

**WARRICK COUNTY COUNCIL MEETING
REGULAR SESSION & PUBLIC HEARING
COMMISSIONERS MEETING ROOM**

107 W. Locust Street
Boonville, Indiana
November 2, 2023
6:00 PM

The Warrick County Council met in regular session in the Warrick County Courthouse, 107 W. Locust Street, Boonville, Indiana.

Attorney Cliff Whitehead and Administrator Krystal Powless were in attendance.

Auditor Michael Dietsch, Chief Deputy Barbi Shelton, and Recording Secretary Kristine Georges attended and recorded the minutes.

The public could view the meeting via Warrick County Government YouTube channel at: https://www.youtube.com/channel/UCOK8y7IXclpK9le8VV4pr9w?view_as=subscriber

Council President, Greg Richmond, called the meeting to order at 6:03 PM.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call showed the following Councilmen present in person: Rob Dimmett, Ted Metzger, Brad Overton, Richard Reid, Greg Richmond, and Chris Whetstone. Not present was Ron Bacon.

**PUBLIC HEARING
ORDINANCES FOR THE GENERAL OBLIGATION BONDS
FOR CERTAIN CAPITAL PROJECTS IN WARRICK COUNTY**

President Richmond opened the Public Hearing and presented two Ordinances for review and discussion for General Obligation Bonds for various capital projects in Warrick County. He read both into the record:

Ordinance 2023-02, An Ordinance of the Warrick County Council, As Fiscal Body of Warrick County, Indiana, Appropriating the Proceeds of the Warrick County, Indiana, General Obligation Bonds, Series 2023

Ordinance 2023-03, An Ordinance of the Warrick County Council, As Fiscal Body of Warrick County, Indiana, Authorizing the Issuance of General Obligation Bonds of the County for the Purpose of Providing Funds to Pay for the Costs of Certain Capital Improvements at Various County Facilities and Incidental Expenses in Connection Therewith and on Account of the Issuance of The Bonds and Approving Certain Matters Related Thereto

Mr. Brad Bingham with Barnes and Thornburg was present, serving as Bond Counsel, to review and answer questions. He highlighted the Ordinances and the terms of the bonds. Ordinance 2023-03 sets terms for the bonds and the projects involved. It would be for an amount not to exceed 6%. Ordinance 2023-02 is an Ordinance appropriating the funds since the budget for the County for next year is already in place. This would give the authority to spend the money. He also said that amendments could be made to the Ordinances. Mr. Bingham asked the Council if he could answer any questions.

Councilman Brad Overton asked how precise everything was written out as far as money to individual projects. Mr. Bingham stated that the Ordinance doesn't earmark a certain amount to any of the listed items for improvement. Mr. Bingham said that it was in general terms. If there is money left over from one project, then it can be applied to another project. Councilman Overton then reiterated that there were no requirements and that they could use the entire balance for anything. Mr. Bingham said that the money would have to be used for the projects described in the Ordinance. So, the total amount could be spent on just one of the projects listed in the Ordinance the way the Ordinance was written. Mr. Bingham said that the Council could make it more precise if they wished to do so.

President Richmond listed some of the items listed in the Ordinance such as the Health Department, Animal Control, the Fourth Street Storage, Judicial Center Basement Storage Area, and a new storage building on Third Street.

Councilman Rob Dimmett asked about the lot on Third Street and how big it is. Commissioner Terry Phillippe was present and answered that he thought it was roughly 50 x 100 and it was one parcel, although, he said that might be the size of the building. Councilman Dimmett then asked about the renovations planned for the basement of the Judicial Center and what all was involved in the expense of it. Commissioner Phillippe said the plan was to move out records to one of the proposed refurbished or newly constructed buildings then add some shelves and finish the room for office space. Commissioner Phillippe said that the number stated was just an estimate. There is not currently a design on the project. He said they didn't want to spend a lot of money for designing if they can't get the funding. Also, what department goes into the space would affect the design aspect. Councilman Dimmett had heard that the Prosecutor was needing more space as well as other offices. Commissioner Phillippe said that they were requesting

that. He said it also addresses some of the needed storage such as storage for the voting machines which are much larger. Councilman Dimmett asked if this was something new. Attorney Andrew Skinner said that it wasn't something necessarily new. The machines, the County has had, but new is the printers that go with the machines that the State paid for and provided to the County. Microvote has come up with a new case so that everything is in one case. But it is the size of an airline golf case that weighs around sixty pounds. That creates a storage issue. It also needs to be kept under lock and key for safety and has to be implemented by next year.

Councilman Whetstine asked about the Highway Department Garage as he didn't see it on the list. Commissioner Phillippe said that it was not included on this. Councilman Whetstine then asked if there was anything else that didn't make the list. Commissioner Phillippe wasn't aware of anything else.

President Richmond asked about the election cases in the basement if other storage items are moved out. Commissioner Phillippe said they would have to figure out the design. They are trying to free up the square footage that is heated and air conditioned.

