WARRICK COUNTY COUNCIL MEETING
COMMISSIONERS MEETING ROOM
107 W. Locust Street
Boonville, Indiana
January 10, 2019
6:00 PM

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

Attorney Cliff Whitehead and Council Administrator Krystal Powless were in attendance.

Auditor Debbie Stevens, Chief Deputy BJ Farrell, and Secretary Kristine Georges attended and recorded the minutes.

Councilman Greg Richmond called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Greg Richmond: Now it's time for the Roll Call.

Krystal Powless: Charlie Christmas?

Charlie Christmas: *(Councilman Christmas was not present for this meeting).*

Krystal Powless: David Hachmeister?

David Hachmeister: Here.

Krystal Powless: Cindy Ledbetter?

Cindy Ledbetter: Present.

Krystal Powless: Ted Metzger?

Ted Metzger: Present.

Krystal Powless: Brad Overton?

Brad Overton: Here.

Krystal Powless: Richard Reid?

Richard Reid: Present.

Krystal Powless: Greg Richmond?

Greg Richmond: Here.

TABLED ITEMS

Councilman Richmond: And we don't have any tabled items.

COUNCIL BUSINESS
APPOINTMENTS
COUNCIL PRESIDENT

Councilman Richmond: We're going to start off with appointments. And the appointments would be, what would you like to do? What board you would like to serve on and people can make nominations if they want to. We'll start out; first one (1) on here with Council President.

Councilman Overton: I'll nominate Greg Richmond.

Councilman Hachmeister: Second.

Councilman Reid: Second.

Councilman Hachmeister: Go ahead.

Councilman Richmond: Okay, got my name on the list. Anybody else? Anybody else? If nobody else, I'll call for a vote. All those in favor? All those opposed? And I'm voting for. I always vote for myself. Even elections. I was told a long time ago to do that. If you can't vote for yourself, then why are you running? Okay. (Motion carried 6-0).

VICE PRESIDENT

Councilman Richmond: Now it's time for Council Vice President.

Councilman Hachmeister: I nominate Brad.

Councilman Richmond: Motion by David and seconded by, I'll second it, for Brad Overton. Anybody else?

Councilman Reid: I nominate Ted Metzger.

Councilman Richmond: Okay, Rick Reid nominates Ted Metzger.

Councilwoman Ledbetter: And I second that.

Councilman Richmond: And Cindy seconds. Okay, anybody else? Alright. We have two (2) people so I guess we'll vote. I'll start with the first one (1). All those in favor of Brad Overton? That's three (3-3 with Ted Metzger, Cindy Ledbetter, and Rick Reid opposing). And in favor of Ted Metzger? Three (3-3 with David Hachmeister, Brad Overton, and Greg Richmond opposing). We have a problem.

Councilman Reid: We need Charlie.

Councilman Hachmeister: We'll wait 'til the next meeting.

Councilman Richmond: Well, we'd need a Vice President for the next meeting.

Councilman Hachmeister: Change my vote to Ted. Let's go on.

Councilman Richmond: Okay. All those in favor of Ted? All those opposed? That's six, zero (6-0).

COUNCIL ATTORNEY

Councilman Richmond: Now, what's next? Council Attorney.

Councilman Hachmeister: I'd like to reappoint Cliff as our attorney.

Councilman Overton: Second.

Councilman Richmond: David Hachmeister and Brad Overton. David motioned to reappoint Cliff as our attorney. Seconded by Brad. Any others? All those in favor? Six, zero (6-0).

PERSONNEL COMMITTEE

Councilman Richmond: Personnel Committee. Currently serving are David Hachmeister, myself, Paul Rudolph, is not here, he's been replaced by Rick. So, we need to replace Paul and then if the others want to serve. Who wants to be on the Personnel Committee?

Councilwoman Ledbetter: I'm happy to serve on the Personnel Committee.

Councilman Richmond: Okay, Cindy would like to serve.

Councilman Overton: I'll put my name in.

Councilman Richmond: And Brad.

Councilman Hachmeister: And I will do it as well.

Councilman Richmond: And David. Okay. Anybody else? You only meet once a year. Okay, so with that being the case, Cindy, Brad, and David volunteered. Anybody have any objections? Let's vote for it. All those in favor? All those opposed? Six, zero (6-0).

COUNCIL ON AGING

Councilman Richmond: And Council on Aging, we really don't need anybody for there. We could actually drop that because I'm serving on that Board as Vice President. So we have a Council representative. David is serving on that Board as President. So if that's alright, we can just forget that for this year. If ever one (1) of the two (2) of us is not on it, then we need to put someone on. Cause we need to have a Council representative. That's in their bylaws. Okay.

AREA PLAN COMMISSION

Councilman Richmond: And Area Plan Commission. I had, Rick, do you want to serve on that?

Councilman Reid: Yes, I would.

Councilman Richmond: David, do you want to serve on that? You're on that now.

Councilman Hachmeister: I've been on there two (2) years. It's time to get out of there.

Councilman Richmond: Alright. Anybody else besides Rick? Okay. All those in favor of putting Rick Reid on the Area Plan Commission? Six, zero (6-0).

SOLID WASTE MANAGEMENT

Councilman Richmond: Solid Waste Management Board. Currently I'm serving on that and I would like to continue. There's been some changes happening out there recently and some new and renegotiated contracts are coming up

Councilman Reid: 12:00 (PM).

Councilman Richmond: 12:00 (PM), yeah.

Councilman Metzger: It only needs one (1) person, right?

Councilman Richmond: Yes.

Councilman Metzger: Looks like you're it, Greg.

Councilman Richmond: All those in favor? Six, zero (6-0). Thank you.

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Councilman Richmond: Next is Economic Development Advisory Council. And Rick, you stated an interested in that. Anybody else? I'm currently on it. But I, I am happy to have somebody else be on it for a while. And I'll probably still go to the meetings, cause they're very, very exciting meetings. You learn a lot. Anybody else? If not, all those in favor of Rick as our Economic Development Advisory appointee? Six, zero (6-0). Thank you.

Councilman Reid: Thank you.

REDEVELOPMENT COMMISSION

Councilman Richmond: Redevelopment Commission. All these have said that they would continue to serve. They are appointed by the Council Members. Al Holweger, former Councilman; Aric Pryor; and Howard Nevins. Anybody else...?

Councilman Reid: I'll make a motion for that.

Councilman Richmond: Rick Reid made a motion to continue that.

Councilman Hachmeister: Second.

Councilman Richmond: Second by David Hachmeister. Anybody else have anything? If not, I'll call for a vote. All those in favor? That's six, zero (6-0).

PROPERTY REASSESSMENT

Councilman Richmond: PTABOA Board, Property Tax Assessment Board of Appeals. Currently serving are Barb Pryor and Gary Slankard. And they do not wish to continue. Some names that our Assessor gave us that would like to serve is Beau Dial and Cheyenne Phillips. Anybody else have any names?

Councilman Reid: Don Brooks.

Councilman Metzger: Excuse me, my copy here has Gary Does.

Krystal Powless: Oh, I sent a new one (1), updated one (1).

Councilman Metzger: Oh, so that's not right?

Krystal Powless: And he changed his mind. He does not want to serve.

Councilman Metzger: Okay, thanks. So we need two (2)?

Councilman Richmond: And we need two (2), so I guess we need to take a vote. All those in favor of Beau Dial? One (1-5 with David Hachmeister, Cindy Ledbetter, Ted Metzger, Rick Reid, and Greg Richmond opposing). And Cheyenne Phillips? One (1), two (2), three (3). Is that three (3) of us? (3-3 with Ted Metzger, Cindy Ledbetter, and Rick Reid opposing). And for Don Brooks? (5-1 with Brad Overton opposing).

Councilman Reid: You can vote for more than one (1), can't you?

Councilman Richmond: Yeah. So it looks like it will be Don Brooks and Cheyenne Phillips. Yeah, since there's two (2) you can vote for more than one (1). Okay.

EMERGENCY MANAGEMENT ADVISORY COUNCIL

Councilman Richmond: Emergency Management Advisory Council. Charlie Christmas is the current appointee. And we probably need someone to stand in for him. He told me he'd like to continue when I talked to him Sunday.

Councilman Metzger: I can stand in for him while he's ill.

Councilman Richmond: Okay. Everybody okay with that?

Councilman Hachmeister: Yeah. Charlie comes back (inaudible)...?

Councilman Metzger: Yeah, Charlie comes back; Charlie can have it back.

Councilwoman Ledbetter: So, serve as interim?

Councilman Metzger: (Inaudible).

Councilman Richmond: Interim.

Councilman Metzger: Yeah.

Councilman Richmond: Okay, so let's vote on that. Ted Metzger, interim replacement of Charlie until he comes back and then Charlie would take it. All those in favor? Six, zero (6-0).

PARKS AND RECREATION

Councilman Richmond: Parks and Recreation. Current serving, Allen Black, and he wishes to continue. Anybody else? Okay, all those in favor of Allen Black? That's six, zero (6-0). He'll continue. Thank you.

ALCOHOL BEVERAGE BOARD

Councilman Richmond: Alcoholic Beverage Board. Current serving is Tim Mosbey. Anybody else have another name, cause Tim wants to continue. Okay, if not, all those in favor of Tim Mosbey? One (1), two (2), three (3), four (4), five (5), six, zero (6-0). Thank you.

ECONOMIC COALITION OF SOUTHWEST INDIANA

Councilman Richmond: Economic Coalition of Southwest Indiana. Currently we have Howard Nevins as the citizen appointee and then Paul Rudolph was the Council member. Ted, you want...?

Councilman Metzger: I would be interested in that position if nobody wants, if no one else is.

Councilman Richmond: Anybody else? They meet at 7:30 in the morning. I think it's once a month.

Larry Taylor: Once a quarter.

Councilman Richmond: Once a quarter. It's not very often.

Councilman Metzger: I can probably handle that.

Councilman Richmond: Okay. Alright. All those in favor of Ted? Six, zero (6-0). Newburgh Economic Development Commission.

Krystal Powless: Did we, I'm sorry. But did we also leave Howard Nevins on there?

Councilman Richmond: I'm sorry, yes. Howard Nevins is included with that vote. Is that okay with everybody? Sorry about that.

Councilman Metzger: That's fine.

NEWBURGH ECONOMIC DEVELOPMENT COMMISSION

Councilman Richmond: And Todd Titzer is serving as the Newburgh Economic Development Commission. They don't meet very often, but he wishes to continue. Anybody have anybody else?

Councilman Hachmeister: Did you get ahold of him?

Krystal Powless: Titzer?

Councilman Hachmeister: Yeah.

Councilman Richmond: Yeah, she confirmed.

Councilman Hachmeister: Alright.

Councilman Richmond: All those in favor of Todd Titzer? Six, zero (6-0).

TRI-CAP

Councilman Richmond: Tri-Cap. Current appointee is Terry Phillippe. His term doesn't end until 2020, but he wishes to come off of that Board and be replaced. And we had a recommendation from Tri-Cap of Melanie Lutz. Anybody else?

Councilman Hachmeister: And did you get ahold of; did you ever talk to Di'Anna Forville about that?

Councilman Metzger: No, no.

Councilman Hachmeister: And I left a message, but I haven't heard back from her.

Councilman Metzger: No.

Councilman Richmond: Okay, so is Melanie Lutz okay with everybody? All those in favor? Six, zero (6-0). One (1) of my former students.

COURTHOUSE RENOVATION COMMITTEE

Councilman Richmond: The Courthouse Renovation Committee we probably don't need any more since that's going on right now. And Commissioners have a once weekly briefing. I have attended several of those. It's kind of interesting to find out what you find when you dig into the grounds around the place here.

TOURISM COMMISSION

Councilman Richmond: Tourism Commission, we need to replace both of these. Ralph Turpin and Dale Austin.

Councilman Hachmeister: Well, one (1) of the things as far as Dale, due to his health, we already replaced him with Rick Miller towards the end of the year. And Rick was never contacted as far as when a meeting was. Cause I had talked to him about it as well and this is from the Coal Museum Board as well as Thresherman's as far as putting Rick on, so, or retaining Rick. So if you want to keep him on, I will personally call him.

Councilman Richmond: So you want to put his name in the pot to retain him?

Councilman Hachmeister: Retain him.

Councilman Richmond: Okay, so we have the name Rick Miller. I have a name of someone that was suggested to me. She's very active on the Board with the Warrick County Museum, and that's Colleen Talley, and she would like to serve.

Councilman Hachmeister: And I'll second that.

Councilman Richmond: Anybody else that you know of? Okay, so we have two (2) names, Rick Miller and Colleen Talley to, actually Rick Miller would continue to take the place of Dale Austin as we had done earlier then. And Colleen Talley would be the replacement. All those in favor? Six, zero (6-0).

APPROVAL OF MINUTES DECEMBER 6, 2018

Councilman Richmond: Alright, next up is the Approval of Minutes. And I had, I don't know whether you can call it a correction, but an error. I haven't run Council meetings in a long time and I ran the first one (1) in ages at the last meeting in December. And I forgot to ask for a second. We had a lot of discussion. We had the motion and as I read through looking for a second, who seconded this thing, cause I said we have a motion and a second. And I couldn't find who said the second. Brad, I think through the discussion implied a second. So would that be alright, Brad if we let you be the second there for that?

Councilman Overton: Sure.

