

**MINUTES
FOUNTAIN COUNTY COMMISSIONERS
MAY 7, 2018
8:30 A.M.**

**The following Fountain County Commissioners were present at the meeting:
Craig Stalter, Don Hesler and Tim Shumaker.**

PUBLIC COMMENT - None

MINUTES

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the minutes of the April 16, 2018 meeting as presented. Vote: 3-0

JOINT MINUTES

A motion was made by Don Hesler and seconded by Tim Shumaker to approve the minutes of the April 25, 2018 Joint Meeting and the April 30th Joint Meeting as presented.

Vote: 3-0

CLAIMS #1- 188& Monthly Claims& Payroll Claims

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the Claims.

Vote: 3-0

RESOLUTION 2018-11

Fountain County Commissioners – Award Construction Bids subject to financing

A motion was made by Don Hesler and seconded by Tim Shumaker to approve and award construction bids subject to financing; assign construction bid to Building Corporation; approve matters relating to financing; ratify distribution of POS.

Vote: 3-0

Umbaugh - Agreement for Cash Advisory Services, LLC.

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the Agreement.

Vote: 3-0

FOUNTAIN COUNTY BUILDING CORP.

Building Corporation meeting to approve Issuance of Bonds, Trust Indenture, deem official statement nearly final; ratify distribution of Preliminary Official Statement; accepts assignment of construction bid and award contract subject to financing, and adopt resolution appointing Auditor and Treasurer as Lessor Representatives

Fountain County Commissioners

A motion was made by Tim Shumaker and seconded by Don Hesler to approve Issuance of bonds, Trust Indenture, deem official statement nearly final; ratify distribution of Preliminary Official Statement; accepts assignment of construction bid and award contract subject to financing and adopt resolution appointing Auditor and Treasurer as Lessor Representatives.

Vote: 3-0

RESOLUTION 2018-12

TO APPROVE ISSUANCE OF BONDS AND INDENTURE,
APPROVE MATTERS RELATING TO POS, BIDS AND CONTRACTS, AND APPOINTING LESSOR REPRESENTATIVES OF THE FOUNTAIN COUNTY BUILDING CORPORATION

A motion was made by Stan Hardy and seconded by KW Rice to accept Resolution 2018-12 to appoint the Auditor and Treasurer as Lessor Representatives. Vote: 3-0

RESOLUTION 2018-10

RAINY DAY

1186-0000-33604 Other Services & Charges \$ 1,000,000

A motion was made by Don Hesler and seconded by Tim Shumaker to approve the total additional appropriation requests. Vote: 3-0

Approximately \$1,000,000 of funds on hand will need to be transferred to the Trustee on the day of closing. Such funds are to be reimbursed, on a monthly basis as moneys flow in. If Rainy Day Funds are used, Rainy Day Fund ordinance will be amended by the Council.

DEPARTMENT HEAD REPORTS

HIGHWAY DEPT–Bud Peach
Bridge #126 – Trojan Complex Road

The Commissioners need to approve and sign the contract with White Construction Inc. to start the project on Bridge #126. The start date for the project is May 24, 2018 and should be completed on or before August 4, 2018.

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the Contract. Vote: 3-0

Painting on the Highway building has begun and is looking really nice. Tim Shumaker commented that the landscaping looks nice.

Stan Hardy asked if Stone Bluff Road is going to be addressed. There is a big gap on the edge of the pavement. Bud responded that this will be taken care of very soon along with paving and edging that he’s got scheduled for his department.

Don asked if Molly Brooks road had been taken care of and they are in the process of taking care of it.

Ambulance - Garth Kagels

He reported that the number of runs this year are comparable to last year. The difference in runs is that they are having to travel longer distances between stops. This in return is putting more wear and tear on the trucks. Two of the trucks had busted windshields and were getting fixed. The Chevy chassis is being worked on and needs new tires. The 2015 Wheel coach has a hole in the AC unit and has to be fixed. He is concerned that he is going to run out of money in the maintenance fund before the end of the year. They have already used 60% of the budget.

