

RESOLUTION NO. 2020-03

**RESOLUTION OF THE COUNTY COUNCIL OF FLOYD  
COUNTY, INDIANA REGARDING MATTERS RELATED  
TO THE FLOYD COUNTY LEGACY FOUNDATION AND  
THE USE OF AMOUNTS RECEIVED FROM THE  
FOUNDATION TO FINANCE CAPITAL IMPROVEMENTS  
TO COUNTY-OWNED FACILITIES**

WHEREAS, pursuant to IC 36-1-14-5, the Floyd County Legacy Foundation (the "Legacy Foundation") has previously been jointly created by the Floyd County Council (the "County Council") and the Board of Commissioners of Floyd County, Indiana (the "Board of Commissioners") for the purpose of holding all or a portion of the proceeds resulting from the sale of the former Floyd Memorial Hospital (the "Hospital Sale Proceeds") and as a resource to meet Floyd County's (the "County") current and future community needs; and

WHEREAS, the County Council and the Board of Commissioners have previously determined to deposit \$13,000,000 from the Hospital Sale Proceeds into the Legacy Foundation for such purpose (such deposit, the "Initial Donation"); and

WHEREAS, following discussions with the Board of Commissioners and studying various options for possible uses of the remaining balance of the Hospital Sale Proceeds, the County Council now desires to use its best efforts to take all actions necessary to authorize and transfer an additional portion of the Hospital Sale Proceeds to the Legacy Foundation subject to the terms set forth herein; and

WHEREAS, the County previously issued its Bond Anticipation Note, Series 2018, dated August 16, 2018 in the aggregate principal amount of \$14,780,000 (the "2018 BAN"), for the purpose of providing interim construction financing for capital improvement and equipping projects at the Floyd County Jail (the "Jail Project"), pending the issuance of long-term bonds by, or on behalf of, the County to finance the costs of the Jail Project (the "2020 Bonds"); and

WHEREAS, following discussions with the Board of Commissioners and studying various options regarding the terms and source of repayment of the proposed 2020 Bonds, the County Council now desires to use its best efforts to take all actions necessary to authorize and approve the issuance of the 2020 Bonds to take advantage of favorable prevailing market interest rates, all subject to the terms set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FLOYD COUNTY, INDIANA, THAT:

Section 1. Additional Donation to Legacy Foundation. After investigation, the County Council finds that it is in the best interests of the County and determines to use its best efforts to take such actions as necessary to approve the deposit of an additional \$27,000,000 from the Hospital Sale Proceeds into the Legacy Foundation (such amount, the "Additional Donation") on the condition that the governing charter of the Legacy Foundation be modified, through the adoption by the County Council and the Board of Commissioners of substantially identical ordinances, to reflect the following terms: (a) the principal of the Initial Donation,

together with the investment income derived therefrom, shall be allocated and used to provide grants to meet community needs and shall be prohibited from being used to pay debt service on bonds or other obligations issued by or on behalf of the County, including the 2020 Bonds; and (b) the principal of the Additional Donation, together with the investment income derived therefrom, shall be allocated and used to pay debt service on bonds or other obligations issued or incurred by the County to finance capital projects from time to time, including the 2020 Bonds.


Section 2. Terms of the 2020 Bonds. After investigation, the County Council finds that it is in the best interests of the County and determines to use its best efforts to take such actions as necessary to approve the issuance of the 2020 Bonds subject to the following terms: (a) the final maturity date of the 2020 Bonds shall be no later than fifteen (15) years following date of issuance thereof; (b) the maximum principal amount of the 2020 Bonds shall not exceed \$16,080,000; provided, however, any remaining proceeds from the 2018 BAN shall be applied to the repayment thereof, and the maximum authorized principal amount of the 2020 Bonds shall be reduced by an amount equal to the remaining proceeds from the 2018 BAN; and (c) the investment income derived from the Additional Donation shall be designated as the primary source of payment of debt service on the 2020 Bonds.

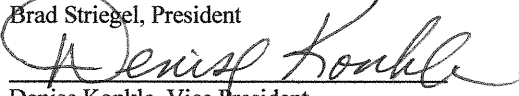
Section 3. General. Any member of the County Council is hereby authorized, empowered and directed, on behalf of the County, to take any action as such individual deems necessary or desirable to effectuate the foregoing resolution, and any actions heretofore made or taken be, and hereby are, ratified and approved.


Section 4. Effective Date. This resolution shall be in full force and effect from and after its passage.

DULY ADOPTED on this 9<sup>th</sup> day of June, 2020, by the County Council of Floyd County, Indiana.

COUNTY COUNCIL OF  
FLOYD COUNTY, INDIANA

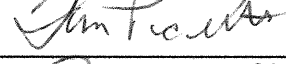
  
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Brad Striegel, President

  
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Denise Konkle, Vice President

  
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Adam Roberts

  
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Dale Bagshaw

  
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Leslie Knable

  
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Tom Pickett

  
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Darry Short

ATTEST:

  
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Jacqueline Wenning, Floyd County Auditor