

April 12, 2024

Newton County Council met for their regular scheduled meeting at the Newton County Government Center in Morocco, IN. Those in attendance included Scott Carlson, David Atkinson, Matthew Gibson, Robert Churchill, Mick Vanderwall, Michael Mark, and Tom VanVleet. Also present were Auditor Tami James and Council Attorney Linda Harris

Scott Carlson called the meeting to order with the pledge to the flag.

Board Reports

HR Board

Tom VanVleet reported that they have been working on a leader contact list for the county and the handbook. They did send out a copy of the handbook to all Council and Commissioner members for review. Tom asked if everyone has had a chance to look over the handbook. Auditor James said she just needs to get it approved so they can continue with that. Attorney Harris did find a few things that need to be fixed. There was discussion on this.

Meeting Minutes

Council members did not receive their packets in the mail. Auditor James recommended that Council table the approval of the minutes.

David Atkinson made a motion to table the meeting minutes to the next regular scheduled meeting, second by Tom VanVleet. All in favor, motion passed 7-0.

Additional and Transfers

Sheriff

Additional

\$6,955.46

1000.33600.005

OR

4905.33600.005

This was an insurance reimbursement.

Tom VanVleet made a motion to approve the request from Landfill as submitted and deny the request from County General, second by David Atkinson. All in favor, motion passed 7-0.

\$12,000.00

1156.50100

Matthew Gibson made a motion to approve \$12,000.00 for firearms training out of miscellaneous disbursements, second by Rob Churchill. All in favor, motion passed 7-0.

Prosecutor

Additional

\$6,200.00

1182.24500

Michael Mark made motion to approve \$6,200.00 out of the operating supplies in 1182, second by Rob Churchill. All in favor, motion passed 7-0.

EMS

Salary Ordinance

Money was appropriated but Council has never created a Salary Ordinance to have an Assistant Director. There was discussion on this topic.

Michael Mark made a motion to approve the Salary Ordinance pending the Commissioners' approval of the job description, second by Mick Vanderwall. All in favor, motion passed 7-0.

Child Protection

Transfer

\$2,320.00

1000.35900.9604

1000.23100.9604

Matthew Gibson made a motion to approve the request, second by David Atkinson. All in favor, motion passed 7-0.

Commissioners

Additional

\$40,000.00

1000.37800.068

\$3,000.00

4905.15607.068

Matthew Gibson made a motion to approve the Commissioners Additional requests as presented, second by David Atkinson. All in favor, motion passed 7-0.

Transfer

\$5,000.00
4905.33900.106
4905.43600.106

Matthew Gibson made a motion to approve the Commissioners Transfer, second by David Atkinson. All in favor, motion passed 7-0.

E-911

Additional

\$5,000,000.00
4905.46300.903

Michael Mark made a motion to approve the Additional Request for the Radio Project, second by Rob Churchill. All in favor, motion passed 7-0.

Economic Development

Encumbrance

\$4,000,000.00

Auditor James explained to Council this was from August 2023 for SURF Internet. This was approved September 2023 in a vote 5-1. The Ordinance was approved on 12/8/2023 pending Council Attorney's review.

Michael Mark made a motion to approve the Encumbrance as submitted, second by Matthew Gibson.

There was discussion on encumbrances.

All in favor, motion passed 7-0.

There was discussion on fund balances and monetary commitments that have been made.

Council took a recess

Baker Tilly/GT Sports

Kyle Carlson from Baker Tilly came to discuss the impact of the proposed GT Sports facility to the county. They are looking at potential revenue from GT Sports. There was extensive discussion on this topic.

Additional

\$5,000,000.00
4905.31501.700

Matthew Gibson made a motion to approve \$5,000,000.00 Economic Development Business Request with these provisions: #1 an ordinance will be established to guide the Economic Development in how to distribute the \$5,000,000.00 in funds over a period not to exceed 18 months from the time construction starts, #2 if there's no lease agreement between Select Milk and GT Sports, there will be no money distributed, #3 if there's grant money less than the \$10,000,000.00 of the needed project costs there will be no Newton County money distributed, #4 there will be a monthly progress report to the Economic Development Board to make sure the project stays on track as agreed to, #5 Baker Tilly will assist in this ordinance to create the forgivable loan agreement and be agreed upon by the Newton County Council and Commissioners before the \$5,000,000.00 is distributed, #6 there will be an agreement between GT Sports and our North Newton and South Newton School Districts to provide athletic training as agreed to, #7 there will be an agreement between the North Newton and South Newton School Districts coordinated by each school's athletic director and GT Sports to come up with an agreeable facility use at no cost for Newton County athletes that does not effect GT Sports business operations and provides adequate time and space for Newton County athletes, second by Tom VanVleet.

There was discussion about this motion.

Matthew Gibson moves to amend his motion to add #8 that an agreement between Newton County Ambulance, Newton County Sheriff, Newton County EMA, E-911 (all emergency departments) will be put in place with GT Sports to establish in writing GT Sports agreement to have on staff emergency medical members to handle their own emergencies, will have a plan for security, and will have a plan for disaster all agreed to in writing by those agencies prior to Newton County funding the \$5,000,000.00 for Phase 1, second by Tom VanVleet. Motion passed 5-2 with Scott Carlson and Michael Mark voting nay.

There was discussion on accountability.

SWCD

Bri Stycck came to Council to update what they have going on. They are working on Cost Share Program and Fish Sale. They are also working on Earth Day events and Arbor Day events. They also have workshops coming up for Estate Planning and Pond Management. They are also accepting applications for interns.

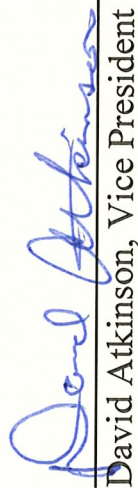
ARPA

Matt VanDrunen came with the ARPA Ordinance.

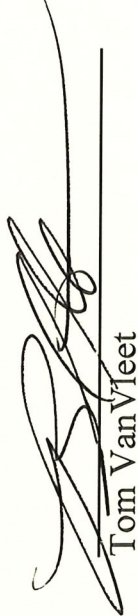
Michael Mark made a motion to adjourn, second by Matthew Gibson. All in favor, motion passed 7-0.



Scott Carlson, President



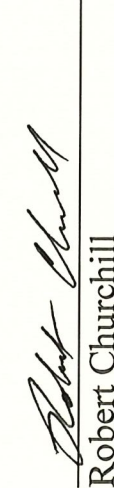
David Atkinson, Vice President



Tom Van Vleet



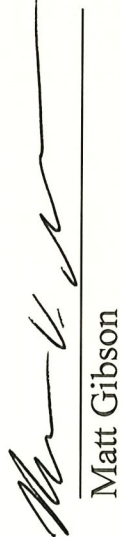
Michael Mark



Robert Churchill

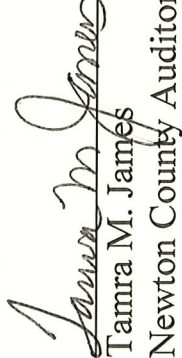


Mick Vanderwall



Matt Gibson

Attest:



Tamra M. James
Newton County Auditor

Checked
10/24/2023
JL

Newton County encumbrances 12/31/23 for 2024

4905 LANDFILL	Requested amount	Allowed amount
Economic Development	<u>\$4,000,000.00</u>	<u>4,000,000.00</u>
Total Landfill	<u>\$4,000,000.00</u>	
Total Encumbrances	<u>\$4,000,000.00</u>	<u>4,000,000.00</u>

Approved

Aye

Nay

<u>Scott Carlson</u>	Scott Carlson
<u>David Atkinson</u>	David Atkinson
<u>Robert Churchill</u>	Robert Churchill
<u>Matthew Gibson</u>	Matthew Gibson
<u>Michael Mark</u>	Michael Mark
<u>Mick Vandervall</u>	Mick Vandervall
<u>Thomas VanVleet</u>	Thomas VanVleet

ORDINANCE NO. 12.08.1023

AN ORDINANCE AUTHORIZING FUNDING
FOR NEWTON COUNTY, INDIANA AND ITS "TAXABLE
ECONOMIC DEVELOPMENT REVENUE NOTE
(SURF INTERNET PROJECT)"

WHEREAS, this ordinance is an ordinance of the County Council of Newton County, Indiana ("Council") authorizing the funding of the Newton County, Indiana Taxable Economic Development Revenue Note (Surf Internet Project) ("Surf Internet Note") in an amount not to exceed Four Million Dollars (\$4,000,000) ("Loan") and approving and authorizing other actions in respect thereto;

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose;

WHEREAS, pursuant to the Act, the County is authorized to make loans for the purpose of financing, reimbursing or refinancing all or a portion of the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the County;

WHEREAS, Surf Air Wireless, LLC d/b/a Surf Internet (the "Borrower") has informed the County that it will be installing a state-of-the-art fiber optic network in the County to provide broadband services to residents, businesses and other users located in the County (the "Project");

WHEREAS, the County, through its Board of Commissioners, intends to execute a forgivable loan agreement for the purpose of financing or reimbursing the Borrower for the costs of the Project in an amount not to exceed Four Million Dollars (\$4,000,000);

WHEREAS, the Newton County Economic Development Commission (the "Commission") has rendered its Project Report regarding the issuance and funding of the Surf Internet Note from the County to the Borrower to finance the Project and the Project Report has been or will be submitted to the Newton County Advisory Plan Commission;

