

**VILLAGE BOARD
OF THE
VILLAGE OF FONTANA-ON-GENEVA LAKE, WISCONSIN**

May 2, 2005

Resolution No. 050205-01

**Resolution Determining Scope of Projects
for Purposes of Ordinance 040604-1**

WHEREAS, On April 6, 2004 the Village Board (the “**Governing Body**”) of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin (the “**Village**”) adopted and approved by use of direct legislation its Ordinance 040604-1, which requires that the Village obtain approval by referendum prior to the start of any physical construction of any municipally financed project requiring a Village capital expenditure which aggregates \$1 million or more (the “**Ordinance**”); and

WHEREAS, the Governing Body is considering the financing of various projects through a lease to be entered into from the Community Development Authority of the Village of Fontana-on-Geneva Lake, Wisconsin, to the Village (the “**Lease**”); and

WHEREAS, the Governing Body has reviewed and considered information, including the report of the Village Engineer attached as Exhibit A (the “**Report**”), regarding each of the projects to be financed through the Lease to determine compliance with the Ordinance.

NOW, THEREFORE, BE IT RESOLVED:

1. The Governing Body finds and determines that the use of a single financing for multiple projects does not cause those projects to become a single project for purposes of the Ordinance.

2. The Governing Body finds and determines that each of the projects listed in the Report is a separate project because the physical construction, when completed, will be functional and suitable for public use, without regard to the completion of any other physical construction adjacent thereto, and that any physical construction adjacent thereto contemplated, planned, or financed at the same time or in the future does not represent any intentional dividing up of a larger project for purposes of the Ordinance.

3. This resolution supersedes any prior resolution and shall be effective upon its adoption by the Governing Body.

Adopted: April __, 2005

President

Clerk

EXHIBIT A

Report of Village Engineer

[Attached]

CERTIFICATIONS BY CLERK

I, Dennis Martin, hereby certify that I am the duly qualified and acting Clerk of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Village Board (the “**Governing Body**”), and that attached hereto is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

Resolution Determining Scope of Projects for Purposes of Ordinance 040604-1

I do hereby further certify as follows:

1. **Meeting Date.** On the 2nd day of May, 2005, a meeting of the Governing Body was held commencing at 6:00 p.m.
2. **Posting.** On the 29th day of April, 2005 (and not less than 24 hours prior to the meeting), I posted or caused to be posted at the Municipality’s offices in Fontana-on-Geneva Lake, Wisconsin, a notice setting forth the time, date, place, and subject matter (including specific reference to the Resolution) of said meeting.
3. **Notification of Media.** On the 29th day of April, 2005 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the time, date, place, and subject matter (including specific reference to the Resolution) of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality.
4. **Open Meeting Law Compliance.** Said meeting was a regular meeting of the Governing Body which was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** Said meeting was duly called to order by the President (the “**Presiding Officer**”), who chaired the meeting. Upon roll I noted and recorded that there were ___ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body which interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ___ of the Governing Body members voted Aye, ___ voted Nay, and ___ Abstained.

7. Adoption of Resolution. The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality hereto on this 2nd day of May, 2005.

[Seal]

Clerk