Fiscal Agent of the County with respect to the Obligations for the purpose of performing such of the responsibilities stated in Section 67.10(2)(a), Wisconsin Statutes, as are delegated herein or as may be otherwise specifically delegated in writing to the Fiscal Agent by the County.

#### II. INVESTMENT RESPONSIBILITY

The Fiscal Agent shall not be under any obligation to invest funds held for the payment of interest or principal on the Obligations.

#### III. PAYMENTS

At least one (1) business day before each semi-annual interest payment date (commencing with the first interest payment date and continuing thereafter until the principal of and interest on the Obligation should have been fully paid or prepaid in accordance with their terms) the County agrees to and shall pay to the Fiscal Agent, in immediately available funds, a sum equal to the amount payable as principal of and the premium, if any, and interest on the Obligations on such semi-annual interest payment date. Said semi-annual interest and/or principal payment dates and amounts are set forth in Exhibit A-1 which is attached hereto and incorporated herein by this reference.

#### IV. CANCELLATION

In every case of the surrender of any Obligation for the purpose of payment, the Fiscal Agent shall cancel and destroy the same and deliver to the County a certificate regarding such cancellation, setting forth an accurate description of the Obligation, specifying its number, date, purpose, amount, rate of interest, and payment date and stating the date and amount of each payment of principal or interest thereon. The Fiscal Agent shall also cancel and destroy Obligations presented for transfer or exchange and deliver a certificate with respect to such



transfer or exchange to the County. The Fiscal Agent shall be permitted to microfilm, or otherwise photocopy and record said canceled Obligations.

#### V. REGISTRATION BOOK

Fiscal Agent shall maintain in the name of the County a Registration Book containing the names and addresses of all registered owners of the Obligations. The Fiscal Agent shall keep confidential said information in accordance with applicable banking and governmental regulations.

#### VI. INTEREST PAYMENT

Payment of each installment of interest shall be made to the registered owner who shall appear on the Registration Book at the close of business on the 15<sup>th</sup> day of the calendar month next preceding the interest payment date and shall be paid by check or draft of the Fiscal Agent mailed to such registered owner at his address as it appears in such registered owner to the Fiscal Agent.

#### VII. PAYMENT OF PRINCIPAL

Principal shall be paid to the registered owner of an Obligation upon surrender of the Obligation on or after its maturity or redemption date.

#### VIII. REDEMPTION NOTICE

In the event the County exercises its option to redeem the Bonds prior to maturity, as long as the Bonds are in book-entry-only form, the County shall direct the Bond Registrar to give official notice of the redemption by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Bonds shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

#### IX. UTILIZATION OF THE DEPOSITORY TRUST COMPANY

The Depository Trust Company's Book-Entry-Only system is to be utilized for the obligations. The Fiscal Agent agrees to comply with the provisions of the attached Blanket Issuer Letter of Representation which has been executed and delivered to The Depository Trust Company by the County.

## X. TRANSFER AND EXCHANGE OF OBLIGATIONS

The Fiscal Agent shall transfer Obligations upon presentation of a written assignment duly executed by the registered owner or by such owner's duly authorized legal representative. Upon such transfer, a new registered Obligation of authorized denomination or denominations in the same aggregate principal amount shall be issued to the transferee in exchange thereof, and the name of such transferee shall be entered as the new registered owner in the Registration Book. Upon request of the registered owner, the Fiscal Agent shall exchange Obligations of the issue for a like aggregate principal amount of Obligations of the same maturity in authorized whole integral multiples of \$5,000.

The Obligations shall be numbered 1 and upward. Upon any transfer or exchange, the Obligation or Obligations issued shall bear the next highest consecutive unused number or numbers.

## XI. STATEMENTS

The Fiscal Agent shall furnish the County with an accounting of payments received and made and funds on hand annually.

## XII. FEES

The County agrees to pay the Fiscal Agent fees in accordance with the fee schedule provided by the Fiscal Agent which is attached hereto as Exhibit B-1 and incorporated herein by this reference until the final principal payment (or redemption date in the event the County exercises its option, if any, to redeem the Obligations). Such fees are payable on the dates principal is due or pursuant to statements provided to the County by the Fiscal Agent. In the event the County exercises its option, if any, to redeem the Obligations the Fiscal Agent shall be reimbursed for mailing costs related therewith.

## XIII. MISCELLANEOUS

(a) Nonpresentment of Checks. In the event the check or draft mailed by the Fiscal Agent to the registered owner is not presented for payment within six years of its date, then the monies representing such nonpayment shall be returned to the County or to such board, officer or body as may then be entitled by law to receive the same, together with the name of the registered owner of the Obligation and the last mailing address of record. Thereafter, the Fiscal Agent shall not be responsible for the payment of such check or draft.

(b) Resignations: Successor Fiscal Agent. Fiscal Agent may at any time resign by giving not less than sixty days written notice to County. Upon receiving such notice of resignation, the County shall promptly appoint a successor Fiscal Agent by an instrument in writing executed by order of its governing body. If no successor Fiscal Agent shall have been so appointed and have accepted appointment within sixty days after such notice of resignation, the resigning Fiscal Agent may petition any court of competent jurisdiction for the appointment of a

successor fiscal agent. Such court may thereupon, after such notice, if any, as it may deem proper and prescribes, appoint a successor fiscal agent.

Any successor fiscal agent shall be qualified to act pursuant to Section 67.10(2), Wisconsin Statutes, as amended.

