

## FOURTH DAY'S SESSION

Port Washington, Wisconsin  
August 3, 2011

The County Board reconvened at 9:00 A.M. pursuant to adjournment and was called to order by Chairperson Brooks.

The Clerk took the roll. All members were present except: Excused - Supervisors: Cronce and Slater.

Board members stood and recited the Pledge of Allegiance.

Sheriff Straub addressed the County Board explaining the proposal that was agreed upon to keep the Deputies in the jail sworn officers instead of civilian correctional officers.

Motion made by Supervisor Szatkowski, seconded by Supervisor Wirth, that the Journal of the Third Day's Session be approved as mailed. All members present voting aye, the motion was declared adopted.

Under communications, Chairperson Brooks reviewed the County Board schedule for the remainder of the year, noting that the August 17 meeting is cancelled and the State of the County address will be held on Wednesday, August 31, of which all Supervisors should attend.

There were no claims.

Under public comment, Supervisor Szatkowski thanked everyone who was involved in the negotiations and proposed agreement regarding the Deputies.

The County Administrator presented his monthly report, which included information on the proposed Deputies agreement; Ozaukee County Fair, which starts today; 2012 budget directive; and the changes that will occur at the fairgrounds.

The final Lease and Development Agreement between Ozaukee County and Milwaukee Curling Association, Inc. was presented. Motion made by Supervisor Szatkowski, seconded by Supervisor Wirth to approve the terms of the Lease and Development Agreement. Chairperson Brooks recognized Steven M. Schindhelm - Phillips Borowski, S.C. to answer questions.

The vote was taken as follows: Ayes – 28 (Winker, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Richart, Grosklaus, Curtis, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Petzold, Marchese, Hertz, Bock, Walerstein, Szatkowski, Rothstein), Nays – 1 (Leider), Absent – 2 (Cronce, Slater). The majority of the members present voting aye, the motion was declared adopted.

Chairperson Brooks recognized Steven Kornetzke, Vice President, Robert W. Baird & Co. to review the final pricing summary on the proposed borrowing.

RESOLUTION NO. 11-21

RESOLUTION AWARDING THE SALE OF  
\$4,600,000 GENERAL OBLIGATION COUNTY BUILDING BONDS

WHEREAS, on July 6, 2011, the County Board of Supervisors of Ozaukee County, Wisconsin (the "County") adopted a resolution entitled: "Initial Resolution Authorizing Not to Exceed \$4,600,000 General Obligation Bonds For County Building Projects" authorizing the issuance of general obligation bonds in an amount not to exceed \$4,600,000 for the public purpose of paying the cost of construction of buildings and related site improvements on the County fairgrounds, consisting of a multipurpose building which includes a curling facility, a pole barn and multipurpose building, parking improvements, lighting improvements and a drainage retention pond (the "Project");

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

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County that the Bonds be designated as General Obligation County Building Bonds (the "Bonds");

WHEREAS, the County directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") to take the steps necessary to sell the Bonds;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale;

WHEREAS, the County Clerk (in consultation with Baird) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the County has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. Baird has recommended that the County accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official

Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the County and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a net interest cost and a true interest rate as set forth on the Proposal, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation County Building Bonds"; shall be issued in the aggregate principal amount of \$4,600,000; shall be dated August 24, 2011; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rule-making Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2022 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on March 1, 2021 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. 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 E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2011 through 2030 for the payments due in the years 2012 through 2031 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the County shall be and continue without power to repeal such levy

or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

#### Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$4,600,000 General Obligation County Building Bonds, dated August 24, 2011" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall

at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified 501(c)(3) Bonds; Public Approval. The Bonds are being issued as qualified 501(c)(3) bonds under Section 145 of the Code.

This resolution is intended to constitute public approval (within the meaning of Section 147(f) of the Code) of the issuance of the Bonds.

Section 10. Compliance with Federal Tax Laws. (a) The County represents and covenants that (i) the Project financed by the Bonds and the ownership, management and use of the Project will meet all applicable requirements found in Sections 141 and 145 of the Code, and (ii) it will not use or permit the facilities financed by the Bonds to be used in a manner which would cause the Bonds not to be qualified 501(c)(3) bonds under Section 145 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond within the meaning of the Code or would oth-

erwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. 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 certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 11. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 12. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 13. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the County Treasurer (the "Fiscal Agent").

Section 14. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. 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 the 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, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The 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.

Section 15. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). 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 at the close of business on the Record Date.

Section 16. 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 agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 17. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 19. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Dated at Port Washington, Wisconsin, this 3rd day of August, 2011.

OZAUKEE COUNTY BOARD OF SUPERVISORS

Motion made by Supervisor Becker, seconded by Supervisor Dean, that Resolution No. 11-21 be adopted. The vote was taken as follows: Ayes – 27 (Winker, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Grosklaus, Curtis, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Petzold, Marchese, Hertz, Bock, Walerstein, Szatkowski, Rothstein), Nays – 2 (Leider, Richart), Absent – 2 (Cronce, Slater). The majority of the members present voting aye, the motion was declared adopted.

RESOLUTION NO. 11-22

INCREASE OF REVENUE - 2011

RESOLVED, by the Ozaukee County Board of Supervisors, that budgets be increased in the accounts as follows:

	ACCOUNT NUMBER	DEPARTMENT/ACCOUNT NAME	AMOUNT	AMOUNT
TO:	113-1-03-53111-003	Emergency Management - EPCRA SA-RA / Other Equipment - Homeland Security	\$	5,000

FROM: 113-1-03-42320-003 Emergency Management - EPCRA SA-RA / State Aid - Homeland Security \$ 5,000

TO: 113-1-03-54501-003 Emergency Management - EPCRA SA-RA / Purchased Services - Haz-Mat Preparedness \$ 32,800

FROM: 113-1-03-42320-003 Emergency Management - EPCRA SA-RA / State Aid - Haz-Mat Preparedness \$ 32,800

Dated at Port Washington, Wisconsin, this 3rd day of August, 2011.

PUBLIC SAFETY COMMITTEE				
	Yes	No	Abstain	Absent
Nancy Szatkowski	X			
William S. Niehaus	X			
Gerald E. Walker	X			
John J. Slater	X			
Jacob Curtis	X			
Raymond G. Meyer II				X

FINANCE COMMITTEE				
	Yes	No	Abstain	Absent
Lee Schlenvogt	X			
Richard C. Nelson	X			
James H. Uselding	X			
Donald G. Dohrwardt	X			
Thomas H. Richart	X			
Robert T. Walerstein	X			

Motion made by Supervisor Geracie, seconded by Supervisor Nelson, that Resolution No. 11-22 be adopted. The vote was taken as follows: Ayes - 29, Nays - 0, Absent - 2. With two-thirds of the members elect voting aye, the motion was declared adopted.

RESOLUTION NO. 11-23

PAY RANGE CHANGES – LASATA

RESOLVED, by the Ozaukee County Board of Supervisors that Chapter 3.02, Section (7) of the Ozaukee County Policy and Procedure Manual be amended as follows:

3.02 COUNTY WAGE SCALES

(7) Special Wage Rates

<u>Employee Classification</u>	<u>Hourly Wage</u>
LPN (Non-Benefit)	<del>\$23.50</del> <u>\$21/start, \$21.50/1 yr, \$22/2 yr, \$22.50/3 yr, \$23/4 yr, \$23.50 or max rate/5 yr.</u>
RN (Non-Benefit)	<del>\$31.20</del> <u>\$27/start, \$27.50/1 yr, \$28/2 yr, \$28.50/3 yr, \$29/4 yr, \$29.50/5 yr, \$30/6 yr, \$30.50/7 yr, \$31/8 yr, \$31.20 or current max/9 yr.</u>

Dated at Port Washington, Wisconsin this 3rd day of August, 2011.

HEALTH & HUMAN SERVICES COMMITTEE				
	Yes	No	Abstain	Absent
Daniel P. Becker	X			
Karl V. Hertz	X			
Gustav W. Wirth, Jr.	X			
Cynthia G. Bock	X			
Mark A. Crounce				X
Kathlyn M. Callen				X

FINANCE COMMITTEE				
	Yes	No	Abstain	Absent
Lee Schlenvogt	X			
Richard C. Nelson	X			
James H. Uselding	X			
Donald G. Dohrwardt	X			
Thomas H. Richart	X			
Robert T. Walerstein	X			

Motion made by Supervisor Nelson, seconded by Supervisor Bock, that Resolution No. 11-23 be adopted. The vote was taken as follows: Ayes - 29, Nays - 0, Absent - 2. The majority of the members present voting aye, the motion was declared adopted.

#### ORDINANCE NO. 11-1

An Ordinance creating Section 8.35 of the Ozaukee County Code of Ordinances pertaining to Smoking and amending Section 8.18 (3) pertaining to the Forfeiture Deposit Schedule.

The County Board of Supervisors of the County of Ozaukee does ordain that Section 8.35 of the Ozaukee County Code of Ordinances be created and Section 8.18 (3) be amended as follows:

#### 8.35 SMOKING

##### (1) Smoking Prohibited

(a) Except as provided in subsection (3) no person may smoke in any of the following enclosed places:

1. Residence halls or dormitories owned or operated by college or university
2. Child care centers
3. Educational facilities
4. Inpatient health care facilities
5. Theaters
6. Correctional facilities
7. State institutions
8. Restaurants
9. Taverns
10. Private clubs
11. Retail establishments

12. Common areas of multiple/unit residential units
13. Lodging establishments
14. State, county, city or town buildings
15. All enclosed places other than those listed in subsections 1 through 13 that are places of employment or that are public places.

(b) No person may smoke in any of the following outdoor locations:

1. Anywhere on the premises of a child care center when children who are receiving child care services are present
2. Any location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System

(c) No person may smoke in any of the following:

1. A sports arena
2. A bus shelter
3. A public conveyance

(2) Responsibility of Persons in Charge

(a) No person in charge may allow any person to smoke in violation of this ordinance at a location that is under the control or direction of the person in charge.

(b) The person in charge may not provide matches, ash trays or other equipment for smoking in the location where smoking is prohibited

(c) The person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all the following:

1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition
2. Refusing to serve a person, if the person is smoking in a restaurant, tavern or private club. If a person refuses to leave the location after being requested to do so the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
4. A person in charge may take measures in addition to those listed above to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

(3) Exceptions

(a) The prohibition against smoking in this ordinance does not apply to the following:

1. A private residence.
2. A room used only by one person in an assisted living facility as his or her residence.

3. A room in an assisted living facility in which two or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed
4. A retail tobacco store that is in existence on June 3<sup>rd</sup>, 2009 and in which only the smoking of cigars and pipes is allowed.
5. A tobacco bar this is in existence on June 3<sup>rd</sup>, 2009 and in which only the smoking of cigars and pipes is allowed.

(4) Local Authority

This ordinance is passed and authorized under the authority of Wisconsin Statute Section 101.123(4m)

(5) Definitions

(a) Definitions to be applied in this section are those stated under Section 101.123(1) of the Wisconsin Statutes and in addition include the following:

1. “Enclosed Place” means a structure or area that has all of the following:
  - a. A roof
  - b. More than two substantial walls
2. “Person in Charge” means a person, or his or her agent, ultimately controls, governs or directs activities a board, a public conveyance or the location where smoking is prohibited or regulated under this section.
3. “Place of Employment” means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, and elevator, an employee lounge, a restroom, a conference room, a meeting room, a class room, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
4. “Public Conveyance” means a mass transit vehicle as defined Section 340.01(28m), school bus as defined in Section 340.01(56), or any other device by which persons are transported, for hire, by highway or by rail, water, air, or guide wire, within this state, but does not include such device while providing transportation and interstate commerce.
5. “Public Place” means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.
6. “Restaurant” means an establishment as defined in Wisconsin Statute Section 254.61(5).
7. “Retail Establishment” means any store, shop in which retail sales is the principal business conducted.
8. “Smoking” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
  - a. A lighted cigar

- b. A lighted cigarette
  - c. A lighted pipe
  - d. Any other lighted smoking equipment
9. "Substantial Wall" means a wall with no opening or with an opening that does not allow air in from the outside or is less than 25% of a wall's surface area.
10. "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or "Class B" fermented malt beverages license.

(6) Reasonable Distance Smoking Allowed

A person in charge of a restaurant, tavern, private club, or retail establishment subject to this ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke.

(7) Penalties

- (a) Any person who violates subsection 1 of this ordinance shall be subject to forfeiture of not less than \$100.00, no more than \$200.00 for each violation.
- 1. Except as provided below any person in charge who violates subsection 2 of this ordinance shall be subject to a forfeiture of \$100.00 for each violation except as follows:
    - a. For violations subject to a forfeiture under this subsection if the person in charge has not previously received a warning notice for a violation of subsection 2 the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation; and
    - b. No person in charge may be required under this paragraph to forfeit more than \$100.00 in total for all violations of subsection 2 occurring on a single day.
- (b) Injunction, County officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this ordinance.

