

Resolution 76-1

A Resolution Ratifying the Rules and Regulations of the Redevelopment Commission Relating to the Implementation of the Utility Service Grant Program: CDBG No. B-75-HN-18-0002

WHEREAS, the City of Bloomington, Indiana is entitled to the sum of \$1,004,000.00 as a Non-Metropolitan Entitlement City (Sec. 106) under the provisions of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and,

WHEREAS, the City of Bloomington, Indiana has completed grant application B-75-HN-18-0002 on April 11, 1975, and,

WHEREAS, Grant No. B-75-HN-0002 was approved for funding as submitted and proposed on May 20, 1975, and,

WHEREAS, the City of Bloomington, Indiana, has reached a finding of no significant impact in the Environment, and said finding has been published and no contradictory finds or comments have been received, and, therefore, said finding and said publication have been affirmed completing the City of Bloomington's obligation under 24 CFR S 58.16, Environmental Regulations for Title I Programming, and,

WHEREAS, Grant No. B-75-HN-18-0002 designates the sum of fifty thousand dollars (\$50,000.00) for the purpose of a Utility Service Grant Program, and,

WHEREAS, the Common Council did, on November 6, 1975, appropriate (Appropriation Ordinance 75-11) the sum equal to that designated in Grant No. B-75-HN-18-0002 for a Utility Service Grant Program.

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of Bloomington, Indiana:

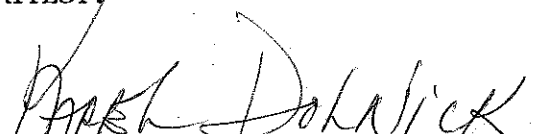
Section I. That the Rules and Regulations of the City of Bloomington Redevelopment Commission, attached herewith as Exhibit A, be adopted as the rules of implementation for the Utility Service Grant Program, pursuant to Grant No. B-75-HN-18-0002.

Section II. This Resolution shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Indiana this 15 day of January, 1976.


Clem Blume, President
Bloomington Common Council

ATTEST:


Karel Dolnick, City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, this 20th day of January, 1976 at the hour of 10 o'clock A. M.


Karel Dolnick, City Clerk


Francis X. McCleskey, Mayor

76-1
RESOLUTION
OF THE
REDEVELOPMENT COMMISSION

WHEREAS, funds are available under Community Development Block Grant No. B-75-HN-18-0002 for the Utility Service Grant Program, and

WHEREAS, the Redevelopment Commission is empowered to promulgate Rules and Regulations for the implementation of programs undertaken with the use of federal funds, and

WHEREAS, Rules and Regulations for the Utility Service Grant Program have been developed, publicly discussed, and proposed for adoption by the Redevelopment Commission, and,

WHEREAS, Rules and Regulations for implementation of the Utility Service Grant Program have been duly considered by the Redevelopment Commission,

NOW, THEREFORE, BE IT RESOLVED, that the Utility Service Grant Rules and Regulations (attached as Exhibit A to this Resolution) be adopted and forwarded to Bloomington City Council for ratification.



Robert Linnemeier, President



Norman Merrifield, Secretary

Thank you for your

Date

January 5, 1976

UTILITY SERVICE GRANTS

Program Elements

I. Eligibility Requirements:

A. Requirements applicable to the structure considered for a Utilities Service Grant.

1. A Utilities Service Grant may be made only with respect to a property located within the corporate jurisdictional boundaries of the City of Bloomington.
2. The property must lack or have as non-functioning:
 - 1) Plumbing facilities including stool, lavatory, shower and sink.
 - 2) Connection to an available sewer line.
3. If the structure is not feasible for rehabilitation then it must be determined that the structure is beyond any municipal program i.e. demolition through condemnation or relocation, for at least a period of one year from the date the structure is considered for a Utilities Service Grant.
4. It must be determined on a case by case basis that the structure is sufficiently sound and otherwise adaptable to the improvements provided through this grant.