President Richmond pointed out that space would be opening up at the old Sheriff's Department once the new facility is built. He felt this would be a useful space for departments such as the Health Department where they would be right by Animal Control. It's also level and more adaptable for senior citizens getting in and out. He has also had some discussions about this with the Commissioners and Health Department Administrator Aaron Franz. He also thought that the proposed Animal Control building could be built more simply but functionally. They have estimated it at \$2,000,000.00, but he felt it could be done for \$1,000,000.00. He also thought some of the other storage buildings could be done for less. He went over some of the amounts for the projects that he had come up with. President Richmond wanted to have numbers for the Council to discuss to help move this along. President Richmond did point out that this would be under the \$6,000,000.00 threshold for controlled projects. That means if it's above the \$6,000,000.00, it has to be a petition or referendum. Mr. Bingham then discussed the two different processes and the amounts that trigger the processes. President Richmond then stated that if a referendum had to be done, an election year would be the best time to do it. Otherwise, a special election would have to be held and all the costs associated with it. All of these things, he felt needed to be taken into consideration.

Commissioner Phillippe stated that this was just a step in the process and they are very willing to work with the Council to get some of this done. Mr. Bingham also stated that as far as the process, there was the Bond Ordinance tonight and the Appropriation Ordinance. The Appropriation Ordinance as written, is just the authorization to spend all the proceeds on any of the projects, so it is very broad. If the Council wants something more as you go, it can be done that way. Commissioner Phillippe just wanted to assure the Council that there will be communication with the Council on the projects, but if they want to add an additional layer, they could do that. Administrator Powless stated that that wasn't something the Council would typically do. Mr. Bingham agreed.

Councilman Whetstine said that he had heard criticism for not having planned for the Council to look at detailed plans. He thought that this could offer some security to the Council.

Mr. Bingham did say that the Council could reduce the size of the bond and do a shorter term, but it will pay off more quickly putting them in the same spot again in a couple years, facing the issues of rolling over a bond.

Councilman Whetstine liked adding the additional layer and President Richmond's suggestions of amounts.

President Richmond then went over different payoff scenarios on different amounts. Mr. Bingham said that those were hypothetical scenarios that Baker Tilly put together to show if the GO Bond was done this year, then the Council came back and did the Highway Garage Complex, those numbers show the bigger picture. He then went over the figures and the effects on the levy, terms, and how it would be paid back assuming an additional debt issue.

Mr. Bingham said that his point with the smaller bond, shorter term, if you come back in two or three years to do another one, you would have paid two transaction costs in a short period of time. Not the end of the world, but that's just a cost of doing it. But this, compared to doing another bond in five or ten years, is just something he wanted the Council to be aware of as they move forward.

Councilman Dimmett asked about the general costs for the bond process and what they would be. Mr. Bingham said he always thinks between \$125,000.00 to \$150,000.00 as a rule of thumb. That would be a ballpark figure.

President Richmond asked Mr. Bingham to explain the call situation, if the Council does a bigger bond issue on the Highway Garage, making it all roll over into one bond service. Mr. Bingham said President Richmond was asking about pre-payment options. What he normally tells people is investors want some period where their investment is protected. They don't want it to be paid off early. You can get a shorter call, but you usually pay something for it. So, they will give an eight-year call where it can be paid off after eight years, but you have to pay a little bit more on the rate. If they want five-year bond, you can get pre-payment options, but it will be built into the rate. He said what President Richmond was giving as a possible option was doing a short-term obligation that could be rolled over into next year's bond. But, what needs to be remembered is your rate this year might be better than what your rate would be next year. It could go down, but there is no guarantee.

President Richmond asked for public input. There was none. President Richmond closed the Public Hearing.

**ACTION ON THE PUBLIC HEARING
ORDINANCES FOR THE GENERAL OBLIGATION BONDS FOR VARIOUS CAPITAL
PROJECTS IN WARRICK COUNTY
ORDINANCE 2023-03**

The Council then entered the regular session meeting to take action on the Public Hearing. Councilman Overton felt that there was storage coming with the Sheriff's Department and there may be costs for that later down the road for renovations. He also knew that the Health Department has some accessibility concerns and privacy requirements. It would be a benefit for the Health Department to possibly be out there near Animal Control and also having close proximity to the Senior Citizen's Center. He feels there are a lot of options for that. As for Animal Control, he thought that was a very nice design, but his concerns were having a space to house animals safely and allow for possible expansion as things go on. He thinks there are ways to do it without quite the expense. He also asked if the current Animal Control building would be torn down. Commissioner Phillippe was of the opinion that it would not be. He also thought that the Animal Control project could be done more affordably.

Commissioner Metzger asked about the current jail use and possible expansion. He felt you could add on to a building a lot cheaper than you can build a complete building.

Candace Heuber was present for the Health Department/Animal Control to speak to some of the questions. She said that because of the economy, they are taking in a lot of animals. There is a great need for safety for the animals and the employees. She said that the current building was only supposed to meet an immediate need and not for the long term. The garage is not big enough for the trucks. It is difficult to segregate animals. There are issues with having hot water in different areas and space for employees. As far as the design for the new building, she respectfully didn't think it was asking a lot for what was needed. They don't have the resources like the humane society with various funding sources. It is however their responsibility to take in diseased and stray animals. She also went over different aspects of the design and the free sources that were available to Animal Control for design work. Ms. Heuber felt that one of the biggest concerns was for her staff. They don't want to go backwards and they don't want to have to put down animals. She understands the issues that the Council is having to deal with, but wants the Council to understand what they are dealing with on a daily basis and how it affects the community as a whole.

