

TOWN OF ST. JOHN TOWN COUNCIL

RESOLUTION NO. 99-03-16A

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, EMPLOYING AN ARCHITECT AND INDEMNIFYING HIM FOR HIS WORK.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the State of Indiana that A. William Styczynski, the original architect for the ice arena project has removed himself (and/or his firm, Styczynski Walker & Associates and/or Solar Sources, Inc., d/b/a Styczynski Walker & Associates) from the ice arena project; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the Indiana Department of Fire and Building Services, Office of the State Building Commissioner, that certain work left to be done at the ice arena requires the assistance of a registered and licensed architect (Design Professional); and

WHEREAS, the work that needs to be accomplished involves, among other things, the fire protection for the ice arena, and time is of the essence; and

WHEREAS, the architect the Town intends to employ is one Joe Szarkowicz; that Joe Szarkowicz has been threatened by attorneys for the foregoing Solar Sources, Inc., d/b/a Styczynski Walker & Associates with suit if he undertakes work in regard to the ice arena for the Town of St. John; and

WHEREAS, the aforesaid Joe Szarkowicz has requested as a condition for his work for the Town that he receive an indemnity from the Town from any and all claims brought by the foregoing Solar Sources, Inc., d/b/a Styczynski Walker & Associates claiming copyright infringement or other violation of U.S. copyright laws including defense of any litigation brought by the foregoing Solar Sources, Inc., d/b/a Styczynski Walker & Associates as well as a defense to any claims brought and filed by them with the State of Indiana Registration Board; and

WHEREAS, pursuant to the Home Rule Act as found in I.C. 36-1-3-1 the Town has all powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and the power to indemnify as contemplated herein is not a power specifically withheld from a town; therefore, the Town has the power of indemnity as contemplated herein; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana has, after due consideration and deliberation, determined that the employment of Joe Szarkowicz is essential to the continuing operation of the St. John Ice Arena; that the Town

in order to employ the said Joe Szarkowicz should provide the requested indemnity; and that the employment of an architect and namely, Joe Szarkowicz, is in the best interest of the citizens of the Town of St. John.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of St. John, Lake County, Indiana as follows, to-wit:

1. That the Town of St. John is hereby authorized to employ and contract as an independent contractor Joe Szarkowicz for the purpose of completing certain architectural services to be performed at the St. John Ice Arena at his standard rates and charges for such work.

2. That the Town of St. John is hereby authorized and agrees to indemnify the said Joe Szarkowicz against all costs, expenses, claims, suits, judgments, fees (including attorney's fees), and all loss which may be incurred by the said Joe Szarkowicz in consequence of any and all work he undertakes on behalf of the Town of St. John in relation to any work with regard to the St. John Ice Arena, brought by A. William Styczynski, Styczynski Walker & Associates, and Solar Sources, Inc., d/b/a Styczynski Walker & Associates.

3. That the indemnity aforesaid includes the defense by the Town of all lawsuits (to be defended by the Town by such attorneys as the Town selects), the payment of all attorney's fees and judgment, and the defense of the said Joe Szarkowicz before the State of Indiana Registration Board.

ALL OF WHICH IS RESOLVED this 16th day of March, 1999, by the Town Council of the Town of St. John, Lake County, Indiana.

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

JOHN R. TAYLOR

Fred J. Kish

FRED J. KISH

Kathleen J. Willman

KATHLEEN J. WILLMAN

ATTEST:
Judith L. Companski

JUDITH L. COMPANIK
Clerk-Treasurer