



City of Bloomington Common Council

Legislative Packet

Special Session

immediately followed by

Committee of the Whole Discussion

14 September 2011

For non-budget legislation, please consult the [Legislative Packet](#) issued in interest of the 07 September 2011 meeting. Please consult the [Budget Packet](#) for background materials dealing with the budget.

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<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading at Special Session on September 14th:

- **Ord 11-10** An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2012
Contact: Daniel Grundmann at 349-3404 or grundmand@bloomington.in.gov
- **App Ord 11-07** To Specially Appropriate from the General Fund and Rainy Day Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Additional 2011 Health Insurance and Fuel Expenses)
Contact: Mike Trexler at 349-3412 or trexlerm@bloomington.in.gov
- **Ord 11-15** To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" and Title 11 of the Bloomington Municipal Code Entitled "Lakes and Reservoirs" - Re: Conforming Local Code with Senate Enrolled Act 292
Contact: Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov

Please see the [7 September 2011 Budget Packet](#) and [7 September 2011 Council Legislative Packet](#) for the associated legislation, supplemental material and summaries.

Legislation to be Postponed for Consideration Beyond the Special Session on September 14th Pursuant to Motion of the Council at its Regular Session on September 7th:

- **Ord 11-09** An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012
- **Ord 11-11** To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012
- **App Ord 11-05** An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington)
- **App Ord 11-06** An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012

Regular Session Motion: Ord 11-09, Ord 11-11, App Ord 11-05, and App Ord 11-06 shall be continued and discussed at the Committee of the Whole on Tuesday, September 27th and be ready for Second Reading on October 5th.

Please see the [7 September 2011 Budget Packet](#) for the associated legislation, supplemental material and summaries.

Legislation and Background Material for First Reading:

- Ord 11-06 An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto
 - Memo from Karl Sturbaum, Bond Counsel

Contact: Karl Sturbaum at ksturbaum@boselaw.com

Memo

Special Session and Committee of the Whole Next Wednesday, September 14th

There are two meetings scheduled for next Wednesday. The first is a Special Session where three ordinances are ready for second readings, four ordinances (including the Civil City budget ordinance for 2012 – App Ord 11-05) will be announced as rescheduled in accordance with a motion the Council adopted last Wednesday, and one ordinance will be introduced. The second meeting is a Committee of the Whole where the one newly introduced ordinance will be ready for discussion.

First Readings

Item One – Ord 11-16 – Amending Ord 11-02 and Ord 10-18 to Extend Timeframe for Issuance of Economic Development Revenue Bonds for Pinnacle School

Ord 11-06 amends Ord 11-02 and Ord 10-18 in order to extend the timeframe for Pinnacle School¹ to issue State Economic Revenue Bonds to expand their new facility on Arlington Road. As you may recall, Pinnacle School came forward last year for Council authorization to use up to \$2.1 million of bonds under the American Recovery and Reinvestment Act² for this purpose (Ord 10-18), but was unable to arrange financing in time. Then, in early 2011, Pinnacle School returned to the Council to request that up to \$1.5 million in financing be authorized through State tax exempt Economic Development Revenue Bonds (Ord 11-02) for the same purpose. That legislation provided for the issuance of bonds within 180 days of adoption of the ordinance, which will expire on September 19th. The ordinance coming forward next week extends that timeframe by another 180 days.

More information about previous actions of the Council can be found online in packets generated for the:

- *[2 March 2011 Regular Session](#) (first reading of Ord 11-02); and*
- *[17 November 2010 Regular Session and Committee of the Whole](#) (first reading and discussion of Ord 10-18).*

¹ Formally known as Bloomington Dyslexia Center, LLC

² The legislation is better known as the Stimulus Act and the bonds were formally known as Recovery Zone Facility Bonds.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL SPECIAL SESSION AND
COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 14, 2011
COUNCIL CHAMBERS (ROOM 115)
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 11-10 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2012

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|---------------------------|---|-------|
| Regular Session Action: | Schedule for Second Reading at Special Session on September 14 th | 5 - 4 |
| Committee Recommendation: | Do Pass: | 9 - 0 |

2. Appropriation Ordinance 11-07 To Specially Appropriate from the General Fund and Rainy Day Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Additional 2011 Health Insurance and Fuel Expenses)

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|---------------------------|---|-------|
| Regular Session Action: | Schedule for Second Reading at Special Session on September 14 th | 5 - 4 |
| Committee Recommendation: | Do Pass: | 7 - 0 |

