

**PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**  
**MARCH 21, 2001**

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, March 21, 2001, at 7:30 p.m.**, in the Legislative Room, 100 North Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order.

Invocation .

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Present: 24

**No. 1 -- Adoption of Agenda.**

A motion was made by Supervisor Krueger and seconded by Supervisor Antonneau to adopt the agenda as revised. Vote taken. Motion carried unanimously with no abstentions.

**No. 2 -- Approval of minutes of County Board Meeting of February 21, 2001.**

A motion was made by Supervisor Antonneau and seconded by Supervisor Moynihan to adopt the minutes. Vote taken. Motion carried unanimously with no abstentions.

**No. 3 -- Announcements of Supervisors.**

Supervisor Kathy Johnson informed the County Board that she was presenting a late communication regarding hiring a consultant to review the Mental Health Facility.

Supervisor Pat Collins stated he and the Human Services Committee have repeatedly invited fellow supervisors to attend their meetings to obtain information from experts that have been hired to advise the County. He feels this late communication from Supervisor Johnson is a slap in the face to those who have done so much work. Supervisor Collins stated another study will take so much time, adding we don't need to study and restudy this subject. His committee has been patient, begging supervisors to avail themselves to the information. He stated this eleventh hour request is unfair to all involved.

Supervisor Kuehn congratulated Supervisor Zima on this being the 300<sup>th</sup> County Board Meeting he attended.

Supervisor Zima said he has served the County with pride for 25 years. He encouraged people to run for public office and take a stand on issues.

Supervisor Schillinger reported that Supervisor Collins and the Legislative Sub-committee have asked the County Board to get more involved in the Wisconsin Counties Association. Supervisor Schillinger added that he will be bringing forth a letter of support with the hope of getting the support of both Chair Watermolen and County Board to host the Wisconsin Counties Association here in Brown County in 2004.

**No. 4 -- Communications.**

**No. 4a -- Communication from Manitowoc County Resolution (No. 2000/2001-150) regarding Opposing 0.1 Percent Sales Tax Referendum.**

Refer to Legislative Sub-Committee.

**No. 5 -- Late Communications.**

**No. 5a -- Communication from Supervisor Kathy Johnson regarding her request to hire a consultant to review the Mental Health Facility and make a recommendation.**

Refer to Executive Committee.

**No. 5b -- Communication from Supervisor Lucy Bunker to request Brown County to look at ways to replace the affordable housing that has been taken away due to construction , etc. in Brown County.**

Refer to Planning, Development and Transportation Committee.

**No. 5c -- Communication from Supervisor Ken Simons requesting a line-by-line review by the County Board of all expenses incurred in conducting various feasibility studies regarding the Intergovernmental Recycling Agreements.**

Refer to Planning, Development and Transportation Committee.

**No. 5d -- Communication from Supervisor Ken Simons requesting that we instruct Chuck Larscheid to initiate provisions to begin construction of the Holland town Land Fill.**

Refer to Planning, Development and Transportation Committee.

**No. 6 -- Appointments by County Executive.**

**No. 6a -- Appointment of Steve Peggs to Aging Resource Center Board.**

A motion was made by Supervisor Schmitz and seconded by Supervisor Hansen to approve. Vote taken. Motion carried unanimously with no abstentions.

**No. 6b -- Appointment of David Loritz and reappointment of Tom Deidrick to Commission on Equal Opportunities in Housing.**

A motion was made by Supervisor Clancy and seconded by Supervisor Antonneau to approve. Vote taken. Motion carried unanimously with no abstentions.

**No. 6c -- Appointment of J. Allen Johnson to Affirmative Action Committee.**

A motion was made by Supervisor Krueger and seconded by Supervisor Bunker to approve. Vote taken. Motion carried unanimously with no abstentions.

**No. 6d -- Appointment of Supervisor Bret Bicoy (representing Planning, Development and Transportation Committee) and Mike Hronek to Land Information Office Board.**

A motion was made by Supervisor Kaye and seconded by Supervisor Haefs to approve.

A motion was made by Supervisor Haefs and seconded by Supervisor Clancy to take 6d and 6e together with one vote. Vote taken. No. 6d passed unanimously with no abstentions. However, Supervisor Simons asked to be recorded voting nay on No. 6e.

**No. 6e -- Reappointment of Supervisor Mike Fleck to Planning Commission.**

Vote taken. Motion approved except as noted above that Supervisor Simons voted nay.

**No. 7a -- Report by County Executive.**

County Executive Nusbaum announced that supervisors received her letter announcing the appointment of Brendan Bruss as Brown County's new Director of Finance. Brendan has been serving as Brown County's Public Safety Director of Communication. Nancy added that next month she will be bringing to the Board a recommendation that the County Board reorganize the Finance Department and the Information Services Department under a new Department of Administration. This approach will give us better efficiencies and added strength. Nancy feels Brendan will bring us that added strength we need.

Nancy announced that Bellin Hospital and Brown County have made a joint release stating that the County has ceased discussions for privatization of the County psychiatric hospital. All parties have mutually agreed that the numbers are not there to make that approach work.

County Executive Nancy Nusbaum spoke on the positive report from Moody's Investor's Service. This is in conjunction with the recommended bond action which is on the supervisors' desks this evening. Moody's Report reaffirms that Brown County is in very solid financial condition. Nancy went on to say that because of actions taken at budget time and changes and cut backs, the County is in a stronger financial position for the short term. The Moody's analysis confirms that Brown County is very conservative. However, because we continue to lose State and Federal Revenue, we will be challenged in our long term planning. Currently, the hiring freeze has helped temporarily, along with curtailing some services. The long term Budget issue will have to be addressed.

**No. 7b -- Report by Board Chairman.**

Chairman Watermolen explained our Bond Counsel is present this evening. He also explained the procedure to be used to fill the vacancy of Brown County Internal Auditor.

Chairman Watermolen called attention to the April calendar on Supervisors' desks this evening. The April meeting will be one week later on April 25<sup>th</sup>. He addressed last month's discussion of the County Board meeting being moved to either the 2<sup>nd</sup> or 4<sup>th</sup> Wednesday of April.

After discussion, a motion was made by Supervisor Zima and seconded by Supervisor Moynihan to have April 25<sup>th</sup> as the date for the April County Board meeting. Voice vote taken and approved to hold the County Board meeting on the 25<sup>th</sup> of April.

**No. 8 -- Other Reports. None.**

No. 9 -- Standing Committee Reports:  
No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF FEBRUARY 28, 2001

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on February 28, 2001, and recommends the following motions:

1. Review minutes of:
  - a. Housing Authority (January 15, 2001).  
Receive and place on file.
2. Appointment of David Loritz and reappointment of Tom Diedrick to Commission on Equal Opportunities in Housing. Committee approved. See Appointments March County Board agenda.
3. Appointment of J. Allen Johnson to Affirmative Action Committee. Committee approved. See Appointments March County Board agenda.
4. Resolution regarding Budget Transfer for Tobacco Litigation. Committee approved. See Resolutions, Ordinances March County Board agenda.
5. County Clerk – Discussion of newspaper publications (held from previous meeting).
  - a. Communication from News Chronicle to Supervisor Rick Schadewald regarding Reduced Rates for publishing proceedings.
  - b. Communication from County Clerk, Darlene Marcelle to Administration Committee regarding Information requested regarding legal notices for County Board minutes and ordinance minutes.  
The County make a resolution that we put out for bid, on a bi-annual basis, for an official newspaper for Brown County. Ayes: 4(Schadewald, Krueger, Queoff, Clancy); Nays: 1(Fleck). Motion Carried. See Resolutions, Ordinances March County Board agenda.
6. County Clerk – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
7. County Clerk – Budget Review. No action.
8. Facility Management – Budget Review. No action.
9. Facility Management – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
10. Finance Department – 2000 Budget Transfer Log. Approve.
11. Finance Department – Monthly Activities Report (January 22 through February 16, 2001). Hold until next month.
12. Finance Department – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
13. Information Services – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
14. Information Services – Budget Review and Monthly Report. No action.

15. Treasurer – Discussion of County Banking Contract update. No action.
16. Treasurer – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
17. Treasurer – Budget Review. No action.
18. Corporation Counsel – Resolution regarding Disallowance of Claim (Nancy Megal). Committee approved. See Resolutions, Ordinances March County Board agenda.
19. Corporation Counsel – Resolution regarding Disallowance of Claim (Kurt Boulanger). Committee approved. See Resolutions, Ordinances March County Board agenda.
20. Corporation Counsel – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
21. Corporation Counsel – Budget Review. No action.
22. Human Resources Department – Monthly Committee Report (February 2001). Receive and place on file.
23. Human Resources Department – Budget Review. Receive and place on file.
24. Human Resources Department – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
25. Human Resources Department – Director’s Report. No action.
26. Audit of bills. Pay the bills.

A motion was made by Supervisor Krueger and seconded by Supervisor Schillinger to adopt. Vote taken. Supervisors Haefs and Zima requested to abstain from item #1 (Review of Housing Authority minutes). Motion carried.

Approved by:   /s\  Nancy J. Nusbaum, County Executive   Date: 4/2/2001

**No. 9b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF FEBRUARY 22, 2001**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on February 22, 2001, and recommends the following motions:

1. Review minutes of:
  - a) Library Board (1/19/01). Receive and place on file.
2. Communication from Corporation Counsel, Ken Bukowski, regarding Exploring Ways for the Committee and County Board to create fees to generate revenue from the Arena, Zoo, Expo Hall and other entertainment facilities in the County, excluding the Museum. (As requested in a motion from previous meeting.) Receive.
3. Arena/Expo Centre – Attendance Report (January 2001). Receive and place on file.
4. Museum – Visitor Count for months of January 2001. Receive and place on file.
5. Museum – Budget Review. Receive and place on file.
6. Museum – Director’s report. To accept.

7. Library – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Add \$54,388 to 2000 budget with offsetting revenues from donations. Approve.
8. Library – Budget Review. Receive.
9. Library – Director’s Report. Accept.
10. Golf Course – Communication from Julie Petroske, Shopko Stores, regarding Requesting Golf Course for the 22<sup>nd</sup> Annual Shopko Charity Golf Classic, August 6, 2001. Approve.
11. Golf Course – Budget Prioritization Information. Receive.
12. Golf Course – Superintendent’s Report. Accept.
13. Parks – Approve 2001 requests for private access at Reforestation Camp (David Bentz, Sharon Quade, Mike Kueler). Approve.
14. Parks – Request for waiver of rental fee at Reforestation Camp for Women’s Fly Casting Program – Peter Harris/Trout Unlimited. Approve.
15. Parks – Resolution regarding Authorizing County Ownership and Operation of Trail from Bay Shore Park to Dykesville. Committee approved. See Resolutions, Ordinances March County Board agenda.
16. Parks – Report on 2000 County Fair. Receive.
17. Parks – Budget Review. Accept.
18. Parks – Director’s Report. No action.
19. Audit of bills. Pay the bills.

