

Received electronically 11/12/2024

RESOLUTION NO. 13-2024

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF AUBURN,
INDIANA ADOPTING INDIANA CODE § 5-23 AND TAKING CERTAIN
OTHER ACTIONS RELATED THERETO**

SUMMARY

This Resolution proposes to adopt Indiana Code § 5-23 and other actions related thereto.

<input type="checkbox"/>	Recorder's Office	<input type="checkbox"/>	Publish Public Hearing
<input type="checkbox"/>	Auditor's Office	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Clerk's Office	<input type="checkbox"/>	Publish O/R after adoption
<input type="checkbox"/>	Other	<input type="checkbox"/>	
	<input type="checkbox"/>		
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OTHER ACTIONS RELATED THERETO**

WHEREAS, the Common Council of Auburn, Indiana (the “Council”) has considered the provisions of Indiana Code § 5-23; and

WHEREAS, the Council now desires to adopt the provisions of Indiana Code § 5-23 by this resolution pursuant to Indiana Code § 5-23-1-1; and

WHEREAS, it is the intent of the Council to allow the City of Auburn’s various departments and commissions to issue requests for proposals and qualifications under Indiana Code § 5-23.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF AUBURN, INDIANA AS FOLLOWS:

SECTION 1. Adoption of Indiana Code § 5-23. The Council hereby adopts the provisions of Indiana Code § 5-23.

SECTION 2. Authorization. The Council hereby authorizes the City of Auburn, Indiana (the “City”) and its various departments and commissions to issue requests for proposals under Indiana Code § 5-23, from time to time, for the development, construction, operation, finance and/or transfer of projects under the terms of Indiana Code § 5-23.

SECTION 3. Other Actions. Any officer of the Council is hereby authorized to take any and all actions and execute any documents or certificates that such officers deem 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 4. 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orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.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 execution of any Build-Operate-Transfer Agreement, as defined in Indiana Code § 5- 23, *et seq.*, and so long as such Agreement remains in place, except as expressly provided herein, this Resolution shall not be repealed or amended, nor shall the City adopt any law, ordinance or resolution which in any way adversely affects this Resolution.

SECTION 5. 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 6. Effectiveness. This Resolution shall be in full force and effect from and after its passage.

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PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 19th day of November, 2024.


James Finchum, Councilmember


ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 19th day of November, 2024.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 19th day of November, 2024.


David E. Clark, Jr., Mayor

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VOTING:

AYE

NAY

Natalie DeWitt



Rod Williams



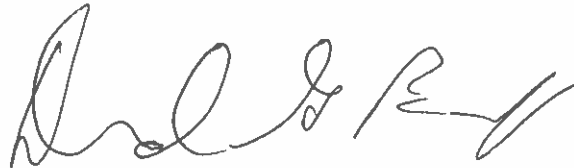
James Finchum



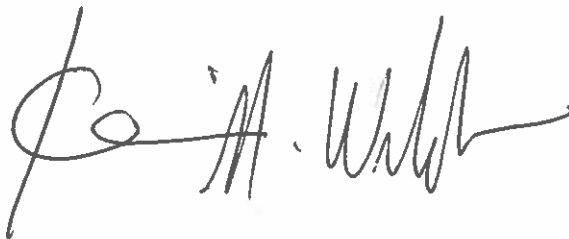
Dan Braun



David Bundy



Kevin Webb



Emily Prosser

