

Vermillion County Council

Meeting Minutes

April 12 2021

6:30 P.M.

Commissioner's Court, 2nd Floor Courthouse

- I. **Call to Order.** The Council convened in a regular meeting on April 12, 2021 at 6:30 p.m. in the Commissioner's Courtroom.
- II. **Pledge of Allegiance to the Flag.**
- III. **Roll Call.** Members present were President Ashley James, Vice President Randy Dreher, William Brent Bush, Neil Costello, Rick Weir, Kelly Summerville, Martin Brown, Auditor, Brenda Furry, Chief Deputy Auditor, Annie Wickens, and County Council Attorney, Donald J. Bonomo.
- IV. **Approval of Minutes.** James acknowledged the March 4, 2021 meeting minutes and March 8, 2021 meeting minutes. A motion was made to approve the March 4 & 8, 2021 meeting minutes by Weir and seconded by Brown. All in favor, motion carried.
- V. **Treasurer's Report.** President, James acknowledged receipt of the Treasurer's Report.
- VI. **Comp Time Report.** President, James acknowledged receipt of the Comp Time Report.
- VII. **Transfer of Funds-Approval by Council-**
1149 ECO Development- Transferring from (30570) Professional Services to (11114) Salary Executive Director. These funds were designed for RJL Solutions Marketing. The ECO Council would like to re-appropriate it to 11114 for additional Salary for the Executive Director. Roxanne Sky stated that the ECO Council would like to request this so that they can have some kind of bargaining tool to work with. The prospective hire has the experience and knowledge to move the county forward. Neil Costello asked what the ECO Council would do if they needed more money. (as in asking for an additional appropriations). Roxanne Sky stated that they would look at their budget and probably have to request more money if that was the case. James stated that ECO is a separate entity and that they would only be requesting the money that they already have. (which comes from the Local Income Tax) Rick Weir stated that he had looked up the salaries for an ECO Director and said it was a wide range from \$52,000 to \$145,000. He also stated that the ECO Council should negotiate with the person with different incentives. (bonus by performance etc.) A motion was made by Dreher to approve the transfer and seconded by Bush. All in favor, motion carried.

Additional Appropriations. The Council considered additional appropriations as published. President Ashley James reviewed the appropriations from the written requests submitted by Auditor Brenda Furry. Thus, the following ordinance was adopted: WHEREAS: it has been determined it is now necessary to appropriate more money that was appropriated in the annual budget for 2021, BE IT ORDAINED, by the County Council of Vermillion County Indiana, for the expenses of said county government, the following additional sums of money are hereby appropriated and ordered set out of the funds herein specified, subject to the law governing the same:

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>County General-105</i>	<i>\$6,200</i>	<i>\$6,200</i>

SRI is now conducting all Sheriff's Sales at \$100 per sale. A motion was made by Summerville to approve the additional appropriation and was seconded by Weir. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>County General-130</i>	<i>\$25,685</i>	<i>\$25,685</i>

This is for the Salary Study that was started in 2020. Invoices are just now coming in for the payment. Monies were approved last year. A motion to approve the additional appropriation was made by Bush and seconded by Summerville. Dreher was opposed to the monies, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>County General 133</i>	<i>\$48,695</i>	<i>\$48,695</i>

This was for the siren on SR-71 that was destroyed back in November 2020. Payment from insurance was deposited into the General fund and just need to be put back into the EOC fund. A motion as made to approve the additional appropriation by Bush and seconded by Weir. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>HWY 1176</i>	<i>\$6,751.27</i>	<i>\$6,751.27</i>

This is for the insurance increase form 2020-2021. A motion was made by Costello to approve the additional appropriation and was seconded by Brown. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>Surveyor's Perp-243</i>	<i>\$15,000</i>	<i>\$15,000</i>

Surveyors request to hire help to get the program up and going per federal and state requirements. A motion was made by Weir to approve the additional appropriation and seconded by Brown. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>CASA-1212</i>	<i>\$21,000</i>	<i>\$21,000</i>

