Passed 9-0

ORDINANCE 00-09

TO AMEND ORDINANCE 92-08 AND ORDINANCE 79-74 TO AUTHORIZE EXPENDITURES FROM THE SPECIAL NON-REVERTING IMPROVEMENT FUND (Correcting Ordinance 92-08 and Authorizing Expenditures for Emergency Equipment Serving the Westside Industrial Area)

WHEREAS, the Bloomington Common Council adopted Ordinance 79-74, "To Create a Special Non-Reverting Improvement Fund," which provides that all monies received by the City pursuant to the 1979 Agreement In Lieu of Annexation as approved and ratified by Ordinance 79-73, shall be placed in the special non-reverting fund; and

WHEREAS, Ordinance 87-31 provides that all monies received by the City pursuant to the 1987 Agreement In Lieu of Annexation as approved and ratified by Ordinance 87-30, shall be placed in the special non-reverting fund; and

WHEREAS, Ordinance 97-55 provides that all monies received by the City pursuant to the Agreement to Modify and Extend the 1987 Agreement, as approved and ratified by Resolution 98-02, shall be placed in the special non-reverting fund; and

WHEREAS, the Agreement provides that monies received by the City may be used for any legal public purpose; and

WHEREAS, Ordinance 79-74, with subsequent amendments thereto, provides that the monies in the fund may be used for various purposes, and

WHEREAS, Ordinance 92-08 offered one such amendment and contains an error that inadvertently refers to Ordinance 79-74 rather than Ordinance 89-11; and

WHEREAS, it would be of benefit to the City to be able to expend monies from the Special Non-Reverting Improvement Fund for emergency equipment to benefit and serve the Westside Industrial area;

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

SECTION 1. Section 1 of Ordinance 92-08 shall be amended to read as follows:

> Section 1 of Ordinance 89-11 shall be repealed and re-enacted to read as follows:
>
> Additionally, the monies in said fund may be used by the City of Bloomington for advances on expenditures for capital improvement projects in anticipation of the issuance of bonds; and advances on expenditures for capital improvement projects in anticipation of receipt of anticipated tax revenues. Upon issuance of bonds, said advances shall be repaid from bond proceeds; upon receipt of anticipated tax revenues, said advances shall be repaid from said revenues.

SECTION 2. Section 1 of Ordinance 79-74 shall be amended to add the following at the end of the provision:

> Additionally, monies in said fund may be used by the City of Bloomington for the acquisition of emergency equipment for use in benefiting or serving the properties which are parties to the "Agreement to Modify and Extend the 1987 Agreement."

SECTION 3. Severability. 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 4. 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 15th day of March, 2000.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Deputy Clerk

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of March, 2000.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of March, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance provides that monies received from the "Agreement to Modify and Extend the 1987 Agreement," as approved in January of 1998, may be expended for the purchase of emergency equipment to be utilized in, benefiting or serving the area of the Westside Industrial parties. Additionally, this ordinance corrects an error in Section 1 of Ordinance 92-08.

Copies to: Co Comm
Co Treasurer
Controller
Legal
Police
Fire
Emg Mgt
DW