WARRICK COUNTY COUNCIL MEETING
COMMISSIONERS MEETING ROOM
107 W. Locust Street
Boonville, Indiana
September 7, 2017
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 was in attendance.

County Auditor Debbie Stevens and Secretary Kristine Georges attended and recorded the minutes.

Council President, Gary Meyer, called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

Gary Meyer: Roll call.

Krystal Powless: Gary Meyer?

Gary Meyer: Here.

Krystal Powless: Charlie Christmas?

Charlie Christmas: Yes.

Krystal Powless: David Hachmeister?

David Hachmeister: Here.

Krystal Powless: Ted Metzger?

Ted Metzger: *(Councilman Metzger was not present for this meeting)*

Krystal Powless: Brad Overton?

Brad Overton: Here.

Krystal Powless: Greg Richmond?

Greg Richmond: Here.

Krystal Powless: Paul Rudolph?

Paul Rudolph: Here.

Gary Meyer: Okay, just a note before we get started. I know everybody probably has some friends or family that's in Texas or Florida. And I think it'd be good if everybody keeps their thoughts and prayers with those people down there for the next few days. Hopefully, it won't be as bad as what they're telling us it's gonna be but you never know. So just keep that in mind.

Krystal Powless: And I did just want to say, Ted talked to me today and he's not feeling well. He's ill and that's why he's not here.

Gary Meyer: Okay.

APPROVAL OF MINUTES
MEMORANDUM OF EXECUTIVE SESSION
JULY 13, 2017
REGULAR SESSION MINUTES
AUGUST 3, 2017

Gary Meyer: Okay, Approve Minutes, Memorandum of Executive Session, July 13th, and the Regular Meeting Minutes of August 3rd. You should have the Memorandum at your table.

Paul Rudolph: Hey, Charlie. I have a question for you on the Minutes. On August 3rd, so Gary asks about the motion to end the meeting and it says that you said, "Bite." That doesn't sound right. Do you know what you might have said?

Charlie Christmas: I don't, where you at there?

Paul Rudolph: Literally the last thing said in the August 3rd Meeting Minutes. I'm guessing it was something other than "bite". Trying to give you the opportunity to change it. Just cause I don't remember you saying that.

Brad Overton: (Inaudible) gonna get a bite to eat?

Paul Rudolph: I would have remembered the word bite.

Charlie Christmas: What, what was the paragraph before that?

Paul Rudolph: So it was Gary saying, "Anyone else have anything? Looking for a motion."

Charlie Christmas: I have no idea.

Paul Rudolph: It was worth a shot. Little weird to have the word bite.

Charlie Christmas: (Inaudible).

Brad Overton: Might have said, "Ready for a bite."

Charlie Christmas: Might have been what it was, I don't know. She typed it right in. So.

Paul Rudolph: You must have been hungry.

Charlie Christmas: I was. (Inaudible).

Gary Meyer: Any other changes, additions?

Paul Rudolph: Motion to approve both.

Brad Overton: Second.

Gary Meyer: Motion made by Paul and seconded by Brad to approve. Is that both of them?

Paul Rudolph: Yes.

Gary Meyer: Okay. Any further discussion? All those in favor? Opposed? Motion carries six, zero (6-0).

ECONOMIC DEVELOPMENT
TAX PHASE IN
CIHOLAS

Gary Meyer: Okay, Economic Development, Tax Phase In, Ciholas.

Larry Taylor: We've got the compliance for Ciholas Properties. As you guys recall, Ciholas is an engineer and technology firm that moved to Newburgh. If you look at the, their compliance, the current employees is, is up to thirty-six (36), which is in line with what they had submitted. Number of employees retained, it's a little less, but you know I think that's the people that they have, where they've lost a couple. The important thing is the number of additional employees. So far they've added nine (9) and it's been three (3) years. And they committed at twenty-three (23). So they're running at a rate of three (3) a year. So that would be you know, in line with what they had committed to, to hire the employees. Their average salary was, was to be sixty-four thousand ($64,000.00), was what they submitted. But it's actually seventy-two thousand one hundred and one dollars ($72,101.00) so that's in the right direction. So we would recommend approval. Vicky McDonald is here from the company if there's any questions.

Brad Overton: Larry, I just had a question on that assessed value. Cause it was a little less than what was projected about, you know, four hundred thousand dollars ($400,000.00) or so roughly. Was there something that just wasn't put in place yet or still…I didn't know if you had any information on that.

Larry Taylor: I don't, the actual…

Brad Overton: Well, I guess not assessed, yeah, well, the assessed was off a little bit, I guess down a little further on that completion of project, that line there.

Larry Taylor: So they, what they actually built was what they had projected to build and how it got assessed may have assessed it (inaudible).

Brad Overton: Okay, so it wasn't as if anything less than, okay, alright. That's all I was wondering.

Paul Rudolph: Motion to approve.

Brad Overton: Second.

Gary Meyer: Motion made by Paul and seconded by Brad to approve. Any further discussion? All those in favor? Opposed? Motion carried five, one (5-1 with Gary Meyer opposing).

Krystal Powless: And the one (1)?

Gary Meyer: Me.

TAX EXEMPT REVENUE BOND
NEWBURGH ASSISTED LIVING
RESOLUTION 2017-03

Gary Meyer: Okay, Economic Development, Tax Exempt Revenue Bond.

Larry Taylor: Yes, a company that's, by the name of Heritage Woods that's been looking in the area and was attracted here because of our medical development and our medical area. They're an assisted living organization. And they qualify for some tax exempt Revenue Bonds. It goes the, the Economic Development Commission that I'm, I'm the appointee of the Commissioners and I think the Council has one (1). And then Boonville has an appointee also. And basically this is a, this facility, it's an assisted living facility. There's some people from the company and Todd, to tell a little more about it. It meets the targets of medical development in that area. There's no tax abatement requested and it's a fully taxable project. So that's some good news. It's around forty (40) employees and, which is you know, an additional employment and some of which are professional jobs. It does not take up the prime footage of State, it's, where it's gonna be located is off Grimm Road which is across from the Islamic Center. So that's back from the frontage. So in my

mind, you know, a lot of the frontage property on State Route 66 would be the prime property, so this takes up some property that wouldn't be the first one (1) that's most likely to be developed. So it's a good thing that you know something's going on there up front. And it is in the Epworth TIF area. And by having the additional, this type of facility in the area is what we believe is what encourages other medical facilities to come. Because if you have another group of patients, potential patients in the area, the chance that some of the medical providers would also move there. Todd has some more comments on that and then he'll introduce some of the people from the company.

Todd Glass: Thank you, Larry. Todd Glass, Warrick County Attorney. We convened the Economic Development Commission this afternoon, which as Larry mentioned, includes him, Randall Pemberton as this Council's appointee to the Commission and also David Talley, the Boonville City Council's appointee. They heard the presentations this afternoon and unanimously passed a Preliminary Inducement Resolution and Report to this Council recommending that they pass a Preliminary Resolution that is before you. You also have a print out of renderings and a presentation in front of you. And all that I'd like to do, Mr. President, is introduce the individuals that'd like to explain this to you briefly. We have the developer here represented by Mr. Ed Patton and his counsel, Courtney Figg, from Indianapolis. They're going to explain to you briefly what this development project is and why it's unique and good for the County. And then again, briefly, we'll have Tenley Drescher from Indianapolis come up and explain to you your Resolution and why that is a preliminary/tentative Resolution and why we need to do that, why you're asked to do that today, which is a bit unique for the circumstances. But I would just invite them to come up and address you all on those two (2) points and I'm going to sit down, unless there's other questions.

Tenley Drescher-Rhoades: Hello, my name is Tenley Drescher-Rhoades and I'm with the law firm of Faegre Baker Daniels, and we will be serving as bond counsel for this project should it move forward. I wanted to, as Todd mentioned, we're here because we are seeking to partially finance this project through the issuance of Economic Development Revenue Bonds. Those as you'll see in, if, the Resolution you have in front of you. It's very important to note that although those bonds, the approval of them would go through the County. As you'll see in several places including at the end of the first page, the issuance and sale of the bonds won't reduce legal bonding capacity of the County. The County will bear no expense in connection with the Bonds. And any expenses the County does have, for instance if they have Counsel, could be reimbursable through the issuance of bonds. The principle and interest of the bonds shall not payable from any revenues of the County and they shall not obligate the full faith in credit of the County. These are just a unique type of financing structure that's set up in State Law that uses the County as a Conduit issuer but the County bears no responsibility for any of the payment of the bonds. And again it does not affect the credit rating of the County. The reason why we're here today with this Preliminary Resolution, this Resolution does not bind the County to anything. This Resolution does not even approve the issuance of the bonds. What this does is permit the company to then go to the Indiana Housing and Community Development Authority and to go through their process to have a little bit of Federal Tax Credit Volume Cap awarded to the project. The, that State Agency requires us to go to the communities for a preliminary run though. And if the community shows an interest in having us proceed with that State Agency by executing this Preliminary Resolution, then that allows that process to go forward. If we're successful then, with the State Agency, the Housing and Community Development Authority, and they do award some tax credit volume cap to us, we would come back, probably sometime we think, end of the year. If all goes well with the State, we would come back for the formal approval process of, of the bonds. So again this, and this Resolution says in several places that you know in the actual action items that the Council is tentatively making finance and tentatively determines that the issuance of the bonds is appropriate in order to induce the company to take the next steps that they need to take with the State Agency. So that's why we're here today as a first step. If you have any questions with that, please let me know. But it is a requirement of the State Agency that we come to the communities first and that you show some evidence to the state agency that it's worth their while to proceed with the process. I can answer any questions on that. I will turn it over for questions about the actual project if you, if you like. But I can answer any questions.

Gary Meyer: Oh, I think there'll be some questions. We can go ahead and listen to everyone else first.

Tenley Drescher-Rhoades: Okay. Okay. Well, I'll introduce Ed Patton...

Ed Patton: (Inaudible).

Tenley Drescher-Rhoades: Oh, okay and Courtney Figg.

Courtney Figg: Hi, I'm Courtney Figg. I'm an attorney with the law firm of Quarles and Brady in Indianapolis. We represent the developer in this project. Ed Patton is here representing the developer. He can also answer some questions. What I will do is kind of talk about the project itself. Whereas Tenley can talk about the bond process and the Resolution in front of you, I'm going to tell you a little bit about the project. What you have in front of you is just a fancy little power point presentation that kind of hits the highpoints. I'm not going to go through this line by line unless you'd like me to. But I will just kind of give you the high points. So the name of the facility is going to be called Heritage Woods of Newburgh. The facility as mentioned will be located at the intersection of Grimm Road and Rabbit Run Drive on a five (5) acre parcel across from the Islamic Center of Evansville. It's off of the Lloyd Expressway east of Interstate 69 as part of a thirty-seven (37) acre parcel. This is a team effort. The developer is comprised of three (3) different entities as you can see on the very cover page. Development Services Group, Horve Construction, and Gardant Management Solutions. Page two (2) talks a little bit about Development Services Group and their background. They are one (1) of the preeminent assisted living developers in Illinois. And this group is working on three (3) similar projects to this in Indiana right now. The others being in Goshen and Noblesville. Horve Construction also had a lot of experience in not just senior housing but also assisted living facilities in Illinois and Indiana and they have a lot of other retail commercial experience as well. And Gardant Management is, is part of the development team as well. They will also serve as the operator and manager of this facility. They're one (1) of the largest assisted living operators in the country. They are the largest in Illinois. And as far as Indiana, it goes with this sort of product using the financing the housing commit...Housing Community Development Authority and bonds. Gardant is basically managing all those facilities that are using this sort of financing. Page five (5) talks about trade association participation. And just to demonstrate that this team is very experienced in this area. The project owner will be called Newburgh Assisted Living, LLC. You'll also see on your Resolution that it's also identified as the borrower. The attorney, Matt Carr, Quarles and Brady, were serving as developer's attorney. It lists the architect. Horve is also serving as the contractor and Gardant is the management company, Faegre Baker Daniels is serving as bond counsel. So Page seven (7), a little map of where this is. It's, it has an address in Newburgh. It's not formerly annexed into Newburgh at this point in time. Five (5) acres across from the Islamic Center very close by to the hospital and medical facilities and some residential development which we found very favorable to have an assisted living facility close by to medical and hospital facilities is, is always preferable. So this is a really, really good area, growing area. And we're happy to have this be part of our project. I will note that our project is

