

RESOLUTION NO. 2019-04

BOARD OF COMMISSIONERS OF
CASS COUNTY, INDIANA

WHEREAS, the Cass County Government Building Corporation ("Corporation") has been organized pursuant to the Indiana Non-Profit Corporation Act of 1991 for the purpose of acquiring a site or sites, constructing, renovating, expanding and equipping governmental buildings, including renovation and expansion of a building or buildings to be used as a county jail facility, together with all necessary appurtenances, related improvements and equipment (collectively, "Project") for use by Cass County, Indiana ("County"); and

WHEREAS, the Board of Commissioners ("Board") of the County has investigated the need for funding the renovation and expansion of the Project to be located in the County; and

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

WHEREAS, drawings, plans, specifications and estimates for the renovation and expansion of the Project have been prepared and submitted to the Board and meet with the approval of the Board; and

WHEREAS, a proposed lease ("Lease") for the Project with the Corporation has been drafted and submitted; and

WHEREAS, the Lease provides that lease rentals will be payable from and constitute a first charge against any legally available revenues, including a tax rate for correctional facilities and rehabilitation facilities in the County, all of which is to be distributed to the County pursuant IC 6-3.6-6-2.7 ("General Revenues") and, to the extent the General Revenues are not sufficient, from an ad valorem property tax levied on all property taxpayers in the County; and

WHEREAS, based on reports the County has received from its financial advisor, the County expects that the General Revenues will be sufficient to pay the rentals due under the Lease; and

WHEREAS, the County does not expect to levy a tax to pay the rentals under the Lease and therefore will not be financing a controlled project within the meaning of IC 6-1.1-20; and

WHEREAS, it now appears to this Board that the Project provides the necessary facilities for the citizens of the County, and that the proposed Lease with the Corporation, as Lessor, provides for fair and reasonable rentals;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CASS COUNTY, INDIANA, THAT:

Section 1. The Board hereby determines, after investigation, that a need exists for the Project. The Board hereby further determines that, in order to move forward with the Project, it intends to approve funding needed for the renovation and expansion of the Project and/or support other governmental bodies or departments of the County in funding, renovating and expanding the Project.

Section 2. Providing for the financing of the Project by the Corporation and the leasing of same to the County is in the public interest of the citizens of the County and it is a proper public purpose for which the Board agrees to cooperate with the Corporation and to assist it in fulfilling the requirements of all agencies of the federal, state and County governments.

Section 3. The Board hereby authorizes the circulation of the proposed supporting petition of taxpayers requesting the lease of the Project.

Section 4. The terms and conditions of the proposed form of the Lease and the estimates, plans and specifications are approved and agreed to as the basis for a hearing, as required by law, and that such hearing should be held by this Board upon the necessity for the execution of such Lease and whether the lease rentals provided therein are fair and reasonable rentals for the proposed Project, prior to final determination of such questions, so that this Board may determine whether to execute such Lease as now written, or as modified, said hearing to be held November 18, 2019 at 9:00 a.m. in the Cass County Government Building, Room 200, 200 Court Park, Logansport, Indiana.

Section 5. The Auditor is authorized and directed to publish a notice of such hearing as required by law.

Section 6. Upon the redemption or retirement of the bonds to be issued by the Corporation, the County will accept from the Corporation title to such Project, free and clear of any and all liens and encumbrances thereon except those liens and encumbrances that may exist and are set forth in the Lease.

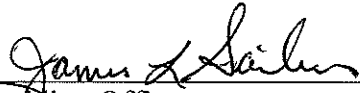
Section 7. The Board hereby approves the appointment of two independent appraisers to determine the fair market value of the real property upon which the Project will be renovated and expanded.

Section 8. The Lease will be for a maximum term of twenty-two (22) years with a maximum annual Interim Rentals (as defined in the Lease) of \$700,000 payable semiannually beginning June 30, 2020 and ending upon completion of the Project ("Interim Period"). At the end of the Interim Period, the Lease calls for maximum annual lease rentals of \$1,400,000, beginning on the later of completion of the Project or June 30, 2022. The purpose of the Lease is to provide for the financing and completion of the Project.

Section 9. This resolution shall be in full force and effect from and after its passage.

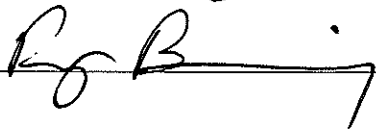
Passed and adopted by the Board of Commissioners of Cass County, this 4th day of November, 2019, by a vote of 3 ayes and 0 nays.

BOARD OF COMMISSIONERS OF CASS COUNTY, INDIANA



Presiding Officer





ATTEST:



Auditor