Any successor fiscal agent shall execute, acknowledge and deliver to the County and to its predecessor fiscal agent an instrument accepting such appointment hereunder, and thereupon the resignation of the predecessor fiscal agent shall become effective and such successor fiscal agent, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor, with like effect as if originally named as fiscal agent herein; but nevertheless, on written request of County, or on the request of the successor, the fiscal agent ceasing to act shall execute and deliver an instrument transferring to such successor fiscal agent, all the rights, owners, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, the County shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor fiscal agent all such rights, powers and duties. Any predecessor fiscal agent shall pay over to its successor fiscal agent any funds of the County.

(c) Termination. This Agreement shall terminate six years after the last principal payment on the Obligations is due whether by maturity or earlier redemption or the final discharge of the County's responsibilities for payment of the Obligations, whichever is later. The parties realize that any funds hereunder as shall remain upon termination shall be turned over to the County after deduction of any unpaid fees and disbursements of Fiscal Agent. Termination of this Agreement shall not, of itself, have any effect on County's obligation to pay the outstanding Obligations in full in accordance with the terms thereof.

(d) Execution. This Agreement shall be executed on behalf of the County and the Agent by their duly authorized officers. 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 agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, being duly authorized so to do, each in the manner most appropriate to it, on the date first above written.

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

BROWN COUNTY, WISCONSIN

By:           /s\ Patrick W. Moynihan, Jr.            
County Board Chairperson

(SEAL)

And:           /s\ Darlene K. Marcelle            
County Clerk

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

ASSOCIATED TRUST COMPANY, NATIONAL  
ASSOCIATION  
GREEN BAY, WISCONSIN

(SEAL)

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A motion was made by Supervisor Collins and seconded by Supervisor Johnson “to adopt”.  
Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 8/3/2004

**No. 9b -- RESOLUTION REGARDING: AWARDING THE SALE OF \$4,370,000  
GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES  
2004 B, PROVIDING THE FORM OF THE BONDS; AND LEVYING A  
TAX IN CONNECTION THEREWITH**

WHEREAS, on June 16, 2004, the County Board of Brown County, Wisconsin (the “County”) adopted an Initial Resolution authorizing the issuance of general obligation bonds in an aggregate amount not to exceed \$4,370,000 for the purpose of paying the cost of building systems upgrades (not to exceed \$226,000), and highway improvements including the CTH “EA” (Eastern Arterial), CTH “H” (South Broadway Street), CTH “B” (School Lane), CTH “Z” (Park Road) and Rustic Roads projects (not to exceed \$4,144,000) (the “Project”);

WHEREAS, the County deems the Project to be within its powers to undertake and therefore to be a public purpose as defined in Section 67.04(2) of the Wisconsin Statutes;

WHEREAS, the County Board hereby finds and determines that the general obligation bond issues heretofore authorized shall be combined, issued and sold as a single issue of general obligation corporate purpose bonds in the aggregate principal amount of \$4,370,000;

WHEREAS, the Director of Administration of the County and the County’s financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (“Baird”) discussed the tentative timetable and other details with respect to the proposed bond issue and the County directed Baird to take the necessary steps to sell the proposed bond issue;

WHEREAS, an Official Notice of Sale (a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference) has been prepared and distributed setting forth the

details of and the bid requirements for the aforesaid general obligation airport improvement bonds which provided that the general obligation airport improvement bonds would be offered for public sale on July 21, 2004; and

WHEREAS, sealed bid proposals were received as summarized in Exhibit B attached hereto; and

WHEREAS, it has been determined that the bid proposal submitted by ROBERT W. BAIRD & CO. INCORPORATED, MILWAUKEE, WISCONSIN, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. A copy of said bid is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1. Award of the Bonds. The bid proposal of ROBERT W. BAIRD & CO. INCORPORATED, MILWAUKEE, WISCONSIN, (the “Purchaser”) is hereby accepted, said proposal offering to purchase the \$4,370,000 Brown County General Obligation Corporate Purpose Bonds, Series 2004B (the “Bonds”) for the sum of FOUR MILLION THREE HUNDRED SEVENTY ONE THOUSAND SIX HUNDRED ONE DOLLARS AND FIFTY CENTS (\$4,371,601.50), plus accrued interest to the date of delivery, resulting in a net interest cost of ONE MILLION EIGHT HUNDRED SIXTY-FIVE THOUSAND FOUR HUNDRED NINETEEN DOLLARS AND SEVENTY-FIVE CENTS (\$1,865,419.75) and a true interest rate of 3.9381%. The Bonds bear interest as follows:

Serial Bonds

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2008	220,000	3.000%
2009	220,000	3.250
2010	220,000	3.500
2011	220,000	3.625
2012	330,000	3.750
2013	335,000	3.850
2014	440,000	3.850
2015	415,000	3.850
2016	495,000	4.000
2017	460,000	4.100

Term Bond

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2019	\$1,015,000	4.200%

Section 2. Designation of Purchaser as Agent. The County hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 3. Terms of the Bonds. The Bonds shall be designated “General Obligation Corporate Purpose Bonds, Series 2004B”; shall be dated August 1, 2004, shall be in the denomination of \$5,000 or any integral multiple thereof; and shall mature on November 1 of each year, in the years and principal amounts as set forth above. Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year.

