

RESOLUTION NO. 2-2008

RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA MAKING A PRELIMINARY DETERMINATION TO ENTER INTO A LEASE AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, the Board of Commissioners (the "Board") of Clark County, Indiana (the "County"), has considered entering into a lease for the financing of the repair, rehabilitation, improvement, and equipping of all or any portion of the County Government Center located at 501 East Court Avenue, Jeffersonville, Indiana, and any related improvements, as revised and set forth in Exhibit A (collectively, the "Project"); and

WHEREAS, pursuant to Indiana Code §6-1.1-20-3.1, if the Board proposes to impose property taxes to pay lease rentals on any construction, renovation, improvement, remodeling, alteration or expansion project, which is not excluded under Indiana Code §6-1.1-20-1.1, it must conduct a public hearing on the preliminary determination to proceed with such project prior to the Board's adopting any resolution or ordinance making a preliminary determination to enter into a lease; and

WHEREAS, notice of said hearing has been given in accord with Indiana law; and

WHEREAS, interested people have been given the opportunity to present testimony and ask questions concerning the Project, and this Board has heard public input at a public hearing held February 21, 2008, concerning the Project; and

WHEREAS, the Board, being duly advised, finds that it is in the best interests of the County and its citizens for the purpose of financing all or any portion of the Project to enter into negotiations with the Jeffersonville Clark County Building Authority (the "Building Authority"), to enter into a Lease, with the Building Authority, as lessor, and the County, as lessee, for all or any portion of the Project; and

WHEREAS, to finance all or a portion of the costs of the Project, the Building Authority will issue bonds in one or more series in an original aggregate principal amount of approximately \$4,000,000; and

WHEREAS, the Board expects to pay for certain costs of the Project or costs related to the Project (collectively, the "Expenditures") prior to the issuance of such bonds, and to reimburse the Expenditures with proceeds received by the County upon the issuance of such lease revenue bonds by the Building Authority; and

WHEREAS, the Board desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA, AS FOLLOWS:

Section 1. The Board hereby makes a preliminary determination that there exists a need for the revised Project. Accordingly, the Board hereby makes a preliminary determination that to the extent permitted by law the Board will take all of the necessary steps to enter into the lease with the Building Authority for all or any portion of the revised Project. The County and the Building Authority will finance all or a portion of the revised Project through one or more series of lease rental bonds issued by the Building Authority, as lessor, in an original aggregate principal amount of approximately \$4,000,000 (the "Bonds"), payable from an annual lease rental payment not to exceed \$300,000, and other funds of the County, if any. The proposed term of the lease will begin on the date any portion of the leased premises is completed and ready for occupancy, and ending on a date not more than twenty-five (25) years thereafter. The estimated interest rate that will be paid in connection with the Bonds is 6.0% per annum, and the total interest cost associated therewith is \$3,500,000. Including interest costs, the maximum annual lease rental to be paid by the County under the lease is \$300,000, and the maximum lease rental over the term of the lease is \$7,500,000, not taking into account any funds of the Building Authority available for capitalized interest. The lease rentals under the lease shall be payable from *ad valorem* property taxes levied and collected on all taxable property within the County.

Section 2. A notice of the foregoing preliminary determinations set forth in Section 1 of this resolution shall be given in accordance with Indiana Code §6-1.1-20-3.1.

Section 3. The Board hereby declares its official intent that to the extent permitted by law, to execute the proposed lease with the Building Authority, and to request the Building Authority to issue the Bonds in one or more series or issues, which Bonds will not exceed an original aggregate principal amount of approximately \$4,000,000, and to reimburse costs of the Project consisting of the Expenditures from proceeds of the sale of such Bonds.

Section 4. Any member of the Board of Commissioners, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken, including, but not limited to, publication of the notice of the public hearing held in connection with such preliminary determinations, are hereby are ratified and approved.

Section 6. This Resolution shall be in full force and effect immediately upon adoption.

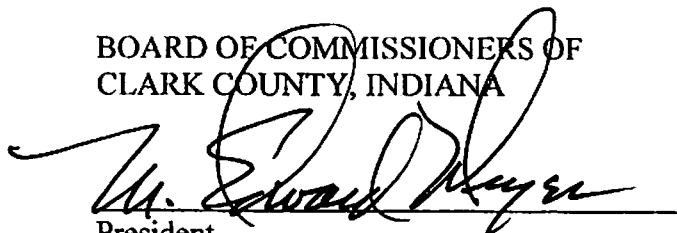
DULY PASSED on this ____ day of February, 2008, by the Board of Commissioners of Clark County, Indiana.

Vote:

Ayes: 3


Nays: 0

BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA



President

ATTEST:



County Auditor