

RESOLUTION 79-33

To Authorize the City of Bloomington to Issue its
Economic Development Revenue Bonds for
Episcopal Housing, Inc.

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by Title 18, Article 6, Chapter 4.5 of the Indiana Code of 1971, as amended (the "Act"), to finance the acquisition, construction and equipping of "economic development facilities" (as defined in the Act) throughout the County of Monroe, Indiana (the "County"), both inside and outside the corporate limits of any city or town, including the corporate limits of the Issuer, in order to relieve conditions of insufficient employment opportunities, insufficient tax base and insufficient diversification of economic development facilities, which conditions have heretofore been determined to exist within and near the Issuer, all for the benefit of the health and welfare of the Issuer; and

WHEREAS, the Bloomington Economic Development Commission (the "Commission") is charged by the Act with the duty to investigate, study and survey the need for additional job opportunities, industrial diversification, and pollution control facilities in the Issuer and to recommend action to improve or promote job opportunities, industrial diversification, and availability of pollution control facilities in the Issuer; and

WHEREAS, the Commission has determined that there is a need within the Issuer for additional job opportunities, industrial diversification and pollution control facilities and has recommended that the action to be taken to improve and promote job opportunities, industrial diversification and availability of pollution control facilities within and near the Issuer is the issuance of economic development revenue bonds pursuant to the Act by the Issuer to finance projects (as defined in the Act); and

WHEREAS, the Commission is further charged by the Act with the duty to negotiate with one or more persons, firms, partnerships, trusts, associations or corporations (whether for profit or not-for-profit) concerning the terms and conditions of financing proposed economic development facilities; to consider whether the proposed economic development facilities may have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; and to prepare a report briefly describing the proposed economic development facilities, estimating the public services, if any, which would be made necessary or desirable by the proposed economic development facilities and the expense thereof, the total project costs of the proposed economic development facilities, and the number of jobs to be created or saved and the estimated payroll therefrom; and

WHEREAS, Episcopal Housing, Inc., Indianapolis, Indiana, an Indiana not-for-profit corporation (the "Corporation"), has submitted to the Commission an application for the financing by the Issuer of certain economic development facilities in the County, near the corporate limits of the Issuer, consisting of

the acquisition, construction and equipping of a health facility consisting of a 225-unit licensed residential care facility and a 78-bed skilled and intermediate care facility (the "Project"), which is a health facility of the type licensed and regulated by the Indiana health facilities council under IC 16-10-2 and therefore an economic development facility within the meaning of the Act; and

WHEREAS, the Commission, in receiving the application of the Corporation, has considered the need for additional job opportunities and increased diversification of economic development facilities in the Issuer and the impact of the Project on those needs; has negotiated with the Corporation concerning the terms and conditions of financing the Project; has considered whether the Project would have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; has estimated the need for additional public services as a result of the Project and the expense thereof, the total Project costs and the number of jobs to be created by the Project; and

WHEREAS, a description of the Project and the preliminary findings of the Commission with respect to its consideration of the application of the Corporation for the financing of the Project are contained in the Commission's report on the Project which is attached hereto as Exhibit A; and

WHEREAS, on the basis of the Commission's preliminary findings with respect to the Project, it appears that the Project will provide additional job opportunities and increased diversification of economic development facilities in the Issuer and will be of benefit to the health and welfare of the Issuer, and that the financing of the Project complies with the purposes and provisions of the Act; and

WHEREAS, the Corporation has heretofore agreed with respect to the Project that it will make payments in lieu of taxes to the Issuer in an amount equal to the amount of taxes which the Corporation would otherwise pay to the Issuer on account of the Project if the Corporation were not exempt from taxation under the laws of the State of Indiana:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

Section 1. That the report of the Commission attached hereto as Exhibit A is hereby approved.

Section 2. That the Project will provide additional job opportunities and increased diversification of economic development facilities in the Issuer and will be of benefit to the health and welfare of the Issuer, and that the financing of the Project complies with the purposes and provisions of the Act.

