

RESOLUTION NO. 14

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
VIGO COUNTY, INDIANA ACCEPTING PETITIONS AND APPROVING
EXECUTION OF LEASE AND RELATED MATTERS**

WHEREAS, a petition signed by fifty (50) or more taxpayers of Vigo County, Indiana (the "County") has been filed with the Board of Commissioners of the County (the "Board") requesting the Board (1) to enter into negotiations with Vigo County, Indiana Jail Building Corporation (the "Corporation"), for the financing of the acquisition, construction, improvement, and/or equipping of all or any portion of a new county jail facility, located at 600 West Honey Creek Drive (lot 1 of a subdivision of 500 West Honey Creek Drive), Terre Haute, Indiana, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County, and (2) to enter into a lease between the nonprofit corporation, as lessor, and the County, as lessee, for all or a portion of the new jail facility, including the site and appurtenances thereto (the "Premises") (clauses (1) and (2), collectively, the "Project"); and

WHEREAS, the Board has previously examined and approved a form of lease (the "Lease") with the Vigo County Building Corporation (the "Corporation"), for the financing of all or any portion of the Project; and

WHEREAS, lease rentals under the Lease shall be payable solely from (i) the revenues of the special purpose income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-7-25 (the "Special Purpose Income Tax Revenues") and the revenues of the income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-6-2.7 (the "Jail Income Tax Revenues"), and (ii) to the extent that the Special Purpose Income Tax Revenues and the Jail Income Tax Revenues (collectively, the "Pledged Income Tax Revenues") are insufficient to pay such amounts, from the revenues of an *ad valorem* tax levied by the County on all taxable property in the County pursuant to the Indiana Code § 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, based on the estimated amount of future Pledged Income Tax Revenues, the County reasonably expects all lease rentals to be paid from Pledge Income Tax Revenues, and not paid from Property Tax Revenues; and

WHEREAS, notice of a public hearing on the proposed Lease was given by publication as required by law; and

WHEREAS, on September 10, 2019, a public hearing was conducted in accordance with IC 36-1-10-13 as to whether the execution of the Lease is necessary and whether the rentals in the Lease are fair and reasonable for the Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF VIGO COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. The petition of taxpayers heretofore filed with this Board is hereby approved.

Section 2. Providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Corporation and the leasing of the same to County, as lessee, is in the public interest of the citizens of this County, and is a proper public purpose for which this Board agrees to cooperate with the Corporation and to assist in fulfilling the requirements of all agencies of federal, state and county governments.

Section 3. The drawings, plans, specifications and estimates for the cost of the Project provide for necessary facilities for the County and the same are hereby approved.

Section 4. The proposed Lease in the form presented on the date hereof is hereby approved and confirmed in accordance with IC 36-1-10-13. The Lease provides for a fair and reasonable rental, and further, the execution of the Lease is necessary and wise. The Auditor of the County is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the record book immediately following the minutes of this meeting, and further, the Lease is hereby made a part of this Resolution as fully as if the same were set forth herein.

Section 5. The members of this Board are hereby authorized and directed to execute, in the name and on behalf of the County, the Lease, including the addenda attached as exhibits to the Lease, with such changes as the members of this Board deem necessary or advisable, and the Auditor of the County, is hereby authorized and directed to attest such execution of the Lease.

Section 6. The Auditor of the County is hereby authorized and directed, on behalf of the County, to publish notice of the execution of the Lease as required by law.

Section 7. The issuance, sale and delivery by the Corporation of its lease rental revenue bonds (the "Bonds"), in the aggregate principal amount not to exceed \$80,000,000, is hereby approved. Upon the retirement or prepayment of all of the outstanding principal amount of the Bonds, the County, as lessee, will accept from the Corporation title to such facility, including any additions thereto, free and clear of any and all liens and encumbrances thereon except as otherwise permitted by the Lease. The Corporation may issue, sell and deliver such Bonds, pursuant to the applicable laws of the State of Indiana, may encumber any property acquired by it for the purpose of financing such facilities, and may enter into contracts for the sale of the Bonds and the Project.

Section 8. Subject to completion of the procedures required by law, the members of the Board are hereby authorized and directed for and on behalf of the County, to transfer to the Corporation, the County's interests in any real estate or building related to the completion of the Project.

Section 9. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed,

on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Adopted this 10th day of September, 2019.

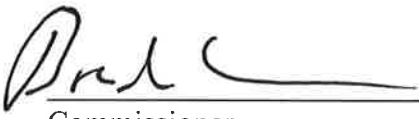
BOARD OF COMMISSIONERS OF
VIGO COUNTY, INDIANA



Commissioner



Commissioner



Commissioner

ATTEST:



County Auditor