

**THE BOARD OF TRUSTEES OF
THE LAGRANGE COUNTY PUBLIC LIBRARY
RESOLUTION NO. 2009-6-17**

A RESOLUTION REJECTING PETITIONS REQUESTING THE APPLICATION OF A PETITION AND REMONSTRANCE PROCESS AVAILABLE TO OWNERS OF REAL PROPERTY AND/OR REGISTERED VOTERS IN THE LAGRANGE COUNTY PUBLIC LIBRARY DISTRICT.

WHEREAS, on April 15, 2009, the Board of Trustees (the "Board") of the LaGrange County Public Library (the "Public Library"), made a preliminary determination to issue bonds of the Public Library to be used for the purpose of acquiring property, constructing, extending, altering, improving, remodeling, and equipping an addition to and renovations of the LaGrange County Public Library, and the payment of the necessary expenses to be incurred in connection therewith and in furtherance thereof (the "Project"); and

WHEREAS, the Board of the Public Library made a preliminary determination that a need for the Project exists; that it is in the best interests of the Library to proceed with the Project through a bond not to exceed Nine Million Four Hundred Sixty Thousand Dollars (\$9,460,000.00); that said bond shall be for a maximum term of twenty (20) years from the date of issuance and for a maximum amount not to exceed Nine Million Four Hundred Sixty Thousand Dollars (\$9,460,000.00); that the estimated interest rate on said obligation in furtherance thereof is not expected to exceed Seven percent (7.0%) per annum, with the total interest costs being approximately Six Million Thirty-nine Thousand One Hundred Thirty-eight Dollars (\$6,039,138.00); and that said Bonds shall be the direct obligation of the Library and be issued solely for the purpose of the Project and no other, except as the same might thereafter be amended in accordance with the law; and

WHEREAS, the Director of the Public Library has given notice pursuant to I.C. §6-1.1-20-3.1, that a verified petition(s) requesting the application of the petition and remonstrance process with respect to the Bonds and the Project could be filed with the LaGrange County Voter Registration Office by owners of real property or registered voters in said Library District within Thirty (30) days after the publication of the notice in accordance with I.C. §6-1.1-20-3.1; and

WHEREAS, said required notice was given in accordance with Indiana Code §6-1.1-20-3.1, which section provides that if a petition is filed not later than thirty (30) days after publication of said notice by One Hundred (100) persons who are either owners of real property within the Library District or registered voters residing within the Library District, the petition and remonstrance process as set forth in I.C. §6-1.1-20-3.2 would be invoked; and

WHEREAS, the LaGrange County Voter Registration Office has filed with the Library a Petition Requesting the Application of a Petition and Remonstrance Process (the "Petition") comprised of ten (10) counterparts and a Voter Registration Office Certificate (the "Certificate") stating that there are 134 Total qualified petitioners who are owners of real property or registered voters in said Library District, requesting the application of the petition and remonstrance process as set forth in I.C. §6-1.1-20-3.2.

WHEREAS, Counterpart No. 7 of the Petition contains an additional signature and signature page that has been added to said counterpart in violation of the instructions relative to circulation of petition requesting the application of a petition and remonstrance process; and

WHEREAS, the additional signature contained on said additional signature page added to Counterpart No. 7 is dated as having been signed to the Petition on May 14, 2009, a day after what appears to be the same signature as the person who has verified Counterpart No. 7 and Counterpart No. 8 of the Petition as a carrier of the Petition, as evidenced by the respective Verifying Affidavits (with Notary) attached to said counterparts; and

WHEREAS, pursuant to I.C. §6-1.1-20-3.1 and the instruction provided as part of the Petition, a carrier of a petition must be a signatory on at least one petition and that said carrier must sign said petition before signing said Verifying Affidavit; and

WHEREAS, Counterpart No. 8 contains other inconsistencies with respect to the dates of persons signing said counterpart.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of the Public Library, after receipt and careful review of the Petition and Certification, hereby finds that Counterpart No. 7 and Counterpart No. 8 of the Petition were not and are not verified under oath by at least One (1) qualified petitioner in a manner prescribed by the State Board of Accounts before the Petition was filed with the LaGrange County Voters Registration Office, all as required by I.C. §6-1.1-20-3.1(5) and (6), the detailed instruction established by the State Board of Accounts and set forth on the Petition, and applicable statutory and case law.

BE IT FURTHER RESOLVED THAT the Board of the Public Library hereby rejects Counterpart No. 7 and Counterpart No. 8, including all otherwise qualified signatures contained thereon, for failure of said counterparts to be verified under oath by at least One (1) qualified petitioner in a manner prescribed by the State Board of Accounts before the Petitions were filed with the LaGrange County Voters Registration Office, all as required by I.C. §6-1.1-20-3.1(5) and (6), the detailed instruction established by the State Board of Accounts and set forth on the Petition, and applicable statutory and case law.

BE IT FURTHER RESOLVED THAT the Board of the Public Library, having rejected Counterpart No. 7 and Counterpart No. 8, find that there are less than One Hundred (100) persons who are either owners of real property within the Library District or registered voters residing within the Library District who have executed the Petition.

BE IT FURTHER RESOLVED THAT the Board of the Public Library hereby rejects the Petition and further finds that because the Petition fails, and the petitioners who submitted them have failed, to comply with the mandatory requirement of verifying the Petition under I.C. §6-1.1-20-3.1, the petition and remonstrance process cannot be initiated or invoked as set forth in I.C. §6-1.1-20-3.2.

BE IT FURTHER RESOLVED THAT because no sufficient petition requesting the petition and remonstrance process has been filed by the owners of real property or registered voters of the Library District as required in I.C. §6-1.1-20-3.1, the Public Library shall proceed with the issuance of the Bonds by following the provisions of law relating to the Bonds.

This Resolution is read, considered, and adopted by the Board of Trustees, LaGrange County Public Library on this 17th day of June, 2009.

**BOARD OF TRUSTEES, LAGRANGE
COUNTY PUBLIC LIBRARY**



Diane Cameron, President



Steven E. McKowen



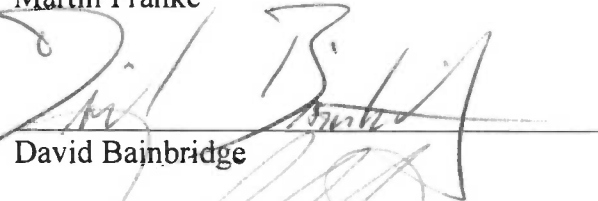
Sue Pipher



Beth Retterbush



Martin Franke



David Bainbridge



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