3. Ordinance 11-15 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" and Title 11 of the Bloomington Municipal Code Entitled "Lakes and Reservoirs" - Re: Conforming Local Code with Senate Enrolled Act 292

| | | |
|---------------------------|---|-------|
| Regular Session Action: | Schedule for Second Reading at Special Session on September 14 th | 5 - 4 |
| Committee Recommendation: | None | |

Legislation to be Continued in Accordance with Schedule Adopted by the Council at Regular Session on September 7, 2011 (Summarized Below)

4. Ordinance 11-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012

5. Ordinance 11-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012

6. Appropriation Ordinance 11-05 An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington) – *Note: This ordinance was previously scheduled for adoption this evening in a notice advertised twice in August.*

7. Appropriation Ordinance 11-06 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012

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| Relevant Portion of Regular Session Motion: | <u>Ord 11-09, Ord 11-11, App Ord 11-05, and App Ord 11-06</u> shall be continued and discussed at the Committee of the Whole on Tuesday, September 27 th and be ready for second reading on October 5 th . (These meetings will begin at 7:30 p.m. and be held in the Council Chambers.) |
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(Over)

IV. LEGISLATION FOR FIRST READING

1. Ordinance 11-16 An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto

V. **ADJOURNMENT** (*and immediately convened for*)

COMMITTEE OF THE WHOLE

Chair: Isabel Piedmont-Smith

1. Ordinance 11-16 An Ordinance Amending Ordinance 10-18, as Amended by Ordinance 11-02, Extending the Time for the Issuance by the City Of Bloomington, Indiana, of Economic Development Revenue Bonds for the Benefit of Bloomington Dyslexia Center, LLC and Authorizing Other Actions in Respect thereto

Asked to Attend: Karl Sturbaum, Bond Counsel
Representative of Petitioner



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of 12-17 September 2011

Monday, 12 September 2011

3:30 pm Safe Routes to School Task Force Meeting, McCloskey Room
4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey Room
5:00 pm Utilities Service Board, Board Room, 600 E Miller Dr
5:30 pm Plan Commission, Council Chambers

Tuesday, 13 September 2011

4:00 pm Bloomington Community Farmers' Market, Madison St, Between 6th & 7th St
4:30 pm Bloomington Commission on Aging, Hooker Room
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
5:30 pm Board of Public Works, Council Chambers
6:00 pm City of Bloomington Commission on Sustainability, McCloskey Room

Wednesday, 14 September 2011

10:00 am Pre Bid for Cascades Trail Phase One, McCloskey Room
4:00 pm Board of Housing Quality Appeals, McCloskey Room
4:00 pm Commission on the Status of Black Males, Hooker Room
7:30 pm Common Council Special Session *immediately followed by a* Committee of the Whole,
Council Chambers

Thursday, 15 September 2011

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N Summit, Community Room
7:00 pm Environmental Commission, McCloskey Room

Friday, 16 September 2011

12:00 noon Domestic Violence Task Force, McCloskey Room

Saturday, 17 September 2011

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N Morton

Posted and Distributed: Friday, 09 September 2011

ORDINANCE 11-16

AN ORDINANCE AMENDING ORDINANCE 10-18, AS AMENDED BY ORDINANCE 11-02, EXTENDING THE TIME FOR THE ISSUANCE BY THE CITY OF BLOOMINGTON, INDIANA, OF ECONOMIC DEVELOPMENT REVENUE BONDS FOR THE BENEFIT OF BLOOMINGTON DYSLEXIA CENTER, LLC AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Common Council (“Council”) of the City of Bloomington, Indiana (“City”), on December 1, 2010, adopted Ordinance 10-18, entitled “An Ordinance authorizing the City of Bloomington, Indiana, to issue its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 (Bloomington Dyslexia Center LLC Project) in the principal amount not in excess of Two Million One Hundred Thousand Dollars (\$2,100,000), and approving and authorizing other actions in respect thereto” (the “2010 Bond Ordinance”), and

WHEREAS, the Council, on March 23, 2011, adopted Ordinance 11-02, entitled “An Ordinance amending Ordinance No. 10-18 authorizing the City of Bloomington, Indiana to issue its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the principal amount not in excess of One Million Five Hundred Thousand Dollars (\$1,500,000) and approving other actions with respect thereto” (the “2011 Ordinance”, and with the 2010 Ordinance, the “Prior Ordinances”): and