A motion was made by Supervisor Simons and seconded by Supervisor Williquette to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF MARCH 12, 2001**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on March 12, 2001, and recommends the following motions:

1. Review minutes of:
  - a) Legislative Sub-Committee of February 5, 2001. Receive and place on file.
2. Resolution regarding Authorizing the Issuance and Awarding the Sale of \$8,675,000 General Obligation Refunding Bonds, Series 2001A; Providing the Form of the Bonds; and Levying a Tax in Connection Therewith. Committee approved. See Resolutions, Ordinances March County Board agenda.
3. Resolution regarding Authorizing the Issuance and Awarding the Sale of \$1,530,000 General Obligation Refunding Bonds, Series 2001B; Providing the Form of the Bonds;

- and Levying a Tax in Connection Therewith. Committee approved. See Resolutions, Ordinances, March County Board agenda.
4. Resolution regarding To Declare Official Intent Under Reimbursement Bond Regulations. Committee approved. See Resolutions, Ordinances March County Board agenda.
  5. Resolution regarding Creating Additional Grant-Funded Health Aide and Community Health Nurse II Hours. (Referred from Human Services Committee.) Committee approved. See Resolutions, Ordinances March County Board agenda.
  6. Recommendations of major counties who have Professional Grant Writers (Marty Holden, Executive Director of Bay Lake Regional Planning). (From previous meeting.) (Hold report one month for review by Supervisor Kaye.)
  7. County Executive Report. (No report.)
  8. Legislative Report. (No report.)
  9. Legislative Subcommittee report.
    - a) Resolution regarding To Support Kettl Commission Proposal. Committee approved. See Resolutions, Ordinances March County Board agenda.
    - b) Resolution regarding In Support of Passage of Assembly Bill 161. Committee approved. See Resolutions, Ordinances March County Board agenda.
  10. Update of Oneida Tribe of Indians negotiations for shared services. No action.
  11. Review of Administration Committee Department budgets. (Review by Supervisor Schadewald, Chair, Administration Committee.)
    - a) County Clerk
    - b) Corporation Counsel/Child Support
    - c) Facility Management
    - d) Human Resources
    - e) Information Services
    - f) Treasurer

No action.
  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.
    - a) Enter into closed session. Present: 5(Bunker, Hansen, Schadewald, Schillinger, Williquette). Excused: 2(Watermolen, Kaye).
    - b) Return to open session. Present: 5(Bunker, Hansen, Schadewald, Schillinger, Williquette). Excused: 2(Watermolen, Kaye).
    - c) No action taken.

A motion was made by Supervisor Schillinger and seconded by Supervisor Johnson to adopt except for item #10. Vote taken. Motion carried unanimously with no abstentions.

Item #10 – Update of Oneida Tribe of Indians negotiations for shared services.

A motion was made by Supervisor Schillinger and seconded by Supervisor Krueger to adopt item #10. Under discussion.

Supervisor Schadewald stated he is still in negotiations at this time and he is not at liberty to discuss this issue. He did advise supervisors to thoroughly read the draft, once they received it.

He feels everything will be explained in the draft. If anyone has any questions, please call him. Supervisor Schadewald added each supervisor will have a chance to vote on this issue. Supervisor Hansen asked Supervisor Schadewald if the Oneidas get to vote on this compact? Supervisor Schadewald said the Business Committee of the Oneida Tribe will vote on it. Vote taken on item #10. Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive \_\_\_\_\_ Date: 4/2/2001

**No. 9d -- REPORT OF HUMAN SERVICES COMMITTEE OF FEBRUARY 21, 2001**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on February 21, 2001, and recommends the following motions:

1. Review minutes of:
  - a) Handicapped Children's Education Board (1/15/2001).
  - b) Board of Health (1/15/01).
  - c) Aging Resource Center – Finance Committee (1/8/01).
  - d) Aging Resource Center Board (1/8/01).
  - e) Community Options Program Appeals Committee (1/22/01).Receive and place on file as amended.
2. Appointment of Steve Peggs to Aging Resource Center Board. Committee approved. See Appointments March County Board agenda.
3. Aging Resource Center of Brown County – Budget Review. No action.
4. Aging Resource Center of Brown County – Director's Report. (No report.)
5. Veteran's Department – Budget Review. No action.
6. Veteran's Department – Director's Report. No action.
7. Health Department – Resolution regarding Creating Additional Grant-Funded Health Aide and Community Health Nurse II Hours. (Referred to Executive Committee.) Committee approved. See Resolutions, Ordinances March County Board agenda.
8. Health Department – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Miscellaneous Health Grants (Revenue: \$2000; Expense \$2,000) Approved.
9. Health Department – Discussion regarding 2001 License Fee. Provide committee with figures to achieve 80% level. Also, a report on the actual costs of the program.
10. Health Department – Budget Review. No action.
11. Health Department – Director's Report. (No report.)
12. Human Services – Financial Report (Using November {Unaudited} 2000 Year End). Approve financial report.



13. Human Services – Communication to Earlene Ronk from Rock County Board of Supervisors regarding Organizing a Rally at State Capitol regarding Intergovernmental Transfer Payment Program (IGT).
  - a) Support concept.
  - b) Refer to Legislative Committee for further review.
14. Human Services – Letters of Support from surrounding counties for a new Mental Health Center:
  - a) Kewaunee County Department of Human Services Department John E. Schad, Director of Human Services.
  - b) Outagamie County Health and Human Services, Mark DeBruin, Director.
  - c) Waupaca County Department of Health and Human Services, Dennis Dornfeld, Director.
  - d) Oconto County Department of Human Services, Greg Benesh, Manager, Clinical and Family Division and Bruce Retzlaff, Manager, Therapeutic and Quality of Care.  
Receive and place on file.
15. Human Services – Update on Mental Health Center. Recommend closure on discussions with Bellin Hospital.
16. Human Services – Budget Review. (No review.)
17. Human Services Director’s report. (No report.)
18. Audit of bills. Pay the bills.

A motion was made by Supervisor Bunker and seconded by Supervisor Schmitt to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF FEBRUARY 28, 2001**

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on February 28, 2001, and recommend the following motions:

**Land Conservation Subcommittee**

1. Discussion regarding Farm Lease located on Brown County Property (2900 St. Anthony Drive, Green Bay, Wisconsin) from 11/20/2000 through 10/30/2003. Receive and place on file.
2. Request for Budget Transfer: Interdepartmental Transfer (including contingency or general fund transfers); Transfer \$75 from General Fund for dues to Resource

- Conservation and Development (RC&D) Association (expense account: dues and memberships). Approve. (Referred to Administration Committee.)
3. Land Conservation Department Budget Review. Receive and place on file.
  4. Thursday Notes (January 25, 2001 and February 8, 2001). Receive and place on file.
  5. Director's report. Receive and place on file.

### **Planning, Development & Transportation Committee**

1. Review minutes of:
  - a) Harbor Commission (1/8/01).
  - b) Planning Commission Board of Directors (12/6/00).
  - c) Land Information Office Committee (11/15/00).
  - d) Solid Waste Board (11/17/00 & 1/15/010).

Receive and place on file items a-d.
2. Appointment of Supervisor Bret Bicoy (representing Planning, Development and Transportation Committee) and Mike Hronek to Land Information Office Board. Committee approved. See Appointments March County Board agenda.
3. Appointment of Supervisor Mike Fleck to Planning Commission. Committee approved. See Appointments March County Board agenda.
4. Highway – Highway Department 2002 Budget Overview and Priorities. No action.
5. Highway – Fourth Quarter 2001 Objective Monitoring Report. Receive and place on file.
6. Zoning – Communication from state of Wisconsin/Department of Natural Resources regarding Non-metallic Mining Reclamation Requirements. (Referred from February County Board.)
  - a) Brief Summary of Wisconsin's Nonmetallic Mining Reclamation Program.
  - b) Wisconsin Statute #295.12 regarding Nonmetallic Mining Reclamation; Oil and Gas.
  - c) Administrative Code, Chapter Natural Resources 135.02, regarding Nonmetallic Mining Reclamation.

Receive and place on file items a-c.
7. Zoning – Budget Review. No action.
8. Zoning – 2000 Sanitary and Land Use Report. Receive and place on file.
9. Zoning – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
10. UW-Extension – Request approval to apply for \$5,000 from Howe Elementary School for development and implementation of curriculum for 4-H After School Program. Approve.
11. UW-Extension – Request approval to apply for \$1,500 from Kaufman Foundation for development and implementation of Mini-Society curriculum for 4-H After School Program. Approve.
12. UW-Extension Review of 2000 UW-Extension Annual Report. No action.
13. UW-Extension Monthly Newsletter. Receive and place on file.
14. UW-Extension – Fourth Quarter 2000
15. UW-Extension – Budget Prioritization for UW-Extension. Receive and place on file.
16. Port and Solid Waste – Discussion regarding Solid Waste Board coming under control of the Planning, Development and Transportation Committee. No action.

17. Port and Solid Waste – Resolution regarding Approving Three-Year Statement of Intentions of Wisconsin Department of Transportation’s Harbor Assistance Program. Committee approved. See Resolutions, Ordinances March County Board agenda.
18. Port and Solid Waste – Budget Priorities. Receive and place on file.
19. Port and Solid Waste – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
20. Port and Solid Waste – Director’s report. Receive and place on file.
21. Planning Commission – Budget Review. Receive and place on file.
22. Planning Commission – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
23. Airport – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
24. Survey – Budget Review. No action.
25. Survey – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
26. Register of Deeds – Budget Review. Receive and place on file.
27. Register of Deeds – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
28. Audit of bills. Pay the bills.

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Collins to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 9f -- REPORT OF PUBLIC SAFETY COMMITTEE OF MARCH 7, 2001**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on March 7, 2001, and recommends the following motions:

1. Review minutes of:
  - a) Public Safety Communications Advisory Board (2/16/01).
  - b) County Arson Task Force Board of Directors (1/11/01).Receive and place on file.
2. Jail Progress Update. Receive and place on file.
3. Circuit Courts – Budget Review. No action.
4. Clerk of Courts Case Filings. Receive and place on file.
5. Clerk of Courts – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
6. Clerk of Courts – Budget Review. No action.
7. Public Safety Communications Department – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
8. Public Safety Communications Department – Budget Review. No action.