Councilman Richmond: If you read through the last places on there where Brad was talking, it's kind of implied as a second. Because our meeting dates, we moved this one (1) to this date here. So it's already in place. This, that was the only change other than the 7:00 (PM), May the 2nd. We moved that because it's the World Day of Prayer and they usually have it here at the Courthouse unless it's raining. So anybody else have corrections to the minutes?

Councilman Metzger: Page 8, my first comment, I didn't make it. I can't help you out and tell you who did either. So that's, said something about going down and finding you on the street?

Councilman Richmond: Yeah, I saw that. I don't know who made that.

Councilman Metzger: I don't know. Wi-Fi interference or something? But, I didn't say that. But that's the only correction I have.

Councilman Reid: Strike it from the records.

Councilman Metzger: Yeah, I don't know where it came from. I don't know who said it. I don't remember it. It's...

Kristine Georges: I think it was in response to something Gary (inaudible).

Councilman Metzger: Yeah.

Cliff Whitehead: No, it wouldn't have been Gary.

Councilman Metzger: I just don't recall making it.

Councilman Richmond: Okay, and that was on Page 8?

Councilman Metzger: (Inaudible).

Councilman Richmond: My pages are cut off (inaudible) I remember reading it.

Councilman Metzger: Yeah, that would be fine, just strike my name.

Councilman Richmond: What item was that under? Do you remember? What Page 8...?

Councilman Metzger: No, I don't know. And I don't have them with me.

Cliff Whitehead: The meeting dates.

Councilman Reid: The meeting dates on the Day of Prayer.

Councilman Richmond: You moved the January 3rd meeting.

Cliff Whitehead: We just want to strike his name and leave it blank. I think that would be appropriate.

Councilman Richmond: Okay.

Cliff Whitehead: (Inaudible).

Councilman Metzger: Somebody said it, I just don't know (inaudible).

Councilman Richmond: I'll let you find that so we can move on. Is that alright?

Kristine Georges: That's fine.

Councilman Richmond: Okay.

Councilman Metzger: Other than that, if nobody else had any corrections, I make a motion we pass the minutes as corrected.

Councilman Hachmeister: Second.

Councilman Richmond: Motion by Ted. Second by Dave to pass the Minutes as corrected. All those in favor?

Councilman Reid: I abstain.

Councilman Richmond: Okay. So that's five and zero and one abstention (5-0-1 with Rick Reid abstaining), Rick Reid.

ECONOMIC DEVELOPMENT BUSINESS MAINSTREAM BROADBAND PROJECT ORDINANCE 2019-01

Councilman Richmond: We'll move on to Item 3, Economic Development Business, Broadband.

Larry Taylor: Larry Taylor, Economic Development Director.

Councilman Overton: Have we talked about this before?

Larry Taylor: Yes. I've been asked to kind of hit the high points on this since we have talked about it numerous times and there were sessions on it. But what we're here tonight for is to pay for the Broadband and Wireless Project. We're doing, we're looking for approval to issue a Warrick County Broadband EDC Bond. You've, Council's been provided with the findings from the Economic Development Commission. It was at a public meeting that recommends doing this project. They also, we introduced an Ordinance authorized, authorizing the issuance of these bonds back in the October meeting. Per the input we had at that meeting, we were asked to add a wireless component to get some of the people who wouldn't be covered by the Fiber Backbone Project and so we added eight hundred thousand dollars ($800,000.00) to the bond and have an amended bond which is what we have before you tonight. Just in summary, you know we're looking at a covering virtually all of Warrick County with either fiber or wireless component. And it's a hundred and five (105) mile fiber backbone. And then we've added the wireless broadband system for the rural users. We had some initial conversations with some wireless providers, which is how we came up with a budgetary number that is in here. For the fiber project, we went out with a formal RFP, and should we approve this tonight, we'll do the same thing for the wireless component. We've got that all prepared, all the legal notices prepared to go out with a formal RFP for the wireless portion on January 17th. I think everybody knows about the move towards digital. The big project that we have that we started out with was the wireless, excuse me, the Fiber Backbone Project. And the big thing about our project is you hear about gigabit and there's advertisements all over. But the big thing that kind of separates our project from others that are out there, and in some of the existing areas, it's symmetrical gigabit. Which means that if you want to take data down into your business or home it's one (1) gigabit down. But if you wanted (inaudible) that data, say you're running a business out of your home or small business out of your location and you want to send that back up to the internet or to the cloud, it has one (1) gigabit back up. So it's symmetrical. One (1) gig down and one (1) gig up. That's the big difference in what our fiber project does. Because it's a fiber all the way into the home or all the way into the business and that could be available under special commercial type things in some of the areas of Warrick County. But not exclusively across what's going on and certainly not up in some of the areas up in Elberfeld, Lynnville, some areas of Chandler, and also in Boonville. What this does is it makes Warrick County a gigabit county, so if you are a gigabit community and if you see any of that, or if you just Google gigabit communities, you know it talks all about that. There is plenty of advantages that come from being that. Our Economic Development Board believes this is a key thing for Economic Development going into the future. And it sets us up for success and pretty much a unanimous approval and recommendation that we do this. Some considerations, we did have a formal RFP process. Several people put in for that RFP. We formally scored that and came up with a recommendation, was for Mainstream Fiber Networks, would be our provider. The RFP for the wireless portion will go out on January 17th. And, let's see, Mainstream has agreed, cause we had the fiber project and we actually put an addendum to the contract we have with Mainstream that they would work with whichever wireless component provider that we come up with that we select. The financial, the funds to do this is, are coming out of the EDIT, or the Local Income Tax Fund. They're funds that are already there. So you may say, why do we have to bond it? Well, we went out and we had the attorneys look at this, a national communications attorney, look at this and then some Indiana state communications attorneys. And they've advised us to the best practices on doing something like this, is to do it through an Economic Development Bond. The payoff period on this is, there's an Umbaugh analysis that was attached at the end of your packet. It is very short. And the balance in the LIT or EDIT Fund for the Economic Development portion doesn't go below four million

done with it, then that's when our funds go in. So we also have a contractual claw back in that, you know in case they don't meet the conditions. But also they're doing a two point five million dollar ($2,500,000.00) letter of credit where they have performance milestones to meet, that burns off, that gives the County more protection that we get what we're contracted for. Our partner, Mainstream, is putting up forty-five percent (45%) of the initial up front of the funds, but then after that as they start running the laterals out off the backbone, they'll end up putting in another seven ($7,000,000.00) to nine million dollars ($9,000,000.00) of that. So the County's putting in initially about; I believe it's four point five million ($4,500,000.00) or so, and Mainstream, just for the backbone is putting in four million ($4,000,000.00) and then we're, like I said, we're doing a similar RFP with a wireless provider that will also be putting some matching funds into it. There's a lot of people in the audience here that came to see the new seats and new Council members. But we have Mark Gabriel...Brian Gabriel and Mark Williams are some principles from Mainstream that are here. We have, there's some people from Elberfeld, Marty Walters. Elberfeld, you may recall, did a formal Resolution supporting this effort cause they really have very little service there. But their Town Board put together an actual Resolution on that. We have Stacy Tevault who's from the Lynnville Town Council. We have Matt Eckerle that's our financial advisor on this and has been in front of you on some other projects. We have Nick Warren who's from Faegre Baker Daniels; that's our bond counsel on this. We have Rodney Nicholson who has a wireless company that's one (1) of the ones that gave us some budgetary quotes and estimates on this and helped us understand wireless. And he's a Warrick County citizen that has a wireless business that will undoubtedly be proposing for this also. Randall Pemberton is one (1) of our Board members on our EDAC Board and Redevelopment Commission Board. And then Jim Morley, Jr. is our engineering firm that's in support of this. So that's, unless there's some questions, I'll cut it off there.