B. Requirements applicable to applicant for a Utility Service Grant.

1. Ownership Requirements Applicable to Applicant for a Grant

To be eligible for a Utility Service Grant, the applicant must be an individual or family who owns and occupies a one-to-four-dwelling-unit residential property, or is a purchaser-occupant of such a property under a land sales contract. The term "land sales contract" refers to any transaction, regardless of the nomenclature by which it is known, in which the purchaser-occupant obtains fee title only if he completes a series of installment payments over a term of years. Eligibility for land contract purchasers is contingent upon the fulfillment or applicability of the following requirements:

- (a) The Contract shall be written, legally binding, instrument involving a residential property containing not more than four dwelling units.
- (b) The seller of the property must hold fee title to the property and, while the contract is in good standing, must be unable to use the property for collateral or to convey the property to any other party unless such use for collateral or conveyance of fee is subject to the land sales contract. Legally acceptable limitations on the effect of conveyance or use of

property for collateral must be found to exist under local law, the provisions of the contract, or some other written agreement in recordable form.

- (c) Under the contract, the seller and any subsequent holder of the fee to the property must be obligated, without qualification, to deliver to the purchaser fee simple title and a deed to the property upon full payment of the contract price, or some lesser amount.
- (d) Under the terms of the contract, the purchaser shall have:
 - (1) Full use, possession, and quiet enjoyment of the property,
 - (2) Equitable title to the property, and
 - (3) Full rights of redemption for a period of not less than 90 days, unless redemption rights not less than 90 days are afforded by local law to a purchaser under a land sales contract.
- (e) The purchaser shall have had possession and use of the property under the contract for at least 12 months prior to the date of application.
- (f) Before an application for a Utilities Service Grant to a purchaser under a land sales contract can be approved, the Department of Redevelopment must obtain a copy of the land sales contract and a written legal opinion from its counsel that each of the foregoing conditions is satisfied, and setting forth the basis for the opinion and the contract shall be retained in the Department's files with respect to a Utility Service Grant.

2. Applicants Income

- a. In order to qualify for a Utilities Service Grant an applicants income must not exceed \$5,000.00 per year or an applicant's monthly housing expense must equal or exceed one fourth of the applicant's income. If the applicant's income exceeds \$5,000.00 per year then the Redevelopment Department shall verify the applicant's housing expense which shall consist of the following:
 - (1) Mortgage principal and interest
 - (2) mortgage insurance
 - (3) hazard insurance
 - (4) real estate taxes
 - (5) maintenance and repairs
 - (6) heating and utilities
 - (7) ground rent
 - (8) home improvement loans (to include acquisition of equipment as identified under eligible costs as defined under the MORGP program).

b. The following is a listing of the elements comprising income for purposes of a Utilities Service Grant.

(1) Applicant - Income of an applicant includes the income of the applicant and his family. The applicant's family includes the applicant and any other person or persons related by blood, marriage, or operation of law, who shares the same dwelling unit. If ownership of the property rests in more than one person, the applicant is each owner and family. The applicant's income, therefore, is the sum of the family incomes of all applicants.

(2) An applicant's income is established on an annual basis at the time of applying for a Utilities Service Grant and includes:

- (a) The applicant's earnings
- (b) Spouse's earnings, and earnings of all other members of the family who share the household, if the employment of the spouse or other family member is a definite characteristic of family life. Excluded is the income of an adult household member other than the applicant and spouse who does not have an ownership interest in the property, but included are any funds contributed or paid to the family on a regular basis by the adult household member.
- (c) Other income regularly received by the applicant or his family from any source.
- (d) Net income from real estate other than the property to receive assistance, and any other net business income.
- (e) Income from the rental units in the property to receive assistance based on gross rental income.

c. Eligibility must further be established by an evaluation of the applicant's net worth in relation to the following limits.

<u>Family #</u>	<u>Net Worth Limit</u>
1	\$6,600
2	8,000
3+	9,400

Net worth shall be determined by considering all assets excluding the applicant's dwelling unit less all liabilities for which the applicant is responsible. Exceptions to the above limits may be made only upon review by the Citizens Fact Finding Board and approval of the Redevelopment Commissioners. Considerations in review shall include special circumstances affecting applicability of the limits such as the degree of liquidity of assets, age of the applicant, and his/her insurance coverage, etc.

II. Cost Includable for the Utilities Service Grant

The following taken together constitute the maximum benefits for any given case. However, each case shall be individually evaluated in order to determine which of the following applies for that case.

- a. Metal shower stall
- b. Kitchen sink
- c. Stool
- d. Lavatory
- e. Necessary wall enclosures and door complete with hardware.
- f. Excavation including materials for sewer hook-on.
- g. Excavation and materials for water hook-on.
- h. Water meter pit and accessories.
- i. Hot water heater.

