

PULASKI COUNTY RESOLUTION NO. 2023-14
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA,
APPROVING EXECUTION OF A LEASE AND RELATED MATTERS

WHEREAS the Board of Commissioners of Pulaski County, Indiana (the “Board”) has previously received and approved a petition signed by fifty (50) or more taxpayers of Pulaski County, Indiana (the “County”), requesting the Board to enter into negotiations with the Pulaski County Courthouse Building Corporation (the “Building Corporation”) for

- (1) the renovation and equipping of the existing courthouse located at 112 East Main Street, Winamac, Indiana, and upon completion is anticipated to include, but not be limited to: (a) Improvements and additions to the courthouse site including but not limited to: (i) expanded public gathering space with new retaining walls; (ii) plaza pavers, landscaping and two covered canopy structures; (iii) north stairs to be rebuilt with new planters and bench; (iv) historic retaining wall surrounding site to be removed, salvaged, repaired, cleaned and reconstructed; (v) sidewalks surrounding site to be removed and rebuilt; and (vi) utility enclosure added at southwest corner of site enclosing generator and chiller; (b) renovations, improvements and upgrades to the three story, approximately 23,100 square feet of the existing courthouse interior including: (i) new mechanical, electrical, plumbing and telecommunications systems throughout the facility; (ii) new flooring, updated paint and refinished woodwork along with new ADA compliant restrooms; and (iii) new furnishings and refinished existing furniture; (c) improvements to the lower level, including but not limited to: (i) the existing concrete slab to be removed and re-poured; (ii) all existing walls to be removed back to masonry and furred out with new wall board; and (iii) new restroom facilities and break room provided along with Clerk Department, Security, Veteran’s Services, Maintenance and Storage to be located in the lower level; (d) the first floor will contain Recorder, Assessor, Treasurer, and Auditor departments along with vault and storage for each; (e) updates to the second floor, including but not limited to: (i) repurposing of existing courtroom as a council meeting room and (ii) Surveyor, Building, Planning and Zoning, Economic Development and future IT Departments relocation; (f) restoration, replacement, or repair of bell tower and clock equipment; (g) scanning and digitization of County records; (h) miscellaneous capital improvement, renovation and/or equipping projects at one or more facilities operated or to be operated by the County, furniture and equipment, IT infrastructure costs, professions moving costs, and all projects related to any of the foregoing, all of which will be operated by the County (collectively, the “Facilities”), and
- (2) a lease between the Building Corporation, as lessor, and the County, as lessee, for all or any portion of the Facilities, including the site and appurtenances thereto (the “Premises”) (clauses (1) and (2) collectively, the “Project”);

WHEREAS the Board has previously examined and approved a form of lease (the “Lease”) with the Building Corporation for the financing of the Project;

WHEREAS lease rentals under the Lease shall be payable solely from the revenues of an *ad valorem* tax levied by the County on all taxable property in the County pursuant to *Indiana Code (I.C.) 36-1-10-17*, as amended (the “Property Tax Revenues”);

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

WHEREAS, on 2 October 2023, a public hearing was conducted in accordance with *I.C. 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,

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NOW, THEREFORE, be it resolved by the Board that:

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 the 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 Lease provides for a fair and reasonable rental, and further, the execution of the Lease is necessary and wise. The County Attorney authorized and directed to initial and date a copy of the proposed Lease and the Auditor of the County is authorized and directed 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 or any member of the Board are hereby authorized and directed to attest such execution of the Lease, such execution to become effective upon the approval of the Lease by the County Council of the County.

Section 4. The County Attorney is hereby authorized and directed, on behalf of the County, to publish notice of the execution of the Lease as required by law upon the approval of the Lease by the County Council of the County.

Section 5. The issuance, sale, and delivery by the Building Corporation of its lease rental revenue bonds, in one or more series in the aggregate principal amount not to exceed \$12,750,000 (Twelve Million Seven Hundred Fifty Thousand Dollars) (the "Bonds") to finance the cost of the Project and the costs of the issuance of the Bonds, 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 Building 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 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.

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Adopted this 2nd day of October, 2023.

BOARD OF COMMISSIONERS OF
PULASKI COUNTY, INDIANA

Charles R. Mellon, Jr., President

Maurice Loehmer, Vice President

John M. "Mike" McClure, Commissioner

ATTEST:
