Passed: 8-0

Young absent

ORDINANCE 99-09

TO AMEND CHAPTER 2.20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "BLOOMINGTON BOARD OF PARK COMMISSIONERS"
Re: Amending the Provisions Authorizing the Parks Special Nonreverting Operating (2.20.090) and Capital (2.20.100) Funds

WHEREAS, in accordance with Indiana Code § 36-10-4-16 and upon request of the Board of Park Commissioners, the Common Council adopted Ordinance 86-20 which established the Parks Special Nonreverting Operating Fund (2.20.090) and Parks Special Nonreverting Capital Fund (2.20.100); and

WHEREAS, Section 2.20.090 of the Bloomington Municipal Code does not accurately reflect current practice or statutory authority regarding the depositing of entrepreneurial funds and facilities fees, and should state that entrepreneurial funds are deposited into the Parks Special Nonreverting Operating Fund, while the facilities fees are deposited into the Parks and Recreation General Fund; and

WHEREAS, Section 2.20.100 of the Bloomington Municipal Code refers to deposits made by the Cascades Golf Course Manager that are no longer required and those references should be deleted;

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

SECTION 1. Section 2.20.090 of the Bloomington Municipal Code shall be amended to read as follows:

> 2.20.090 Special nonreverting operating fund. The special nonreverting operating fund authorized under Indiana Code 36-10-4-16 is continued. Fees collected for lessons, leagues or special entrepreneurial programs or activities, where a contractual employee is necessary or a non-reusable supply is required to provide the service, may be deposited into this fund to pay for the services required to offer the program. Admission fees from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited into this fund, but instead shall be deposited in the general fund. Expenditures by the Board from this special nonreverting operating fund shall be disbursed only on approved claims allowed and signed by the president and secretary of the Board. At the end of each year, the Controller shall, if directed by the Board, transfer all or a portion of any surplus moneys in this fund to the parks and recreation general fund.

SECTION 2. Section 2.20.100 of the Bloomington Municipal Code shall be amended by deleting the fourth sentence of the provision which reads as follows: "Funds received by the department as a result of the agreement between the Department and the Cascade Golf Course Manager shall be deposited in this fund and only expended following an appropriation for improvements to the Cascade Golf Course."

SECTION 3. If any sections, sentence or provision of this ordinance, 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of April, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of April, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of April, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends BMC Section 2.20.090, which established the Parks Special Nonreverting Operating Fund (Operating Fund), and BMC Section 2.20.100, which established the Parks Special Nonreverting Capital Fund (Capital Fund). The change in the Operating Fund reflects current practice of the department by elaborating upon the difference between entrepreneurial funds and facility fees, and clarifying that the entrepreneurial funds are deposited into the Operating Fund, while the facilities fees are deposited into the Parks General Fund. The change in the Capital Fund deletes references to deposits made by the Golf Course Manager that are no longer required.

Signed copies to
BMC File
Clerk
CA/CA

Parks Dept
Controller - 3