WHEREAS, the Commission conducted a public hearing and adopted a resolution and Project Report, which resolution and Project Report have been transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of Indiana Code 36-7-11.9 and -12 and that such financing will be of benefit to the health and welfare of the County and its citizens;

WHEREAS, the Commission has heretofore approved and recommended the adoption of this form of ordinance by the Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Council the amount set forth in a forgivable loan agreement between the County and the Borrower (including the form of the Surf Internet Note) (the "Loan Agreement");

WHEREAS, pursuant to and in accordance with the Act, the County Council desires to provide funds necessary to finance or reimburse the Project by issuing and funding the Surf Internet Note;

WHEREAS, the County Council intends to fund the Surf Internet Note and appropriate monies for the Loan consistent with the terms of this ordinance and pursuant to the Loan Agreement;

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Surf Internet Note authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16;

WHEREAS, there has been submitted to the Commission for its approval forms of the Surf Internet Note and the Loan Agreement (collectively, the "Financing Documents") and a form of this proposed ordinance, which were incorporated by reference in the Commission's resolution adopted on December 7, 2023, which resolution has been transmitted to the Council;

WHEREAS, to fund the Loan to be evidenced by the Surf Internet Note, the Council hereby pledges landfill revenues of the County in the amount not to exceed Four Million Dollars (\$4,000,000) pursuant to Indiana Code 5-1-14-4 and the Loan Agreement and agrees to appropriate the same for such purpose;

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Council hereby finds and determines that the financing and reimbursement approved by the County and its Economic Development Commission for the Project will be of benefit to the health and general welfare of the citizens of the County, complies with the provisions of the Act and the amount necessary to finance and reimburse a portion of the costs of the Project will require making the Loan and delivering the Surf Internet Note;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWTON COUNTY, INDIANA, THAT:

Section 1. It is hereby found, determined, ratified and confirmed that the financing and reimbursement of the Project, the making of the Loan to the Borrower to be evidenced by the Borrower's Surf Internet Note complies with the purposes and provisions of Indiana Code 36-7-11.9 and -12 (collectively, the "Act") and: (i) will result in the diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment within the jurisdiction of the County, (ii) will serve a public purpose, and will be of benefit to the health and general welfare of the County, (iii) complies with the purposes and provisions of the Act and it is in the public interest that the County take such lawful actions as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the County, and (iv) will not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the County.

Section 2. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be kept on file by the Auditor of the County. In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Auditor for public inspection.

Section 3. The Project costs will be financed or reimbursed from the Loan. The County shall fund the Loan from appropriated landfill revenues on hand in the maximum amount not to exceed Four Million Dollars (\$4,000,000). The Surf Internet Note designation shall be specifically as set forth in the Loan Agreement. The Surf Internet Note shall mature no later than December 31, 2034 unless forgiven as provided in the Loan Agreement. So long as the Condition to Forgiveness (as defined in the Loan Agreement) set forth in the Loan Agreement has been met, payment on the Loan may be forgiven. The Loan shall not be funded by the County unless and until the Borrower shall have executed the Loan Agreement and the funding of such Loan shall be in accordance with and pursuant to the terms of such Loan Agreement. The Surf Internet Note shall not accrue interest. The Surf Internet Note shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the County. The Surf Internet Note shall not be subject to optional redemption prior to maturity. The officers and staff of the Commission are hereby authorized and directed to administer the Loan, including oversee the disbursements of the proceeds thereof for costs of the Project and the compliance of the Borrower with the terms of the Loan Agreement.

Section 4. The Board of Commissioners of the County and the Auditor are authorized and to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transactions contemplated by the Financing Documents and this ordinance, and their execution is hereby confirmed on behalf of the County. The Board of Commissioners and the Auditor are authorized to arrange for the delivery of such Surf Internet Note to the Borrower, payment for which will be made in the manner set forth in the respective Financing Documents. The Board of Commissioners and the Auditor may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Board of Commissioners and the Auditor without further approval of this Council or the Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

Section 5. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between Newton County and the Borrower.

Section 6. The Board of Commissioners and the Auditor, or any other officer having responsibility with respect to the making of the Loan, as evidenced by the Surf Internet Note, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the County, to deliver a certificate for inclusion in the transcript of proceedings for the Surf Internet Note, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Loan as of the funding date thereof.

Section 7. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the County, including without limitation its Board of Commissioners and the Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the County, including without limitation the Commission, either directly or through the County, or otherwise, for the payment for or to the County of any sum that may remain due and unpaid by the County upon any of such Surf Internet Note. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to any owner or holder of any sum that may remain due and unpaid upon the Surf Internet Note hereby secured shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance and funding of the Surf Internet Note.