III. Limitations on Amount of Grant

The amount of the Utilities Service Grant that an applicant may receive shall not exceed the lesser of:

- a. the actual and approved cost of the improvements determined by the lowest acceptable bid.
- b. \$2,000.00 excluding sewer and water line excavation and related materials.

IV. Combination with Other Departmental Assistance Programs

The Utility Service Grant may be combined with other appropriate Departmental programs as necessary for program objectives. Combination applications will be submitted for Commission review and approval (a) in the event an applicant is refused a combination by the staff and requests a review (b) in the event there is uncertainty about consistency with overall program objectives, (c) if there is need for clarification on matters of policy. Except as outlined above, combinations may be approved at the staff level provided however that all otherwise identified criteria for eligibility and applicability have been met.

V. Contracting for Utilities Service Grants

Construction bids may be let individually or as groups at the discretion of the Department of Redevelopment to qualified contractors who meet the insurance requirements of the department. After receiving bids the appropriate Redevelopment staffer shall review the bids and prepare a bid analysis. The applicant shall be informed of the bids and the most favorable bidder shall be selected. All applicable affirmative action and equal opportunity requirements set forth by the federal government, the state or the locality shall be strictly adhered to.

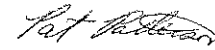
CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Council Office SUBJ: Utility Service Grants
FROM: Redevelopment Department DATE: January 9, 1976

Resolution 76-1, A-Resolution Ratifying the Rules and Regulations of the Redevelopment Commission Relating to the Implementation of the Utility Service Grant Program, is submitted to the Common Council for the purpose of establishing operating guidelines for the Department of Redevelopment in implementing the cited program. The Rules & Regulations outline the criteria of eligibility and process for awarding individual grants for the hook-up of utility services to owner-occupied residential structures, primarily in the Miller Drive and Westside Neighborhoods. It is necessary that rules and regulations be adopted in the absence of governing HUD guidelines for this program.

Power to promulgate such rules and regulations is vested in the Redevelopment Commission by State law and ratification is requested consistent with policy and commitment to inform and involve the Bloomington City Council in implementation of programs funded through the Community Development Block Grant.



Pat Patterson,
Executive Director

CITY OF BLOOMINGTON UTILITIES

Interdepartmental Memo

TO: Controller Pat Gross FROM: Robert Schmuhl, President
 DEPT. _____ DEPT. Utilities Service Board
 SUBJ. USE Franchise Agreement DATE: November 10, 1976

Thank you for your memo of November 1, 1976 concerning a possible change in the Franchise Agreement between the Utilities Department and the Civil City for 1977.

The change that you proposed was discussed during the Utilities Service Board meeting of November 9. The Utilities Service Board would appreciate it if you would take the necessary steps to delete the City Court Judge and to add the electrical inspector and planning technician to the Franchise Agreement for 1977. A motion to this effect was passed by the USB with a vote of 6 to 0 with one member abstaining.

The Board realizes the cumbersome process involved in making the proposed change, and we thank you in advance for your work on this matter.

CC: Mayor
 Paul Coulter

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Bob Schmuhl SUBJ: Franchise Agreement
 FROM: Pat Gross DATE: November 1, 1976

It has been brought to my attention that I may have made a serious error in judgment when I included the City Judge's salary on the Utilities-Civil City franchise agreement. As you will remember, I felt uncomfortable about putting the salaries of the Common Council on the agreement because it could have made the Council vulnerable to charges of conflict of interest when acting in their capacity to approve contracts entered into by the Utilities Service Board. I was, perhaps, overly sensitive in regard to the Council and not sensitive enough to the matter of the Judge's salary.

If the Board does feel strongly about this matter, I would like to suggest the following remedy. When the franchise goes to the Council next week, it would be revised to include one more salary in Engineering and one more in Planning instead of the Judge's. Then through a rather lengthy procedure of interdepartmental transfers, a transfer of appropriations between departments in the General Fund would appropriate more money to the Court salaries and less to Engineering and Planning. The schedule of such a procedure would run as follows: after January 1st I would ask the Council to consider what would be called an appropriation ordinance but in fact would be an interdepartmental transfer. After Council approval it would go to the State Tax Board and receive final approval about March 1st. In the meantime, however, we could be dispersing money according to the revised franchise--that is, with Utilities paying a portion of the Electrical Inspector's salary and the Planning Technician's salary and not the Judges--because Utilities dispersals do not depend upon Tax Board approval.

