



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 30 November 2022
Committee of the Whole at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE
WEDNESDAY | 6:30 PM
30 November 2022

Council Chambers (#115), Showers Building, 401 N. Morton Street

The meeting may also be accessed at the following link:

<https://bloomington.zoom.us/j/81902744781?pwd=NzZCUjZTSWYzcmJBEbkZnVGtwTOttZz09>

Chair: Ron Smith

- I. Appropriation Ordinance 22-05 – To Specifically Appropriate From the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, CC Jack Hopkins Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)

Asked to Attend: Jeff McMillian, Deputy Controller
Cheryl Gilliland, Director of Auditing and Financial Systems

- II. Ordinance 22-30 – An Ordinance Authorizing the Issuance of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Public Safety Facilities, Including Costs Incurred in Connection with and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, and Addressing Other Matters Connected Therewith

Asked to Attend: Mayor John Hamilton
Buzz Krohn, Financial Advisor
Bradley Bingham, Outside Legal Counsel
Deb Kunce, VP of J.S. Held, Consultant

- III. Ordinance 22-35 – To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020

Asked to Attend: Councilmember Dave Rollo
Beth Rosenbarger, Assistant Director,
Planning and Transportation

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.



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

NOTICE

Wednesday, 30 November 2022

Committee of the Whole at 6:30 pm

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

Join Zoom Meeting

<https://bloomington.zoom.us/j/81902744781?pwd=NzZCUjZTSWYzZjBEbkZnVGtwT0ttZz09>

Meeting ID: 819 0274 4781

Passcode: 799428

One tap mobile

+13126266799,,81902744781# US (Chicago)

+16469313860,,81902744781# US

Find your local number: <https://bloomington.zoom.us/j/81902744781?pwd=NzZCUjZTSWYzZjBEbkZnVGtwT0ttZz09>

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON

Appropriation Ordinance 22-05 – To Specifically Appropriate From the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, CC Jack Hopkins Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)

Synopsis

This ordinance appropriates various transfers of funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, and the Fleet Maintenance Fund.

Relevant Materials

- [revised] [Appropriation Ordinance 22-05](#)
- [updated] Notice to Taxpayers
- [updated] Staff Memo from Jeffrey Underwood (Controller), Jeff McMillian, and Cheryl Gilliland, Office of the Controller

Summary

[Appropriation Ordinance 22-05](#) is a proposal often referred to as the end-of-year appropriation ordinance. For several years, the Council has considered appropriation requests during at least three occasions in a given year. The first is the “reversion” ordinances instituted by this Mayor, where some of the funds reverted at the end of the previous year are appropriated for departmental and city-wide purposes for the current year (note that a reversion ordinance was not proposed in 2022).

The second are the “budget” ordinances, which estimate the tax rates and revenues and propose expenditures for the following year. There were four budget appropriation ordinances proposed and adopted by the Council this year. The last is the “end-of-year” appropriation ordinance, which shifts, increases, or decreases appropriations to address budgetary needs for the latter part of the current year.



In the past, end-of-year appropriation ordinances have proposed to make a number of transfers: 1) within departments who wish to move monies between major budget classifications, and 2) from departments with an anticipated budget surplus to those departments that anticipate shortages. This year, the legislation also includes requests for additional appropriations in the amount of \$828,000 across three different funds (CC Jack Hopkins Fund (270), Rental Inspection Program Fund (F411), and Housing Development Fund (F905)). Please consult the supporting memorandum from Cheryl Gilliland for details on the nature and rationale of each additional appropriation.

Indiana Code 36-4-7-8 provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the city’s tax levy that was set as part of the annual budgeting process. The additional appropriations requested by Appropriation Ordinance 22-05 should not result in such an increase to the city’s tax levy. Indiana Code 36-4-7-8 also permits the legislative body, by ordinance, to decrease any appropriation. Recall that currently, within certain bounds, departments may transfer monies within a classification without Council authorization, but any transfer between classifications requires Council authorization.¹

Indiana Code 6-1.1-17-3 requires a public hearing to be held during the formulation of local budgets, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for the end of the year appropriation ordinance is set for December 7, 2022.

In order to provide some historical context, the table below lists the last ten end-of-year appropriation ordinances along with the grand total additional appropriations out of the General Fund and out of all funds combined.

Year & Appropriation Ordinance	General Fund Grand Total Additional Appropriation	All Funds Grand Total Additional Appropriation
2021 – App Ord 21-05	\$281,940	\$2,241,274
2020 – App Ord 20-07	\$871,400	\$1,630,400
2019 – App Ord 19-08	\$0	\$430,000
2018 – App Ord 18-06	\$0	\$497,030
2017 – App Ord 17-06	\$0	\$750,800
2016 – App Ord 16-07	\$40,600	\$525,600
2015 – App Ord 15-06	\$0	\$632,640
2014 – App Ord 14-06	\$0	\$282,551
2013 – App Ord 13-04	\$0	\$264,813
2012 – App Ord 12-04	-\$3,000	\$263,000

Contact

Jeffrey Underwood, Controller, 812-349-3412, underwoj@bloomington.in.gov

Jeff McMillian, Deputy Controller, 812-349-3412, mcmillij@bloomington.in.gov

Cheryl Gilliland, Director of Auditing & Financial Systems, 812-349-3412,

cheryl.gilliland@bloomington.in.gov

¹ Budget Classifications are as follows: 1 (Personnel Services), 2 (Supplies), 3 (Services and Charges), and 4 (Capital).



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Note: the Appropriation Ordinance was revised after distribution of the Legislative Packet but before first reading at the November 16, 2022 Regular Session. This revision includes an intra-category transfer within Classification – 4 Capital of the Local Road and Street Fund of the Public Works Street Division. The updated Staff Memo includes additional information about this intra-category transfer, and an updated Notice to Taxpayers includes this intra-category transfer item. This transfer would otherwise require Council approval by Resolution pursuant to Bloomington Municipal Code 2.26.200. Its inclusion within the Appropriation Ordinance, which already requires Council approval, was suggested by Council staff.

APPROPRIATION ORDINANCE 22-05

TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PUBLIC SAFETY LIT FUND, ARPA LOCAL FISCAL RECOVERY FUND, PARKS AND RECREATION GENERAL FUND, CC JACK HOPKINS FUND, THE RENTAL INSPECTION PROGRAM FUND, LOCAL ROAD AND STREET FUND, PARKING FACILITIES FUND, SOLID WASTE FUND, FLEET MAINTENANCE FUND, AND HOUSING DEVELOPMENT FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

(Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund)

- WHEREAS, various Departments within the General Fund desire to transfer Classifications – 1, 2, 3 & 4 amounts for Personnel Services, Supplies, Services and Charges, and Capital replacement not included in the adopted budgets and to increase their budgets; and
- WHEREAS, the Police Department Dispatch Division desires to transfer funds from Classification – 1 Personnel Services to Classification – 3 Services and Charges and Classification – 4 Capital in the Public Safety LIT Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Police Department desires to transfer funds from Classification – 1 Personnel Services to Classification – 3 Services and Charges in the ARPA Local Fiscal Recovery Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Parks and Recreation Department desires to transfer funds in the Parks and Recreation General Fund budget from Classification – 1 Personnel Services to Classification – 2 Supplies for expenditures not included in the adopted budget; and
- WHEREAS, the Common Council desires to increase its budget in Classification – 3 Services and Charges in the CC Jack Hopkins Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Housing & Neighborhood Development (HAND) Department desires to increase its budget in Classification – 3 Services and Charges in its Rental Inspection Program Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Street Division desires to transfer funds from Classification – 4 Capital to Classification – 2 Supplies in the Local Road and Street Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Street Division desires to make an intra-category transfer of \$100,000 or more from Line 54310 to Line 54450 within Classification – 4 Capital in the Local Road and Street Fund to support the purchases of a skid steer with milling head and a backhoe, which would otherwise require Council review and approval pursuant to Bloomington Municipal Code 2.26.200; and
- WHEREAS, the Public Works – Parking Services Division desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in the Parking Facilities Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Solid Waste Division desires to transfer funds from Classification – 1 Personnel Services to Classification – 2 Supplies in its budget for the Solid Waste Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Fleet Division desires to transfer funds from Classification – 3 Services and Charges and Classification – 4 Capital Outlays to Classification – 2 Supplies in its budget for the Fleet Maintenance Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Housing & Neighborhood Development (HAND) Department desires to increase its budget in Classification – 3 Services and Charges in its Housing Development Fund for expenditures not included in the adopted budget; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund (F101)	
General Fund – Animal Care & Control	
Classification – 1 Personnel Services	<u>12,000</u>
Classification – 2 Supplies	<u>(5,000)</u>
Classification – 3 Services and Charges	<u>(7,000)</u>
Total General Fund – AC&C	<u>-</u>
General Fund – Public Works Administration	
Classification – 2 Supplies	<u>4,500</u>
Classification – 3 Services and Charges	<u>(34,000)</u>
Classification – 4 Capital	<u>45,000</u>
Total General Fund – PWA	<u>15,500</u>
General Fund – Economic and Sustainability Development	
Classification – 1 Personnel Services	<u>(60,685)</u>
Classification – 2 Supplies	<u>9,783</u>
Classification – 3 Services and Charges	<u>206,352</u>
Total General Fund – ESD	<u>155,450</u>
General Fund – Engineering	
Classification – 1 Personnel Services	<u>74,904</u>
Classification – 4 Capital	<u>208,123</u>
Total General Fund – Engineering	<u>283,027</u>
General Fund – Fire	
Classification – 1 Personnel Services	<u>30,000</u>
Classification – 3 Services and Charges	<u>(30,000)</u>
Total General Fund – Fire	<u>-</u>