WHEREAS, Section 1(F) of the 2011 Ordinance amended Section 5 of the 2010 Ordinance to provide that “the Bonds shall be dated the date of closing of this transaction, which date to be no later than one hundred eighty days from the date of adoption of this Ordinance, as amended”; and

WHEREAS, Bloomington Dyslexia Center LLC has requested the City to extend the time limit imposed under the Prior Ordinances in order to permit negotiations for the purchase and sale of the Bonds to be completed; and

WHEREAS, the City now desires to extend the time limit for the issuance of the Bonds, and to amend the Prior Ordinances to allow such extension and to reaffirm its prior commitment to authorize the issuance of such bonds for the benefit of Bloomington Dyslexia Center, LLC.;

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

SECTION 1. The Prior Ordinances are hereby amended in the following particulars:

A. Section 1(H) of Ordinance 11-02 is amended by deleting the phrase “one hundred eighty (180) days” and inserting in its place, “three hundred sixty (360) days”.

SECTION 2. All other provisions of the Prior Ordinance are hereby ratified and confirmed as though set forth herein, and the provisions of the Prior Ordinances, as amended hereby, shall constitute a contract binding between the Issuer and the Bond Purchaser, and after the issuance of said Bonds, the Prior Ordinances, as amended hereby, shall not be repealed or amended in any respect which would adversely affect the right of any holder or holders of the Bonds so long as said Bonds or the interest thereon remains unpaid.

SECTION 3. This Ordinance amending the Prior Ordinances shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of September, 2011.

SUSAN SANDBERG, President
City of Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of September, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of September, 2011

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Regina Moore, Clerk of the City of Bloomington, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of City of Bloomington Ordinance 11-16, passed by the Common Council on the 21st day of September, 2011, by a vote of __ YEAS and __ NAYS, which was signed by the Mayor of the City of Bloomington, Indiana, on the ____ day of September, 2011, and now remains on file and on record in my office.

WITNESS my hand and official seal of the City of Bloomington, Indiana, this __ day of September, 2011.

[SEAL]

REGINA MOORE, Clerk
City of Bloomington, Indiana

Synopsis

This Ordinance amends Ordinance 10-18, adopted by the Council on December 1, 2010, and Ordinance 11-02, adopted by the Council on March 23, 2011, and extends the time limit for the issuance of up to \$1,500,000 in tax exempt Economic Development Revenue Bonds for the Pinnacle School Campus project at 1503/1505 West Arlington Road for an additional one hundred eighty days.

TO: Bloomington City Council

Cc: Dan Sherman, Attorney/Administrator, Common Council; Margie Rice, Corporation Counsel, Bloomington, Indiana

FROM: Karl R. Sturbaum

DATE: September 5, 2011

RE: Economic Development Revenue Bonds for Bloomington Dyslexia Center LLC

The City of Bloomington Common Council has adopted two ordinances approving the issuance of tax exempt economic development bonds for the benefit of Bloomington Dyslexia Center, LLC. Ordinance 10-18, adopted December 1, 2010, authorized the issuance of Recovery Zone Facility Bonds under Section 1400U of the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"). Because the Bonds could not be issued prior to the expiration of the Stimulus Act, the Council, on March 23, 2011, adopted Ordinance No. 11-02, which amended Ordinance No. 10-18 to provide for the issuance of the Bonds as Economic Development Revenue Bonds under IC 36-7-12 et. seq. Ordinance No. 11-02 contains a provision which requires the Bonds to be issued within 180 days of its date of adoption. This time limit expires on September 19, 2011. While negotiations with a purchaser for the Bonds are ongoing, it is questionable whether the transaction can be consummated within the time limit contained in Ordinance No. 11-02. The proposed ordinance amends the prior ordinances by extending the time limit from 180 to 360 days. It makes no other changes to the transaction as previously authorized by the Council. Because the amending ordinance changes the time limit as set forth in Ordinance No.11-02, it will relate back to the date of adoption of that Ordinance. Therefore, the authorization of the Bonds by the Council will continue to be valid even if the amendment is adopted after the expiration of the time limit set forth in Ordinance 11-02.

The Bonds continue to be payable solely from revenues generated by the project, and are not a debt of the City, Monroe County or the State. They will not impact the City's credit rating or debt capacity. The financing documents provide indemnification to the City for any liability arising with respect to either the Bonds or the Project.

Please don't hesitate to contact me if you have additional questions.