Councilman Dimmett asked what was making the building so expensive. Ms. Huebner thought that it could be done for less with a different resource, but that the need for segregation of the healthy and sick animals and security of the animals within the building. Living in a rural community, they do have to have the ability to take animals such as horses, ducks, and goats. They also have to have the ability to protect the animals including animals that might be involved in a criminal case.

Councilman Whetstine asked about the free resources and that she should take the information she has to the Commissioners. She said that she would.

President Richmond suggested a motion and discussion. Councilman Whetstine asked what kind of motion he was looking for. President Richmond said for a total amount or to deny and not do it at all.

Councilman Whetstine said after hearing from Ms. Heubner about a possible lower amount on the Animal Control Building and what President Richmond said about lower amounts, he would make the motion to approve the lesser amounts for a total of \$1,800,000.00 that President Richmond has suggested. There was a brief discussion on whether lesser amounts and other things could be modified. Attorney Cliff Whitehead said that it could be modified to lesser amounts than were advertised, but everything would have to be spelled out now on the total amount and the amounts on individual projects so the motion is clear and so he is able to make the correct changes to the two Ordinances.

President Richmond was asked to read his numbers on the various projects.

President Richmond gave his list of projects and the amounts.

Animal Control Building	\$1,000,000.00
Health Dept Nurses Office/Judicial Center Renovation	\$400,000.00
Third Street Storage Building	\$300,000.00
Fourth Street Storage Building	<u>\$150,000.00</u>
TOTAL	\$1,850,000.00

President Richmond then made the motion to approve the stated amounts and total for the General Obligation Bond and projects for the Ordinances and remove from the Ordinances statements that included various other projects or miscellaneous. It would only be for the projects that President Richmond had stated. Councilman Chris Whetstine seconded the motion. Attorney Whitehead stated, that if a unanimous vote was not achieved, an additional meeting would need to be called as soon as next week. Councilman Metzger stated that he was good with it since it took out the miscellaneous projects and with it being trimmed back. He also felt the work needed to be done. President Richmond called for the vote. Ordinance 2023-03 with the stated changes carried 6-0 with no opposition.

(Ordinance 2023-03 is located on Pages 8 through 14 of these Official Minutes)

**ORDINANCE 2023-02
ORDINANCE APPROVING THE APPROPRIATION**

President Richmond then presented Ordinance 2023-02 for the appropriation with the modified amounts totaling \$1,850,000.00. Councilman Brad Overton made the motion to approve. Councilman Rob Dimmett seconded the motion. The motion carried 6-0.

Attorney Whitehead stated that since statute had been satisfied, no additional meeting would be needed. He said he would also prepare the modified Ordinances for the Councilmen's signatures.

(Ordinance 2023-02 is located on Pages 7 through 8 of these Official Minutes)

**APPROVAL OF MINUTES
OCTOBER 5, 2023 REGULAR MEETING MINUTES**

The minutes from the October 5, 2023 Regular Session Meeting were presented. There was a brief discussion about the minutes from the budget session had been received by email. They will be presented at the December meeting. Councilman Brad Overton made the motion to approve the October regular session minutes as presented. Councilman Rob Dimmett seconded the motion. The motion carried 6-0.

**ECONOMIC DEVELOPMENT BUSINESS
CONTRACTUAL SERVICES**

President Richmond read the following into the record:

Economic Dept 1112.31400.000.0000 Contractual Services \$62,800.00

Steve Roelle was present to address the request. This is for a Warrick County Housing Study. The funds are available and coming from the Economic Development EDIT balance. The study is a guidebook for the current and future housing market. Mr. Roelle said it is a tool that is desperately needed. He has been asked by the Town of Chandler, Town of Newburgh, and Town of Lynnville if they have this data. He has also been asked, by the Warrick County School Corporation as well as developers, for the data. The study will look at housing levels, gaps, and opportunities in the housing. They want the study to be done to work on the micro level and the macro level. This will help it to work and be available off the shelf no matter what area of the county it is. Mr. Roelle also went over other things that the study would provide and benefit the County. Thomas Miller and Associates will be doing the study. He also stated that the return on investment would be really high. He also went over the different County Departments that would also benefit from the information. It was approved unanimously through the Economic Development Board to move forward with this.

President Richmond asked for any questions. There were none. Councilman Rick Reid made the motion to approve. Councilman Rob Dimmett seconded the motion. The motion carried 6-0.

**CIRCUIT COURT BUSINESS
PER DIEM PETIT JURY**

President Richmond read the following into the record:

Circuit Court 1000.18320.000.0232 Per Diem Petit Jury \$7,000.00

Judge Greg Granger was present. There were no questions. Councilman Rick Reid made the motion to approve. Councilman Chris Whetstone seconded the motion. The motion carried 6-0.

**CLERK BUSINESS
CLERK PERPETUATION – FURNITURE**

President Richmond read the following into the record:

Clerk Perpetuation 1119.44100.000.0000 Furniture \$21,445.53

Administrator Powless stated that the Clerk was unable to attend the meeting. She did state that there was over \$320,000.00 in the perpetuation fund. Councilman Rob Dimmett made the motion to approve. Councilman Brad Overton seconded the motion. The motion carried 6-0.

**COMMISSIONER BUSINESS
COUNTY DRUG FREE – EDUCATION/PREVENTION & CONTRACTUAL SERVICES**

President Richmond read the following into the record:

County Drug Free 1148.31211.000.0000 Education/Prevention \$6,020.28
1148.31400.000.0000 Contractual Services \$1,067.04

Councilman Brad Overton made the motion to approve. Councilman Rob Dimmett seconded the motion. The motion carried 6-0.

