

WELLS COUNTY COUNCIL ORDINANCE NO. 2021- 13

**AN ORDINANCE OF THE WELLS COUNTY COUNCIL, AS FISCAL BODY OF WELLS COUNTY, INDIANA, PLEDGING CERTAIN FEDERAL GRANTS TO PAY FOR A PORTION OF THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO THE EXISTING WELLS COUNTY JAIL FACILITY AND APPROPRIATING MONEYS FROM THE WELLS COUNTY ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR SUCH PURPOSE**

**WHEREAS**, the Wells County Council (the “Council”), as the fiscal body of Wells County, Indiana (the “County”) and the Board of Commissioners of the County (the “Commissioners”), have given consideration to various construction, renovation, improvement, expansion and equipping projects at the County’s existing jail facility, located at 1615 West Western Avenue, Bluffton, Indiana 46714 including without limitation: (i) lighting retrofitting and upgrades, (ii) parking lot lighting, (iii) the renovation, repair and/or replacement of the HVAC system and air handling units at the jail facility, (iv) control system replacements, (v) roof repairs and/or replacements, (vi) the construction, renovation, installation and/or equipping of a new inmate intake/processing space, isolation cells, visitation rooms and similar rooms to provide space designed to stop the spread of infectious diseases among inmates, staff and visitors at the jail facility, all of which is intended to equip the jail facility to address risks related to the spread of infectious disease in the facility including risks related to the COVID-19 Pandemic, (vii) water system upgrades and improvements, (viii) parking lot repairs and/or replacements, and (xiv) any other miscellaneous renovations, improvements or equipping projects related to the foregoing items or at other facilities owned or operated by the County (the “Project”); and

**WHEREAS**, the Council has previously adopted, or intends to adopt, an ordinance authorizing the issuance of the County’s General Obligation Bonds, Series 2021 (the “Bonds”) in an aggregate principal amount not to exceed \$5,575,000, for the purpose of proving funds to pay for a portion of the costs of the Project, including the costs of issuance and sale of the Bonds; and

**WHEREAS**, the County has previously created and established the Wells County ARP Coronavirus Local Fiscal Recovery Fund (Fund Number 8950) (the “Fund”) into which certain grants received, or to be received, from the federal government pursuant to Section 603 of the Social Security Act, as added by Section 9901 of the American Reserve Plan Act of 2021 (“ARP”) have been or will be deposited, for the purpose of paying certain costs incurred by the County prior to December 31, 2024, as permitted by the ARP and the regulations thereunder and

in accordance with the County's ARP Coronavirus Local Fiscal Recovery Plan previously adopted by the County; and

**WHEREAS**, pursuant to Indiana Code 6-1.1-20-0.5, in determining whether a project is a controlled project for purposes of Indiana Code 6-1.1-20, the cost of the project does not include expenditures for the project that will be paid from donations or other gifts that are received by the political subdivision, and for which the political subdivision adopts an ordinance or resolution pledging that the donations or other gifts will be used exclusively for expenditures on the project's costs; and

**WHEREAS**, the Council has determined and found that it will be of public utility and benefit and in the best interests of the County to proceed with the Project and pay the costs thereof; and

**WHEREAS**, the Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the Project and has authorized the issuance of the Bonds to procure a portion of such funds, and that a need exists for the making of the additional appropriation hereinafter set out; and

**WHEREAS**, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, AS FOLLOWS:**

**SECTION 1. Pledge of Donation or Gift Funds.** The Council hereby pledges up to \$2,749,355 from amounts in the Fund to be used exclusively for expenditures for the costs of the Project related to the County's response to the COVID-19 public health emergency.

**SECTION 2. Additional Appropriation.** There is hereby appropriated from the Fund the amount of Two Million Seven Hundred Thousand Dollars (\$2,700,000), to be used for the purpose of paying all or a portion of the costs of the Project that are related to the County's response to the COVID-19 public health emergency, including, without limitation, (A) the renovation, repair and/or replacement of the HVAC system and air handling units at the jail facility, and (B) the construction, renovation, installation and/or equipping of a new inmate intake/processing space, isolation cells, visitation rooms and similar rooms to provide space designed to stop the spread of infectious diseases among inmates, staff and visitors at the jail facility. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

**SECTION 3. Other Action.** The appropriate Officers of the County are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate purposes of this Ordinance, including the filing of a report of this appropriation with the Indiana Department of Local Government Finance.

**SECTION 4. No Conflict; Effectiveness.** All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict

