

**RESOLUTION 21-31
UPDATING RESOLUTIONS 17-19 AND 21-12**

**AN UPDATED FISCAL PLAN AND POLICY RESOLUTION FOR
ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
BLOOMINGTON, MONROE COUNTY, INDIANA**

South-East Bloomington Annexation Area

- WHEREAS, the City of Bloomington, Indiana ("City") has identified several areas outside of the City's current municipal boundaries for annexation to the City, of which the "South-East Bloomington Annexation Area" is one; and
- WHEREAS, Ind. Code § 36-4-3-3.1 requires that an annexing municipality develop a written fiscal plan and establish a definite policy, by resolution of the legislative body, before mailing notification to landowners of the annexation public hearing; and
- WHEREAS, the City engaged Reedy Financial Group, P.C., municipal financial and annexation consultants, to develop a written fiscal plan and policy for the provision of municipal services to the annexation areas in 2017, including the estimated effect on taxpayers, municipal finances, and other political subdivisions, that meets the requirements of Ind. Code § 36-4-3-13(d); and
- WHEREAS, on March 29, 2017, the City, by Resolution 17-19, adopted a Fiscal Plan for Municipal Annexation (version 3.0) for the South-East Bloomington Annexation Area, subject to further amendment; and
- WHEREAS, following the adoption of Fiscal Plan 3.0, the Indiana General Assembly adopted Indiana Code § 36-4-3-11.8, which purported to terminate the City's consideration of annexation of the South-East Bloomington Annexation Area effective April 30, 2017; and
- WHEREAS, on December 15, 2020, the Indiana Supreme Court issued its opinion in *Holcomb v. City of Bloomington*, Case No. 19S-PL-304, affirming the invalidity of Indiana Code § 36-4-3-11.8 as unconstitutional special legislation; and
- WHEREAS, following the Indiana Supreme Court's decision, on May 19, 2021, the City, by Resolution 21-12, adopted an updated Fiscal Plan for Municipal Annexation (version 4.0) for the South-East Bloomington Annexation Area, subject to further amendment; and
- WHEREAS, the City has continually received input from the public and community concerning the annexations, and Reedy Financial has worked with the City to further refine and develop an updated comprehensive fiscal plan for the several areas still identified for annexation, which updated fiscal plan is then divided into separate fiscal plans for each area, including the South-East Bloomington Annexation Area; and
- WHEREAS, the updated written fiscal plan and definite policy provide for the provision of City services of a noncapital nature to the annexation territory within one (1) year after the effective date of annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the updated written fiscal plan and definite policy provide for the provision of City services of a capital nature to the annexation territory within three (3) years after the effective date of annexation in the same manner the services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and

WHEREAS, the updated written fiscal plan and definite policy provide for the cost estimates of planned services, the methods of financing the planned services, and the organization and extension of services; and

WHEREAS, the updated written fiscal plan and definite policy provide for the estimated effect of the proposed annexations on taxpayers, municipal finances, and other political subdivisions for four (4) years after the effective date of the annexation; and

WHEREAS, the updated written fiscal plan and definite policy include a list of all parcels of property in the annexation territory including owner names, parcel identification numbers, the most recent assessed value, and remonstrance waiver information; and

WHEREAS, the Common Council finds that the updated fiscal plan represents a credible commitment by the City to provide the several annexation areas, including the South-East Bloomington Annexation Area, with comparable capital and non-capital services in accordance with Ind. Code § 36-4-3-13(d).

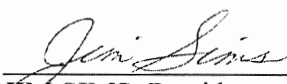
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Fiscal Plan for Municipal Annexation (version 5.0), prepared by Reedy Financial Group P.C. and dated September 15, 2021 is hereby adopted for the South-East Bloomington Annexation Area, which updated fiscal plan version 5.0 supersedes and replaces the prior versions 3.0 and 4.0 of the fiscal plan adopted on March 29, 2017 and May 19, 2021, respectively. The aforementioned updated fiscal plan is a public record and is hereby incorporated by reference into this legislation and, along with any other requirements for public inspection imposed by I.C. § 36-4-3 *et al*, two copies of the material are on file in the office of City Clerk for public inspection. In addition, this material is also available online at bloomington.in.gov/annex.

SECTION 2. The City reserves the right to supplement or amend this Resolution, the South-East Bloomington Annexation Area, and/or the fiscal plan as may otherwise be permitted or required by Ind. Code § 36-4-3 *et seq*.

SECTION 3. The provisions and descriptions of this Resolution, the South-East Bloomington Annexation Area, and the provisions of the fiscal plan are severable, and if a court of competent jurisdiction determines any portion(s) invalid for any reason, such determination shall not affect the remaining portions thereof.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15 day of September, 2021.



JIM SIMS, President
Bloomington Common Council

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

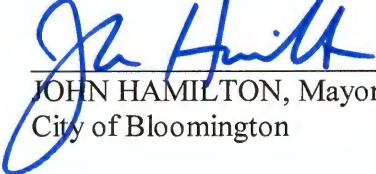
PRESENTED by me to the Mayor of the City of Bloomington, Monroe County,
Indiana, upon this 17 day of September, 2021.

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of September, 2021.



JOHN HAMILTON, Mayor
City of Bloomington

Synopsis

This resolution adopts the updated Fiscal Plan for Municipal Annexation (version 5.0) ("Fiscal Plan 5.0") prepared for the annexation of the South-East Bloomington Annexation Area depicted in Exhibit A to Ordinance 17-12, as amended. Fiscal Plan 5.0 is an updated version of the fiscal plan last adopted by the Council on May 19, 2021, and outlines the proposed plans for the extension of capital and noncapital services in this area.

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