BUDGET REDUCTION – FURNITURE

President Richmond read the following into the record:

Cumulative Capital 1138.44100.0000 Furniture -\$18,546.00

There was no discussion. Councilman Brad Overton made the motion to approve. Councilman Rob Dimmett seconded the motion. The motion carried 6-0.

LEGAL SERVICES

President Richmond read the following into the record:

Commissioners 1000.31200.000.0068 Legal Services \$40,000.00

It was stated that this was due to tort and election lawsuits. Councilman Rob Dimmett made the motion to approve. Councilman Chris Whetstine seconded the motion. The motion carried 6-0.

AUDITOR BUSINESS FURNITURE

President Richmond read the following into the record:

Auditor 1000.44100.000.0002 Furniture \$18,546.00

Auditor Mike Dietsch was present. He stated that he had already presented the information, concerning the chairs he wished to purchase for his office, at the last meeting, but could answer any questions.

Councilman Whetstine asked what exactly was being requested of the Council. Councilman Richmond said it would be to basically approve what was approved at the last meeting. The amount had been put into Cumulative Capital which is a fund that is overseen by the Commissioners at that meeting. The Commissioners did not want the cost to come out of their budget. The money was just taken back out of Cum Capital. It is now being requested from County General. President Richmond also pointed out that the Auditor does not have fees.

Councilman Reid asked how old the chairs were that were being replaced. Auditor Dietsch said that most of the chairs currently in the Auditor’s Office are hand-me-downs. Administrator Powless said that most of them were probably twenty years old. Auditor Dietsch said most were mis-matched.

Councilman Metzger clarified that these were the chairs that he had spoken about at a previous meeting. Auditor Dietsch said that they were.

Councilman Chris Whetstine then spoke that he had visited the Auditor’s Office and saw the chairs and he was surprised at the chairs being requested. It was a quality, basic chair. Then he realized the specialty was in the way they were made. He talked with the people in the department. His visit completely changed his thinking and he was in support of the purchase.

Councilman Metzger voiced his concerns about the cost of the chairs and that cheaper chairs could be found.

Acquisitions Administrator Sherrie Sievers also presented additional information to the Council. She went over the warranty which is for a full twelve years and includes everything. Additionally, if the chair cannot be repaired for any reason, it will be replaced during that twelve-year period. She said that we don’t question buying vehicles that are needed and paving roads that don’t get near the warranty that the chairs have and allows employees to complete their work. She also went over all the health benefits from the ergonomically designed, Hermann Miller chair. She also went over the time spent in the chairs and the savings that could be seen in health benefits alone with the correct seating.

Councilman Dimmett pointed out that driving long distances in a vehicle in uncomfortable seats, you feel it when you stop. You don’t feel well.

Councilman Whetstine pointed out that with the combination of the chairs and the workstations for the Auditor’s Office, it’s still less than two-thirds of what was just approved for furniture in another office.

Auditor Dietsch said if he had a perpetuation fund he would definitely use it for his employees because they are worth it. The Auditor’s Office is the heart of County Government when it comes to everyone working together. He also believes that every person in that office deserves to have a chair that’s going to provide the comfort and the necessities that they need for twelve years without ever having to buy another chair. That would cover three more terms of office.

Councilman Chris Whetstine made the motion to approve. Councilman Rob Dimmett seconded the motion. The motion was denied with a vote of 3-3 with Ted Metzger, Brad Overton, and Rick Reid opposing the purchase.

Administrator Powless did point out that the Council could motion to approve something for chairs. It didn’t have to be the full amount. Councilman Whetstine asked Auditor Dietsch if he had other options. There was a brief discussion on options. No other motions for amounts were made.

UNCLAIMED CHECKS

Auditor Dietsch presented unclaimed checks in the amount of \$36,956.60. He said there was a correction as during the process Maken Corporation did not receive a check and there was a question on it. It was for \$5,138.40. He would like to void the check they didn't receive and re-issue. That would bring the new total to \$31,818.20. Administrator Powless asked the Council Attorney if a motion to accept needed to be made or if it was just a presentation. Attorney Whitehead said it was just to file with the fiscal body. No motions were required.

SHERIFF BUSINESS MEDICAL SENSORS

Sheriff Mike Wilder wanted to let the Council know that he would be asking for funds in December for medical sensors for inmates that are on a medical watch. Many who come in are not in the best health or they come in under the influence of something. These sensors would monitor them without having to go into their cells. He said it really is a liability and protection for the County. They are only going to get a few. The cost is \$12,000.00 for the monitors. They wish to purchase three. They would also be able to take them to the new facility. The Sheriff also wanted to mention that the Sheriff's Department received over \$175,000.00 from the State of Indiana for housing F6 inmates. That was money that went into the General Fund. It was money they generated and he would like to be able to use a little of it. If Council had any questions, he was happy to answer.

Councilman Metzger asked if there were any requirements from the State to have these monitoring systems. The Sheriff stated that there wasn't. CPC, which is their phone provider, is the one that came across these monitors. There are jails that are starting to put them in and will probably be in every county jail in the next couple of years.