Section 4A. Redemption Provisions. At the option of the County, the Bonds maturing on November 1, 2015, and thereafter shall be subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4B. Mandatory Redemption Provisions. The Bonds maturing on November 1, 2019 (the “Term Bonds”) are also subject to mandatory sinking fund redemption, in part, on November 1 of each of the years and in the amounts set forth below, at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, the County shall cause to be deposited in the Debt Service Fund Account (created below) a sum which is sufficient to redeem the following principal amounts of such Term Bonds plus accrued interest to the redemption date:

<u>2019 Term Bonds</u>	
<u>Year</u>	<u>Amount</u>
2018	\$520,000
2019 (maturity)	\$495,000

The County hereby calls the Term Bonds for redemption on the dates and in the amounts set forth above and directs its Fiscal Agent appointed below to take the necessary steps to cause the Term Bonds to be redeemed on the dates and amounts set forth above and to give appropriate notice of said redemption to the Depository in whose name the Bonds are registered.

Section 5. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years and amounts as follows:

<u>Levy Year</u>	<u>Amount</u>	<u>Levy Year</u>	<u>Amount</u>
2004	211,131.25	2012	462,105.00
2005	168,905.00	2013	554,207.50
2006	168,905.00	2014	512,267.50
2007	388,905.00	2015	576,290.00
2008	382,305.00	2016	521,490.00
2009	375,155.00	2017	562,630.00
2010	367,455.00	2018	515,790.00
2011	469,480.00		

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein.

Section 7. Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from every other County fund or account designated “Debt Service Fund Account for \$4,370,000 Brown County General Obligation Corporate Purpose Bonds, Series 2004B, dated August 1, 2004”. There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Construction Fund. The proceeds of the Bonds (the “Bond Proceeds”) herein provided for (other than any premium and accrued interest paid at the time of delivery which must be paid into the Debt Service Fund Account created above) shall be segregated in a special fund upon receipt and shall be used solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Section 9. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Bonds (the “Closing”), would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and any income tax regulations promulgated thereunder (the “Regulations”).

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from the Bond Proceeds or from any other source,

will not be used or invested in a manner which would cause the Bonds to be “arbitrage bonds” within the meaning of the Code or Regulations.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

In accordance with Section 148(f)(4)(D) of the Code, the County covenants that it is a governmental unit with general taxing powers; that the Bonds are not “private activity bonds” as defined Section 141 of the Code; that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the County; and that the aggregate face amount of all tax-exempt obligations (other than “private activity bonds”) issued by the County, including all subordinate entities of the County, during calendar year 2004 will not exceed \$5,000,000. If for any reason the County did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

The County hereby designates the Bonds to be “qualified tax-exempt obligations” pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the County Clerk or other officer of the County charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the County as of the date of delivery and payment for the Bonds.

Section 11. Persons Treated as Owners; Transfer of Bonds. The fiscal agent appointed in Section 14 hereof shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be



made only to the registered owner thereof. All such payment shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of said fiscal agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, said fiscal agent shall deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and said fiscal agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. Said fiscal agent shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the County Board Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The 15<sup>th</sup> day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County maintained by said fiscal agent at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York (“DTC”), the County has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and the County Clerk has executed such Letter of Representation and delivered it to the DTC on behalf of the County.

Section 13. Execution of the Bonds. The Bonds shall be issued in typewritten form, one Bond for each maturity, executed on behalf of the County by the manual or facsimile signatures of the County Board Chairperson and County Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 14. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County’s registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the “Fiscal Agent”). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 15. Continuing Disclosure. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate which the County will execute and deliver on the Closing Date. Any Bondholder may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this Section.

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County 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.

## **EXHIBIT A**

### OFFICIAL NOTICE OF SALE

\$4,370,000

BROWN COUNTY, WISCONSIN

GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2004B

DATED: AUGUST 1, 2004

SEALED BIDS will be received by the County Clerk, Brown County, Wisconsin for all but no part of its \$4,370,000 General Obligation Corporate Purpose Bonds, Series 2004B, in the office of Robert W. Baird & Co. Incorporated, Public Finance Department, 28<sup>th</sup> Floor, 777 East Wisconsin Avenue, Milwaukee, WI 53202, the County's financial advisor, until 10:30 a.m. (Central Time) on:

July 21, 2004

at which time the bids will be publicly opened and read. The bids should be directed to the County Clerk and plainly marked "Bid for Bonds". Bids may be faxed to Robert W. Baird & Co. Incorporated at (414)298-7354, or submitted electronically via MuniAuction, as described below, as long as the good faith check, required below, has been received by the County or its Financial Advisor at or before the time of opening of the bids or the bidder complies with the financial surety bond provisions discussed below. A meeting of the County Board will be held on July 21, 2004 for the purpose of taking action on such bids as may be received.

The Bonds will be dated August 1, 2004, and will mature serially on November 1 of each year, in the years and principal as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2008	220,000	2014	440,000
2009	220,000	2015	415,000
2010	220,000	2016	495,000
2011	220,000	2017	460,000
2012	330,000	2018	520,000
2013	335,000	2019	495,000

Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year.

Bids for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds, provided that no serial bond may mature on or after the first mandatory sinking fund redemption date of any term bonds. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption. In order to designate term bonds, the bid must specify “Last year of Serial Maturities” and “Years of Term Maturities” in the spaces provided on the Bid Form.

