

**SEPTEMBER 18, 2023**

**REGULAR SESSION**

**PULASKI COUNTY COMMISSIONERS**

The Pulaski County Commissioners met in regular session Monday September 18, 2023 8:30AM at the Pulaski County Highway Department training room. Commissioners present were Charles Mellon, Maurice Loehmer, and Michael McClure with County Auditor Laura Wheeler. County Attorney Kevin Tankersley absent.

Also present were Fred Rogers, Crystal Kocher, Barney Rausch, Joe Moyer, Holly VanDerAa, Cindy Hickle, Michael Eggleston, Gary Kruger, Megan Galbreath, JoLynn Behny, and Nathan Origer.

President Mellon opened the meeting with the Pledge of Allegiance.

**IN RE: SUPERIOR COURT**

Office of Court Services requires each county to draft a court security plan and submit every two years. The plan is due by October 1, 2023 to the Office of Court Services who will evaluate at no cost. Charles Mellon made a motion to get establish a committee to evaluate the plan, Maurice Loehmer seconded and motion carried unanimously.

**IN RE: VACATE ROAD**

Michael Eggleston, owner of the old High School building in Pulaski, is asking to vacate Reutebuch Road, which goes through his property so he can fence his yard in. Charles Mellon said Commissioners will need to do further research to determine what he needs to do.

**IN RE: CDC**

Christian Smith of First Source recommended to serve on the Economic Development Committee. This term will expire January 31, 2027. This committee will oversee the Revolving Loan Fund. Michael McClure made a motion to approve the appointment as recommended, Maurice Loehmer seconded and motion carried unanimously.

Bill Champion or FRATCO and Chelsea Smith of First Source Bank recommended to serve on the Advisory Commission of Industrial Development. Maurice Loehmer made a motion to the appointments as recommended, Michael McClure seconded and motion carried unanimously.

Resolution 2023-13 presented for review and approval. The Resolution approves construction documentation drawings, current cost estimates and abbreviated specifications for Lease Purpose; accepts the petitions; makes determination of need; approves the Form of Lease, including approval of issuance of 2023 Lease Rental Revenue Bonds by the Building Corporation; authorizes reimbursement of expenses for the 2023 Courthouse Renovation/Restoration Project from proceeds of the 2023 Lease Rental Revenue Bonds; calls a public hearing on the lease to be held at October meeting; approves appraisers and appraisal process. Resolution 2023-13 reads as follows:

**RESOLUTION NO. 2023-13**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA RECEIVING AND APPROVING THE PETITION OF TAXPAYERS REQUESTING THE LEASING OF CERTAIN JUSTICE CENTER FACILITIES AND APPROVING THE TERMS AND CONDITIONS REGARDING THE LEASING OF THE PULASKI COUNTY COURTHOUSE FACILITY AND TAKING OTHER ACTIONS REGARDING THE PROPOSED LEASE**

WHEREAS, the Pulaski County Courthouse Building Corporation (the "Corporation") was incorporated to assist Pulaski County, Indiana (the "County") in financing, from time to time, the construction and renovation of County facilities to be operated by the County; and WHEREAS, a petition signed by fifty (50) or more taxpayers of the County, has been filed with the Board of Commissioners of the County (the "Board") requesting the Board to enter into negotiations with the 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"); and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board; and WHEREAS, the Board finds that a need exists for the Project, and that the County cannot provide the necessary funds to pay the costs of the Project to meet such needs; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the Project; and

WHEREAS, there have been prepared drawings, plans, specifications, and estimates for the costs of the Project; and

WHEREAS, said drawings, plans, and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the Project have been submitted to and now meet with the approval of this Board; and

WHEREAS, it now appears to this Board that said drawings, plans, specifications, and estimates provide for the new County judicial center facility; and

WHEREAS, this Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a lease, and there has been prepared and previously submitted to the members of the Board a proposed form of the lease (the "Lease"), by and between the Corporation, as lessor, and the County, as lessee, to include the lease of all or any portion of the Premises in accordance with the terms and conditions set forth in this resolution and in the Lease; and

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 the IC 36-1-10-17, as amended (the "Property Tax Revenues"); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA, that:

**Section 1.** Need exists for the Project, and the Project cannot be provided from any funds available to the County, and this Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Corporation, (2) the payment of all costs of the Project and all of the costs associated therewith by the Corporation and the County, and (3) the leasing of all or any portion of the Premises by the Corporation to the County as provided by Indiana Code 36-1-10, as amended, with a term not to exceed twenty (20) years from the date the Bonds are issued, for an annual lease rental not to exceed \$1,135,000.

