

Minutes
Oneida County Board of Supervisors
Tuesday, April 16, 2019 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse

CALL TO ORDER.

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Room of the Oneida County Courthouse. There was a brief moment of silence for our troops, law enforcement officers and emergency responders followed by the Pledge of Allegiance.

Members Present: Russ Fisher, Scott Holewinski, Robb Jensen, Jim Winkler, Greg Pence, Bob Mott, Alan VanRaalte, Billy Fried, Tom Kelly, Jack Sorensen, Sonny Paszak, Dave Hintz, Mike Timmons, Mitchell Ives, Ted Cushing, Bob Metropulos, Bill Liebert, Steven Schreier, Greg Oettinger and Bob Almekinder.

Members Present: 20

Members Excused Absent: Lance Krolczyk

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign attendance form at the podium.
- Please use a microphone when speaking.

ACCEPT THE MINUTES OF THE MARCH 19, 2019 MEETING.

Motion/Second: Sorensen/Cushing to accept the Amended Minutes of the March 19, 2019 Meeting. All "Aye", motion approved.

Motion/Second: Hintz/Sorensen to amend the Minutes on Resolution # 35-2019, pages 6 and 7 "Smith voiced concerns of the Sheriff's Office not having funds available in the 2019 budget to fund this." All "Aye" on Amended March Minutes.

REPORTS/PRESENTATIONS:

- Recognition of Ben Kubisiak as a recipient of the Herb Kohl Scholarship and as a "Teens Active in Government Representative" by Chairman Hintz. Supervisor Winkler went over Kubisiak's achievements and activities.
- Register of Deeds Office 2018 Annual Report was presented by Registrar Franzen.
- Land Information Office 2018 Annual Report presented by Land Information Director Mike Romportl.
- Petco Building Study Committee update was presented by Supervisor Mott. Per Mott the committee was authorized to explore options as related to the Petco property per Resolution # 39-2019. Mott went over barriers to the purchase, discussion ensued. Stacey Johnson of Economic Development discussed that they are actually working with a brokerage firm that Petco hired to obtain information.

PUBLIC COMMENT: Scott Tromp retired Highway Department worker discussed his ideas and interpretation of this potential sale from the perspective of an employee and a taxpayer. Jill Hunger spoke in support of PACE Resolutions. Dave Noel from Sugar Camp spoke in support of the Pace Resolutions. Jackie Cody of Newbold spoke in support of Pace. Tom Jerow spoke in support of the Pace program and went over some of the arguments that he has heard. Jane Schrameyer of Hazelhurst stated she was in support of the PACE program. Stacy Johnson from Economic Development discussed PACE. Kathy Cleland was in support of PACE. Maria King was in support of PACE. Steven Shreier had 7 emails from residents/property owners in support of PACE, this was noted.

CONSENT AGENDA:

Resolution # 41 – 2019: Offered by the Supervisors of the Administration Committee approving the 2018 Overdrawn Budgets.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Oneida County Board of Supervisors has been advised by the Administration Committee and the County Auditor/Finance Director that the accounts set forth below are overdrawn for the year ended December 31, 2018, and the County Board has determined that a transfer of funds as noted below is necessary to pay claims which have been made or which are anticipated,

WHEREAS, the following budgets were in excess of the funds provided in the original 2018 budget, but ***less than 10%*** over the original budget:

<u>Department</u>	<u>Amount Over Budget</u>
1) County Clerk	\$904

2) District Attorney		\$1,175
3) Independent Audit		\$506
4) Forestry Land Account		\$3,480
5) Labor Relations Employee Services		\$1,670
6) Land Conservation		\$224
7) Sheriff		\$264,460
8) Social Services	<u>\$67,042</u>	
Total – less than 10% over		\$339,461

WHEREAS, the following budgets were in excess of the funds provided in the original 2018 budget, but **more than 10%** over the original budget:

<u>Department</u>		<u>Amount Over Budget</u>
9) Branch I	\$8,710	
10) Branch II		\$9,688
11) Fire Suppression		<u>\$863</u>
Total – more than 10% over		\$19,261
Total		\$358,722

Explanation:

- 1) Elections.
- 2) Victim Witness Services for murder trial.
- 3) Audit.
- 4) Taxes and appraisals on land purchase.
- 5) Employee Benefits – Wellness.
- 6) Aquatic Invasive Species.
- 7) Overtime.
- 8) Out of Home Placement.
- 9) Medical Services – Evaluations.
- 10) Medical Services – Evaluations, Guardian Ad Litem, Court Appointed Attorneys.
- 11) DNR invoice for two fires.