At the option of the County, the Bonds maturing on November 1, 2015 and thereafter shall be subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

The Bonds will be issued as fully registered bonds without coupons and, when issued, will be registered only in the name of CEDE & CO., as nominee for The Depository Trust Company, New York, New York (“DTC”). DTC will act as securities depository of the Bonds. A single Bond certificate for each maturity will be issued to DTC and immobilized in its custody. Individual purchases will be made in book-entry form only pursuant to the rules and procedures established between DTC and its participants, in the principal amount of \$5,000 and integral multiples thereof. Individual purchasers will not receive certificates evidencing their ownership of the Bonds purchased. The successful bidder shall be required to deposit the Bond certificates with DTC as a condition to delivery of the Bonds. Associated Trust Company, National Association, Green Bay, Wisconsin will act as the paying agent and will make payments of principal and interest on the Bonds on the dates set forth above, to DTC or its nominee as paying agent of the Bonds in next-day funds. Transfer of said payments to participants of DTC will be the responsibility of DTC; transfer of said payments to beneficial owners by DTC participants will be the responsibility of such participants and other nominees of beneficial owners all as required by DTC rules and procedures. No assurance can be given by the county that DTC, its participants and other nominees of beneficial owners will make prompt transfer of said payments as required by DTC rules and procedures. The County assumes no liability for failures of DTC, its participants or other nominees to promptly transfer said payments to beneficial owners of the Bonds.

In the event that the securities depository relationship with DTC for the Bonds is terminated and the County Board does not appoint a successor depository, the County Board will prepare, authenticate and deliver, at its expense, fully registered certificate Bonds in the denominations of \$5,000 or any integral multiple thereof in the aggregate principal amount of Bonds of the same interest rate or rates then outstanding to the beneficial owners of the Bonds.

The Bonds are general obligations of the County. The principal of and interest on the Bonds will be payable from ad valorem taxes, which may be levied without limitation as to rate or amount upon all of the taxable property located in the County. The Bonds shall be issued for the purpose of paying the cost of building systems upgrades, and highway improvements including the CTH "EA" (Eastern Arterial), CTH "H" (South Broadway Street), CTH "B" (School Lane), CTH "Z" (Park Road) and Rustic Roads projects.

The County will designate the Bonds as "qualified tax-exempt obligations" under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Bids must be submitted either: (1) to Robert W. Baird & Co. as set forth herein; or (2) electronically via the MuniAuction website at [www.granstreet.com](http://www.granstreet.com), in accordance with the Rules of MuniAuction and this Official Notice of Sale. No provider of electronic bidding services other than MuniAuction will be accepted. If any provisions in this Notice conflict with the Rules of MuniAuction, this Notice shall control. For further information about MuniAuction, including any fee charged and registration requirements, potential bidders may contact Robert W. Baird & Co., 28<sup>th</sup> Floor, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, Attention: Ms. Ann Karczewski, Financial Analyst (414) 765-3827. The County assumes no responsibility or liability for bids submitted through MuniAuction.

To bid by MuniAuction, bidders must first visit the MuniAuction website where, if they have never registered with MuniAuction or one of its private label websites, they can register and then request admission to bid on the Bonds. Only NASD registered broker-dealers and dealer banks with DTC clearing arrangements will be eligible to bid.

An electronic bid shall be deemed an irrevocable offer to purchase the Bonds on the terms provided in the Official Notice of Sale, and shall be binding upon the bidder as if made by a signed bid delivered to the County. The County shall not be responsible for any malfunction or mistake made by, or as a result of the use of the facilities of, MuniAuction, the use of such facilities being the sole risk of the prospective bidder.

The "Rules of MuniAuction" can be viewed on the Muni-Auction website and are incorporated herein by reference. Bidders must comply with the Rules of MuniAuction in addition to the requirements of this Official Notice of Sale. In the event the Rules of MuniAuction conflict with this Official Notice of Sale, this Official Notice of Sale shall prevail.

For information purposes only, bidders are requested to state in their electronic bids the true interest cost to the County, as described in this Official Notice of Sale and in the written

form of Official Bid Form. All electronic bids shall be deemed to incorporate the provisions of this Official Notice of Sale and the form of Official Bid Form.

Bids will be received on an interest rate basis in integral multiples of One-Twentieth (1/20) or One-Eighth (1/8) of One Percent (1%). Any number of interest rates may be bid but the spread between the highest and lowest interest rates shall not exceed Two Percent (2%). All Bonds of the same maturity shall bear the same interest rate. No bid for less than \$4,370,000 or One Hundred Percent (100%) (a par bid) of the principal amount of the Bonds plus accrued interest to the date of delivery will be considered. The Bonds shall be awarded to a responsible bidder whose proposal results in the lowest true interest cost to the County (the "Purchaser").

A Good Faith Deposit ("Deposit") in the form of a certified check or cashier's check or a Financial Surety Bond payable to the County Clerk in the amount of Eighty-Seven Thousand Four Hundred Dollars (\$87,400) is required for each bid to be considered. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Wisconsin, and such bond must be submitted to the County or its Financial Advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Purchaser utilizes a Financial Surety Bond, the Purchaser is required to submit its Deposit to the County or its Financial Advisor in the form of a cashier's check (or wire transfer such amount as instructed by the County or its Financial Advisor) not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the Purchaser fails to honor its accepted bid, the Deposit will be retained by the issuer.

The Bonds shall be delivered in typewritten form, one Bond per maturity, to the Depository Trust Company, securities depository of the Bonds for the establishment of book-entry accounts at the direction of the successful bidder, within approximately forty-five (45) days after the award. Payment at the time of delivery must be made in federal or other immediately available funds. In the event delivery is not made within sixty (60) days after the date of the sale of the Bonds, the successful bidder may, prior to tender of the Bonds, at its option, be relieved of its obligation under the contract to purchase the Bonds and its good faith check shall be returned, but no interest shall be allowed thereon.

The successful bidder will be furnished without cost, the unqualified approving legal opinion of Godfrey & Kahn, S.C. of Milwaukee, Wisconsin, Bond counsel. A transcript of the proceedings relative to the issuance of the Bonds (including a No-litigation Certificate and a Continuing Disclosure Certificate) shall be furnished to the successful bidder without cost. CUSIP numbers will appear on the typewritten Bonds. The successful bidder will be responsible for the cost of obtaining CUSIP numbers.