Councilman Metzger asked if someone on the premises would be monitoring them. The Sheriff said that there would. He then went over how the system would work to alert the employees on the inmate's condition. All monitoring would be in house.

Councilman Richmond went over the cost of the system. The sensors were \$12,000.00. The four port gateway dongles were a \$1,000.00 for two of them. There will also be annual subscription fees that would cost \$2,700.00. Installation for three would be \$1,000.00 each. The pre-tax total would be to \$18,700.00.

FUND REPORT BALANCE REPORT

President Richmond wanted to ask the Council to check something that he checks monthly, and that is the fund report balances from the Auditor's Office. It is a month behind, but good information. He highlighted the ones he felt were most important. Administrator Powless wanted to clarify if they were looking at the reports, to get the true balance, you would subtract what's left in the budget from those numbers. That is the actual cash balance. She then gave an example.

HANDBOOK POLICY, REIMBURSEMENTS, TRANSFERS OR CORRECTIONS

President Richmond read the following into the minutes:

8A. Additional Appropriation -Handbook Highway	1176.11340.000.9604	Hwy Engineer	\$4,638.00
8B. Salary Ordinance -Handbook Highway	Two-week PTO	Hwy Engineer	\$4,637.10
8C. Additional Appropriation -Reimbursement *Health	1159.21375.000.0000 1159.22500.000.0000	Vaxcare Animal Control	\$2,086.54 \$16,007.82
8D. Additional Appropriation -Handbook Clerk	1000.11210.000.0011	Deputy Clerk	\$1,602.00
8E. Salary Ordinance -Handbook Clerk		Deputy Clerk	\$1,602.00
8F. Salary Ordinance -Handbook Sheriff Sheriff Jail		Sargent 5 days Lieutenant 5 days Jail Commander 5 days	\$1,367.56 \$1,484.00 \$1,078.20

There was no further discussion. Councilman Brad Overton made the motion to approve. Councilman Rick Reid seconded the motion. The motion carried 6-0.

(November Appropriations are located on Page 14 of these Official Minutes)

**COUNCIL BUSINESS
OTHER BUSINESS**

Councilman Metzger wanted to bring it to the attention of the Council that people watching the meetings online say they can't hear the Councilmen speaking. He suggested maybe speaking up or speaking into the microphones. President Richmond agreed and said he always makes sure to speak into the microphone.

ADJOURNMENT

The next Warrick County Council regular session meeting will be held on December 7, 2023 at 6:00 PM in the Commissioners meeting room. Councilman Rick Reid made the motion to adjourn the Council meeting. Councilman Chris Whetstone seconded the motion. The motion carried 6-0. The meeting adjourned at 7:39 PM.

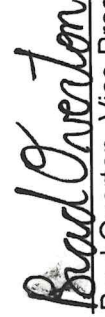
WARRICK COUNTY COUNCIL



 Greg Richmond, President



 Ron Bacon


 Ted Metzger


 Chris Whetstone


 Brad Overton, Vice President


 Robert Dimmett


 Richard Reid

ATTEST:


 Michael J. Dietsch, Auditor
 Warrick County, IN

Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary

**WARRICK COUNTY COUNCIL ORDINANCE NO. 2023-02
AN ORDINANCE OF THE WARRICK COUNTY COUNCIL, AS FISCAL BODY OF
WARRICK COUNTY, INDIANA, APPROPRIATING THE PROCEEDS OF THE
WARRICK COUNTY, INDIANA, GENERAL OBLIGATION BONDS, SERIES 2023**

WHEREAS, the Warrick County Council (the "County Council"), as the fiscal body of Warrick County, Indiana (the "County"), has, on November 2, 2023, adopted an ordinance, the provisions of which are hereby included herein by this reference thereto (the "Bond Ordinance"), determining to issue general obligation bonds of the County in an original aggregate principal amount of not to exceed One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) (the "Bonds"), for the purpose of providing funds to pay the cost of acquisition, construction, renovation, improvement and/or equipping of various capital projects and local public improvements at the following County-owned facilities: (i) the County animal control building, not to exceed a cost of \$1,000,000.00, (ii) the 4th Street Storage building, in Boonville, Indiana, not to exceed a cost of \$150,000.00, (iv) a new storage building on 3rd Street in Boonville, Indiana, not to exceed a cost of \$300,000.00, and (vi) reconstruction of the health department building and a large Judicial Center storage area, not to exceed a cost of \$400,000.00 together with capitalized interest, if necessary, and all preliminary or incidental expenses and the costs of issuing the Bonds (collectively, the "Projects"); and

WHEREAS, the County Council did not include the proceeds of the Bonds in the regular budget for the County for the year 2023; and

WHEREAS, there are insufficient funds available or provided for in the County's existing budget and tax levy which may be applied to the cost of the Project, and the issuance of the Bonds has been authorized to procure the necessary funds and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the County has caused notice of a hearing on said appropriation to be published as required by law, and such public hearing was held on November 2, 2023, on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views regarding such additional appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL, AS FOLLOWS:

Section 1. There is hereby appropriated a sum not to exceed One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000), together with all investment earnings thereon. Such appropriation shall be provided for out of the proceeds of the Bonds received by the County in connection with the sale of the Bonds, with all investment earnings thereon, for use by the County in paying the cost of the Projects. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until the completion of the Projects. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

Section 2. A certified copy of this ordinance, together with such other proceedings and actions as may be necessary shall be filed by the Auditor of the County, along with a report of the appropriation, with the Indiana Department of Local Government Finance.