An exchange of salaries, the resulting change in fringe benefits and an adjustment of an originally erroneous insurance figure result in the following figures:

Present Agreement

Judge's Salary (\$14,500 x 65%)	9425.00
Present Agreement's Total Insurance	12592.00
Present Agreement's Total FICA	14866.00
Present Agreement's Total PERF	11690.00
TOTAL	48573

Suggested Agreement

Electrical Inspector's Salary (\$10023 x 65%)	6515.00
Planning Technician's Salary (\$9800 x 65%)	6370.00
Total Insurance	6373.00
Total FICA	15068.00
Total PERF	11848.00
TOTAL	46174

May I have a sense of the USB on this matter? If the Board wants to change the details of the present agreement, I would like to know before I present the franchise agreement to the Council. I could then use that opportunity to explain the matter of next year's interdepartmental transfer.

Thank you.

Utilities - Cost City Franchise Agreement

	Utilities	Gen'l Fund
Utilities to Fund 6590		
Boards of Public Works		
Executive Director (12,300)	7995-	4305-
Total (12,300)	7995-	4305-
City Clerk		
Clerk (11,000)	7150-	3850-
Total (11,000)	7150-	3850-
Common Council		
Attorney (15,000)	9750-	5250-
Total (15,000)	9750-	5250-
Controller's Office		
Controller (16,500)	10725-	5775-
Asst. Controller (13,500)	8775-	4725-
Asst. Controller (13,500)	8775-	4725-
Total (43,500)	28275-	15225-
Engineering		
City Engineer (19,000)	12350-	6650-
Project Engineer (12,755)	8291-	4464-
Planning Inspectors (10,180)	6617-	3563-
Building Inspector (10,190)	6628-	3569-
Electrical Inspector (10,023)	6515-	3509-
Total (62,154)	40401-	21755-
Human Resources		
Equal Opportunity Officer (11,300)	7345-	3955-
Total (11,300)	7345-	3955-
Legal Department		
Corporate Counsel (8,500)	5525-	2975-
City Attorney (17,300)	11295-	6055-
Deputy City Attorney (12,500)	8125-	4375-
Total (38,300)	24945-	13405-
Subtotals (193,554)	125811-	67745-

*Subsequently reduced to \$19,108

	Utilities	Gen'l Fund
CF 195811 - 67745 -		
Mayor's Office		
Mayor (24,000)	15600-	2300-
Administrative Assistant (14,500)	9425-	5075-
Staff Assistant/Office Manager (9,800)	6370-	3400-
Total (48,300)	31395-	16405-
Personnel		
Personnel Director (15,000)	9750-	3250-
Personnel Analyst (9,256)	6017-	3240-
Total (24,256)	15767-	8490-
Planning		
Planning Director (19,000)	12350-	6650-
Planner II (14,200)	9280-	4970-
Planner III (16,200)	10530-	5670-
Planning Technician (9,200)	6370-	3400-
Total (59,200)	38480-	20720-
Recruitment		
Director (18,300)	11895-	6405-
Total (18,300)	11895-	6405-
Sanitation		
Sanitation Director (10,300)	6695-	3605-
Total (10,300)	6695-	3605-
Treasurer		
Deputy City Treasurer (4290)	2789-	1502-
Total (4290)	2789-	1502-
Streets		MVH
Transportation Director/Developmental Liaison (19,000)	12350-	6650-
Accountant (9,556)	6212-	3345-
Street Inspector (9,500)	6175-	3325-
Total (38,056)	24737-	13320-
Total Utilities	257569-	
Total GF	195372-	
Total MVH	18320-	

*Subsequently reduced to \$14,500

	1	2
	Utilities	
	257,569 -	
1 Fringe Benefits to be Paid by Utilities		
2 Social Security (5.85%)	15,068 -	
3 PERP (4.6%)	11,849 -	
4 Insurance (80 operations x 12 months x 14.34)	5,883 -	
5 Total fringe	32,800 -	
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7 Grand Total Utilities Payment	290,369 -	
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SUMMARY OF FRANCHISE PAYMENTS
1973 - 1977

	ANNUAL REVENUES	FRANCHISE IN \$	ANNUAL % INCREASE OF FRANCHISE	FRANCHISE AS % OF REVENUE
1973	\$3,354,274	\$ 158,936		4.7%
1974	3,798,573	162,155	2.0%	4.3%
1975	3,848,604	170,000	4.8%	4.4%
1976	4,060,122	212,758	25.0%	5.2%
1977	4,055,000	300,000	41.0%	7.4%
		<u>\$1,003,849</u>		

