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3 **AN ORDINANCE appropriating money into certain accounts for**
4 **the 2025 Budget for the Allen County Public Library and**
5 **approving the issuance of general obligation bonds of the Allen**
6 **County Public Library**

7
8 **WHEREAS**, the Allen County Public Library, Indiana, (the “Public Library”) is a
9 municipal corporation of the State of Indiana; and

10 **WHEREAS**, the Library Board of the Public Library (the “Board”), being the governing
11 body of the Public Library, after holding the required public hearings on the 2022 County-Wide
12 Library Facilities Transformation Project (as hereinafter defined) on April 21, 2022, and on April
13 28, 2022, adopted a preliminary determination-reimbursement resolution on April 28, 2022 (the
14 “2022 County-Wide Library Facilities Transformation Project Resolution”), determining to issue
15 one or more series of general obligation bonds of the Public Library, in an original aggregate
16 principal amount not to exceed Ninety-Eight Million Five Hundred Thousand Dollars
17 (\$98,500,000) (collectively, the “General Obligation Bonds”), and to spend money of the Public
18 Library that is either currently on deposit or anticipated to be on deposit when needed in an amount
19 of at least Twenty-Six Million Five Hundred Thousand Dollars (\$26,500,000) (collectively, the
20 “Public Library Non-Bond Funds”), all for the purpose of financing all or any portion of the 2022
21 County-Wide Library Facilities Transformation Project, as described in the 2022 County-Wide
22 Library Facilities Transformation Project Resolution; and

23 **WHEREAS**, subsequent to the adoption of the 2022 County-Wide Library Facilities
24 Transformation Project Resolution, the Public Library published in the local newspaper a notice
25 of such preliminary determination set forth in the 2022 County-Wide Library Facilities
26 Transformation Project Resolution; and

27 **WHEREAS**, no registered voter residing in the geographical boundaries of the Public
28 Library and no owner of real property located within the geographical boundaries of the Public
29 Library filed a petition requesting the application of the referendum process to the 2022 County-
30 Wide Library Facilities Transformation Project or the issuance of the General Obligation Bonds,
31 as required under Indiana Code 6-1.1-20, as amended; and

32 **WHEREAS**, the Board, following a public hearing during which no one testified in
33 opposition to the issuance of the General Obligation Bonds, the expenditure of the Public Library
34 Non-Bond Funds or the 2022 County-Wide Library Facilities Transformation Project, adopted (a)
35 a final bond resolution on September 26, 2024 (the “Bond Resolution”), determining there was a

1 need (i) to proceed with the first phase of the 2022 County-Wide Library Facilities Transformation
2 Project (the “2022 County-Wide Library Facilities Transformation Project—Phase I”), (ii) to
3 spend the Public Library Non-Bond Funds in an amount not to exceed Twenty-Six Million Dollars
4 (\$26,000,000) (iii) to issue, pursuant to Indiana Code §36-12-3-9, as amended, and other
5 applicable provisions of the Indiana Code, one or more series of the General Obligation Bonds and
6 in an original aggregate principal amount not to exceed Thirty-Seven Million Dollars
7 (\$37,000,000) (collectively, the “Bonds”), all for the purpose of providing for the payment of all
8 or any portion of the costs of the 2022 County-Wide Library Facilities Transformation Project—
9 Phase I, the reimbursement of preliminary expenses related thereto and all incidental expenses
10 incurred in connection therewith, including necessary engineering, design and related activities
11 (all of which are deemed to be a part of the 2022 County-Wide Library Facilities Transformation
12 Project—Phase I), and the costs of selling and issuing the Bonds, and (b) based on the approvals
13 and determinations set forth in the Bond Resolution and in order to pay for all or any portion of
14 the costs of the 2022 County-Wide Library Facilities Transformation Project—Phase I, the
15 reimbursement of preliminary expenses related thereto and all incidental expenses incurred in
16 connection therewith, including necessary engineering, design and related activities (all of which
17 are deemed to be a part of the 2022 County-Wide Library Facilities Transformation Project—
18 Phase I), and the costs of selling and issuing the Bonds, an additional appropriation resolution on
19 September 26, 2024, determining (i) to appropriate the Public Library Non-Bond Funds in total
20 amount not to exceed Twenty-Six Million Dollars (\$26,000,000), which included the amount of
21 Eight Million Dollars (\$8,000,000) appropriated in 2024, and (ii) to appropriate the proceeds of
22 the Bonds, together with interest earnings thereon, in an amount not to exceed Forty-Seven Million
23 Dollars (\$47,000,000) (clauses (b)(i) and (b)(ii), collectively, the “2022 County-Wide Library
24 Facilities Transformation Project Phase I Appropriations”); and