Councilman Richmond: Right before any discussion, just to let you all know, Council members, the process in this, it needs a motion for Second and Final Reading, a motion and a second for the Second and Final Reading. If that passes, the title of the Bond Ordinance should be read. And then a motion to pass the Bond Ordinance which would require at least, require at least four (4) votes in the affirmative.

Councilman Metzger: Mr. President, this is such a win-win for the County. Everybody's going to benefit. I think they've got all the bugs worked out of the project. I think we ought to put this on the fast track. Therefore, I make a motion that we have the Second and Final Reading.

Councilman Richmond: Okay, we have a motion that we have the Second and Final Reading.

Councilman Reid: Second.

Councilman Richmond: Second by Rick Reid, and the motion was Tim Metzger...Ted Metzger and Rick Reid is the second. Alright. Let's open it up for discussion. Anybody on the Council have any discussion?

Councilwoman Ledbetter: I'd just like to share that Purdue did a study in August of 2018. For every dollar ($1.00) that we invest in broadband, our community gets four dollars ($4.00) back. I know people are talking about Economic Development, but we need access to healthcare services out in the County because people don't have transportation. Our farmers will benefit; our students will benefit. And I just think this is just going to be awesome for the County.

Councilman Richmond: Any other comments from the public? If not, I'll call for the vote. All those in favor? One (1), two (2), three (3), four (4), five (5). All those opposed? One (1), David Hachmeister. (Motion carried 5-1 with David Hachmeister opposing). Alright. Now, I need a motion to pass the Bond Ordinance.

Councilman Metzger: Motion to go ahead and pass this.

Councilman Richmond: Okay, motion for the Ordinance...

Councilman Reid: Second.

Councilwoman Ledbetter: Second.

Councilman Richmond: Ted Metzger... (Note: Second made by Rick Reid).

Kristine Georges: Can I get an Ordinance number for the Minutes, for our records, please?

Councilman Hachmeister: Need to read it.

Krystal Powless: 2019-01.

Councilman Richmond: '01. 2019-01.

Krystal Powless: Yes.

Cliff Whitehead: And just to be clear, can you read the title of the Ordinance.

Councilman Richmond: Oh, I was supposed to read that before. Thank you. It's a good thing we have an attorney. The title reads, Ordinance, it's Ordinance 2019-01, Ordinance of the Warrick County Council authorizing Warrick County to issue its taxable Economic Development Revenue Bonds Broadband Project and authorizing and approving other actions in respect thereto. Any discussion? All those in favor? And that's five to one (5-1 with David Hachmeister opposing) with David Hachmeister, no.

Larry Taylor: Alright, thank you. I have to say, this project makes Warrick County one (1) of the most connected Counties in, certainly within Indiana and also within the Country, and I think that's something that we should be proud of. Thank you.

Councilman Metzger: Thank you, Larry.

Councilman Hachmeister: (Inaudible).

Councilman Richmond: No, I've got something on that. Yeah.

Councilman Hachmeister: (Inaudible).

(Ordinance 2019-01 is Located on Pages 13 through 16 of these Official Minutes)

SHERIFF BUSINESS
SHERIFF CONTRACT

Councilman Richmond: The next item of business is the Sheriff's Contract and since it's is a personnel issue and contract, we actually have two (2) contracts that are personnel issues, I'd like to ask this Board to at the end of this meeting, for us to consider a date to have an Executive Session where we'll have the person come in and explain what they're asking for and then we'll have discussion. We don't make any decisions there; we just have discussion. It's better to do that in an Executive Session which is allowed. Anybody have any objections to that? We'll discuss that then at the end of the meeting and the Sheriff also has 4 B.

Councilman Hachmeister: Hey, quiet please.

Councilman Reid: Sheriff, you know how to clear the house, don't you?

Krystal Powless: Greg, you might want to wait a minute so they...

Councilman Richmond: Yeah, we'll wait a minute.

Sheriff Wilder: And to think, I, they was all here for me.

Councilman Hachmeister: We're just waiting for everybody to get quiet for you.

Councilman Richmond: Krystal, does David sign this?

Krystal Powless: He voted no.

Councilman Hachmeister: (Inaudible) nay beside it.

Krystal Powless: Either that or he can sign it and put, nay.

Councilman Hachmeister: (Inaudible).

Councilman Richmond: Sign and put, nay, yeah. Only got one (1) (inaudible).

FIRST DEPUTY
SICK DAY PAY OUT

Sheriff Wilder: I would like to welcome the new Board members to the Council.

Councilman Reid: And welcome to you.

Councilman Richmond: And welcome to you, yeah.

Sheriff Wilder: We'll all start off together.

Councilman Richmond: Yeah. Amended Salary Ordinance, Sick Day Pay Out, which is to the First Deputy, which was our current Sheriff. And the Handbook the Sheriff's Merit Board has, and the County have, this is in accordance with that.

Councilman Overton: Motion to approve.

Councilman Richmond: Motion by Brad to approve. Is there a second?

Councilman Hachmeister: I'll second it.

Councilman Richmond: Second by David. Any discussion? All those in favor? Six, zero (6-0 for the First Deputy Sick Day Pay Out of $14,406.00). Thank you.

Sheriff Wilder: Mr. President, I also had provided you guys with a copy of the Commissary Report that is due each year. I don't know; I assume, did you all get a copy of that?

Councilman Metzger: Yeah.

Councilman Richmond: Um hum.

Sheriff Wilder: Okay. That, those disbursements, the receipts were actually under Sheriff Kruse, but it was my kind of duty to provide that. He has reviewed that, and he and me both signed that. But if there is any questions, as long as you have that, if anybody has questions...

Councilwoman Ledbetter: Can you tell me what, Fund 2, what is that money for?

Sheriff Wilder: Fund 2? The Attorney Fees? The Sheriff and the previous Council, pretty sure, cause I am speaking

Councilwoman Ledbetter: Okay, thank you.

Sheriff Wilder: And if you see that, it goes on several times actually.