General Fund – Legal

Classification – 1 Personnel Services	<u>(35,109)</u>
Classification – 3 Services and Charges	<u>158,600</u>
Total General Fund – Legal	<u>123,491</u>

General Fund – Office of the Mayor

Classification – 3 Services and Charges	<u>15,000</u>
Total General Fund – OOTM	<u>15,000</u>

General Fund – Human Resources

Classification – 1 Personnel Services	<u>(90,000)</u>
Total General Fund – HR	<u>(90,000)</u>

General Fund – Planning and Transportation

Classification – 1 Personnel Services	<u>(122,999)</u>
Classification – 3 Services and Charges	<u>(43,825)</u>
Total General Fund – P&T	<u>(166,824)</u>

General Fund – Police

Classification – 1 Personnel Services	<u>(803,394)</u>
Classification – 2 Supplies	<u>110,000</u>
Classification – 3 Services and Charges	<u>79,000</u>
Classification – 4 Capital	<u>100,000</u>
Total General Fund – Police	<u>(514,394)</u>

General Fund – HAND

Classification – 1 Personnel Services	<u>215,850</u>
Total General Fund – HAND	<u>215,850</u>

General Fund – Facilities Maintenance

Classification – 1 Personnel Services	<u>(20,280)</u>
Classification – 2 Supplies	<u>10,000</u>
Classification – 3 Services and Charges	<u>90,180</u>
Classification – 4 Capital	<u>(60,000)</u>
Total General Fund – Facilities Maint.	<u>19,900</u>

General Fund – Information &
Technology Services

Classification – 1 Personnel Services	<u>(45,000)</u>
Classification – 3 Services and Charges	<u>(12,000)</u>
Total General Fund – ITS	<u>(57,000)</u>

Grand Total General Fund(F101) -

**Public Safety Local Income Tax
Fund – Police Department Dispatch
Division**

Classification – 1 Personnel Services	<u>(34,300)</u>
Classification – 3 Services and Charges	<u>13,000</u>
Classification – 4 Capital	<u>21,300</u>
Total Public Safety LIT – Police Dispatch	<u>-</u>

**Grand Total Public Safety Local
Income Tax Fund(F151)** -

ARPA Local Fiscal Recovery Fund

Classification – 1 Personnel Services	<u>(165,000)</u>
Classification – 3 Services and Charges	<u>165,000</u>
Total ARPA Local Fiscal Recovery Fund	<u>-</u>

**Grand Total ARPA Local Fiscal
Recovery Fund(F176)** -

**Parks & Recreation General Fund –
Parks & Rec**

Classification – 1 Personnel Services	<u>(50,000)</u>
Classification – 2 Supplies	<u>50,000</u>
Total Parks & Rec General Fund – Parks	<u>-</u>

**Grand Total Parks & Recreation
General Fund(F200)** -

**CC Jack Hopkins – Common
Council**

Classification – 3 Services and Charges	<u>22,000</u>
Total CC Jack Hopkins	<u>22,000</u>

**Grand Total CC Jack Hopkins
Fund(270)** 22,000

**Rental Inspection Program Fund –
HAND**

Classification – 3 Services and Charges	<u>306,000</u>
Total Rental Inspection Program Fund – HAND	<u>306,000</u>

**Grand Total Rental Inspection
Program Fund(F411)**

306,000

**Local Road and Street Fund –
Public Works Street Division**

Classification – 2 Supplies	<u>75,000</u>
Classification – 4 Capital	<u>(75,000)</u>
Intra-Category Transfer	
Line 54310	<u>(\$252,526)</u>
Line 54450	<u>\$252,526</u>
Total Local Road and Street – PW Street	<u>-</u>

**Grand Total Local Road and Street
Fund(F450)**

-

**Parking Facilities Fund – Public
Works Parking Services Division**

Classification – 2 Supplies	<u>(45,600)</u>
Classification – 3 Services and Charges	<u>45,600</u>
Total Parking Facilities – PW Parking Services	<u>-</u>

