City of Bloomington
Common Council

Legislative Packet

Regular Session
21 September 2011

For non-budget legislation, please consult the Legislative Packet issued in interest of the 14 September 2011 meeting. Please consult the Budget Packet for background materials dealing with the budget.

Office of the Common Council
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City of Bloomington Indiana

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Bloomington, Indiana 47402

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(812) 349-3409
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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **September 16, 2011**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Legislation for Second Reading:

- **Ord 11-06** An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto
  - Revised Ordinance and Memo to Council
  Contact: Karl Sturbaum at ksturbaum@boselaw.com

  Please see the 14 September 2011 Council Legislative Packet for the summary of this legislation.

- **Ord 11-12** Appropriations and Tax Rates for Bloomington Transportation Corporation for 2012
  Lew May, Director of Bloomington Transit at:
  332-5688 or lmay@bloomingtontransit.com

  Please see the 7 September 2011 Budget Packet for the associated legislation, supplemental material and summaries.

Legislation and Background Material for First Reading:
None

Minutes from Regular Session:
None

Memo

Two Ordinances Ready for Second Readings and No Ordinances Ready for First Reading at the Regular Session on September 21st:

Two ordinances are scheduled for second reading on Wednesday.

The first ordinance is Ord 11-16 which amends two previous ordinances to extend the time in which Pinnacle School has to issue State Economic Development Revenue Bonds to finance the expansion of their facility. The ordinance and memo were revised after the packet went out last Friday to extend that timeframe from 180 days after the current deadline (September 19th) to 360 days from adoption of this ordinance. Copies of the revised ordinance and memo are attached.

The second ordinance is Ord 11-12 which approves the Transit Budget for 2012. After initially postponing this item (for consideration on September 27 and October 5), the Council voted last week to consider it for adoption on September 21.

The legislation and supplemental material can be found at the links provided above.

Future Agendas – Reminder
The Second Committee of the Whole in September is on Tuesday, September 27th

Please remember that the next Committee of the Whole will be on a Tuesday (the 27th) because Wednesday the 28th is the beginning of Rosh Hashanah (the Jewish New Year).

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, SEPTEMBER 21, 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: *None*

IV. REPORTS FROM: (A maximum of twenty minutes is set aside for each part of this section.)

1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public ***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 11-16 An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto

Committee Recommendation: Do Pass: 7 - 0 - 1

2. Ordinance 11-12 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2012

9/7/11 Regular Session Action:	Reschedule for Further Consideration at Committee of the Whole on 9/27/11 and Regular Session on 10/5/11:	5 - 4
9/7/11 Committee Recommendations:	Consider at Committee of the Whole on 9/27/11 without Recommendation:	2 - 6
	Consider at Committee of the Whole on 9/27/11 with a Do Pass Recommendation:	6 - 1 - 1
9/14/11 Regular Session Actions:	Suspend the Rules to Consider Rescheduling this Ordinance:	8 - 0
	Reschedule this Ordinance for Final Hearing on 9/21/11:	8 - 0

VII. LEGISLATION FOR FIRST READING
None

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.);

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Posted and Distributed: Friday, September 16, 2011

City of Bloomington
Office of the Common Council

To: Council Members
From: Council Office
Re: Calendar for the Week of 19-24 September 2011

Monday, 19 September 2011

12:00 noon BEAD Advisory Committee, McCloskey
4:00 pm Metropolitan Planning Organization Policy Committee I-69 Subcommittee, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks Room 250
5:30 pm Bicycle Pedestrian Safety Commission, Hooker Room
7:00 pm Arts Alliance of Greater Bloomington, McCloskey

Tuesday, 20 September 2011

11:30 am Plan Commission Work Session, Kelly
4:00 pm Bloomington Community Farmers' Market, Madison St, Between 6th & 7th St
4:00 pm Board of Public Safety, McCloskey
5:00 pm Community and Family Resources Commission, Hooker Room
5:30 pm Animal Control Commission, McCloskey

Wednesday, 21 September 2011

9:00 am Emergency Management Advisory Committee, Council Chambers
9:30 am Tree Commission, North Shelter at Lower Cascades Park
2:00 pm Hearing Officer, Kelly
4:30 pm Arts Commission, Hooker Room
5:00 pm Bloomington Community Arts Commission, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 22 September 2011

11:00 am Monroe County Suicide Prevention Coalition Awareness Committee, Kelly
11:00 am Monroe County Suicide Prevention Coalition Training Committee, Dunlap
12:00 noon Monroe County Suicide Prevention Coalition, Council Chambers
12:00 noon Bloomington Platinum Biking Task Force, Hooker Room
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 23 September 2011

12:00 noon Economic Development Commission, Hooker Room
12:00 noon Council Internal Work Session, McCloskey

Saturday, 24 September 2011

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N Morton

Posted and Distributed: Friday, 16 September 2011

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ORDINANCE 11-16

AN ORDINANCE AMENDING ORDINANCE 10-18, AS AMENDED BY ORDINANCE 11-02, EXTENDING THE TIME FOR THE ISSUANCE BY THE CITY OF BLOOMINGTON, INDIANA, OF ECONOMIC DEVELOPMENT REVENUE BONDS FOR THE BENEFIT OF BLOOMINGTON DYSLEXIA CENTER, LLC AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Common Council ("Council") of the City of Bloomington, Indiana ("City"), on December 1, 2010, adopted Ordinance 10-18, entitled "An Ordinance authorizing the City of Bloomington, Indiana, to issue its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 (Bloomington Dyslexia Center LLC Project) in the principal amount not in excess of Two Million One Hundred Thousand Dollars ($2,100,000), and approving and authorizing other actions in respect thereto" (the "2010 Bond Ordinance"), and