Councilman Hachmeister: Is that still off the accident?

Sheriff Wilder: No, I believe, I believe this one's over, so I'm assuming someone trying to get an investigative file, and by law we have one (1), the Sheriff has one (1) that they keep appealing, the other person keeps defending it, and I just can't speak about it cause the Sheriff had spoken to the previous Council when they approved that. And I believe that's what that one (1) is for.

Councilwoman Ledbetter: I appreciate it, thank you.

Sheriff Wilder: And I will find that out for sure and send an email out to you so you know for sure that's the one (1). If there isn't any other questions, I have nothing else. But...

Councilman Richmond: Thank you.

Sheriff Wilder: Thank you.

Councilman Metzger: Thank you.

Councilman Richmond: For the record, that was Sheriff Mike Wilder.

HEALTH DEPARTMENT BUSINESS
LOCAL HEALTH MAINTENANCE
EQUIPMENT

Councilman Richmond: On the Health Department Business, the 5A, Aaron has asked us to table that.

Councilman Hachmeister: Motion to table.

Councilman Overton: Second.

Councilman Richmond: Motion by David to table. Seconded by Brad. All those in favor to table? Six, zero (6-0).

ANIMAL EXPENSE – VAXCARE

Councilman Richmond: And then on your next one (1), 5B, the ten thousand dollars ($10,000.00) to take that off of your equipment. The request is an additional appropriation, which is as you know, a reimbursement that comes back in from money, from Funds. Let's see, it's Animal Expense, one thousand three hundred fifteen dollars ($1,315.00); and Vaxcare, one thousand seven hundred four dollars ($1,704.00); for a total additional appropriation of three thousand nineteen dollars ($3,019.00).

Councilman Overton: Motion to approve.

Councilman Hachmeister: Second.

Councilman Metzger: Second.

Councilman Richmond: Motion by Brad and I heard David first is that alright?

Councilman Metzger: That's fine. Yeah, that's fine.

Councilman Richmond: All those in favor? That's six, zero (6-0).

(January Appropriations are Located on Page 16 of these Official Minutes)

HIGHWAY DEPARTMENT BUSINESS
VACATION PAY – LABORER

Councilman Richmond: And the Highway Department's Salary Ordinance Business, it's a similar situation as before.

Councilman Overton: Motion to approve.

Councilman Richmond: It's in the Employee Handbook that we have to abide by it. Motion by Brad to approve. The amount is one thousand four hundred forty-eight dollars and eighty cents ($1,448.80).

Councilman Hachmeister: I'll second.

Councilman Richmond: Second by David. Yeah, I didn't think I read the Salary Ordinance for the Sheriff's Sick Pay Out either. I apologize for that. That was fourteen thousand six hundred six dollars ($14,606.00).

Krystal Powless: Fourteen thousand four hundred six dollars ($14,406.00).

Councilman Overton: (Inaudible).

Councilman Richmond: Fourteen thousand four hundred six dollars ($14,406.00). Okay. That was the Sheriff's Sick Pay Out, okay, for First Deputy. So, we have a motion and second for one thousand four hundred forty-eight dollars

and eighty cents ($1,448.80), Vacation Pay, two (2) weeks, eighteen-eleven ($18.11) an hour for Laborer at the Highway Department. All those in favor? Six, zero (6-0).

OTHER BUSINESS

Councilman Richmond: Is there a sign-in sheet? Okay, no one's on that. As I mentioned before, discussion about an Executive Session. Executive Session, of course we can handle personnel items in these, but we're not allowed to vote. It's just for, again, information and discussion. And we have two (2) contracts to discuss. One (1) being the Sheriff, the Contract with the new Sheriff and the other being with our Council Attorney. So, I need to find out some dates that you all could meet and see if we can narrow it down to a particular date and time.

Councilman Reid: You want to do it right before the next Council meeting?

Krystal Powless: Well, okay, if you want. The only thing I want to say is if you want to do it where it's on the February meeting and the information goes out in the packet, I would, we would need to meet before the 29th of January. But if, since we're all meeting and you don't really care if all that information is in the packet, you could of course meet before.

Councilman Hachmeister: Well, we'd need the info then to sign it.

Krystal Powless: Right. So, for him to draw it up...

Councilman Hachmeister: Approve it, so...

Krystal Powless: So you might want to meet sooner than that.

Councilman Hachmeister: Yeah. Particularly as soon as possible, (Inaudible) or whenever you can arrange it.

Krystal Powless: Right.

Councilman Richmond: I'm very flexible.

Councilwoman Ledbetter: I have to do either early morning or in the evening after 4:30 (PM). I don't understand why we have to go to personnel for the attorney contract. I thought we all had a copy of that for review.

Councilman Hachmeister: Yeah.

Councilman Richmond: Yeah, it just, there were questions I think some people had, and I think we ought to be able to ask the individuals in person. In the past we've done it with the Personnel Committee, and that could be done again, but I thought since we have new personnel on our Board this year that it would be nice to have all of us involved.

Councilman Hachmeister: And like I say, a few of the questions that's asked, that's not brought out in a public meeting. So...

Councilwoman Ledbetter: Sure.

Councilman Richmond: And Ted works nights. When's your conflicts? Daytime?

Councilman Reid: You give me enough time, I'll be able to work it out.

Councilman Metzger: I can pretty much be here when you set the date. I'm flexible. I mean if I know ahead of time, I can make arrangements.

Councilman Richmond: Okay.

Krystal Powless: Cindy, can you meet at 4:30 (PM) or does it need to be like at 5:00 (PM)?

Councilwoman Ledbetter: I can, I can adjust my schedule and be here at 4:30 (PM).

Councilman Richmond: So we could do a 4:30 (PM). Can you be here at 4:30 (PM)? 4:30 (PM) on, look at the 22nd (January). That is a Tuesday and it gives us a full week and a half before, actually two (2) weeks before our meeting, two weeks and a half (2 ½) before the meeting. Is that okay with everybody?

Councilman Hachmeister: What day did you come up with?

Councilman Richmond: Tuesday the 22nd (January).

Krystal Powless: Meet in the Commissioners' Conference Room back there?

Councilman Richmond: Yes. The Commissioners' Conference Room is all the way down the hallway here to the back at 4:30 (PM). So that will be Executive Session of the County Council and Krystal will put out the notices on Tuesday, January 22nd at 4:30 PM.

Cliff Whitehead: Just to be clear, am I supposed to attend that or not?

Councilman Richmond: You can come if you want to for the first few minutes so we can ask you questions.

Cliff Whitehead: Sure.

Councilman Richmond: But when we've had them before in the past with contract issues, we've basically dismissed

Cliff Whitehead: Sounds great.

Councilman Richmond: Okay.

Councilman Hachmeister: Is that date okay with you?

Cliff Whitehead: Yes, that works.

