RESOLUTION 92-22

TO AUTHORIZE USE OF THE SPECIAL NON-REVERTING FUND II TO AUGMENT THE AFFORDABLE HOUSING FUND, PROVIDE EMERGENCY SOCIAL SERVICES AND ADVANCE MONEY TO IMPROVE THOMSON PARK

WHEREAS, the Bloomington Common Council adopted Ordinance 80-70, "To Create A Special Non-Reverting Fund" to account for monies received by the City of Bloomington ("City") pursuant to certain In Lieu of Annexation agreements approved by the Common Council in Ordinance 80-68 and Ordinance 80-69; and

WHEREAS, the Bloomington Common Council adopted Ordinance 92-45 which provides that monies in said fund may be advanced by the City for capital projects in anticipation of the receipt of tax revenues or in anticipation of the issuance of bonds; and after receipt of said revenues or upon issuance of said bonds, said advances shall be repaid into the fund; and

WHEREAS, Ordinance 92-45 further provides that monies in said fund may be used by the City to make advances and loans, through the Affordable Housing Fund created by Resolution 91-25, to facilitate the development and construction of affordable housing within the City, provided that said advances and loans shall be repaid to the Affordable Housing Fund; and

WHEREAS, Ordinance 92-45 further provides that monies in said fund may be used by the City for community and social services; and

WHEREAS, the City intends that this resolution constitute a declaration of official intent pursuant to Treas. Reg. Sec. 1.103-18 (1992).

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Common Council of the City of Bloomington hereby approves and authorizes expenditures from the Special Non-Reverting Improvement Fund II in an amount not to exceed three-hundred-thousand dollars ($300,000) for the design and construction and other expenses relating to the improvements at Thomson Park; and that the City declares its official intent pursuant to Treas. Reg. Sec. 1.103-18 (1992) to construct the park and intends to reimburse the Special Non-Reverting Fund II for money advanced towards the costs of said park with the proceeds of debt to be incurred by the City, or in the alternative, with future Tax Increment revenues, as revenues become available. These Tax Increment revenues are derived from the Thomson economic development and allocation areas established in the City for the purpose of funding improvements that benefit these areas. These Tax Increment revenues are intended to pay for these improvements either directly or by repaying the debt incurred or by reimbursing advances made for these improvements.

The use of the funds from the Special Non-Reverting Improvement Fund is consistent with the City's budgetary and financial circumstances and the City does not reasonably expect that those funds would be available to pay the costs of the project on a long term basis. The funds to be advanced to pay the costs of the project are intended to be used on a long term basis for interim financing of various projects of the City to enable the City to begin capital projects prior to the completion of long-term financing.

SECTION II. The Common Council of the City of Bloomington hereby approves and authorizes an operating transfer from the Special Non-Reverting Improvement Fund II in an amount not to exceed three-hundred-thousand dollars ($300,000) to the

Affordable Housing Fund created by Resolution 91-25, to be used by the City to make advances and loans, to facilitate the development and construction of affordable housing within the City, provided that said advances and loans shall be repaid to the Affordable Housing Fund.

SECTION III. The Common Council of the City of Bloomington hereby approves and authorizes an operating transfer from the Special Non-Reverting Improvementund II in an amount not to exced sixty-five thousand dollars ($65,000) to the General Fund to be used by the City, after approval of the Common Council, for emergency community and social services.

SECTION IV. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

SECTION V. Severability. If any section, sentence, or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of October, 1992.

Iris Kiesling

PAM SERVICE, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 22nd day of October, 1992.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

Attest:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This Resolution authorizes expenditure of an amount not to exceed $ 665,000 from the Special Non-Reverting Improvement Fund II for: 1) the advancement of construction costs incurred in connection with Thomson park improvements ($300,000); 2) an operating transfer to the Affordable Housing fund to be used for advances and loans ($300,000); and, 3) an operating transfer to the General fund to be used to fund community and social service expenditures included in the 1993 budget ($65,000).

Signed copies to:
Controller auditor
Redevelopment
Parks & Rec

Fiscal Impact Statement
Resolution 92 - 22

Type of Legislation: Westside Industries Fund II

Cause of Request: Planned Expenditure

Funds Affected by Request: Non-Reverting Improvement II

	Non-Reverting Improvement Fund II
Fund Balance - January 1, 1992	$555,244
Projected Revenue	
In-lieu of payments:	
1991 payments (accrued)	6,466
1992 payments	69,792
1993 payments	74,771
Interest income (estimate)	15,000
Total Funds Available	$721,273
Projected Expenditures and Encumbrances:	
Thomson Park	300,000
Affordable Housing	300,000
Community & Social Services	65,000
Total Expenditures and Encumbrances	665,000
Projected Fund Balance (12-31-93)	$56,273

The legislation will have a significant fiscal impact . This fiscal impact statement assumes that the advance for park improvements will be repaid from future tax increment (TIF) revenues from the Thomson Economic Development area after 12-31-93. At that time there will be a corresponding increase in the fund balance.

Charles A. Ruckman, City Controller

AMENDMENT FORM

RESOLUTION #: 92-22

SUBMITTED BY: Pam Service

COMMITTEE RECOMMENDATION: Do Pass 6-0

PROPOSED AMENDMENTS:

1. Amend SECTION III of the "NOW, THEREFORE,.." portion of the resolution so that it now reads:

> SECTION III. The Common Council of the City of Bloomington hereby approves and authorizes an operating transfer from the Special Non-Reverting Improvement Fund II in an amount not to exceed sixty-five thousand dollars ($65,000) to the General Fund to be used by the City, after approval of the Common Council, for emergency community and social services.

2. Amend the "NOW THEREFORE,.." portion of the resolution by adding SECTION V that reads as follows:

> SECTION V. Severability. If any section, sentence, or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SYNOPSIS

This amendment restates an understanding reached between the City Administration and the Common Council, where the City will obtain approval of the Council before spending the money for emergency community or social services. This amendment also includes a standard "severability clause" which saves other provisions of the legislation if one is declared invalid.

13