

*Passed 6-0  
Reff, Graeger, Spocher  
absent.*

**ORDINANCE 14-21**

**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 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 a property tax appeal and the issuance of a tax refund check, by Monroe County Government on April 30, 2014, to Inland American Bloomington Fields, LLC, in the amount of \$732,840.16; and

WHEREAS, the Monroe County Auditor estimates, in the attached letter which is marked as "Exhibit A" and incorporated herein, that the loss of revenue to the City of Bloomington will be Three Hundred Two Thousand Six Hundred and Forty Eight Dollars and eighty cents (\$302,648.80) ; and

WHEREAS, because the budget was developed and approved by the City's elected officials with expenses, revenues and reserved funds properly balanced, the projected shortfall will prevent the City of Bloomington from carrying out the governmental functions committed to it by law and will negatively impact the financial balance struck by the elected officials, 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:

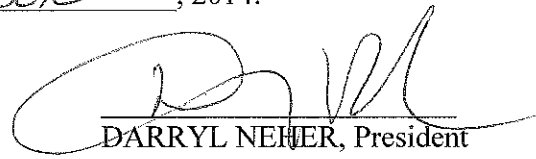
SECTION 1. The City of Bloomington, as a civil taxing unit of the State of Indiana as defined by IC 6-3.5-6-1 or other applicable statute, requests permission to impose an excess levy as allowed by the Indiana Code, including those provisions under Title 6, Article 1.1, Chapter 18.5, because of a shortfall in property tax resulting from a tax refund check issued on April 30, 2014, to Inland American Bloomington Fields, LLC.

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 Two Thousand Six Hundred and Forty Eight Dollars and eighty cents (\$302,648.80), pursuant to IC 6-1.1-18.5-16. The Common Council of the City of Bloomington finds it necessary, in order to carry out the governmental functions committed to it by law and to properly maintain the appropriate balance of revenues, expenditures and reserves, to recoup the shortfall by way of this appeal.

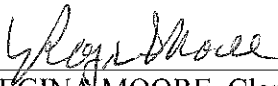
SECTION 3. The Common Council of the City of Bloomington, as the fiscal and legislative body of the City of Bloomington, hereby resolves to proceed with a petition for an excess levy to the Department of Local Government Finance to increase the taxing unit's maximum levy.

SECTION 4. In accordance with IC 36-1-5-5, two copies of Exhibit A (Monroe County Auditor's Estimates), which is incorporated by reference into this ordinance, are on file in the office of the City Clerk for public inspection and must be on file as stated for public inspection.

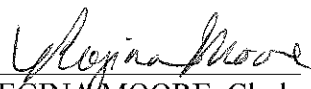
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 8<sup>th</sup> day of OCTOBER, 2014.

  
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 \_\_\_\_\_ day of OCTOBER, 2014.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 9<sup>th</sup> day of October, 2014.

  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

Ordinance 14-21 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 \$302,648.80, and is the result of a property tax shortfall due to the granting of a property tax appeal and the issuance of a tax refund check to the property owner by Monroe County government.

Signed Copies to:  
HR  
Controller  
Legal (S)