WHEREAS, the Wisconsin Statutes require a resolution adopted by the County Board under section 65.90 (5)(b) for the transfer of money for any purpose in excess of funds appropriated; and
WHEREAS, appropriations available in the Contingency Fund were utilized for budgets that were overdrawn, but by less than 10% of their budget, and approved by the Administration Committee for this purpose, and
WHEREAS, appropriations available in the Contingency Fund in the amount of \$210,463 were utilized for budgets that were overdrawn, but the balance was insufficient to cover the entire amount, and
WHEREAS, an additional transfer of \$148,259 from the General Fund is required to cover the budgets that are over.
THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes a transfer from the General Fund of \$148,259 to cover the budgets indicated above as more than 10% of the original appropriation, and the budgets less than 10% that did not have Contingency Fund to cover the overage.

Approved for presentation to the County Board by the Administration Committee this 10th day of April, 2019.
Offered and passage moved by: Dave Hintz, Robb Jensen and Billy Fried.

Resolution # 42 – 2019: Offered by the Supervisors of the Administration Committee authorizing the 2018 Budget Transfers.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Oneida County budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors, and
WHEREAS, the Administration Committee has reviewed and does recommend the 2018 transfers listed below,
THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the budget transfers as listed below:

APPLY ADDITIONAL REVENUES RECEIVED TO RELATED EXPENSES	
District Attorney	4,592

Forestry	273,890
Highway	922,422
Public Health	18,576
Sheriff	<u>372,127</u>
TOTAL	1,591,607

TO APPLY CARRYFORWARD MONEY TO CURRENT YEAR BUDGET

Airport	109,358
Buildings and Grounds	56,981
Highway	61,347
Social Services	60,197
Land Information	109
Sheriff	<u>98,548</u>
TOTAL	386,540

REDUCE BUDGET TO REFLECT REDUCTION IN RELATED REVENUES

Public Health	<u>38,994</u>
TOTAL	38,994

Approved for presentation to the County Board by the Administration Committee this 10th day of April, 2019.
Offered and passage moved by: Dave Hintz, Robb Jensen and Billy Fried.

Resolution # 43 – 2019: Offered by the Supervisors of the Land Records Committee conveying PIN NO 175-18 to the Town of Nokomis.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Land Records Committee. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the tax foreclosed parcels described in Exhibit A below has been offered for public sale pursuant to the procedures in Chapter 18 of the General Code of Oneida County, WI; and,
WHEREAS, the parcel is mostly wetland and no bids were received for the parcel; and,
WHEREAS, the Town of Nokomis offers to purchase this parcel, subject to the voter approval at the Towns Annual meeting, to help alleviate a drainage problem on the road adjoining this parcel and to provide a space for vehicle turn around; and,
WHEREAS, the Land Records Committee recommends it would be in the best interest of Oneida County to convey the parcel by quit claim deed to the Town of Nokomis for the direct cost that the County has against the property in the sum of \$1,973.22.
THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Oneida County hereby approves the sale of the parcel described in Exhibit A below to the Town of Nokomis for \$1,973.22 plus \$30 recording fee and with any condition or terms listed in Exhibit A; and,
BE IT FURTHER RESOLVED, that upon receipt of \$1,973.22 and the \$30 recording fee from the Town of Nokomis, the County Clerk is authorized to sign and place the county seal upon a quit claim deed for the parcels described in Exhibit A; and,
BE IT FURTHER RESOLVED, that the County Treasurer is authorized and instructed to assign to the Town of Nokomis, at the time of issuance of the quit claim deed, all county certificates on the property sold.

Approved for presentation to the County Board by the Land Committee this 9th day of April, 2019.
Offered and passage moved by: Sonny Paszak, Mike Timmons, Greg Pence, Greg Oettinger and Bill Liebert.

Resolution # 44 – 2019/Ordinance Amendment # 11 – 2019: Offered by the Supervisors of the Forestry, Land and Recreation Committee & the Administration Committee amending Oneida County Code Chapter 3.09 - Purchasing.

