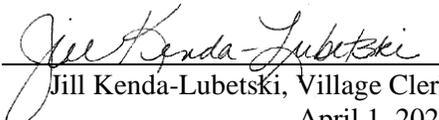


VILLAGE BOARD MEETING
Monday, April 6, 2020
Virtual Meeting by Phone, 6:30 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Village Board will be held by phone due to the COVID-19 pandemic. The public can access this meeting of the Village Board by dialing **1-866-899-4679**. The public would then need to enter the code: **910-178-125** to join the meeting. Please remember to mute your telephones to reduce background noise. The following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. **Persons Desiring to be Heard** – Please submit your full name, address, and your comment by 4:30pm April 6, 2020 to manager@browndeerwi.org
- III. **Consent Agenda**
 - A) Consideration of Minutes: March 2, 2020 – Regular Meeting
- IV. **New Business**
 - A) Discussion of the Village of Brown Deer Bond Rating
 - B) Resolution No. 20-, “Authorizing the Issuance and Sale of \$5,965,000 General Obligation Refunding Bonds”
 - C) An Ordinance Amending and Recreating Section 22-23 of the Brown Deer Village Code Pertaining to Regulations, Rules and Laws
 - D) Authorize the Village to Enter into a Side Letter Agreement with the Brown Deer Police Professional Police Association for Purpose of Staffing as it Relates to the COVID-19 Pandemic.
- V. Village President’s Report
- VI. Village Manager’s Report
 - A) Discussion of the COVID-19 Pandemic
- VII. VIII. Recess into Closed Session Pursuant to 19.85(1)(c) Wisconsin Statutes for the Following Reasons:
 - (c) To consider, employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
 - A) 2019 Village Manager Goals
 - B) 2020 Village Manager Goals and Evaluation
- IX. Reconvene into Open Session for Possible Action on Closed Session Deliberations
- X. Adjournment


Jill Kenda-Lubetski, Village Clerk
April 1, 2020

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**BROWN DEER VILLAGE BOARD
MARCH 2, 2020 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Montgomery at 6:30 P.M.

I. Roll Call

Present: Village President Montgomery; Trustees: Baker, Quirk, Spencer, Springman, Wedward

Also Present: Michael Hall, Village Manager; Jill Kenda-Lubetski, Village Clerk; Susan Hudson, Comptroller; John Fuchs, Village Attorney; Mike Kass, Chief of Police; Matthew Maederer, Department of Public Works Director; Jonathan Schmitz, Police Captain

Excused: Trustee Booker

II. Pledge of Allegiance

III. Persons Desiring to be Heard

A moment of silence was observed for the employees, shooting victims and their families at Molson Coors.

Priscilla Hightower Thompson, 9563 Woods Circle, said her commentary is referenced back to the last Village Board meeting agenda. She opined that unbiased commentary allows for much more productive resolutions and that is the overall objective of the residents.

Armond Jenkins, 9585 North 52nd Street, requested to speak at Item V(E).

IV. Consent Agenda

A) Consideration of Minutes: February 17, 2020 – Regular Meeting

Trustee Spencer stated her comment about kicked off also included that it has a negative connotation.

It was moved by Trustee Spencer and seconded by Trustee Quirk to approve the consent agenda item, with the minutes as amended. The motion carried unanimously.

V. New Business

A) Approve Liquor License Transfer – Four Points Sheraton

The Village Clerk stated the Four Points Sheraton was being sold on March 9, 2020. This is the first sale of the property since it was built in 1989 by the Zetley Family. The two gentlemen who are buying the hotel were in attendance to answer any questions. The Village Clerk advised that all monetary fees have been paid by the applicants to obtain a liquor license. The previous agent, Howard Zetley, will remain the Agent until State of Wisconsin residency has been established for 90 days by one of the new owners.

It was moved by Trustee Springman and seconded by Trustee Wedward to transfer the liquor license from Zefam Associates, Inc. to BRAVO 8900 LLC (Bravo Hospitality Group). The motion carried unanimously.

B) Intergovernmental Agreement for Law Enforcement Services for 2020 Democratic National Convention

Chief Kass stated this is an agreement for the Village of Brown Deer Police Department to assist with law enforcement services during the 2020 Democratic National Convention being held in Milwaukee this summer. He said Village Attorney Fuchs and our insurance carrier, CVMIC, have reviewed the agreement. Chief Kass said a maximum of five (5) officers will be assisting as needed. The monies to pay these officers comes from grant funds.

It was moved by Trustee Quirk and seconded by Trustee Baker to approve the Intergovernmental Agreement for Law Enforcement Services for 2020 Democratic National Convention. The motion carried unanimously.

