

RESOLUTION 23-03

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN
THE CITY OF BLOOMINGTON AND THE BLOOMINGTON PUBLIC
TRANSPORTATION CORPORATION REGARDING ECONOMIC DEVELOPMENT
LOCAL INCOME TAX DISTRIBUTION TO SUPPORT TRANSIT PROJECTS**

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and
- WHEREAS, the City of Bloomington (“City”) as a political subdivision of the state of Indiana, and the Bloomington Public Transportation Corporation (“BPTC”) as a public corporate body, are both governmental entities empowered by Indiana Code § 36-1-7-1 to enter into Interlocal Cooperation Agreements; and
- WHEREAS, on May 4, 2022, the Common Council of the City of Bloomington (“Common Council”) unanimously passed Resolution 22-09; and
- WHEREAS, Resolution 22-09 proposed an ordinance entitled “Ordinance Modifying Local Income Tax rates with Monroe County” to the Monroe County Local Income Tax Council (“Tax Council”) and cast all of the Common Council’s 56.66 votes as a member of the Tax Council in favor of the ordinance; and
- WHEREAS, the Tax Council’s ordinance created an Economic Development Income Tax rate of 0.69% (“EDIT”) under Indiana Code § 6-3.6-6-4 to serve economic development purposes throughout Monroe County, effective October 1, 2022; and
- WHEREAS, the Common Council, as well as City Administration and the Bloomington Public Transportation Corporation (“BPTC”), recognize that the advancement of public transit has significant economic development and environmental benefits for the City and beyond; and
- WHEREAS, the Tax Council’s ordinance directs that certain revenue associated with the EDIT rate shall be directed to eligible taxing units that are members of the Tax Council based on population, including the City; and
- WHEREAS, the Common Council’s unanimous vote in support of Resolution 22-09 partly reflected the Common Council’s desire to advance important public transit initiatives that would help achieve the significant economic and environmental benefits; and
- WHEREAS, City Administration and the BPTC have negotiated an Interlocal Cooperation Agreement (“Agreement”) that furthers the purposes of Resolution 22-09 by providing \$3,806,100 of annual EDIT revenue to BPTC for five years to advance such public transit initiatives, and prioritizes certain initiatives that were presented to the Common Council at the time it voted to approve Resolution 22-09; and
- WHEREAS, the Agreement includes appropriate oversight and reporting mechanisms, including annual reports and presentations to the Common Council in connection with budget proceedings and regular meetings with City Administration to discuss progress on initiatives.

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

SECTION 1. The Interlocal Cooperation Agreement between the City of Bloomington and the Bloomington Public Transportation Corporation, in regards to the distribution of EDIT funds over a five-year period to support transit projects described in that Agreement, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any section, sentence, or provision of this resolution 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 application of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 25th day of January, 2023.

Sue Sgambelluri
SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NB
NICOLE BOLDEN, Clerk

PRESENT by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 26 day of January, 2023.

NB
NICOLE BOLDEN, CLERK
City of Bloomington

SIGNED and APPROVED by me up on this 26th day of January, 2023.

John Hamilton
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution approves of an Interlocal Cooperation Agreement between the City and the Bloomington Public Transportation Corporation (BPTC). The Agreement includes a commitment by the City to pay BPTC not less than \$3,806,100 in Economic Development-Local Income Tax funds each year beginning in 2023 and ending in 2027 to enable BPTC to pursue various economic development transit initiatives. Five such projects are identified and listed as priorities in the Agreement. BPTC would be required to report to the Common Council during the annual budget process, as well as engage in meetings with City Administration on the appropriate expenditure of this funding.

Distributed to: Bloomington Public Transportation Corporation, Clerk, Controller, Council Attorney, Legal, and Mayor.

