

OCTOBER 30, 2023

SPECIAL SESSION

PULASKI COUNTY COMMISSIONERS

The Pulaski County Commissioners met in Special Session Monday, October 30, 2023 8:30am at the Pulaski County Highway Garage training room. Commissioners present were Charles Mellon, Maurice Mellon with County Auditor Laura Wheeler and County Attorney Kevin Tankersley. Commissioners Michael McClure absent.

Also present were Chris Schramm, Colleen Denham, Megan Galbreath, and Nathan Origer.

President Mellon opened the meeting with the Pledge of Allegiance.

President Mellon recessed the Special Session and opened a public hearing.

IN RE: COURTHOUSE PROJECT

Resolution No. 2023-18 presented for review and public comment. The resolution amends Resolution 2023-14 and approves execution of a first amendment to lease and related matters. By approving said resolution, the Board affirms all of its previous actions pertaining to the Courthouse lease except that it now, in agreement with the corporation, expands the lease premises to include the Pulaski County Justice Center until the County re-occupies the courthouse and that it approves the execution of the lease amendment, which is included as an exhibit to the resolution. The inclusion of the Justice Center in the lease premises until the courthouse is occupied once again saves the County and taxpayers several thousand dollars in capitalized interest because payments on principal cannot be made on an unoccupied premise. The resolution reads as follows:

**PULASKI COUNTY RESOLUTION NO. 2023-18
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA,
AMENDING RESOLUTION 2023-14 AND APPROVING EXECUTION OF A FIRST AMENDMENT
TO LEASE AND RELATED MATTERS**

WHEREAS the Board of Commissioners of Pulaski County, Indiana ('Board'), previously approved a form of lease pursuant to Resolution 2023-13 ('Resolution 13') on 18 September 2023 and confirmed the form of such lease pursuant to Resolution 2023-14 ('Resolution 14') on 2 October 2023, and, in accordance with Resolution 14, the Board and the Board of Directors of the Pulaski County Courthouse Building Corporation ('Directors'; 'Corporation') have executed the aforementioned lease, dated as of 9 October 2023 ('Original Lease') between the County, as lessee, and the Corporation, as lessor, for the purpose of financing the Project (as defined in Resolution 13);

WHEREAS the Board has previously examined and approved a form of first amendment to lease ('First Amendment'; the Original Lease as amended by the First Amendment: 'Lease') with the Building Corporation to amend the Original Lease to amend the Premises (as defined in the Original Lease; the Premises as amended by the First Amendment: 'Amended Premises') to include the Pulaski County Justice Center and the site thereof for the purposes of eliminating or reducing capitalized interest with respect of the Project;

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

WHEREAS, on 30 October 2023, a public hearing was conducted in accordance with *Indiana Code 36-1-10-13* as to whether the execution of the First Amendment 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, be the following resolved by the Board:

Section 1. Except as expressly set forth in this Resolution, all of the terms, provisions, and information and authorizations set forth in Resolution 14 are incorporated herein by reference and remain in full force and effect.

Section 2. Moreover, the Board hereby continues to find that providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Corporation and further finds that the leasing of the Amended Premises 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 3. The Lease provides for a fair and reasonable rental, and further, the execution of the First Amendment is necessary and wise. The County Attorney is authorized and directed to initial and date a copy of the proposed First Amendment 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 First Amendment, with such changes as the members of this Board deem necessary or advisable, and Courthouse Project Manager is hereby authorized and directed to attest such execution of the First Amendment.

Section 4. The Courthouse Project Manager is hereby authorized and directed, on behalf of the County, to publish notice of the execution of the Original Lease and the First Amendment as required by law. The Board hereby reaffirms that 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 including the acquisition of the Amended Premises 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 the Amended Premises, 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 5. 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 including the Amended Premises.

Section 6. Any member of the Board of Commissioners or the County Council, the Auditor of the County, the County Attorney, and the Courthouse Project Manager 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.

OCTOBER 30, 2023 PULASKI COUNTY COMMISSIONERS SPECIAL SESSION (continued)

Maurice Loehmer made a motion to approve Resolution 2023-18 as presented, Charles Mellon seconded and motion carried unanimously.

A Courthouse construction site map which shows that Tonn & Blank proposes to fence off the Courthouse square plus most of Meridian Street and areas east of Justice Center that was included in their work area for the Justice Center presented for review.

With no other business to discuss, Maurice Loehmer made a motion to adjourn at 8:36am, Charles Mellon seconded and motion carried unanimously

Approved and signed this 6th day of November 2023 by the **PULASKI COUNTY COMMISSIONERS.**

CHARLES MELLON

MAURICE LOEHMER

-----~~ABSENT~~-----
MICHAEL MCCLURE

ATTEST: _____
LAURA WHEELER, AUDITOR, PULASKI COUNTY, IN