Committee 2/13 9-0
Final Hearing 2/20 9-0

ORDINANCE 91-8

AN ORDINANCE PLEDGING THE CITY'S DISTRIBUTIVE SHARE OF THE MONROE COUNTY OPTION INCOME TAX TO PAY LEASE RENTALS

WHEREAS, the Common Council found by Resolution 90-12 adopted on May 2, 1990, that a need exists for a new City Hall with sufficient parking; and

WHEREAS, the Common Council finds that locating a new City Hall in the old Showers furniture factory building at the corner of Eighth and Morton Streets is of vital public purpose and benefit to the citizens of Bloomington; and

WHEREAS, by co-locating City Hall with Indiana University's proposed Research Park, the City can leverage public and private resources to continue the revitalization of downtown Bloomington; and

WHEREAS, through a public-private partnership among the City of Bloomington, Indiana University and the local business community, the City will promote economic development for the entire Bloomington area with the attendant prospect of creating more and better paying jobs; and

WHEREAS, consolidation of the administrative offices of city government in close proximity to county government will further city/county cooperation and make local government services more efficient and accessible for the citizens of Monroe County; and

WHEREAS, through such use of the old Showers building the City and its partners will preserve a valuable and significant historic structure and a good portion of downtown Bloomington's heritage; and

WHEREAS, moving the Parks and Recreation Department's offices into the Showers building, will free the use of the Older Americans Center for the primary use of senior citizens and their expanding programs as Bloomington continues to improve its national reputation as a thriving retirement community; and

WHEREAS, locating City Hall in the Showers building affords the community the opportunity to have an open public plaza suitable for downtown events such as the Farmers Market, the Taste of Bloomington and Hoosierfest; and

WHEREAS, Monroe County, Indiana, has imposed the County Option Income Tax (COIT) pursuant to Ind. Code 6-3.5-6-1 et seq.; and

WHEREAS, the City receives its distributive share of COIT monthly from the Monroe County Auditor; and

WHEREAS, the City has previously pledged by Ordinance 90-38 an amount not to exceed $350,000.00 annually of its distributive share of COIT to build a new Headquarters Fire Station at 4th & Lincoln; and

WHEREAS, the City's pledge by Ordinance 90-38 was reduced to an annual lease payment of $241,000.00, and said payment will be further reduced annually by the contribution of Indiana University toward the purchase of an aerial platform fire truck; and

WHEREAS, the City's condominium share of the Showers project will be financed via a lease-purchase agreement wherein the Bloomington Municipal Facilities Corporation acquires the City Hall space and the City lease-purchases the space through a dedicated COIT pledge; and

WHEREAS, the Common Council finds that it is in the best interest of the City and its residents to pledge its distributive share of COIT in an annual amount not to exceed $675,000.00 ("COIT Revenues") to pay lease rentals;

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

SECTION I. The City hereby pledges COIT evenues to the payment of the City's obligations under a lease purchase agreement for the acquisition of City Hall space in the Showers project. This pledge shall be effective upon the execution of a Lease-Purchase Agreement between the Bloomington Municipal Facilities Corporation and City within eighteen (18) months of the passage of this Ordinance.

SECTION II. Beginning on the date contained in the Lease-Purchase Agreement, there shall be transferred to the Board of Public Works, COIT Revenues in an amount equal to one-fifth of the amount of the first lease payment expected to be due under the lease. Beginning on the first day of the month following the first lease payment and on the first day of each month thereafter, there shall be transferred, if necessary, to the Board of Public Works, as long as the lease is in effect, COIT Revenues in an amount equal to one-fifth of the next lease payment due under the lease.

SECTION III. The City represents and warrants that any prior liens, encumbrances or other restrictions on the COIT Revenues do not affect the City's ability to pledge the COIT Revenues for this purpose.

SECTION IV. After the execution of the lease, this Ordinance and the definition of, or manner of collecting and distributing the COIT Revenues or the lien created by this Ordinance and the lease, shall not be repealed or amended (except as specifically provided in the Lease) or impaired in any respect which will adversely affect the rights of the Bloomington Municipal Facilities Corporation, nor shall the Common Council adopt any law, ordinance or resolution (including action by the City as a member of the Monroe County Income Tax Council created under Ind. Code §6-3.5-6-2) which in any way adversely affects the rights of Bloomington Municipal Facilities Corporation so long as any of its bonds or the interest thereon remains unpaid.

SECTION V. Ind. Code §6-3.5-6-12 prohibits the Monroe County Income Tax Council from rescinding the COIT or taking any action that would result in the City having a smaller distributive share than that to which it was entitled when it pledged COIT for any purpose permitted by Ind. Code 5-1-14-1 et seq. or any other statute. The Common Council hereby covenants not to impair the pledge of COIT Revenues to the payment of lease rentals, so long as any Bloomington Municipal Facilities Corporation bonds are outstanding.

SECTION VI. Severability. If any section, 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 VII. 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 20th day of February, 1991.

JOHN FERNANDEZ, 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 February, 1991.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of February, 1991.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance expresses the intent of the Common Council to pledge the necessary County Option Income Tax revenues, not to exceed $675,000.00 per year, to lease purchase a condominium share of the Showers Project for City Hall, including necessary appurtenances and equipment thereto and associated costs thereof, from the Bloomington Municipal Facilities Corporation.

Signed copies to:
Controller
Legal.
Bob Barker
M.C. Auditor (certified)