This is for the CASA budget for the year 2021. These monies are for the CASA Match and Capacity Grant. A motion was made by Bush to approve the additional appropriation and was seconded by Costello. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>E911-1222</i>	<i>\$49,000</i>	<i>\$49,000</i>

This is for the E911 dispatch overtime. They will be having more overtime until they get someone hired. A motion was made by Dreher to approve the additional appropriation and was seconded by Brown. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>Trails Grant-8132</i>	<i>\$57,280</i>	<i>\$57,280</i>

This appropriation is for the monies that the County approved in 2020. They would like to have this re-appropriated back into the Trails Fund. A motion was made by Dreher to approve the additional appropriation and was seconded by Brown. All in favor, motion carried.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>Trails Grant-8132</i>	<i>\$25,411.60</i>	<i>\$0</i>

This appropriation is the grant monies received. The Trails Alliance would like to have this money put into their account and they will pay back the County the \$50,000 at the end of the funding. There was some confusion and the Council did not approve this. Lynne Brewer to talk to Ashley James and figure out what needs to be done.

<u>FUND/DEPT</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED</u>
<i>County General 1000-133</i>	<i>\$2,000</i>	<i>\$0</i>

Mark O'Heir removed from Council approval.

VIII. New Business

- a. Peer Court Program-Judge Jill Wesch & Prosecutor Bruce Aukerman, would like to start a Peer Court Program in Vermillion County. The County has seen an increase in Juvenile offenses over the last few years. Judge Wesch introduced Katie Osterbur from Danville Illinois, who has a Peer Court Program in Vermillion County Illinois. Osterbur went over the logistics of her program. This program would be for kids age 14-16 years of age. Judge Wesch and Aukerman to get the numbers to the Council at the next meeting on what they would need from the Council. This would be a pilot program to see how successful it is and then if it works to have it put into the budget for 2022.

- IX. Public Comment-Commissioner, RJ Dunavan spoke to the Council about the Jail renovation. Need to have a work session next week and then a Special Meeting with Council and Commissioners the next week. These meetings will be for the funding and requirements of the County. Council set a work session for April 19, 2021 at 5:00 p.m. and a Special Meeting on April 27, 2021 at 5:30 p.m.

X. Adjourn

Motion to Adjourn made by Dreher and 2nd by Weir. All in favor.
Meeting Adjourned.

AYE

Nay

Ashley James
Ashley James

Randy Dreher
Randy Dreher

William Brent Bush
William Brent Bush

Rick Weir
Rick Weir

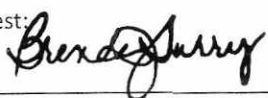
Martin Brown
Martin Brown

Neil Costello
Neil Costello



Kelly Summerville

Attest:



Brenda Furry, Auditor

RESOLUTION NO. 2021-13

**RESOLUTION OF THE COUNTY COUNCIL OF VERMILLION COUNTY,
INDIANA PLEDGING THE PUBLIC SAFETY COMPONENT OF THE ADDITIONAL
REVENUE CATEGORY WITHIN THE EXPENDITURE RATE OF THE COUNTY'S
LOCAL INCOME TAX REVENUES TO THE PAYMENT OF THE LEASE RENTAL
UNDER A LEASE WITH THE VERMILLION COUNTY, INDIANA BUILDING
CORPORATION AND APPROVING MATERIALS RELATED THERETO**

WHEREAS, Indiana Code 36-1-10-7 provides that the Board of County Commissioners of Vermillion County, Indiana (the "Board") may not lease a structure unless the County Council of Vermillion County, Indiana (the "Council") determines, after investigation, that the structure is needed; and