Simultaneously with or before delivery of the Bonds, the successful bidder shall furnish to the County a certificate, made on the best knowledge, information and belief of the successful

bidder, acceptable to bond counsel, stating the initial reoffering prices to the public of each maturity of the Bonds and further stating that a substantial amount of the Bonds was sold to the public or final purchasers thereof (not including bond houses and brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at or below such initial reoffering prices together with such other information as may be required by the County to enable it to determine the “issue price” of the Bonds awarded to such bidder as defined in Section 1274 of the Internal Revenue Code of 1986.

Upon the sale of the Bonds, the County will publish a Final Official Statement in substantially the same form as the Preliminary Official Statement. Promptly after the sale date but in no event later than seven business days after such date, the County will provide the successful bidder (i.e., the sole underwriter or the senior managing underwriter of the syndicate to which the Bonds are awarded) 50 copies of the Final Official Statement without cost.

In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to the Award Resolution and a Continuing Disclosure Certificate, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Final Official Statement.

The County shall designate the successful bidder as its agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter, if any. Each underwriter executing and delivering an Official Bid Form with respect to the Bonds agrees thereby that if its bid is accepted by the County (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all participating Underwriters of the Bonds, if any, for purpose of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

The successful bidder agrees to supply to the County all necessary pricing information and any Participating Underwriter identification necessary to complete the Final Official Statement within 24 hours after the award of the Bonds. Additional copies of the Final Official Statement may be purchased from Robert W. Baird & Co. Incorporated up to three months following the sale of the Bonds.

The County reserves the right to reject any and all bids and to waive any and all irregularities.

The internet address of the Preliminary Official Statement is: [www.grantstreet.com](http://www.grantstreet.com). Copies of the Preliminary Official Statement and additional information may be obtained by addressing inquiries to: ROBERT W. BAIRD & CO. INCORPORATED, 777 East Wisconsin Avenue, 28<sup>th</sup> Floor, Milwaukee, Wisconsin, 53202, Attention: Ann Karczewski (414) 765-3827 or:

P. Terry Haut, Finance Manager  
Brown County  
305 East Walnut Street, Green Bay, WI 54301-5027  
(920) 448-4046



-----\*Please attach a list of account members\*-----

For your information, but not as a condition of this bid, the above interest rates result in:

Net Interest Cost \$ 1,865,419.75

True Interest Rate: 3.9381 %

-----  
The foregoing offer is hereby accepted this 21<sup>st</sup> day of July 2004 by the Members of the County Board of Supervisors and in recognition therefore is signed by the Officers empowered and authorized to make such acceptance.

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

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

**EXHIBIT C**

**Brown County  
Results of Competitive Bids**

**\$4,370,000 General Obligation Corporate Purpose Bonds, Series 2004B**

Bids Taken at 10:30 A.M. (CT)  
Wednesday, July 21, 2004

<b><u>Rank</u></b>	<b><u>Bidder</u></b>	<b><u>Premium</u></b>	<b><u>Net Interest Cost</u></b>	<b><u>True Interest Rate</u></b>
1	<b>Robert W. Baird &amp; Co.</b>	<b>\$1,601.50</b>	<b>\$1,865,419.75</b>	<b>3.9381%</b>
2	Griffin, Kubik, Stephens & Thompson, Inc.	\$31,046.00	\$1,878,561.50	3.9605%
3	Stephens Inc.	\$1,696.80	\$1,902,249.14	4.0275%
4	Harris Trust & Savings Bank	\$4,529.00	\$1,908,418.19	4.0312%
5	Legg Mason Wood Walker, Inc.	\$4,193.00	\$1,920,570.75	4.0569%
6	Sterne, Agee & Leach, Inc.	\$782.62	\$1,948,356.44	4.1212%
7	Citigroup Global Markets, Inc. Morgan Keegan & Company, Inc. * Piper Jaffray & Co. * Stifel, Nicolaus & Co., Inc. *	0.00	\$1,949,812.50	4.1237%

\* Passed.



**EXHIBIT D**

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
REGISTERED BROWN COUNTY  
NO. R- \_\_\_\_\_ GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2004B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
NOVEMBER 1, 20\_\_ AUGUST 1, 2004 \_\_\_\_% 115511\_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS  
( \$ \_\_\_\_\_ )

KNOW ALL MEN BY THESE PRESENTS, that Brown County, Wisconsin(the “County”), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the “Depository”) identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable in lawful money of the United States by Associated Trust Company, National Association, Green Bay, Wisconsin, the fiscal agent appointed by the County pursuant to the provisions of Section 67.10(2), Wisconsin Statutes, to act as bond registrar and paying agent (the “Bond Registrar”). The principal of this Bond shall be payable only upon presentation and surrender of the Bond at the office of the Bond Registrar. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Bond Registrar at the close of business on the 15<sup>th</sup> day of the calendar month next preceding the semi-annual interest payment date (the “Record Date”).

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the County are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$4,370,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the County pursuant to the provisions of Chapter 67, Wisconsin Statutes for the purpose of paying the cost of building systems upgrades (not to exceed \$226,000), and highway improvements including the CTH “EA” (Eastern Arterial), CTH “H” (South Broadway Street), CTH “B” (School Lane), CTH “Z” (Park Road) and Rustic Roads projects (not to exceed

\$4,144,000), all as authorized by resolutions of the County Board duly adopted by said governing body at meetings held on June 16, 2004 and July 21, 2004. Said resolutions are recorded in the official minutes of the County Board for said dates.

