Postponed indefinately
8-1 (Banach)

ORDINANCE 01-44

TO AMEND ORDINANCE 95-75 WHICH ESTABLISHED THE HOUSING TRUST FUND
(Changing the Number, Terms and Qualifications of Board Members, Allowing More Funds to be Used for Loans, and Giving the Board Discretion on Setting the Minimum Periods of Affordability)

WHEREAS, on December 5, 1995 the Common Council adopted Ordinance 95-75, which approved the Housing Trust Endowment Fund Agreement ("Fund Agreement") between the Community Foundation of Bloomington and Monroe County and the City of Bloomington, Indiana, and established the Board of Directors of the Housing Trust Fund ("Board"); and

WHEREAS, the Fund Agreement created the Housing Trust Fund ("Fund") as a permanent endowment and empowered the Board to establish guidelines for use of the Fund, subject to the provisions of Ordinance 95-75 and amendments thereto; and

WHEREAS, on March 19, 1997 the Common Council approved Ordinance 97-12, which amended Section 7 of Ordinance 95-75 by authorizing funding for projects that were affordable for at least ten years and by requiring that incentives and disincentives be used to ensure compliance with the ten-year period of affordability; and

WHEREAS, on May 17, 2000 the Common Council approved Ordinance 00-21, which further amended Section 7 of Ordinance 95-75 to raise the maximum income level for residents of projects funded by the Fund from 50% to 80% of area median income; eliminate the requirement that 50% of the Fund be reserved for non-profit organizations; reduce the percentage of the Fund reserved for permanently affordable projects from 50% to 25%; and require that at least $125,000 remain invested in the Fund with the Community Foundation of Bloomington and Monroe County; and

WHEREAS, the Board has determined that additional changes to the provisions regarding expenditures from the Fund and the Board's composition, qualifications and terms are desirable to promote the accomplishment of the Fund's purposes;

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

SECTION I. Section 2 of Ordinance 95-75 shall be amended by deleting Section 2 in its entirety and replacing it with the following:

2. Appointments. The Board will consist of 9 members, to be appointed by the following:

Mayor of Bloomington - 4 appointments
- One representative from a local lending institution
- One representative from the housing development sector
- One representative from City Government
- One representative who is low-income or works for an agency that represents low-income residents

City of Bloomington Common Council - 3 appointments
- One representative from a local lending institution
- One representative from the housing development sector
- One representative from the Housing/Social Services sector

Monroe County Commissioners - 1 appointment

Community Foundation of Bloomington and Monroe County - 1 appointment

POSTPONED

One representative from the Community Foundation of Bloomington and Monroe County Board of Directors or Advisory Board

All initial appointments and subsequent appointments for Government and Community Foundation of Bloomington and Monroe County representatives will be selected directly by the appointing authority. All other appointments will be selected as follows:

The Board of Directors of the Housing Trust Fund through its administrative agent will publicly solicit applications for any vacancies. Recommendations for appointments will be specifically requested from the banking community, for-profit and not-for-profit housing developers, and social service agencies, depending upon the nature of the appointment. At least three recommendations will be solicited for each appointment. The appointing authority will review applications, conduct interviews, and select Board members from the list of applications forwarded to them.

SECTION II. Section 3 of Ordinance 95-75 shall be amended by deleting Section 3 in its entirety and replacing it with the following:

3. Membership. The membership of this Board will consist of nine (9) members appointed as described in Section 2 and efforts will be made to reflect the racial, ethnic and demographic characteristics of the community. Board members shall represent six categories:

1. Two representatives from the lending sector
2. Two representatives from local government – 1 city and 1 county
3. Two representatives from the housing developer sector
4. One representative from the Community Foundation of Bloomington and Monroe County
5. One representative from the Housing/Social Services sector
6. One representative who is low-income or works for an agency that represents low income individuals.

SECTION III. Section 4 of Ordinance 95-75 shall be amended by deleting Section 4 in its entirety and replacing it with the following:

4. Terms of Members. Each member will serve on the Board no more than two consecutive terms of three years each. The terms will be staggered initially to ensure future continuity. All subsequent appointments shall be for the unexpired vacancies which occur, or for a three year term, and are subject to the appointment procedures detailed in Section 2.

SECTION IV. Section 7 of Ordinance 95-75, as amended by Ordinance 97-12 and Ordinance 00-21, shall be amended by deleting part B in its entirety.

SECTION V. 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 VI. 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 _____ day of _____, 2001.

_____
PATRICIA COLE, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk

POSTPONED

City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon

this _____ day of _____, 2001.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2001.

_____
JOHN FERNANDEZ, Mayor
City of Bloomington

POSTPONED

SYNOPSIS

In December, 1995, the Common Council adopted Ordinance 95-75, which established the Housing Trust Fund and its Board of Directors and approved the Housing Trust Fund Endowment Agreement. The Common Council subsequently adopted Ordinance 97-12 and Ordinance 00-21, which amended the previous ordinance. Ordinance 01-44 makes three changes to the above legislation. The first amendment reduces the number of members on the Housing Trust Fund board from 11 to 9, eliminating a position reserved for an Indiana University representative, and combining two positions for low-income persons into one position for a low-income person or a representative from an agency that represents low-income persons. The second amendment changes the Board term limits from two two-year terms to two three-year terms. The third amendment eliminates provisions regulating affordability periods and the amount that must remain invested with the Community Foundation of Bloomington and Monroe County.

Note: This ordinance was revised after it went out in the weekly packet, but before it was introduced at the Regular Session on December 5, 2001. The revision changed the name "Bloomington Community Foundation" to "Community Foundation of Bloomington and Monroe County" wherever it appears in the ordinance.