Passed 8-0
(Banach didn't participate in discussion)
See disclosure

RESOLUTION 04-07

TO DETERMINE THE NEED TO LEASE A PORTION OF 501 NORTH MORTON STREET IN BLOOMINGTON, INDIANA

WHEREAS, a petition containing the signatures of more than fifty (50) taxpayers of the City of Bloomington, Indiana, as certified by the Monroe County Auditor, has been filed with the Common Council regarding the property located at 501 North Morton Street, Bloomington, Indiana, for the purpose of expressing the need to lease a portion of the structure located thereon for use by the City of Bloomington Utilities Department; and,

WHEREAS, said property would be leased on a month-to-month basis for no more than twenty-four (24) months to provide office space for use by the City of Bloomington Utilities Department during the time that the City of Bloomington Utilities Department Service Center is not usable due to fire damage; and,

WHEREAS, the Common Council has heretofore considered the need to lease said facilities in light of the fire which occurred at the City of Bloomington Utilities Service Center;

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

Section 1. Finding of Need. The Common Council hereby determines that a need exists to lease of such facilities for the City of Bloomington, Indiana, Utilities Department, as provided under Title 36, Article 1, Chapter 10 of the Indiana Code.

Section 2. Authorization. The leasing of same to the City of Bloomington, Indiana, Utilities Department is in the public interest of the citizens of this City and it is a proper public purpose, therefore the Common Council hereby authorizes the City of Bloomington Utilities Service Board to enter into negotiations to lease of a portion of the structure located at 501 North Morton Street in Bloomington, Indiana, on a month-to-month basis for a period not to exceed twenty-four (24) months.

Section 3. 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 24th day of March, 2004.

M Diekhoff

MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 25th day of March, 2004.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 25TH day of MARCH, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution determines that the need exists to lease space at 501 North Morton Street for use by the City of Bloomington Utilities Department due to the fact that the City of Bloomington Utilities Department Service Center is not usable as a result of fire damage. It authorizes the City of Bloomington Utilities Service Board to lease a portion of the property located at 501 North Morton Street on a month-to-month basis for no more than twenty-four (24) months.

Signed copies to:
legal (5) utilities file
controller clerk CA/CA(2)

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT
(Pursuant to and in compliance with Indiana Code 35-44-1-3)

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant has a conflict of interest subject to disclosure. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of the public servant, a child, stepchild, or adoptee (as defined in I.C.31-3-4-1) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

1. Name and address of Public Servant Submitting Statement:

Jason Banach

2. Title or Position with Governmental Agency: Council Member, District 2

3. a. Governmental Entity: Common Council, City of Bloomington
   b. County: Monroe

4. This statement is submitted (check one):

a. <X> as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

b. < > as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Names(s) of Contractor(s) or Vendor(s): Not applicable - see #6 and #7 below.

6. Description of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates are required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship):

The City of Bloomington Common Council will consider Resolution 04-07 which, pursuant to I.C. 36-1-10 *et seq.*, determines the need for the City to enter into a temporary lease for a part the City Utilities department to occupy a portion of the Indiana University Research Park located at 501 North Morton Street Bloomington, Indiana.

7. Description of My Financial Interest (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); If reasonably determinable, state the approximate dollar value of such profit or benefit.):

Councilmember Banach is an employee of the real estate department for Indiana University and, in that capacity, represents the interest of the landlord in regard to this lease. He receives a salary for work he performs in this position and will not derive a profit or commission from this transaction and, therefore, the prospect of a pecuniary gain is remote and the amount, if any, is not reasonably determinable.

8. Approval of Appointing Officer or Body (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university):

Not applicable for Councilmembers or their appointees.

9. Effective Dates (Conflict of interest statements must be submitted to governmental entity prior to final action on the contract or purchase.):

Date Submitted: March 24, 2004 (prior to action below)

Date of Action: March 24, 2004

10. Affirmation of Public Servant: This disclosure was submitted to the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____

Date: 3-24-04

Within 15 days following execution, copies of this statement must be filed with the State Board of Accounts, Room E418, 302 West Washington Street, Indianapolis, Indiana, 46204-2765, and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase. A copy of this disclosure will be forwarded to the Indiana State Ethics Commission.