

**ORDINANCE 2023-17**

**AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF JAMESTOWN,  
INDIANA AUTHORIZING PURCHASING AGENTS OF THE TOWN OF  
JAMESTOWN TO MAKE ADVANCE PAYMENTS ON CONTRACTS FOR PUBLIC  
WORKS PROJECTS, GOODS AND SERVICES**

WHEREAS, the Indiana legislature recently enacted Public Law 181 which amends Ind. Code § 5-11-10-1.6 to permit political subdivisions to make advance payments for purchases of goods and services;

WHEREAS, Ind. Code § 5-11-10-1.6(d)(3) and (4) allow a political subdivision to make advance payments to contractors to enable them to purchase materials needed for a public works project and advance payments for goods or services before the goods or services are delivered or completed, if the fiscal body of the political subdivision authorizes making advance payments and the goods or services are otherwise purchased in accordance with applicable law;

WHEREAS, pursuant to Ind. Code § 5-11-10-1.6(e), an advance payment made for goods and services or to enable the purchase of materials for a public works project may not exceed the lesser of fifty percent (50%) of the entire cost of the contract or two million dollars (\$2,000,000.00);

WHEREAS, pursuant to Ind. Code § 36-1-2-6 the Jamestown Town Council is the fiscal body of the Town;

WHEREAS, pursuant to Ind. Code § 36-4-6-2 the Jamestown Town Council is the legislative body of the Town of Jamestown (“Town”), and the Jamestown Town Council previously established and adopted rules for public purchases by designated purchasing agents of the Town by Ordinance 2023-13;

WHEREAS, it is determined that it is necessary and fiscally efficient to authorize Town purchasing agents to make advance payments in accordance with applicable law for goods or services before they are delivered or completed,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JAMESTOWN, INDIANA, THAT:

Section 1. A purchasing agent of the Town of Jamestown, as defined and set forth in Jamestown Town Council Ordinance 2023-13, may allow advance payment for a public works project and advance payments for goods or services before the goods or services are delivered or completed goods and services consistent with and to the fullest extent permitted by law, and as further limited by the purchasing agent for the purchase.

Section 2. The solicitation for a public works contract providing for advance payments for contractors to purchase materials for public works projects under Indiana Code § 5-11-10-1.6 must include the following information:

- a. That the Town of Jamestown will make advance payments to contractors to enable contractors to purchase materials;
- b. Any limitations on the amount of advance payments that will be made;
- c. Requirements for documentation relating to making advance payments to contractors for materials;
- d. Any other information about advance payment for materials the Town of Jamestown considers useful to contractors that make offers.

Section 3. The Town Fiscal Officer or the Town Fiscal Officer’s designee must do all of the following when advance payments are made for goods or services prior to delivery of goods or completion of service:

- a. Track prepayments by defining the prepayment on a purchase order;

- b. Create a prepayment invoice that is associated with the purchase order; and
- c. Require insurance or a surety bond in the amount of the prepayment if the amount of the prepayment is more than one hundred fifty thousand dollars (\$150,000.00).

Section 4. Advance payments made under Section 1 and Section 2 may not exceed the lesser of the following:

- a. Fifty percent (50%) of the entire cost of the contract; or
- b. Two million dollars (\$2,000,000.00).

Section 5. All other requirements for the payment of public works projects, goods, and services by the Town of Jamestown remain in effect and ordinances not directly contradicted by the provisions of this ordinance remain in full force and effect.

Section 6. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any section, paragraph, sentence, clause, phrase or word shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences or words of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Town Council of the Town of Jamestown, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN COUNCIL OF THE TOWN OF  
JAMESTOWN, INDIANA

\_\_\_\_\_  
Shane Childress- Council Member

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VACANT-Council Member

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Carol Leeke-Council Member

Attest:

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Lori Hieston Clerk-Treasurer