ANNUAL REPORTS
CONGRESSIONAL, COMMON SCHOOL & PERMANENT ENDOWMENT FUNDS

Balances Reported
1124 Congressional Interest - \$17,460.13
1125 Congressional Principle - \$26,687.42

REPORT OF SCHOOL FUNDS – FINES & FORFEITURES

7101 Fines & Forfeitures Balance as of 4/30/2018 - \$3,946.50 to be sent via ACH to Auditor of State of Indiana.

A motion was made by Don Hesler and seconded by Tim Shumaker to approve the Annual Report and Report of School Funds and the Report of Fines & Forfeitures. Vote: 3-0

ATTICA LIBRARY BOARD

A motion was made by Tim Shumaker and seconded by Don Hesler to re-appoint Alison Schmid on the Attica Library Board of Fountain County for the years June 1, 2018 – June 1, 2022. Vote: 3-0

**THE NEXT MEETING WILL BE MONDAY,
MAY 21, 2018 6:30 P.M.**

Attest-Brenda Hardy

Craig Stalter

Don Hesler

Tim Shumaker

201800959 RESO \$0.00
05/09/2018 11:56:17A 3 PGS
Wanda Taylor
Fountain County Recorder IN
Recorded as Presented



2018-11 RESOLUTION OF BOARD OF COMMISSIONERS
OF FOUNTAIN COUNTY, INDIANA

WHEREAS, Fountain County, Indiana ("County") has determined to acquire and construct a new County Sheriff's office and jail facility, including surface parking lots, required site drainage and utility infrastructure, together with all necessary appurtenances, related improvements and equipment (collectively, "Project"), and has received construction bids for the Project, and the architect and attorney for the County have reviewed such bids and accompanying documentation;

WHEREAS, the Board of Commissioners ("Board") of the County has entered into a lease agreement, dated February 5, 2018, with the Fountain County Building Corporation ("Corporation");

WHEREAS, the Corporation owns the real estate on which the Project is located and will acquire and construct the Project;

WHEREAS, the Corporation is expected to adopt a resolution approving the issuance and sale of its Lease Rental Bonds, Series 2018 in an aggregate principal amount not to exceed \$14,840,000 ("Bonds") to finance the Project, and a copy of the resolution is incorporated herein by reference;

WHEREAS, the County and the Corporation have obtained all necessary approvals required by law for the issuance of the Bonds and the execution of the hereinafter defined Lease;

WHEREAS, a substantially final form of Continuing Disclosure Undertaking Certificate was presented to the Board for approval;

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

Section 1. The construction bids have been received and will be awarded to the lowest responsible and responsive bidder, subject to receiving funds from the Corporation's Bonds, and are hereby assigned to the Corporation. The Corporation will use bond proceeds to fund such contracts and complete the Project.

Section 2. The Board hereby approves the sale of the Bonds in accordance with the terms of the resolution of the Corporation expected to be adopted on May 7, 2018, approving the sale of the Bonds. The County agrees to cooperate with the Corporation and to assist it in fulfilling the requirements of all agencies of the federal, state, and County governments.

Section 3. Upon the redemption or retirement of the Bonds issued by the Corporation, the County will accept from the Corporation title to the Project, free and clear of any and all liens and encumbrances thereon.

Section 4. The Board hereby approves the form of Continuing Disclosure Undertaking Certificate attached hereto and incorporated herein and authorizes the Board and the Auditor to execute such certificate.

Section 5. The Board hereby ratifies the actions of the Corporation deeming the preliminary official statement relating to the Bonds as nearly final and hereby ratifies and approves the execution of the preliminary official statement by the Board and the Auditor.

Section 6. The Board and the Auditor are authorized to endorse their approval on the final Official Statement on behalf of the County with such changes as they shall approve, such approval to be conclusively evidenced by their signature on the final Official Statement.

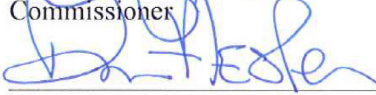
Section 7. The Board and the Auditor are hereby authorized on behalf of the County to approve, execute and deliver any and all documents, instruments, letters, certificates and

agreements necessary or appropriate to consummate the transactions contemplated by this resolution.

Passed and adopted this 7th day of May, 2018.


FOUNTAIN COUNTY, INDIANA
BOARD OF COMMISSIONERS


Commissioner


Commissioner


Commissioner

ATTEST:


Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

This instrument was prepared by Heather R. James, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, Indiana 46282.

201800960 RESO \$0.00
05/09/2018 11:56:17A 3 PGS
Wanda Tayler
Fountain County Recorder IN
Recorded as Presented



RESOLUTION 2018-12

TO APPROVE ISSUANCE OF BONDS AND INDENTURE,
APPROVE MATTERS RELATING TO POS, BIDS AND CONTRACTS, AND
APPOINTING LESSOR REPRESENTATIVES
OF THE FOUNTAIN COUNTY BUILDING CORPORATION

WHEREAS, a Trust Indenture ("Trust Indenture") between the Fountain County Building Corporation ("Corporation") and Old National Wealth Management ("Trustee"), dated as of May 1, 2018, was presented to this meeting; and

WHEREAS, the Board of Directors ("Board") of the Corporation has previously approved a Lease Agreement ("Lease") between the Corporation and Fountain County, Indiana ("County"), executed February 5, 2018, and also approved the acquisition and construction of a new County Sheriff's office and jail facility, including surface parking lots, required site drainage and utility infrastructure, together with all necessary appurtenances related improvements and equipment (collectively, "Project"); and