Section 8. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 9. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 10. The Board of Commissioners and the Auditor and any other officer of the County, including the officers and staff of the Commission, are hereby authorized and directed, in the name and on behalf of the County, to execute and deliver such further documents and to take such further actions as such person deems necessary or desirable to effect the purposes of this ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

Section 11. This ordinance shall be in full force and effect from and after its passage.

0 Approved on this 12th day of April, 2024 by a vote of 7 ayes and 0 nays.

COUNTY COUNCIL OF
NEWTON COUNTY, INDIANA

[Signature]
President
[Signature]
Vice President
[Signature]
Member
[Signature]
Member
[Signature]
Member
[Signature]
Member
[Signature]
Member

ATTEST:
[Signature]
Tami James, Auditor of Newton County, Indiana

ORDINANCE TRANSFERRING APPROPRIATIONS

SECTION 1: BE IT ORDAINED by the County Council of Newton County, Indiana for the expenses of the County Government and its institutions that the following sums of money are hereby ordered transferred from the appropriations as originally set out for the year 2023 to the appropriations specified therein, subject to the laws governing same.

SECTION 2: THAT for said fiscal period there is hereby appropriated in the following specified amounts:

	FUND	DEPARTMENT		REQUESTED	ALLOWED	SCOTT CARLSON	DAVID ATKINSON	ROB CHURCHILL	MATT GIBSON	MICHAEL MARK	MICK VANDERWALL	TOM VANVLEET
FROM	1000 Co General	9604 Child Protection	35900 Educational Meeting/Exp	(2,320.00)	-2,320.00		2nd		M			
TO	1000 Co General	9604 Child Protection	23100 Misc Supplies	2,320.00	2,320.00		2nd		M			
FROM	4905 Landfill	106 LT	33900 Maintenance Contract	(5,000.00)	-5,000.00		2nd		M			
TO	4905 Landfill	106 LT	-43600 Equipment	5,000.00	5,000.00		2nd		M			

Adopted April 12, 2024

AYE

MAY

 Scott Carlson	_____ Scott Carlson
 David Atkinson	_____ David Atkinson
 Robert Churchill	_____ Robert Churchill
 Matthew Gibson	_____ Matthew Gibson
 Michael Mark	_____ Michael Mark
 Michael Vandervall	_____ Michael Vandervall
 Thomas VanVleet	_____ Thomas VanVleet

Budget for 2024
ADDITIONAL APPROPRIATION ORDINANCE

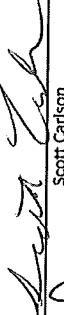
WHEREAS, it has been determined that it is now necessary to appropriate more than was appropriated in the annual budget;
NOW THEREFORE:
SECTION 1. BE it ordained by the Newton County Council, Newton County, Indiana, that for the expenses of the taxing unit the funds named and for the purposes specified, subject to laws governing the same:

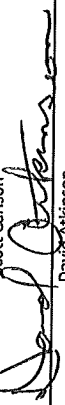
NAME OF FUND	DEPARTMENT	APPROPRIATION	AMOUNT REQUESTED	AMOUNT ALLOWED	SCOTT CARLSON	DAVID ATKINSON	ROB CHURCHILL	MATT GIBSON	MICHAEL MARK	MICK VANDERWALL	TOM VANVLEET
1000 Co General	005 Sheriff	33600 Equipment Repairs	6,955.46	Denied		2ND					
1000 Co General	068 Commissioners	37800 Examination of Records	40,000.00	40,000.00							
Total Co General			46,955.46	40,000.00							M
1156 Firearms Train											
Total Firearms Train		50100 Misc Disbursement	12,000.00	12,000.00			2ND	M			
1182 UserFee/Pretrial Div			12,000.00	12,000.00							
Total UserFee/Pretrial Div		24500 Operating Supplies	6,200.00	6,200.00			2ND		M		
4905 Landfill	005 Sheriff	33600 Equipment Repairs	6,955.46	6,955.46		2ND					
4905 Landfill	068 Commissioners	15607 Compensation of Board	3,000.00	3,000.00							M
4905 Landfill	700 Econ Dev	31501 Business Development	5,000,000.00	5,000,000.00				M			
4905 Landfill	903 E911	46300 Equipment	5,000,000.00	5,000,000.00			2ND		M		2ND
Total Landfill			10,009,955.46								
Grand Total			10,075,110.92								

April 12, 2024

Adopted

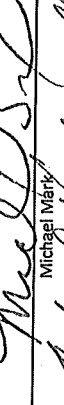
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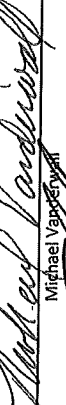

Scott Carlson


David Atkinson


Robert Churchill


Matthew Gibson


Michael Mark


Michael Vanderwall


Thomas VanVleet

NAY

Scott Carlson

David Atkinson

Robert Churchill

Matthew Gibson

Michael Mark

Michael Vanderwall

Thomas VanVleet