**Grand Total Parking Facilities
Fund(F452)**

-

**Solid Waste Fund – Public Works
Sanitation Division**

Classification – 1 Personnel Services	<u>(25,258)</u>
Classification – 2 Supplies	<u>25,258</u>
Total Solid Waste – PW Sanitation	<u>-</u>

**Grand Total Solid Waste
Fund(F730)**

-

**Fleet Maintenance – Public Works
Fleet Division**

Classification – 2 Supplies	<u>228,290</u>
Classification – 3 Services and Charges	<u>(108,290)</u>
Classification – 4 Capital	<u>(120,000)</u>
Total Fleet Maintenance Fund – PW Fleet Division	<u>-</u>

**Grand Total Fleet Maintenance
Fund(F802)**

-

**Housing Development Fund –
HAND**

Classification – 3 Services and Charges	500,000
Total Housing Development Fund – HAND	500,000
Grand Total Housing Development Fund(F905)	500,000
Grand Total All Funds	828,000

SECTION 2. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer’s having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates various transfers of funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, and the Fleet Maintenance Fund.

Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the Regular Session on November 16, 2022. The revision included the addition of an intra-category transfer within Classification – 4, Capital of the Local Road and Street Fund and a corresponding Whereas clause.

City of Bloomington, Indiana
 Notice to Taxpayers of
 Additional Appropriations

Notice is hereby given to the taxpayers of Bloomington, Monroe County, Indiana that the Bloomington Common Council will consider the following additional appropriation in excess of the budget for the current year at a meeting to be held in the Council Chambers (Room #115) of City Hall, 401 N. Morton Street (which can also be accessed virtually at: <https://bloomington.zoom.us/j/89056934818?pwd=VWhEbzVjSC9GRmYwK0pjY3NIT3Irdz09>), at 6:30 p.m. on December 7, 2022.

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings and for meeting materials.

Fund Amount:	Dept. Amount:	From:
\$0		General Fund 101
	\$0	Animal Care & Control
	\$215,850	Housing and Neighborhood
	\$155,450	Dept.
	\$19,900	Economic and Sustainable Dev
	\$0	Facilities
	\$123,491	Fire
	\$15,000	Legal
	\$15,500	Office of the Mayor
	\$283,027	Public Works Admin
	(\$57,000)	Engineering
	(\$90,000)	Information Technology
	(\$166,824)	Service
	(\$514,394)	Human Resources
		Planning and Transportation
\$0		Police
	\$0	Public Safety Local Income Tax Fund151
	\$0	Police – Dispatch
	\$0	ARPA Local Fiscal Recovery 176
	\$0	Police
\$0		Parks & Recreation General Fund 200
\$22,000		Jack Hopkins Fund 270
\$306,000		Rental Inspection Fund 411
\$0		Local Road and Street Fund 450
\$0		Parking Facilities Fund 452
\$0		Cumulative Capital Development Fund 601
\$0		Solid Waste Fund 730

\$0
\$500,000

Fleet Maintenance Fund 802
Affordable Housing Development Fund
905

Please note that in addition to transfers between Classifications, the Local Road and Street Fund (#450) is also proposing an intra-category transfer of greater than \$100,000 within Classification – 4 (Capital) from Line 54310 to Line 54450.

Taxpayers appearing at the meeting live or virtually will have a right to be heard. The Additional Appropriations as finally made will be referred to the Department of Local Government Finance. The Department will make a written determinations as to the sufficiency of funds to support the appropriations made within 15 days of receipt of a Certified Copy of the action taken.

Dated: November 16, 2022,

Jeffrey Underwood, City of Bloomington Controller

H-T: Please advertise one time on November 27, 2022 and bill the City Controller's Office.



JOHN HAMILTON
MAYOR

JEFFREY H. UNDERWOOD
CONTROLLER

CITY OF BLOOMINGTON

CONTROLLER'S OFFICE

401 N Morton St
Post Office Box 100
Bloomington IN 47402

p 812.349.3416
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controller@bloomington.in.gov

Memorandum

To: Council Members
From: Jeffrey Underwood, Controller, Jeff McMillilan, and Cheryl Gilliland
Date: November 9, 2022 [*updated November 16, 2022*]
Re: Appropriation Ordinance 22-05

Appropriation Ordinance 22-05 is our comprehensive 2022 year-end appropriation. The total additional appropriation is \$828,000. In addition, there are appropriations that are simple transfers between departments that have zero net impact on the total budget.