9. Public Safety Communications Department – Director’s Report. (No report.)
10. Medical Examiner – Fourth Quarter 2000 Objective Monitoring Report. Hold for one month.
11. Medical Examiner – Budget Review. Hold for one month.
12. Sheriff – Update/Discussion regarding Police Officers working at Packer Stadium. (Held from previous meeting with motion for Sheriff to tell Committee how he is going to productively use the officers during the “down time” of Packer games.) Hold for two months.
13. Sheriff – Discussion regarding Huber. (Held from previous meeting.) Receive and place on file.
14. Sheriff – Jail Population and Overtime Report. Receive and place on file.
15. Sheriff – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Accept supplemental Drug Task Force grant award to purchase and equip a law enforcement vehicle. (Outlay \$23,000; Federal Grant \$19,167; Increase \$3,833).
16. Sheriff – Fourth Quarter 2000 Objective Monitoring Report. Receive and place on file.
17. Sheriff – Budget Review. Receive and place on file.
18. Sheriff’s Report. (No report.)
19. Audit of bills. Pay the bills.

A motion was made by Supervisor Moynihan and seconded by Supervisor Fleck to adopt. Supervisor Kaye asked that item #13 be pulled. Remainder of report – Vote taken. Motion carried unanimously with no abstentions.

Item #13 – Sheriff – Discussion regarding Huber. (Held from previous meeting.):

Supervisor Kaye explained the Huber options and said there are several options out there. He cautioned the Board, explaining these are tentative figures. He asked that any one interested in this to please attend the next Public Safety Committee. Supervisor Kaye made a motion to adopt item #13 and a second was made by Supervisor Collins. Vote taken. Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10 -- Resolutions, Ordinances:**  
**No. 10a -- RESOLUTION REGARDING BUDGET TRANSFER FOR TOBACCO LITIGATION**

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

Ladies and Gentlemen:

WHEREAS, through the sponsorship of the Wisconsin Counties Association, many counties in the state, including Brown County, are involved in significant tobacco litigation involving Wisconsin counties, the State of Wisconsin and large tobacco companies; and

WHEREAS, in January, 2000, the County Board adopted a resolution by which Brown County agreed to participate in the Wisconsin Counties Association sponsored tobacco litigation and appropriated funds for the year 2000 for that purpose; and

WHEREAS, the January, 2000 resolution further provided that additional funds would be required in subsequent years to fund this litigation.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby appropriates the sum of \$8,740.50 to be taken from the General Fund for the purpose of continuing Brown County's participation in tobacco litigation for the year 2001.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Krueger and seconded by Supervisor Hansen to adopt. Vote taken. Roll Call #10a:

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Marquardt, Schillinger, Simons, Williquette

Nays: Kuehn, Moynihan

Total Ayes: 22 Total Nays: 2

Supervisor Marquardt voted aye, her light didn't work. So noted.

Motion carried.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10b -- RESOLUTION REGARDING DISALLOWANCE OF CLAIM (KURT BOULANGER)**

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim was filed on February 8, 2001, in the Brown County Clerk's office; and

WHEREAS, said Notice of Claim alleges that Kurt Boulanger sustained damages, and alleges that said damages were caused by Brown County and employees of Brown County; and

WHEREAS, after a review of this matter by the Corporation Counsel's office, said office recommends that the claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the claim submitted by Kurt Boulanger, be and the same is hereby denied, and no action on

this claim may be brought against Brown County or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, Kurt Boulanger, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Schillinger and seconded by Supervisor Bunker to adopt. Vote taken. Roll Call #10b:

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24

Supervisor Marquardt voted aye, her light didn't work. So noted.

Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive \_\_\_\_\_ Date: 4/2/2001

**No. 10c -- RESOLUTION REGARDING DISALLOWANCE OF CLAIM (NANCY MEGAL)**

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim was filed on February 12, 2001 in the Brown County Clerk's office; and

WHEREAS, said Notice of Claim alleges that Nancy Megal sustained damages, and alleges that said damages were caused by Brown County and employees of Brown County; and

WHEREAS, after a review of this matter by the Corporation Counsel's office, said office recommends that the claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the claim submitted by Nancy Megal, be and the same is hereby denied, and no action on this claim may be brought against Brown County or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, Nancy Megal, and her attorney, Mary Taylor Lokensgard, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Schillinger and seconded by Supervisor Clancy to adopt. Vote taken. Roll Call #10c:

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24

Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10d -- ORDINANCE REGARDING TO AMEND AND RE-CREATE SECTION 2.15 OF THE BROWN COUNTY CODE RELATING TO PUBLICATION OF COUNTY BOARD PROCEEDINGS**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Section 2.15 of the Brown County Code of Ordinances entitled PUBLICATION OF COUNTY BOARD PROCEEDINGS is hereby rescinded and recreated to read as follows:

2.15 PUBLICATION OF COUNTY BOARD PROCEEDINGS. A true and accurate copy of all proceedings had at any regular or special County Board meeting shall be published once in a newspaper to be selected by the Board of Supervisors on a bi-annual basis, after receipt and review of bids from newspapers published in Brown County which meet the qualifications of publishing newspapers as set forth in Ch. 985, Wis. Stats., as amended from time to time; said publication to be completed within 60 days after the adjournment of each session.

Section 2 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Kuehn and seconded by Supervisor Schmitt to adopt. Supervisor Zima spoke in opposition of this ordinance. He made a motion to refer back to Administration Committee for further study. Second by Supervisor Simons. Supervisor Schadewald encouraged Supervisors to vote against Supervisor Zima motion. He questioned if we (County) should subsidize corporate business by insisting we publish in all newspapers. We are putting this out for competitive bids and perhaps we will get a better price. He added it is not anyone's intent to put any single newspaper out of business. He reminded Board members the Administration Committee studied this at length; it's a cost savings measure, it meets the needs of the Brown County Citizens. The Committee believes that by putting this out for bids, it will perhaps get a better price. Supervisor Schadewald encouraged the County Board to vote against referral.

Supervisor Collins stated he feels it's important to reach as many people as we can. He doesn't feel we should change the way we are presently doing our publications.

Supervisor Schillinger spoke in opposition of Mr. Zima's motion to refer. He explained the Administration Committee has studied this issue for a long time. To refer this back to Committee would only make the Board go over the same facts next month.

Supervisor Simons added the County Board has a duty to the Citizens of Brown County to reach as many readers as possible. He believes the \$10,000.00 that would be saved here could be saved in many other areas of the budget. He is in favor of referral.

Supervisor Schmitt explained the Administration Committee has studied this at length. He cannot believe what he is hearing when a supervisor says "what's \$10,000.00?". He said this proposal is not denying anyone access to the publications, stating the Board minutes are also out on the Internet. Supervisor Schmitt told the Board they have a responsibility to look at this in a fiscally responsible manner. He urged the Board to approve this ordinance change.

A motion was made by Supervisor Bunker and seconded by Supervisor Kuehn to suspend the rules to allow interested parties to address the board. Vote taken. Motion carried unanimously with no abstentions.

Tom Brooker, General Manager and Editor, News Chronicle and Vice President of Brown County Publishing Company, addressed the Board. Mr. Brooker gave some background on publicizing the County Board minutes. He stated Brown County must attempt to get information to its residents as much as possible. Mr. Brooker, again, extended the offer for the News Chronicle to publish the legal notices and County Board Minutes FREE.

A motion was made by Supervisor Bunker and seconded by Supervisor Collins to return to the regular order of business. Vote taken. Motion carried unanimously with no abstentions.

Vote taken on motion to refer back to committee. Roll Call #10d(1):

Ayes: Antonneau, Zima, Schmitz, Haefs, Simons

Nays: Bunker, Krueger, Hansen, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitt, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Williquette

Total Ayes: 5                      Total Nays: 19

Motion defeated.

Back to original motion to amend ordinance.

Supervisor Zima encouraged the County Board to vote no.

Supervisor Bicoy explained that competition for publication of minutes is good. He stated the Gannett Corporation can keep its prices low because it's a larger corporation. He explained why publication in all papers is not only healthy for County residents but for businesses in the County as well. Supervisor Bicoy stated that the reason advertising prices are lower in Brown County is because businesses have an alternative; if they are unhappy with one newspaper they can go to the others. In reference to the motion, he said this is a penny wise, pound foolish to save this \$10,000.00 today, but end up on the future, having to pay more. Supervisor Bicoy urged the County Board to vote no on this ordinance.

Supervisor Schillinger explained the present ordinance. It requires the County Clerk to publish in all 5 newspapers. By doing business this way, there is no competition. By changing the ordinance, we would actually create competition. He acknowledged the fact that we presently have low prices, however, the competition created by this ordinance will not prevent the other newspapers from existence. Supervisor Schillinger explained that once Brown County reaches a



population of 250,000, state law says we must have one official newspaper. He feels now is the time to go to one newspaper. It's important to save the money now. He encouraged a yes vote on this ordinance.

Supervisor Marquardt questioned if Mr. Wood, from the News Chronicle continues to pledge to publish the minutes free?

Supervisor Schadewald responded "yes".

Supervisor Marquardt asked if the Press Gazette agreed to publish free.

Supervisor Schadewald responded the Press Gazette submitted their bid, which wasn't free.

Supervisor Marquardt, at this time, urged the County Board to vote no on this ordinance.

Supervisor Schadewald explained the present ordinance requires us to publish in all 5 newspapers. By doing business this way, there is no competition and no flexibility. We, as a Board, must analyze what political will can we display; can we make cuts? We are approaching another budget and we must be willing to look at cuts. He encouraged a yes vote on this ordinance.

Supervisor Simons stated what is occurring here is the Press Gazette went to a morning addition to try to compete with the News Chronicle. He feels \$10,000.0 out of a County Budget of \$170,000,000 is nothing. He went on to say people deserve the opportunity to review the Board's actions in all 5 newspapers.

Supervisor Zima feels this ordinance and debate is all about driving the smaller newspaper out of business. He stated we presently have the power and control. If our costs get too high, Mr. Zima said Brown County presently has that power to change the way of doing business. He urged a no vote.