Section 3. Any member of the Board or the County Council, the Auditor of the County, and the counsel to the County Council are hereby authorized to take any action, authorized or empowered and directed by the County Council, to take any other action as such individual may deem desirable to effectuate the foregoing resolutions, including the filing of a report of this appropriation with the Indiana Department of Local Government Finance and the execution of an agreement with a financial institution to hold and administer the Fund, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 4. This Ordinance shall be in full force and effect from and after its adoption and compliance with the procedures required by applicable law.

DULY PASSED and ADOPTED on this 2nd day of November, 2023, by the Warrick County Council, as its governing body of Warrick County, Indiana, by a vote of 6 in favor, 0 opposed, and 0 abstaining.

WARRICK COUNTY COUNCIL

Grace Richmond
Grace Richmond, President

Chris Whetstone
Chris Whetstone

Richard Reid
Richard Reid

Ron Bacon

ATTEST:

Mike Diestch
Mike Diestch, Auditor
Warrick County, Indiana

Ted Metzger
Ted Metzger

Robert Dimmett
Robert Dimmett

Brad Verton
Brad Verton

WARRICK COUNTY COUNCIL ORDINANCE NO. 2023-03

AN ORDINANCE OF THE WARRICK COUNTY COUNCIL, AS FISCAL BODY OF WARRICK COUNTY, INDIANA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE COSTS OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE COUNTY, TOGETHER WITH THE REIMBURSEMENT OF CERTAIN INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS AND APPROVING CERTAIN MATTERS RELATED THERETO

WHEREAS, the Board of Commissioners of Warrick County, Indiana (the "Commissioners"), as the executive and legislative body of Warrick County, Indiana (the "County"), has authorized and directed the Board of Commissioners to acquire, construct, improve, maintain and/or equip various capital projects and local public improvements at the following County-owned facilities: (i) the County animal control building, not to exceed a cost of \$1,000,000.00, (ii) the 4th Street Storage building in Boonville, Indiana, not to exceed a cost of \$300,000.00, and (iii) reconstruction of the public storage building with capitalized judicial storage, not to exceed a cost of \$400,000.00 together with capitalized incidental expenses and all preliminary or incidental expenses and the costs of issuing the Bonds (collectively, the "Projects"); and

WHEREAS, it would be of public utility and benefit and in the best interests of the County and its citizens to pay the costs of all or a portion of the Projects, and to incur incidental expenses thereon, together with the costs of the issuance of the Bonds, which said capital interest thereon through the issuance of general obligation bonds of the County payable from a tax levied upon all of the taxable property of the County, as more fully described herein; and

WHEREAS, pursuant to Indiana Code § 36-2-6-18, Indiana Code § 6-1.1-20-1, ~~et seq.~~, and other applicable provisions of the Indiana Code (collectively the "Act"), the Warrick County Council (the "County Council") now deems it advisable to borrow money, with such indebtedness to be evidenced by issuance of a series of notes, bonds or other obligations of the County, designated as the "Warrick County, Indiana, General Obligation Bonds, Series 2023" with such further or different series designation as may be determined to be necessary or desirable hereinafter, the Bonds), an original series of providing funds to be applied to (i) all or a portion of the costs of the Projects, (ii) the reimbursement of preliminary expenses related thereto and all incidental expenses incurred in connection therewith, including necessary engineering, design, and related activities (all of which are deemed to be a part of the Projects), (iii) capitalized interest on the Bonds, if any and (iv) the costs of selling and issuing the Bonds; and

WHEREAS, the Authorized Amount of the Bonds, together with the outstanding principal amount of any previously issued bonds or other obligations which constitute

indebtedness of the County, is no more than two percent (2%) of one-third (1/3) of the total net assessed valuation of the County; and

WHEREAS, the County Council has been advised that each of the Projects is an independently desirable end in itself without reference to another capital project, and the total cost to the County of any individual project is not greater than the less of (i) \$6,000,000, or the great of (A) one percent (1%) of the net assessed valuation of all taxable property within the County as of the date of (B) \$1,000,000; and, therefore, the Bonds will not be issued to finance a "controlled project," as defined in Indiana Code 6-1.1-20-1.1; and

WHEREAS, the Projects, together with any capitalized interest and all incidental expenses incurred in connection with or on account of the issuance of the Bonds, are estimated to cost the County not more than \$1,850,000; and

WHEREAS, the amount of net proceeds of the Bonds allocated to pay costs of the Projects, together with estimated investment earnings thereon, will not exceed the cost of the Projects as estimated by the County Council; and

WHEREAS, the County Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds have been complied with in accordance with the Act; and

WHEREAS, the County Council desires to establish its intent on behalf of the County, pursuant to Indiana Code § 50-2 and Indiana Code § 5-1-14-6(c), that costs incurred with the Projects which may be reimbursed from the proceeds of the County prior to the issuance of the Bonds may be reimbursed from the proceeds of the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL, AS FOLLOWS:

SECTION 1. Authorization for Bonds: Declaration of Intent. In order to provide financing for the Projects, capitalized net proceeds of the Bonds shall be used to provide for the construction and issuance of the Bonds by the County. The County shall borrow and issue the Bonds as herein authorized. Such incidental expenses shall include, without limitation, all expenses of every kind incurred preliminarily to the funding of the Projects, including the costs of issuing the Bonds. The County covenants that the proceeds of the Bonds will not be used for any purpose except as described in this Ordinance. The County hereby declares the official intent of the County to reimburse expenses incurred by the County in accordance with U.S. Treasury Regulation § 1.150-2 and Indiana Code § 5-1-14-6(c).

