

WELLS COUNTY ORDINANCE 2020- 06

***An Ordinance of the Wells County Board of Commissioners Adopting
the Provisions of Indiana Code Section 5-23 et seq.***

WHEREAS, Ind. Code §5-23 *et seq.* (the “Act”) authorizes a political subdivision like Wells County (“the County”) to enter into a public-private agreement with an operator pursuant to the terms of the Act, if the Act is adopted by resolution or ordinance of the legislative body of the political subdivision;

WHEREAS, the Act allows the County to enter into an agreement with an operator for the acquisition, planning, design, development, reconstruction, repair, maintenance, or financing of any public facility on behalf of the governmental body and to transfer the public facility to the County at an established future date (“BOT Agreement”);

WHEREAS, the Act allows the County to enter into a BOT Agreement with an operator for the acquisition, planning, design, development, reconstruction, repair, maintenance, or financing of any public facility on behalf of the County;

WHEREAS, the Act requires the County to request proposals pursuant to the Act before entering into a public-private agreement;

WHEREAS, the Act allows the County to negotiate with responsible offerors who submit proposals that are determined to be reasonably susceptible of being selected for a public-private agreement;

WHEREAS, after negotiation, the County shall either (a) make a recommendation to the Board of Commissioners of Wells County, Indiana (“the Board”) to award the public-private agreement to the best and final offeror(s), or (b) terminate the request for proposal process;

WHEREAS, if a recommendation to award the public-private agreement is made to the Board, the Board shall schedule a public hearing on the recommendation and publish notice in accordance with the Act;

WHEREAS, the proposals and a written explanation of the basis upon which the recommendation is being made shall be delivered to the Board and made available for inspection and copying in accordance with Ind. Code § 5-14-3 at least seven (7) days before the hearing before the Board;

WHEREAS, after completing the procedures required by the Act, the Board may award the public-private agreement to the successful offeror(s); and

WHEREAS, the County Board of Commissioners now desires to adopt the Act.

NOW THEREFORE, BE IT ORDAINED BY THE WELLS COUNTY BOARD OF COMMISSIONERS as follows:




Section 1. Adoption. The County Board of Commissioners hereby adopts Ind. Code §5-23 et seq., as amended, with the unanimous consent of the members present to introduce and adopt the ordinance at the same meeting or on the same day, and the ordinance is approved by a 2/3 vote of all the elected members.

Section 2. Governance of Act. The County shall comply with the process, procedures and requirements set forth in the Act to enter into any Public-Private agreement as described in Ind. Code §5-23 et seq.

Section 3. Effective Date. This Resolution shall be in full force and effect upon passage.

PASSED AND ADOPTED by the Board of Commissioners of Wells County, Indiana on this 16th day of March, 2020, by the following vote:

WELLS COUNTY COMMISSIONERS:

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| <input checked="" type="checkbox"/> _____ Aye | _____ Nay |  _____ Blake Gerber, President |
| <input checked="" type="checkbox"/> _____ Aye | _____ Nay |  _____ Kevin Woodward, Vice-President |
| <input checked="" type="checkbox"/> _____ Aye | _____ Nay |  _____ Tamara Robbins, Member |

ATTEST:



Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Lisa McCormick*