Supervisor Krueger explained he also believes in keeping the citizens well informed. This ordinance is about creating an official newspaper and saving \$10,000.00. We are supposed to be looking for budget cuts. He said he doesn't like this budget crunch any more than anyone else, but this is the way we are supposed to do business. Vote taken on original motion to adopt the ordinance as presented. Roll Call #10d(2):

Ayes: Antonneau, Bunker, Krueger, Queoff, Vanden Plas, Watermolen, Schadewald, Schmitz, Schmitt, Johnson, Kuehn, Schillinger, Moynihan, Williquette

Nays: Hansen, Zima, Collins, Clancy, Fleck, Haefs, Kaye, Bicoy, Marquardt, Simons

Total Ayes: 14 Total Nays: 10

Motion carried.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

Approved by:  \s\ Darlene K. Marcelle, Brown County Clerk Date: 4/3/2001

Approved by:  \s\ Keith R. Watermolen, Board Chairman Date: 4/6/2001

**No. 10e -- DRAFT RESOLUTION REGARDING AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF \$8,675,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001A; PROVIDING THE FORM OF THE BONDS; AND LEVYING A TAX IN CONNECTION THEREWITH**

**AWARD RESOLUTION REGARDING AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF \$8,595,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001A; PROVIDING THE FORM OF THE BONDS; AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, it is necessary that funds be raised by Brown County, Wisconsin (the "County") for the purpose of paying the cost of refinancing certain of its outstanding obligations, to wit: the callable portion of the County's \$9,615,000 General Obligation Corporate Purpose Bonds, Series 1992A (the "1992A Bonds") and the callable portion of the County's \$13,430,000 General Obligation Refunding Bonds, 1993A (the "1993A Bonds" and, together with the 192A Bonds, the "Prior Issues") (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the County Board deems it to be necessary, desirable and in the best interest of the County to refund the Prior Issues for the purpose of obtaining interest cost savings; and,

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to refinance their outstanding obligations.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of EIGHT MILLION FIVE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$8,595,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the "Purchaser"), in accordance with the terms and conditions of its purchase proposal attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation refunding bonds aggregating the principal amount of EIGHT MILLION FIVE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$8,595,000) (the "Bonds"), for the sum of EIGHT MILLION SIX HUNDRED FIFTY-FOUR THOUSAND EIGHT HUNDRED SEVENTEEN DOLLARS AND FIFTY-FIVE CENTS (\$8,654,817.55), plus accrued interest to the date of delivery.

Section 3. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2001A"; shall be dated April 1, 2001; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature serially on November 1 of each year, in the years and principal amounts as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2002	\$1,245,000	4.000%
2003	1,530,000	4.000%
2004	1,485,000	4.125%
2005	1,480,000	4.125%
2006	1,425,000	4.125%
2007	1,430,000	4.125%

Interest is payable commencing on November 1, 2001 and semi-annually thereafter on May 1 and November 1 of each year.

Section 4. 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 Exchange Commission.

Section 5. Redemption Provisions. The Bonds shall not be subject to redemption prior to maturity.

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 a direct annual irrepealable tax sufficient for that purpose is hereby levied upon all taxable property of the County. Said direct annual irrepealable tax shall be levied in the years and in the amounts as follows:

<u>Levy Year</u>	<u>Amount</u>
2001	1,596,076.02
2002	1,831,275.02
2003	1,725,075.02
2004	1,658,818.76
2005	1,542,768.76
2006	1,488,987.52

The 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 hereinabove 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 by Section 8 hereof.

The County has heretofore levied a direct annual irrepealable ad valorem debt services tax in the amount of \$255,225.00 with respect to the November 1, 2001 interest payment on the callable portions of the Prior Issues. \$204,793.75 of said sum shall be irrevocably deposited upon receipt into the segregated Debt Service Fund Account for the Bonds created below and used to pay the interest on the Bonds coming due on November 1, 2001.

Section 7. 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 B and incorporated herein by this reference.

Section 8. Debt Service Fund Account. There is hereby established a fund account separate and distinct from every other County fund or account to be designated "Debt Service Fund Account for \$8,595,000 Brown County General Obligation Refunding Bonds, Series

2001A dated April 1, 2001". 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 9. Refunding Fund; Arbitrage Covenant. The whole proceeds of the Bonds (the "Bond Proceeds") herein provided for (other than any premium and accrued interest which must be paid at the time of delivery of the Bonds into the Debt Service Fund Account created in Section 8 hereof) 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.

The Bond Proceeds may be temporarily invested in legal investments until needed provided, however, that the County hereby covenants and agrees so long as the Bonds remain outstanding, moneys on deposit in any fund or account in connection with the Bonds, whether or not such moneys were derived from the proceeds of the sale of the Bonds 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 Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable regulations including Sections 1.148-1 through 1.148-11 of the income tax regulations, as the same exist on this date, or may from time to time hereafter be amended, supplemented or revised.

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 date of delivery and payment for the Bonds.

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 expects that it will qualify for the six-month expenditure exception from the rebate requirements of the Code found at Section 148(f)(4)(B).

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 payments 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 Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth 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 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 C 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 clerk will execute and deliver on the Closing Date. Any bondholder may take such actions 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. Redemption of the 1992A Bonds and the 1993A Bonds. The County hereby calls the 1992A Bonds and the 1993a Bonds due on November 1, 2001 and thereafter for redemption on May 1, 2001. The County Clerk is hereby authorized to provide a notice of the redemption, in substantially the form attached hereto as Exhibits D-1 and D-2, by mailing said notices by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) nor more than sixty (60) days prior to the redemption date.

Section 17. 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 they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 21<sup>st</sup> day of March, 2001.

Respectfully submitted,  
EXECUTIVE COMMITTEE

EXHIBIT B  
(Form of Bond)  
UNITED STATES OF AMERICA  
STATE OF WISCONSIN, COUNTY OF BROWN  
REGISTERED GENERAL OBLIGATION REFUNDING BOND,  
NO. R-\_\_\_\_\_ SERIES 2001A

ORIGINAL DATE  
MATURITY DATE: OF ISSUE: INTEREST RATE: CUSIP:

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

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

KNOW ALL MEN BY THESE PRESENTS, that Brown County, Wisconsin (the "Issuer"), 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. Interest is payable commencing on November 1, 2001 and semi-annually thereafter on May 1 and November 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 Issuer 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 Issuer are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$8,675,000, all of which are of like tenor, except as to denomination, interest rate and maturity date, issued by the Issuer pursuant to the provisions of Chapter 67, Wisconsin Statutes for the purpose of paying the cost of refinancing certain of its outstanding obligations, to wit: the callable portions of the County's \$9,615,000 General Obligation Corporate Purpose Bonds, Series 1992A dated August 1, 1992, and the County's \$13,430,000 General Obligation Refunding Bonds, Series 1993A dated May 1, 1993 all as authorized by a resolution of the Issuer's governing body duly adopted by said governing body at a regular meeting held on March 21, 2001. Said resolution is recorded in the official minutes of said governing body for said date.

This Bond is non-callable.

It is hereby certified and recited that all conditions, things and acts required by a 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 Issuer, 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 Issuer 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 Issuer 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 Issuer 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 after the Record Date. The Issuer 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 whatsoever.

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 Chairperson and County Clerk; and to be sealed with its official or corporate seal, all as of the 1<sup>st</sup> day of April, 2001.

BROWN COUNTY, WISCONSIN

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

Keith Watermolen  
County Board Chairperson

(SEAL)

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

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)

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

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

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 C**  
**FISCAL AGENCY AGREEMENT**

THIS AGREEMENT is made and entered into the \_\_ day of April, 2001, by and between Brown County, Wisconsin (the "Issuer"), and Associated Trust Company, National Association, a national banking association with trust powers located in Green Bay, Wisconsin, (the "Agent").

WITNESSETH:

WHEREAS, the Issuer has authorized the borrowing of the sum of EIGHT MILLION SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$8,675,000) pursuant to Section 67.05, Wisconsin Statutes, and a resolution adopted by the Issuer's governing body on March 21, 2001 and has authorized the issuance and sale of \$8,675,000 principal amount of general obligation refunding bonds to evidence such indebtedness (the "Obligations"). The Obligations shall be designated "General Obligation Refunding Bonds, Series 2001A"; shall be dated April 1, 2001; 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 of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2002	1,270,000	_____ %
2003	1,550,000	_____ %
2004	1,495,000	_____ %
2005	1,490,000	_____ %
2006	1,435,000	_____ %
2007	1,435,000	_____ %

Interest shall be payable commencing on November 1, 2001 and semi-annually thereafter on May 1 and November 1 of each year until the principal of the Obligations is paid in full or discharged;

WHEREAS, the Issuer 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 governing body of the Issuer has authorized the appointment of the Agent as Fiscal Agent of the Issuer 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 in all accordance with the provisions of Section 67.10(2), Wisconsin Statutes.

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

## I. APPOINTMENT

The Agent is hereby appointed Fiscal Agent of the Issuer 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 Issuer.

## 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 Obligations should have been fully paid or prepaid in accordance with their terms) the Issuer 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 Issuer 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 Issuer. 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 Issuer 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 Registration Book or at such other address as may be furnished in writing by 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 Issuer exercises its option, if any, to redeem any of the Obligations, the Issuer shall direct the Fiscal Agent to give notice of such redemption by registered or certified mail at least thirty days prior to the date fixed for redemption to the registered owner of each Obligation to be redeemed in whole or in part at the address shown in the Registration Book. Such direction shall be given at least thirty-five days prior to such redemption date.

In addition, in accordance with the recommendations of the Securities and Exchange Commission, the Fiscal Agent shall give notice of any call for redemption to all registered securities depositories and to a national information service that disseminates notices of redemption of such Obligations, but neither a defect in this additional notice nor any failure to give all or any portion of such additional notice shall in any manner defeat the effectiveness of a call for redemption.

#### 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 Issuer.

#### 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.

#### XI. STATEMENTS

The Fiscal Agent shall furnish the Issuer with an accounting of payments received and made and funds on hand annually commencing with the year ending on December 31, 2001.

## XII. FEES

The Issuer 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 Issuer 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 Issuer by the Fiscal Agent. In the event the Issuer 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 Issuer 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 Issuer. Upon receiving such notice of resignation, the Issuer 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 67.01(2), Wisconsin Statutes, as amended.

Any successor fiscal agent shall execute, acknowledge and deliver to the Issuer 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 Issuer, 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, powers, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, the Issuer 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 Issuer.

(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 Issuer'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 Issuer after deduction of any unpaid fees and disbursements of Fiscal Agent. Termination of this Agreement shall not, of itself, have any effect on Issuer's obligations to pay the outstanding Obligations in full in accordance with the terms thereof.

