

RESOLUTION NO. 2023-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA ADOPTING INDIANA CODE § 5-23, AS AMENDED, AND TAKING CERTAIN OTHER ACTIONS RELATED THERETO

WHEREAS, the Town Council of the Town of Whitestown, Indiana (the “Council”) has considered the provisions of Indiana Code § 5-23, as amended (the “BOT Statute”), as they relate to the authorization and entering into of public-private agreements; and

WHEREAS, the Council, having been advised by its consultants that the authorization by the Council of the use of the BOT Statute will provide the Town of Whitestown, Indiana (the “Town”) with additional options and flexibility when considering among other matters, procurement for the construction, financing and/or operation of future public projects, now desires to adopt the provisions of the BOT Statute by this resolution pursuant to Indiana Code § 5-23-1-1; and

WHEREAS, it is the intent of the Council that the Town issue one or more requests for information, proposals, and/or qualifications (the “RFIPQs”) under the BOT Statute to explore the development, construction, financing, operation and/or transfer of future public projects.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA AS FOLLOWS:

SECTION 1. Adoption of BOT Statute. The Council hereby adopts the provisions of the BOT Statute.

SECTION 2. Formation of RFIPQ Committee. For the purposes of issuing, reviewing, evaluating, recommending, and advising the Council on RFIPQs for the development, construction, financing, and/or transfer of public projects under the BOT Statute, the Council hereby establishes the RFIPQ Committee to be comprised of the following: (i) the Council President, (ii) the Whitestown Redevelopment Commission President, (iii) the Town Manager, (iv) the Deputy Town Manager of Operations, and (v) the Whitestown Public Works Director (the “Committee”).

SECTION 3. Authorization. The Council hereby authorizes the Committee to issue one or more RFIPQs under the BOT Statute to explore the development, construction, financing, operation and/or transfer of any future public project of the Town as it deems necessary and wise, and to make recommendations to the Council to enter into one or more agreements (each an “Agreement”) with one or more offerors under the terms of the BOT Statute. The Town Manager is further authorized to carry out the administrative duties of the Committee in issuing RFIPQs.

SECTION 4. Other Actions. The Council President is hereby authorized to take any and all actions and execute any documents or certificates that such officer deems necessary or desirable to effect the foregoing resolutions. Any such actions taken or documents or certificates executed and delivered are hereby ratified, confirmed and approved.

SECTION 5. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed. After the issuance and execution of an Agreement and so long as such Agreement remains in place, except as expressly provided herein, this resolution shall not be repealed or amended, nor shall the Town adopt any law, ordinance or resolution which in any way adversely affects this resolution.

SECTION 6. Severability. If any section, paragraph or provision of this resolution 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 resolution.

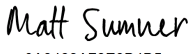
SECTION 7. Effectiveness. This resolution shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE WHITESTOWN, INDIANA TOWN COUNCIL
THIS 12th DAY OF APRIL, 2023, by a vote of 5 in favor and 0 against.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

DocuSigned by:

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Clinton Bohm, President

ATTEST:
DocuSigned by:

0A9483A78E9B4B5...
Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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