

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-03**

**AN ORDINANCE ADOPTING INDIANA CODE § 5-23, PUBLIC-PRIVATE
AGREEMENTS, AND TAKING CERTAIN OTHER ACTIONS RELATED THERETO**

WHEREAS, the Whiteland Town Council (the “Council”) has considered the provisions of Indiana Code § 5-23 regarding Public-Private Agreements;

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

WHEREAS, it is the intent of the Council to authorize the Town Manager to issue future requests for information, proposals, qualifications under Indiana Code § 5-23 to explore the development, construction, financing, operation, and/or transfer of projects that meet economic development, public safety, or other public purposes (the “Projects”) in order for the Town Manager to make future recommendations for the Council’s consideration.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The text of the Whiteland Town Code is hereby amended to add Chapter 40: Public-Private Agreements, to read as follows:

CHAPTER 40: PUBLIC-PRIVATE AGREEMENTS

§ 40.01 ADOPTION OF INDIANA CODE § 5-23.

The provisions of Indiana Code § 5-23 are adopted by the Town Council of the Town Whiteland.

§ 40.02 AUTHORIZATION

The Town Manager is authorized to study the development, construction, financing, operation, and/or transfer of projects under the terms of Indiana Code § 5-23, to issue requests for information, proposals, and qualifications under Indiana Code § 5-23, and to make recommendations for consideration at future public meetings.

§ 40.03 OTHER ACTIONS

The Town Manager is authorized to take any and all actions and execute any documents or certificates deemed necessary or desirable to effectuate the provisions of this Chapter. In furtherance of such authorization, the officers of the Town Council and the Clerk-Treasurer are authorized to take any and all actions and execute any documents or certificates deemed necessary or desirable to effectuate the authorization granted in this Chapter to the Town Manager. Any such actions taken or documents or certificates executed and delivered are hereby ratified, confirmed, and approved.

§ 40.04 NO CONFLICT.

All resolutions, ordinances, orders, and sections of the Town Code, or parts thereof, in conflict with the provisions of this Chapter are to the extent of such conflict hereby repealed. After the issuance and execution of any agreement entered into under this Chapter or Indiana Code § 5-23, and so long as such agreement remains in effect, except as expressly provided herein or such agreement, this Chapter shall not be repealed or amended, nor shall the Town adopt any law, ordinance, or resolution, that in any way adversely affects such an agreement.

§ 40.05 SEVERABILITY.

If any section, paragraph or provision of this Chapter 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 Chapter, unless the result thereof would be contrary to the intent of this Chapter and materially adverse to the interest of the Town.

Section 2. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10.

[Remainder of page intentionally left blank.]

DULY PASSED AND FINALLY ADOPTED on the 18th day of April, 2023, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Sayler, President

Voting In Favor

Voting Opposed


Joseph Sayler, President

Joseph Sayler, President



Richard Hill, Vice President

Richard Hill, Vice President



Brad Goedecker

Brad Goedecker



Laura Fleury

Laura Fleury



David Hawkins

David Hawkins

Attest:



Debra L. Hendrickson, Clerk-Treasurer