Ordinance Amendment offered by the Forestry, Land and Recreation Committee & the Administration Committee with regards to authority to sign access permits.

WHEREAS, the Forestry Department manages over 82,000 acres of Country Forest Lands; and
WHEREAS, contained within the County Forest lands are privately held properties that logged by the owners of those properties; and
WHEREAS, access to these private parcels requires an access permit to cross Oneida County lands; and
WHEREAS, Oneida County code section 3.09(3)(f)(9) requires that the County Clerk sign “all agreements relating to land”; and
WHEREAS, Wis. Stat. s. 59.52(6) regarding the transfer of County property give the County the power to “direct the clerk to lease, sell or convey or contract to lease sell or convey any property...”; and

WHEREAS, an access agreement does not lease, sell or convey county owned property; and
WHEREAS, amending Oneida County Code to properly reflect state statute and to give the Forestry Director authority to enter into access permits will help increase efficiency in County government.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

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

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 3.09 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

3.09 PURCHASING.

[the remainder of ordinance section 3.09 is to remain unchanged]

- (f) The following contract agreements are exceptions and shall be executed as provided:
1. Landfill contracts with haulers and users of the Oneida County Landfill and contracts with other landfills or solid waste operations shall be executed by the Chairman of the ~~Solid Waste~~ Public Works & Solid Waste Committee and the Solid Waste Administrator.
 2. Service contract agreements for the Department of Social Services shall be entered into by the Social Services Director where they involve confidential matters and otherwise, by the Social Services Director, with the approval of the Social Services Committee.
 3. Collective bargaining agreements shall be executed by the Labor Relations/Employee Services Committee and the Labor Relations/Employee Services Director upon ratification by the County Board.
 4. Individual employment contracts, including contracts for professional services, shall be entered into by the chairman of the supervising committee with the approval of the committee and with the approval of the Labor Relations/Employee Services Committee.
 5. Multi-department service/maintenance contracts shall be entered into by the Buildings and Grounds Committee; service/maintenance contracts for equipment unique to a specific department shall be entered into by the department head with the approval of the committee of jurisdiction.
 6. Contracts between County departments shall be entered into by the respective department heads with the approval of the committees of jurisdiction.
 7. Except as otherwise stated in the General Code of Ordinances for Oneida County, Contracts between County departments and entities outside the County structure, including grant agreements, shall be entered into by the County Board Chairman and the chairman of the committee of jurisdiction or by the department head if expressly authorized by the County Board. Any County elected or appointed official or employee who is required to provide their social security number or other personal information as part of a contract or grant agreement process shall be indemnified and held harmless by the County from any consequences resulting from either the disclosure of such information or the mismanagement of such contract or grant by others. (Am. Res. #148-2004)
 8. The ~~Highway~~ Public Works and Solid Waste Committee may enter into any contract authorized by the provisions of Ch. 83, Wis. Stats.
 9. All deeds, conveyances or leases of real estate and contracts and agreements relating to deeds, conveyances or leases of real estate shall be made at the direction of the County Board and shall be signed by the County Clerk with a County seal attached. ~~Temporary logging a~~ Access permits across County Forest Lands shall be executed by the Forest Director.

Approved for presentation to the County Board by the Forestry, Land & Recreation Committee this 3rd day of April, 2019.
Offered and passage moved by: Jack Sorensen, Alan VanRaalte, Bob Almekinder and Greg Pence.

Resolution # 45 – 2019: Offered by the Supervisors of the Labor Relations Employee Services and Administration Committees creating a full-time cleaning technician position.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Labor Relations Employee Services (LRES) and Administration Committees.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, due to a recent staffing issue in the Building and Grounds Department, the Facilities Director and Human Resources (HR) Director did recommend to the County Facilities Committee to create an additional Cleaning Technician position until a current employee on a long-term medical leave of absence returns to work or retires; and

WHEREAS, the Labor Relations Employee Services (LRES) Committee has reviewed the recommendation of the County Facilities Committee and does agree that an additional Cleaning Technician position be created at the Building and Grounds Department; and

WHEREAS, when the employee on a long-term medical leave of absence retires, a Cleaning Technician position in the Building and Grounds Department will be eliminated.