WHEREAS, the Council, on March 23, 2011, adopted Ordinance 11-02, entitled "An Ordinance amending Ordinance No. 10-18 authorizing the City of Bloomington, Indiana to issue its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the principal amount not in excess of One Million Five Hundred Thousand Dollars ($1,500,000) and approving other actions with respect thereto" (the "2011 Ordinance", and with the 2010 Ordinance, the "Prior Ordinances"): and

WHEREAS, Section 1(H) of the 2011 Ordinance amended Section 5 of the 2010 Ordinance to provide that "the Bonds shall be dated the date of closing of this transaction, which date to be no later than one hundred eighty days from the date of adoption of this Ordinance, as amended"; and

WHEREAS, Bloomington Dyslexia Center LLC has requested the City to extend the time limit imposed under the Prior Ordinances in order to permit negotiations for the purchase and sale of the Bonds to be completed; and

WHEREAS, the City now desires to extend the time limit for the issuance of the Bonds, and to amend the Prior Ordinances to allow such extension and to reaffirm its prior commitment to authorize the issuance of such bonds for the benefit of Bloomington Dyslexia Center, LLC.;

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

SECTION 1. The Prior Ordinances are hereby amended in the following particulars:

A. Section 1(H) of Ordinance 11-02 is hereby deleted.

B. The Prior Ordinances, as amended hereby, shall be effective for three hundred sixty (360) days from the date of adoption of this Ordinance 11-16.

SECTION 2. All other provisions of the Prior Ordinance are hereby ratified and confirmed as though set forth herein, and the provisions of the Prior Ordinances, as amended hereby, shall constitute a contract binding between the Issuer and the Bond Purchaser, and after the issuance of said Bonds, the Prior Ordinances, as amended hereby, shall not be repealed or amended in any respect which would adversely affect the right of any holder or holders of the Bonds so long as said Bonds or the interest thereon remains unpaid.

SECTION 3. This Ordinance amending the Prior Ordinances shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of September, 2011.

_____
SUSAN SANDBERG, President
City of 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 __ day of September, 2011.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this __ day of September, 2011

_____
MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Regina Moore, Clerk of the City of Bloomington, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of City of Bloomington Ordinance 2011-16, passed by the Common Council on the 21st day of September, 2011, by a vote of __ YEAS and NAYS, which was signed by the Mayor of the City of Bloomington, Indiana, on the ____ day of September, 2011, and now remains on file and on record in my office.

WITNESS my hand and official seal of the City of Bloomington, Indiana, this __ day of September, 2011.

[SEAL]

_____
REGINA MOORE, Clerk
City of Bloomington, Indiana

Synopsis

This Ordinance amends Ordinance No. 10-18, adopted by the Council on December 1, 2010, and Ordinance No. 11-02, adopted by the Council on March 23, 2011, and extends the time limit for the issuance of up to $1,500,000 in tax exempt Economic Development Revenue Bonds for the Pinnacle School Campus project at 1503/1505 West Arlington Road for an additional one hundred eighty days.

TO: **Bloomington City Council**

Cc: **Dan Sherman, Council Administrator/Attorney**
Margie Rice, Corporation Counsel

FROM: **Karl R. Sturbaum**

DATE: **September 5, 2011**

RE: **Economic Development Revenue Bonds for Bloomington Dyslexia Center LLC**

The City of Bloomington Common Council has adopted two ordinances approving the issuance of tax exempt economic development bonds for the benefit of Bloomington Dyslexia Center, LLC. Ordinance 10-18, adopted December 1, 2010, authorized the issuance of Recovery Zone Facility Bonds under Section 1400U of the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"). Because the Bonds could not be issued prior to the expiration of the Stimulus Act, the Council, on March 23, 2011, adopted Ordinance No. 11-02, which amended Ordinance No. 10-18 to provide for the issuance of the Bonds as Economic Development Revenue Bonds under IC 36-7-12 et. seq. Ordinance No. 11-02 contains a provision which requires the Bonds to be issued within 180 days of its date of adoption. This time limit expires on September 19, 2011. While negotiations with a purchaser for the Bonds are ongoing, it is questionable whether the transaction can be consummated within the time limit contained in Ordinance No. 11-02. The proposed ordinance amends the prior ordinances by extending the time limit for issuing the Bonds for 360 days from the date of adoption of the amending ordinance. It makes no other changes to the transaction as previously authorized by the Council. Because the amending ordinance changes the time limit as set forth in Ordinance No.11-02, it will relate back to the date of adoption of that Ordinance. Therefore, the authorization of the Bonds by the Council will continue to be valid even if the amendment is adopted after the expiration of the time limit set forth in Ordinance 11-02.

The Bonds continue to be payable solely from revenues generated by the project, and are not a debt of the City, Monroe County or the State. They will not impact the City's credit rating or debt capacity. The financing documents provide indemnification to the City for any liability arising with respect to either the Bonds or the Project.

Please don't hesitate to contact me if you have additional questions.