**Section 2.** The Project is in the public interest of the citizens of the County and is a proper public purpose for which this Board agrees to cooperate with the Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state, and city governments.

**Section 3.** The Corporation, being duly organized to conduct business, may issue, sell and deliver its bonds (the "Bonds"), pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing the Project and may enter into contracts for the sale of the Bonds and the acquisition and construction of said Facilities and the site thereof.

**Section 4.** Upon the redemption or retirement of the Bonds to be issued by the Corporation in connection with the financing of the Project, the County will accept all or any portion of the Premises from the Corporation, as existing or as constructed, free and clear of all liens and encumbrances thereon, except as otherwise provided therein in the Lease.

**Section 5.** The County shall apply the proceeds received by the County from the sale of all or any portion of the Premises to the Corporation to the costs of all or any portion of the Project not funded by the Corporation.

**Section 6.** The terms and conditions of the proposed form of the Lease and the plans, drawings, specifications, and estimates of the Project are hereby approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Lease and whether the lease rental provided therein is a fair and reasonable rental for all or any portion of the Premises prior to the final determination of such questions so that this Board may determine whether to execute the Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing, at such date, time, and location, as determined by the President of the Board.

**Section 7.** Any member of the Board or officer or attorney of the County is authorized pursuant to Indiana Code 36-1-10-11, to appoint appraisers (the "Appraisers") to determine the fair market value of the Real Estate upon which the Project will be constructed (the "Real Estate"). Following the issuance of each series of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of the Real Estate, the President of the Board be, and hereby is, authorized and directed, in the name and on behalf of the County, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Corporation.

**Section 8.** Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notices of said public hearings and to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

Maurice Loehmer made a motion to approve Resolution 2023-13 as presented, Michael McClure seconded and motion carried unanimously.

**IN RE: OTHER BUSINESS**

Maurice Loehmer made a motion to approve claims and payroll #19 as presented, Michael McClure seconded. Motion carried unanimously.

Maurice Loehmer made a motion to approve and sign the September 5, 2023 regular session minutes, Michael McClure seconded and motion carried unanimously.

The following Opioid settlement amendment presented for review and approval.

**RE: PULASKI COUNTY, INDIANA ("POLITICAL SUBDIVISION")  
SUPPLEMENTAL AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES RELATING TO OPIOIDS  
SETTLEMENTS**

The Political Subdivision and Counsel (the "Parties") entered into an Agreement for Professional Services ("Agreement") to pursue opioids litigation against various entities ("Opioids Litigation"). The Parties then entered into the attached Amendment to the Agreement, which reduces the payment of contingency fees under the Agreement from 33 1/3% to 8.7% of the Political Subdivision's total gross recovery to be withheld and distributed as provided by Indiana Code 4-6-15-5 for settlements of Opioids Litigation with defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and the Johnson & Johnson Defendants (the "Amendment"). The parties now agree that the Amendment shall apply to all settlement of Opioid Litigation that are governed by Indiana Code 4-6-15-1 *et seq.*

Maurice Loehmer made a motion to approve and sign the amendment with Cohen & Malad, LLP as presented, Michael McClure seconded and motion carried unanimously.

The following conference request presented for approval.

**HEALTH: Edwina Guffey, IDOH Food Inspector Training, October 17 & 18<sup>th</sup>, Indianapolis**

Maurice Loehmer made a motion to approve the Conference request, Michael McClure seconded and motion carried unanimously.

With no public comment or other business to discuss, Michael McClure made a motion to adjourn at 8:55AM, Maurice Loehmer seconded and motion carried unanimously.

Approved and signed this 2<sup>nd</sup> day of October 2023 by the **PULASKI COUNTY COMMISSIONERS.**

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CHARLES MELLON

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MAURICE LOEHMER

\_\_\_\_\_  
MICHAEL MCCLURE

ATTEST: \_\_\_\_\_  
LAURA WHEELER, AUDITOR, PULASKI COUNTY, IN