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
BLOOMINGTON PUBLIC TRANSIT CORPORATION

WHEREAS, Indiana Code §36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, the City of Bloomington (“City”) as a political subdivision of the state of Indiana, and the Bloomington Public Transit Corporation (“BPTC”) as a public corporate body, are both governmental entities empowered by Indiana Code § 36-1-7-1 to enter into Interlocal Cooperation Agreements, Indiana Code § 36-9-4-30 authorizes the BPTC to acquire by contract real and personal property necessary or convenient for the exercise of its powers, and Indiana Code § 36-9-4-33 authorizes the BPTC to contract with any person upon the terms and conditions the board considers best for the corporation; and; and

WHEREAS, on May 4, 2022, the Common Council of the City of Bloomington (“Common Council”) unanimously passed Resolution 22-09; and

WHEREAS, Resolution 22-09 proposed an ordinance entitled “Ordinance Modifying Local Income Tax rates with Monroe County” to the Monroe County Local Income Tax Council (“Tax Council”) and cast all of the Common Council’s 56.66 votes as a member of the Tax Council in favor of the ordinance; and

WHEREAS, the Tax Council’s ordinance created an Economic Development Income Tax rate of 0.69% (“EDIT”) under Indiana Code §6-3.6-6-4 to serve economic development purposes throughout Monroe County; and

WHEREAS, the City of Bloomington (the “City”) and Bloomington Public Transportation Corporation (“BPTC”) recognize that the advancement of public transit has significant economic development and environmental benefits for the City and beyond; and

WHEREAS, the Tax Council’s ordinance directs that certain revenue associated with the EDIT rate shall be directed to eligible taxing units who are members of the Council based on population, including the City; and

WHEREAS, the City intends by this Agreement to provide to BPTC a portion of the revenue it receives from the EDIT rate to advance certain economic development local income tax public transit initiatives;

NOW, THEREFORE, the City and BPTC hereby agree as follows:

Section 1. Term

The term of this Agreement shall be five (5) years commencing on January 1, 2023 and ending on December 31, 2027.

Section 2. Financial Commitment

The City hereby commits the sum of \$3,806,100 to BPTC in 2023. In each subsequent year of this Agreement the City's contribution to BPTC shall be not less than \$3,806,100, providing the City of Bloomington Common Council appropriates the necessary funds. Any failure to appropriate the necessary funds in a given year of this Agreement shall not affect the other years or cause this Agreement to terminate. The parties agree to make a good faith effort to obtain all necessary appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Section 3. Use of Funds

BPTC shall use the funds provided by the City under this Agreement for various economic development local income tax public transit initiatives as may be from time to time agreed upon by the City and BPTC. The following projects have been identified by the parties for prioritization:

- (A) the establishment of an East-West Express Transit line intended to provide fifteen (15) minute frequency across the priority east-west corridor;
- (B) the addition of Sunday service;
- (C) the enhancement of BPTC's Paratransit and Micro-transit services;
- (D) the enhancement of week day service by increasing frequency of service;
- (E) subsidization of BPTC ridership, with a focus on work force and low income riders.

Should any of the above initiatives become infeasible, the parties will discuss and determine alternative projects, subject to approval by the Common Council through the annual budget process. The BPTC shall use its normal processes to budget for, staff, administer, and operate projects supported by funds provided under this Agreement.

Section 4. Carryover of Funds

Any funds distributed to BPTC for a particular year may be carried over by BPTC into the next year.

Section 5. Disbursement of Funds

The City shall disburse appropriated funds to BPTC on an annual basis, commencing during the month of March, 2023 and annually thereafter.

Section 6. BPTC Reporting Requirements

BPTC shall provide a thorough report in a form and with such content as the City shall reasonably require in August of each year, and shall incorporate the content of such report into its annual budget presentation to the Common Council. In addition BPTC and City Administration will engage in biannual meetings and regular dialog in between scheduled meetings, to discuss progress on and determine the appropriate expenditure of EDIT funds on economic development local income tax public transit initiatives.

Section 7. Purpose and Intent

The purpose of this Agreement is to support public transit initiatives consistent with the approval of the EDIT cited above. By entering into this Agreement, the parties do not intend to create any obligations, express or implied, other than those set forth herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Approved this 25th day of January 2023, by the City of Bloomington Common Council

ATTEST:

Sue Sgambelluri
Sue Sgambelluri, President
Bloomington Common Council

Nicole Bolden
NICOLE BOLDEN, Clerk

Approved this 26th day of January, 2023, by the City of Bloomington.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

John Hamilton
JOHN HAMILTON, Mayor

Nicole Bolden
NICOLE BOLDEN, Clerk

Approved this ~~25th~~ ²⁰ day of DECEMBER ~~January~~ 2023, by the Board of Directors of BPTC