8.18 FORFEITURE DEPOSIT SCHEDULE

(3) Deposit Schedule

<u>SECTION NUMBER</u>		<u>DEPOSIT</u>	<u>PENALTY ASSESSMENT</u>	<u>OTHER COSTS</u>	<u>TOTAL DEPOSIT</u>
8.35	Smoking Prohibited	\$25.00	\$6.50	\$137.50	\$169.00

This Ordinance shall take effect upon enactment and publication.

Dated at Port Washington, Wisconsin, this 3rd day of August, 2011.

PUBLIC SAFETY COMMITTEE				
	Yes	No	Abstain	Absent
Nancy Szatkowski	X			
William S. Niehaus	X			
Gerald E. Walker	X			
John J. Slater	X			
Jacob Curtis	X			
Raymond G. Meyer II				X

Robert A. Brooks

**CHAIRPERSON - COUNTY BOARD**

Motion made by Supervisor Dohrwardt, seconded by Supervisor Walker, that Ordinance No. 11-1 be enacted. Supervisor Nelson noted two scrivener’s errors. The vote was taken as follows: Ayes – 27 (Winker, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Grosklaus, Curtis, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Petzold, Marchese, Hertz, Bock, Walerstein, Szatkowski, Rothstein), Nays – 2 (Leider, Richart), Absent – 2 (Cronce, Slater). The majority of the members present voting aye, the motion was declared adopted.

10:00AM – Supervisor Dean excused.

**REVISED**

REPORT NO. 11-1

***REPORT OF COUNTY BOARD/CITIZEN ATTENDANCE AND MILEAGE***

TO THE HONORABLE BOARD OF SUPERVISORS,  
OZAUKEE COUNTY, WISCONSIN

Pursuant to the provisions of Section 2.05 (4)(a)2.d.1c of the Ozaukee County Policy and Procedure Manual, the following are mileage claims for County Board members calculated at 51¢ cents per mile from 01/01/2011 through 06/30/2011. Detailed attendance records of all the foregoing accounts are on file in the Office of the County Clerk.

	Total Meetings Schedule	Total Meetings Attended	Total	Mileage Due
<i>BECKER, DANIEL P</i>	19	19	97	\$49.47
<i>BOCK, CYNTHIA G</i>	17	14	392	\$199.92
<i>BROOKS, ROBERT A</i>	14	14	72	\$36.72
<b><i>BUNTROCK, DANIEL</i></b>	12	12	<b><u>216</u></b>	<b><u>\$110.16</u></b>
<i>CALLEN, KATHLYN M</i>	13	13	252	\$128.52
<i>CRONCE, MARK A</i>	14	0	0	\$0.00
<i>CURTIS, JACOB</i>	15	12	147	\$74.97
<i>DEAN, JOSEPH</i>	13	11	33	\$16.83
<i>DOHRWARDT, DONALD</i>	16	15	390	\$198.90
<i>GERACIE, KATHLYN</i>	21	21	199	\$101.49
<i>GROSKLAUS, JOHN C</i>	13	11	152	\$77.52
<i>HERTZ, KARL</i>	15	14	309	\$157.59
<i>KAUL, TIMOTHY</i>	18	14	164	\$83.64
<i>KLETTI, ALAN P</i>	16	14	174	\$88.74
<i>LEIDER, ROSE HASS</i>	29	29	570	\$290.70
<i>MARCHESE, PATRICK</i>	19	17	338	\$172.38
<i>MEYER, RAYMOND</i>	14	13	54	\$27.54
<i>NELSON, RICHARD C</i>	17	15	113	\$57.63
<i>NIEHAUS, WILLIAM</i>	17	15	274	\$139.74

	Total Meetings Schedule	Total Meetings Attended	Total	Mileage Due
<i>PETZOLD, ANDREW</i>	11	11	301	\$153.51
<i>RICHART, THOMAS H</i>	19	19	217	\$110.67
<i>ROTHSTEIN, JENNIFER</i>	18	18	471	\$240.21
<i>SCHLENVOGT, LEE</i>	16	16	100	\$51.00
<i>SLATER, JOHN</i>	14	9	294	\$149.94
<i>STUMPF, GLENN</i>	25	23	322	\$164.22
<i>SZATKOWSKI, NANCY</i>	21	21	491	\$250.41
<i>USELDING, JAMES H</i>	13	13	199	\$101.49
<i>WALERSTEIN, ROBERT T</i>	22	21	522	\$266.22
<i>WALKER, GERALD E</i>	17	15	240	\$122.40
<i>WINKER, THOMAS</i>	11	8	188	\$95.88
<i>WIRTH, GUSTAV</i>	47	47	273	\$139.23
TOTAL	546	494	<b><u>7564</u></b>	<b><u>\$3,857.64</u></b>

# Meeting Attendance Citizen Report

The following meetings are at \$25.00 per diem and all mileage at 51¢ per mile.  
Detailed attendance records of all the foregoing accounts are on file in the Office of the County Clerk.

<u>Aging &amp; Disability Resource Center Board</u>	Total Meetings Scheduled	Total Meetings Attended	Per Diem Due	Total Miles	Total Mileage Due
BRUNER, SUZANNE	5	5	\$0.00	0	\$0.00
FISHER, JAMES	5	5	\$0.00	110	\$56.10
GOTTFRIED, MICHAEL	1	1	\$0.00	0	\$0.00
GURGEL, PAUL	5	5	\$125.00	0	\$0.00
HILBER, JOHN	3	3	\$75.00	84	\$42.84
KOLANKO, DONNA	5	4	\$100.00	72	\$36.72
MCCUTCHEON, STACY	1	1	\$0.00	0	\$0.00
NADOLSKI, KAREN	5	5	\$0.00	0	\$0.00
SURING, STAN	5	2	\$0.00	42	\$21.42
TREFFERT, PATRICIA	5	5	\$125.00	145	\$73.95
<i>Totals for committee:</i>	<b>40</b>	<b>36</b>	<b>\$425.00</b>	<b>453</b>	<b>\$231.03</b>
<u>Board of Adjustment</u>	Total Meetings Scheduled	Total Meetings Attended	Per Diem Due	Total Miles	Total Mileage Due
CASTNER, STEPHEN	1	1	\$25.00	21	\$10.71
JOBS, BARBARA	1	1	\$25.00	18	\$9.18
RIORDAN, JOHN	1	1	\$25.00	16	\$8.16
STERN, CATHERINE	1	1	\$25.00	22	\$11.22
TOMTER, MARJIE	1	1	\$25.00	11	\$5.61
<i>Totals for committee:</i>	<b>5</b>	<b>5</b>	<b>\$125.00</b>	<b>88</b>	<b>\$44.88</b>
<u>Cedar Grove Library Board</u>	Total Meetings Scheduled	Total Meetings Attended	Per Diem Due	Total Miles	Total Mileage Due
PRITZLAFF, PATRICIA	5	5	\$125.00	60	\$30.60
<i>Totals for committee:</i>	<b>5</b>	<b>5</b>	<b>\$125.00</b>	<b>60</b>	<b>\$30.60</b>

<u>County Traffic Safety Commission</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
AAGERUP, BARBARA	2	1	\$25.00	10	\$5.10
ALBERT, DAVID	1	0	\$0.00	0	\$0.00
CLEMENT, JEAN	2	1	\$25.00	18	\$9.18
GRAFF, STEVEN	2	2	\$0.00	0	\$0.00
MYERS, FRANCES	2	0	\$0.00	0	\$0.00
<b><i>Totals for committee:</i></b>	<b>9</b>	<b>4</b>	<b>\$50.00</b>	<b>28</b>	<b>\$14.28</b>

<u>Environment &amp; Land Use Committee</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
DOBBERFUHL, CARL	3	3	\$75.00	102	\$52.02
<b><i>Totals for committee:</i></b>	<b>3</b>	<b>3</b>	<b>\$75.00</b>	<b>102</b>	<b>\$52.02</b>

<u>Federated Library System Board</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
NUERNBERG, ROBERT	10	9	\$225.00	729	\$371.79
RACHUBA, AMY	5	5	\$0.00	160	\$81.60
ROLLINGS, HARRY	5	5	\$125.00	325	\$165.75
RUGGIERI, STEPHEN	7	7	\$175.00	432	\$220.32
ZEISLER, JAMES	3	2	\$0.00	0	\$0.00
<b><i>Totals for committee:</i></b>	<b>30</b>	<b>28</b>	<b>\$525.00</b>	<b>1646</b>	<b>\$839.46</b>

<u>Health &amp; Human Services Board/Committee</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
BUENGER, GAIL	4	3	\$75.00	102	\$52.02
LUEDERS BOLWERK, CAROL	4	3	\$75.00	72	\$36.72
PEREZ, CELESTINO M	4	1	\$25.00	2	\$1.02
WIRTH, MARY JO	4	4	\$100.00	92	\$46.92
<b><i>Totals for committee:</i></b>	<b>16</b>	<b>11</b>	<b>\$275.00</b>	<b>268</b>	<b>\$136.68</b>