WHEREAS, to provide for the acquisition, construction, improvement, and/or equipping of all or any portion of the renovation to and an expansion of the existing jail facility located at 1888 South State Road 63, Hillsdale, Indiana 47854 and any related improvements, all to be used for the purposes of providing incarceration, community corrections, or other law enforcement or criminal justice services by Vermillion County, Indiana (the "Project"), the Board will consider a resolution approving the terms and conditions of a Lease between the Vermillion County, Indiana Building Corporation (the "Building Corporation"), as lessor, and Vermillion County, Indiana (the "County"), as lessee (the "Lease"), for all or a portion of the existing and expanded jail facility located at 1888 South State Road 63, Hillsdale, Indiana 47854, including the site and appurtenances thereto; and

WHEREAS, the Building Corporation was incorporated to assist the County in financing, from time to time, the construction and renovation of County facilities to be operated by the County, including the Project; and

WHEREAS, such Lease has been presented to the Council; and

WHEREAS, there have been prepared drawings, plans, specifications, and estimates for the cost of such Project which have been reviewed by the Council; and

WHEREAS, lease rentals under the Lease shall be payable solely from (i) the revenues of the public safety sub-category portion of the additional revenue category of the expenditure rate of the income tax levied and collected pursuant to Indiana Code § 6-3.6 (the "Public Safety Revenues"), and (ii) to the extent that the Public Safety Revenues are insufficient to pay such amounts, from the revenues of an *ad valorem* tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, the Council has received on the date hereof information regarding the anticipated Public Safety Revenues to be received by the County during the term of the Lease; and

WHEREAS, the County Council of the County (the "County Council") desires to approve the Lease and pledge the Public Safety Revenues to the payment of lease rentals due under the Lease pursuant to the terms of this Resolution.

NOW, THEREFORE, THE COUNTY COUNCIL OF VERMILLION COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. Findings; Approval of Lease. After investigation, the Council hereby finds and determines that a need exists for the Project and that the Project to be financed through the Lease will be of public utility and benefit to the County. The Council further determines that the Project cannot be acquired, constructed, improved, and equipped from any funds available to the County. The Council hereby approves the Lease in substantially the form presented on the date hereof, and the County shall proceed to take such steps as may be necessary to secure the acquisition, construction, equipping, and leasing of the Project as provided by Indiana Code 36-1-10.

Section 2. Pledge of Public Safety Revenues. Pursuant to IC 5-1-14-4 and IC 6-3-6, the Council hereby pledges the Public Safety Revenues to the payment of all lease rental due under the Lease. The Council hereby finds and determines that the County reasonably expects to pay all lease rentals due under the Lease from the Public Safety Revenues and not from the Property Tax Revenues. To the extent that that the Public Safety Revenues are insufficient to pay such amounts, the lease rental shall be payable from the Property Tax Revenues.

Section 3. Issuance of Parity Obligations. The County reserves the right to authorize and issue bonds or incur additional lease or other obligations entitled to the pledge of Public Safety Revenues on a parity with the Lease in accordance with the requirements set forth below ("Parity Obligations"). The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) All payments due under the Lease and all payments on any Parity Obligations payable from Public Safety Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) For Parity Obligations payable from Public Safety Revenues, the County shall have received a certificate prepared by an independent, qualified accountant or feasibility consultant certifying the amount of the Public Safety Revenues estimated to be received in each succeeding year shall be at least equal to one hundred twenty-five percent (125%) of the lease rental and debt service requirements with respect to the Lease and the proposed Parity Obligations for each respective year during the term of the Lease and the Parity Obligations. If at the time the proposed Parity Obligations are issued, the Council shall have finally approved an increase in the income tax rate, the Public Safety Revenues estimate described in the preceding sentence may be adjusted to take the increased income tax rate into account. The County shall approve and confirm the figures and estimates set forth in the above-described certificate in any resolution or ordinance authorizing the Parity Obligations.

(c) Payments of any Parity Obligations payable from Public Safety Revenues shall be payable semiannually on January 15 and July 15.

The terms and conditions of any Parity Obligations shall be set forth in the ordinance or resolution authorizing such Parity Obligations.

The County may issue obligations payable from Public Safety Revenues on a junior basis to the Lease and the Parity Obligations. Any such junior obligations shall be payable semiannually on January 15 and July 15.