88 3/4% increase 1973 through 1977

COMMITTEE REPORT SHEET

COMMITTEE P/CD & U/EE
 LEGISLATIVE NUMBER Resolution 76-43
 SUBJECT MATTER Utilities Franchise Agreement
 ORIGIN Controller
 DATE OF MEETING Monday, November 22, 1976
 READING Second

RECOMMENDATION: DO PASS NO RECOMMENDATION AT THIS TIME
 TENTATIVE DO PASS; SUBJECT TO CONDITIONS BELOW
 MINORITY REPORT FILED NONE

COMMITTEE DISCUSSION

*USB Recommended Clause of 80% Limit in 1978
 and 1979 NOT APPROVED*

Hawaii _____ *Hawaii* Pat Kuzma _____

SIGNATURES OF COMMITTEE MEMBERS

W _____ Jack Merino _____ Chairperson
W _____ C. R. King _____

INTERDEPARTMENTAL FUNDING AGREEMENT

Agreement entered into this 2 day of December, 1976, by and between the Civil City of Bloomington, Indiana, hereafter referred to as City, and the City of Bloomington, Indiana Utilities Service Board, hereafter referred to as Board, pursuant to IC 1975, 8-1-2-96.

WHEREAS, the Board is authorized by IC 1975, 8-1-2-96 to pay sums sufficient to compensate the City for the taxes which would be paid on the utility property were it privately owned;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. That the City and the Board shall perform all obligations and responsibilities set forth in this Agreement, and each shall provide access and cooperation required to achieve the purpose of this Agreement.

2. That this agreement shall remain in full force and effect from January 1, 1977 through December 31, 1979.

3. That the Board shall pay a sum equal to sixty-five percentum (65%) of the maximum salaries for each of the following positions: Board of Public Works, Executive Director; City Clerk's Office, City Clerk; Common Council, Attorney; Controller's Office, Controller, Assistant Controllers; Engineering, City Engineer, Project Engineer, Plumbing Inspector, Building Inspector, Electrical Inspector; Human Resources, Equal Opportunity Officer; Legal Department, Corporate Counsel, City Attorney, Deputy City Attorney; Mayor's Office, Mayor, Administrative Assistant, Staff Assistant/Office Manager; Personnel, Personnel Director, Personnel Analyst; Planning, Planning Director, Planner II, Planner III, Planning Technician; Redevelopment, Director; Sanitation, Sanitation Director; Treasurer, Deputy City Treasurer; Street Department, Transportation Director/Developmental Liaison, Accountant, Street Inspector.

4. That this Board shall pay the FRINGE BENEFITS of all employees covered by this Agreement as follows: Social Security employer payments; Public Employee's Retirement Fund (PERF) employer's payments; Insurance premium employer's payments.

5. That the payments described in Sections 3 and 4 shall be made at each payroll during the term of this Agreement.

6. That the City Controller shall be empowered to pay temporary hourly employees from any surplus which might result from positions (listed above in Section 3) being paid below the maximum salary ordinance figures.

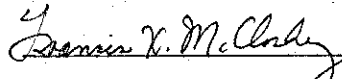
7. That should reorganization of the City result in the elimination of positions cited in Section 3 of this Agreement, the City Controller shall be empowered to substitute similarly salaried positions for those positions listed in Section 3.


8. That the City Controller shall be designated the officer to receive, disburse and account for the funds stipulated by this Agreement.


9. That, in no event, shall the sums to be paid by the Board for the year ending December 31, 1977 exceed Three Hundred Thousand Dollars (\$300,000.00).

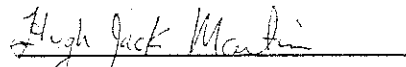
10. That the parties shall negotiate in 1978 and 1979 a maximum obligation figure of Board payments under this Agreement.

This Agreement shall be in full force and effect upon approval and signature of all parties therein identified.

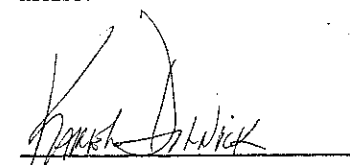

Francis X. McCloskey, Mayor
City of Bloomington, Indiana


Robert Schmuhl, President
Utilities Service Board


Clem J. Blume, President
Bloomington, Indiana Common
Council


Hugh Jack Martin, Vice-President
Utilities Service Board

ATTEST:


Karel Dolnick, City Clerk
City of Bloomington, Indiana