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

(SEAL) BROWN COUNTY, WISCONSIN  
By: \_\_\_\_\_  
Keith Watermolen, Chairperson  
And: \_\_\_\_\_  
Darlene K. Marcelle, Clerk

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

(SEAL) ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION  
GREEN BAY, WISCONSIN  
By: \_\_\_\_\_  
\_\_\_\_\_  
And: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT D-1

NOTICE OF REDEMPTION\*

BROWN COUNTY, WISCONSIN

\$9,615,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS,

SERIES 1992A, DATED AUGUST 1, 1992

NOTICE IS HEREBY GIVEN that the following maturities of the above-referenced issue have been called for prior payment on May 1, 2001 (the "Redemption Date"):

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Cusip Number</u>
11/01/2001	180,000	4.600%	115511_____
11/01/2002	195,000	4.600%	115511_____
11/01/2003	185,000	4.600%	115511_____
11/01/2004	200,000	4.600%	115511_____
11/01/2005	210,000	4.600%	115511_____
11/01/2006	220,000	4.600%	115511_____
11/01/2007	240,000	4.600%	115511_____

The Depository Trust Company, New York, New York, is the securities depositories for said Bonds. The holders of said Bonds will be paid the principal amount of the Bonds plus accrued interest to the Redemption Date.

Said Bonds will cease to bear interest on May 1, 2001.

By Order of the County Board of Supervisors

Darlene K. Marcelle  
County Clerk

Dated March 21, 2001

\* To be sent to The Depository Trust Company, Call Notification Department, Muni Reorganization Manager, 711 Stewart Avenue, Garden City, New York 11530, the securities depository for the Bonds, not less than thirty (30) days nor more than sixty (60) days prior to the Redemption Date by registered or certified mail, or overnight express delivery.

EXHIBIT D-2  
NOTICE OF REDEMPTION\*

BROWN COUNTY, WISCONSIN  
\$13,430,000 GENERAL OBLIGATION REFUNDING BONDS,  
SERIES 1993A, DATED MAY 1, 1993

NOTICE IS HEREBY GIVEN that the following maturities of the above-referenced issue have been called for prior payment on May 1, 2001 (the "Redemption Date"):

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Cusip Number</u>
11/01/2001	1,455,000	4.800%	115511_____
11/01/2002	1,040,000	4.800%	115511_____

11/01/2003	1,340,000	4.900%	115511_____
11/01/2004	1,290,000	5.000%	115511_____
11/01/2005	1,290,000	5.100%	115511_____
11/01/2006	1,240,000	5.200%	115511_____
11/01/2007	1,240,000	5.200%	115511_____

The Depository Trust Company, New York, New York, is the securities depository for said Bonds. The holders of said Bonds will be paid the principal amount of the Bonds plus accrued interest to the Redemption Date.

Said Bonds will cease to bear interest on May 1, 2001.

By Order of the County Board of Supervisors

Darlene K. Marcelle  
County Clerk

Dated March 21, 2001

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\* To be sent to The Depository Trust Company, Call Notification Department, Muni Reorganization Manager, 711 Stewart Avenue, Garden City, New York 11530, the securities depository for the Bonds, not less than thirty (30) days nor more than sixty (60) days prior to the Redemption Date by registered or certified mail, or overnight express delivery.

A motion was made by Supervisor Kuehn and seconded by Supervisor Bunker to adopt. John Mehan, Brown County Bond Consultant, explained savings of \$345,000 after all costs. The costs average approximately \$65,000 per year.

Supervisor Zima asked Bond Counsel, Mr. Mehan, if it would be prudent for us to wait until November to put the bids out, explaining the interest rates are declining.

Mr. Mehan explained his advice is to call the bid now; we immediately start the savings as opposed to waiting six months and risk the interest rates. Mr. Zima asked if we have more time on this, to get more opinions. Mr. Mehan explained we are required to give 30 days notice. If no action is taken tonight, this would be delayed 6 months. Mr. Zima feels we should wait another 6 months to revisit this issue. He said interest rates will only go down in the next 6 months.

Supervisor Bunker asked Mr. Mehan for clarification of correct numbers. Mr. Mehan replied the numbers given to you this evening, being Eight Million, Five Hundred Ninety-Five Thousand Dollars (\$8,595,000) are the correct numbers.

Supervisor Simons asked Mr. Mehan if he felt there could possibly be a reduction of possibly a ½ % on the interest rates? Mr. Mehan replied there is that possibility of a reduction. Mr. Mehan went into detail and explained the process of how bond rates are obtained. His fear becomes, if we delay this process, that right now we are saving approximately \$65,000 per year. If we wait 6 months and we are wrong, we will lose some or all the savings.

Supervisor Zima made a motion to refer this resolution back for six months. Second by Supervisor Simons.

Discussion on motion to refer:

Supervisor Clancy stated his opposition against referral.

Supervisor Schillinger stated Mr. Mehan has worked with the Executive Committee on this issue. Pat stated Mr. Mehan has great creditability. Brown County has received great rates with Mr. Mehan's recommendations, adding Mr. Mehan has always looked out for the best interests of Brown County. Supervisor Schillinger supports the recommendation of Mr. Mehan and asks the County Board to support the resolution this evening.

Supervisor Schmitt expressed this issue is an unknown. He added that former Finance Director Pat Webb, was in attendance of these meetings and Mr. Webb agreed with this process. Supervisor Schmitt feels that most County Board members are out of their league when dealing with Bonding, so we must rely on the experts we have hired. Supervisor Schmitt is opposed to referral.

Display vote only on referral (no request for roll call). Ayes: 1 (Supervisor Zima); Nays: 23. Motion defeated.

Final vote on resolution 10e – The Sale of Bonds. Vote taken. Roll Call #10e(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Nays: Zima

Total Ayes: 23 Total Nays: 1

Motion carried.

Approved by:  \s\ Nancy J. Nusbaum, County Executive \_\_\_\_\_ Date: 4/2/2001

**No. 10f -- DRAFT RESOLUTION REGARDING AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF \$1,530,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001B; PROVIDING THE FORM OF THE BONDS; AND LEVYING A TAX IN CONNECTION THEREWITH**

**AWARD RESOLUTION REGARDING AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF \$1,525,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001B; PROVIDING THE FORM OF THE BONDS; AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, it is necessary that funds be raised by Brown County, Wisconsin (the "County") for the purpose of paying the cost of refinancing certain of its outstanding obligations, to wit: the callable portion of the County's \$2,265,000 General Obligation Corporate Purpose Bonds, Series 1991B (the "Prior Issue" or "Series 1991B Bonds") (hereinafter the refinancing of the County's outstanding obligation shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the County Board deems it to be necessary, desirable and in the best interest of the County to refund the Prior Issue for the purpose of obtaining interest cost savings; and,

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to refinance their outstanding obligations.

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



Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) from Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin (the “Purchaser”), in accordance with the terms and conditions of its purchase proposal attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation refunding bonds aggregating the principal amount of ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) (the “Bonds”), for the sum of ONE MILLION FIVE HUNDRED FOURTEEN THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$1,514,325.00), plus accrued interest to the date of delivery.

Section 3. Terms of the Bonds. The Bonds shall be designated “General Obligation Refunding Bonds, Series 2001B”; shall be dated May 1, 2001; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature serially on November 1 of each year, in the years and principal amounts as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2002	185,000	3.650%
2003	180,000	3.750
2004	175,000	3.850
2005	175,000	3.950
2006	170,000	4.050
2007	165,000	4.150
2008	160,000	4.250
2009	160,000	4.350
2010	155,000	4.450

Interest is payable commencing on November 1, 2001 and semi-annually thereafter on May 1 and November 1 of each year.

Section 4. 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 5. Redemption Provisions. The Bonds shall not be subject to redemption prior to maturity.

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 a direct annual irrepealable tax sufficient for that purpose is hereby levied upon all taxable property of the County. Said direct annual irrepealable tax shall be levied in the years and in the amounts as follows:

<u>Levy Year</u>	<u>Amount</u>	<u>Levy Year</u>	<u>Amount</u>
2001	246,542.50	2006	192,505.00
2002	234,790.00	2007	180,657.50
2003	223,040.00	2008	173,857.50
2004	216,302.50	2009	161,897.50
2005	204,390.00		

The 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 hereinabove 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 by Section 8 hereof.

The County has heretofore levied a direct annual irrepealable ad valorem debt service tax in the amount of \$52,455.00 with respect to the November 1, 2001 interest payable on the callable portion of the Prior Issue. \$30,771.25 of said sum shall be irrevocably deposited upon receipt into the segregated Debt Service Fund Account for the Bonds created below and used to pay the interest on the Bonds coming due on November 1, 2001.

Section 7. 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 B and incorporated herein by this reference.

Section 8. Debt Service Fund Account. There is hereby established a fund account separate and distinct from every other County fund or account to be designated “Debt Service Fund Account for \$1,525,000 Brown County General Obligation Refunding Bonds, Series 2001B dated May 1, 2001”. There shall be deposited in said fund account any premium plus accrued interest paid on the Bond 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 9. Refunding Fund; Arbitrage Covenant. The whole proceeds of the Bonds (the “Bond Proceeds”) herein provided for (other than any premium and accrued interest which must be paid at the time of delivery of the Bonds into the Debt Service Fund Account created in

Section 8 hereof) 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.

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 in connection with the Bonds, whether or not such moneys were derived from the proceeds of the sale of the Bonds 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 Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and any applicable regulations including Sections 1.148-1 through 1.148-11 of the income tax regulations, as the same exist on this date, or may from time to time hereafter be amended, supplemented or revised.

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 date of delivery and payment for the Bonds.

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 date of delivery and payment for the Bonds.

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 expects that it will qualify for the six-month expenditure exception from the rebate requirements of the Code found at Section 148(f)(4)(B).

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 payments 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 Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth 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 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 C 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 Clerk will execute and deliver on the Closing Date. Any Bondholder may take such actions 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. Redemption of the Series 1991B Bonds. The County hereby calls the Series 1991B Bonds due on November 1, 2001 and thereafter for redemption on May 1, 2001. The County Clerk is hereby authorized to provide a notice of the redemption, in substantially the form attached hereto as Exhibit D, by providing said notice to the fiscal agent for the 1991B Bonds not less than thirty-five (35) days prior to the redemption date.

Section 17. 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 they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 21<sup>st</sup> day of March, 2001.

Respectfully submitted,  
EXECUTIVE COMMITTEE

EXHIBIT B  
(Form of Bond)

UNITED STATES OF AMERICA STATE OF WISCONSIN  
BROWN COUNTY GENERAL OBLIGATION REFUNDING BONDS

REGISTERED NO. R- \_\_\_\_\_ SERIES 2001B

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
NOVEMBER 1, 20__	APRIL 1, 2001	_____ %	_____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

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

KNOW ALL MEN BY THESE PRESENTS, that Brown County, Wisconsin (the “Issuer”), 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 November 1, 2001 and semi-annually thereafter on May 1 and November 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 Issuer pursuant to the provisions of Section 67.10(2), Wisconsin Statutes, to act as bond registrar and paying agent (the "Bond Register"). 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 Issuer are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,530,000, all of which are of like tenor, except as to denomination, interest rate and maturity date, issued by the Issuer pursuant to the provisions of Chapter 67, Wisconsin Statutes for the purpose of paying the cost of refinancing certain of its outstanding obligations, to wit: the callable portion of the County's \$2,265,000 General Obligation Corporation Purpose Bonds, Series 1991B dated November 1, 1991, all as authorized by a resolution of the Issuer's governing body duly adopted by said governing body at a regular meeting held on March 21, 2001. Said resolution is recorded in the official minutes of said governing body for said date.