own the land and it's under contract at this time. Page eight (8) just talks a little bit about what's nearby. We talked about the hospital, The Breast Center, and there's retail and groceries nearby. Page nine (9) is just a smaller version of what you have printed out, which is a proposed rendering of what the facility would look like. The architect is, is very experienced in assisted living development. This is a nice product. An attractive product that will fit in well with the area. It'll be a very nice edition and somewhere that eld...that elderly seniors want to live and spend time in. Page ten (10) is also just a smaller version of what you have printed out in a larger copy of the preliminary site plan. As you noticed, the entrance is off of Grimm Road. The parking lot is around the front and the side with vegetation around. Landscaped garden in the back. Parking areas in the front. And a flagpole in the front. So a nice design in the site plan. Page (eleven) 11 is just preliminary first floor plan. All of the floor plans have been printed out for you on the larger paper if you would like to look at that. So some of the high points, there's going to be a hundred twenty (120) units at this facility. Forty-five (45) of those would be studio units and three hundred fifty (350) square feet approximately and seventy-five (75) of those would be one (1) bedrooms at approximately five hundred (500) square feet. Three (3) stories. And it would be licensed as a residential care facility by the State of Indiana. And it would be a certified Medicaid waiver provider. And the requirement would be that you would have to be sixty-two (62) or older to reside at this community. But on experience the average age of someone coming to a facility like this would be eighty-two (82) in the manager's experience. And someone coming here would, cannot live independently any longer. They need assistance with one (1) or two (2) activities of daily living. And those are commonly identified as grooming, bathing, dressing, toileting, showering, things of that nature. So someone that would live here has gotten to the point that they can no longer live alone or independently and need some assistance with act, act, act, what they call activities of daily living. On Page thirteen (13), these are private apartments. They are, they are not shared. But there are kitchenettes in those. But as, I'll get to the services that are provided, three (3) meals a day are provided in a common dining room. So the kitchenettes are for safety purposes. Although hook ups for stoves and full kitchens are available upon request. But this has been a model that has been replicated many times and is, is, is approvable by the Housing Authority. Basically the set up and the features of each unit is to consider the elderly folks in mind. Spacious bathrooms with grab bars and showers and things of that nature. Page (fourteen) 14, so there will be staff, staffing this facility twenty-four (24) hours a day, seven (7) days a week. Dining room, we have activities rooms, TV and entertainment areas. And the whole notion here is that this is a home and community based atmosphere. So the state of Indiana has taken a very big push to, to transition elderly folks from institutional care to more of a home and community based model. An assisted living facility that really strives to be that home and community based model where folks can socialize with each other and live in a very nice comfortable atmosphere and have a lot of areas with which to congregate but also have their own private unit and private apartment. Page (fifteen) 15 talks a little about what is included in the assisted living services. So I talked about the meals, housekeeping, and the laundry. Personal assistance with the activities of daily living, like I mentioned. Assistance with medication, transportation will be provided for those residents, it's not anticipated that that many if any would drive at this stage. And other wellness programs that would be administered by the operator. Page sixteen (16), at this point in time I want to stress that this is very early on in this stage. We're looking at a total development cost of about twenty-five ($25,000,000.00), twenty-six million ($26,000,000.00) with a total construction cost of approximately fifteen ($15,000,000.00). At this point we're projecting about one point nine ($1,900,000.00) in salaries and benefits. And we're looking at a range between probably thirty-five (35), forty-five (45), forty-eight (48) full time jobs. Though those numbers are still being worked out and it would depend on how full, how quickly the facility's leased up and how, how, what that rate of occupancy is as to how quickly that happens. Page seventeen just talks about some of the demographics that we got to, to determine that this was a good area and that there was sufficient demand to fill a facility like this. And that, you know, as you can see, about thirty-five thousand (35,000) are sixty-five (65) plus in this, in this total market area. And that's, that's projected to increase by about seventeen (17) percent over the next four (4) or five (5) years. And we've, through our market study, demand, on Page 18, recognizes that there's about five hundred twenty-four (524) individuals who would desire and qualify for this sort of project that want some sort of assisted living facility like this. It is affordable for them. And this is, well, a hundred and twenty (120) of those units. So we feel that this is a very, this is a product in high demand. It's in a great area and this is an experienced development team. So to kind of give you a little background of what process we've gone through so far, Tenley mentioned that the Indiana Housing and Community Development Authority. So the developer has put together and application for an award of tax credits from the Housing and Community Development Authority. That is a four (4) percent tax credit project that is coupled with this tax exempt bond issuance. So what we are here for tonight will be coupled with the allocation of tax credits. And tonight's process is really a requirement of the Housing Community Development Authority to take the next steps with that application that has, they're still reviewing it. It's still in, in, in, in their approval processes. But this is one (1) of the requirements for them that, that basically says preliminarily that you approve and that you would serve as bond issuer and that assuming that we get the tax credit allocation, we would be back in a few months to ask for formal bond issuance at that time. But tonight is just preliminary, and just, really says in a nutshell that you agree to be the issuer, Warrick County agrees to be the issuer. That's all I have to present. I'm here to answer any questions about the project that you may have. Ed can answer any questions, but that concludes my formal presentation as it is. So I guess at this point we can take your questions on any of the topics. Yes?

Greg Richmond: I have a couple of questions. Assuming this all gets through all the hoops it's supposed to go through. What's your time table for completion?

Courtney Figg: I think the construction schedule is approximately fourteen (14) months.

Greg Richmond: Okay. And tell me what certified medical waiver provider means?

Courtney Figg: So what that means is Gardant Management Solutions, once the facility is licensed as a residential care facility, Gardant would go through the additional steps of certifying this as a facility that accepts the Medicaid waiver. And what that does is it allows the Medicaid program to reimburse the facility for the assisted living services that are being provided. Many skilled nursing facilities have that. Not very many assisted living facility have that, so it's just an extra step that would allow those who qualify for Medicaid, to have Medicaid to reimburse the facility for the assisted living services provided.

Greg Richmond: So there will be nursing staff?

Courtney Figg: Um hum. There, most...

Greg Richmond: I just recently went through all this, so I'm, that's why my questions are...

Courtney Figg: The staffing, the staffing is managed by Gardant. There are professional staff, so they're a higher level professional physicians. Then there are service positions and nursing positions also included in the total figure of who's employed at that facility. You're welcome.

Gary Meyer: I've got a few questions.

Courtney Figg: Yes?

Gary Meyer: What makes this facility unique compared to what we already have in the county?

Courtney Figg: One (1) thing, well I should have mentioned that, this is not a traditional assisted living facility. And that kind of comes down to what I talked about with Medicaid. Very few, if any, assisted living facilities accept Medicaid waiver. A lot of skilled nursing homes do. But the State of Indiana has recognized that there are a lot of seniors who could be better served in a home and community based environment like an assisted living facility that don't need the level of care at a nursing home. But that they cannot afford to privately pay for an assisted living facility that can sometimes run three ($3,000.00), four ($4,000.00), five thousand dollars ($5,000.00) a month. Unless that facility takes Medicaid, they would then have to go to a nursing home that would accept Medicaid. So this, this is an assisted living facility that, that is affordable and that would tailor to those who could, that, that, that would be eligible for Medicaid and then Medicaid would reimburse the facility for those assisted living services. To my knowledge, there are only about three (3) of these sorts of facilities open in the State of Indiana right now. There are approximately between ten (10) and fifteen (15) others in various stages of development at this time. And I would say almost all of them maybe save one (1) or two (2) are financed just like this one (1) with, with the combination of four (4) percent tax credits through the Housing Authority and tax exempt bond either issued by the local municipality, the County, or the State. And so that's, it's, it really, what makes this unique is that it's affordable for seniors who may not be able to pay for a private pay assisted living. Yes, absolutely.

Ed Patton: Ed Patton with the development team. The other part to it, Gary, would be with so many seniors that could afford to maybe pay you know, three ($3,000.00) to four thousand ($4,000.00) a month. A lot of times their assets burn off quite quickly. Or their income has changed. Or they've lost one (1) of their spouses so all the sudden their income has been cut. With this program, even if you are a private pay, which we do accept private pay residents. If the private pay resident does have a change, we can submit the application to get them on the Medicaid waiver during what we call spin down as they're burning off their assets. And at that point, with Medicaid, would stay. And the nice part about, and what's different with our facility, is they don't move. You know? If they were in a one (1) bedroom or a studio and were paying full private pay rate, if they have to go into an assistance with Medicaid, none of the services change. They stay in the same room, all the services stay the same. Nobody in the facility knows any different, you know. It, it is a, a little bit different where a lot of times if it's a full private pay, we've seen that they're, either have to be moved, like Courtney said, either to, to a nursing home that accepts Medicaid, or back in with a family member. Or, or they just have to find some other assistance on their own. So this is one of these projects that in, and development team, has been together for about eighteen (18) years. We have over thirty (30) facilities that accepts Medicaid throughout the Midwest. And it's one (1) of those products that you know, is a good, a feel good product. Because you do see so many people that don't belong in nursing homes that get stuck there. Because they just don't have any other option. And Indiana has made great strides over the last couple of years to start pushing that again to try to get that balance between the nursing homes and pushing them into care that's really more catered to what they need and that's the assisted care. So...

Greg Richmond: I've had personal experience in that with my parents just recently. And it's kind of tough. You're in no man's land for a little while. And this fulfills that need of no man's land. And my mom was in the hospital and they, the assisted care living place where they were at, basically kicked her out. You can't stay here tomorrow. And so we had no choice but to put her in a nursing home. It's a good thing.

Gary Meyer: So you're telling me that you're an assisted living but you could develop into a nursing home?

Ed Patton: No. No.

Gary Meyer: You couldn't?

Ed Patton: Under, we are only licensed under residential care through the State of Indiana. So it, it, we only meet the requirements that Courtney outlined earlier of age restrictions, and then the only other restriction that comes in to play is whenever there is a spin down or an issue with finances, we do have to take them through the process and get approved through the State for them to accept the payments and stay in.

Gary Meyer: Well, it sounds to me then, Greg...

Greg Richmond: What...?

Gary Meyer: Your mother would have to move from there anyway, correct?

Greg Richmond: Eventually, eventually. But not at first.

Gary Meyer: Oh, okay.

Ed Patton: And what we've found is, is with people moving into an assisted living, they stay out of that nursing home a lot longer. And, and it's more healthy, because we provide activities, you know, to get them out of their units. It's not one (1) of those things where they go sit in their room all day long which happens a lot of the time in a skilled nursing facility. We actually promote getting them out. So there are three hundred fifty (350) square feet for a studio. Four hundred fifty (450) or five hundred (500) for a one (1) bedroom. But we have a lot more common spaces. You know, large dining rooms to drag them, you know to get them out. To eat with everybody else. We have an activity room with an activity director that is constantly has a schedule you know every week they're sending schedules out of all the activities that can be done. There's exercise. We bring physical therapy into the facility. With our transportation needs, we have a small transportation bus that will take people to different activities. So we'll pick activities in the community or even as simple as taking them to a grocery store. You know, most of these people are not cooking on their own, they kind of find out once they get in there they kind of like it that there are snacks available all the time. There's a drink station all the time and they have three (3) meals and that's kind of what they live for every day. So, but they do like to get out a little bit and, and spend a little bit, have a little bit of snacks and they bring that stuff back. So, so we have different things to keep them active in the building as well as in the community. And, and that's what prolongs that, that health a little bit longer that what you see if you get into a skilled nursing home facility.

Gary Meyer: One (1) problem I've got here is the Resolution that I got at home and read was different than what you presented tonight.

Gary Meyer: Let me finish. And I have a real hard time voting on something that I haven't read. Even though I'm not an attorney, thank the good Lord. I just have to read it several times to understand it. And if you want this passed tonight, I've got a real problem of doing that tonight. Why, and why is it important tonight? We just found out about it August 25th, August 26th, which is less than two (2) weeks ago. And you're asking this Council to vote on something that's twenty million dollars ($20,000,000.00) without reading it. I've got a real problem with that.

