

APPROPRIATION ORDINANCE 19-03

TO SPECIALLY APPROPRIATE FROM THE FOOD AND BEVERAGE TAX FUND EXPENDITURES RELATED TO THE CONVENTION CENTER EXPANSION, AND MAKING A STANDING REQUEST FOR RECOMMENDATIONS FROM THE FOOD AND BEVERAGE TAX ADVISORY COMMISSION AS FUTURE NEEDS FOR THOSE EXPENDITURES ARISE

- WHEREAS, the Monroe County Convention Center (“Center”) building was built in 1923 for the Graham Motor Sales company and converted to a convention center in 1991; and
- WHEREAS, the Center was upgraded and remodeled, but not enlarged, in 2012, and its current size has limited its ability to accommodate many groups desiring to hold events in Bloomington; and
- WHEREAS, the County and City are collaborating on a project to expand the Center (the “Project”), and have agreed that the Project will be primarily funded through the use of certain county excise tax revenues provided for under Indiana Code § 6-9-41-0.3, et seq. (“Food and Beverage Tax”); and
- WHEREAS, the Food & Beverage Tax was passed by the County in 2017 and has been continually collected since February 1, 2018, with the proceeds for the City transferred by the County Auditor being deposited into the Food and Beverage Tax City Fund, Number 152 (the “Fund”), in accordance with Indiana Code § 6-9-41-12; and
- WHEREAS, the County and City entered into a Memorandum of Agreement dated October 12, 2018 regarding selection of an architect to oversee the Project, and the MOU allocated explicit responsibility to the City for “Contracting and the payment for appropriate expenses for the Architect;” and
- WHEREAS, the architect, bond counsel and financial adviser have now been chosen and have begun the first phase of the Project (“Phase I”), which involves conceptual and design work, a survey, appraisals and environmental work, legal and financial advice related to a bond issue, and such other related services as may be identified during Phase I (“Phase I Costs”); and
- WHEREAS, the City therefore desires to have funds appropriated from the Fund in a not-to-exceed amount to pay for these costs not included in the adopted budget; and
- WHEREAS, the City has estimated a not-to-exceed amount for this appropriation, based on the architect’s cost estimate attached to this ordinance, and based on estimates from the City’s bond counsel and its financial adviser; and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Bloomington Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]... may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the advisory commission”; and
- WHEREAS, on January 16, 2019, the Common Council adopted a motion making such a request from the Commission in regard to the expenditures for the Architect, and on April 3, 2019, the Council adopted a similar motion regarding expenditures for the bond counsel and financial adviser; and
- WHEREAS, in Section 2 of this ordinance, the Common Council makes a standing request of the Commission to make recommendations on future expenditures as needs arise; and
- WHEREAS, on January 22, 2019, the Food and Beverage Tax Advisory Commission (Commission) established under Indiana Code § 6-9-41-16, met in public session and recommended the use of monies in the Fund for the Phase I Costs related to the Architect, and met in public session on April 23, 2019 and recommended the use of the Fund for the Phase I Costs related to the bond counsel and financial adviser; and

WHEREAS, pursuant to Indiana Code § 6-9-41-16(b), the majority of the members of the Commission have issued their written approvals (Appendix A & B) of the expenditures authorized herein;

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

SECTION I. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the fund herein named and for the purposes herein specified, subject to the laws governing the same:

AMOUNT REQUESTED

Food and Beverage Tax Fund

Classification 3 – Services and Charges:

Architect and related fees and expenses	\$ <u>350,000.00</u>
Bond Counsel and Financial Adviser	\$ <u>200,000.00</u>
Grand Total	\$ <u><u>550,000.00</u></u>

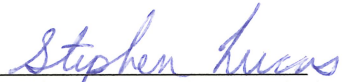
SECTION 2. By this ordinance, the Common Council as legislative body of the City, requests the advisory commission's ongoing recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter as the need for those expenditures arises in the future and in a manner consistent with Indiana Code § 6-9-41-16(b).

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15 day of May, 2019.

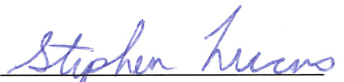


DAVE ROLLO, President
Bloomington Common Council

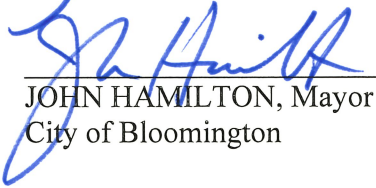
ATTEST:


~~NICOLE BOLDEN~~, Clerk *Stephen Lucas, Chief Deputy Clerk*
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of May, 2019.


~~NICOLE BOLDEN~~, Clerk *Stephen Lucas, Chief Deputy Clerk*
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of May, 2019.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates funds from the Food and Beverage Tax Fund for expenditures related to the Convention Center expansion project, including expenditures for Phase I of the Project, which involves conceptual and design work, a survey, appraisals and environmental work, legal & financial advice on various issues related to the project, including a bond issue, and such other related services as may be identified.

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller