

## Tipton County Council Meeting

2-20-18

Present: Beth Roach, Jeff Hoover, Emily Wilson, Jim Leffler

Absent: Jim Ashley, Dennis Henderson, Helen Tragesser

Others Present: James N. Mullins, Caleb Collier, Harrison Finch, Butch Harpel, Lou Ann Millett, Mike Baden, Jacob Hughes, James Moll, Cody Neuenschwander, Melissa Pickering, Brent Snow, Hunter Helvie, Jason Henderson, Charlotte Huff, Austin Nightenhelser, Marlee Wiggington, Kyla Han, Mackenzie Stillson, Ethan Chandler, Vicky Boyd

The meeting was opened with the Pledge of Allegiance.

### **Resolutions CC2018-02 and CC2018-03 Additional Appropriations**

Beth Roach opened the Public Hearing for Resolutions CC2018-02 and CC2018-03 for additional appropriations.

Motion by Councilman Leffler to close the public hearing. Second by Councilman Hoover. Motion carries.

#### ADDITIONAL APPROPRIATION RESOLUTION CC2018-02

Whereas, It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	Requested	Approved
	Amount	
Location 005 Sheriff		
32600 Cell Phones	<u>\$250.00</u>	\$250.00
30000 Other Services & Charges	\$250.00	
Location 006 Surveyor		
31100 Outside Professional Services	<u>\$3,143.00</u>	\$3,143.00
30000 Other Services & Charges	\$3,143.00	
Location 068 Commissioners		
39600 Community Senior Care & Transportation	<u>\$10,000.00</u>	\$10,000.00
30000 Other Services & Charges	\$10,000.00	
Location 232 CASA/GAL		
32900 GAL/CASA	\$15,850.75	\$15,850.75
30000 Other Services & Charges	<u>\$15,850.75</u>	
Total for Fund	<b>\$29,243.75</b>	<b>\$29,243.75</b>
<b>1159 Health</b>		

21301 Personal Health	\$24,016.28	\$24,016.28
20000 Supplies	<u>\$24,016.28</u>	
Total for Fund	<b>\$24,016.28</b>	<b>\$24,016.28</b>

**1176 Highway**

Location 531 Maintenance & Repair		
11311 Driver/Operator	\$1,000.00	\$1,000.00
10000 Personal Services	<u>\$1,000.00</u>	
Total for Fund	<b>\$1,000.00</b>	<b>\$1,000.00</b>

**9200 Spec. Legislation – Jail**

41006 Courthouse Moisture Control	\$46,690.00	\$46,690.00
45250 New Construction	\$153,310.00	\$153,310.00
40000 Capital Expenditures	<u>\$200,000.00</u>	
Total for Fund	\$200,000.00	\$200,000.00

Adopted and dated this 20th day of February, 2018

TIPTON COUNTY COUNCIL

\_\_\_\_\_  
Beth Roach

\_\_\_\_\_  
Dennis Henderson

\_\_\_\_\_  
Helen Tragesser

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James F. Leffler

\_\_\_\_\_  
James D. Ashley

\_\_\_\_\_  
Jeff Hoover  
Attest:

\_\_\_\_\_  
Emily Wilson

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

Prepared by: Mark R. Regnier  
Tipton County Attorney;  
GRAHAM, REGNIER, FARRER & WILSON, P.C.  
120 S. West Street  
Tipton, Indiana 46072

Motion by Councilman Leffler to accept resolution CC2018-02, as presented.

Second by Councilwoman Wilson. Motion carries.

Motion by Councilman Hoover to table Resolution CC 2018-03 until the March meeting. Second by Councilman Leffler. Motion carries.

**Appointments**

Motion by Councilman Hoover to appoint Melissa Pickering to the Community Center Board. Second by Councilwoman Wilson. Motion carries.

**Request to Advertise for Additional Appropriations**

Motion by Councilman Hoover to allow the Sheriff to advertise for cell phones in amount of \$1,000.00. Second by Councilwoman Wilson. Motion carries.

## **Resolution CC2018-04 Lease with Jail Building Corporation**

The title of the Resolution was read by President Roach.

### **RESOLUTION NO. CC2018-04**

#### **RESOLUTION OF THE COUNTY COUNCIL OF TIPTON COUNTY, INDIANA PLEDGING THE COUNTY'S INCOME TAX REVENUES TO THE PAYMENT OF LEASE RENTAL UNDER A LEASE WITH THE TIPTON COUNTY, INDIANA JAIL BUILDING CORPORATION AND APPROVING MATERIALS RELATED THERETO**

WHEREAS, Indiana Code 36-1-10-7 provides that the Board of County Commissioners of Tipton County, Indiana (the "Board") may not lease a structure unless the Board receives a petition signed by fifty (50) or more taxpayers of Tipton County, Indiana (the "County") and the County Council of Tipton County, Indiana (the "Council") determines, after investigation, that the structure is needed; and

WHEREAS, a petition signed by fifty (50) or more taxpayers of the County has been filed with the Board requesting the Board (1) to enter into negotiations with a nonprofit building corporation for all or any portion of the financing of the acquisition, construction, improvement, and/or equipping of all or any portion of a new county jail facility, located on property immediately to the west of the Indiana State Highway Garage in Tipton, Indiana, with frontage on the north side of State Road 28 and on the south side of West Jefferson Street (West CR 150 South), all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County, and (2) to enter into a lease between a nonprofit building corporation, as lessor, and the County, as lessee, for all or a portion of the new jail facility, including the site and appurtenances thereto (the "Project"); and

WHEREAS, the Tipton County, Indiana Jail Building Corporation (the "Building Corporation") was incorporated to assist the County in financing, from time to time, the construction and renovation of County facilities to be operated by the County, including the Project; and

WHEREAS, to provide for the financing and construction of the Project, there has been presented to the Council a form of Lease, between the Corporation, as lessor, and the County as lessee (the "Lease"); and

WHEREAS, the lease rentals under the Lease are payable from (i) the revenues of the adjusted gross income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-7-21.5 (the "Income Tax Revenues"), and (ii) to the extent that the Income Tax Revenues are insufficient to pay such amounts, from the revenues of an ad valorem tax levied by the Lessee on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, the Council has received on the date hereof information regarding the anticipated Income Tax Revenues to be received by the County during the term of the Lease; and

WHEREAS, the County Council of the County (the "County Council") desires to approve the Lease and pledge the Income Tax Revenues to the payment of lease rentals due under the Lease pursuant to the terms of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TIPTON COUNTY, INDIANA, THAT:

Section 1. Findings; Approval of Lease. After investigation, the Council hereby finds and determines that a need exists for the Project and that the Project to be financed through

the Lease will be of public utility and benefit to the County. The Council further determines that the Project cannot be acquired, constructed, improved and equipped from any funds available to the County. The Council hereby approves the Lease in substantially the form presented on the date hereof, and the County shall proceed to take such steps as may be necessary to secure the acquisition, construction, equipping and leasing of the Project as provided by IC 36-1-10.

Section 2. Pledge of Income Tax Revenues. Pursuant to IC 5-1-14-4 and IC 6-3.6-7-21.5, the Council hereby pledges the Income Tax Revenues to the payment of all lease rental due under the Lease. The Council hereby finds and determines that the County reasonably expects to pay all lease rentals due under the Lease from the Income Tax Revenues and not from the Property Tax Revenues. To the extent that that the Income Tax Revenues are insufficient to pay such amounts, the lease rental shall be payable from the Property Tax Revenues.

Section 3. Issuance of Parity Obligations. The County reserves the right to authorize and issue bonds or incur additional lease or other obligations entitled to the pledge of Income Tax Revenues on a parity with the Lease in accordance with the requirements set forth below (“Parity Obligations”). The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) All payments due under the Lease and all payments on any Parity Obligations payable from Income Tax Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) For Parity Obligations payable from Income Tax Revenues, the County shall have received a certificate prepared by an independent, qualified accountant or feasibility consultant certifying the amount of the Income Tax Revenues estimated to be received in each succeeding year shall be at least equal to one hundred twenty-five percent (125%) of the lease rental and debt service requirements with respect to the Lease and the proposed Parity Obligations for each respective year during the term of the Lease and the Parity Obligations. If when the proposed Parity Obligations are issued, the Tipton County Income Tax Council shall have finally approved an increase in the income tax rate, the Income Tax Revenues estimate described in the preceding sentence may be adjusted to take the increased income tax rate into account. The County shall approve and confirm the figures and estimates set forth in the above-described certificate in any resolution or ordinance authorizing the Parity Obligations.

(c) Payments of any Parity Obligations payable from Income Tax Revenues shall be payable semiannually on January 1 and July 1.

The terms and conditions of any Parity Obligations shall be set forth in the ordinance or resolution authorizing such Parity Obligations.

