Passed 8-0
Sturbaum Absent

ORDINANCE 13-12

PETITION TO APPEAL FOR AN INCREASE TO THE MAXIMUM LEVY
(A Request for Permission from the Department of Local Government Finance to Impose an Excess Levy as a Result of a Revenue Shortfall)

WHEREAS, various provisions of the Indiana Code, including sections those under Title 6, Article 1.1, Chapter 18.5, allow civil taxing units to request permission to impose an ad valorem property tax levy that exceeds the limits imposed by law under certain circumstances; and

WHEREAS, a loss or shortfall of revenue to the City of Bloomington was experienced as a result of the Monroe County Auditor's erroneous inclusion of tax-exempt entities in the certified net assessed valuation provided to the Department of Local Government Finance (DLGF); and

WHEREAS, the erroneous certified net assessed valuation figures were used to determine the property tax rates in Monroe County; and

WHEREAS, the error was not made known to the City of Bloomington until the tax-exempt entities received property tax bills for the spring installment of taxes in 2012, which was after the property tax levy resulting from the total tax rate was finally approved by the DLGF; and

WHEREAS, the City of Bloomington will be unable to carry out the governmental functions committed to it by law unless it is given the authority to impose the excess levy requested.

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

SECTION 1. The City of Bloomington, as a civil taxing unit of the State of Indiana as defined by IC 6-3.5-6-1 or other applicable statute, requests permission to impose an excess levy as allowed by the Indiana Code, including those provisions under Title 6, Article 1.1, Chapter 18.5., because of a shortfall in property tax resulting from erroneous certified net assessed values being provided by the Monroe County Auditor, for taxes assessed in 2011 and payable in 2012.

SECTION 2. The Common Council of the City of Bloomington, as the fiscal and legislative body of the City of Bloomington, in Monroe County, Indiana, has determined to file for an excess levy appeal in the amount of Three Hundred Seventy Seven Thousand Nine Hundred and Thirty Dollars ($377,930), pursuant to IC 6-1.1-18.5-16.

SECTION 3. The Common Council of the City of Bloomington, as the fiscal and legislative body of the City of Bloomington, hereby resolves to proceed with a petition for an excess levy to the Department of Local Government Finance to increase the taxing unit's maximum levy.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 9th day of October, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of October, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 10th day of October, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

Ordinance 13-12 approves a Petition for Appeal to the Department of Local Government Finance for an increase to the maximum levy, pursuant to IC 6-1.1-18.5-16. The appeal from relief from the levy limitations is necessary in order to carry out the governmental functions committed to the City of Bloomington. The excess levy appeal is in the amount of $377,930 and is the result of a property tax shortfall due to erroneous certified net assessed valuation figures being provided by the Monroe County Auditor.

Signed copies to:
legal
controller
MC treasurer
MC auditor
MC assessor
MC recorder
OA/OA
clerk (2)