

ORDINANCE NO. 1991 - 4

ORDINANCE OF THE SHELBY COUNTY COUNCIL
PLEDGING COUNTY DISTRIBUTIVE SHARE OF THE
SHELBY COUNTY ECONOMIC DEVELOPMENT INCOME
TAX TO PAY LEASE RENTAL

WHEREAS, the Shelby County Council has by resolution on this date determined that a need exists for a county jail and the related office facilities for the County Sheriff's Department and Shelbyville Police Department; and

WHEREAS, it is anticipated that the Board of Commissioners shall find that a lease of a jail with the Shelby County Jail Building Corporation will be necessary, wise, and in the best interests of the citizens of the county; and

WHEREAS, the Shelby County Council has adopted and imposed the County Economic Development Income Tax ("EDIT") pursuant to Ord. 6-1.3-7-3; and

WHEREAS, the Common Council of the City of Shelbyville has adopted an ordinance dedicating sixty (60%) of their distributive share of said tax revenue to apply and be utilized to pay the lease payments to retire the bond debt; and

WHEREAS, the Shelby County Council has not pledged or otherwise encumbered its distributive share of EDIT; and

WHEREAS, the County Council finds that it is in the public interest of the County to pledge a certain distributive share of EDIT in an annual percentage amount to pay costs related to the jail project and lease rentals;

NOW, THEREFORE, BE IT ORDAINED by the Council of Shelby County that:

1. The County hereby pledges seventy-five percent (75%) of the County's share of EDIT Revenues generated from the EDIT tax imposed pursuant to I.C. 6-3.5-7-5. This pledge shall be effective as set forth in I.C. 5-1-14-4 without the recording of the lease, this ordinance, or any other instrument.

2. After the execution of the lease between the County Commissioners and the Shelby County Jail Building Corporation, this Ordinance and the definition of, or the manner of collecting and distributing the EDIT revenues or the lien created by this ordinance and the lease, shall not be repealed or amended (except as specifically provided in the lease) or impaired in any respect which will adversely affect the rights of the Shelby County Jail Building Corporation, nor shall the County Council adopt any law, ordinance or resolution which in any way adversely affects the rights of the Shelby County Jail Building Corporation, so long as any of its bonds or the interest thereon remains unpaid.

3. I.C. 6-3.5-7-i4 prohibits the Shelby County Council from rescinding the EDIT tax or taking any action which would result in the County generating revenues being produced in an amount less than one and twenty-five hundredths (1.25) times the highest annual debt service on the bond to their final maturity, based on an average of the immediately preceding three (3) years tax collection to the extent that this ordinance pledges a distributive share to pay the lease payments and thereby retire the debt.

4. This ordinance shall be in full force and effect immediately upon its passage and signing.

ADOPTED this 10th day of December, 1991, by a vote of 6 yeas and 0 nays of the members of the County Council of Shelby County, Indiana.

Mark R. Nigh
MARK NIGH, PRESIDENT
SHELBY COUNTY COUNCIL

ATTEST.

Jane L. Miller
JANE L. MILLER,
SHELBY COUNTY AUDITOR