<u>Land Preservation Board</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
HAYES, PAUL	2	1	\$0.00	23	\$11.73
MADDEN, FRANKLIN	2	2	\$0.00	0	\$0.00
MELICHAR, JAMES	2	2	\$50.00	12	\$6.12
PAULUS, MIKE	2	2	\$50.00	26	\$13.26
TOMTER, MARJIE	2	2	\$50.00	11	\$5.61
TORINUS, CAROLINE	2	2	\$0.00	0	\$0.00
<b><i>Totals for committee:</i></b>	<b>12</b>	<b>11</b>	<b>\$150.00</b>	<b>72</b>	<b>\$36.72</b>

<u>Local Emergency Planning Committee</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
BERNIER, TONY	3	3	\$0.00	0	\$0.00
HAAS, DAVID	3	1	\$0.00	0	\$0.00
HARTL, MONIKA	3	0	\$0.00	0	\$0.00
KELLEY, DEAN	3	3	\$75.00	25	\$12.75
KING, GEORGE	3	2	\$0.00	0	\$0.00
MITCHELL, MARK	3	3	\$0.00	0	\$0.00
MYERS, FRANCES	3	0	\$0.00	0	\$0.00
YUHAS, MIKE	3	3	\$75.00	34	\$17.34
ZABRANSKY, RONALD	3	2	\$0.00	44	\$22.44
<b><i>Totals for committee:</i></b>	<b>27</b>	<b>17</b>	<b>\$150.00</b>	<b>103</b>	<b>\$52.53</b>

<u>Natural Resources Committee</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
DOBBERFUHL, CARL	2	2	\$50.00	68	\$34.68
<b><i>Totals for committee:</i></b>	<b>2</b>	<b>2</b>	<b>\$50.00</b>	<b>68</b>	<b>\$34.68</b>

<u>Radio System User Group Committee</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
ALBRINCK, JAMES	2	2	\$50.00	32	\$16.32
MELOY, WILLIAM	2	2	\$0.00	0	\$0.00
MITCHELL, MARK	1	1	\$0.00	0	\$0.00
PRYOR, PATRICK	2	0	\$0.00	0	\$0.00
<b><i>Totals for committee:</i></b>	<b>7</b>	<b>5</b>	<b>\$50.00</b>	<b>32</b>	<b>\$16.32</b>
<u>Veterans Service Commission</u>	<b>Total Meetings Scheduled</b>	<b>Total Meetings Attended</b>	<b>Per Diem Due</b>	<b>Total Miles</b>	<b>Total Mileage Due</b>
PUTZBACH, VICTOR	1	1	\$25.00	22	\$11.22
RICHARDS, ALAN	1	1	\$0.00	12	\$6.12
WATRY, CHARLES	1	1	\$0.00	0	\$0.00
<b><i>Totals for committee:</i></b>	<b>3</b>	<b>3</b>	<b>\$25.00</b>	<b>34</b>	<b>\$17.34</b>
<b>Grand Total</b>	<b>159</b>	<b>130</b>	<b>\$2,025.00</b>	<b>2954</b>	<b>\$1,506.54</b>

Dated at Port Washington, Wisconsin, this 3rd day of August, 2011.

FINANCE COMMITTEE				
	Yes	No	Abstain	Absent
Lee Schlenvogt	X			
Richard C. Nelson	X			
James H. Uselding	X			
Donald G. Dohrwardt	X			
Thomas H. Richart	X			
Robert T. Walerstein	X			

Motion made by Supervisor Schlenvogt, seconded by Supervisor Kletti, that Report No. 11-1 as revised be adopted and that all claims be allowed and ordered paid. A voice vote was taken. All members present voting aye, the motion was declared adopted.

Michael Konecny, Schenk SC conducted a presentation on the Ozaukee County Audit Report. Discussion and questions followed.

The County Administrator reappointed Marjie Tomter as a member of the Board of Adjustment. Motion made by Supervisor Bock, seconded by Supervisor Wirth to approve the reappointment. A voice vote was taken. All members present voting aye, the motion was declared adopted.

Motion made by Supervisor Bock, seconded by Supervisor Winker, to adjourn, subject to call by the Chairperson, or until Wednesday, September 7, 2011 at 9:00 A.M. All members present voting aye, the motion was declared adopted.

Meeting declared adjourned at 10:18AM