

**RESOLUTION NO. 2017-5**

**TOWN OF YORKTOWN, INDIANA TOWN COUNCIL**

**ADOPTING INDIANA CODE § 5-23, AUTHORIZING THE TOWN MANAGER TO RELEASE A REQUEST FOR PROPOSALS/QUALIFICATIONS UNDER INDIANA CODE § 5-23, AND TAKING CERTAIN OTHER ACTIONS RELATED THERETO**

**WHEREAS**, the Council (the “Council”) of the Town of Yorktown, Indiana (the “Town”), 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**, the Council now desires to issue a Request for Proposals/Qualifications (“RFPQ”) under Indiana Code § 5-23 for the development, construction, financing, operation, and transfer of a Town Hall and Public Safety Building (the “Project”); and

**WHEREAS**, the Council now desires to form a temporary RFPQ Committee (“Committee”) to release the RFPQ, review responses from offerors, and provide a recommendation to the Council; and

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

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

**SECTION 2. RFPQ Committee.** The Council hereby creates a temporary RFPQ Committee to publish appropriate public advertisements, release the RFPQ, review responses from offerors, and provide a recommendation to the Council. The RFPQ Committee will automatically dissolve once the Council has either accepted or rejected the RFPQ Committee’s written recommendation.

**SECTION 3. Authorization of RFPQ.** The Council hereby authorizes the Board to issue a request for proposals under Indiana Code § 5-23 for the development, construction, financing, operation, and transfer of the Project.

**SECTION 4. Other Actions.** Any officer of the Town and Board are 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 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orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.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 Agreement and so long as the 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 Town Council of the Town of Yorktown, Indiana this 16<sup>th</sup> day of October, 2017, by a vote of \_\_\_ ayes and \_\_\_nays.

---

Rich Lee, President

ATTEST:

---