Section 4. Sinking Fund. (a) There is hereby created a separate fund designated as the Sinking Fund, which shall consist of a Principal and Interest Account and a Reserve Account. One day prior to each January 15 and July 15, there shall be deposited in the Principal and Interest Account an amount of Public Safety Revenues, which together with any money contained in the Principal and Interest Account is sufficient to pay the lease rentals or principal of and interest on the Lease and the Parity Obligations therewith due on the following January 15 and July 15. No such deposit need be made into the Principal and Interest Account if the amount contained therein is sufficient to pay such amounts. All money in the Principal and Interest Account shall be used and withdrawn solely for the purpose of paying the lease rentals or principal of and interest on the Lease and any Parity Obligations, including accrued interest on any such obligations purchased or redeemed prior to maturity.

(b) Reserve Account. If it is determined by the Board, with the advice of the County's financial advisor, to establish a reserve account for the Lease, then, on the date of issuance of the bonds of the Building Corporation to finance the Project (the "Bonds"), Public Safety Revenues or a portion of the proceeds of the Bonds shall be deposited in Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement (as defined below). After making the required deposits into the Principal and Interest Account under Section 4(a), Public Safety Revenues shall be set aside from the Sinking Fund and (a) deposited in the Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement, and (b) deposited in any reserve account established for any Parity Obligations secured by a reserve other than the Reserve Account in the amount required thereby. No deposit need be made in the Reserve Account so long as there shall be on deposit therein a sum equal to but not exceeding the least of (i) the maximum annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, (ii) 125% of the average annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, or (iii) 10% of the proceeds of the Bonds and any Parity Obligations secured by the Reserve Account, plus a minor portion as defined in the Code (the "Debt Service Reserve Requirement"). All money in the Reserve Account shall be used and withdrawn solely for the purpose of making deposits into the Principal and Interest Account, in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums or lease rentals due, if any, on the Lease and any Parity Obligations secured by the Reserve Account, in the event that no other money is lawfully available therefor. Any amount in the Reserve Account in excess of the Debt Service Reserve Requirement shall be withdrawn from the Reserve Account and deposited in the Principal and Interest Account. Money in the Reserve Account shall also be available to make the final payments of interest and principal or lease rentals due on the Lease and any additional Parity Obligations secured by the Reserve Account.

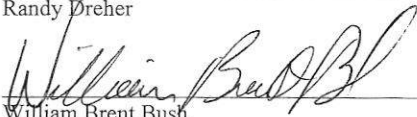
Section 5. General. Any member of the Board or the Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered, and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 6. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Council.

DULY ADOPTED on this 27th day of April, 2021, by the County Council of Vermillion County, Indiana.

COUNTY COUNCIL OF VERMILLION
COUNTY, INDIANA

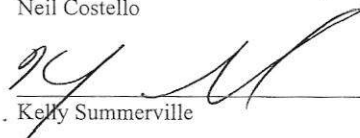

Ashley James

Randy Dreher

William Brent Bush

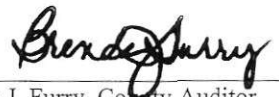

Rick Weir


Martin Brown


Neil Costello


Kelly Summerville

ATTEST:


Brenda J. Furry, County Auditor

RESOLUTION NO. 2021-14

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
VERMILLION COUNTY, INDIANA AND APPROVING EXECUTION OF A LEASE
FOR CERTAIN JAIL FACILITIES AND RELATED MATTERS**

WHEREAS, the Board of Commissioners of the County (the "Board") has engaged in negotiations with the Vermillion County, Indiana Building Corporation (the "Building Corporation"), for (1) the financing of the acquisition, construction, improvement, and/or equipping of all or any portion of the renovation to and an expansion of the existing jail facility located at 1888 South State Road 63, Hillsdale, Indiana 47854 and any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County, and (2) to enter into a lease between the Building Corporation, as lessor, and the County, as lessee, for all or a portion of the existing and expanded jail facility located at located at 1888 South State Road 63, Hillsdale, Indiana 47854 including the site and appurtenances thereto (the "Premises") (clauses (1) and (2) collectively, the "Project"); and

