

RESOLUTION NO. 2019-015

**RESOLUTION OF BOARD OF COMMISSIONERS OF DELAWARE COUNTY
REGARDING THE EXECUTION OF A BUILD, OPERATE, TRANSFER (BOT)
AGREEMENT AND GROUND LEASE WITH RESPECT TO A JAIL AND
RELATED JUSTICE CENTER**

WHEREAS, I.C. 5-23 authorizes political subdivisions, including Counties, to adopt certain powers with respect to the entry into operating agreements and Build, Operate, Transfer (“BOT”) agreements;

WHEREAS, pursuant to I.C. 6-3.6-10-4 (together with I.C. 5-23, the “Act”), the Board of Commissioners of Delaware County (the “Commissioners”), as the governing body for Delaware County (the “County”), is required to approve any lease of the County;

WHEREAS, the Commissioners passed Resolution No. 2017-046 on December 4, 2017, adopting the provisions of the Act to advance the economic development and further the purposes of the County;

WHEREAS, the Commissioners solicited and reviewed proposals for a BOT Agreement to provide for the design, financing, construction and transfer to the Commissioners of a Delaware County Jail and Justice Center (the “BOT Agreement”);

WHEREAS, on June 18, 2018, the Commissioners received a recommendation to accept the proposal for the BOT Agreement (the “Proposal”) submitted by Delaware County Justice Partners, LLC (the “Offeror”);

WHEREAS, pursuant to IC 5-23-5-9, on June 25, 2018, the Commissioners held a public hearing with respect to the recommendation to accept the Proposal and after the public hearing, passed Resolution No. 2018-022 to accept the Proposal and award the BOT Agreement to the Offeror;

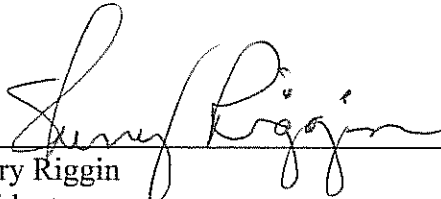
WHEREAS, the Commissioners held a public hearing on December 17, 2018, and after the public hearing, adopted Ordinance No. 2018-020, which approved the terms and conditions of the proposed form of BOT Agreement which included the obligation to ground lease the project site to the Offeror (“Lease”) relating to the project and authorized the execution of the BOT Agreement and Lease and another other necessary documents to carry out the purpose of the BOT Agreement;

WHEREAS, the BOT Agreement and Lease are now in final form and will be executed by the Commissioners and Offeror.

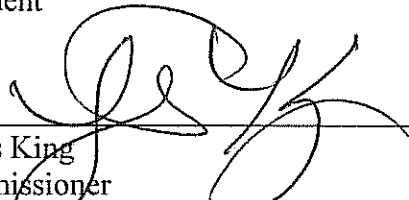
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, as the executive body of Delaware County, as follows:

1. The Commissioners hereby determine that all necessary public hearings and prior approvals relating to the BOT Agreement and Lease required by the Act have been met.
2. The Commissioners hereby determine that the BOT Agreement and Lease are in final form and President of the Commissioners will execute the BOT Agreement and Lease, and any other related necessary documents and agreements on behalf of the County.
3. The President of the Commissioners and counsel to the Commissioners are hereby authorized to negotiate on behalf of the Commissioners any such other agreements and documents as are necessary to implement the BOT Agreement and Lease and any other necessary documents and agreements related to the Delaware County Jail and Justice Center.
4. This resolution shall take effect immediately upon its adoption by the Commissioners pursuant to law.

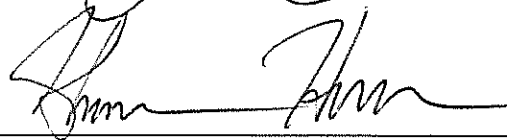
DULY ADOPTED by a vote of 3 ayes (for) and ___ nays (against), at a special meeting, on this 11th day of March, 2019, by the **BOARD OF COMMISSIONERS OF DELAWARE COUNTY.**




Sherry Riggin
President



James King
Commissioner



Shannon Henry
Commissioner

Attest: 

Steven Craycraft
Delaware County Auditor