

**FLOYD COUNTY RESOLUTION 2005- X III**

**A RESOLUTION GRANTING AN EXEMPTION FROM THE APPLICATION  
OF FLOYD COUNTY ORDINANCE 2005-VIII**

**WHEREAS**, on the 29<sup>th</sup> day of March, 2005, the Board of Commissioners of the County of Floyd (Board) duly adopted Floyd County Ordinance 2005-VIII (Ordinance), the same establishing a moratorium on the construction of certain New Health Care Facilities; and

**WHEREAS**, pursuant to the provisions of said Ordinance, First Foot Podiatry, CLPC (Applicant), did on the 19<sup>th</sup> day of April, 2005, petition the Board for exemption from the application of the Ordinance so as to permit the construction of an Ambulatory Surgical Center, said petition being appended hereto and made a part of this resolution; and

**WHEREAS**, by letter of April 19, 2005, the Board requested that Floyd Memorial Hospital and Health Services (Floyd Memorial) provide its comments and recommendations with respect to said Petition for Exemption; and

**WHEREAS**, J. Scott Waters, IV, after requesting and receiving Applicant's letter of April 28, 2005, a copy of which letter is attached hereto and made a part hereof, did on the 2<sup>nd</sup> day of May, 2005, respond to this request, for and on behalf of Bryant Hanson and Floyd Memorial, with a copy of said correspondence being appended to and made a part of this resolution; and

**WHEREAS**, after considering the petition of the Applicant, the plans for the proposed facility, additional information provided by the Applicant, the comments and recommendations of Floyd Memorial, and after being duly advised in the premises, the Board now finds that the proposed New Health Care Facility will not substantially affect adversely Floyd Memorial's (1) financial viability and/or (2) its ability to provide quality health care services to all citizens of Floyd County, Indiana.

**NOW THEREFORE:**

**BE IT RESOLVED**, that the recitals set forth above be, and said recitals hereby are, made a part of this resolution in the same manner and with the same affect as if restated herein.

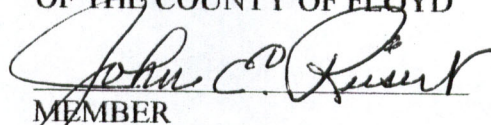
**BE IT FURTHER RESOLVED**, that the Petition for Exemption from the application of Floyd County Ordinance 2005-VIII filed by First Foot Podiatry, CLPC, on the 19<sup>th</sup> day of April, 2005, be, and said petition is hereby is approved.

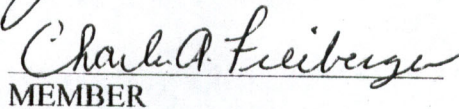
**BE IT FURTHER RESOLVED**, that this approval is subject to the terms and provisions of Article V of the Ordinance, and the Petition for Exemption dated April 19, 2005, and Applicant's letter of April 28, 2005, shall, together, be deemed the written commitment of First Food Podiatry, CLPC, its successors and assigns:

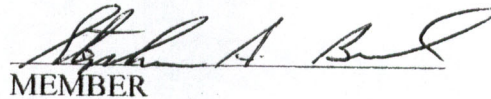
(a) that the character and definition of the Ambulatory Surgical Center, as proposed, as well as the nature and extent of the services to be provided, shall not be materially altered or changed without the prior written consent of the Board; (b) that consistent with the character and definition of the Ambulatory Surgical Center and the services to be provided, the Applicant shall accept for treatment, directly and by referral, low income, minority, disabled, and elderly residents of Floyd County, Indiana; and (c) that the Applicant acknowledges its continuing responsibility to assist the Board in securing the health, safety, welfare, and economic well-being of *all* citizens of Floyd County by assuring the availability and delivery of high-quality health care at a reasonable cost.

SO RESOLVED, this 3<sup>rd</sup> day of May, 2005.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

  
MEMBER

  
MEMBER

  
MEMBER

ATTEST:

  
FLOYD COUNTY AUDITOR