

**RESOLUTION NO. 2023-08
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA**

**A RESOLUTION DECLARING AN EMERGENCY
PURSUANT TO IND. CODE § 36-1-12-9
FOR THE TOWN OF ZIONSVILLE, INDIANA**

WHEREAS, the Town of Zionsville, Indiana (“Town”) has entered into a contract with Waste Management (“WM”) to provide solid waste collection and disposal services to the Town; and

WHEREAS, on December 28, 2022, WM notified the Town and the Town Council of Zionsville (“Town Council”) that WM would not extend their current contract with the Town without an upward rate adjustment; and

WHEREAS, WM shared in the December 28, 2022 letter to the Town and Town Council that such upward rate adjustment was required to keep up with WM’s on-going labor, fuel and maintenance costs; and

WHEREAS, the Town and the Town Council immediately initiated a public bidding process to select a solid waste collection and disposal contractor pursuant to Ind. Code § 36-9-30-5 and Ind. Code § 36-9-30-5.3 (“Public Bidding”); and

WHEREAS, the Town relied on a verbal assurance from WM that WM would continue to provide solid waste collection and disposal services to the Town to bridge the period of time from when the WM contract expires on March 29, 2023 and the Town’s final execution of a new contract with the responsive bidder selected pursuant Public Bidding; and

WHEREAS, the Town has recently been notified by WM that without an upward rate adjustment from the Town, WM is unable to continue services past the March 29, 2023 date; and

WHEREAS, the Town and the Town Council have agreed that an emergency declaration is necessary to allow the Town and the Town Council to enter into a short-term contract with a bidder with capability of providing service immediately upon the conclusion of the current contract with WM and until such time as a new contract for such services has been fully and finally executed with the person winning the bid pursuant to the Public Bidding and the date of service with the winning bidder has commenced.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Zionsville, Indiana as follows:

Section 1. Emergency Declaration. For purposes of Ind. Code § 36-1-12-9, the Town Council declares an emergency for the sole purpose of allowing the Town and the Town Council to enter into contract for a Solid Waste Collection and Disposal Contract without advertising bids for any and all responsive bidders that have provided a bid to the Town Council in response to the Public Bidding no later than 7:30 a.m. on Monday, March 20, 2023, a list of which will be read into the record and included in the Town Council minutes for the March 20, 2023 Regular meeting, for a contract entered into prior to March 29, 2023 and up and until a contract with the winning bidder pursuant to the Public Bidding has been fully and finally executed and the date of service with the winning bidder has commenced.

Section 2. Duration and Effective Date. The provisions of this Ordinance shall take effect following the date of its passage and action by Town Council and shall remain in full force and effect until then date noted in Section 1 above.

A motion to consider was properly made and seconded and approved by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code § 36-5-2-9.4, § 36-5-2-9.6 or § 36-5-2-9.8 (*as applicable*).

DULY PASSED AND ADOPTED this 20th day of March, 2023, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**YEA
Signature**

**NAY
Signature**

Jason Plunkett President		
Brad Burk, Vice-President		
Alex Choi, Member		
Joe Culp, Member		
Josh Garrett, Member		
Craig Melton, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2023 at _____ a.m. /p.m.

ATTEST: _____

Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL

Emily Styron, Mayor

DATE

MAYOR'S VETO

Emily Styron, Mayor

DATE

This Resolution was prepared by Heather D. Harris, Partner, Barnes & Thornburg LLP serving as Legal Counsel to the Town Council, Town of Zionsville, Boone County, Indiana on March 19, 2023. No subsequent revision to this Ordinance has been reviewed by Ms. Harris for legal sufficiency or otherwise.