1. **General Fund – Various** The majority of this ordinance transfers appropriations between departments and categories in order to cover changes between the initial budget prepared, and actual operational results. For 2022, the net effect on the actual appropriation from the General Fund is zero. There will be no impact on the fund balance or tax rates.
 - a. **Animal Care & Control – the Public Works Department** is requesting a \$5,000 transfer from Classification 2 – Supplies and a \$7,000 transfer from Classification 3 – Services to Classification 1 – Personnel Service to assist in covering the increase of temporary salaries, which is due to the prolonged hiring process of multiple regular positions. The savings will come from fewer supplies being purchased out of Classification 2 and having the ability to supplement Classification 3 spending from the donations account. There is no fiscal impact due to this request.
 - b. **Public Works Administration – the Public Works Department** is requesting \$34,000 transfer from Classification 3 – Services to Classification 2 – Supplies to cover the higher than expected fuel costs and a transfer to Classification 4 – Capital to cover unexpected capital purchases. In addition, the department is requesting an additional appropriation of \$15,500 for Classification 4 – Capital which will come from the release of funds from other General Fund departments. The surplus funds in Classification 3 are due from lower than budgeted liability and casualty premium insurance charges and unused travel and instruction expenses in 2022.
 - c. **ESD – the Economic and Sustainability Development Department** is requesting a transfer of \$50,902 from Classification 1 – Personnel Services to Classification 3 – Services and an additional appropriation of \$155,450 for Classification 3 – Services to cover the cost of unbudgeted maintenance at the Waldron. The department is also requesting a \$9,783 transfer from Classification 1 – Personnel Services to Classification 2 – Supplies to complete the Waldron maintenance shortfall. The surplus from Classification 1 is the result of a budgeted position not being hired until February and temporary staff vacancies not replaced in 2022. This

additional appropriation request will come from the release of funds from other General Fund departments.

- d. **Engineering** – the **Engineering Department** is requesting an additional appropriation of \$74,904 in Classification 1 – Personnel Services to cover the additional staffing costs associated with the Meridiam project and an additional appropriation of \$208,123 in Classification 4 – Capital to cover a portion of a land purchase. This request will come from the release of funds from other General Fund departments.
- e. **Fire** – the **Fire Department** is requesting a transfer of \$30,000 from Classification 3 – Services to Classification 1 – Personnel Services to cover the cost associated with hiring new firefighters before the end of 2022. The savings will come from utilizing in-house instruction for new recruits and other groups, which in turn limited the amount of outside training the department could utilize. Plus, savings will come from less equipment/machinery repair. There is no fiscal impact due to this request.
- f. **Legal** – the **Legal Department** is requesting a \$35,109 transfer from Classification 1 – Personnel Services to Classification 3 – Services to cover excess outside counsel fees due primarily to annexation litigation and the Meridiam fiber deal. An additional appropriation request in the amount of \$123,491 is being requested to fully cover Classification 3 – Services shortfall. This request will come from the release of funds from other General Fund departments.
- g. **Mayor** – the **Office of the Mayor** is requesting an additional appropriation of \$15,000 in Classification 3 – Services to cover higher than anticipated costs for technology, software, and equipment associated with additional temporary employees in communications. This request will come from other General Fund departmental funding releases.
- h. **Human Resources** – the Human Resources Department is requesting the release of \$90,000 from Classification 1 – Personnel Services. The release is due to an excess in the parking payout program. The funds are being released to cover shortfalls in other General Fund departments.
- i. **Planning** – the **Planning Department** is requesting the release of \$122,999 from Classification 1 – Personnel Services due to vacancies that took extra time to fill and a release of \$43,825 from Classification 3 – Services due to employee instruction/conferences and travel being postponed due to availability of qualified classes and/or scheduling, and planned services/programs being delayed. The savings will fund other General Fund departments.
- j. **Police** – the **Police Department** is requesting the release of \$514,394 from Classification 1 – Personnel Services which is due to 20+ officer vacancies throughout 2022. The department is also requesting a transfer of \$110,000 from Classification 1 – Personnel Services to Classification 2 – Supplies to cover excess fuel costs, a transfer of \$79,000 from Classification 1 to Classification 3 – Services to cover the unbudgeted police Social Worker Convention, excessive electricity and building repair expenses and to transfer \$100,000 from Classification 1 to Classification 4 – Capital to cover the pilot ECD Project. The released funds would cover shortfalls in other General Fund departments.
- k. **HAND** – The **Housing and Neighborhood Development Department** is requesting an additional appropriation of \$215,850 in Classification 1 – Personnel Services to cover personnel expenses which are normally

covered by a supplement from grant funds. This request will come from the release of funds from other General Fund departments.