At the option of the County, the Bonds maturing on November 1, 2015 and thereafter are subject to redemption prior to maturity on November 1, 2014 or on any date thereafter. Said Bonds are redeemable as a whole or in part from maturities selected by the County and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the County exercises its option to redeem the Bonds prior to maturity, as long as the Bonds are in book-entry-only form, the County shall direct the Bond Registrar to give official notice of the redemption by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Bonds shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bond shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the County, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable. It is hereby further certified that the County has designated this Bond to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the County kept for that purpose at the office of the Bond Registrar. In the event that the Depository does not continue to act as depository for the Bonds, and the County board appoints another depository, new fully registered Bonds in the same aggregate principal amount shall be issued to the new depository upon surrender of the Bonds to the Bond Registrar, in exchange therefore and upon the payment of a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such registration. The Bond Registrar shall not be obliged to make any transfer of the bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The County and the Bond Registrar may treat and consider the Depository in whose name this Bond is registered

as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

IN WITNESS WHEREOF, Brown County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the signatures of its duly qualified County Board Chairperson and County Clerk; and to be sealed with its official or corporate seal, all as of the 1<sup>st</sup> day of August, 2004.

BROWN COUNTY, WISCONSIN

By:           /s/ Patrick W. Moynihan, Jr.            
County Board Chairperson

(SEAL)

By:           /s/ Darlene K. Marcelle            
County Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Name and Address of Assignee)

\_\_\_\_\_

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_  
\_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company or Securities Firm)

\_\_\_\_\_  
(Depository or its Nominee Name)

\_\_\_\_\_  
(Authorized Officer)

NOTICE: The above-named Depository or its Nominee Name must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

**EXHIBIT E**

**FISCAL AGENCY AGREEMENT**

THIS AGREEMENT is made and entered into the \_\_\_\_\_ day of August, 2004, by and between Brown County, Wisconsin (the “County”), and Associated Trust Company, National Association, Green Bay, Wisconsin (the “Agent”).

WITNESSETH:

WHEREAS, the County has authorized the borrowing of the sum of FOUR MILLION THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$4,370,000) pursuant to Section 67.05, Wisconsin Statutes, and resolutions adopted by the County Board on June 16, 2004 and July 21, 2004 and has authorized the issuance and sale of \$4,370,000 principal amount of general obligation airport improvement bonds to evidence such indebtedness (the “Obligations”). The Obligations shall be designated “General Obligation Corporate Purpose Bonds, Series 2004B”; shall be dated August 1, 2004; shall bear interest at the rates set forth below; and shall mature serially on November 1 of each year, in the years and principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2008	220,000	. %
2009	220,000	. %
2010	220,000	. %
2011	220,000	. %
2012	330,000	. %
2013	335,000	. %
2014	440,000	. %
2015	415,000	. %
2016	495,000	. %
2017	460,000	. %
2018	520,000	. %
2019	495,000	. %

Interest shall be payable commencing on May 1, 2005 and semi-annually thereafter on November 1 and May 1 of each year until the principal of the Obligations is paid in full or discharged;

WHEREAS, the County is issuing the Obligations in registered form pursuant to Section 149 of the Internal Revenue Code of 1986, as amended, and any applicable income tax regulations; and,

WHEREAS, pursuant to the aforesaid resolution or resolutions and Section 67.10(2), Wisconsin Statutes, the County Board of the County has authorized the appointment of the Agent as Fiscal Agent of the County for the purpose of performing any or all of the following functions with respect to the Obligations: paying the principal of and interest on the Obligations;

accounting for such payments; registering, authenticating, transferring, and canceling the Obligations; and maintaining a registration book in addition to other applicable responsibilities all in accordance with the provisions of Section 67.10(2), Wisconsin Statutes.

NOW, THEREFORE, the County and the Agent do hereby agree as follows:

#### I. APPOINTMENT

The Agent is hereby appointed Fiscal Agent of the County with respect to the Obligations for the purpose of performing such of the responsibilities stated in Section 67.10(2)(a), Wisconsin Statutes, as are delegated herein or as may be otherwise specifically delegated in writing to the Fiscal Agent by the County.

#### II. INVESTMENT RESPONSIBILITY

The Fiscal Agent shall not be under any obligation to invest funds held for the payment of interest or principal on the Obligations.

#### III. PAYMENTS

At least one (1) business day before each semi-annual interest payment date (commencing with the first interest payment date and continuing thereafter until the principal of and interest on the Obligation should have been fully paid or prepaid in accordance with their terms) the County agrees to and shall pay to the Fiscal Agent, in immediately available funds, a sum equal to the amount payable as principal of and the premium, if any, and interest on the Obligations on such semi-annual interest payment date. Said semi-annual interest and/or principal payment dates and amounts are set forth in Exhibit A-1 which is attached hereto and incorporated herein by this reference.

#### IV. CANCELLATION

In every case of the surrender of any Obligation for the purpose of payment, the Fiscal Agent shall cancel and destroy the same and deliver to the County a certificate regarding such cancellation, setting forth an accurate description of the Obligation, specifying its number, date, purpose, amount, rate of interest, and payment date and stating the date and amount of each payment of principal or interest thereon. The Fiscal Agent shall also cancel and destroy Obligations presented for transfer or exchange and deliver a certificate with respect to such transfer or exchange to the County. The Fiscal Agent shall be permitted to microfilm, or otherwise photocopy and record said canceled Obligations.