This Bond is non-callable.

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 Issuer, 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 Issuer 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 issuer 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 Issuer 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 after the Record Date. The Issuer 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 whatsoever.

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 Chairperson and County Clerk; and to be sealed with its official or corporate seal, all as of the 1<sup>st</sup> day of April, 2001.

BROWN COUNTY, WISCONSIN

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

Keith Watermolen  
County Board Chairperson

(SEAL)

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

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 C

FISCAL AGENCY AGREEMENT

THIS AGREEMENT is made and entered into the \_\_\_\_ day of April, 2001, by and between Brown County, Wisconsin (the "Issuer"), and Associated Trust Company, National Association, a national banking association with trust powers located in Green Bay, Wisconsin, (the "Agent").

WITNESSETH:

WHEREAS, the Issuer has authorized the borrowing of the sum of ONE MILLION FIVE HUNDRED THIRTY THOUSAND DOLLARS (\$1,530,000) pursuant to Section 67.05, Wisconsin Statutes, and a resolution adopted by the Issuer's governing body on March 21, 2001 and has authorized the issuance and sale of \$1,530,000 principal amount of general obligation refunding bonds to evidence such indebtedness (the "Obligations"). The Obligations shall be designated "General Obligation Refunding Bonds, Series 2001B"; shall be dated April 1, 2001; 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 of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2002	185,000	_____ %
2003	180,000	_____
2004	175,000	_____
2005	175,000	_____
2006	170,000	_____
2007	165,000	_____
2008	165,000	_____
2009	160,000	_____
2010	155,000	_____

Interest shall be payable commencing on November 1, 2001 and semi-annually thereafter on May 1 and November 1 of each year until the principal on the Obligations is paid in full or discharged;

WHEREAS, the Issuer 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 governing body of the Issuer has authorized the appointment of the Agent as Fiscal Agent of the Issuer 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 Issuer and the Agent do hereby agree as follows:

#### I. APPOINTMENT

The Agent is hereby appointed Fiscal Agent of the Issuer 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 Issuer.

#### 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 Obligations should have been fully paid or prepaid in accordance with their terms) the Issuer 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 Issuer 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 Issuer. The Fiscal Agent shall be permitted to microfilm, or otherwise photocopy and record with canceled Obligations.

#### V. REGISTRATION BOOK

Fiscal Agent shall maintain in the name of the Issuer 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 Registration Book or at such other address as may be furnished in writing by 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 Issuer exercises its option, if any, to redeem any of the Obligations, the Issuer shall direct the Fiscal Agent to give notice of such redemption by registered or certified mail at least thirty days prior to the date fixed for redemption to the registered owner of each Obligation to be redeemed in whole or in part at the address shown in the Registration Book. Such direction shall be given at least thirty-five days prior to such redemption date.

In addition, in accordance with the recommendations of the Securities and Exchange Commission, the Fiscal Agent shall give notice of any call for redemption to all registered securities depositories and to a national information service that disseminates notices of redemption of such Obligations, but neither a defect in this additional notice nor any failure to give all or any portion of such additional notice shall in any manner defeat the effectiveness of a call for redemption.

#### 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 Issuer.

#### 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 Issuer with an accounting of payments received and made and funds on hand annually commencing with the year ending on December 31, 2001.

#### XII. FEES

The Issuer 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 Issuer 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 Issuer by the Fiscal Agent. In the event the Issuer 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 Issuer 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 Issuer. Upon receiving such notice of resignation, the Issuer 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 Issuer 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 Issuer, 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, powers, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, the Issuer 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 Issuer.

(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 Issuer'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 Issuer after deduction of any unpaid fees and disbursements of Fiscal Agent. Termination of this Agreement shall not, of itself, have any effect on Issuer'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 Issuer 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: \_\_\_\_\_

Keith Watermolen  
Chairperson

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

Darlene K. Marcelle, Clerk

(SEAL)

SIGNATURE PAGE TO THE FISCAL AGENCY AGREEMENT

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION  
GREEN BAY, WISCONSIN

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

\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

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

EXHIBIT D

NOTICE OF REDEMPTION\*

BROWN COUNTY, WISCONSIN  
\$2,265,000 GENERAL OBLIGATION CORPROATE PURPOSE BONDS, SERIES 1991B  
DATED NOVEMBER 1, 1991

NOTICE IS HEREBY GIVEN that the following maturities of the above-referenced issue have been called by the Registrar for prior payment no May 1, 2001 (the "Redemption Date"):

<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>CUSIP</u> <u>Number</u>
11/01/2001	130,000	5.900%	115511_____
11/01/2002	170,000	6.000	115511_____
11/01/2003	170,000	6.100	115511_____
11/01/2004	170,000	6.200	115511_____
11/01/2005	170,000	6.300	115511_____
11/01/2006	170,000	6.400	115511_____
11/01/2007	170,000	6.500	115511_____
11/01/2008	170,000	6.500	115511_____
11/01/2009	170,000	6.600	115511_____
11/01/2010	170,000	6.600	115511_____

Upon presentation and surrender of said Bonds to Associated Trust Company, National Association, Green Bay, Wisconsin (f/k/a Kellogg-Citizens National Bank of Green Bay, Green Bay, Wisconsin), the registrar and fiscal agent for said Bonds, the holders thereof will be paid the principal amount of the Bonds plus accrued interest to the Redemption Date.

All holders, other than exempt parties (banks, brokers, corporations, etc.) submitting their Bonds directly for payment must also submit a Form W-9 in order to avoid 31% back-up withholding under the Interest and Dividend Tax Compliance Act of 1983. Failure to provide a completed Form W-9 will result in a 31% back-up withholding to Bondholders. The Form W-9 may be obtained from the Internal Revenue Service or from the offices of the registrar and fiscal agent for said Bonds.

Said Bonds will cease to bear interest on May 1, 2001.

By Order of the County Board of Supervisors  
Darlene Marcelle  
County Clerk

Dated March 21, 2001

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\* Associated Trust Company, National Association, Green Bay, Wisconsin (f/k/a Kellogg-Citizens National Bank of Green Bay, Green Bay, Wisconsin), the registrar and fiscal agent, shall give notice of such prepayment by registered or certified mail at least thirty (30) days prior to May 1, 2001 to the registered owner of each Bond to be redeemed at the address shown in the registration books.

A motion was made by Supervisor Hansen and seconded by Supervisor Kuehn to adopt. Vote taken. Roll Call #10f(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions. Supervisor Zima voted aye. His light was not working. So noted.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10g -- RESOLUTION REGARDING TO DECLARE OFFICIAL INTENT UNDER REIMBURSEMENT BOND REGULATIONS**

WHEREAS, the Internal Revenue Service has promulgated Internal Revenue Code Regulations §1.150-2 (the "Regulations") with respect to proceeds of tax-exempt borrowings used to reimburse prior capital expenditures,

WHEREAS, one of the requirements of the Regulations is that an issuer must timely declare an intention to reimburse itself for the expenditure from proceeds of a tax-exempt borrowings used to reimburse prior capital expenditures,

WHEREAS, one of the requirements of the Regulations is that an issuer must timely declare an intention to reimburse itself for the expenditure from proceeds of a tax-exempt borrowing ("Official Intent"),

WHEREAS, Brown County (the "Issuer") has authorized the issuance of not to exceed \$39,700,000 of bonds (the "Obligations") for the purpose of paying the cost of constructing and equipping a new mental health center facility (the "Project"), and

WHEREAS, certain expenditures may be made in connection with the Project prior to the issuance of the Obligations for which the Issuer will seek reimbursement from proceeds of the Obligations once the Obligations are issued.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Issuer, pursuant to the Regulations, that:

1. It is the reasonable intention of the Issuer to use proceeds of the Obligations to reimburse expenditures made on the Project as defined above.

2. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$39,700,000.
3. This statement of Official Intent is made pursuant to Internal Revenue Code Regulations §1.150-2.

Adopted and recorded this 21<sup>st</sup> day of March, 2001.

Respectfully submitted,  
EXECUTIVE COMMITTEE

A motion was made by Supervisor Schillinger and seconded by Supervisor Johnson to adopt. Vote taken. Roll Call #10g(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes:               24                   Total Nays:               0

Motion carried unanimously with no abstentions.

Approved by:   \s\  Nancy J. Nusbaum, County Executive                     Date: 4/2/2001

**No. 10h --     RESOLUTION REGARDING SUPPORT OF PASSAGE OF ASSEMBLY BILL 161**

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

Ladies and Gentlemen:

WHEREAS, under current law an excise tax is imposed on gasoline and diesel fuel purchased by local governments; and

WHEREAS, local governments are currently exempted from sales tax on other purchases in Wisconsin; and

WHEREAS, a significant portion of current local government expenditures are paying excise fuel taxes rather than highway maintenance and construction; and

WHEREAS, Assembly Bill 161, authored by Rep. Lee Meyerhofer, would exempt the UW System, city, village, town, county, school district, and technical college district from paying the excise tax imposed on gasoline and diesel fuel.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors urges the state legislature and the Governor to support passage of Assembly bill 161.

BE IT FURTHER RESOLVED that the Clerk send copies of this resolution to area state legislators, WCA, and he Governor.

Respectfully submitted,  
LEGISLATIVE SUB-COMMITTEE

A motion was made by Supervisor Haefs and seconded by Supervisor Marquardt to adopt. Vote taken. Roll call #10h(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10i -- RESOLUTION REGARDING SUPPORT KETTL COMMISSION PROPOSAL**

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

Ladies and Gentlemen:

WHEREAS, Governor Thompson created a Blue Ribbon Commission on State/Local Partnerships for the 21<sup>st</sup> Century charged with the mission of making recommendations on how to improve the state/local relationship and be incorporated into the 2201-2003 biennial budget; and

WHEREAS, the State/County partnership was based upon a policy which sought to raise revenue at the state level to equalize taxes and deliver services at the local level to achieve the greatest efficiency in the delivery of such services to our citizens with proper accountability; and

WHEREAS, many of the State programs carried out by counties are done so with insufficient State resources which must then be supplemented with local property tax revenue; and

WHEREAS, this increasing burden to County property taxpayers has caused a tremendous strain on State/Local government relations; and

WHEREAS, the State/Local Partnership Commission forwarded several proposals that would redesign the current financing of our taxation and service delivery in the areas of Human Services, Juvenile Justice, and State Court System that could begin a very healthy debate regarding our current system and has the potential of improving our current system of taxation and delivery of services.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby supports the efforts of the Blue Ribbon Commission to improve the State/County/Local partnership on behalf of our shared constituency and requests that Governor McCallum and the State Legislature advance proposals through the biennial budget process that recognizes the state's obligation to fully fund state programs administered by counties and improving the accountability and efficiency of those programs by having the taxing authority be held responsible for the outcomes of said programs.