Councilman Richmond: And like we could schedule you second if you were busy.

Cliff Whitehead: No, I can be here at, that works fine for me.

Councilman Richmond: Okay.

Cliff Whitehead: 4:30 (PM) on the 22nd.

Krystal Powless: Okay, so would Brett, would Brett...would Mike come at 5:00 (PM) then?

Councilman Richmond: Yeah. Is that alright with you? 5:00 (PM) on the 22nd (January)?

Sheriff Wilder: Yes, Sir.

Councilman Richmond: Okay. We'll do that then.

Councilman Reid: You'll bring food, won't ya?

Sheriff Wilder: Help my cause, right?

Councilman Reid: That's a bribe.

Councilman Richmond: And the Sheriff's got some information that he'll be giving us ahead of time so we can peruse it and be ready.

AUDITOR BUSINESS
UPDATE ON DISBURSEMENT OF LAW ENFORCEMENT FUNDS

Councilman Richmond: Anybody else have anything to come before the Council tonight?

Auditor Stevens: Thank you, Debbie Stevens, Warrick County Auditor. And I did want to enter into the Minutes the disposition of the accumulated Funds in Law Enforcement Continuing Education. I don't think I ever brought that resolution back to this Board. But I did, do want to go on the record that with the representation of the County Attorney, we were able to obtain a court order to disburse, I'll give you the exact amount we disbursed. One hundred (100), after, this was after reconciling the Fund for any outstanding claims that could be presented, the current, or the excess balance that was disbursed was one hundred fifty-one thousand eight hundred ninety-seven dollars and seventy-eight cents ($151,897.78). And that was based on methodology that I previously shared with this Board and percentages of that total that were disbursed out to the various Law Enforcement Agencies who work in Warrick County. So, I have a copy. I'll email it, follow up with email and I'll leave a copy out on the table for the public if they want to see it. Any questions?

Councilman Richmond: No, appreciate that.

Auditor Stevens: Alright.

Councilman Metzger: Thank you, Debbie.

Councilman Richmond: And the W-2's are all done. Things are really percolating over there with the new software.

Auditor Stevens: We did have our earliest ever Fall Settlement so we were pretty excited about that. Fall Settlement was December 11th. I think the Form 22's are the earliest ever too. Thank you. That's all I have.

BRAD OVERTON – CLARIFICATION ON COMMENTS IN THE DECEMBER 6, 2018 MEETING

Councilman Overton: (Inaudible). I'm sorry, I think in the local paper, I was quoted as being in favor, Greg had mentioned the Local Income Tax option at the last meeting. I did make some comments about that and then I kind of went on a rant about the State, about Indianapolis and how they have put a lot of burden on the local entity, but I never said I was in favor of raising taxes. So I just want to clear that up. It just might have been a little bit of miss-interpretation there. Perhaps one (1) of my long rants. Not quite as long as one (1) of our ex-Council members as he used to ramble. But probably a long one (1) and I was complaining about that and talking about teachers' salaries and different things. (Inaudible).

GREG RICHMOND – DISCUSSED DOING RESEARCH ON PREPARING FOR A NEW JAIL OR JAIL EXPANSION

Councilman Richmond: Well, related to that, I want to do some research to see the impact of waiting five (5) years on something that's inevitable. Having to go to the property tax payers for a Bond Issue for a Jail expansion or a new Jail, versus having a slight increase. I'm talking about going from point five (0.5) to point five-five (0.55) or six-'0 (0.60), which isn't very much on your paycheck. It would be noticeable of course, but not that much. And saving up a Fund that's designated according to the new law for that particular purpose. It's kind of looking ahead and looking forward to

something that is inevitable rather than waiting for it to happen and then going to the taxpayers and asking them to fork out some more property tax money. And I'm much more in favor of income tax money than property tax money. I'm not in favor of any taxes. It would be nice if we could do away with taxes, but it'd be impossible cause we have certain services that we cannot provide for ourselves and we need government to help us with. So that's just my blanket statement. Anything for the good of the cause?

Councilwoman Ledbetter: One (1) of the few Counties in the State that has all our money going into EDIT. I mean everything goes into EDIT. You know, and that just, I don't know why there can't be a little bit of a shift.

Councilman Reid: (Inaudible) shift.

Councilwoman Ledbetter: Yeah.

Councilman Richmond: Yeah, well, I don't want to see it taken away from EDIT though, because a lot of that money goes into highways too. So…

Councilwoman Ledbetter: Sure.

Councilman Reid: Safety of schools and such.

Councilman Richmond: School safety and we need to look into that also. Yeah, a lot of good things to look into. But that, I've got a lot of research on that before I even bring it up. And you guys can do some research too; see what you think about the impact.

Councilman Reid: We're one (1) of the lowest in the State on the rate, too.

Councilman Richmond: Yes, we are the lowest. Alright, anything else? If not, I need a motion to adjourn.

Councilman Reid: Motion to adjourn.

Councilman Richmond: Got a motion, Rick Reid. Second?

Councilman Hachmeister: Yeah.

Councilwoman Ledbetter: Second.

Councilman Richmond: Second by David. And all in favor? Six, zero (6-0). We're adjourned.

ADJOURNMENT: Meeting adjourned at 6:47 PM.

WARRICK COUNTY COUNCIL

Greg Richmond, President

(Not Present)
Charlie Christmas

Cindy Ledbetter

Richard Reid

Ted Metzger, Vice President

David Hachmeister

Brad Overton

ATTEST:

Deborah K. Stevens, Auditor
Warrick County, IN

Minutes transcribed by Kristine Georges

ORDINANCE NO. 2019-01

ORDINANCE OF THE WARRICK COUNTY COUNCIL AUTHORIZING WARRICK COUNTY TO ISSUE ITS TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS (BROADBAND PROJECT), AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, Warrick County, Indiana (the "County") is a political subdivision of the State of Indiana and, by virtue of Indiana Code 36-7-11.9 and 36-7-12, each as amended (collectively, the "Act"), is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Mainstream Fiber Networks, LLC (or an affiliate thereof) ("Mainstream") desires to finance the design, acquisition, construction, installation and equipping of an approximately 105-mile fiber backbone throughout the County (the "Mainstream Project"), which project is an "economic development facility" (as defined in the Act); and

WHEREAS, the Warrick County Economic Development Commission (the "Commission") is also interested in pursuing the design, acquisition, construction, installation and equipping of a wireless system to provide rural broadband coverage to rural areas not likely to be served by the Mainstream Project (the "Rural Broadband Project"), to be undertaken by a company to be selected by the Warrick County Department of Economic Development, which project is an "economic development facility" (as defined in the Act); and