SECTION 2. General Terms of Bonds.

(a) Issuance of Bonds. In order to procure said loan and borrow funds for such purposes, the County Council hereby authorizes the issuance of the Bonds for the County as described herein. The Auditor of the County (the "Auditor") is hereby authorized and directed to have prepared and to issue and sell the Bonds as negotiable general obligation bonds of the County, in one or more series, in an aggregate principal amount not to exceed the Authorized

interest rate or rates shall be in multiples of one-eighth (1/8), one-twentieth (1/20), or one-hundredth (1/100) of one percent. The Auditor shall award the Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine percent (99%) of the par value of the Bonds (or such higher percentage as the Auditor may determine), interest if any, shall be considered. The Auditor may require that the successful bidder provide to the County a good faith deposit in the form of cash, certified or cashier's checks payable to the order of the County, or wire transfer (as instructed by the County) (the "Deposit"), in an amount not to exceed one percent (1%) of the aggregate principal amount of the Bonds as a guaranty of the performance of said bid. The successful bidder shall be required to deposit the Deposit with the Auditor on the date of the award of the Bonds and within 30 days of the date of the award. The successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery or at the time fixed in the notice of sale, then such Deposit and the proceeds thereof shall be the property of the County and shall be considered as its liquidated damages on account of such default. In the event no satisfactory bid is received, the successful bidder shall be deemed to have accepted the award of the Bonds and the successful bidder shall be deemed to have accepted without readjustment; provided, however, that if said sale is continued for a period of thirty (30) days without readjustment, the Auditor shall have full right to reject any and all bids.

Following the sale of the Bonds, by any method authorized in this Ordinance, the Auditor is hereby authorized and directed to have the Bonds prepared; a majority of the Commissioners are hereby authorized and directed to execute the Bonds; and the Auditor is hereby authorized and directed to attest the execution of the Bonds. It is substantially the form and the manner of execution of the Bonds shall be as set forth in the form attached hereto. The Auditor and the County Treasurer shall then provide for the delivery of the Bonds to the purchaser thereof. The Auditor shall report the proceedings related to the sale of the Bonds to the County Council.

The Auditor is hereby authorized and directed to obtain a legal opinion as to the validity of the Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the Bonds or to cause a copy of said legal opinion to be printed on each Bond. The cost of such opinion shall be paid out of the proceeds of the Bonds.

SECTION 7. Use of Bond Proceeds, Funds and Accounts.

(a) **Project Fund.** Any accrued interest received at the time of delivery of the Bonds shall be applied to the Project Fund. The proceeds of the Bonds shall be deposited into a construction fund created and designated as the "Warrick County, Indiana, 2023 Bond Project Fund" (the "Project Fund"). The proceeds deposited into the Project Fund shall be expended only for the purpose of paying expenses incurred in connection with the Projects, together with capitalized interest on the Bonds and the expenses incidental thereto and on account of the issuance of the Bonds. The proceeds

of the Bonds may be used to reimburse the County for prior expenditures for the foregoing purposes; provided such reimbursement does not cause the interest on the Bonds to be taxable for federal income tax purposes. Any balance remaining in the Project Fund at the end of the year shall be used on account of the issuance of the Bonds may be used to pay debt service on the Bonds or otherwise used as permitted by law.

(b) **Sinking Fund.** There is hereby created a separate fund, designated as the "Warrick County, Indiana 2023 Bond Sinking Fund (Capital Construction Fund)", which shall be used to pay the principal and interest on the Bonds, together with any other expenses, together with any administrative charges related to the Bonds. As taxes attributable to the debt service levy for the Bonds are collected, they shall be set aside and accumulated in the Sinking Fund and used for the purposes described herein.

SECTION 8. Defenses. If when the Bonds or any portion thereof shall have become due and payable, the County shall, with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, shall be tendered to the holder of the Bonds, then and in that case the Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 9. Tax Matters. In order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the Bonds, the County represents, covenants and agrees that:

(a) The County will not take any action or fail to take any action with respect to the Bonds which would reduce the gross amount of the exclusion from gross income for federal income tax purposes of interest on the Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on Bond proceeds or other monies treated as Bond proceeds to the federal government as provided in Section 103 of the Internal Revenue Code, or any other action which would reduce the gross amount of the exclusion from gross income for federal income tax purposes, notwithstanding anything else to the contrary herein, in trust for such purposes.

(b) The County will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(c) The County will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" as defined in the meaning of Section 148 of the Code and the regulations thereunder as applicable to the Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 10. Amendments. Subject to the terms and provisions contained in this Section, and not otherwise, the owners of the Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the County of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the County for the purpose of modifying, altering, amending, adding to, or rescinding in any particular any of the terms or provisions contained in the Bonds, provided, however, that nothing herein contained shall permit or be construed as permitting:

- (a) An extension of the maturity of the principal of or interest on any Bond, without the consent of the holder of each Bond so affected; or
- (a) A reduction in the principal amount of any Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Bond so affected; or
- (b) A preference or priority of any Bond over any other Bond, without the consent of the holders of all Bonds then outstanding; or
- (c) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance, without the consent of the holders of all Bonds then outstanding.