BLOOMINGTON PUBLIC TRANSIT CORPORATION

John Connell
JOHN CONNELL, General Manager

Item	Annual Cost	Description
PUBLIC SAFETY	\$3,954,000	
Police - Sworn Officer Salaries	\$1,500,000	Fund the costs associated with the contingent Fraternal Order of Police (FOP) contract
Police - Non-Sworn officer salaries and public safety programs	\$232,500	Expand the roles and increase the number of Police Social Workers and Community Service Specialists to respond to some non-emergency calls for service and those calls that do not require law enforcement response. Provide ongoing support for the STRIDE Center.
Fire - Public Safety Programs	\$232,500	Tailor response options for 911 calls, health and wellness checks, etc. to divert more 911 calls to nonsworn personal. Explore combining police/fire nonsworn.
Police & Fire Headquarters	\$780,000	Consolidate public safety headquarters operations to replace current damaged and inadequate facilities and to benefit from efficiencies of scale.
Fire - New/Upgraded Stations (four, including new downtown)	\$1,209,000	Replace or repair damaged and aging facilities with new or upgraded facilities in order to attract and retain employees and meet safety standards.
CLIMATE CHANGE PREPAREDNESS AND MITIGATION	\$5,433,600	
Add Bloomington Transit (BT) Sunday Service	\$300,000	Achieve 7-day service for greater consistency and reliability in an effort to boost ridership and reduce single occupancy vehicle use.
Establish East-West Express Transit Line	\$1,627,500	Major new service providing 15-minute frequency across a priority East-West corridor. This route addition would boost attractiveness and convenience for riders and reduce automobile use.
Enhance In-House BT Para-Transit and Microtransit	\$1,023,000	Increase access/improve equity for people who can't ride fixed-route BT, qualify for para-transit, require special accommodations while enhancing convenience and expand those services. City-wide service expansion.
Enhance BT Weekday Service to Maximum 30-Minute Frequency	\$762,600	Improve convenience for all riders, boost ridership, reduce automobile use.
Subsidize BT Ridership	\$93,000	Improve access to public transportation with a focus on workforce and low-income riders.
Climate Action Plan (CAP) Implementation	\$1,627,500	Multiple efforts to climate change prevention and preparedness. See Proposed Climate Action Plan Investments in "New Revenue FAQs" for more detail.

EQUITY AND QUALITY OF LIFE FOR ALL	\$2,340,000	
Housing Funding for Ownership, Rental, Housing Security	\$1,047,000	Improved access to housing equity through funding assistance for the Housing Security Group/homeless; low/mod-income renters; low/mod-income homeowners. Support missing housing types.
Workforce and Economic Development	\$200,000	Funding for workforce development initiatives, including workforce re-entry, re-skilling and up-skilling, and entrepreneurship training, as well as operations and infrastructure funding for the Trades District Technology Center.
Economic Equity Fund	\$1,000,000	Direct support of low income working residents/families - possible Individual Development Accounts to match savings; focused on direct impact, possibly through SSCAP, MCUM, Trustees, others.
Public Art and Arts Development	\$46,500	Funding for maintenance of existing arts spaces, execution of the recommendations of the City's <i>Arts Feasibility Study</i> and <i>Public Arts Master Plan</i> , and support for arts organizations.
Local Food Access and Nutrition Security	\$46,500	Funding to improve food access and nutrition security. Funding support will focus on partnerships with food service providers to address gaps in local food access for low income and food insecure residents.
ESSENTIAL CITY SERVICES	\$2,790,000	
Personnel	\$1,162,500	Offer incentives to attract and retain talented City employees, such as pay adjustments, hiring bonuses, creation of new positions, tuition reimbursement, relocation allowance, longevity bonuses, and/or housing assistance.
Maintenance/Replacement of Assets	\$465,000	Maintain aging facilities and other physical assets and replace when required.
Increases to Major Categories of Expenses	\$697,500	Meet obligations for city property and liability insurance, materials, supplies, repair and maintenance.
Lost Revenue Replacement	\$465,000	Replace shortfall resulting from decreased Cable Franchise Fees (cable fees lost to streaming) to fund essential IT infrastructure replacements, cybersecurity, and CATS.
TOTAL	\$14,517,600	