Section 3. That in order to induce the Corporation to locate the Project in the County, near the corporate limits of the Issuer, the Issuer hereby represents that it intends, subject to the results of the public hearing to be held by the Commission in accordance with the provisions of the Act and the further findings of the Commission with respect to the Project, and subject to the completion to the satisfaction of the Issuer, the Corporation and the Commission of all other financing arrangements with respect to the Project, to issue its economic development revenue bonds in the principal amount of not to exceed \$16,000,000 to finance the costs of the Project.

Section 4. That, if satisfactory arrangements can be made, the Issuer will adopt such proceedings authorizing the execution of such documents as may be necessary or advisable for the authorization, issuance and sale of such economic development revenue bonds and the financing of the Project, including any financing agreements (as defined in the Act) to be entered into between the Issuer and the Corporation, all as shall be authorized by law and mutually satisfactory to the Issuer, the Corporation and the Commission.

Section 5. That, if the Issuer issues and sells its economic development revenue bonds to finance the costs of the Project, the financing agreement (as defined in the Act) to be entered into between the Issuer and the Corporation will provide that the aggregate payments to be made by the Corporation pursuant to said financing agreement and used by the Issuer to pay the principal of, premium, if any, and interest on such economic development revenue bonds shall be such sums as shall be sufficient to pay the principal of, premium, if any, and interest on such economic development revenue bonds as and when the same shall become due and payable.

Section 6. That, if the Issuer issues and sells its economic development revenue bonds to finance the costs of the Project, such economic development revenue bonds shall be payable solely from the payments to be made under the financing agreement (as defined in the Act) to be entered into between the Issuer and the Corporation and shall not in any respect be a general obligation of the Issuer, nor shall they ever constitute or give rise to a charge against the general credit or taxing powers of the Issuer, and such economic development revenue bonds shall not constitute an indebtedness or a loan of credit of the Issuer within the meaning of any constitutional or statutory provision.

Section 7. That all costs and expenses in connection with the financing of the Project, including but not limited to the fees and expenses of bond counsel and the agent or underwriter for the sale of the economic development revenue bonds issued to finance the costs of the Project, shall be paid from the proceeds of such economic development revenue bonds or by the Corporation.

Section 8. That it is desirable that the Corporation rather than the Issuer or the Commission arrange for the portions of the Project requiring acquisition, construction and equipping, in order to insure that the Project will conform to the requirements of the Corporation, for whose use the Project is to be designed.

Section 9. That if for any reason the economic development revenue bonds of the Issuer are not issued to finance the costs of the Project, neither the Issuer nor the Commission shall in any way be liable in damages, or otherwise, to any party for such failure to consummate the financing.

Section 10. That all resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

PASSED and ADOPTED by the Common Council of the City of
Bloomington, Monroe County, Indiana, upon this 18th day of
October, 1979.

Tomilea Allison

Tomilea Allison, President
Bloomington Common Council

ATTEST:

Nora M. Connors
Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 25th day of October, 1979.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

IC 18-6-4.5 authorizes the City of Bloomington to issue revenue bonds for the financing of economic development facilities. Episcopal Housing, Inc. plans to construct a health care and residential facility, providing for approximately 125 new jobs. This resolution states that if all necessary statutory, planning, legal and financial requirements are met then the Council will pass an ordinance authorizing the issuance of bonds in the amount of approximately \$16,000,000. The Economic Development Commission passed a similar resolution on September 11, 1979. The City of Bloomington has no liability for these bonds if they are approved.

EXHIBIT A

REPORT OF THE
BLOOMINGTON ECONOMIC DEVELOPMENT COMMISSION
REGARDING
EPISCOPAL HOUSING, INC., PROJECT

At a meeting of the Bloomington Economic Development Commission (the "Commission") held on the 11th day of September, 1979, relative to the above project, the following report was approved and adopted.

