

ORDINANCE 90-38

1st: 7/18
COMMITTEE: 7/25 90
FINAL: 8/1 90

AN ORDINANCE PLEDGING THE CITY'S DISTRIBUTIVE SHARE OF THE
MONROE COUNTY OPTION INCOME TAX TO PAY LEASE RENTALS

- WHEREAS, the Common Council found by Resolution 90-12 adopted on May 2, 1990, that a need exists for a downtown fire station; and
- WHEREAS, the Board of Public Works has found that a lease with Bloomington Municipal Facilities Building Corporation of a fire station is necessary and wise and is in the best interest of the City's residents; and
- WHEREAS, Monroe County, Indiana, has imposed the County Option Income Tax (COIT) pursuant to IC 6-3.5-6; and
- WHEREAS, the City receives its distributive share of COIT monthly from the Monroe County Auditor; and
- WHEREAS, the City has not pledged or otherwise encumbered its distributive share of COIT; and
- WHEREAS, the Common Council finds that it is in the best interest of the City and its residents to pledge its distributive share of COIT in an annual amount not to exceed \$350,000.00 ("COIT Revenues") to pay lease rentals;

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

Section I. The form of the lease between the City of Bloomington and Bloomington Municipal Facilities Building Corporation is hereby approved.

Section II. The City hereby pledges the COIT Revenues to the payment of the City's obligations under the lease. This pledge shall be effective as set forth in IC 5-1-14-4 without the recording of the lease, this Ordinance or any other instrument.

Section III. Beginning on January 1, 1991, there shall be transferred to the Board of Public Works, COIT Revenues in an amount equal to one-fifth of the amount of the first lease payment expected to be due under the lease. Beginning on the first day of the month following the first lease payment and on the first day of each month thereafter, there shall be transferred, if necessary, to the Board of Public Works, as long as the lease is in effect, COIT Revenues in an amount equal to one-fifth of the next lease payment due under the lease.

Section IV. The City represents and warrants that there are no prior liens, encumbrances or other restrictions on the COIT Revenues or on the City's ability to pledge the COIT Revenues.

Section V. After the execution of the lease, this Ordinance and the definition of, or manner of collecting and distributing the COIT Revenues or the lien created by this Ordinance and the lease, shall not be repealed or amended (except as specifically provided in the Lease) or impaired in any respect which will adversely affect the rights of the Bloomington Municipal Facilities Corporation, nor shall the Common Council adopt any law, ordinance or resolution (including action by the City as a member of the Monroe County Income Tax Council created under IC 6-3.5-6-2) which in any way adversely affects the rights of Bloomington Municipal Facilities Corporation so long as any of its bonds or the interest thereon remains unpaid.

Section VI. IC 6-3.5-6-12 prohibits the Monroe County Income Tax Council from rescinding the COIT or taking any action that would result in the City having a smaller distributive share to which it is entitled when it pledged COIT for any purpose permitted by IC 5-1-14 or any other statute. The Common Council hereby covenants not to impair the pledge of COIT Revenues to the payment of lease rentals, so long as any Bloomington Municipal Facilities Corporation bonds are outstanding.

SECTION VII. Severability. If any section, 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 VIII. 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 1st day of August, 1990.

Irish Kiesling
IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of August, 1990.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2nd day of August, 1990.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance expresses the intent of the Common Council to pledge the necessary County Option Income Tax revenues, not to exceed \$350,000.00 per year, to lease purchase the Headquarters Fire Station including necessary appurtenances and equipment thereto and associated costs thereof, from the Bloomington Municipal Facilities Corporation.

Signed copies to:
Auditor (Certifier)
Counselor
Public Works
Legal