- l. Public Works – Facilities Maintenance – the Public Works Department** is requesting to transfer \$20,280 savings in Classification 1 – Personnel Services, which is due from excess temporary employee funds and \$60,000 from Classification 4 – Capital, which is due from the HVAC project not being completed in 2022 (due to higher costs). These funds would be transferred to Classification 2 – Supplies to assist with the purchase of battery powered equipment for use at City Hall and other facilities and to Classification 3 – Services to assist in covering the higher than anticipated City Hall energy costs. The department also requests an additional appropriation of \$19,900 to fully fund Classification 2 and Classification 3. This request will come from the release of funds from other General Fund departments
- m. Information Technology Services – the Information Technology Services Department** is requesting a release of \$45,000 from Classification 1 – Personnel Services due to multiple vacancies throughout 2022 and a release of \$12,000 from Classification 3 – Services due to lack of employee travel and instruction/conference attendance. The funds are being released to cover shortfalls in other General Fund departments.
- 2. Public Safety Local Income Tax Fund – Police Dispatch – the Police Department** is requesting a \$34,300 transfer of funds from Classification 1 – Personnel Services to Classification 3 – Services to cover the cost of excess electricity expenses and Classification 4 – Capital to cover Dispatch computer replacements and purchase computers for new hires, which was not budgeted in 2022. The surplus is the result of multiple dispatch position vacancies throughout 2022. There is no fiscal impact due to this request.
- 3. ARPA Local Fiscal Recovery Fund – Police – the Police Department** is requesting a \$165,000 transfer of funds from Classification 1 – Personnel Services to Classification 3 – Services to cover various purchases which help aid the investigation process, such as, annual software purchases and online applications. The surplus is from unutilized hiring and recruiting incentive funds. There is no fiscal impact due to this request.
- 4. Parks & Recreation General Fund – the Parks Department** is requesting a \$50,000 transfer of funds from Classification 1 – Personnel Services to Classification 2 – Supplies to assist in covering the increased fuel costs and unanticipated increase costs of supplies in 2022. The surplus comes from position vacancies. There is no fiscal impact due to this request.
- 5. CC Jack Hopkins Fund – The Common Council** is requesting an additional appropriation of \$22,000 in Classification 1 – Personnel to cover past-unused monies in the Jack Hopkins fund to support the 2022 grant awards made via Resolution 22-12.
- 6. Rental Inspection Program – HAND** In 2012 the state legislature created new rules regarding rental inspection programs. This requires the City to deposit receipts from the program in a designated fund. As of September 30, that fund has collected approximately \$306,000 for the last year. Although the revenue is now accounted for in the new fund, expenses for the program are still appropriated in the general fund. As such, we will be creating an invoice to reimburse the general fund from the rental inspection program fund. There is no fiscal impact to this fund as this is simply a transfer of revenues collected in this fund to the General Fund where the expenses for the program are budgeted and paid. This has a positive fiscal impact of \$306,000 to the General Fund.

7. **Local Road and Street Fund – the Public Works Department, Street Division**, is requesting transfer of \$75,000 from Classification 2 – Supplies to Classification 4 – Capital to cover the purchase of traffic signal detection equipment for three (3) intersections. The department is also requesting an intra-category transfer within Classification 4 -- Capital of \$252,526 from line 54310 to 54450 to support the purchase of a skid steer with milling head and a backhoe. These pieces of equipment would allow the crews to more efficiently pave alleys, as well as, give the Street Division a machine to conduct snow removal operations on multi-use paths, and allow the department to replace aging equipment which is used in conjunction with sidewalk and alley maintenance. The surplus comes from the Alley Activation Project, which has been delayed due to a limited number of bid quotes and the received bid quotes exceeded the 2022 budgeted amount. There is no fiscal impact due to this request.
8. **Parking Facilities Fund – the Public Works Department, Parking Services Division**, is requesting transfer of \$45,600 from Classification 2 – Supplies to Classification 3 – Services to cover the cost of security patrols needed in overnight garage patrol which is due to the lack of appointed staff coverage. The surplus comes from the department not pursuing the budgeted sign installation package and a reduced amount of supplies, ticketing, and card purchases in 2022. There is no fiscal impact due to this request.
9. **Solid Waste Fund – Sanitation – the Public Works Department, Sanitation Division**, is requesting a \$25,258 transfer of funds from Classification 1 – Personnel Services to Classification 2 – Supplies to cover the increased fuel costs. The savings will come from not utilizing any more temporary employees for the remainder of 2022. There is no fiscal impact due to this request.
10. **Fleet Maintenance Fund – the Public Works Department, Fleet Division**, is requesting a transfer of \$108,000 from Classification 3 – Services and \$120,000 from Classification 4 - Capital to Classification 2 – Supplies to cover the higher than anticipated 2022 fuel costs. The savings will come from unused travel in Classification 3. In Classification 4, the underground fuel tank enhancement project came in under budget, the overhead door replace and repair project was completed with prior year funds, and some planned equipment purchases weren't fulfilled due to supply chain issues. There is no fiscal impact due to this request.
11. **Housing Development Fund – the Housing and Neighborhood Development Department** is requesting an additional appropriation of \$500,000 in Classification 3 – Services. This request will be used for affordable housing projects.