25 **WHEREAS**, in accordance with Indiana Code §6-1.1-17-20.5, as amended, the Council
26 of Allen County, Indiana (the “County Council”), at its meeting held on November 13, 2024,
27 during which no one testified in opposition to the issuance of the Bonds, the expenditure of the
28 Public Library Non-Bond Funds or the 2022 County-Wide Library Facilities Transformation
29 Project, adopted a resolution approving the issuance of the Bonds in an original aggregate principal
30 amount not to exceed Thirty-Seven Million Dollars (\$37,000,000) and the expenditure of the
31 Public Library Non-Bond Funds in an amount not to exceed Twenty-Six Million Dollars
32 (\$26,000,000) for the purpose of providing funds to pay for (a) all or any portion of the costs of
33 the 2022 County-Wide Library Facilities Transformation Project—Phase I, (b) the reimbursement
34 of preliminary expenses related thereto and all incidental expenses incurred in connection
35 therewith, including necessary engineering, design, and related activities (all of which are deemed
36 to be a part of the 2022 County-Wide Library Facilities Transformation Project—Phase I), and (c)
37 the costs of selling and issuing the Bonds; and

38 **WHEREAS**, pursuant to Indiana Code §6-1.1-17-20.3(c) and Indiana Code §6-1.1-18-
39 5(k), each as amended, if the Public Library is proposing to make an additional appropriation for

1 a year, and the additional appropriation would result in the budget for the Public Library for that
2 year increasing (as compared to the previous year) by a percentage that is greater than the result
3 of the maximum levy growth quotient determined under Indiana Code §6-1.1-18.5-2, as amended,
4 for the calendar year minus one (1), then the Public Library must first obtain the approval of such
5 additional appropriation by the Common Council of the City of Fort Wayne, Indiana (the
6 “Council”) due to the fact that the Public Library’s territory is not entirely contained within a city
7 or town but more than fifty percent (50%) of the assessed valuation of the Public Library is
8 contained within the City of Fort Wayne, Indiana (the “City”); and

9 **WHEREAS**, in order to provide funds to pay for all or any portion of the costs of the 2022
10 County-Wide Library Facilities Transformation Project—Phase I, the reimbursement of
11 preliminary expenses related thereto and all incidental expenses incurred in connection therewith,
12 including necessary engineering, design, and related activities (all of which are deemed to be a
13 part of the 2022 County-Wide Library Facilities Transformation Project—Phase I), and the costs
14 of selling and issuing the Bonds, the Board has requested the approval of the Common Council,
15 pursuant to Indiana Code §6-1.1-17-20.3(c) and Indiana Code §6-1.1-18-5(k), each as amended,
16 regarding the 2022 County-Wide Library Facilities Transformation Project Phase I Appropriations
17 and the Bonds, and

18 **WHEREAS**, based on all of the foregoing, the Common Council now finds in support of
19 the 2022 County-Wide Library Facilities Transformation Project—Phase I and that the Bonds and
20 the 2022 County-Wide Library Facilities Transformation Project Phase I Appropriations should
21 be approved in order to pay for all or any portion of the 2022 County-Wide Library Facilities
22 Transformation Project—Phase I, including, but not limited to, the costs of issuing the Bonds; and

23 **WHEREAS**, notice of a hearing on said appropriations has been published as required by
24 law; and

25 **WHEREAS**, such public hearing has been held on the date hereof at this location and prior
26 to consideration of this ordinance at which all taxpayers and interested persons had an opportunity
27 to appear and express their views as to such issuance of the Bonds and additional appropriations;

28 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
29 **CITY OF FORT WAYNE, INDIANA, as follows:**

30 Section 1. Approval of Bonds. Based on the fact that (a) no one testified in opposition to
31 the issuance of the Bonds, the expenditure of the Public Library Non-Bond Funds or the 2022
32 County-Wide Library Facilities Transformation Project at any of the public hearings held by the
33 Board on April 21, 2022, April 28, 2022, or on September 26, 2024, or at the meeting of the County
34 Council on November 13, 2024, (b) no registered voter residing in the geographical boundaries of
35 the Public Library and no owner of real property located within the geographical boundaries of the
36 Public Library filed a petition requesting the application of the referendum process to the 2022

County-Wide Library Facilities Transformation Project or the issuance of the General Obligation Bonds, as required under Indiana Code 6-1.1-20, as amended, and (c) the approval of the Bonds by the County Council and the Library, the Common Council hereby approves the proposed issuance of the Bonds by the Public Library as set forth in the Resolution, in one or more series, as general obligation bonds of the Public Library, to be designated as “Allen County Public Library, Indiana General Obligation Bonds, Series (with such year of issuance and other designation determined by the Public Library as necessary or desirable to distinguish from other general obligation bonds of the Public Library)” in an original aggregate principal amount not to exceed Thirty-Seven Million Dollars (\$37,000,000), bearing interest at a rate or rates not to exceed seven percent (7.00%) per annum and having a final maturity no later than twenty (20) calendar years from the date such series of Bonds is issued, for the purpose of paying for all or a portion of the costs of the 2022 County-Wide Library Facilities Transformation Project—Phase I, the reimbursement of preliminary expenses related thereto and all incidental expenses incurred in connection therewith, including necessary engineering, design, and related activities (all of which are deemed to be a part of the 2022 County-Wide Library Facilities Transformation Project—Phase I), and the costs of selling and issuing the Bonds, all as set forth in the Resolution.