- C) Approval of Resolution No. 20-, “Authorizing the Director of Public Works/Village Engineer to submit a Grant to the Wisconsin Department of Natural Resources (WDNR) for Municipal Flood Control at the Former Glendale Clinic (9233 North Green Bay Road)

Mr. Maederer stated this is a request to submit a grant application to the Wisconsin Department of Natural Resources (WDNR) for funding for flood control at the former Glendale Clinic property located at 9233 North Green Bay Road. The proposal is to raze the building and make the property a storm water wet detention basin location. Mr. Maederer said MMSD supports removing the property as well.

It was moved by Trustee Wedward and seconded by Trustee Quirk to approve Resolution No. 20-, “Authorizing the Director of Public Works/Village Engineer to submit a Grant to the Wisconsin Department of Natural Resources (WDNR) for Municipal Flood Control at the Former Glendale Clinic. The motion carried unanimously.

- D) An Ordinance to Repeal Sections 2-346, 2-347, 2-348 and 2-349 and to Recreate Section 2-346 of the Village of Brown Deer Code Establishing a Code of Ethics

Attorney Fuchs stated this was coming before the Village Board due to the ordinance being written that Village Trustees and/or Village employees could not work at the polls on Election Day, including the Village Clerk! He said due to so many changes, instead of re-writing it, he decided to just start over. He also clarified that some of the areas are now covered by state law. What he prepared and is presenting has been used either the same and/or similar in other communities with great success.

A discussion ensued regarding having a separate committee that would review complaints, how many committee members, can it be tied together with an existing committee, an attorney being one of the committee members, not having a committee but hiring an attorney and court reporter when an issue arises that needs to be addressed, all committee members from outside the community with the exception of one Village Trustee.

It was moved by Trustee Wedward and seconded by Trustee Baker to approve Ordinance No. 20-, “Repeal Section 2-346, 2-347, 2-348 and 2-349 and to Recreate Section 2-346 of the Village of Brown Deer Code Establishing a Code of Ethics” with the adjustment “at times of need to have a Hearing Examiner without a committee”. The motion carried 4-2, with Village President Montgomery and Trustee Spencer voting Nay.

- E) Discussion of Committees, Commissions, and Board Appointments

Trustee Quirk confirmed that she requested this be on the agenda. She clarified that she believes the Village Clerk needs some guidance and direction on how long to keep committee interest applications/questionnaires. There was a discussion that some wanted two-year terms, five-year terms, new presidency, no more than three-years but two years is preferred.

A discussion ensued regarding terms, term limits, expiration of terms, can the Chair of each committee assist, the process, who is being replaced, purge the list on a regular basis, what is on a regular basis, committee listing on the website showing vacancies for those expressing an interest to get involved.

President Montgomery has her own spreadsheet of each committee/commission/board and who is on each one, when the terms expires, names of individuals who have expressed an interest to serve, as she wants to maintain being fair, inclusive and equitable.

Armond Jenkins stated he attended his very first Village Board meeting in January. He stated he has lived in the Village for 2.5 years. He opined that he believes the committees need a rotation of people. He also stated that elected officials do not automatically renew their terms; they must file paperwork and run and campaign again for another term if they so desire.

Trustee Quirk stated this is a new problem for the Village Board and we are experiencing “Growing Pains”.

F) Request for the Village Board to Issue a Special Resolution for Village President Wanda Montgomery

Mr. Hall stated the Village received information from A-LEGO, African American Ladies Empowered to Grow Opportunities” a 501(c)(3) non-profit organization, requesting the Village issue a special resolution recognizing Village President Wanda Montgomery.

Trustee Wedward questioned if the Village has done something for an individual for an outside organization in the past?

Trustee Quirk opined that this request put her in a very awkward position as she received a similar request a few weeks ago and informed the individual that the Village does not do these types of things.

President Montgomery said these requests were sent to many municipalities and some individuals will be happy and some will be sad. She said this is to acknowledge the work she has done and continues to do. She also said that she would recuse herself from the vote.

Attorney Fuchs stated a resolution is an option available to the Village Board. He stated that one use of a resolution is to recognize an individual or group.

Trustee Wedward said we need to be consistent and fair. She said if we honor and recognize President Montgomery and Ms. Banks, would Trustee Quirk be able to contact the individual who requested same/similar from her that she denied?

Trustee Baker stated he did some research on A-LEGO and could not find much information on the organization. He opined that there was nothing stating this was specific for the Village of Brown Deer. He believes that a resolution or commendation should come from the Milwaukee Common Council or Milwaukee County.

Trustee Wedward stated she appreciates all the work both ladies are doing but cannot commit to authoring a resolution.