Tenley Drescher-Rhoades: So the changes in the Resolution were a result of discussions between me and my colleague and Cliff and...

Gary Meyer: And the money?

Tenley Drescher-Rhoades: Todd. Right. Right. That's because just to, as the development plan comes into more clear view, just, and the financing structure that was a change too. Just to make sure, again, that's a not to exceed, but they wanted to make sure that they had a not to exceed amount that was adequate so we wouldn't have to come back and make a change later.

Gary Meyer: Okay, why is it important tonight?

Tenley Drescher-Rhoades: Right, so as I said, whenever, if this body should approve this Resolution, whenever that is, we cannot go to the Housing and Community Development Authority and say, okay, we've got, here's all of our ducks in a row and all of our checks for you then to put us on the agenda to be considered by the agency until we have the approval of Resolution, or similar to this. So that's, that's why. It's no, there's no, it's not like we're up against any deadline or anything. It's just keeping the process flowing with the State. So it's, it's just you can't do, you know, you can't do the next step until you get this step done.

Gary Meyer: Okay, another question, if this Council would approve this tonight, or whenever this Council approves it, between that time and when you bring the final Resolution, will there be any changes then? Probably?

Tenley Drescher-Rhoades: Yes, I would assume there will, going to continue to be tweaks. Now I think that this team is so experienced, I don't think they're going to be major changes. I think that what we would come back to you would be really similar. But as they continue to figure out the financing, as they continue to figure out, you know, estimated construction costs and what not. Interest rate fluctuations, what not. But I don't think I will be substantially different though.

Cliff Whitehead: And I will say, just briefly that except for the money change, the changes were made at the request of either myself or Todd Glass, just to make a clear, what we are and are not agreeing to putting ourselves out there for. So the way that I read the first draft, there was some grayness on could the County or the Council be obligated or if this thing falls through. And so the changes I think again except for the monetary change, make it clear, crystal clear, that there is no obligation upon the County, the Council, or the EDC if this is passed but tomorrow or whenever in the future before final acceptance it is changed or denied and the bond isn't issued.

Gary Meyer: Will the people who buy the bonds, whether it's a bank or whatever, will they be informed that even though this Council, the Commissioners, Economic Development, everybody in the County voted for it, that the County's not backing the bonds? Will they be told this?

Tenley Drescher-Rhoades: Oh, yes, absolutely. As a matter of fact on the face of the bond itself it says this is not an obligation of the County.

Gary Meyer: Okay. Explain to me what this one (1), two (2), three (3), four (4), fifth paragraph on the second page means. It says, whereas pursuant to and in accordance with the act, the County desires to provide funds necessary to finance all or a portion of the project by issuing the bonds. To me that sounds like the County's build...providing the financing.

Tenley Drescher-Rhoades: Well...

Gary Meyer: But you tell me we're not. I've got a problem with that.

Tenley Drescher-Rhoades: The County is a conduit for our tax exempt financing, it in essence is allowing the funds to be provided by, as a conduit through the County. If you look at the first whereas on that page, it says the principle of an interest on the bonds shall not be payable from any revenue of the County and shall not obligate the full faith and credit of the County but shall be payable solely from the funds of the company.

Gary Meyer: I read that but you lawyers...

Tenley Drescher-Rhoades: So it is...

Gary Meyer: Confused me.

Tenley Drescher-Rhoades: Right, it is interesting, I, if, it's almost a question of why are we, why are we coming, if this is a private entity?

Gary Meyer: That's my next question.

Tenley Drescher-Rhoades: Absolutely.

Paul Rudolph: So, Tenley, let me see if I can help out just quickly here.

Tenley Drescher-Rhoades: Yeah.

Gary Meyer: Explain it to me.

Paul Rudolph: So, I think that we're, we are providing the funds necessary, because we're providing a mechanism for them to get the funding by allowing them to use our bonds and, or using our, using us as the leaser of the bonds. And

correct me if I'm wrong, Tenley, but my understanding is that the benefit to the developer is that these will be considered tax exempt bonds.

Tenley Drescher-Rhoades: Exactly.

Paul Rudolph: So what will happen is that...

Gary Meyer: That, that, that's my question, tax exempt to who?

Paul Rudolph: Tax exempt to the recipient. So what happens is, I buy a bond.

Gary Meyer: Is it like a municipal bond?

Paul Rudolph: Like a municipal bond...

Gary Meyer: Okay.

Paul Rudolph: So it will be tax exempt verses if they offer the bond as a private company. That interest would be taxable to the person who bought the bond. So the advantage to the developer is that long story short, they get to release the bond at, let's say three (3) percent, because they don't have to pay taxes on it instead of three and a half (3 ½) percent or four (4) percent instead of four and a half (4 ½). Or four (4) instead of five (5), whatever those numbers are. But that, that's the advantage of that. That's why they're coming to the Council and asking us to approve cause they want to basically leverage our tax exempt status. Is that a fair thing?

Tenley Drescher-Rhoades: That is absolutely correct. And it...

Gary Meyer: Don't give him a lot of credit.

Tenley Drescher-Rhoades: Although he, he did do a really good job. It is, the, the Congress has decided that certain types of private activity is important and beneficial to communities like pollution control, like certain economic development, certain types of housing. And because of that, they set up a special program to allow a certain amount of private bonds to be issued through conduit entities, local governments or state governments, and receive tax exempt financing even though it is for a private activity. Because Congress decided that those activities are beneficial, that's, you know there's lots of whereas' here that say how it's beneficial to the community and to the health and safety of the community.

Larry Taylor: It's the same mechanism that we used at ALCOA when they used the pollution control equipment before because that was for environmental type things...

Gary Meyer: Is it the same one (1), Larry, that we looked at St. Mary's last year?

Larry Taylor: It would be the same thing.

Gary Meyer: Same kind of thing?

Larry Taylor: The only difference here is because they have to give the approval through the Housing Authority, they had to do this extra step that says, yeah, okay, the County's interested in doing that and then okay, we'll take a look at doing everything that the Housing Authority does. But it's basically the same mechanism that we had suggested for the other project that didn't go through and for ALCOA for their environmental process.

Tenley Drescher-Rhoades: And again, we would be, this is not issuing the bonds. This is in no way is this issuing the bonds. We would have to come back and go through the process to issue the bonds. You would have to approve that and Economic Development Commission would have to approve that. This is a preliminary approval of the concept of the project going forward to IHCDA.

Gary Meyer: I guess, Cliff, I've got another question. If I were, if I were John Q. Public and I bought a bond for this project, and let's, worst case scenario it goes belly up. And I'm holding a bond that was approved by the County Council, County Commissioners, Economic Development. Everybody in the County approved this. And I won't say backed the bonds, but I mean allowed the bonds to be sold like this, what happens to my investment? I just lose it? I can't go to the County and say, since you guys approved this, it there any, you know?

Tenley Drescher-Rhoades: You could not go...

Cliff Whitehead: Yeah, you could not go.

Tenley Drescher-Rhoades: To the County.

Gary Meyer: You could not go to the County?

Tenley Drescher-Rhoades: No.

Cliff Whitehead: No.

Tenley Drescher-Rhoades: And again, the face of the bond itself will say this is not an obligation of the County.

Gary Meyer: You promise me that?

Tenley Drescher-Rhoades: I, yes. Scout's honor. I one hundred (100) percent promise.

Paul Rudolph: But that brings up the question I have is, if the County isn't responsible, and the project does go belly up for one (1) reason or another, who is ultimately responsible, if anyone, to the bond holder.

that's set up to be the borrower. The one (1) that will sign all of the, sign their life away of all, various loan agreements, on various certificates and assurances to bond holders. And I might let Courtney come back and explain, because of that, because this is not backed by any type of tax obligation, any governmental obligation built into the funding structure is a significant amount of reserve. Because it is a private bond that's again, there's no tax base behind it. The only thing that's securing it, is the credit of the entity and several entities under it. So I don't know if Courtney can describe that or not. But you're right, you're thinking, well, what's, this seems like a more risky bond than normal, would be a public bond, absolutely. And because of that the market realizes that and there's a big chunk of reserve built up.

Charlie Christmas: Question.

Tenley Drescher-Rhoades: Um hum?

Charlie Christmas: If this got delayed one (1) month, how much of a jam would that put you in?

Tenley Drescher-Rhoades: Um, well, it would push back, well maybe I'll ask Courtney.

Charlie Christmas: (Inaudible).

Tenley Drescher-Rhoades: I mean it would push back our ultimate approval from IHCDA.

Charlie Christmas: (Inaudible) time to think about it (inaudible).

Tenley Drescher-Rhoades: Yeah, no, I understand. If...

Charlie Christmas: If it got pushed back a month, that gives us plenty of time to look at it and study it. Think about it. Maybe have other questions we need to ask.

Tenley Drescher-Rhoades: I mean it certainly would delay the ultimate funding.

Charlie Christmas: (Inaudible) just wanted to know what kind of problem that would put you in.

Tenley Drescher-Rhoades: Yeah. I, it would delay the funding. I don't know what that would do to construction schedule. But you know it would delay our receipt of funding.

Greg Richmond: I'll make a motion to approve (inaudible).

David Hachmeister: Do we need an introduction first?

Charlie Christmas: We don't need an introduction. We just need a motion to approve (inaudible).

David Hachmeister: I'll second that.

Gary Meyer: I'm sorry, I missed the motion. Greg, did you make the motion to approve?

Greg Richmond: Yeah, I did.

Gary Meyer: Okay, and you seconded it?

David Hachmeister: Yes. Second.

Paul Rudolph: Before we do, can I have another question or two (2)?

Gary Meyer: Discussion now? Sure.

Paul Rudolph: So the question I'm still trying to understand, so the project, construction cost is fifteen million ($15,000,000.00). The development cost is twenty-six million ($26,000,000.00). We're being asked to approve a bond that's, that can go up to twenty million ($20,000,000.00). If you guys could just maybe explain those numbers just a little bit. So, for, I, and I guess one (1) of the questions I have is the funding or is the capitalization of the LLC. So how do we feel comfortable that the LLC will be adequately funded and capitalized with equity in addition to the twenty million ($20,000,000.00) we're being asked to provide. Gary asked so many questions, I couldn't get mine out yet.

Gary Meyer: I had to have them answered. I had them in my mind.

Courtney Figg: So that's a good question. So total development costs is a combination of the bond issuance, which we have a do not exceed of twenty million ($20,000,000.00) which was increased because we didn't want to come ask for a higher amount when we come back for a final approval. So hopefully that will be the amount. That it doesn't change and that it will not exceed that. That will be coupled with the allocation of tax credits from the Indiana Housing and Community Development Authority that will bring that together, that will come into that. The difference between the two (2) that Tenley alluded to is a lot of other costs. The cost of construction is one (1) figure. There are a lot of other fees and costs that go, associated with this. All of the architecture fees, engineering fees, environmental fees, all the due diligence fees that go into preparing and submitting this tax credit application to the Housing Authority. All the due diligence that will be required with the tax credit investor who will then buy those tax credits and, and obtain a membership interest in the project donor. All of the due diligence for all the bond documents that are yet to come and all the underwriters. A significant amount of operating reserves to the tune of between two point five-three million ($2,530,000.00) because the investors and the bond purchasers and the lenders want to be sure that there is sufficient reserve in case it doesn't lease up as quickly as planned or there is a problem. So there is a lot of extra cushion built into this development figure, that, that, between that total development cost and construction costs. But it really is a coupling of the bond amount and the tax credit amount to get us to that final, final, final number so to speak to pay off all those fees and all the lawyers have got to get paid too and she gets paid first. But I, it, that's just really kind of the difference between the two (2). But there are significant reserves because the anticipated investor and the LLC is a subsidiary of Berkshire Hathaway called Affordable Housing Partners. They're one (1) of the preeminent tax credit investors that have been working in this space, affordable assisted living. They require very stringent reserves and documents in place to make sure that the facility does succeed. And I think that they are the investor for all of these others, short of facilities just like this, under development in

Indiana right now.

Paul Rudolph: So am I correct in understanding what you just said to be that there will be two point five million dollars ($2,500,000.00) of equity funding this LLC, what I call skin in the game, so to speak, from the investors...?

Courtney Figg: It will probably be more like, more around six ($6,000,000.00) or seven million ($7,000,000.00).