1. Because of existing insufficient employment opportunities and insufficient diversification of economic development facilities, it has been determined by the Commission, on the basis of the preliminary findings of the Commission, that the health and welfare of the City of Bloomington, Indiana (the "Issuer"), would be benefited by the issuance of the Issuer's economic development revenue bonds and the making of a direct loan from the proceeds thereof to Episcopal Housing, Inc., an Indiana not-for-profit corporation (the "Corporation"), for financing the cost of certain economic development facilities consisting of the acquisition, construction and equipping of a health facility consisting of a 225-unit licensed residential care facility and a 78-bed skilled and intermediate care facility (the "Project"), which is a health facility of the type licensed and regulated by the Indiana health facilities council under IC 16-10-2, to be located in the County of Monroe, Indiana, near the corporate limits of the Issuer.

2. Based upon the information available, it is reported, found and determined that:

(a) an increase in public services at the following costs would be necessary or desirable to be performed by the Issuer due to the proposed Project:

None.

(b) the financing of the acquisition, construction and equipping of the proposed Project by the Issuer will create new employment of approximately 125 people;

(c) the financing of the acquisition, construction and equipping of the proposed Project will result in an increased annual payroll of approximately \$750,000 in the first year and \$850,000 in the second and subsequent years;

(d) the cost of the acquisition, construction and equipping of the proposed Project, including all necessary financial costs, will be no more than \$16,000,000;

(e) there is a need for the proposed Project and the financing of the Project would not have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; and

(f) the proposed financing will be of benefit to the health and welfare of the Issuer and complies with the purposes and provisions of IC 18-6-4.5.

BLOOMINGTON ECONOMIC DEVELOPMENT
COMMISSION

STATE OF INDIANA)
)
COUNTY OF MONROE)

I, Nora M. Connors, hereby certify that I am the duly elected, qualified and acting City Clerk of the Common Council of the City of Bloomington, Indiana (the "Issuer"), and as such officer I further certify that attached hereto is a copy of excerpts from the minutes of the meeting of the Common Council of the Issuer held on October 18, 1979 and a copy of a resolution adopted at said meeting; that I have compared said copy with the original minute record of said meeting in my official custody; that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to the adoption of a resolution relating to the financing by the City of Bloomington, Indiana, of certain economic development facilities for Episcopal Housing, Inc., pursuant to IC 18-6-4.5.

WITNESS my official signature and the seal of the Issuer this ____ day of October, 1979.

City Clerk

(SEAL)

EXHIBIT A

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BLOOMINGTON ECONOMIC DEVELOPMENT COMMISSION
REGARDING
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2. Based upon the information available, it is reported, found and determined that:

(a) an increase in public services at the following costs would be necessary or desirable to be performed by the Issuer due to the proposed Project:

None.

(b) the financing of the acquisition, construction and equipping of the proposed Project by the Issuer will create new employment of approximately 125 people;

(c) the financing of the acquisition, construction and equipping of the proposed Project will result in an increased annual payroll of approximately \$750,000 in the first year and \$850,000 in the second and subsequent years;

(d) the cost of the acquisition, construction and equipping of the proposed Project, including all necessary financial costs, will be no more than \$16,000,000;

(e) there is a need for the proposed Project and the financing of the Project would not have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; and

(f) the proposed financing will be of benefit to the health and welfare of the Issuer and complies with the purposes and provisions of IC 18-6-4.5.

BLOOMINGTON ECONOMIC DEVELOPMENT
COMMISSION

EXCERPT FROM THE MINUTES OF A REGULAR PUBLIC MEETING OF THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, HELD AT THE MUNICIPAL BUILDING, ITS REGULAR MEETING PLACE, IN THE CITY OF BLOOMINGTON, INDIANA, AT 7:30 P.M., ON THE 18TH DAY OF OCTOBER, 1979.

The President of the Common Council called the meeting to order and directed the City Clerk to call the roll and take the minutes of the meeting.

Upon roll call the following Councilmen were present:

The following were absent:

The President announced that the _____ order of business was to consider the adoption of a resolution relating to the financing by the City of Bloomington, Indiana, of certain economic development facilities for Episcopal Housing, Inc., pursuant to the provisions of IC 18-6-4.5, which resolution was introduced by Councilman _____ and was read in full:

RESOLUTION NO. _____

A RESOLUTION relating to the financing by the City of Bloomington, Indiana, of certain economic development facilities for Episcopal Housing, Inc., pursuant to the provisions of IC 18-6-4.5.