It was moved by Trustee Spencer and seconded by President Montgomery to write a resolution to acknowledge and recognize the extraordinary contributions Village President Wanda Montgomery and Village Resident Brenda M. Banks have made and continue to do. The Chair did not call for any additional votes nor did the four Village Trustees who had not voted Yes offer any votes. Therefore, the motion failed with 2-Yes Votes and 4 Abstentions.

G) Request for the Village Board to Issue a Special Resolution for Brenda M. Banks

Mr. Hall stated the Village received information from A-LEGO, African American Ladies Empowered to Grow Opportunities” a 501(c)(3) non-profit organization, requesting the Village issue a special resolution recognizing Village resident, Brenda M. Banks (same/similar to the request received for the Village President).

(Refer to the additional information included in Agenda Item V(F).

VI. Village President's Report

- President Montgomery said to refer to her report in the packet dated 03/02/2020.

VII. Village Manager's Report

- The Village Manager will be attending the WCMA Conference this week Thursday and Friday.
- The Village Manager said the Library will be going to bid and coming before the Village Board in May. It is anticipated there will be six months of construction.
- Trustee Baker asked if they were able to get the larger drawings.
- Trustee Quirk inquired if the plans include the sunken garden/whole walk-out area. The Village Manager said this area will be bid out as an alternative.

1) Recess into Closed Session pursuant to SS 19.85 (1)(g) Wisconsin Statutes for the following reasons:

- (g) Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

a) Manuel L. Burnley

It was moved by Trustee Quirk and seconded by Trustee Spencer to recess into closed session at 7:59 p.m. The motion carried unanimously.

VIII. Reconvene into Open Session for Possible Action on Closed Session Deliberations

It was moved by Trustee Wedward and seconded by President Montgomery to reconvene into open session at 8:24 p.m. The motion carried unanimously.

There was no action taken in closed session.

IX. Adjournment

It was moved by Trustee Quirk and seconded by Trustee Wedward to adjourn at 8:25 p.m. The motion carried unanimously.

Jill Kenda-Lubetski, Village Clerk

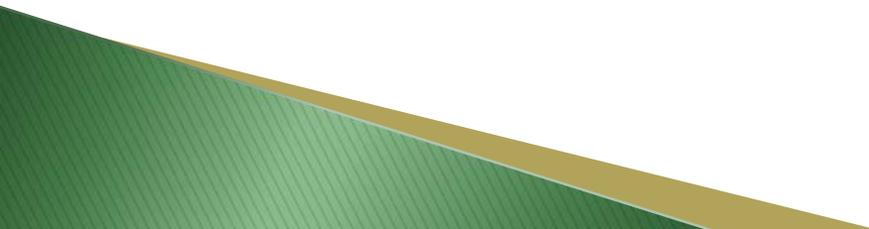


Credit Rating

GOULT Rating change

- ▶ On March 5th Moody's downgraded the Village's General Obligation Unlimited Tax (GOULT) rating to Aa3 from Aa2. The outlook was revised to negative.

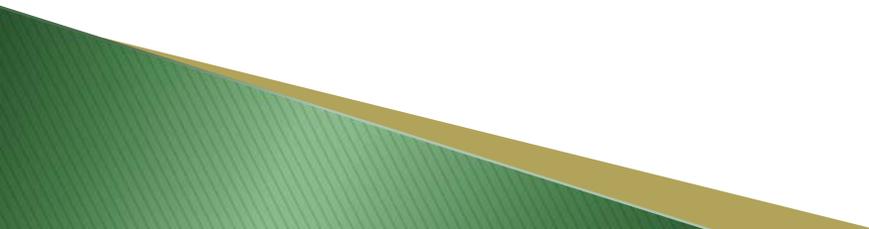
Questions:

- ▶ What does this mean?
 - ▶ Does this change the Village's interest rates?
 - ▶ Why was the Village downgraded?
 - ▶ What can the Village do to change this outlook?
- 

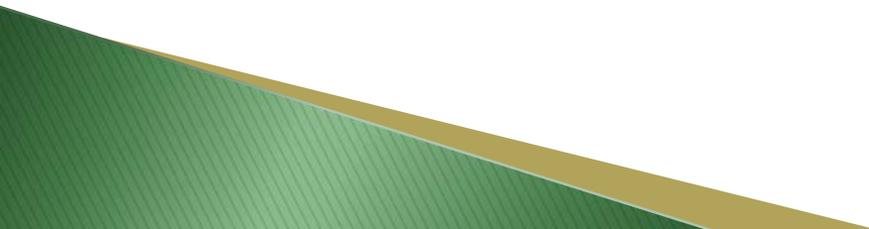
What does this mean?