Paul Rudolph: Six ($6,000,000.00) or seven million ($7,000,000.00).

Courtney Figg: Two point five ($2,500,000.00) is the operating reserves built in to the overall development costs.

Paul Rudolph: The operating reserves for losses for the first year or whatever, etcetera.

Courtney Figg: Yeah.

Paul Rudolph: (Inaudible) six ($6,000,000.00) or seven million ($7,000,000.00).

Courtney Figg: Yeah, that's what we're looking at right now, kind of where the numbers are right now. But still preliminary but I think that's where we'll end up with tax credits.

Paul Rudolph: And when we get something a little bit more detailed about, I'm interested in that, that gap. Because for example during the great recession a lot of real estate in Vegas was purchased and built on and then never completed. I don't want to have an eyesore that close to the Islamic Center. The question I would ask is, will we get more detail on that when it comes for final approval?

Courtney Figg: Yes. Absolutely, we can provide more detailed performance and budgets and that will have more of that finalized by that point in time as well. As Tenley mentioned, a lot of this is still preliminary because the application has been submitted to the housing authority. This is a requirement of theirs. And they really are, can't give us the ability to take the next step until they have passed off on it so to speak.

Paul Rudolph: Sure.

Courtney Figg: Do you want to add anything to that?

Ed Patton: Just one (1) more thing, Paul, you know, again back to kind of our track record. Like I said, there's three (3) members that for eighteen (18) years we've been doing this and we're not one (1) of those to just go out and blanket the whole countryside.

Paul Rudolph: And those three (3) are: Development Services Group, Horve Construction, and then Gardant Management?

Ed Patton: Yes, correct. So the three (3) of us have been together for about eighteen (18) years and we've got about thirty (30) projects. So Steve and I are the owners of Horve. We've got about, I think we're about eighteen (18) of the thirty (30). George has probably the most of them. He, we call him the Godfather. He's been around and really started this assisted living program in Illinois with Medicaid. So again, we don't go out and blanket. We pick probably three (3) to four (4) areas that we know has a strong market, that have community involvement, that want to see, wants to see the project evolve. We look at employment. With the healthcare here, you have a lot of, you know, healthcare workers coming in looking for jobs. So that's good because a lot of areas, it's really tough to bring in jobs, healthcare in some of the smaller rural communities. So we really do, do our due diligence. We don't go out and do a lot of projects. We focus on three (3) or four (4). Really get the three (3) or four (4) up and going and then we start going on. You know, I can't sit up here and say, hey, we're never going to have a project fail. But we have probably the best track record in the Midwest for sure. And with all the financing groups that we use, we typically do not have an issue because of our strong track record.

Paul Rudolph: That actually brings up my next and possibly last question is going to be. Have you ever had a project associated with you where you have received bond financing but the project has not been completed?

Ed Patton: No. No, we have not had a tax credit, bond, or any other backed, private backed project fail. Now we have taken over projects that have failed. We picked up, Gardant picked up one (1) in Indiana last year. And really made quite an impression on IHCDA and that really got us to thinking about coming to the Indiana market. Because they came in, took over a project and within six (6) months, they had it going and it was a tax credit that an outside developer had that they were about to have some issues with the tax credit. Because there is a lot of, with the syndicator like AHP the Berkshire Hathaway, they set goals that you have to meet occupancy levels at certain stages as you go through. And if there, if you do not do that, then there is penalties on those tax credits. So then we are responsible for those shortfalls. So that's why we have teamed up with, George has really, the finance guy of our group, Horve has been developers for, third generation. We do a lot of other things, hotels and things. We've got a lot of experience in the development but also construction. But having that manager of Gardant, part of the deal means a lot to us. Cause they have skin in the game. Back to what you were saying earlier is yes, they're getting a management fee, but if they're not hitting those occupancy levels, they're also paying. So they're not just continually getting their percentage to operate. So we feel like that's what has been part of our success the last eighteen (18) years.

Paul Rudolph: Thank you.

Brad Overton: I've got one (1) question. As far as your capacity to expand, so if you were, I mean what I your, I mean is this something where you could just max out that particular building, how much room would you require say if this went over really well? Do you have enough room for expansion? Or is that something where you plan on staying right there.

Ed Patton: There is, but what we have found, just like in any business, there's, there's that primal number that's kind of that sweet spot you hit. And with staffing requirements, commercial kitchen, kitchen/dining room, all your common areas, it's easy to add units. But once you start filling up those activity spaces, then it gets so large and your staffing gets out of control we've found. So our largest building is about a hundred and thirty (130) units. Typically that's with, with memory care. Unfortunately with the tax credit, we're not able to do memory care because that is not an acceptable use of tax

another site and either do a reduced building of say like seventy-six (76) units. But very seldom, once we get past one twenty (120), one thirty (130) do we really expand. And with the five (5) acres, we have some buildings that are pushing one forty-five (145) in units on, after expansion. But the other part that gets a little complicated that I won't get into a whole lot of details, back with the tax credits, and the financing, t's a little bit harder to come back and add units on. Because they have sold the tax credits at this performa...at this number of units, and their bond counsel does not like any changes. And they have to get approval from all the investors in those bonds. So typically we say we'll start another building over adding on.

Brad Overton: And another thing, have you spoken with the Islamic Center, and what were they thinking of you as a neighbor as far as that? Have you reached out to them?

Ed Patton: Actually whenever they looked at the property, I talked to somebody, we have not reached out to the community yet as far as going in front of a Board or Members. We really need to go get our steps in order. One (1) is where we're working with the Grimm Brothers on getting the, the secondary plat filed. Make sure that that was proper. This is our next step. We get to the point that we have, you know, a promising outcome of getting a Resolution, then we will sit down with the community, a lot of the community members. Also at that time, we typically will have Gardant come down, the management company, they will start talking with a lot of the different health care agencies in the area letting them know we're coming in and what services we're providing. Because that kind of helps calm down the competition a little bit, where they go, oh, no here comes another assisted living. Once we typically explain that we're not coming after the market rate, we're really focused on this group of residents, we tend to be the feeder. Is because once those facilities that don't want to mess with Medicaid, they have a lot of people that they have to kick out of their facility. And it's nice for them to say, well, you have to move out of our facility because you no longer can pay for our services. But if you go over here, they will accept you. And you know we'll help you through that process. So it becomes a feeder for us and it helps them out as well.

Brad Overton: So you'd be able to give us some feedback from the community before there was a final approval for that?

Ed Patton: Yes. You set up, you know, if we kind of get a time line of when we think this will come back to vote, then we will make sure we reach out with the Islamic Community...

Brad Overton: (Inaudible) right there.

Ed Patton: (Inaudible) general. Correct.

Paul Rudolph: Just as an FYI, so we had a recent nursing home that came into the community that received some push back, I would say, from the general public. So obviously that would be important to get their type of, to have no concerns at least from the general public would be a safer way of saying it.

Ed Patton: Okay, understood.

Brad Overton: And so I guess, just to try and clear this up for my simple way of thinking of things. So in a sense, we're, and this may be a bad analogy. But let's say, if there was a bank robbery and the person waiting in the car is going to be an accessory whether they walked inside the bank or not. So in a sense, we're going, you were going to go, if you go forward with this project, we're out sitting in that car, but we're just going to get the benefits of the taxes on the property and everything else going forward. And if it all falls through and you're caught, we just drive away cause we were just sitting there and our hands are clean. I mean in a sense, that's what I'm trying to say.

Ed Patton: Yeah, I mean, it is correct, yes.

Brad Overton: Yeah, I mean that's the case?

Gary Meyer: See how simple our minds are up here?

Ed Patton: Yeah, I mean the conduit, what I'd like to, when I kind of, when I think about it myself a lot. It's really a pass through. It really is not that it is affecting your bonding capabilities or that you know there is any recourse back to the Council or the County. There is none. It is truly a pass through of those bonds. It's just how the government is set up to get those funds from point A to the developer. It's similar to a city bond, except it's for a tax exempt status for or not exempt, back up, cause that's definitely not the right word. Tax exempt bonds for a private developer. So they're just passing those bonds through and we have to have it. And you folks are the lucky guys that we get to ask to pass those bonds on to us. So...

Tenley Drescher-Rhoades: (Inaudible) could not, because this is a special type of project, you can't use this process to put up a strip mall or a regular apartment complex or, there's only certain types of projects that are deemed in the public good and the public health under very strict definitions by congress that are appropriate. Pollution control, certain types of housing, certain types of economic development. So, it's not for everything.

Gary Meyer: Are those defined by the Federal Government or the State Government?

Tenley Drescher-Rhoades: Both.

Gary Meyer: Both.

Tenley Drescher-Rhoades: Yeah. There, there's Federal regulations and State law.

Gary Meyer: Okay. Go ahead.

David Hachmeister: Is this 2017-03, Resolution?

Krystal Powless: Yes.

Gary Meyer: I'm sorry, what did you say?

David Hachmeister: 2017-03.

Gary Meyer: Oh.

David Hachmeister: Resolution.

Gary Meyer: Okay. We have a motion on the floor. I would, I still, I know that a lot of these changes, most of these changes benefit us in talking to Counsel and one (1) of our members here. I would feel more comfortable in reading it before I vote on it. I just, I just, if I could understand it. So, anyway, we have a motion on the floor made by Greg and seconded by David. Any further discussion? All those in favor? One (1), two (2), Paul, did you vote?

Paul Rudolph: Yes.

Gary Meyer: Three (3). Opposed? Motion does not carry, sign three, three (3-3 with Charlie Christmas, Gary Meyer, and Brad Overton opposing).

Charlie Christmas: I want to be able to study and read it as I said earlier. That's why I asked the question, would one (1) month kill you? I mean I got hit with this a couple weeks ago. I didn't even know what was going on.

David Hachmeister: Well, it was sent to us other than the changes.

Paul Rudolph: And the changes were suggested by our attorney, so obviously were to our benefit. So that's...

Charlie Christmas: Well, I would hope so.

Paul Rudolph: So we basically had a version of this a couple of weeks ago with minimal changes. And actually, and just, I don't know, I was going to mention this earlier, but chose not to, if we really look and the attorneys can probably say this more than I can, the, most of the changes were in whereas provisions. Right? You start with the word whereas, the, generally a whereas provision is not necessarily considered as substantive, it's more explaining than anything else. So really of the four (4) provisions or excuse me the nine (9) provisions that are substantive of Section 1, 2, 3, 4, etcetera, the changes were the adding of the word, tentatively, a couple of times. Changing from eighteen ($18,000,000.00) to twenty ($20,000,000.00) which we can comprehend. And adding of the word, the. So that's really the only changes to the substitutive provisions and obviously Cliff can speak to that a little better than I can since he is our County Attorney.

Gary Meyer: Can we, go ahead, I'm sorry.

Paul Rudolph: Do you agree with that assessment?

Cliff Whitehead: Yes.

Paul Rudolph: That generally, that, the whereas are more of an explanation than anything else.

Cliff Whitehead: Yeah, you, you, yes.

Gary Meyer: Since it did not pass, can we entertain a motion to table in order to give all Council Members here, I have a little bit of a problem since, not knowing it was going to happen, but I think everybody should vote on this.

Cliff Whitehead: Well, there's nothing to table at this point because the motion...

Gary Meyer: It was not passed.

Cliff Whitehead: Yeah, it hasn't passed. The motion can be brought up by someone who voted against it, tonight. But other than that, we would just have you placed on the agenda again at a later date.

Todd Glass: If we, then we just ask that it be placed on the agenda for the next meeting and certainly if Council Members had questions to feed them to your Counsel or to me. We'll get them answered before your next meeting and make sure if you have any questions of Tenley or Courtney that we could get them from them and you wouldn't have to necessarily have to make another trip from Indianapolis.

Brad Overton: Before we move on to anything else, I'm actually going to reintroduce that motion to the group.

David Hachmeister: Do we have to go to another item before?

Cliff Whitehead: No.

Paul Rudolph: Brad's going to reintroduce the motion to approve, I'll second that motion.

Cliff Whitehead: So you can vote on that motion.

Gary Meyer: So we've got a motion to reintroduce made by Brad and seconded by Paul?

Paul Rudolph: Um hum.