Section 2. Approval of Additional Appropriations. (a) Pursuant to Indiana Code §6-1.1-17-20.3 and Indiana Code §6-1.1-18-5(k), each as amended, and in support of the 2022 County-Wide Library Facilities Transformation Project—Phase I, the Common Council does hereby approve the 2022 County-Wide Library Facilities Transformation Project Phase I Appropriations, all of which appropriations shall be for the use of the Public Library in paying all or any portion of the 2022 County-Wide Library Facilities Transformation Project—Phase I, including, but not limited to, the costs of issuing the Bonds.

(b) The 2022 County-Wide Library Facilities Transformation Project Phase I Appropriations shall be in addition to all appropriations provided for in the existing budget and levy of the Public Library, and shall continue in effect until the completion of the 2022 County-Wide Library Facilities Transformation Project—Phase I. Any surplus of such proceeds shall be credited to the proper fund as required by law.

(c) Any and all prior actions taken by any officer of the Public Library or the City or any member of the Board or the Common Council in connection and consistent with this ordinance, including, but not limited to, publication of the notice of the public hearing held on the date hereof, is hereby ratified and approved.

Section 3. Authorization of Other Actions. Any member of the Common Council or any elected official of the City, including, but not limited to, the Mayor of the City (the “Mayor”), and any other officer, employee or agent of the City is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to

1 accomplish the purposes of this ordinance, such determination to be conclusively evidenced by
2 such person's execution of such contract, agreement, certificate, instrument or other document or
3 such person's taking of such action.

4 Section 4. Repeal of Conflicting Ordinances. All ordinances, resolutions and orders, or
5 parts thereof, in conflict with the provisions of this ordinance, are, to the extent of such conflict,
6 hereby repealed.

7 Section 5. Effective Date. This ordinance shall be in full force and effect from and after
8 its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Joseph G. Bonahoom, Council Attorney

**SUMMARY OF MATTERS RELATED TO THE FORT WAYNE COMMON COUNCIL
ORDINANCE APPROVING CERTAIN ADDITIONAL APPROPRIATIONS AND
ISSUANCE OF BONDS BY THE ALLEN COUNTY PUBLIC LIBRARY**

Description of the **additional appropriation** process that applies to the Public Library

Even though Indiana law recognizes the Public Library and its property tax levies and rates as a local governmental entity that is separate from all other local governmental entities, the Public Library must obtain the approval of the Common Council of the additional appropriations of the Public Library's funds, including funds in Public Library's general fund and the proceeds of general obligation bonds issued by the Public Library and interest earnings on those bond proceeds. This requirement is due to the Library Board being an appointed governing body and having more than 50% of the assessed value of the real property within the geographical boundaries of the Public Library located within the geographical boundaries of the City of Fort Wayne.

With respect to the specific appropriations in this Ordinance, the Public Library is requesting the Common Council approve appropriation of (a) funds in the Library's general fund in the amount of \$18,000,000, which is in addition to the \$8,000,000 appropriation of funds from the Library's general fund for the Main Library roof replacement and solar project approved by the Common Council in August 2024, and (b) the proceeds of general obligation bonds to be issued by the Public Library and already approved by the Allen County Council and the interest earned on those bond proceeds during the construction, renovation and/or equipping of the various library branches that will be part of the 2022 County-Wide Library Facilities Transformation Project—Phase I. **Neither of these appropriations are requesting the City of Fort Wayne or any local governmental entity other than the Public Library to spend any of their funds or issue any bonds for the 2022 County-Wide Library Facilities Transformation Project—Phase I.**

Finally, under Indiana law, the appropriations of local governmental entities for construction projects do not lapse or expire at the end of a calendar year. Instead, they remain in effect until the project is completed or abandoned by the local governmental entity. Once these appropriations are approved, the Library Board will be the entity that approves all expenditures paid with these funds for the 2022 County-Wide Library Facilities Transformation Project—Phase I as a part of its normal claims approval process. The Public Library will return to the Common Council in the future for approval of appropriations only in the event it needs to increase either or both appropriations above the amounts set forth in the Ordinance. Notwithstanding the foregoing, it should be noted that the Public Library will present its budget to the Common County for approval on an annual basis.

Certain details related to the **general obligation bonds** of the Public Library

As previously stated, the Public Library and its property tax levies and rates are recognized under Indiana law as being separate from all other local governmental entities. This recognition as a separate local governmental entity extends to the general obligation bonds issued by the Public Library. Any general obligation bonds issued by the Public Library will be repaid from a separate fund of the Public Library, known as a bond fund, which bond fund will be funded with a separate tax levy and rate imposed by the Public Library. If this annual levy is not sufficient to pay the principal and interest on any such bonds, the bondholders will have recourse against only the Public Library and the Public Library's funds and not against any other local governmental entity or such funds of any other local governmental entity, including, but not limited to, the City of Fort Wayne.

Any effect on tax rates as a result of the Public Library's bond issuance is as a result of the Public Library's actions and is not the result of the actions of any other local governmental entity.