Categories	Rating symbols	Rating notches	Comments
Investment	Aaa		Highest quality, subject to the lowest level of credit risk
	Aa	Aa1	High quality, subject to very low credit risk
		Aa2	
		Aa3	
	A	A1	Upper-medium grade, subject to low credit risk
		A2	
		A3	
	Baa	Baa1	Medium-grade, subject to moderate credit risk and may possess certain speculative characteristics
		Baa2	
		Baa3	

Does this change the Village's Interest Rate?

- ▶ **NO**
 - ▶ Our rating is considered “High Quality, subject to very low credit risk”
 - ▶ The interest rates in this current economic environment are extremely low.
- 

Why was the Village downgraded?

1. Elevated direct and overlapping debt burdens
 2. Growing continued support to underperforming TID placing negative pressure on the General Fund reserves.
 3. Tax base that, while growing in recent years, has been slow to recover from recessionary declines.
- 

Elevated Direct and Overlapping Debt Burdens

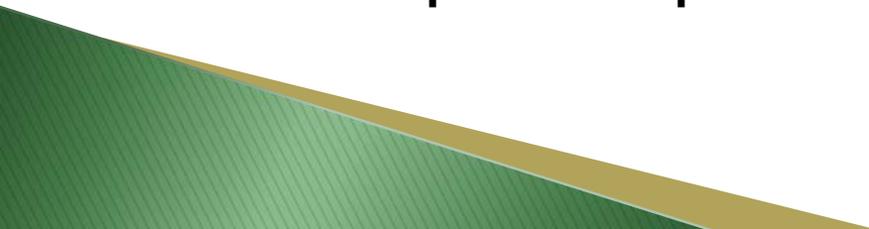


School District & MMSD Debt

- ▶ Moody's indicated that "*The Brown Deer School District has had significant borrowings*" in the last 11 years.
- ▶ In total the school has borrowed \$51 million dollars in 11 years. Half of that was borrowed last year totaling \$26 million.
- ▶ This has created a significant per capita debt on the citizens of Brown Deer.
- ▶ The school was downgraded to A1 – grade bond
- ▶ This moved the school from a **HIGH-QUALITY** grade bond to an **UPPER-MEDIUM** grade bond

**Growing continued support
to underperforming TID
placing negative pressure
on the General Fund
reserves.**

TID #4 or Original Village Debt

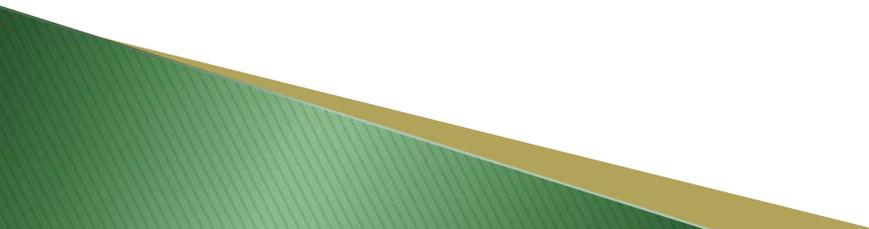
- ▶ TID #4 was created in 2005
 - ▶ The TID is currently projected to close with a \$7.8 million dollar deficit
 - ▶ We have added a total of \$48.8 million dollars in new increment value with the recent **Fiduciary** and **F-Street** developments.
 - ▶ The new increment value is being returned to the developers to meet shortfalls in development proformas of their projects.
- 

How do we fix the TID deficit?

We will use a combination of 3 things:

1. Extend the life of the TID by 3 years
2. Use Fund Balance
3. Have TID #3 help TID #4
4. Projection may change in 15 years

Extend the life of the TID?

- ▶ The Department of Revenue (DOR) will allow the Village to extend the life of a TID an additional 3 years if it is in distress.
 - ▶ This extension will generate an estimated \$4.4 million dollars in increment value if the TID is extended 3-years.
 - ▶ This will leave approximately \$3.4 million dollars as a deficit in TID #4.
- 

Baird Analysis of TID #4



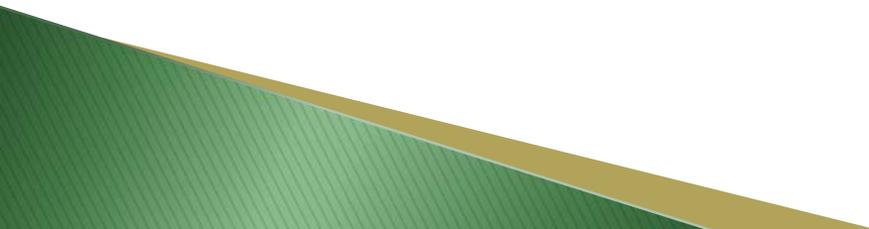
Village of Brown Deer Tax Increment District No. 4 Cash Flow Proforma Analysis