If the County shall seek to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid to the address appearing on the books of the County, to each registered holder of the Bonds, and shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one (1) year after the date of the mailing of such notice, the County shall receive any instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such

notice as on file with the Registrar, thereupon, but not otherwise, the County may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owners shall have consented thereto.

No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the County or its Officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the County and all owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the County and of the owners of the Bonds, and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the County and the consent of the owners of all the Bonds then outstanding.

Without notice to or consent of the owners of the Bonds, the County may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof),

- (a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or
- (b) To grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds; or
- (c) To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America, to obtain or maintain bond insurance with respect to payments of principal of and interest on the Bonds, or to procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds;
- (d) To provide for the refunding or advance refunding of the Bonds, to the extent permitted by law; or
- (e) To make any other change which, in the determination of the County Council in its sole discretion, is not to the prejudice of the owners of the Bonds.

SECTION 11. Continuing Disclosure. If necessary in order to assist any underwriter of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available disclosure about the County and the Bonds to participants in the municipal securities market, a majority of the Commissioners and the Auditor are hereby authorized to execute and deliver, on behalf of the County, a continuing disclosure undertaking agreement or contract (the "Continuing Disclosure Contract"), upon delivery of the Bonds, with such terms therein as approved by such officers based upon the advice of bond counsel, the execution of such Continuing Disclosure Contract by such officers to be evidence of such approval. The County hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of its obligations thereunder by or through any employee or agent of the County and shall comply with and carry out the terms thereof. Notwithstanding any other provision of this Ordinance, failure of the County to comply with the Continuing Disclosure Contract shall not be considered an event of default under the Bonds or this Ordinance.

SECTION 12. Approval of Official Statement. If legally required as part of a public offering of the Bonds in accordance with the SEC Rule, a majority of the Commissioners and/or Auditor are hereby authorized to deem final an official statement with respect to the Bonds, as of its date, in accordance with the provisions of the SEC Rule, subject to completion as permitted by the SEC Rule, and the County Council further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended with the approval of a majority of the Commissioners and/or Auditor in the form of a final official statement.

SECTION 13. Other Action. The appropriate Officers of the County are hereby authorized to take all actions to obtain a rating, bond insurance or any other form of credit enhancement for the Bonds if economically feasible and desirable and with the favorable recommendation of the Municipal Advisor. In addition, the appropriate Officers of the County are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate the completion of the Projects, the issuance of the Bonds, or any other purposes of this Ordinance.

SECTION 14. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the Bonds and so long as any of the Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect that will adversely affect the rights of the holders of the Bonds, nor shall the County adopt any law, ordinance or resolution that in any way adversely affects the rights of such holders.

SECTION 15. Severability/Interpretation. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 16. Holidays, Etc. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the County or the County in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 17. Effectiveness. This Ordinance shall be in full force and effect from and after its adoption and the procedures required by applicable law. Upon payment in full of the principal and interest respecting the Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this Ordinance shall cease.

DULY PASSED AND ADOPTED on this 2nd day of November, 2023, by the Warrick County Council, as fiscal body of Warrick County, Indiana, by a vote of 6 in favor, 0 opposed, and 0 abstaining.

WARRICK COUNTY COUNCIL

Greg Richmond
Greg Richmond, President

Chris Whetstone
Chris Whetstone

Richard Reid
Richard Reid

Ron Hacon

ATTEST:

Mike Dietsch
Mike Dietsch, Auditor
Warrick County, Indiana

Ted Metzger
Ted Metzger

Robert Dimmitt
Robert Dimmitt

Brad Overton
Brad Overton

Sec. 1 Be it ordained (resolved) by the Warrick County Council, Warrick County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

FUND	APPROPRIATION NUMBER	DESCRIPTION	AMOUNT REQUESTED	AMOUNT APPROVED
Highway	1176.11340.000.9604	Hwy Admin.	\$4,638.00	4,638.00
Economic Dev.	1112.31400.000.0000	Contractual Services	\$62,800.00	62,800.00
Clerk	1000.11210.000.0011	Deputy Clerk	\$1,602.00	1,602.00
Clerk Perpetuation	1119.44100.000.0000	Furniture	\$21,446.00	21,446.00
County Drug Free	1148.31211.000.0000	Education/Prevention	\$6,021.00	6,021.00
Health	1148.31400.000.0000	Contractual Services	\$1,068.00	1,068.00
Health	1159.21375.000.0000	Vaccine	\$2,087.00	2,087.00
Auditor	1159.22500.000.0000	Animal Control	\$16,008.00	16,008.00
Commissioners	1000.44100.000.0002	Furniture	\$18,546.00	18,546.00
Circuit Court	1000.31200.000.0068	Legal Services	\$40,000.00	40,000.00
	1000.18320.000.0232	Per Diem Petit Jury	\$7,000.00	7,000.00
Budget Reduction				
Cumulative Capital Dev	1138.44100.000.0000	Furniture	-\$18,546.00	-18,546.00

Taxpayers appearing in the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action.

Adopted this 2nd day of Nov., 2023.

Greg Richmond
Brad Overton
Chris Whetstone
Ted Metzger

NAY

ATTEST: Mike Dietsch
Auditor Warrick County