#### V. REGISTRATION BOOK

Fiscal Agent shall maintain in the name of the County a Registration Book containing the names and addresses of all registered owners of the Obligations. The Fiscal Agent shall keep confidential said information in accordance with applicable banking and governmental regulations.

## VI. INTEREST PAYMENT

Payment of each installment of interest shall be made to the registered owner who shall appear on the Registration Book at the close of business on the 15<sup>th</sup> day of the calendar month next preceding the interest payment date and shall be paid by check or draft of the Fiscal Agent mailed to such registered owner at his address as it appears in such registered owner to the Fiscal Agent.

## VII. PAYMENT OF PRINCIPAL

Principal shall be paid to the registered owner of an Obligation upon surrender of the Obligation on or after its maturity or redemption date.

## VIII. REDEMPTION NOTICE

In the event the County exercises its option to redeem the Bonds prior to maturity, as long as the Bonds are in book-entry-only form, the County shall direct the Bond Registrar to give official notice of the redemption by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Bonds shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

## IX. UTILIZATION OF THE DEPOSITORY TRUST COMPANY

The Depository Trust Company's Book-Entry-Only system is to be utilized for the obligations. The Fiscal Agent agrees to comply with the provisions of the attached Blanket Issuer Letter of Representation which has been executed and delivered to The Depository Trust Company by the County.

## X. TRANSFER AND EXCHANGE OF OBLIGATIONS

The Fiscal Agent shall transfer Obligations upon presentation of a written assignment duly executed by the registered owner or by such owner's duly authorized legal representative. Upon such transfer, a new registered Obligation of authorized denomination or denominations in the same aggregate principal amount shall be issued to the transferee in exchange thereof, and the name of such transferee shall be entered as the new registered owner in the Registration Book. Upon request of the registered owner, the Fiscal Agent shall exchange Obligations of the issue for a like aggregate principal amount of Obligations of the same maturity in authorized whole integral multiples of \$5,000.

The Obligations shall be numbered 1 and upward. Upon any transfer or exchange, the Obligation or Obligations issued shall bear the next highest consecutive unused number or numbers.

#### XI. STATEMENTS

The Fiscal Agent shall furnish the County with an accounting of payments received and made and funds on hand annually.

#### XII. FEES

The County agrees to pay the Fiscal Agent fees in accordance with the fee schedule provided by the Fiscal Agent which is attached hereto as Exhibit B-1 and incorporated herein by this reference until the final principal payment (or redemption date in the event the County exercises its option, if any, to redeem the Obligations). Such fees are payable on the dates principal is due or pursuant to statements provided to the County by the Fiscal Agent. In the event the County exercises its option, if any, to redeem the Obligations the Fiscal Agent shall be reimbursed for mailing costs related therewith.

#### XIII. MISCELLANEOUS

(a) Nonpresentment of Checks. In the event the check or draft mailed by the Fiscal Agent to the registered owner is not presented for payment within six years of its date, then the monies representing such nonpayment shall be returned to the County or to such board, officer or body as may then be entitled by law to receive the same, together with the name of the registered owner of the Obligation and the last mailing address of record. Thereafter, the Fiscal Agent shall not be responsible for the payment of such check or draft.

(b) Resignations: Successor Fiscal Agent. Fiscal Agent may at any time resign by giving not less than sixty days written notice to County. Upon receiving such notice of resignation, the County shall promptly appoint a successor Fiscal Agent by an instrument in writing executed by order of its governing body. If no successor Fiscal Agent shall have been so appointed and have accepted appointment within sixty days after such notice of resignation, the resigning Fiscal Agent may petition any court of competent jurisdiction for the appointment of a successor fiscal agent. Such court may thereupon, after such notice, if any, as it may deem proper and prescribes, appoint a successor fiscal agent.

Any successor fiscal agent shall be qualified to act pursuant to Section 67.10(2), Wisconsin Statutes, as amended.

Any successor fiscal agent shall execute, acknowledge and deliver to the County and to its predecessor fiscal agent an instrument accepting such appointment hereunder, and thereupon the resignation of the predecessor fiscal agent shall become effective and such successor fiscal agent, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor, with like effect as if originally named as fiscal agent herein; but nevertheless, on written request of County, or on the request of the successor, the fiscal agent ceasing to act shall execute and deliver an instrument transferring to

such successor fiscal agent, all the rights, owners, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, the County shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor fiscal agent all such rights, powers and duties. Any predecessor fiscal agent shall pay over to its successor fiscal agent any funds of the County.

(c) Termination. This Agreement shall terminate six years after the last principal payment on the Obligations is due whether by maturity or earlier redemption or the final discharge of the County's responsibilities for payment of the Obligations, whichever is later. The parties realize that any funds hereunder as shall remain upon termination shall be turned over to the County after deduction of any unpaid fees and disbursements of Fiscal Agent. Termination of this Agreement shall not, of itself, have any effect on County's obligation to pay the outstanding Obligations in full in accordance with the terms thereof.

(d) Execution. This Agreement shall be executed on behalf of the County and the Agent by their duly authorized officers. 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 agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, being duly authorized so to do, each in the manner most appropriate to it, on the date first above written.