Thank you for your consideration of this request. As always, we are happy to answer questions related to this request.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-30 – An Ordinance Authorizing the Issuance of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Public Safety Facilities, Including Costs Incurred in Connection with and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, and Addressing Other Matters Connected Therewith

Synopsis

This ordinance authorizes the City of Bloomington to issue its General Revenue Annual Appropriation Bonds, Series 2022, in one or more series, in the aggregate principal amount not to exceed \$29,500,000. The bonds will be issued to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof.

Relevant Materials

- Ordinance 22-30
 - Exhibit A – Description of the Projects
- Memo from Mayor John Hamilton, Controller Jeff Underwood, and Corporation Counsel Beth Cate

Summary

Ordinance 22-30 authorizes the issuance of up to \$29,500,000 in General Revenue Annual Appropriation Bonds, Series 2022. The purpose of the bonds is to finance the costs associated with capital projects aimed at providing improved public safety facilities for the City's police and fire departments. Exhibit A to Ordinance 22-30 describes in general terms the projects for which bond revenues could be spent, including any or all of the following:

- A new downtown fire station facility - acquisition of real property, design, construction and/or equipping thereon;
- Four existing fire station facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New consolidated headquarters for the police and fire departments - acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;



- Existing police headquarter facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New public safety training center - acquisition of real property and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;
- Existing public safety training center - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- Any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.

In the wake of this ordinance appearing at a Council Work Session on October 7th, the Council Office and a number of councilmembers requested additional information about the projects to be funded with the proposed bonds. The memorandum provided by the administration (included in this packet) notes that a final proposed project list with total estimated costs for each project will be provided to the Council no later than Monday, November 28, 2022.

General Overview of Bond Ordinances

Bond ordinances are long and very technical documents that set forth the procedures and the assurances necessary for the relevant financial interests to engage in these transactions. The following paragraphs categorize and highlight the provisions of the ordinance. In brief, the ordinance:

Amount and Purpose of the Bonds; Additional Appropriation

- Authorizes the City to issue General Revenue Annual Appropriation Bonds, Series 2022 to provide financing for the projects listed above in an amount not to exceed \$29.5 million at a rate not to exceed 6% with a maturity no later than 25 years from the date of issuance;
- Appropriates \$29.5 million to be provided out of the bond proceeds for the purpose of paying for the projects listed above (a public hearing associated with this additional appropriation is scheduled for December 7th, 2022).

Form of Refunding Bonds, Source and Security of Payment, and Use of Proceeds

- Includes the form and tenor that the bonds shall take (in Section 6 of the ordinance);
- States that the bonds are payable solely from the legally available revenues of the City, subject to annual appropriation by the Council of the necessary funds;
- Sets forth the manner of execution, sale, and delivery of the bonds; and



City of Bloomington Indiana

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- Specifies the accounts and funds that bond proceeds would be placed in – notably, bond proceeds would go into a Construction Fund and expenses for the projects would be paid for out of this fund.

Safeguarding Bondholders

- Requires the Controller to provide an annual certification to the Mayor and Council of the aggregate amount of upcoming principal, interest, and any fiscal agency charges coming due on the bonds;
- States that the Mayor and Controller will use their best efforts to include an annual appropriation of revenues as part of the annual budget to ensure timely payment of the debt service;
- Requires the separation of funds into various accounts and prescribes the uses and minimum balances of these accounts;
- Prohibits the City from amending the ordinance in a manner that adversely affects bond holders without obtaining consent of owners of at least 66 2/3% of the principle; and
- Repeals portions of any previous ordinances that are inconsistent with these provisions.