BE IT FURTHER RESOLVED by the Brown County Board of Supervisors that it hereby requests that special emphasis be given to the Blue Ribbon Commission's recommendation regarding "Strategic Planning" and be implemented as one of the essential components of making these other recommendations successful.

BE IT FURTHER RESOVLED by the Brown County Board of Supervisors that a copy of this resolution be sent to Governor McCallum, local State Legislators, WCA, and the other 71 counties.

Respectfully submitted,  
LEGISLATIVE SUB-COMMITTEE

A motion was made by Supervisor Simons and seconded by Supervisor Schillinger to adopt. Supervisor Schmitz explained this proposal is not good for Brown County and is not a good policy overall. He stated this is another way for the State to make us spend more local money, while at the State level, we see fewer dollars returned. He urged the County Board to vote against the Resolution. Vote taken. Roll Call #10i(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Queoff, Collins, Fleck, Watermolen, Schadewald, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons

Nays: Zima, Vanden Plas, Clancy, Schmitz, Williquette

Total Ayes: 19 Total Nays: 5

Supervisor Zima voted nay. His light was not working. So noted.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10j -- RESOLUTION REGARDING AUTHORIZING COUNTY OWNERSHIP AND OPERATION OF TRAIL FROM BAY SHORE PARK TO DYKESVILLE**

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

Ladies and Gentlemen:

WHEREAS, when State Trunk Highway 57 is ultimately widened to four lanes in the vicinity of Bay Shore Park to Dykesville, bicycle and pedestrian access to Bay Shore Park will become more dangerous and difficult; and

WHEREAS, when the highway is widened to four lanes, it is anticipated that this portion of Highway 57 will revert to County Trunk Highway status; and

WHEREAS, the Wisconsin Department of Transportation has indicated that it is planning to construct a bicycle/pedestrian trail from Bay Shore Park to Dykesville, and the State is seeking a commitment from Brown County to the affect that the County will own and operate this trail through Bay Shore Park and along S.T.H. 57 between Bay Shore Park and Dykesville.

NOW, THEREFORE, BE IT RESOVLED by the Brown County Board of Supervisors that it hereby expresses its commitment that Brown County will take ownership and operational responsibility of a bicycle trail to be constructed by the State of Wisconsin, which trail will be proceed from, and/or through, Bay Shore Park to the Village of Dykesville, part of which may be adjacent to S.T.H. 57.

Respectfully submitted,  
EDUCATION & RECREATION COMMITTEE

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Kuehn to adopt. Vote taken. Roll Call #10j(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 10k -- RESOLUTION REGARDING CREATING ADDITIONAL GRANT-FUNDED HEALTH AIDE AND COMMUNITY HEALTH NURSE II HOURS**

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

Ladies and Gentlemen:

WHEREAS, the incidence of vaccine-preventable diseases, such as Measles, Mumps, Rubella, Diphtheria, Tetanus, Pertussis, and Polio remain a continued threat in the United States; and

WHEREAS, Wisconsin's reported incidence of childhood vaccine-preventable disease (VPD) continues to exceed the national mean of VPD incidence, and

WHEREAS, the development and widespread use of vaccines for the prevention of infectious diseases has resulted in unprecedented improvements in the health status of United States residents, and

WHEREAS, the national goal for completion of recommended primary immunization by age 2 years is 90%, yet 81% of children served by the Brown County Health Department Immunization Program will complete primary immunizations by age 2 years, and

WHEREAS, it has been shown that education/awareness activities, and tracking systems including personal contacts improve client compliance in receiving primary immunizations, and

WHEREAS, it has been shown that for every dollar spent on immunization, several dollars are saved in medical care and disability costs, and

WHEREAS, a TANF Immunization Outreach grant is available to provide funding for staff hours to provide outreach, such as public education/awareness, tracking and personal follow up, and

WHEREAS, the staff hours added for this purpose will be 100% funded by this grant and the hours will be reduced or eliminated if the grant is reduced or eliminated and the fiscal impact is attached.

THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Health Department Table of Organization be changed to add .05 FTE (104 hours/year) for the position of Health Aide and .25 FTE (494 hours/year) for the position of Community Health Nurse II, commencing in 2001.

Respectfully submitted,  
HUMAN SERVICES COMMITTEE  
EXECUTIVE COMMITTEE

A motion was made by Supervisor Collins and seconded by Supervisor Bunker to adopt. Vote taken. Roll Call #10k(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by:  \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 101 -- RESOLUTION REGARDING APPROVING THREE-YEAR STATEMENT OF INTENTIONS FOR WISCONSIN DEPARTMENT OF TRANSPORTATION'S HARBOR ASSISTANCE PROGRAM**

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

Ladies and Gentlemen:

WHEREAS, the attached Three-Year Harbor Development Statement of Intentions describes proposed improvements which are in the best interest of the Port of Green Bay; and

WHEREAS, the Wisconsin Department of Transportation, in accordance with state statute, requires a statement of project intentions from local units of government intending to apply for federal and/or state aid related to harbor work of benefit to commercial transportation within the next three years; and

WHEREAS, the Harbor Commission and the Planning, Development and Transportation Committee have carefully reviewed the estimated projects costs, funding sources, physical location, and alternatives to the proposed project; and

WHEREAS, the total local matching funds required for the projects indicated as being funded through the Wisconsin Department of Transportation's Harbor Assistance Program range from twenty (20%) percent to fifty (50%) percent; and

WHEREAS, this Three-Year Harbor Development Statement of Intentions is used by the Wisconsin Department of Transportation for planning purposes only and is not a petition for federal and/or state aid.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby approves the attached Harbor Development Statement of Intentions.

Respectfully submitted,  
PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar year **2001**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I**      Project Description and Objective(s)

**Project Name:**            **Cat Island Chain Restoration**

Restoration of the Cat Island chain using outer harbor (sandy) dredge material from the navigational channel. The original three Cat Islands were destroyed during high water and storm events in the 1970s. The islands served ecological and environmental benefits to lower Green Bay. Under Section 204 of the Water Resources Development Act of 1992, the United States Army Corps of Engineers conducted a Ecosystem Restoration Report and Draft Environmental Assessment in November 1999 and are willing to pay 75% of the project cost with the remaining cost being local. The initial local cost of reconstructing one of the three islands is \$850,000. This project is supported by U.S. Fish & Wildlife Service, WI Department of Natural Resources and local environmental groups. Assuming the outer channel generates 80,000 cy of dredge material when dredged, the construction of the first island would take 24 years to construct and use 1,300,000 cy of sandy dredge material, thus extending the disposal capacity of Bay Port.

**PART II**      Project Resources

**PART III** Rank & Probability

Expected Funding Sources (All types)

Amount

(a) Of the projects listed for the year noted above, this project is of **1<sup>st</sup>** priority to the applicant.

(a)    **WI DOT HAP (50%)**

**\$425,000**

(b)    **Brown County (50%)**

**\$425,000**

(c)

(b) The estimated probability of this project being started in year noted above is: (Circle One)

(d)

**\$850,000**

High Medium Low

Total

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2001**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

**Project Name: Green Bay's New Leichts Park Development**

This project will consist of extending the existing shoreline approximately 40' out to the bulkhead line and the construction of a 316 linear foot dock wall and dredging to 24' depth. The work will include sheet pile, sheet anchors, bumper guards, excavation and filling. Surface paving adjacent to the new wall to facilitate access to and from the vessels will also be constructed. The existing site is a run-down rip-rap shoreline. The facility will be used for docking various types of ships ranging from commercial to military, etc. The purpose of the dock will be to provide public education and recreation relating to various types of seagoing ships as well as access to Downtown Green Bay for passenger vessels.

PART II Project Resources

Expected Funding Sources (All types)

- |     |                                |               |           |
|-----|--------------------------------|---------------|-----------|
| (a) | <b>Wisconsin DOT HAP (80%)</b> | <u>Amount</u> | \$800,000 |
| (b) | <b>Brown County (20%)</b>      |               | \$200,000 |
| (c) |                                |               |           |
| (d) |                                |               |           |

**\$1,000,000**  
(Total)

PART III Rank & Probability

(a) Of the projects listed for the year noted above, this project is of **2<sup>nd</sup>** priority to the applicant.

(b) The estimated probability of this project being started in year noted above is: (Circle One)

High Medium Low

Prepared By: **Dean Haen, Port Manager**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2002**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I**      Project Description and Objective(s)

**Project Name:**      **Closure of Renard Island CDF.** Renard Island was used to keep the Port of Green Bay open to commercial transportation during 1970s and 1980s.

- A.      Prepare study and plan for closure of Renard Island CDF. Study will include:
  - 1. Survey site elevations for storm water drains and regarding options
  - 2. Drill and sample the dredge material to evaluate future settlement and stability
  - 3. Define site hydraulics by installing piezometer wells
  - 4. Investigate condition of sand filter
  - 5. Report conditions and site recommended closure plans
  - 6. Explore closure funding options including local, state and federal sources
  
- B.      Close Renard Island to WI Department of Natural Resources requirements that are above and beyond U.S. Army Corps of Engineers closure requirements. (Cost unknown at this time.)
  
- C.      Prepare Study to evaluate possible port uses of Renard Island after closure.