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

BROWN COUNTY, WISCONSIN

By:           \s\ Patrick W. Moynihan, Jr.            
County Board Chairperson

(SEAL)

And:           \s\ Darlene K. Marcelle            
County Clerk

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

ASSOCIATED TRUST COMPANY, NATIONAL  
ASSOCIATION  
GREEN BAY, WISCONSIN

(SEAL)

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
And: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



A motion was made by Supervisor Erickson and seconded by Supervisor Lund “to adopt”.  
Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_

Date: 8/3/2004

**No. 9c -- RESOLUTION REGARDING: AUTHORIZING COUNTY TRUNK  
HIGHWAY JURISDICTIONAL REVISIONS ON PINE ROAD,  
WESTVIEW ROAD AND SUNRISE ROAD, IN THE VILLAGE OF  
SUAMICO, BROWN COUNTY**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Section 83.025 the Wisconsin Statutes authorizes the County Board to make changes in the County Trunk Highway System if it deems that the public good is best served thereby, such revisions to the highway system must be with the consent of the Wisconsin Department of Transportation and approval of the governing body of the city, village or town in which the proposed change is located; and

WHEREAS, for reasons of public safety, Brown County will carry out asphalt pavement improvements to county roads on the State Rustic Road (R8) System, including Pine Lane (Westview Road to Sunrise Road), Westview Road (Pine Lane to CTH “IR”), and Sunrise Road (Pine Lane to CTH “IR”), in the Fall of 2004 with County Capital Bond funding; and

WHEREAS, at such time when the former Town of Suamico town roads were placed on the State Rustic Road System (R8), effective October 10, 1977, State Statutes Section 83.42(7) required all rustic roads to be under county jurisdiction and maintenance; and

WHEREAS, adoption of Assembly Bill 522 in 1979, revised State Statutes Section 83.42(7) to allow municipalities, other than the County, to have the same authority over rustic roads as they have over other municipal roadways; and

WHEREAS, it is in the public’s interest that Brown County and the Village of Suamico exchange maintenance jurisdiction on Pine Lane, Westview Road, and Sunrise Road in regards to right-of-ways as contained in this resolution, effective December 1, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the following Brown County Rustic Roads be transferred to the Village of Suamico, effective December 1, 2004:

1. Pine Lane, From Westview Road to Sunrise Road – 0.49 miles
2. Westview Road, from Pine Lane to CTH “IR” – 1.00 miles
3. Sunrise Road, from Pine Lane to CTH “IR” – 1.01 miles



No. 9e -- **RESOLUTION REGARDING: PUBLIC SAFETY COMMUNICATIONS DEPARTMENT CHANGE IN TABLE OF ORGANIZATION – REQUEST FOR ADDITIONAL TELECOMMUNICATION OPERATOR POSITIONS**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Brown County Public Safety Communications Department answers emergency 911 calls for all the citizens of Brown County and provides dispatching services for the 42 Police, Fire and EMS/Rescue agencies in Brown County and during 2003, this department handled over 320,000 telephone calls for service that created 190,000 dispatchable incidents; and

WHEREAS, these services must be available to the citizens of Brown County 24 hours a day/365 days a year, and Public Safety Communications is required to adequately staff the 911 Communications Center; and

WHEREAS, the existing staff is working many 12 hour or longer shifts that create an environment for mistakes and creates an expensive overtime cost situation for Brown County; and

WHEREAS, the Public Safety Committee and Executive Committee have reviewed and discussed the need to add six (6) Telecommunication Operator positions and concur with the above change in the table of organization; and

WHEREAS, this addition will cost \$282,834 annually, it will also displace a projected overtime cost of \$473,961, resulting in a net savings to the County of \$191,127 annually after training is completed.

THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors, that the Public Safety Communication Department table of organization be changed to add 6.0 FTE Telecommunication Operators, effective upon passage of this resolution.

BE IT FURTHER RESOLVED, that \$75,148 be transferred from the General Fund to the Public Safety Communication Department salary account to cover the cost resulting from the adoption of this resolution.

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE  
EXECUTIVE COMMITTEE

A motion was made by Supervisor Kaye and seconded by Supervisor Hinz **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:  \s\ Carol Kelso, County Executive

Date: 8/3/2004

**No. 10 --** Such other matters as authorized by law. Late Communications.

**No. 10a --** From Supervisor Zima requesting that the Education and Recreation Committee develop an RFP for the purpose of seeking a sponsor to fund a new roof for the Veterans Memorial Arena with rights to advertise on the roof and/or sidewalls.

Refer to Education and Recreation Committee.

**No. 10b --** From Supervisor Hinz commending and acknowledging Brown County Officers and Officer from the Wisconsin State Patrol for their Heroic Efforts on Tower Drive Bridge

Refer to Public Safety Committee.

**No. 10c --** From Supervisor Zabel requesting to have a finalized presentation and explanation of all factors that may have an impact and influence on our County Bond Rating.

Refer to Administration Committee.

**No. 10d --** From Supervisor Van Den Heuvel to get flashing lights to signify a stop sign at the intersection of Huron Road and Finger Road.

Refer to Planning, Development and Transportation Committee.

**No. 10e --** From Supervisor Backmann requesting to look into the purpose of having a separate facilities department under the library budget instead of consolidation under the Brown County facilities department.

Refer to Education and Recreation Committee.

**No. 11 --** Bills over \$10,000 for period ending July 1, 2004.

A motion was made by Supervisor Collins and seconded by Supervisor Lund “to pay the bills over \$10,000 for period ending July 1, 2004”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 12 --** Closing Roll Call.

Present: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Hinz, Lund, Fewell

Excused: Fleck

Total Present: 25 Total Excused: 1

**No. 13 -- ADJOURNMENT TO WEDNESDAY, AUGUST 18, 2004, AT 7:00 P.M.,  
LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON  
STREET, GREEN BAY, WISCONSIN.**

A motion was made by Supervisor Vander Leest and seconded by Supervisor Johnson “**to adjourn to the above date and time**”. Voice vote taken. Motion carried unanimously with no abstentions.

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DARLENE K. MARCELLE  
Brown County Clerk