

RESOLUTION NO. 2018-2

**RESOLUTION OF THE
SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION
RELATING TO CITY OF SOUTH BEND, INDIANA, ECONOMIC DEVELOPMENT
TAX INCREMENT REVENUE BONDS (COMMUNITY EDUCATION CENTER
PROJECT)**

WHEREAS, the South Bend Economic Development Commission (the “Commission”) is a commission operating and existing under and pursuant to the authority of Indiana Code §§ 36-7-11.9 and Indiana Code 36-7-12 (collectively, the “Act”); and

WHEREAS, the Commission is authorized to investigate the need for the creation of opportunities for gainful employment and the creation of business opportunities, among other things, in the City of South Bend, Indiana (the “City”), and to recommend action to improve or promote such opportunities for gainful employment and business opportunities through the financing of economic development facilities; and

WHEREAS, the Common Council of the City is considering for approval a Memorandum of Understanding (the “MOU”) among the City, the South Bend Redevelopment Commission (the “Redevelopment Commission”), the St. Joseph County Public Library (the “Public Library”), and the Community Foundation of St. Joseph County, Inc. (the “Foundation”) which sets forth the agreement of parties thereto to provide for the construction, equipping, and furnishing of a new approximately 38,000 square foot building for use as a community and education center to provide new and flexible spaces for community meeting and training, events and conferences and a larger auditorium to meet increasing demand for program space and allow for a more diverse range of programs and community events and any and all projects and improvements related thereto to be located adjacent to the Main Branch of the Public Library located at 304 South Main Street in the City (the “Project”); and

WHEREAS, the Public Library has agreed to undertake the procedures to provide for issuance of its bonds in a total aggregate principal amount of \$20,000,000 and the Foundation has committed to fund \$10,000,000 of the cost of the Project; and

WHEREAS, the Public Library has requested that the City issue its economic development revenue bonds pursuant to the Act in an aggregate principal amount not to exceed \$4,800,000 (the “Bonds”) for purposes of paying a portion of the costs of the Project; and

WHEREAS, the Redevelopment Commission has adopted a resolution on November 8, 2018 (the “Pledge Resolution”), pledging tax increment revenues expected to be received from the River West Economic Development Area Allocation Area on parity with certain Prior Bonds (as defined in the Pledge Resolution) to the payment of the principal of and interest on the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and the effect thereof on the health, prosperity, economic stability and general welfare of the City and its citizens; and

WHEREAS, the creation or retention of employment opportunities and payroll in the City which will be achieved by the Project, and the improved opportunities for learning which the Project will afford will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens; and

WHEREAS, the Commission has held a public hearing for itself and on behalf of the Common Council of the City (the "Common Council"), duly noticed, in connection with the financing of the Project;

NOW, THEREFORE, BE IT RESOLVED, by the South Bend Economic Development Commission as follows:

SECTION 1. The Commission finds that the proposed financing of the Project referred to in the forms of (i) the Financing Agreement, by and between the Public Library and the City (the "Financing Agreement"); and (ii) the Trust Indenture, by and between the City and a trustee to be selected (the "Trust Indenture" and together with the Financing Agreement, the "Financing Documents") presented to this meeting complies with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

SECTION 2. The proposed financing of the Project for the Corporation and the substantially final forms of the Financing Documents relating to the issuance and sale of an aggregate principal amount of not to exceed \$4,800,000 of economic development revenue bonds of the City, in one or more series, for such financing, along with the form of Ordinance to be adopted by the Common Council, as presented to this meeting, are hereby approved.

SECTION 3. The Mayor and the City Clerk of the City are authorized to make such changes in the Financing Documents, and to execute and deliver such additional documents necessary to effectuate the transactions contemplated by the Financing Documents (the "Additional Documents"), without the subsequent approval of this Commission or of the Common Council as are necessary or appropriate to effect the intent of this Resolution and as are permissible under the Act, all to be evidenced by the execution of the Financing Documents and Additional Documents by the Mayor and the attestation thereof by the City Clerk of the City.

SECTION 4. The Commission has held a hearing open to the public and has subsequently considered whether the Project will have an adverse competitive effect on any similar facilities already constructed and operating in or about the City and makes the following special findings of fact based upon the evidence presented:

a. No evidence has been presented establishing that the Project would have any adverse competitive effect on any similar facilities as there are no similar facilities to the Project currently located in the City.

b. In the absence of evidence of an adverse competitive effect, the benefits to the public clearly indicate that the Project should be supported by the issuance of the City's economic development revenue bonds.

SECTION 5. The Report of the Commission relating to the financing of the Project is hereby approved.

SECTION 6. A copy of this Resolution and the other documents approved by this Resolution and the form of Ordinance shall be presented in their substantially final forms by the Secretary of this Commission to the City Clerk of the City for presentation to the Common Council.

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Adopted this 26th day of November, 2018.

SOUTH BEND ECONOMIC DEVELOPMENT
COMMISSION

By: _____
President

By: _____
Vice President

By: _____
Secretary

By: _____
Member

By: _____
Member