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by Title 18, Article 6, Chapter 4.5 of the Indiana Code of 1971, as amended (the "Act"), to finance the acquisition, construction and equipping of "economic development facilities" (as defined in the Act) throughout the County of Monroe, Indiana (the "County"), both inside and outside the corporate limits of any city or town, including the corporate limits of the Issuer, in order to relieve conditions of insufficient employment opportunities, insufficient tax base and insufficient diversification of economic development facilities, which conditions have heretofore been determined to exist within and near the Issuer, all for the benefit of the health and welfare of the Issuer; and

WHEREAS, the Bloomington Economic Development Commission (the "Commission") is charged by the Act with the duty to investigate, study and survey the need for additional job opportunities, industrial diversification, and pollution control facilities in the Issuer and to recommend action to improve or promote job opportunities, industrial diversification, and availability of pollution control facilities in the Issuer; and

WHEREAS, the Commission has determined that there is a need within the Issuer for additional job opportunities, industrial diversification and pollution control facilities and has recommended that the action to be taken to improve and promote job opportunities, industrial diversification and availability of pollution control facilities within and near the Issuer is the issuance of economic development revenue bonds pursuant to the Act by the Issuer to finance projects (as defined in the Act); and

WHEREAS, the Commission is further charged by the Act with the duty to negotiate with one or more persons, firms, partnerships, trusts, associations or corporations (whether for profit or not-for-profit) concerning the terms and conditions of financing proposed economic development facilities; to consider whether the proposed economic development facilities may have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; and to prepare a report briefly describing the proposed economic development facilities, estimating the public services, if any, which would be made necessary or desirable by the proposed economic development facilities and the expense thereof, the total project costs of the proposed economic development facilities, and the number of jobs to be created or saved and the estimated payroll therefrom; and

WHEREAS, Episcopal Housing, Inc., Indianapolis, Indiana, an Indiana not-for-profit corporation (the "Corporation"), has submitted to the Commission an application for the financing by the Issuer of certain economic development facilities in the County, near the corporate limits of the Issuer, consisting of

the acquisition, construction and equipping of a health facility consisting of a 225-unit licensed residential care facility and a 78-bed skilled and intermediate care facility (the "Project"), which is a health facility of the type licensed and regulated by the Indiana health facilities council under IC 16-10-2 and therefore an economic development facility within the meaning of the Act; and

WHEREAS, the Commission, in receiving the application of the Corporation, has considered the need for additional job opportunities and increased diversification of economic development facilities in the Issuer and the impact of the Project on those needs; has negotiated with the Corporation concerning the terms and conditions of financing the Project; has considered whether the Project would have an adverse competitive effect on similar facilities already constructed or operating in the Issuer; has estimated the need for additional public services as a result of the Project and the expense thereof, the total Project costs and the number of jobs to be created by the Project; and

WHEREAS, a description of the Project and the preliminary findings of the Commission with respect to its consideration of the application of the Corporation for the financing of the Project are contained in the Commission's report on the Project which is attached hereto as Exhibit A; and

WHEREAS, on the basis of the Commission's preliminary findings with respect to the Project, it appears that the Project will provide additional job opportunities and increased diversification of economic development facilities in the Issuer and will be of benefit to the health and welfare of the Issuer, and that the financing of the Project complies with the purposes and provisions of the Act; and

WHEREAS, the Corporation has heretofore agreed with respect to the Project that it will make payments in lieu of taxes to the Issuer in an amount equal to the amount of taxes which the Corporation would otherwise pay to the Issuer on account of the Project if the Corporation were not exempt from taxation under the laws of the State of Indiana:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

Section 1. That the report of the Commission attached hereto as Exhibit A is hereby approved.

Section 2. That the Project will provide additional job opportunities and increased diversification of economic development facilities in the Issuer and will be of benefit to the health and welfare of the Issuer, and that the financing of the Project complies with the purposes and provisions of the Act.

