

AN ORDINANCE OF THE DELAWARE COUNTY COUNCIL CONCERNING A DETERMINATION TO ENTER INTO A PROPOSED BUILD OPERATE TRANSFER LEASE AGREEMENT

WHEREAS, the Board of Commissioners (“Commissioners”) of Delaware County, Indiana (“County”) has determined that the need exists for a jail and justice center (“Project”); and

WHEREAS, there have been prepared drawings, plans and estimates for the cost of the acquisition, construction, improvement, and financing of such Project; and

WHEREAS, drawings, plans and specifications for the Project have been, or will be submitted to the agencies designated by law to approve plans and specifications for such facilities; and

WHEREAS, the Commissioners of the County have held a public hearing concerning whether to proceed with the Project and enter into a lease to finance the Project; and

WHEREAS, the Commissioners have determined it is in the best interests of the County and its citizens to proceed with the acquisition, construction, improvement and financing of such Project by Delaware County Justice Partners, LLC (“Corporation”), which will lease said Project to the County under terms whereby the County will own the leased Project at the end of the lease financing period; and

WHEREAS, pursuant to Indiana Code 6-3.6-10-4(c) the Delaware County Council (“Council”) is required to approve any lease of the County; and

WHEREAS, pursuant to Indiana Code 5-23-6-1 the Council, as the fiscal body of the County, must approve any public-private agreement with an original term in excess of five (5) years; and

WHEREAS, the Council is required to approve the Build, Operate, Transfer Lease Agreement (“Agreement”) under Indiana Code 5-23-6-1 as its original term is longer than five (5) years; and

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF DELAWARE, INDIANA THAT:

Section 1. The terms and conditions of the proposed form of Build Operate Transfer Lease Agreement are approved and agreed to as the basis for a determination to enter into a lease and public-private agreement. The President of the Council is hereby authorized and directed to execute any and all documents necessary to complete the Agreement.

Section 2. The Auditor is hereby authorized and directed to publish notice of such determination as required by law.

Section 3. This Ordinance shall be in effect from and after its passage by the Council.

PASSED BY THE DELAWARE COUNTY COUNCIL this 24 day of FEBRUARY,

DELAWARE COUNTY COUNCIL

By: _____
President

[Signature]
Larry Bledsoe

No

Mary Chambers

[Signature]
Jessica Piper

[Signature]
Jane Lasater

No SO

Scott Alexander

No

Ronald Quakenbush

[Signature]
Ryan Ballard

ATTEST:

[Signature]
Auditor