

# Montgomery County Board of Commissioners

## Ordinance 2021-29

### AN ORDINANCE ESTABLISHING THE 2021 COURTHOUSE ANNEX LEASE FUND

Whereas, the Board of Commissioners entered into a Build Operate Transfer (BOT) agreement with Envoy for the construction of a new courthouse annex office building (Annex); and

Whereas, when the Annex is completed in late 2021, Envoy will transfer the Annex to the Montgomery County Building Corporation, a not-for-profit corporation which will lease the Annex to the Board of Commissioners; and

Whereas, the lease rental payments will be paid from Local Income Tax revenues received by Montgomery County which are committed for the rent obligations of the Board under its lease with the Building Corporation; and

Whereas, there is a need to create a new fund, the 2021 Courthouse Annex Lease Fund, into which these Local Income Tax revenues will be deposited and from which the rent payments will be made; and

Whereas, under resolutions approved by the Board and the Montgomery County Council, the lease will be for a maximum of twenty (20) years and will have a maximum annual rent of \$440,000, with payments of rent beginning in July 2022; and

Whereas, this fund will be a non-reverting fund; and

Whereas, the Board finds that this new fund should be created in order to facilitate receipts of Local Income Tax revenues and the payment of rent due to the Building Corporation under the lease.

Therefore, it is ordained that a new section, Section 35.160 of the Montgomery County Code, is hereby added to the County Code and that this new section shall read as follows:

“§ 35.160 2021 COURTHOUSE ANNEX LEASE FUND

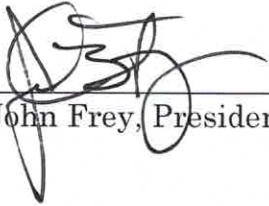
- (A) *Source of Funds.* The Montgomery County Board of Commissioners hereby establishes the 2021 Courthouse Annex Lease Fund. The fund shall consist of monies received from the collection of Local Income Tax revenues which have been committed and dedicated to the payment of lease rental payments to the Montgomery County Building Corporation.
- (B) *Use of Funds.* Monies deposited into this fund may be used only for the satisfaction of rent and other obligations of the Board of Commissioners under the terms of its lease with the Montgomery County Building Corporation for the Courthouse Annex.
- (1) *Non-Reverting Fund.* This is a Non-Reverting Fund. Any money remaining in the fund at the end of the year does not revert to any other fund, but continues the fund.”


It is further ordained that this ordinance shall be effective upon adoption.

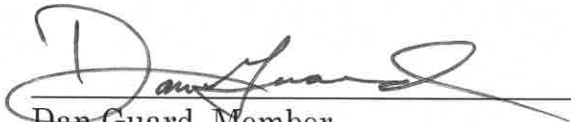
It is further ordained that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this 13<sup>th</sup> day of September, 2021.

Montgomery County Board of  
Commissioners:

  
\_\_\_\_\_  
John Frey, President

  
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James D. Fulwider, Vice President

  
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Dan Guard, Member

Attest:

  
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Jennifer Andel, Auditor