Example Developer Grant \$6,500,000 Developer Outlay / Repayment Beginning 2019	
Developer Outlay.....	\$6,500,000
Total Int. Due to Developer.....	\$2,068,545
Total Payments to Developer.....	\$8,568,545
Shortfall to Developer.....	\$0

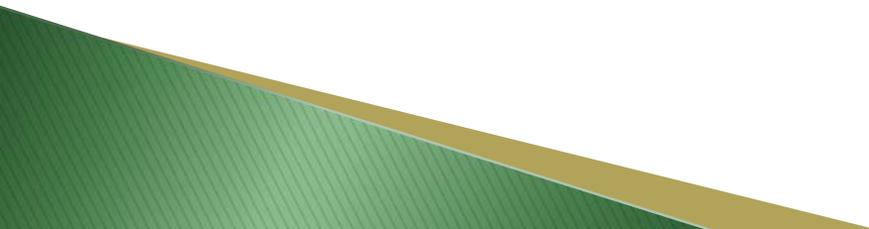
Example Developer Grant \$5,350,000 Developer Outlay / Repayment Beginning 2020	
Developer Outlay.....	\$5,350,000
Total Int. Due to Developer.....	\$1,623,536
Total Payments to Developer.....	\$6,973,536
Shortfall to Developer.....	\$0

Year	Expenditures										TID Status			Year		
	(j) Existing Debt Service	(k) Developer Outlay	(l) Interest Due to Developer	(m) Annual (Shortfall)/ Surplus	(n) Balance Due to Developer	(o) Payment to Developer	(p) Developer Outlay	(q) Interest Due to Developer	(r) Annual (Shortfall)/ Surplus	(s) Balance Due to Developer	(t) Payment to Developer	(u) Combined Expenditures	(v) Annual Balance		(w) Year End Cumulative Balance	(x) Cost Recovery
			EST. RATE= 4.00%					EST. RATE= 4.00%					(December 31)			
2015																2015
2016																2016
2017																2017
2018																2018
2019	\$357,064	\$6,500,000		(\$6,464,486)	(\$6,464,486)	\$35,514					\$392,578		(\$357,064)	(\$5,191,720)	Per 2018 Audit	2019
2020	\$341,773		\$258,579	(\$252,219)	(\$6,716,705)	\$6,360	\$5,350,000	\$0	(\$5,350,000)	(\$5,350,000)	\$0	\$348,133	(\$341,773)	(\$5,533,493)		2020
2021	\$348,241		\$268,668	\$181,898	(\$6,534,807)	\$450,566		\$214,000	(\$214,000)	(\$5,564,000)	\$0	\$798,807	(\$348,241)	(\$5,881,734)		2021
2022	\$344,279		\$261,392	\$518,466	(\$6,016,342)	\$779,858		\$222,560	\$417,730	(\$5,146,270)	\$640,290	\$1,764,427	(\$344,279)	(\$6,226,013)		2022
2023	\$344,951		\$240,654	\$539,205	(\$5,477,137)	\$779,858		\$205,851	\$434,439	(\$4,711,831)	\$640,290	\$1,765,099	(\$344,951)	(\$6,570,964)		2023
2024	\$345,128		\$219,085	\$576,018	(\$4,901,119)	\$795,103		\$188,473	\$451,817	(\$4,260,014)	\$640,290	\$1,780,521	(\$345,128)	(\$6,916,091)		2024
2025	\$339,920		\$196,045	\$599,058	(\$4,302,061)	\$795,103		\$170,401	\$469,889	(\$3,790,125)	\$640,290	\$1,775,313	(\$339,920)	(\$7,256,011)		2025
2026	\$339,308		\$172,082	\$638,266	(\$3,663,795)	\$810,348		\$151,605	\$488,685	(\$3,301,440)	\$640,290	\$1,789,946	(\$339,308)	(\$7,595,319)		2026
2027	\$343,056		\$146,552	\$663,796	(\$2,999,999)	\$810,348		\$132,058	\$508,232	(\$2,793,207)	\$640,290	\$1,793,694	(\$343,056)	(\$7,938,375)		2027
2028	\$341,219		\$120,000	\$705,593	(\$2,294,405)	\$825,593		\$111,728	\$528,562	(\$2,264,645)	\$640,290	\$1,807,102	(\$341,219)	(\$8,279,594)		2028
2029	\$265,200		\$91,776	\$733,817	(\$1,560,589)	\$825,593		\$90,586	\$549,704	(\$1,714,941)	\$640,290	\$1,731,083	(\$265,200)	(\$8,544,794)		2029
2030	\$260,100		\$62,424	\$778,415	(\$782,174)	\$840,838		\$68,598	\$571,692	(\$1,143,249)	\$640,290	\$1,741,228	(\$260,100)	(\$8,804,894)		2030
2031			\$31,287	\$782,174	\$0	\$813,461		\$45,730	\$594,560	(\$548,689)	\$640,290	\$1,453,751	\$27,377	(\$8,777,516)		2031
2032								\$21,948	\$548,689	\$0	\$570,636	\$570,636	\$910,492	(\$7,867,025)		2032
2033												\$0	\$1,481,128	(\$6,385,896)		2033
2034												\$0	\$1,481,128	(\$4,904,768)		2034
2035												\$0	\$1,481,128	(\$3,423,640)		2035
	\$3,970,238	\$6,500,000	\$2,068,545	\$0	\$8,568,545	\$5,350,000	\$1,623,536	\$0	\$6,973,536	\$19,512,319						