<b>PART II</b> Project Resources	<b>PART III</b> Rank & Probability														
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Expected Funding Sources</u> (All types)</td> <td style="width: 50%;"><u>Amount</u></td> </tr> <tr> <td>(a)      <b>Wisconsin DOT HAP (80%)</b></td> <td style="text-align: right;"><b>\$400,000</b></td> </tr> <tr> <td>(b)      <b>Brown County (20%)</b></td> <td style="text-align: right;"><b>\$100,000</b></td> </tr> <tr> <td>(c)</td> <td></td> </tr> <tr> <td>(d)</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;"><b><u>\$500,000</u></b></td> </tr> <tr> <td></td> <td style="text-align: center;">Total</td> </tr> </table>	<u>Expected Funding Sources</u> (All types)	<u>Amount</u>	(a) <b>Wisconsin DOT HAP (80%)</b>	<b>\$400,000</b>	(b) <b>Brown County (20%)</b>	<b>\$100,000</b>	(c)		(d)			<b><u>\$500,000</u></b>		Total	<p>(a) Of the projects listed for the year noted above, this project is of <b><u>1<sup>st</sup></u></b> priority to the applicant.</p> <p>(b) The estimated probability of this project being started in year noted above is: (Circle One) <b><u>High</u></b>    Medium    Low</p>
<u>Expected Funding Sources</u> (All types)	<u>Amount</u>														
(a) <b>Wisconsin DOT HAP (80%)</b>	<b>\$400,000</b>														
(b) <b>Brown County (20%)</b>	<b>\$100,000</b>														
(c)															
(d)															
	<b><u>\$500,000</u></b>														
	Total														

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2002**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I** Project Description and Objective(s)

**Project Name: Expansion of Port Facilities and Relocation of C. Reiss Coal Co.**

The City of Green Bay is interested in relocating C. Reiss Coal Co. from their 40-acre site to a larger site in the Bay Port Industrial Park. Relocating C. Reiss Coal Co. would also expand port operations by making available over 80 acres for port purpose. Western Lime has indicated a need for a larger facility in Green Bay or relocation to another port. This project would create port property, owned by the port and under the control of the port. The expansion would have to be designed not to adversely impact the bay's west shore shallow water habitat. The project would include a double-walled slip of over 4,000 lf and dredging out the slip to 26'. The project would also require a double geo-synthetic liner and granular blankets to stabilize and strengthen the existing soils to hold bulk commodities.

**PART II** Project Resources

**PART III** Rank & Probability

Expected Funding Sources (All types)

Amount

(a) Of the projects listed for the year noted above, this project is of 2<sup>nd</sup> priority to the applicant.

(a) **Wisconsin DOT HAP (80%)**

**\$16,000,000**

(b) **Brown County (20%)  
(Green Bay)**

**\$ 4,000,000**

(b) The estimated probability of this project being started in year noted above is : (Circle One)

(c)

(d)

**\$20,000,000**

High Medium Low

Total

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**



THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County Port & Solid Waste Department (Brown County)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2002**

Instructions: Complete one of these sheet for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

**Project Name: Leicht's Transfer & Storage's State Street Dock Wall**

Replacement of existing wakefield wall on Fox River slip facility, to include replacement of dock face, 300 feet of replacement sheet piling, replacing sheet anchors, and replacing outside bumper guards to facilitate across dock loading and unloading of commercial bulk product. In addition, a 300 foot long by 50 foot wide structural pad with support piles would be installed on the existing portion of the slip wall currently not requiring replacement. Bollards and a wood fender system would also be added along the entire face of the slip.

PART II Project Resources

PART III Rank & Probability

<u>Expected Funding Sources</u> (All types)	<u>Amount</u>
(a) <b>WI DOT HAP (80%)</b>	<b>\$560,000</b>
(b) <b>Brown County (20%) (Leicht's Transfer &amp; Storage)</b>	<b>\$140,000</b>
(d)	
	<b><u>\$700,000</u></b>
	Total

(a) Of the projects listed for the year noted above, this project is of **3rd** priority to the applicant.

(b) The estimated probability of this project being started in year noted above is: (Circle One)  
High Medium Low

Prepared By: **Dean Haen, Port Manager**  
**William S. Monfre, Leichts**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County Port & Solid Waste Department (Brown County)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2002**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I** Project Description and Objective(s)

**Project Name: Leicht's Transfer & Storage's North Dock Wall**

Rehabilitation of existing dockwall, to include major repairs to dock face, 920 feet of renewed sheet piling, replacing sheet anchors, replacing outside bumper guards, and installing new pavement between the dockwall and the new warehouse facility to facilitate across dock loading and unloading of commercial bulk product.

**PART II** Project Resources

**PART III** Rank & Probability

Expected Funding Sources (All types) Amount

(a) **WI DOT HAP (80%)** **\$856,000**  
 (b) **Brown County (20%)** **\$214,000**  
**(Leicht's Transfer & Storage)**

(c)  
 (d)  
**\$1,070,000**  
 Total

(a) Of the projects listed for the year noted above, this project is of **4<sup>th</sup>** priority to the applicant.

(b) The estimated probability of this project being started in year noted above is: (Circle One)  
 High Medium Low

Prepared By: **Dean Haen, Port Manager**  
**William S. Monfre, Leichts**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2003**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I**      Project Description and Objective(s)

**Project Name:**      **Green Bay Federal Navigational Channel Deepening Project**

Deepen federal navigational channel to the East River turning basin to St. Lawrence Seaway specification of 26'3". Presently the change is 26' to Grassy Island then shallows to 24' until the Main Street bridge and 22' beyond. The channel would need to be dredged a distance of 4 miles. The U.S. Army Corps of Engineers is authorized to conduct a Great Lakes Navigational Study consisting of a cost/benefit analysis to determine if a specific project is warranted. The port would benefit by decreasing shipping costs and expanding cargoes presently not received because the cargoes are transported on ocean-going ships requiring the necessary seaway draft. Assuming the cost/benefit study determines a benefit, the USACE is willing to fund the project at 75% with local sponsorship 25%. The total quantity of material to be dredged from the navigational channel is 870,369 cy at a cost of \$9.00 per yard or \$7,833,320 not including disposal. The nonfederal financial responsibility would be \$1,958,330.

<b>PART II</b>	<b>Project Resources</b>	<b>PART III</b>	<b>Rank &amp; Probability</b>
	<u>Expected Funding Sources</u> (All types)	<u>Amount</u>	(a) Of the projects listed for the year noted above, this project is of <b><u>1<sup>st</sup></u></b> priority to the applicant.
(a)	<b>Wisconsin DOT HAP (80%)</b>	<b>\$5,874,990</b>	(b) The estimated probability of this project being started in year noted above is: (Circle One) <b>High   <u>Medium</u>   Low</b>
(b)	<b>Brown County (20%)</b>	<b>\$1,958,330</b>	
(c)			
(d)			
		<b><u>\$7,833,320</u></b>	
		Total	

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**



THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2003**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

**Project Name: Public Terminal Facility**

Purchase river front property 300' x 1600' along Fox River, presently owned by Green Bay Packaging, Inc., Proctor & Gamble, and Fort James for creation of a public terminal facility. Construction of 1,000 lf of dock wall along Green Bay Packaging, Inc., including major dock face, sheet piling, anchors, bumper guards. Construction of an access road from the river front to Quincy Avenue along Interstate Highway 43 through Green Bay Packaging, Inc., property. Relocate Ft. James intake clarifier. Remove old railroad tracks and prepare property for port commerce.

PART II Project Resources

PART III Rank & Probability

Expected Funding Sources (All types)

Amount

(a) Of the projects listed for the year noted above, this project is of 3<sup>rd</sup> priority to the applicant.

(a) **Wisconsin DOT HAP (80%) \$8,000,000**

(b) **Brown County (20%) \$2,000,000**  
**(Green Bay)**

(b) The estimated probability of this project being started in year noted above is: (Circle One)

(c)

(d)

**\$10,000,000**

High Medium Low

Total

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**

THREE-YEAR HARBOR DEVELOPMENT  
STATEMENT OF INTENTIONS

**Port of Green Bay**

Harbor Name

**Brown County (Brown County Port & Solid Waste Department)**

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year **2003**

Instructions: Complete one of these sheets for each project contemplated in calendar 2001, 2002 and 2003. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

**PART I** Project Description and Objective(s)

**Project Name: Green Bay Federal Navigational Channel Deepening Project**

Deepen federal navigational channel to the East River turning basin to St. Lawrence Seaway specification of 26'3". Presently the change is 26' to Grassy Island then shallows to 24' until the Main Street bridge and 22' beyond. The channel would need to be dredged a distance of 4 miles. The U.S. Army Corps of Engineers is authorized to conduct a Great Lakes Navigational Study consisting of a cost/benefit analysis to determine if a specific project is warranted. The port would benefit by decreasing shipping costs and expanding cargoes presently not received because the cargoes are transported on ocean-going ships requiring the necessary seaway draft. Assuming the cost/benefit study determines a benefit, the USACE is willing to fund the project at 75% with local sponsorship 25%. The total quantity of material to be dredged from the navigational channel is 870,369 cy at a cost of \$9.00 per yard or \$7,833,320 not including disposal. The nonfederal financial responsibility would be \$1,958,330.

**PART II** Project Resources

**PART III** Rank & Probability

Expected Funding Sources (All types)

Amount

(a) Of the projects listed for the year noted above, this project is of 1<sup>st</sup> priority to the applicant.

(a) **Wisconsin DOT HAP (80%)**

**\$1,566,664**

(b) **Brown County (20%)**

**\$ 391,666**

(c)

(b) The estimated probability of this project being started in year noted above is: (Circle One)

(d)

**\$1,958,330**

High Medium Low

Total

Prepared by: **Dean Haen, Port Manager**

Date: **January 26, 2001**

A motion was made by Supervisor Antonneau and seconded by Supervisor Schmitt to adopt. Vote taken. Roll Call #101(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 4/2/2001

**No. 11 -- Such other matters as authorized by law. None.**

**No. 12 -- Bills over \$10,000 for periods ending March 1, 2001.**

A motion was made by Supervisor Collins and seconded by Supervisor Bunker to adopt. Vote taken. Roll Call #12(1):

Ayes: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Ayes: 24 Total Nays: 0

Motion carried unanimously with no abstentions.

**No. 13 -- Closing Roll Call:**

Present: Antonneau, Bunker, Krueger, Hansen, Zima, Queoff, Vanden Plas, Collins, Clancy, Fleck, Watermolen, Schadewald, Schmitz, Schmitt, Haefs, Kaye, Bicoy, Johnson, Kuehn, Marquardt, Schillinger, Moynihan, Simons, Williquette

Total Present: 24 Total Excused: 0

**No. 14 -- ADJOURNMENT TO WEDNESDAY, APRIL 25, 2001, AT 7:30 P.M., LEGISLATIVE ROOM, 100 N. JEFFERSON STREET, GREEN BAY, WISCONSIN.**

**a. Discussion of April County Board Meeting date.**

A motion was made by Supervisor Johnson and seconded by Supervisor Queoff to change the April County Board meeting date to April 25, 2001. Vote taken. Motion carried unanimously with no abstentions to adjourn until WEDNESDAY, APRIL 25, 2001.

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Darlene K. Marcelle, Brown County Clerk