

RESOLUTION NO. 2012-139

RESOLUTION BY THE EXECUTIVE COMMITTEE AUTHORIZING AGREEMENTS WITH THE RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS AND THE WIND LAKE MANAGEMENT DISTRICT FOR COMPENSATION FROM BOTH ENTITIES TO OPERATE THE WIND LAKE DAM AND THE RECEIPT AND TRANSFER OF FUNDS IN THE PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT'S 2013 BUDGET

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED that the Racine County Board of Supervisors authorizes and approves an agreement to be executed between Racine County and the Racine County Board of Drainage Commissioners and Wind Lake Management District for the County to be compensated to operate the Wind Lake Dam in the amount of \$12,000.00.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the receipt and transfer of funds as set forth in Exhibit "A" (attached hereto and incorporated herein) is authorized and approved within the Public Works & Development Services Department's 2013 budget.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that all agreements shall incorporate such terms and conditions as the Corporation Counsel, Public Works Director and the Finance Director deem necessary and appropriate.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that any two of the County Clerk, the County Executive and/or the County Board Chairman are authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading \_\_\_\_\_

EXECUTIVE COMMITTEE

2nd Reading \_\_\_\_\_

\_\_\_\_\_  
Peter L. Hansen, Chairman

BOARD ACTION

Adopted \_\_\_\_\_

For \_\_\_\_\_

Against \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Russell A. Clark, Vice Chairman

\_\_\_\_\_  
Robert N. Miller, Secretary

VOTE REQUIRED: 2/3 M.E.

Prepared by:  
Corporation Counsel

\_\_\_\_\_  
Mark M. Gleason

\_\_\_\_\_  
Katherine Buske

\_\_\_\_\_  
Ronald Molnar

\_\_\_\_\_  
Kenneth Hall

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4  
5 \_\_\_\_\_  
6 Q.A. Shakoor, II

7  
8 \_\_\_\_\_  
9 Pamela Zenner-Richards

10 **The foregoing legislation adopted by the County Board of Supervisors of**  
11 **Racine County, Wisconsin, is hereby:**

12 **Approved: \_\_\_\_\_**

13 **Vetoed: \_\_\_\_\_**

14  
15 **Date: \_\_\_\_\_,**

16  
17 \_\_\_\_\_  
18 **James A. Ladwig, County Executive**

19  
20 **INFORMATION ONLY**

21  
22 **WHEREAS**, the Racine County Board of Drainage Commissioners, the Wind Lake  
23 Management District and Racine County stipulated to joint-operation of the Wind Lake  
24 Dam by RCBDC and WLMD pursuant to terms and conditions set out in the Stipulation  
25 and Order (Docket No.: IP-SE=2006-52-0684) in October 2009 as a resolution to a  
26 contested case before the State of Wisconsin Department of Natural Resources; and

27  
28 **WHEREAS**, among other terms and conditions, the joint operators agreed to each  
29 pay a mutually agreed to operator \$6,000.00 (\$12,000.00 jointly) annually, and to carry  
30 liability insurance for the operation “as mandated by the County”; and

31  
32 **WHEREAS**, joint operation of the Wind Lake Dam without the assistance of the  
33 County began on January 2012 – NOTE: the County resumed operation of the Wind Lake  
34 Dam in January 2013 when the RCBDC/WLMD operator was removed by WLMD; and

35  
36 **WHEREAS**, it has recently been determined that neither the RCBDC nor WLMD  
37 can obtain public liability insurance coverage for errors and omissions of the dam as  
38 required by way of the settlement agreement; and

39  
40 **WHEREAS**, the County has property insurance coverage for the Wind Lake Dam  
41 under the State of Wisconsin – Local Property Insurance Fund, and public liability  
42 insurance coverage by way of the self-insurance program and the excess-liability coverage  
43 that the County purchases from Chartis Insurance.  
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