WHEREAS, the County has advertised for and received construction bids for the Project; and

WHEREAS, the Board now desires to appoint Lessor Representatives to act pursuant to the Lease and the Trust Indenture;

WHEREAS, the County has assigned the construction bids to the Corporation;

NOW, THEREFORE, BE IT RESOLVED, that this Corporation borrow the sum not to exceed \$14,840,000 by the sale of its Lease Rental Bonds, Series 2018 ("Bonds"), dated as of the date of delivery of the Bonds, issued in fully registered form and maturing or subject to mandatory redemption on January 15 and July 15 with a final maturity no later than January 15, 2038, payable as set forth in the Trust Indenture.

BE IT FURTHER RESOLVED, that the Bonds shall bear an interest rate or rates not exceeding 6% per annum, the exact rates to be determined by bidding, which interest shall be payable on January 15, 2019 and semiannually thereafter. All Bonds maturing on the same date shall bear the same rate of interest. The Bonds shall be originally dated as of the date of delivery of the Bonds, and shall be issued in denominations of \$5,000, or any integral multiple thereof. The

Bonds of this issue maturing on July 15, 2028 and thereafter, are redeemable prior to maturity at the option of the Corporation, in whole or in part, in such order of maturity as the Corporation shall direct and by lot within maturities (each \$5,000 of principal shall be considered as a bond for this purpose), on January 15, 2028, or any date thereafter, upon thirty (30) days' notice, at face value, with no premium, plus in each case accrued interest to the date fixed for redemption.

BE IT FURTHER RESOLVED, that the Bonds shall be issued in accordance with and shall be secured by the Trust Indenture to be entered into with the Trustee, in the form of indenture submitted to this meeting.

BE IT FURTHER RESOLVED, that the Secretary is authorized and directed to initial and date a copy of the Trust Indenture submitted to this meeting and place the same in the minute book immediately following the minutes of this meeting and the Trust Indenture is made a part of this resolution as fully as if the same were set forth herein.

BE IT FURTHER RESOLVED, that the President or Vice-President and Secretary of the Corporation shall be authorized to execute Addenda reducing the annual rental amount pursuant to paragraph 2 of the Lease.

BE IT FURTHER RESOLVED, that the President or Secretary are authorized to deem the official statement as nearly final, and the distribution of the nearly final official statement is hereby ratified and approved.

BE IT FURTHER RESOLVED, that the officers of the Corporation hereby select Old National Wealth Management as Trustee and said officers are authorized to make payment for services of the Trustee as the same are rendered and the fees come due and that the schedule of fees of the Trustee, for services as trustee, registrar and paying agent under the Trust Indenture, are hereby approved.

BE IT FURTHER RESOLVED, that the Bonds shall be sold by bidding in accordance with the Notice of Intent to Sell Lease Rental Bonds, the substantially final form of which is attached hereto. The Board hereby ratifies and approves the publication of the Notice of Intent to Sell Lease Rental Bonds. The Bonds shall be sold at a price not less than 99% of par, plus accrued interest to the date of delivery, if any. The President or Secretary-Treasurer of the Authority are hereby authorized to receive the bids for the Bonds and to accept the best bid for the Bonds in accordance with the Notice of Intent to Sell Lease Rental Bonds.

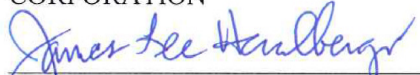
BE IT FURTHER RESOLVED, that the sale of the Bonds shall be held on or about May 16, 2018 at the offices of H.J. Umbaugh, Certified Public Accountants, LLP, 8365 Keystone Crossing, Suite 300, Indianapolis, Indiana 46240-0458.

BE IT FURTHER RESOLVED, that after the sale of the Bonds the President or Vice-President and Secretary are authorized to complete the Trust Indenture and execute the same on behalf of the Corporation.

BE IT FURTHER RESOLVED, that the Corporation hereby accepts the assignment of the construction bids from the County and authorizes the President or Vice President and Secretary to execute the construction contracts relating thereto upon the issuance of the Bonds.

BE IT FURTHER RESOLVED, that the Corporation hereby approves and designates Brenda Hardy, the Fountain County Auditor, and Colleen Chambers, the Fountain County Treasurer, to act as Lessor Representatives pursuant to the Trust Indenture and the Lease for the purposes of taking action and to execute any and all certificates or documents required in order to fulfill the Corporation's requirements under the Lease and the Indenture.

FOUNTAIN COUNTY BUILDING
CORPORATION



President

ATTEST:



Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

This instrument was prepared by Heather R. James, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, Indiana 46282.