WHEREAS, the Board has previously examined and approved a form of lease (the "Lease") with the Building Corporation for the financing of the Project; and

WHEREAS, lease rentals under the Lease shall be payable solely from (i) the revenues of the public safety sub-category portion of the additional revenue category of the expenditure rate of the income tax levied and collected pursuant to Indiana Code § 6-3.6 (the "Public Safety Revenues"), and (ii) to the extent that the Public Safety Revenues are insufficient to pay such amounts, from the revenues of an *ad valorem* tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, based on the estimated amount of future Public Safety Revenues, the County reasonably expects all lease rentals to be paid from Public Safety Revenues, and not paid from Property Tax Revenues; and

WHEREAS, notice of a public hearing on the proposed Lease was given by publication as required by law; and

WHEREAS, on April 27, 2021, a public hearing was conducted in accordance with IC 36-1-10-13 as to whether the execution of the Lease is necessary and whether the rentals in the Lease are fair and reasonable for the Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF VERMILLION COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. Providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Building Corporation and the leasing of the same to the County, as

lessee, is in the public interest of the citizens of this County, and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and to assist in fulfilling the requirements of all agencies of federal, state and county governments.

Section 2. The drawings, plans, specifications and estimates for the cost of the Project provide for necessary facilities for the County and the same are hereby approved.

Section 3. The proposed Lease in the form presented on the date hereof is hereby approved and confirmed in accordance with IC 36-1-10-13. The Lease provides for a fair and reasonable rental, and further, the execution of the Lease is necessary and wise. The Auditor of the County is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the record book immediately following the minutes of this meeting, and further, the Lease is hereby made a part of this Resolution as fully as if the same were set forth herein.

The members of this Board are hereby authorized and directed to execute, in the name and on behalf of the County, the Lease, including the addenda attached as exhibits to the Lease, with such changes as the members of this Board deem necessary or advisable, and the Auditor of the County, is hereby authorized and directed to attest such execution of the Lease.

Section 4. The Auditor of the County is hereby authorized and directed, on behalf of the County, to publish notice of the execution of the Lease as required by law.

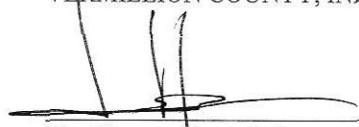
Section 5. The issuance, sale, and delivery by the Building Corporation of its lease rental revenue bonds (the "Bonds"), in the aggregate principal amount not to exceed \$19,500,000, is hereby approved. Upon the retirement or prepayment of all of the outstanding principal amount of the Bonds, the County, as lessee, will accept from the Building Corporation title to such facility, including any additions thereto, free and clear of any and all liens and encumbrances thereon except as otherwise permitted by the Lease. The Building Corporation may issue, sell, and deliver such Bonds, pursuant to the applicable laws of the State of Indiana, may encumber any property acquired by it for the purpose of financing such facilities, and may enter into contracts for the sale of the Bonds and the Project.

Section 6. Subject to completion of the procedures required by law, the members of the Board are hereby authorized and directed for and on behalf of the County, to transfer to the Building Corporation, the County's interests in any real estate or building related to the completion of the Project.

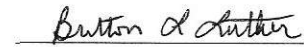
Section 7. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Adopted this 27th day of April, 2021.

BOARD OF COMMISSIONERS OF
VERMILLION COUNTY, INDIANA

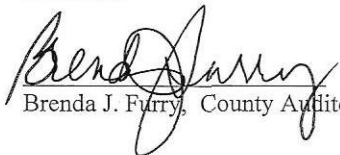


Tim Yocum, Commissioner

RJ Dunavan, Commissioner

Britton Luther, Commissioner

ATTEST:



Brenda J. Furry, County Auditor