

**RESOLUTION NO. 2021- 04**

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF CASS COUNTY, INDIANA ADOPTING THE PROVISIONS OF INDIANA CODE  
SECTION 5-23 ET SEQ.**

**WHEREAS**, Ind. Code §5-23 et seq. (the “Act”) authorizes a political subdivision such as Cass County, Indiana, (“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 of the County; and

**WHEREAS**, the Act allows the County to enter into an agreement with an operator to construct, operate, and maintain a public facility and to transfer the public facility to the County at an established future date (“BOT Agreement”); and

**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; and

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

**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; and

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

**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; and

**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; and

**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 Board now desires to adopt the Act.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF  
COMMISSIONERS OF CASS COUNTY, INDIANA**, as follows:

Section 1. Adoption. The Board hereby adopts Ind. Code §5-23 et seq., as amended.

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.

**ALL OF WHICH IS RESOLVED** by the Board of Commissioners of Cass County, Indiana, this 6<sup>th</sup> day of July, 2021.

**Board of Commissioners of Cass County, Indiana:**

  
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Ruth Baker

  
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Michael W. Stadjuhar

  
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Ryan Browning

Attest:

  
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Cheryl Alcorn, County Auditor