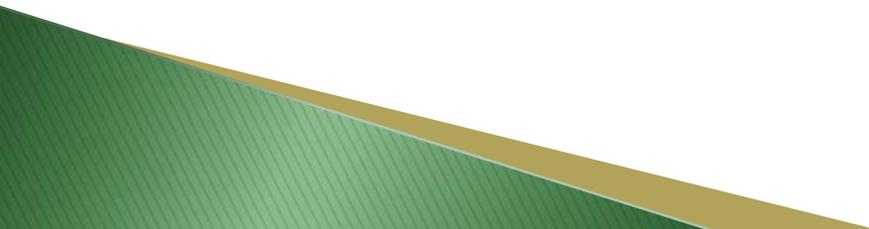
Use Fund Balance?

- ▶ In the last 7 years the Village has added \$2.5 million dollars to the Fund Balance.
 - ▶ Currently the Fund Balance is just over \$7 million dollars with \$4.8 million reserved for TID #4
 - ▶ If the Village uses the Fund Balance to pay the remaining \$3.4 million then the Fund Balance will be at 22% of General Fund expenditures.
 - ▶ Our policy recommends between 15% and 30% of the General Fund.
- 

TID #3 to help TID #4

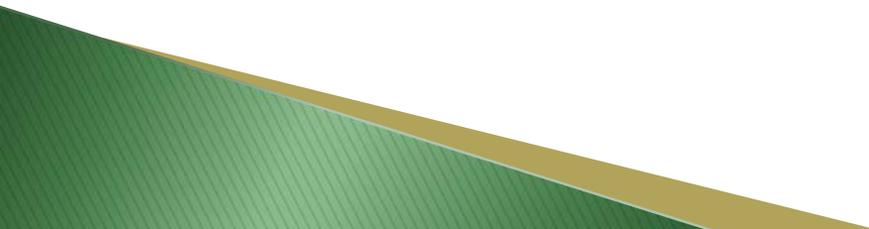
- ▶ TID #3 is projected to have a \$3 million dollar surplus.
 - ▶ We need to modify the project plans for TID#3 and TID #4, with approval of the Joint Review Board, to transfer the surplus money to TID #4.
 - ▶ Typically this is done approximately 4 to 5 years before closing of the TID.
- 

Projections for the next 15 years?

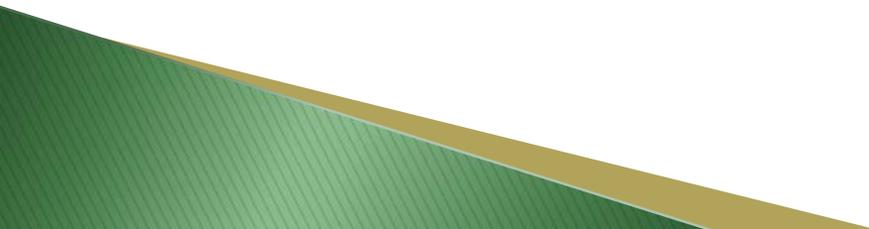
- ▶ Remember this is an estimated projection going out 15 years in the future.
 - ▶ Variables that can change the numbers:
 - 1) Assessed values can change.
 - 2) Tax Rates can change.
 - 3) State laws regarding TID's can change
 - 4) Fund Balance will go up.
- 

Tax base that, while growing in recent years, has been slow to recover from recessionary declines.

Tax base has been slow to recover

- ▶ This is driven by the economic market.
 - ▶ Under state law (sec. 70.05(5)(b), Wis. Stats.), each municipality must assess all major classes of property within 10% of equalized value.
 - ▶ Currently the Village is below this 10%. The state gives the municipality 5 years to get into compliance.
 - ▶ Must complete a reevaluation to get into compliance.
 - ▶ We have budgeted for our assessors to do a full reevaluation each year for the next 5 years to better manage the difference in equalized and assessed values.
- 

Questions?



STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF BROWN DEER

Resolution Authorizing the
Issuance and Sale of
\$5,965,000 General Obligation Refunding Bonds

Resolution No. _____

WHEREAS, on December 16, 2019, the Village Board of the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Refunding Bonds (the "Bonds") for the public purpose of refunding note anticipation notes issued by the Village to provide interim financing for projects included in the Village's 2020/2021 Capital Improvement Plan;

WHEREAS, the obligations to be refunded by the Bonds is the Note Anticipation Note, dated January 22, 2020 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Village Board deems it to be necessary, desirable and in the best interest of the Village to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the Village is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations; and

WHEREAS, it is the finding of the Village Board that it is necessary, desirable and in the best interest of the Village to sell such Bonds to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIVE MILLION NINE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$5,965,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the President and Village Clerk or other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. To evidence the obligation of the Village, the President and Village 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 Village, the general obligation refunding bonds aggregating the principal amount of FIVE MILLION NINE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$5,965,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$5,965,000; shall be

dated April 20, 2020; 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 April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2021. 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 Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2028 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the Village shall direct.]

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 C 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 Village are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the Village a direct annual irrepealable tax in the years 2020 through 2039 for the payments due in the years 2021 through 2040 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 Village 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 Village and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village 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 Village 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 Village, 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 Village 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 General Obligation Refunding Bonds, dated April 20, 2020" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the Village 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 Village, 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 Village, unless the Village Board directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding 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 (the "Borrowed Money Fund") separate and distinct from all other funds of the Village and disbursed solely for the purpose or purposes for which borrowed. 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 purpose or 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 purpose(s) 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 Village, 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. Compliance with Federal Tax Laws. (a) The Village represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds and the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The Village 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 Village 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 or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the Village certifying that the Village can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Village 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 Village 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 10. Qualified Tax-Exempt Obligations. The Bonds are deemed designated as "qualified tax-exempt obligations" to the extent permitted pursuant to the provisions of Section 265(b)(3)(D)(ii) 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. Any balance of the Bonds is designated as "qualified tax-exempt obligations".

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village 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 Village 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 Village 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 Village hereby authorizes the officers and agents of the Village 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 12. 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 Village's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Village hereby authorizes the President and Village Clerk or other appropriate officers of the Village to enter a Fiscal Agency Agreement between the Village and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 13. Persons Treated as Owners; Transfer of Bonds. The Village 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 President and Village 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 Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the 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 Village at the close of business on the Record Date.

Section 15. 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 Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the Village Clerk or other authorized representative of the Village is authorized and directed to execute and deliver to DTC on behalf of the Village to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the Village Clerk's office.

Section 16. Official Statement. The Village Board 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 Village 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 Village official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The Village hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if 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 Village to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the President and Village Clerk, or other officer of the Village 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 Village's Undertaking.

Section 18. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on May 7, 2020 at a price of par plus accrued interest to the date of redemption. Any and all actions heretofore taken by the officers and agents of the Village to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 19. Record Book. The Village 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 determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Village are authorized to take all actions necessary to obtain such municipal bond insurance. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village 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 Village Board 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.

Adopted, approved and recorded April 6, 2020.

Wanda Montgomery
President

ATTEST:

Jill Kenda-Lubetski
Village Clerk

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, ____, ____, and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R-___ VILLAGE OF BROWN DEER \$_____
GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ April 20, 2020 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village"), hereby acknowledges itself to owe and 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 shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2021 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. 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 Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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 Village are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,965,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of refunding certain obligations of the Village, as authorized by a resolution adopted on April 6, 2020. Said resolution is recorded in the official minutes of the Village Board for said date.

The Bonds maturing on April 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2028 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____ are subject to mandatory redemption by lot as provided in the resolution referred to above, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

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

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 Village, 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 irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the Village kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the Village appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the

Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and Village 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. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the Village of Brown Deer, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF BROWN DEER
MILWAUKEE COUNTY, WISCONSIN

By: _____
Wanda Montgomery
President

(SEAL)

By: _____
Jill Kenda-Lubetski
Village Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the Village of Brown Deer, Milwaukee County, Wisconsin.

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

DRAFT

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 Nominee Name)

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

(Authorized Officer)

ORDINANCE NO. _____

An Ordinance Amending and Recreating Section 22-23 of the Brown Deer Village Code
Pertaining to Regulations, Rules and Laws

The Village President and the Board of the Village of Brown Deer, Milwaukee County,
Wisconsin, do herewith ordain as follows, to-wit:

SECTION I

Section 22-23 is hereby amended and recreated to provide as follows:

Sec. 22-23. Regulations, Rules and Laws.

