

RESOLUTION NO. 07072025-3

NEW CASTLE COMMON COUNCIL

**A RESOLUTION OF THE CITY OF NEW CASTLE, INDIANA ADOPTING THE
PROVISIONS OF INDIANA CODE SECTION 5-23 *et seq.***

WHEREAS, Indiana Code Section 5-23 *et seq.* (the “Act”) authorizes a political subdivision, such as the City of New Castle, Indiana (the “City”) to enter into public-private agreements with an operator pursuant to the terms of the Act, so long as the Act is formally adopted by resolution of the City;

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

WHEREAS, the Act allows the City 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 City;

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

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

WHEREAS, after negotiation, the City shall either (a) make a recommendation to its Board of Public Works and Safety (the “Board”) or Redevelopment Commission (the “Commission”), as applicable, 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 or Commission, the Board or Commission, as applicable, shall schedule a public hearing on the recommendation and publish notice in accordance with the Act;

WHEREAS, the proposals and written explanation of the basis upon which the recommendation is being made shall be delivered to the Board or Commission, as applicable, and made available for inspection and copying in accordance with Indiana Code Section 5-14-3 at least seven (7) days before the hearing before such Board or Commission;

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

WHEREAS, the Common Council of the City (the “Council”) now desires to adopt the Act by this Resolution.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE, INDIANA THAT:

1. The Council hereby adopts the Act in its entirety, as may be amended from time to time, and further authorizes the City to use and implement the provisions of the Act as needed.
2. The City shall comply with the process, procedures, and requirements, set forth in the Act, to enter into any public-private agreement as described in the Act.

REPEALER: All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this resolution, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Resolution shall become effective immediately upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
DAY OF _____, 2025.

Greg York, Presiding Officer,
Common Council, City
of New Castle, Indiana

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ATTEST:

Ashley Huffman, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2025.

Greg York, Mayor of the City
of New Castle, Indiana