Gary Meyer: You seconded? To reintroduce motion, Resolution number...?

Krystal Powless: 2017...

Gary Meyer: 2017-03?

Brad Overton: 2017-03.

Cliff Whitehead: No. You're just reintroducing the motion by somebody who voted against it.

Gary Meyer: Okay. So we have a motion made by Brad and seconded by Paul to reintroduce Resolution 2017-03. All those in favor?

Charlie Christmas: (Inaudible).

Gary Meyer: Opposed? Motion carries six (6), one (1).

Paul Rudolph: Five (5), one (1).

Gary Meyer: Five, one (5-1 with Gary Meyer opposing).

Cliff Whitehead: And the one (1)?

Gary Meyer: Me. Okay, now that we're gonna reintroduce now that we, entertain a motion to approve?

Cliff Whitehead: Yes.

Brad Overton: Okay, motion to approve.

Gary Meyer: Okay.

Paul Rudolph: Second.

Gary Meyer: You guys are making this awful hard for me.

Brad Overton: I know, but after a little bit of thought, I think it's...

Gary Meyer: Motion made by Brad and seconded by Paul to approve. And, Gentlemen, I still want to read it. So all those in favor of the motion?

Brad Overton: You still have time to read it.

Gary Meyer: I know. Opposed? Motion carried five, one (5-1 with Gary Meyer opposing).

Cliff Whitehead: And the one (1)?

Gary Meyer: Me.

Charlie Christmas: (Inaudible) be the one (1) with you.

Gary Meyer: Bet you've never had that challenge before, have you?

Tenley Drescher-Rhoades: (Inaudible).

Gary Meyer: Don't ask me what we did. All we are is legal, right?

Cliff Whitehead: We are.

Gary Meyer: Okay, that's all that matters.

Charlie Christmas: Is that how they do it in Indianapolis?

Tenley Drescher-Rhoades: Uh...

Gary Meyer: Not exactly.

Tenley Drescher-Rhoades: (Inaudible).

Gary Meyer: Aren't you glad you came down here tonight?

Paul Rudolph: Don't answer that.

Gary Meyer: I guess we're going ahead with that, right? We're done with that?

Cliff Whitehead: Yeah, we're done with that.

Paul Rudolph: For this month.

Gary Meyer: Yeah. Now will you have something at the next meeting? You don't know?

David Hachmeister: No, not until they approve the stuff.

Tenley Drescher-Rhoades: We definitely will not be back the next meeting cause now we have to go through the State process.

Gary Meyer: Okay.

Larry Taylor: I've already advised them that next time that they need to have this so it goes out in your packet.

Gary Meyer: That's what I was just going to ask.

Larry Taylor: So you have time to look at it...

Gary Meyer: I'd really like to see it before.

Larry Taylor: And that this process would have went a lot easier had they done that this time.

Gary Meyer: I think we would have had us a unanimous vote too. I would really like to see that. I really would. I really would. Thank you.

Paul Rudolph: And if we could include a schedule of funding, I think that's the one (1) thing I would really like to look at, the numbers. Thank you.

Ed Patton: Thank you very much.

(Resolution 2017-03 is located on Pages 24 through 25 of these Official Minutes)

COMMISSIONER BUSINESS
CUMULATIVE CAPITAL
JAIL RENOVATION

Gary Meyer: Okay, Commissioner Business, Additional Appropriation, Cumulative Capital, Jail Renovation, twenty thousand dollars ($20,000.00); Judicial Center HVAC, ninety thousand dollars ($90,000.00) for a total of a hundred and ten thousand dollars ($110,000.00).

Roger Emmons: Good evening, Councilmen.

Gary Meyer: Good evening.

Roger Emmons: Counselor and Krystal. Roger Emmons, County Administrator, Warrick County Commissioners Office. The, the first one (1) for the twenty thousand ($20,000.00), right before the meeting and I was unaware of this, Sheriff Kruse contacted our insurance company because the problem with the panel that needs to be replaced in addition to being over thirty (30) years old, the problems were caused by a salt water leak in the mechanical room. So according to Sheriff Kruse, they are going to cover this all except for the deductible which is five thousand dollars ($5,000.00). We have not received the check today, and he asked me if we had and we didn't get it in the mail today. It could come in tomorrow. I don't know. If we do get that check, then all we're going to need is five thousand ($5,000.00) of this to cover the deductible. Or you can deny it and we can see if we've got that in our insurance line item. So I don't know, we may have to come back if we don't.

David Hachmeister: Would it be okay if we approved five thousand ($5,000.00) now then?

Roger Emmons: Yes.

David Hachmeister: And then if you don't get the fifteen ($15,000.00) then come back.

Roger Emmons: Yes.

Paul Rudolph: Motion to approve five thousand ($5,000.00).

Gary Meyer: Will that be alright?

Roger Emmons: Absolutely.

Gary Meyer: Okay. Are you including the (inaudible) also? Or not?

Paul Rudolph: I was just talking about five thousand ($5,000.00) for the...

Gary Meyer: Jail?

Paul Rudolph: For the Jail. Yeah.

Gary Meyer: Okay.

Paul Rudolph: (Inaudible).

Gary Meyer: Paul, Paul's made the motion to approve five thousand ($5,000.00) for the Jail renovation. Is there a second?

Brad Overton: Second.

Gary Meyer: And seconded by Brad.

Brad Overton: Was that leak from the saltwater swimming pool that you have in the Jail? Just wanted to make sure. I haven't been out there in it for a while.

Charlie Christmas: What, in the Jail or in the pool?

Brad Overton: The water pool.

Charlie Christmas: Oh, okay.

Gary Meyer: Any discussion? All those in favor of the motion? Opposed? Motion carries six ayes. (6-0)

Roger Emmons: Thank you.

JUDICIAL CENTER HVAC

Roger Emmons: Now the ninety (90), ninety thousand ($90,000.00) for the Judicial Center HVAC, I think it was at your Departmental Budget Hearings where you raised the question about the Courthouse Renovation Project. And just to let you know that at their August 28th Meeting, the Commissioners selected ESG, that's Energy Systems Group, they're building a new corporate office in Newburgh. Nick (?) with ESG is here and Todd Glass is drafting an agreement between the Commissioners and ESG for them to conduct preliminary work which is to determine the cost estimates so we can get that information to you. And also with that will be feasibility study, basically. So at the Department Budget Hearings, I mentioned that we had fourteen (14) water source heat pumps in the Judicial Center that are problematic and are in need, the ones that are in need of replacement. Brad got with Harshaw Trane techs and made a list. Some of them are single stage, some of them are duel stage, but there, the cost of replacing those fourteen (14) and the remaining sixty-three (63), cause we've got seventy-seven (77) heat pumps over there. That will be included in the Jail...in the Courthouse Renovation Project. You know, if we get the funding for it. So that includes the cost of the Harshaw Trane's price for these units, water source heat pumps. They use a local company out of Chandler, Hi-Tech Sheet Metal to do the installations. So that's the labor and the cost of the heat pump. So that's where we come up with the ninety thousand dollars ($90,000.00).

Gary Meyer: For fourteen (14)?

Roger Emmons: Yes.

Gary Meyer: Yeah.

Roger Emmons: And you had stated at those Departmental Hearings, Gary, that you, I might as well come back at this meeting and ask for the additional in Cum Cap because that's where we have a line item for HVAC in the Judicial Center. I think Krystal, we determined there was sufficient unappropriated cash in this fund that this could be approved.

Brad Overton: Motion to approve.

Charlie Christmas: Second.

Gary Meyer: Motion made by Brad and seconded by David to approve. Only question I have, what does that fund get every year?

Krystal Powless: About...

Roger Emmons: About six hundred thousand ($600,000.00).

Krystal Powless: Yeah.

Gary Meyer: Six hundred ($600,000.00) every year? And that's by Statute, correct?

Roger Emmons: Yes.

Gary Meyer: Yeah, okay.

Roger Emmons: Mr. President, if I could, oh, you've got to vote on this first, I'm sorry.

Gary Meyer: Okay, motion made by Brad and seconded by David to approve the ninety thousand dollars for the HVAC for the Judicial Center. All those in favor? Opposed? Motion carries six, zero (6-0).

Roger Emmons: Thank you very much.

GRANT AND FUNDING FOR CYBERSECURITY

Roger Emmons: If you give me five (5) more minutes, I'd like to briefly discuss a situation that every municipality is facing. You hear it on the news, read it in the paper, I get it on my emails, internet about cybersecurity. And the malware and the ransomware that's costing governments a lot of money by their files being hacked and stolen and held for ransom. So our IT person, Doug Duncan, worked, well let me back up. EMA Director, Dave Woolen, discovered that there's an Indiana Homeland Security Grant for cybersecurity that we can get in the amount of a hundred and fifty thousand ($150,000.00). So Dave got with Doug and also Sherry Williams, the IT person at the Jail and they came up with the plan for the grant application. They had to keep it at a hundred and fifty thousand ($150,000.00) or less. So by doing so, they, we will get the software we need to implement the cybersecurity. Not only separately for the Sheriff and the remaining hundred thousand ($100,000.00) for all other County Offices and departments. To implement something like this, we only have two (2) IT persons, Doug and Sherry. And Sherry just works at the Jail. So mainly Doug for over three hundred (300) computers in the County. So we have our preferred vendor is Keller Schroeder. He left out the labor to implement the software which is going to be about just under twelve thousand dollars ($12,000.00). So what I'm asking you, respectfully is for you just to consider that to either pay for the labor to implement it out of your budget or if you prefer I can come back for an additional appropriation request. But that's, that's gonna take, we're hoping to get it all complete by March 30th of next year. Is that correct, Doug?

Doug Duncan: Yes.

Gary Meyer: Okay.

Paul Rudolph: What would be the maintenance costs to update it, to keep it updated in addition to the twelve ($12,000.00)?

Roger Emmons: I would defer to Doug on that.

Doug Duncan: Doug Duncan, Warrick County IT. The maintenance costs were on here. The maintenance cost were,

for the backup portion, the, the, I'm sorry, the Microsoft Azure, which is two hundred and fifty dollars ($250.00) per month and I, I think that would come out of our, the Commissioners' budget. I know that the Sheriff's Department is going to have licensing on the, the firewall in the quote here. That's going to be, it's less than a thousand dollars ($1,000.00) a year. It's in line with what we pay. I'm sure it's in line with what they already pay. So they'll be replacing their existing firewall with this, so I don't know what the change is. It shouldn't be, shouldn't be much. So, but both the, the Commissioners and the Sheriff's Department have the Microsoft Azure Works is if there is ransomware or cyber-attack to natural disaster that this will allow both departments to, if something happens to both buildings, our data will be available to spin up at a data center so we can have multiple offices going in different parts of the County to set up and do business while all the buildings are repaired or replaced. So, so we're really good...

Roger Emmons: You're talking about the Cloud.

Doug Duncan: The crowd...the Cloud, yes. Right and Keller Schroeder has done this set up for many different customers including City of Washington, Mt. Carmel Public Utility, Laurence...

Roger Emmons: Vanderburgh?

Doug Duncan: Not Vanderburgh, Harrisburg Medical Center, Evansville Public Library, Gibson General Hospital, Cinergy Metronet, Independence Bank, Indiana Utilities, Owensboro Municipal Utilities, and those are just a few installations.

Roger Emmons: And, Doug, as I understand it, basically what we have in place now is highly susceptible to hackers?

Doug Duncan: Right.

Roger Emmons: So this cybersecurity that's proposed here, it's supposed to remedy those problems.

Doug Duncan: It's going to remedy a lot of those problems. Correct. I did an assessment and also an engineer from Keller Schroeder came in and did an assessment as well to see where kind of our week spots were. Because over the years we haven't spent a whole lot of money on centralizing things and securing things and this is a huge step in that direction. And this grant hasn't been approved. We haven't, don't have final approval yet on it.

Roger Emmons: But it has been submitted.

Doug Duncan: Has been submitted.

Gary Meyer: When do you expect it?

Doug Duncan: They say within three (3) months this is going to be the fastest quote, or the fastest grant that they've ever done because I guess they realize the vulnerability that the State Agencies have. Given the testing that they done last year that revealed a lot of things they weren't happy with. But so they're wanting to spend a lot of money, it's over three million dollars ($3,000,000.00) they're distributing throughout the State.