Section 3. That in order to induce the Corporation to locate the Project in the County, near the corporate limits of the Issuer, the Issuer hereby represents that it intends, subject to the results of the public hearing to be held by the Commission in accordance with the provisions of the Act and the further findings of the Commission with respect to the Project, and subject to the completion to the satisfaction of the Issuer, the Corporation and the Commission of all other financing arrangements with respect to the Project, to issue its economic development revenue bonds in the principal amount of not to exceed \$16,000,000 to finance the costs of the Project.

Section 4. That, if satisfactory arrangements can be made, the Issuer will adopt such proceedings authorizing the execution of such documents as may be necessary or advisable for the authorization, issuance and sale of such economic development revenue bonds and the financing of the Project, including any financing agreements (as defined in the Act) to be entered into between the Issuer and the Corporation, all as shall be authorized by law and mutually satisfactory to the Issuer, the Corporation and the Commission.

Section 5. That, if the Issuer issues and sells its economic development revenue bonds to finance the costs of the Project, the financing agreement (as defined in the Act) to be entered into between the Issuer and the Corporation will provide that the aggregate payments to be made by the Corporation pursuant to said financing agreement and used by the Issuer to pay the principal of, premium, if any, and interest on such economic development revenue bonds shall be such sums as shall be sufficient to pay the principal of, premium, if any, and interest on such economic development revenue bonds as and when the same shall become due and payable.

Section 6. That, if the Issuer issues and sells its economic development revenue bonds to finance the costs of the Project, such economic development revenue bonds shall be payable solely from the payments to be made under the financing agreement (as defined in the Act) to be entered into between the Issuer and the Corporation and shall not in any respect be a general obligation of the Issuer, nor shall they ever constitute or give rise to a charge against the general credit or taxing powers of the Issuer, and such economic development revenue bonds shall not constitute an indebtedness or a loan of credit of the Issuer within the meaning of any constitutional or statutory provision.

Section 7. That all costs and expenses in connection with the financing of the Project, including but not limited to the fees and expenses of bond counsel and the agent or underwriter for the sale of the economic development revenue bonds issued to finance the costs of the Project, shall be paid from the proceeds of such economic development revenue bonds or by the Corporation.

Section 8. That it is desirable that the Corporation rather than the Issuer or the Commission arrange for the portions of the Project requiring acquisition, construction and equipping, in order to insure that the Project will conform to the requirements of the Corporation, for whose use the Project is to be designed.

Section 9. That, if for any reason the economic development revenue bonds of the Issuer are not issued to finance the costs of the Project, neither the Issuer nor the Commission shall in any way be liable in damages, or otherwise, to any party for such failure to consummate the financing.

Section 10. That all resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

After a full and open public discussion thereof, Councilman _____ moved and Councilman _____ seconded the motion that this resolution as presented and read be adopted.

Voting AYE:

Voting NAY:

ABSTAINING:

ABSENT:

Passed and adopted this 18th day of October, 1979.

President

ATTEST:

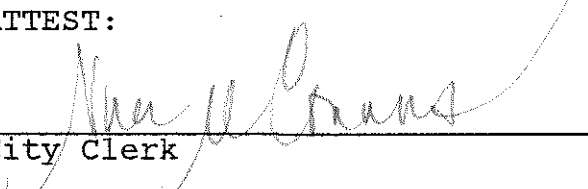
Anna H. Conners
City Clerk

Approved by me this ____ day of October, 1979.

Francis D. McElroy
Mayor

Pursuant to motion duly made and carried, the Common Council of the City of Bloomington, Indiana, adjourned.

ATTEST:



City Clerk

President

COMMITTEE REPORT SHEET

Legislative #: Appropriation Ordinance - Ordinance - Resolution 79-33

Title: To Authorize EDC Bonds for Episcopal Housing

Committee: Joint Mtg. Public Facilities Community Development

Submitted by: ED Commission & Petitioners

Meeting Date: _____

Committee Recommendation:

VOTE OF AYES: 6, NAYS: 0, FOR TO PASS RECOMMENDATION.

Signatures of Councilmembers:

BLUME ALSO PRESENT

RWA

AT

JR

TA

DM
