

RESOLUTION NO. 2019-22

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA APPROVING EXECUTION  
OF LEASE AND RELATED MATTERS**

WHEREAS, the Board of Commissioners (the "Board") of Huntington County, Indiana (the "County") has previously examined and approved a form of lease (the "Lease") with the Huntington County, Indiana Building Corporation (the "Building Corporation") for the financing of all or any portion of the acquisition, construction, improvement, and/or equipping of all or any portion of an addition and expansion to the existing county jail facility, located at the northwest corner of the intersection of Byron Street and East State Street, including parking, infrastructure, and other improvements on the south side of East State Street, and any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County (collectively, the "Project"); and

WHEREAS, lease rentals under the Lease shall be payable solely from legally available revenues of the County (the "County Revenues"), and to the extent that the County 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 Ind. Code § 36-1-10-17 (the "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 December 9, 2019, a public hearing was conducted in accordance with Ind. Code § 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 HUNTINGTON COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. Providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Building 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 Building Corporation and to assist in fulfilling the requirements of all agencies of federal, state and county governments.

Section 2. 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 3. The proposed Lease in the form presented on the date hereof is hereby approved and confirmed in accordance with Ind. Code § 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.

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 4. 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 5. The issuance, sale and delivery by the Building Corporation of its lease rental revenue bonds (the "Bonds"), in the aggregate principal amount not to exceed \$21,000,000, 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 Building 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.

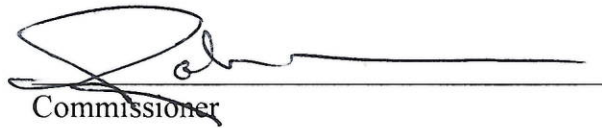
Section 6. Subject to completion of the procedures required by law, the members of the Board are hereby authorized and directed for and on behalf of the County, to transfer to the Building Corporation, the County's interests in any real estate or building related to the completion of the Project.

Section 7. Any member of the Board 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 9th day of December, 2019.

BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Tom Wall - absent -  
\_\_\_\_\_  
Commissioner

ATTEST:

  
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County Auditor