Roger Emmons: So anyway they, the only thing, like for these Keller Schroeder, Schroeder proposals that we're asking you to consider for funding is their professional services, their labor. Right, Doug?

Doug Duncan: Correct.

Roger Emmons: And each one (1) of those, well I don't know if this is confidential, the cost, or can I say that?

Doug Duncan: Oh, just the cost for the...?

Roger Emmons: For their professional services.

Doug Duncan: You mean, yeah, I don't think there's any problem with that.

Roger Emmons: It's five thousand nine hundred sixty ($5,960.00) for each, so a little less than twelve thousand ($12,000.00).

Gary Meyer: (Inaudible) yeah.

Roger Emmons: So that amount of money hopefully (inaudible) the hundred and fifty thousand dollars ($150,000.00).

Gary Meyer: You don't want to miss out on that much money, for ten thousand dollars ($10,000.00) or twelve ($12,000.00). I agree. So I guess what you're asking is either, if you have to come back, then we have to advertise it. But if we pay it out of our budget we don't have to advertise it? Correct?

Krystal Powless: Right.

Roger Emmons: That's correct.

Krystal Powless: (Inaudible).

Roger Emmons: So just for your consideration, I'm not asking for any decision tonight, of course, because we have to wait and see if we get the grant.

Gary Meyer: Yeah.

Brad Overton: That's what I was going to say.

Gary Meyer: Yeah, okay.

Gary Meyer: Okay.

Greg Richmond: I make a motion to take the twelve thousand ($12,000.00) from our fund.

Krystal Powless: If, base it on if they get the grant.

Charlie Christmas: They get the grant.

Gary Meyer: If they get the grant.

Greg Richmond: If they get the grant.

Gary Meyer: Okay.

Charlie Christmas: I'll second that.

Gary Meyer: Motion made by Greg and seconded by Charlie to pay for this out of our budget assuming we get the grant.

Krystal Powless: Up to twelve thousand dollars ($12,000.00).

Gary Meyer: Up to twelve thousand dollars ($12,000.00). Okay, any discussion on the motion? All those in favor? Opposed? Motion carries six, zero (6-0).

Roger Emmons: Thank you very much, Gentlemen.

Gary Meyer: Thank you.

Doug Duncan: Thank you.

Roger Emmons: Very much appreciate it.

HEALTH DEPARTMENT BUSINESS
ANIMAL CONTROL EXPENSE AND VAXCARE

Gary Meyer: Health Department Business, Additional Appropriation, Animal Control Expense, four thousand seven hundred and nine dollars ($4,709.00); Vaxcare, two thousand eight hundred ($2,800.00), I'm sorry, two thousand eight dollars and forty-three cents ($2,008.43); for a total of six thousand seven hundred and seventeen dollars and forty-three cents ($6,717.43).

Brad Overton: And once again these are just the reimbursements he comes for each month...

Gary Meyer: Yes.

Brad Overton: So motion to approve.

Gary Meyer: Motion made by Brad, is there a second?

Greg Richmond: Second.

Gary Meyer: Seconded by Greg to approve. All those in favor? Opposed? Motion carries six, zero (6-0).

HEALTH DEPARTMENT TRUST
MOSQUITO CONTROL

Gary Meyer: Okay, Health Department Trust, Mosquito, fourteen thousand seven hundred seventy four dollars and ten cents ($14,774.10). I guess this is tobacco money? Right?

Krystal Powless: Yeah, and vector control like for the mosquito spray so...

David Hachmeister: Motion to approve.

Brad Overton: There's plenty of money in their budget so motion, second.

Gary Meyer: Motion made by David and seconded by Brad to approve. All those in favor? Opposed? Motion carries six, zero (6-0).

SHERIFF BUSINESS
JAIL
PRISONER SUPPLIES

Gary Meyer: Sheriff, Additional Appropriation, Jail, Prisoner Supplies, three thousand dollars ($3,000.00).

Brett Kruse: This is supplies that we've had to purchase because of our housing additional inmates and a lot of it's female uniforms, undergarments, bedding, hygiene products, things like that.

Paul Rudolph: Sheriff, ballpark, how much have you raised in August from bedding additional inmates?

Brett Kruse: In August?

Paul Rudolph: In August?

Brett Kruse: I couldn't tell you in August.

Paul Rudolph: Year to date?

Brett Kruse: I think we've billed Vanderburgh for forty-seven thousand ($47,000.00).

Paul Rudolph: Motion to approve.

Brad Overton: Second.

Charlie Christmas: That was quick.

Gary Meyer: Motion made by Brad, I'm sorry, by Paul and seconded by Brad to approve. Any further discussion? All those in favor? Opposed? Motion carries six, zero (6-0).

SHERIFF BUSINESS
HOUSING INMATES

Gary Meyer: Discussion, Housing Inmates, we're going to discuss housing inmates.

Krystal Powless: Did you know about this?

Paul Rudolph: In, in Gary's house?

Brett Kruse: I think this has to do?

Gary Meyer: I guess, I do have a motor home.

Brett Kruse: With an additional line item?

Krystal Powless: No, an additional fund.

Brett Kruse: Yes, that's something.

Krystal Powless: But I mean, honestly, it needs to probably start with the Commissioners. That's what Cliff found.

Brett Kruse: Okay.

Krystal Powless: Although, the Council may want to discuss some sort of stipulation, like not all of the money from the housing prisoners goes into the fund but a portion like fifty/fifty (50%/50%), sixty/forty (60%/40%).

Gary Meyer: That was a question I had. Can you give us an idea how much on a yearly basis that that fund would get, would garner? A hundred thousand dollars? ($100,000.00)? Three hundred ($300,000.00)?

Brett Kruse: It would, it will depend upon...

Gary Meyer: How many prisoners you get?

Brett Kruse: How many Warrick County prisoners I house, how many I can keep from Vanderburgh. Because ideally Department of Corrections does not want you to go over eighty-five (85) percent of your cap because of the classification process. So when we get to around a hundred (100) inmates, and we vary what we're housing for Vanderburgh from twenty-five (25) inmates down to ten (10). And as, as some of the Warrick County Inmates get out, then we apply for more from Vanderburgh County. But we, we have room or have had room to house about twenty-five (25). Actually about twenty-four (24) because they're eight (8) person cells.

Gary Meyer: What was the forty-seven thousand dollars ($47,000.00) you just mentioned?

Brett Kruse: I think that was...

Gary Meyer: Three (3) months or four (4) months?

Brett Kruse: I think that was June, July, August. I believe we started housing around the end of May.

Gary Meyer: Okay.

Brett Kruse: May, June, July, August. Four (4) months I believe was, and I, don't quote me on that exactly. But I think we, the first bill we sent them was for nine thousand ($9,000.00). The second one (1) was for thirty-eight ($38,000.00).

Gary Meyer: Okay.

Brett Kruse: And, but that may not include, that may be May, June, July. I'm not sure.

Gary Meyer: That's alright. Just a number.

Brett Kruse: Yeah.

Gary Meyer: But I was, I'd kind of like to see us, if we set this up, this separate fund, you say the Commissioners need to do that first?

Cliff Whitehead: Yes.

(50%/50%) or forty/sixty (40%/60%). Keep some of it the way it is.

David Hachmeister: Well, one (1) of the things that I'd ask to include the other day, we're trying to figure out what kind of actual cost per prisoner would be and of course come up with about ten dollars ($10.00) per day per prisoner. So if you want to leave a cushion, another five dollars ($5.00). You know, maybe ten ($10.00) to cover the extra mattresses or extra things that might be needed, other wear and tear on the items. So whether or not you know one (1) of the things to do, fifteen ($15.00) to twenty dollars ($20.00) per person go into the fund. If it works out better as far as the County, fifty (50) percent, we'd still be okay that way. One (1) question on the fund I had though was it really, it can only be used for new, new facility jail, correct? How would it come out, in other words...?

Cliff Whitehead: No, you can use it for the operation, construction, repair, remodeling, enlarging, equipment of the County Jail or Juvenile Detention Center.

David Hachmeister: Okay.

Brett Kruse: And I don't know, you may want to check with Knox County. I know they have this same set up, up there and it's been in place since they built their new jail. They house a lot of inmates for Vigo. And I think theirs is a fifty (50) percent deal. But I...

Gary Meyer: Fifty/fifty (50%/50%)?

Brett Kruse: But if you can get ahold of a contact person, I mean I can put you in contact with the Sheriff there. But I don't know how the County or Commissioners, if you have contact with them to see how they do it. But I think Mike Morris is the Sheriff and he told me some time ago that they took fifty (50) percent of the money from housing these inmates and put it in a fund that the Sheriff has to go before the Council to request. I mean, it's, it's in a Sheriff's Office Jail Fund. But he goes to the Council and asks for, I mean I think he even buys patrol cars and everything else out of it. But he goes before them and says hey I need to buy new cars. Can I take it out of here? And they either approve it or deny it.

Charlie Christmas: Do we feed them at our cost? Or do they pay for the food on the prisoners they bring up? Who pays it?

David Hachmeister: Well...

Brett Kruse: That comes out of the thirty-five ($35.00) dollars a day which is what we charge for housing.

Charlie Christmas: Okay.

Brett Kruse: Now there is a lot of talk at Indianapolis DOC, the Sheriffs have all gotten together and they're, we're trying to get that raised. The daily per diem raised to...but I don't know when we'll see that happen.

Gary Meyer: I did like the recommendation you had about not specifically saying Vanderburgh County, but any County for that matter.

Brett Kruse: For any of the inmates?

Gary Meyer: Yeah.

Brett Kruse: Well, see, I mean we get, we also get...

Gary Meyer: (Inaudible) got in your email?

Greg Richmond: Yeah.

Brett Kruse: We also bill DOC for housing inmates also.

Gary Meyer: Oh, we do?

Krystal Powless: Yes.

Brett Kruse: I mean it's not a great amount anymore, but we do still get paid housing DOC inmates.

Gary Meyer: Oh, okay. Okay.

Brett Kruse: And that's at the same rate, thirty-five ($35.00).

Gary Meyer: Thirty-five ($35.00)? Yeah. Okay, thank you, Sheriff.

Paul Rudolph: Thank you, Sheriff.

HIGHWAY BUSINESS
LABORERS AND INSURANCE

Gary Meyer: Okay, Highway Business, Additional Appropriation, Laborers, sixty thousand nine hundred and eighty-six dollars ($60,986.00); Insurance, thirty thousand dollars ($30,000.00) for a total of ninety thousand nine hundred and eighty-six dollars ($90,986.00).

David Hachmeister: Motion to approve.

Gary Meyer: Motion made by David to approve. Is there a second?

Brad Overton: And seconded by Brad.

Gary Meyer: I assume these are the four (4) new we approved? Yeah.

Greg Richmond: (Inaudible).

Gary Meyer: Okay. Any further discussion? All those in favor? Opposed? Motion carries six, zero (6-0).

RECORDER BUSINESS
TRANSFER FROM DEPUTY TO GENERAL

Gary Meyer: Recorder Business, Transfer from Deputy, one thousand five hundred dollars ($1,500.00), Transfer to General, one thousand five hundred dollars ($1,500.00).

Paul Rudolph: Motion.

Brad Overton: Second.

Gary Meyer: Motion made by Paul and seconded by Brad to approve. All those in favor? Opposed? Motion carries six, zero (6-0).

CLERK BUSINESS
SALARY ORDINANCE

Gary Meyer: Clerk Business, Salary Ordinance.

Krystal Powless: This is the, sorry, this is the Clerk that you approved...

Gary Meyer: Oh, yeah.

Krystal Powless: At the last meeting.

Gary Meyer: Do we have a number to approve?

Krystal Powless: It says on there, a high of, or a low of twenty-nine-five-'o-eight ($29,508.00) and a high of thirty-five ($35,000.00)...it was on there.

Gary Meyer: Why don't we just look in here?

Krystal Powless: Sorry.

Gary Meyer: That's okay.

Krystal Powless: It was on the Salary Ordinance itself.

Gary Meyer: That's okay. A low of what?

Krystal Powless: Low of twenty-nine-five-'o-eight ($29,508.00).

Gary Meyer: Okay.