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective the day following approval of this resolution, a full time Cleaning Technician position be created in the Building and Grounds Department; and

BE IT FURTHER RESOLVED, that upon the retirement of the employee on a long-term medical leave of absence, a Cleaning Technician position will be eliminated in the Building and Grounds Department; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that all associated costs of the position have been covered in the Building and Grounds Budget for Fiscal year 2019 as set forth in the fiscal impact statement which is attached hereto and made apart thereof.

Approved by the LRES Committee this 10th day of April, 2019.

Approved for presentation to the County Board by the Administration Committee this 10th day of April, 2019.

Offered and passage moved by: Sonny Paszak, Scott Holewinski, Dave Hintz, Billy Fried and Robb Jensen.

- Appointments to Committees, Commissions and other Organizations:
 - Appoint Jim Winkler to the Woodland Enhanced Health Services Commission.

Mott left at 10:51 and returned at 10:58.

Motion/Second: VanRaalte/Cushing to accept the Consent Agenda as presented.

Roll Call Vote: 19 Aye, 2 Absent

Absent: Mott, Krolczyk

Student Representative: 1 Aye

Consent Agenda: Adopted

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 46 – 2019: Offered by the Supervisors of the Administration Committee establishing Property Assessed Clean Energy or “PACE” financings in Oneida County.

Resolution to establish Property Assessed Clean Energy or “PACE” financings in Oneida County, which is a loan program for an energy improvement, a water efficiency improvement or a renewable resource application to a real property within Oneida County’s jurisdiction.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

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

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

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

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

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

WHEREAS, In 2016, a commission was created pursuant to Wis. Stat. § 66.0301 to be known as the Wisconsin PACE Commission (“Commission”); and

WHEREAS, the Commission operates in accordance with a Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission (“Commission Agreement”) which is attached to this resolution; and

WHEREAS, in accordance with Wis. Stat. § 66.0627 and the provisions of the Commission Agreement, Oneida County shall adopt an Ordinance relating to the administration of PACE financings in Oneida County and throughout the State ("PACE Ordinance"); and

WHEREAS, attached to this Resolution is proposed Ordinance No.418-19, which will be considered at the same meeting at which this Resolution is being considered ("PACE Ordinance"); and

WHEREAS, it is the intent of this Resolution to authorize Oneida County to become a member of the Commission and authorize a duly-appointed representative of Oneida County to finalize and execute the final Commission Agreement attached to this Resolution;

SO, NOW, THEREFORE, BE IT RESOLVED: the Oneida County Board of Supervisors authorizes and directs the Oneida County Board Chairman to sign the draft Commission agreement after receipt of approval from the Oneida County Board of Supervisors and approval of the Oneida County Corporation Counsel; and

BE IT FURTHER RESOLVED, the Chair of the Oneida County Board of Supervisors shall appoint a board supervisor or Oneida County employee to act as Oneida County's official representative to take all action necessary to effectuate the intent of this Resolution and he or she shall serve at the at the pleasure of the Oneida County Board of Supervisors; and

BE IT FINALLY RESOLVED, that Dave Hintz is designated and the Oneida County "Representative Director" of the Board of Directors of the Commission in accordance with the Commission Agreement, he shall serve at the pleasure the Oneida County Board of Supervisors.

Offered and passage moved by: Dave Hintz, Robb Jensen and Billy Fried.

Discussion: Hintz stated that PACE loans are low interest loans and are based on energy efficiency. Hintz stated that 34 Counties have adopted the PACE program, discussion ensued.

Roll Call Vote on Resolution # 46 – 2019: 20 Aye, 1 Absent

Absent: Krolczyk

Student Representative: 1 Aye

Resolution # 46 – 2019: Adopted

Resolution # 47 – 2019/Ordinance Amendment # 12 – 2019: Offered by the Supervisors of the Administration Committee creating Chapter 27 of the General Code of Oneida County, Property Assessed Clean Energy Financing.

This ordinance is to establish Property Assessed Clean Energy or "PACE" financings in Oneida County, which is a loan program for an energy improvement, a water efficiency improvement or a renewable resource application to a real property within Oneida County's jurisdiction.

Ordinance Amendment offered by the Administration Committee.

WHEREAS, it is required to have an ordinance to enact PACE financing in Oneida County; and

WHEREAS, the Oneida County Board has passed a resolution indicating that they wish for Oneida County to participate in PACE financing; and

WHEREAS, the following ordinance language creates a new Chapter 27 of the Oneida County code entitled "Property Assessed Clean Energy Financing".