The applicable laws, rules, and definitions and regulations as set forth in Wisconsin Statutes Chapters 97, 125, 251, 252, 254, and Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75, 76, 78, 79, and SPS 390, and any future amendments thereof, are hereby incorporated herein and adopted by reference.

Any person who willfully violates or obstructs the execution of the provisions of or an order issued under, any of the foregoing provisions, or any state statute or rule, county or village ordinance, or order issued by an agent of the State or a local unit of government engaged in emergency management services, shall be subject to all penalties as provided in this Chapter.

SECTION II

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Brown Deer Code and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer, this _____ day of _____, A.D. 2020.

Wanda Montgomery, Village President

Countersigned:

Jill Kenda-Lubetski, Village Clerk



REQUEST FOR CONSIDERATION

COMMITTEE: Brown Deer Village Board
ITEM DESCRIPTION: Pandemic Side Letter Agreement to Police Collective Bargaining Agreement.
PREPARED BY: Chief Michael Kass
REPORT DATE: March 31, 2020
MANAGER'S REVIEW/COMMENTS: <input type="checkbox"/> No additional comments to this report. <input checked="" type="checkbox"/> See additional comments attached.
RECOMMENDATION: Authorize the Village Manager to enter into a side letter agreement with the Brown Deer Police Professional Police Association for purpose of staffing as it relates to the COVID-19 Pandemic.
EXPLANATION: Given the current situation with the COVID-19 Pandemic and the Village proclamation declaring an Emergency; the Police Department has drafted an alternate schedule that is not part of the current Collective Bargaining Agreement (CBA). The emergency schedule, outlined in the attached side letter agreement, would only be utilized should officer absences due to illness, isolation or quarantine impact our ability to continue with the schedule agreed upon in the CBA.

Side Letter of Agreement

Considering the global Coronavirus / COVID-19 pandemic, the Brown Deer Professional Police Association (represented by the Wisconsin Professional Police Association) and the Village of Brown Deer recognize that a plan needs to be in place to address possible shortages of police officers in Brown Deer due to illness, self-isolation or quarantine.

If the Village of Brown Deer Police Department experiences a loss of police officers due to illness, self-isolation or quarantine where they can no longer effectively manage the agreed upon schedule, the following Emergency Staffing Order will be implemented:

1. The workday will be 12.0 hours starting at 0700 (day shift) and 1900 (evening shift) hours.
2. Shift selection shall occur by seniority.
3. The schedule will reflect an eight-day duty cycle of four days on-duty and 4 days off-duty.
4. The average work week is 42 hours.
5. Four and one half (4.5) hours of overtime will be paid for each two-week pay period.
6. Overtime will also be paid for any time worked over 12 hours each day.
7. Four groups of officers will be deployed, two groups on dayshift and two on evening shift; those groups will work opposite of each other (see attached example)
8. Benefit time off will be taken in hours (e.g. a compensatory time off day equals 12 hours)
9. This emergency staffing order will remain in effect for the duration of the Emergency, or until the workforce returns to a manageable level, whichever occurs first.
10. Items 1-9 apply to Officers assigned to patrol. Officers currently in assignment positions (Investigator, PSLO, Community Outreach) will maintain their existing work schedule to the greatest extent possible.
11. Should the Department deem it necessary to reassign Officers in assignment positions, reassignment shall be done by lowest seniority based on date of hire.

For the Association:

For the Village of Brown Deer:

Joshua Morgan, President BDPPA

Michael Kass, Chief of Police

Jim Schumitsch, Business Agent WPPA

Wanda Montgomery, Village President



Dates: 4/6/2020

BOARD

Attended Brown Deer School Board meetings via Zoom Meetings (March 17 and 24)

Completed Annual Evaluation for Village Manager

STAFF

Met with Village Manager

Touch Point Meetings with Staff regarding operations and upcoming election

MEETINGS

Ongoing daily and weekly meetings with United Emergency Operations Unit

Ongoing daily and weekly meetings with ICC Members

Ongoing daily and weekly meetings with League of Municipalities

CONSTITUENTS

Addressing issues around Safer At Home compliance

Pest Control

Parks Usage

Essential and Non-Essential Businesses

Churches complying with 10 or less Members

Using Social Media to promote Safer At Home and Requesting Absentee Ballots for Upcoming Elections

Talking with and walking some residents through the Absentee Ballot process

Using Social Media and speaking with residents about Census2020

EVENTS

Attended a Zoom Meeting to Celebrate St. Patrick's Day with Residents

Wanda Montgomery
Village of Brown Deer President