

**COMMISSIONERS' MINUTES**

**MARCH 31, 2020**

**SPECIAL MEETING**

**PRESENT: ALL**

**BE IT REMEMBERED**, that the White County Commissioners held a special meeting joint with the County Council on Tuesday, March 31, 2020, in the White County Building, 2<sup>nd</sup>-floor Commissioners' Conference Room, beginning at 4:00 p.m.

Due to the public health emergency in the State of Indiana because of COVID-19, one County Commissioner (President Heimlich) and one County Councilman (Vice President Carter) was present at the meeting.

Commissioners attending the meeting electronically, according to I.C. §5-14-1.5-3.6(c), (f), (g) & (h) were: Commissioner Diener and Commissioner Burton. Council members attending the meeting electronically were: Councilman Anderson, Councilman Davis, Councilman Crabb, Councilwoman Faker, and Councilman Annis.

Also present was White County Attorney George Loy. County Auditor Gayle Rogers attended electronically, Attorney Rick Hall with Barnes & Thornburgh attended electronically, and White County Economic Development President Randy Mitchell attended electronically.

Council President Butch Kramer abstained from the meeting due to a conflict of interest.

Commissioner Heimlich announced that the purpose of the meeting was to propose a Resolution to establish a fund for the incentive package for a potential purchaser of Indiana Beach.

Rick Hall, an attorney with Barnes & Thornburgh, discussed the Resolution that the Commissioners and Council adopted on March 17, 2020, that granted up to \$3 Million to a potential purchaser of Indiana Beach. The funds will come from the Wind Farm Economic Development fund. To do this, a resolution by the County Council establishing a Revolving Fund must be adopted to provide the incentive money. Indiana Code 5-1-14-14 allows the County to establish a Revolving Loan Fund that can be used for one or more economic development purposes: (a) promoting significant opportunities for the gainful employment of the County's residents, (b) attracting a major new business enterprise to the County, and (c) retaining or expanding a significant business enterprise in the County.

Attorney Hall said that negotiations are still be discussed, but if the Council approves the proposed Resolution, this will provide the mechanism to provide the incentive if a deal is reached.

Commissioner Heimlich asked if there were any questions. No response.

Commissioner Heimlich said that the first step is to establish the Revolving Fund.

White County Attorney George Loy presented the following Resolution:

**A RESOLUTION OF THE WHITE COUNTY COUNCIL ESTABLISHING A REVOLVING FUND PURSUANT TO INDIANA CODE 5-1-14-14, AND APPROVING CERTAIN RELATED MATTERS**

WHEREAS, the White County Council (the "Council"), the fiscal body of the White County, Indiana (the "County"), has previously established the White County, Indiana Wind Farm Economic Development Fund (the "Wind Farm Fund");

WHEREAS, on deposit in the Wind Farm Fund are the proceeds of certain grants provided by developers of wind-powered electric generating facilities, which funds have been provided to the County for the completion of economic development projects and other purposes which improve the quality of life in the County and thereby foster economic development in the County; and

WHEREAS, the Council desires to establish a revolving fund pursuant to Indiana Code 5-1-14-14(b), as amended (the "Act"), to be funded from a portion of the grant funds on deposit in the Wind Farm Fund, for the purpose of making one or more loans to borrowers approved pursuant to the Act.

NOW, THEREFORE, BE IT RESOLVED, by the White County Council, that:

1. The Council hereby establishes a revolving fund pursuant to the Act, to be designated as the "White County Economic Development Revolving Fund" (the "Economic Development Fund"). The County may loan the money in the Economic

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Development Fund to any borrower if the Council finds that the loan will be used by the borrower for one or more of the following economic development purposes: (a) promoting significant opportunities for the gainful employment of the County's residents,

(b) attracting a major new business enterprise to the County, and (c) retaining or expanding a significant business enterprise in the County. The proceeds of such loan shall be used by the borrower for such purposes as are authorized by the Act.

2. The Economic Development Fund shall be initially funded with grant proceeds on deposit in the Wind Farm Fund in the amount of Three Million Dollars (\$3,000,000), and the Auditor of the County is hereby directed to cause such amount to be transferred from the Wind Farm Fund to the Economic Development Fund.

3. The members of the Council and the Commissioners, the Auditor of the County, the legal counsel of the County, and other appropriate officers of the County are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Resolution.

Councilman Carter requested a motion to approve or deny the proposed Resolution.

- Councilman Crabb made a motion to adopt Resolution No. 2020-03-31-01, establishing a Revolving Fund pursuant to Indiana Code 5-1-14-14, and approving certain related matters, seconded by Councilman Anderson. **Vote: Unanimous (6 Yes, 0 No)**

Commissioner Heimlich said that the next step is to finalize the details for the Loan Agreement.

There being no further business to come before the Commissioners and Council, the meeting adjourned.

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John C. Heimlich, President

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Steve Burton, Vice President

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David Diener, Member

ATTEST: \_\_\_\_\_  
Gayle Rogers, Auditor