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

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

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 27 of the General Code of Oneida County, Wisconsin, is created as follows [additions noted by underline, deletions noted by strikethrough]:

Chapter 27 Property Assessed Clean Energy Financing

27.01 GENERAL PROVISIONS

27.011 TITLE

This Ordinance shall be known as, referred to, and cited as the "PROPERTY ASSESSED CLEAN ENERGY FINANCING ORDINANCE" and hereinafter referred to as the "Ordinance."

27.012 STATUTORY AUTHORITY

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

27.013 PURPOSE

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

27.02 DEFINITIONS

27.021 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any word not defined in this Ordinance shall be presumed to have their customary dictionary definition.

27.022 SPECIFIC WORDS AND PHRASES

- (a) "Annual installment" means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
- (b) "Borrower" means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
- (c) "Default loan balance" means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.
- (d) "Foreclosure proceeds" means the proceeds received by the County from the disposition of a subject property through an *in rem* property tax foreclosure.
- (e) "Loan amount" means the principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the borrower under the PACE loan.
- (f) "PACE" means the acronym for property assessed clean energy.
- (g) "PACE default provisions" means:
1. The delinquent annual installment(s) due when the County initiates the *in rem* property tax foreclosure on the subject property;
 2. Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;
 3. Any default interest charges applied to unpaid annual installments referenced in subs. (1.) and (2.) above, as provided in the supplemental agreement; and
 4. Any default loan balance.
- (h) "PACE lender" means any person that makes a PACE loan, and which may include an affiliate of the borrower.
- (i) "PACE loan" means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.
- (j) "Person" means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.
- (k) "Program Administrator" means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(b).
- (l) "Subject property" means any premises located in the County on which an energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.
- (m) "Supplemental agreement" means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).
- (n) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

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

27.04 ADMINISTRATION

27.041 WISCONSIN PACE COMMISSION

- (a) Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.
- (b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stat. § 66.0627 as amended.

27.042 LOAN APPROVAL

- (a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.
- (b) The County shall approve the financing arrangements between a borrower and PACE lender.

27.043 SUPPLEMENTAL AGREEMENT

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

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as amended;
 2. Shall recite the amount and the term of the PACE loan;
 3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;
 4. Shall provide whether default interest may be applied to unpaid annual installments;
 5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;
 6. Shall provide for any fees payable to the County and/or Program Administrator;
 7. Shall recite that the supplemental agreement is a covenant that runs with the land;
 8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and
 9. May allow for amendment by the parties.
- (b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.
- (c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.
- (d) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627, as amended.

27.05 ANNUAL INSTALLMENTS ADDED TO TAX ROLLS

Upon the request of the Program Administrator the County shall place each year's annual installment, if delinquent on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627, as amended.

27.06 REMITTANCE OF SPECIAL CHARGES

The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stat. Ch. 74, as amended.

27.07 PROPERTY TAX FORECLOSURE PROCEDURES

- (a) The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.
- (b) The County shall begin an in rem property tax foreclosure proceeding on a subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a "brownfield" (as defined in Wis. Stat. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.
- (c) If the County has determined that it does not wish to obtain judgment on a subject property, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as amended, commence an in rem proceeding against the subject property and assign the County's right to take judgment against the subject property to the PACE lender, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1, 1m and 3, as amended.

27.08 SALE OF FORECLOSED PROPERTY

If the County obtains judgment in an in rem property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

27.09 DISTRIBUTION OF FORECLOSURE PROCEEDS

The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

27.10 EFFECTIVE DATE

Any ordinance or amendatory ordinance adopted by the County Board shall become effective, after adoption by the County Board, after posting or publication of such adoption pursuant to Section 59.14 of the Wisconsin Statutes.

Approved by the Administration Committee this 11th day of March, 2019.
Offered and passage moved by: Dave Hintz, Robb Jensen and Billy Fried.

Discussion: Hintz stated this resolution addresses the changes needed to the County Code to adopt the PACE program.

Roll Call Vote on Resolution # 47 – 2019: 20 Aye, 1 Absent

Absent: Krolczyk

Student Representative: 1 Aye

Resolution # 47 – 2019: Adopted

Resolution # 48 – 2019: Offered by Supervisor Mike Timmons appropriating up to \$15,000 for Barrientos Design and Consulting to conduct a facility condition assessment of the Petco Building.

Seconded by Sorensen.