WHEREAS, Mainstream has requested that the Commission and the County cause to be issued by the County a series of its Taxable Economic Development Revenue Bonds (Broadband Project), in an amount not to exceed Five Million Four Hundred Fifty Thousand Dollars ($5,450,000) (the "Mainstream Bonds"), pursuant to the Act, and provide a portion of the proceeds of the Mainstream Bonds to Mainstream for the purpose of financing a portion of the

costs of the Mainstream Project that is to be located in the unincorporated portions of the County (the "County Broadband Project"); and

WHEREAS, the Warrick County Council (the "County Council") has determined to further authorize the issuance by the County of a series of its Taxable Economic Development Revenue Bonds (Broadband Project), in an amount not to exceed Eight Hundred Thousand Dollars ($800,000) (the "Rural Broadband Bonds"), pursuant to the Act, and provide a portion of the proceeds of the Rural Broadband Bonds to the company selected to construct and install the Rural Broadband Project (such company and Mainstream are collectively referred to herein as the "Companies") for the purpose of financing a portion of the costs of the Rural Broadband Project; and

WHEREAS, the Commission has determined and found that the financing of the County Broadband Project and the Rural Broadband Project (collectively, the "Projects") complies with the purposes and provisions of the Act, and that such financing will be of benefit to the health, prosperity, economic stability and general welfare of the County and its citizens, and has rendered a report regarding the financing of a portion of the Projects consistent with those findings (the "Report"), and said Report has been submitted to the Warrick County Plan Commission; and

WHEREAS, the Commission has heretofore (a) published notice of a public hearing (the "Public Hearing") on the proposed issuance of the Mainstream Bonds and the Rural Broadband Bonds (collectively, the "Bonds"), in accordance with Indiana Code 36-7-12-24, (b) conducted the Public Hearing in accordance with Indiana Code 36-7-12-24, and (c) adopted a resolution subsequent to the Public Hearing (the "Resolution") and approved the Report of even date of such Resolution, the same having been transmitted hereto; and

WHEREAS, the Commission has performed all actions required of it by the Act preliminary to and heretofore approved, recommended and forwarded the Bond Ordinance for a vote to the County Council, together with the substantially final forms of: (1) a form of Financing Agreement between the County and the respective Companies (the "Financing Agreement"); (2) a form of Trust Indenture (the "Indenture") between the County and a trustee (the "Trustee") to be selected by the Board of Commissioners of the County (the "Board of Commissioners"); and (3) the Bonds (the Financing Agreement, the Indenture and the Bonds, collectively, referenced herein as the "Financing Documents"); and

WHEREAS, the County has previously acted to impose the county economic development income tax ("CEDIT") pursuant to Indiana Code 6-3.5-7, which law has been repealed and codified at Indiana Code 6-3.6 for the purpose of consolidating the provisions related to various local income tax laws, including, without limitation, CEDIT; and

WHEREAS, the revenues generated from the local income tax imposed under Indiana Code 6-3.6 (formerly known as the CEDIT revenues) in the County are allocated to economic development purposes, with a portion of such revenues allocated to the Warrick County Highway Department for County roads and the remaining portion of such revenues available for other economic development purposes of the County (such remaining portion of the local income tax revenues available for other economic development purposes of the County shall be hereinafter referred to as the "LIT Revenues"); and

WHEREAS, pursuant to Ordinance No. 2018-04, adopted by the County Council on May 3, 2018 (the "Prior Ordinance"), the County has previously pledged the LIT Revenues, in the amount of $200,000 per year, for the payment of a portion of the principal of and interest on bonds designated "Warrick County, Indiana, General Obligation Bonds, Series 2018" (the "Prior

Bonds"), currently outstanding in the aggregate principal amount of Seven Million Ten Thousand Dollars ($7,010,000) with a final maturity date of January 15, 2024 (the "Prior LIT Pledge"); and

WHEREAS, pursuant to the Prior Ordinance, the County reserves the right to authorize and issue additional bonds or other obligations payable out of the LIT Revenues, ranking on a parity with the Prior LIT Pledge, subject to the satisfaction of certain conditions precedent as set forth in the Prior Ordinance;

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

SECTION 1. Findings; Public Benefits. The County Council hereby confirms the findings set forth in the Resolution and Report and hereby finds and determines (a) that each of the Projects involves the design, acquisition, construction, installation and equipping of "economic development facility," as that phrase is used in the Act; and (b) that the public benefits to be accomplished by the Bond Ordinance through (i) the financing of a portion of the Projects referred to in the Financing Documents, through the issuance and sale of the Bonds, (ii) the provision of a portion of the proceeds of the Bonds to the Companies for the financing of a portion of the costs of the respective Projects, (iii) the payment of the Bonds from the LIT Revenues, and (iv) the securing of the Bonds under one or more Indentures, are greater than the cost of public services which will be required by the Projects. Based on the findings and determinations set forth in this Section 1, the County Council hereby finds that the financing of a portion of the Projects by the issuance of the Bonds under the Act (A) will be of benefit to the health, prosperity, economic stability and general welfare of the County and its citizens and (B) complies with the Act.

-4-

SECTION 2. Terms of the Bonds; Pledge of LIT Revenues.

(a) The Bonds shall (i) be issued in a combined aggregate principal amount not to exceed Six Million Two Hundred Fifty Thousand Dollars ($6,250,000); (ii) mature on a date or dates not later than January 15, 2024; (iii) bear interest at a taxable rate or rates as determined with the purchaser or purchasers of the Bonds not exceeding five percent (5.0%) per annum; and (iv) contain such other terms and provisions as may be provided in the Financing Documents and subsection (b) below.

(b) Notwithstanding anything in this Bond Ordinance to the contrary and in addition to the terms in subsection (a) above, the Bonds shall: (i) be issued in one or more series (with the series designation to reflect the calendar year of issuance, together with a letter designation in the event multiple series of Bonds are issued in a single calendar year); (ii) be executed at or prior to the closing date by the manual or facsimile signatures of the Board of Commissioners and the Auditor of the County (the "Auditor"); (iii) be dated as of the date of their delivery; (iv) be issued in fully registered form in denominations of One Hundred Thousand Dollars ($100,000) and integral multiples of One Thousand Dollars ($1,000) in excess thereof or as otherwise provided in the respective Indentures; (v) be subject to redemption or prepayment as provided in the Financing Documents; (vi) be payable in lawful money of the United States of America; (vii) be subject to registration on the bond register as provided in the Financing Documents; (viii) be payable at the office of the Trustee or as provided in the Financing Documents; and (ix) contain such other terms and provisions as may be provided in the Financing Documents.

(c) The Bonds shall never constitute a general obligation of or a charge against the general credit or taxing power of the County, nor are the Bonds payable in any manner from revenues raised by taxation (except to the extent of the pledge of LIT Revenues), but the Bonds

-5-

shall be special and limited obligations of the County, payable solely from the LIT Revenues and other amounts derived from the Financing Documents. The LIT Revenues are hereby pledged to the payment of principal of and interest on the Bonds, on a parity basis with the Prior LIT Pledge.