Krystal Powless: And a high of thirty-five-one-ninety-seven ($35,197.00). And that would be for longevity.

Gary Meyer: Okay. We have a Salary Ordinance for the Clerk in the range of twenty-nine-five-'o-eight ($29,508.00) to thirty-five-one-ninety-seven ($35,197.00). Is there a motion?

David Hachmeister: Motion to approve.

Gary Meyer: Motion made by David. And is there a second?

Greg Richmond: Second.

Gary Meyer: Seconded by Greg. All those in favor? Opposed? Motion carries six, zero (6-0).

(Additional Appropriations for September are located on Page 25 of these Official Minutes)

COUNCIL BUSINESS
ORDINANCE/RESOLUTION 2017-02 RECORDERS PERPETUATION

Gary Meyer: Okay. Ordinance verses Resolution, I guess this is that, you know, through the Recorder that we had? There it is, yeah. So this would be Ordinance number what? 2017?

Krystal Powless: Cliff's going to explain this.

Cliff Whitehead: Yeah, so the, we passed a Resolution...

David Hachmeister: Okay...rescind.

Cliff Whitehead: Last month by Statute it should have been an Ordinance. It's literally the changing of the word because of Statute of the State's Ordinance, that's what it should have been. So to rectify this situation we need to rescind Ordinance 2017-03?

David Hachmeister: '02.

Krystal Powless: I know, I'm asking Kristine.

Cliff Whitehead: Oh, okay, sorry.

Krystal Powless: Here it is, never mind. I thought I misplaced it. It would be Ordinance '02. (Inaudible).

Cliff Whitehead: Okay. 2017-02?

Krystal Powless: 2017-02.

Cliff Whitehead: We need to rescind Resolution 2017-02. We need a motion to introduce Ordinance 2017...?

Krystal Powless: 2017-02, right, Kristine?

Kristine Georges: Yes. I just want to make sure, because...sorry...

Cliff Whitehead: No.

Kristine Georges: I get aggravated when people don't do this and I just...

Cliff Whitehead: And you are?

Kristine Georges: Yes, Kristine Georges, Official Recording Secretary.

Gary Meyer: There you go.

Kristine Georges: G-e-o-r-g-e-s.

Cliff Whitehead: There we go.

Kristine Georges: There we go. I just want to make sure, because of, of a bunch of goofs.

Cliff Whitehead: Because there's multiple...

Kristine Georges: Yes.

Cliff Whitehead: That's a good point.

Kristine Georges: Please, please make sure that whenever you rescind it that it is the 2000...2017-02, the Recorder's Perpetuation, because otherwise we'll be repealing two (2) of them or rescinding or however you do that. So that's all I wanted to make sure, that way I wasn't going, oh my goodness, tomorrow morning.

Gary Meyer: Yeah.

Cliff Whitehead: Yeah, yeah. That's a good catch.

Kristine Georges: Okay, thank you.

Charlie Christmas: I'm glad you spelled your name that way the typist would know how to spell it.

Kristine Georges: Yes. Of course, of course.

Gary Meyer: Okay, we need a motion to rescind Resolution 2017-02...

Cliff Whitehead: Relating, relating to the...

David Hachmeister: Recorder.

Gary Meyer: Perpetuation Fund.

Cliff Whitehead: Perpet...yes. Perpetual Fund.

Gary Meyer: Did you make that motion?

Brad Overton: Well, I was (inaudible). Motion to rescind 2017-02 the Recorder Perpetuation.

Charlie Christmas: I'll second it.

Gary Meyer: You seconded it, Charlie? Okay. To rescind. Okay we have a motion made by Brad, seconded by Charlie to rescind Resolution 2017-02 having to do with the Recorder's Perpetuation Fund. All those in favor of the motion? Opposed? Motion carries six, zero (6-0). Now we need a motion to approve Ordinance 2017-02.

Paul Rudolph: Introduce or approve?

Cliff Whitehead: Technically introduce. Read the title.

Paul Rudolph: Motion to introduce.

Gary Meyer: Okay.

Paul Rudolph: Read the title and all that.

David Hachmeister: Second.

Gary Meyer: Motion made by Paul and seconded by David to introduce Ordinance 2017-02.

Cliff Whitehead: And if you could read the title.

Gary Meyer: Ordinance 2017-02, an Ordinance of the County Council of Warrick County, Indiana, Approving the Recorder's Office Expenses for the 2017 Fiscal Year.

David Hachmeister: Motion to approve.

Brad Overton: Second.

Paul Rudolph: Second.

Gary Meyer: Motion made by David and seconded by Brad to approve. All those in favor of the motion? Opposed? Motion carries six, zero (6-0). Okay. Did we clear that up?

Cliff Whitehead: Yes.

(Ordinance 2017-02 is located on Pages 26 through 27 of these Official Minutes)

PATTY PERRY-ISSUES WITH UNPAID ELECTION WORKERS

Gary Meyer: Okay. Anybody from the audience like to address the Council? Yes ma'am.

Patty Perry: Good evening, Patty Perry, Warrick County Clerk's Office. I am here today, we have had a problem with the Auditor's Office. We had eight (8) Canvas Board Members of Claims that were submitted, first of all I'd like to add that this information has been given to the Commissioner's Office via email. I've not talking to them directly on it. We had eight (8) Canvas Board members, two (2) of which were paid. These claims were submitted on November 8, 2016, which meant they should have come out of our budget. Actually, I apologize, they were submitted November 15, 2016. Out of the eight (8) Canvas Board members that we have, only two (2) were paid. That left us with six (6) that were brought to our attention that were not paid. And we are still, I have asked each of the six (6), to notify me if for some reason they don't receive their checks. This was received in the Auditor's Office on August 28th, I'd like to stress that the Canvas Board members, these are members that are between the ages of sixty (60), seventy-five (75) years old working on a limited income. I'm speculating on that, but a lot do. Were received in the Auditor's Office on August 28, 2017. I'm not sure how her process works, however I'm sure she could elaborate. I would have thought immediately, checks would have been issued to these people. We went, they went almost a year and were not paid.

Gary Meyer: How much we talking about?

Patty Perry: We're talking sixty dollars ($60.00) a piece. We have a husband and wife team. Patricia Wilbanks and Lawton Wilbanks. Mr. Wilbanks has notified me today that he has still not received it. I've called each one (1) of these members and apologized directly for non-payment hoping to assure them that it will not happen again. Like I said, Mr. Wilbanks still has not received his check and I received calls from him daily. And he's quite frustrated. However his wife received her check. And it's the same address. I, it, it's upsetting to me because we have a very difficult time getting qualified election workers. And if we don't pay them until almost a year later, that's bad. And it makes us look bad. It makes the Clerk's Office look bad. And I don't want to look bad. I am also, I'd like to add that in speaking with Mrs. Stevens, since we were, since we could not take it out of our 2016 Budget, we had to take it out of our 2017 Budget. So we had to do a transfer on that. I had a discussion this evening with Mrs. Stevens regarding a budget status report. In looking at my budget status report for the election and registration ending in the year 2016, the amount that we budgeted was two hundred and fifty dollars ($250.00) and for some reason, which I'll let Mrs. Stevens if she'd like to speak, there were, I only showed one (1) on my report of a forty-five dollar ($45.00) charge that Mrs. Stevens told me that it came out of payroll. I don't know why it came out of payroll. Our claims are not submitted to come out of payroll. And then we also discovered there was another forty-five dollar ($45.00) charge that did not reflect on my budgetary status report. And I check these monthly, cause I want to know where I stand on my budget. I'm just discouraged, Gentlemen, on this. I, I'm really upset about it. It, it's embarrassing for our office. I, I, in Mr., I, in Mr. Wilbanks' case, I don't know if there's any way, if we could do a manual check tomorrow, and I promised him I would hand deliver it to him. Which is what I fully intend on doing.

Gary Meyer: This is from 2015?

Patty Perry: '16.

Gary Meyer: Okay.

Patty Perry: Now the two (2) people that she said were paid out of payroll, if I can add, were Vanessa Bastin and Gail Moran. Those are the ones that were not paid, however I checked and called each one (1) of these individuals to apologize and hope it was not a reflection and that they would still be willing to serve next election. The only amount that we sent our claim in for, for these two (2) individuals, was sixty dollars ($60.00). So I don't know why they got an additional forty-five dollars. But like I said Mrs. Stevens might be able to elaborate on that. And I'm open to any questions. As you can tell I'm, I'll apologize, I'm upset.

Gary Meyer: Were these submitted in a, when were these submitted? These claims?

Patty Perry: Originally?

Gary Meyer: Yes.

Patty Perry: They were submitted on November 15, 2016.

Gary Meyer: Okay.

is over with does not mean our job is over with. There is reports that we have to submit to the State. We have to go through poll books. So if we've got to do a checks and balances system as instructed by Mrs. Stevens, you know, that's going to take us, I'd say a week to go through it. And I personally, and I'm, I'm not afraid of work. But I don't think that's our position to do a checks and balances system. If you tell me to do it, I'll do it though.

Gary Meyer: Okay. Anything else?

Patty Perry: No, Sir.

Gary Meyer: Any questions from the Council? Okay.

Patty Perry: Thank you so much.

Gary Meyer: Mrs. Stevens, would you like to respond to that?

Debbie Stevens: I'll say one (1) thing, this is not the first time I've had an Office Holder come to you and tell you something that was completely untrue. A
nd provided you with evidence. State Board of Accounts even got involved in the whole process to set the record straight, right? No one's responding to me, so all I'm going to sayis there's two (2) sides to every story and I won't be blindsided by someone coming without being on an agenda to address a topic or a subject without the same opportunity to prepare and answer. So that's my position.

Paul Rudolph: Am I correct in saying you would like a month to respond to the comments that were provided tonight?

Debbie Stevens: Pardon me?

Paul Rudolph: Am I correct in understanding that what you've just said is you would like, 'til our next meeting to respond to the assertions that were made tonight? Is that what you're asking?

Debbie Stevens: I'm certainly not prepared to provide all of the data...

Paul Rudolph: That's fine.

Debbie Stevens: And a response.

Paul Rudolph: Taking the, taking the, I'll say, the drama out of it,I don't think there's anything wrong in asking for a month to respond. That being said, it would be nice if, at the next meeting, facts are provided. I certainly would not.

Debbie Stevens: I'm not subordinate to this body in, in answering for my work I'm not afraid to answer my critics and give you data that demonstrate exactly what happen in all of the things she's talked about. But certainly not to be blindsided by the whole scene tonight.

Paul Rudolph: I, no one (1) is implying that you are subordinate to this body. We're all subordinate to the taxpayers who will be and this is one (1) of the best ways for the taxpayers to become aware of issues if they do exist is in an open meeting.

Debbie Stevens: Absolutely.

Paul Rudolph: Obviously the taxpayers aren't present at the Courthouse on a daily basis. But they are present, we have reporters here that can explain.

Debbie Stevens: Sure. Anything else?

Gary Meyer: No. That's fine. Thank you.

Patty Perry: (Inaudible).

Gary Meyer: Sure. We're here for public discussion.

Patty Perry: I, I, I understand where Mrs. Stevens is coming from as far as being able to do that. We've, we've talked numerous times and gone over this. And I, I'm sure, I don't think she would need one (1) month to tell me why my Canvas Board members were not paid. Or at least why two (2) were and the additional six (6) were not paid.

Greg Richmond: And what's with the forty-five dollars ($45.00)? Two (2) of them got forty-five dollars ($45.00) more?

Patty Perry: I met with her this evening on that and we couldn't come to an answer or conclusion on that. We don't know why it, why that happened. But the paperwork was all submitted exactly identical. But I will like to add I would like to add that Lawton Wilbanks, Mrs. Stevens was kind enough to send me a copy of the check that was written on November 1st. He has not received the check, yet. His wife has. These people have waited almost a year to be paid. And that's my frustration here. So I mean, we, we've talked about it. Mrs. Stevens, have we not. You've even been into my office and we have discussed it. At the same time when you told me that we needed checks and balance system. So I, I'm, I did not blindside Mrs. Stevens here.

Gary Meyer: Okay. Thank you.

Patty Perry: Thank you so much.

Gary Meyer: Thank you. So if you like to show up next meeting, I'd like to see if we can get this thing under wraps. So it's been suggested by a Council member to look at this at next month's meeting. Anyone else like to address the Council? Any Council member have anything to bring up?