Resolution for initial funding for the Petco Building Study Committee.
Resolution offered by the Supervisors of the Supervisor Mike Timmons
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Board of Supervisors of Oneida County did pass Resolution 39-2019 creating the Petco Building Study Committee; and

WHEREAS, the committee was tasked to explore the options related to the Petco property and report back to the Administration Committee; and

WHEREAS, the Petco Building Evaluation Committee has met and determined the need to hire a firm to conduct a facilities condition assessment on the condition of the Petco facility & cost to repair and upgrade the Petco facility to make it suitable for Highway Department use, and to recommend if it could be made suitable for Highway Department use as the county highway garage; and

WHEREAS, in order to complete the facilities condition assessment committee asks for up to \$15,000 to hire a consultant to perform those tasks; and

WHEREAS, the Petco Building Evaluation Committee recommends Barrientos Design and Consulting to conduct said study; and

WHEREAS, the funding for this study is available in the 2019 contingency fund.

~~**NOW, THEREFORE, BE IT RESOLVED,** the Oneida County Board of Supervisors accepts the proposal from the Petco Building Committee to appropriate up to \$15,000.00 for Barrientos Design and Consulting to conduct a facility condition assessment of the Petco Building; and **WHEREAS** the County Board does not desire to spend taxpayer funds for the Facilities Condition Assessment referenced herein for the Petco Building;~~

~~**BE IT FURTHER RESOLVED,** that the funds for this study shall come from the 2019 contingency fund. **NOW THEREFORE BE IT RESOLVED,** by the Oneida County Board of Supervisors that the Facilities Condition Assessment not be funded; and **BE IT FURTHER RESOLVED,** that the Petco Building Study Committee is hereby dissolved.~~

Offered and passage moved by: Mike Timmons, seconded by Jack Sorensen.

Discussion: Supervisor Timmons stated the consultation fee of \$15,000 is a starting figure with a final figure of \$60,000 to \$70,000 for the final assessment. Discussion ensued regarding the postponement of Resolution # 48 – 2019.

Motion/Second: Mott/Liebert to postpone Resolution # 48 – 2019 to the June meeting.

Roll Call Vote on Amendment to Resolution # 48 – 2019: 16 Nay, Fried, Almekinder, Ives, Winkler, Cushing, Paszak, Schreier, VanRaalte, Oettinger, Timmons, Kelly, Holewinski, Sorensen, Pence, Metropulos and Hintz, 4 Aye, Mott, Fisher, Liebert and Jensen, 1 Absent

Absent: Krolczyk

Student Representative: 1 Nay

Amendment to Resolution # 48 – 2019: Fails

Discussion: Holewinski discussed the purchases of the WPS building, Trigs building, the Daily News building and the Heal Creek property as related to the cost to the county.

Motion/Second: Holewinski/Winkler to Amend Resolution # 48 – 2019 line 26 to add “Be it further resolved if the Resolution fails that the Petco Committee be dissolved.

11:40 a.m. break called

11:50 a.m. return from break

Student Representative did not return from break.

Hintz ruled Holewinski was out of order as the Motion is contradictory to the wording of the Resolution.

Motion/Second: Holewinski/Sorensen to strike lines 23-28 of the Resolution and starting at line 23 to add the following: Whereas the County Board does not desire to spend taxpayer funds for the facilities condition assessment referenced herein for the Petco Building. Now, Therefore, Be It Resolved, by the Oneida County Board of Supervisors that the facilities condition assessment not be funded and Be It Further Resolved, that the Petco Building Study Committee is hereby dissolved.

Roll Call Vote on Amendment to Resolution # 48 – 2019: 15 Aye Holewinski, Metropulos, Liebert, Timmons, Paszak, Fried, Sorensen, VanRaalte, Ives, Winkler, Almekinder, Oettinger, Cushing, Hintz and Pence, 5 Nay, Jensen, Fisher, Kelly, Mott and Schreier.

Absent: 1 Krolczyk

Amendment to Resolution # 48 – 2019: Adopted

Roll Call Vote on Amended Resolution # 48 – 2019: 17 Aye, 2 Nay, Mott, Kelly, 1 Abstain Schreier

Amended Resolution # 48 – 2019: Adopted

NEXT MEETING DATE AND TIME: May 21, 2019 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Hintz adjourned the meeting at 12:06 p.m.