(d) Any series of the Bonds may be issued as "draw down" bonds such that the principal of such series of Bonds shall not be payable and the interest thereon shall not accrue until such principal amount has been advanced pursuant to disbursements made pursuant to the respective Indentures.

SECTION 3. Approval of Financing. The proposed financing of the Projects by the issuance of the Bonds, in the form that such financing was approved by the Commission, is hereby approved.

SECTION 4. Authorization of the Bonds; Use of Proceeds. The issuance of the Bonds is hereby authorized. The Bonds shall be payable as to principal and interest solely from the LIT Revenues or as otherwise provided in the respective Indentures. The Bonds are to be issued for the purpose of procuring funds to pay the costs of a portion of the design, acquisition, construction, installation and equipping of the Projects, as more particularly set out in the Financing Documents, and to pay other financing costs and costs of issuance in connection with the issuance of the Bonds.

SECTION 5. Financing Documents. The substantially final forms of the Financing Documents before this meeting are hereby approved and are by this reference incorporated in this Bond Ordinance and the Auditor is hereby directed, in the name and on behalf of the County, to insert them into the minutes of the County Council and to keep two copies of the Financing Documents in the office of the Auditor and available for public inspection in accordance with Indiana Code 36-1-5-4.

-6-

SECTION 6. Execution and Delivery of Financing Documents. The Board of Commissioners and the Auditor are, and each of them is, authorized and directed to execute, attest and affix or imprint by any means the seal of the County to the Financing Documents approved herein on behalf of the County and any other document which may be necessary or desirable prior to, on or after the date hereof to consummate or facilitate the transaction, including the Bonds, authorized herein. The signatures of the Board of Commissioners and the Auditor on the Bonds may be either manual or facsimile signatures. The Auditor is authorized to arrange for delivery of the Bonds to the Trustee and payment for the Bonds will be made to the Trustee, and after such payment, the Bonds will be delivered by the Trustee to the respective purchasers thereof.

SECTION 7. Sale of the Bonds. The Board of Commissioners and the Auditor are authorized and directed to sell the Bonds to the original purchasers of the Bonds at a price of not less than ninety-nine and five-tenths percent (99.5%) of the principal amount thereof.

SECTION 8. Changes in Financing Documents. The Board of Commissioners and the Auditor are hereby authorized, in the name and on behalf of the County, without further approval of the County Council or the Commission, to approve such changes in the Financing Documents as may be permitted by the Act, such approval to be conclusively evidenced by their execution thereof. The Board of Commissioners and the Auditor are, and each of them is, hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Documents which take place after the date of this Bond Ordinance with the review and advice of counsel to the Board of Commissioners, it being the express understanding of the County Council that the Financing Documents are in substantially final form as of the date of adoption of this Bond Ordinance. The approval of said modifications or

additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, maximum interest rate on, or terms of the Bonds described in Indiana Code 36-7-12-27 as approved by the County Council by this Bond Ordinance without further consideration by the County Council.

SECTION 9. General. The Board of Commissioners and the Auditor, and each of them, are hereby authorized and directed, in the name and on behalf of the County, to execute or endorse any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or either of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Bond Ordinance (including the preambles hereto and the documents mentioned herein), the Projects, the issuance and sale of the Bonds, and the securing of the Bonds under the Financing Documents, and any such execution, endorsement, performance or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 10. Issuance of Parity Obligations. The County reserves the right to authorize and issue bonds, enter into leases or incur other obligations entitled to the pledge of LIT Revenues, in whole or in part, or any combination thereof, and otherwise pledge the County's LIT Revenues to secure bonds, lease rental payments or other obligations, ranking on a parity with the pledge of the LIT Revenues to the payment of the Bonds (such additional bonds, lease rental payments or other obligations, the "Parity Obligations"). The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) All payments due on the Bonds and the Prior Bonds (to the extent then outstanding) and all payments on any outstanding Parity Obligations payable from LIT Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) The County shall have received a certificate prepared by an independent, qualified accountant or feasibility consultant certifying that the amount of the LIT Revenues estimated to be received in each succeeding year shall be at least equal to one hundred twenty-five percent (125%) of the combined principal and interest due on the Bonds and the Prior Bonds (to the extent of the Prior LIT Pledge, and to the extent then outstanding) and debt service or lease rental requirements of any outstanding Parity Obligations and of the proposed Parity Obligations for each respective year, during the remaining term of the Bonds. Notwithstanding the foregoing, any proposed Parity Obligations secured by a property tax levy may be issued or entered into without meeting the foregoing coverage requirements of this subsection (b).

(c) Payments of any Parity Obligations payable from the LIT Revenues shall be payable semiannually on January 15 and July 15 of each year.

Notwithstanding the foregoing, the County may issue obligations payable from LIT Revenues on a junior and subordinate basis to the pledge of LIT Revenues to the payment of the Bonds. However, any such junior and subordinate obligations payable from LIT Revenues shall be payable semiannually on January 15 and July 15.

SECTION 11. Binding Effect. The provisions of this Bond Ordinance and the Indenture securing the respective series of the Bonds shall constitute a contract binding between the County and the holders of such series of the Bonds, and after the issuance of the Bonds, this Bond Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

SECTION 12. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. Effective Date. This Bond Ordinance shall be effective upon its passage by the County Council, in accordance with procedures as required by law.

* * * * *

-10-

DULY PASSED and ADOPTED on this 10 day of JAN, 2019, by the Warrick County Council, as fiscal body of Warrick County, Indiana, by a vote of 5 in favor, 1 opposed, and _____ abstaining.

WARRICK COUNTY COUNCIL

(not present)
Charles R. Christmas

Brad Overton
Brad Overton

David Hachmeister (NAY)
David Hachmeister

Richard Reid
Richard Reid

Cindy Bedbetter
Cindy Bedbetter

Greg Richmond
Greg Richmond

Ted Metzger
Ted Metzger

ATTEST:

Deborah K. Stevens, Auditor,
Warrick County, Indiana

-11-

US.120692287.05

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

FUND	APPROPRIATION NUMBER APPROPRIATION #	DESCRIPTION DESCRIPTION	AMOUNT REQUESTED AMOUNT	AMOUNT REQUIRED\
Local Health Maintenance	1168.36400.000.0000	Equipment	$2,529.98	TABLE
Total Health Maintenance			$2,529.98	
Health	1159.22500.000.0000	Animal Expense	$1,315.00	1,315.00
	1159.21375.000.0000	Vaccure	$1,704.00	1,704.00
	1159.36400.000.0000	Equipment	$~~10,000.00~~	REMOVED
Total Health			$13,019.00	3,019.00

Taxpayers appearing in the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action.
Adopted this 10th day of JANUARY 2019.

AYE	NAY

ATTEST:
Deborah Stevens
Auditor Warrick County