Charlie Christmas: How about Krystal over there, she's (inaudible).

Gary Meyer: Imagine that.

SUPERIOR I
VACATION BUY BACK

Krystal Powless: If you would look on your desk, I had left a Salary Ordinance laying on your desk. There is an employee in Superior I that has retired and she had a vacation pay out due her for two thousand seven hundred sixty-seven dollars and forty-four cents ($2,767.44). They have the money in the line item to pay it out. I thought if you guys could approve this tonight, she wouldn't have to wait a whole month for the next meeting to get her payout. So.

Charlie Christmas: I make a motion for that.

Paul Rudolph: Second.

Gary Meyer: Motion made by Charlie and seconded by Paulto pay this, how much is it?

Krystal Powless: Two thousand seven hundred and sixty-seven dollars and forty-four cents ($2,767.44).

Gary Meyer: Okay. All those in favor of the motion? Opposed? Motion carries six, zero (6-0).

Charlie Christmas: See how easy that was Krystal?

Gary Meyer: I will state that our 7:00 (PM) meeting has been cancelled. We has a 7:00 (PM) meeting scheduled for the Council to have final review on the budget and we didn't think we needed it. Thank goodness it'd been cancelled.

Paul Rudolph: We're forty-five (45) minutes late for it.

Gary Meyer: We're forty-five (45) minutes late. The next meeting is October 5th at 6:00 (PM). The Public Hearing on the budget will be at 7:00 (PM) the same night. So that everybody's aware of that. Okay. Any Council membehave anything else? Looking for a motion.

Paul Rudolph: Motion.

Gary Meyer: Meeting's adjourned.

ADJOURNMENT: Meeting adjourned at 7:45 PM.

WARRICK COUNTY COUNCIL

Gary Meyer, D.D.S., President

Greg Richmond, Vice President

David Hachmeister

Brad Overton

(Not Present for this Meeting)

Ted Metzger

Charles R. Christmas

Paul Rudolph

ATTEST:

Deborah K. Stevens, Auditor
Warrick County, IN

Minutes transcribed by Kristine Georges

RESOLUTION NO. 2017-03

A RESOLUTION OF THE COUNTY COUNCIL OF WARRICK COUNTY, INDIANA, APPROVING AND AUTHORIZING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS AND RELATED MATTERS

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, Warrick County, Indiana (the "County"), is authorized to issue economic development revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the County; and

WHEREAS, Newburgh AL Developer, LLC, and Newburgh Assisted Living, LLC, one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the County, desires to finance a project within the County, including all or any portion of the acquisition, construction, renovation, installation and equipping of a 120-unit affordable assisted living multi-family housing facility, together with functionally related and subordinate facilities, for low and moderate income seniors, located in the County at Grimm Road and Rabbit Run Drive (the "Project"); and

WHEREAS, the Company has advised the Warrick County Economic Development Commission (the "Commission") and the County concerning the Project, and has requested that the County issue, pursuant to the Act, one or more series of its taxable or tax-exempt County of Warrick, Indiana, economic development revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") in the approximate aggregate principal amount of Twenty Million Dollars ($20,000,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the issuance and sale of said Bonds will not reduce the legal bonding capacity of the County, and the County shall bear no expense in connection with the issuance and sale of said Bonds with all expenses in connection therewith which are incurred by the County to be reimbursed to the County by the Company; and

WHEREAS, the principal of and interest payable on said Bonds shall not be payable from any revenues of the County and shall not obligate the full faith and credit of the County but shall be payable solely from funds of the Company; and

WHEREAS, the Company has further advised the County that the determination by the County to agree preliminarily, on a non-binding basis, to accept such a request for financing the Project will constitute an inducement to the Company to proceed with the negotiations for the financing of the Project, it being the intent of the Commission and the County to defer any final approval of the Project and the financing thereof until a subsequent meeting held in accordance with Section 25 of the Act following a public hearing held in accordance with Section 24 of the Act; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the County and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the County, the creation and retention of affordable housing in the County, and will be of public benefit to the health, safety and general welfare of the County and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the County desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and creation of job opportunities (approximately 37 full-time equivalent jobs) to be achieved by the acquisition, design, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the County and its citizens; and

WHEREAS, it is tentatively found that the acquisition, design, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in the County; and

WHEREAS, the Commission approved a report (the "EDC Report") and adopted an inducement resolution (the "EDC Inducement Resolution"), which the EDC Report and EDC Inducement Resolution have been forwarded by the Commission to this County Council making tentative findings that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the County, and that the Project will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about the County; and

WHEREAS, based upon the EDC Report and the EDC Inducement Resolution, this County Council hereby finds and determines that the funding preliminarily approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the County, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with

incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an approximate aggregate combined principal amount of Twenty Million Dollars ($20,000,000); and

WHEREAS, in order to provide the Company with the ability to reimburse itself for costs of the Project from the proceeds of economic development revenue bonds, if and when issued by the County, the County Council, for and on behalf of the Company, desires to declare its intent to reimburse the costs of the Project pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF THE COUNTY OF WARRICK, INDIANA, AS FOLLOWS:

Section 1. After considering the evidence presented and findings of fact set forth in the EDC Report, this County Council hereby tentatively finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the County and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the County; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the County; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the County take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the County; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the County. The findings of fact set forth in the EDC Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on September 7, 2017 that the proceeds of the Bonds will be used for the acquisition, design, construction and equipping of the Project, capitalized interest on the Bonds during construction and costs of issuance for the Bonds.

Section 2. This County Council hereby tentatively finds and determines that the issuance and sale of economic development revenue bonds in an approximate principal of Twenty Million Dollars ($20,000,000) of the County under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, construction, renovation, installation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

Section 3. In order to induce the Company to proceed with the acquisition, construction, renovation, installation and equipping of the Project, this County Council hereby tentatively finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the County and the Company; (ii) it will adopt such resolutions and authorize the execution and delivery of

such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

Section 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, construction and equipping of the Project, underwriting expenses, attorney and bond counsel fees, and acquisition, design, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the County will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. This resolution shall constitute "official action" for purposes of compliance pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c) requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

Section 5. The County does not, by this or any other approval or funding, guarantee, warrant or even suggest that the Bonds will be a reasonable investment for any person, firm or corporation.

Section 6. The County shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the Bonds or to see that the contemplated improvements, if any, are constructed. The County is in no way responsible to the holders of any Bonds for any payment obligation created by the Bonds.

Section 7. The Bonds shall be limited, special obligations of the County payable solely from the funds provided therefor as described in the indenture authorizing the Bonds, and shall not constitute an indebtedness of the Commission or the County or a loan of the credit thereof within the meaning of any constitutional or statutory provisions.

Section 8. This resolution does not constitute a binding obligation or duty of the Commission, the County, and/or the County Council on which the Company may rely for any purpose and is subject to the adoption of a bond ordinance by this County Council in accordance with the provisions of the Act.

Section 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-2-4.

Passed and adopted by the County Council of Warrick County, Indiana, this 7th day of September, 2017.

Member, Warrick County Council

Member, Warrick County Council

Member, Warrick County Council

Brad Overton

Member, Warrick County Council

Member, Warrick County Council

Member, Warrick County Council

Member, Warrick County Council

Member, Warrick County Council

The foregoing was passed by the Warrick County Council this 7th day of September, 2017, and presented by me to the Presiding Officer of the Warrick County Council this 7 day of Sept., 2017.

Auditor, Warrick County, Indiana

Approved and signed this 7 day of September 2017.

President, Warrick County Council

US.113831858.03

Ordained (resolved) by the Warrick County Council, Warrick County, Indiana, that for the expenses of the taxing unit the ... additional sums of money are hereby appropriated out of the funds named and for the proposed specified, subject to the laws governing the same:

FUND	APPROPRIATION NUMBER	DESCRIPTION	AMOUNT REQUESTED	AMOUNT REQUIRED
Health	1159-000-4225.00	Animal Control Ex.	$4,709.00	4,709
	1159-000-4220.00	Vaxcare	$2,008.43	2,008.43
Total Health			$6,717.43	6,717.43
Jail	1000-114-4226.00	Prisoner Supplies	$3,000.00	3,000
Total Jail			$3,000.00	
Health Department Trust	1206-000-4315.10	Mosquito	$14,574.10	14,574.10
Total Health Department Trust			$14,574.10	14,574.10
Highway	1176-102-4112.00	Laborers	$60,986.00	60,986
	1176-103-4123.00	Insurance	$30,000.00	30,000
Total Highway			$90,986.00	90,986
Cumulative Capital	1138-000-4320.60	Jail Renovation	$20,000.00	5,000
	1138-000-4391.10	Judicial Center HV	$90,000.00	90,000
Total Cumulative Cap. Dev			$110,000.00	95,000

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 7 day of September, 2017

AYE	NAY

Deborah Stevens
Auditor Warrick County

ORDINANCE NO. 2017 - 02

AN ORDINANCE OF THE COUNTY COUNCIL OF WARRICK COUNTY, INDIANA APPROVING THE COUNTY RECORDER'S OFFICE EXPENSES FOR THE 2017 FISCAL YEAR

WHEREAS, the Warrick County Council (the "Council") has the authority and duty to maintain and oversee the fiscal operations of Warrick County (the "County") and to reconcile the County's financial and budgetary records; and

WHEREAS, pursuant to I.C. § 36-2-7-10.2(b) in order that the County Recorder may pay all or a portion of the expenses of the County Recorder's office for calendar year 2017 ~~2018~~ from the Recorder's Records Perpetuation Fund established under I.C. § 36-2-7-10 (f) (the "Fund"); and

WHEREAS, the Recorder has submitted a sworn statement to the Council that the current revenue to the Fund is sufficient to fulfill the statutory purpose of the Fund; and

WHEREAS, the Recorder has submitted a sworn statement to the Council that the technology of the County Recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the Fund and the County Recorder's Office; and

WHEREAS, the County Recorder specifically requests that all or a specific, identifiable portion of the Fund be used to pay expenses of the County Recorder's office for the 2018 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

Section 1. That all or a specific identifiable portion of the Fund be used to pay expenses of the County Recorder's Office for the 2017 ~~2018~~ calendar year. Those certain expenses as identified in the Sworn Statement of Pat Brooks, County Recorder, as attached hereto as Exhibit A and made a part hereof.

Section 2. The County Recorder is hereby directed to pay expenses of the County Recorder's office for the 2017 calendar year from the Fund.

Section 3. This Ordinance shall be in full force and effect upon passage

Adopted this _____ day of September, 2017.

WARRICK COUNTY COUNCIL

Gary Meyer, President

Greg Richmond, Vice President

Charles R. Christmas

David Hachmeister

Paul Rudolph

Brad Overton

Ted Metzger

ATTEST: this 7 day of September 2017.

Debbie Stevens, Auditor

EXHIBIT A

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STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

IN THE MATTER OF THE COUNTY RECORDER'S
RECORDS PERPETUATION FUND ESTABLISHED UNDER
I.C. § 36-2-7-10(d)

SWORN STATEMENT OF PAT BROOKS, WARRICK COUNTY RECORDER

Patricia Brooks, the duly elected County Recorder, submits her sworn statement to the County Council pursuant to I.C. § 36-2-7-10.2(b) in order that the County Recorder may pay all or a portion of the expenses of the County Recorder's Office for calendar year 2017 from the Recorder's Records Perpetuation Fund established under I.C. § 36-2-7-10(d). Under penalties for perjury and under oath, Patricia Brooks, County Recorder, states as follows:

(A) The current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;

(B) The technology of the county recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and the county recorder's office;

(C) The fund has a sufficient reserve, consistent with the recorder's plan to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purpose of the fund and the county recorder's office; and

EXHIBIT A

(D) The county recorder specifically requests that all or a specific, identifiable portion of the 1189 Perpetuation Fund be used to pay expenses of the County Recorder's office for Record Preservation for 2017, ($124,200). This include deputies, contracts, software, Storage Guardian, scanner, and maintenance.

I, Patricia Brooks, affirm, under the penalties for perjury, that the foregoing representations are true.

Date: 8.2.2017

Patricia A. Brooks

Patricia Brooks, Warrick County Recorder