The County may issue obligations payable from Income Tax Revenues on a junior basis to the Lease and the Parity Obligations. Any such junior obligations shall be payable semiannually on January 1 and July 1.

Section 4. Sinking Fund. (a) There is hereby created a separate fund designated as the Sinking Fund, which shall consist of a Principal and Interest Account and a Reserve Account. One day prior to each January 1 and July 1, there shall be deposited in the Principal and Interest Account an amount of Income Tax Revenues, which together with any money contained in the Principal and Interest Account is sufficient to pay the lease rentals or principal of and interest on the Lease and the Parity Obligations therewith due on the following January 1 and July 1. No such deposit need be made into the Principal and Interest Account if the amount contained therein is sufficient to pay such amounts. All money in the Principal and Interest Account shall be used and withdrawn solely for the purpose of paying the lease rentals or principal of and

interest on the Lease and any Parity Obligations, including accrued interest on any such obligations purchased or redeemed prior to maturity.

(b) Reserve Account. If it is determined by the Board, with the advice of the County's financial advisor, to establish a reserve account for the Lease, then, on the date of issuance of the bonds of the Building Corporation to finance the Project (the "Bonds"), Income Tax Revenues or a portion of the proceeds of the Bonds shall be deposited in Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement (as defined below). After making the required deposits into the Principal and Interest Account under Section 4(a), Income Tax Revenues shall be set aside from the Sinking Fund and (a) deposited in the Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement, and (b) deposited in any reserve account established for any Parity Obligations secured by a reserve other than the Reserve Account in the amount required thereby. No deposit need be made in the Reserve Account so long as there shall be on deposit therein a sum equal to but not exceeding the least of (i) the maximum annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, (ii) 125% of the average annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, or (iii) 10% of the proceeds of the Bonds and any Parity Obligations secured by the Reserve Account, plus a minor portion as defined in the Code (the "Debt Service Reserve Requirement"). All money in the Reserve Account shall be used and withdrawn solely for the purpose of making deposits into the Principal and Interest Account, in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums or lease rentals due, if any, on the Lease and any Parity Obligations secured by the Reserve Account, in the event that no other money is lawfully available therefor. Any amount in the Reserve Account in excess of the Debt Service Reserve Requirement shall be withdrawn from the Reserve Account and deposited in the Principal and Interest Account. Money in the Reserve Account shall also be available to make the final payments of interest and principal or lease rentals due on the Lease and any additional Parity Obligations secured by the Reserve Account.

Section 5. General. 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.

Section 6. Effective Date. This resolution shall be in full force and effect from and after its passage.

DULY ADOPTED on this 20th day of February, 2018, by the County Council on Tipton County, Indiana.

COUNTY COUNCIL OF

TIPTON COUNTY, INDIANA

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Beth Roach, President

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Helen Tragesser, Vice President

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Dennis Henderson, Member

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Jeff Hoover, Member

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James D. Ashley, Member

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James F. Leffler, Member

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Emily Wilson, Member

ATTEST:

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Gregg A. Townsend, Tipton County Auditor

Motion by Councilman Leffler to accept Resolution CC 2018-04, as read and presented. Second Councilwoman Wilson. Motion carries.

The Tipton County, Indiana Jail Building Corporation officers are Phil Templin, Pete Laubenstein, and Jennifer Richey.

**Capital Improvements Plan (CIP)**

A copy of the CIP plan, passed February 20, 2018, by the Board of Commissioners was presented to each Council member.

**Certified Budget Order for 2018**

A copy of the Certified Budget Order was given to each Council member.

**Minutes for January 16, 2018**

Motion by Councilman Leffler to accept the minutes for January 16, 2018, as presented. Second by Councilman Hoover. Motion carries.

**Committee Reports**

The next Redevelopment Commission (RDC) meeting will be Monday, February 26, 2018 at 6pm in the second floor west meeting room.

**Public Comments**

The Council entertained public comments

Motion by Councilman Leffler to adjourn the meeting. Second by Councilman Hoover. Motion carries.

Approved this 20<sup>th</sup> day of March, 2018

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Beth Roach, President

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Helen Tragesser, Vice President

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Dennis Henderson, member

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Jeff Hoover, member

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James F. Leffler, member

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James D. Ashley, member

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Emily Wilson, member

Attest:

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Gregg A. Townsend, Tipton County Auditor  
Secretary to the Tipton County Council

Respectfully submitted by Gregg A. Townsend