Contact

Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426

Jeff Underwood, Controller, underwoj@bloomington.in.gov, 812-349-3416

ORDINANCE 22-30

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BLOOMINGTON, INDIANA, GENERAL REVENUE ANNUAL APPROPRIATION BONDS, SERIES 2022, TO PROVIDE FUNDS TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS FOR PUBLIC SAFETY FACILITIES, INCLUDING COSTS INCURRED IN CONNECTION WITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS, AND APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF SUCH BONDS, AND ADDRESSING OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Common Council (the “Common Council”) of the City of Bloomington, Indiana (the “City”) has given consideration to the acquisition of property, if necessary, and the design, construction, renovation, replacement, repair, upgrading, improvement and/or equipping of certain capital projects and/or improvements thereon as more particularly described on Exhibit A hereto (collectively, the “Projects”), for the purpose of replacing, repairing and/or upgrading damaged or inadequate facilities of the City’s public safety departments in order to better serve residents of the City, to help attract and retain employees, and to achieve certain nationally-recognized standards for fire and police protection services; and

WHEREAS, the Common Council has determined and found that it will be of public utility and benefit and in the best interests of the inhabitants and property in the City to undertake the Projects and to finance the costs thereof; and

WHEREAS, the Common Council deems it advisable to issue the bonds authorized hereunder, pursuant to Indiana Code 36-4-6-19, as amended, and other applicable provisions of the Indiana Code (collectively, the “Act”); and

WHEREAS, the Common Council now desires to authorize the issuance, in one or more series, of bonds of the City payable from general revenues of the City, subject to annual appropriation, pursuant to Indiana Code § 36-4-6-19, as amended, designated as the “City of Bloomington, Indiana General Revenue Annual Appropriation Bonds, Series 2022”, with such different or additional series designation determined to be necessary or appropriate (the “Bonds”), in the original aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), for the purpose of providing funds to be applied to (a) pay all or a portion of the costs of the Projects, (b) pay capitalized interest on the Bonds, if necessary, (c) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (d) pay the costs incurred in connection with the issuance and sale of the Bonds and all incidental expenses therewith, including the cost of any credit enhancement with respect thereto (if necessary); and

WHEREAS, the Monroe County Local Income Tax Council (the “Income Tax Council”) has imposed a county option income tax pursuant to IC 6-3.5-6 (repealed) on the adjusted gross income of Monroe County, Indiana (the “County”) taxpayers, which now has been codified as the local income tax at IC 6-3.6 (“LIT”), and a portion of the additional revenue derived from the LIT expenditure rate under IC 6-3.6-6 has been allocated by the Income Tax Council to economic development purposes under IC 6-3.6-6-4 (such portion of additional revenue allocated to economic development purposes, the “EDIT”); and

WHEREAS, the Common Council reasonably expects the Bonds to be paid from an annual appropriation of the EDIT revenues to be received by the City, however, the City has no legal obligation to make any such appropriations and the City is not legally pledging the EDIT revenues to pay the principal of or interest on the Bonds; and

WHEREAS, the amount of proceeds of the bonds authorized herein to finance the Projects, together with estimated investment earnings thereon, does not exceed the cost of such financing as estimated by the Common Council; and

WHEREAS, the City expects to pay for certain costs of the Bonds or costs related to the Projects (collectively, the “Expenditures”) prior to the issuance of the Bonds, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds; and

WHEREAS, the Common Council desires to establish its intent, on behalf of the City, to reimburse the Expenditures pursuant to U.S. Treasury Regulation § 1.150-2 and Indiana Code § 5-1-14-6(c), each as amended; and

WHEREAS, the Common Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the Projects and has authorized the issuance of the Bonds to procure such funds, and that an extraordinary emergency exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds of the City have been complied with in accordance with the Act.

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

SECTION 1. Authorization of Bonds; Declaration of Official Intent. (a) In order to provide financing for the Projects, capitalized interest on the Bonds (if necessary), fund a debt service reserve fund (if necessary), and incidental expenses incurred in connection therewith and on account of the issuance of the Bonds, the City shall borrow money and issue the Bonds as herein authorized. Such incidental expenses shall include, without limitation, all expenses of every kind incurred preliminarily to the financing of the Projects, including the costs of issuing the Bonds. The City covenants that the proceeds of the Bonds will not be used for any purpose except as described in this Ordinance. Where used in this Ordinance, the term “City” shall be construed also to include any department, board, commission or officer or officers of the City or of any City department, board or commission.

(b) The Council hereby declares the official intent of the City to issue the Bonds to finance the costs of the Projects, and hereby declares that it reasonably expects to reimburse the City’s advancements to pay the Expenditures for the Projects as anticipated by this Ordinance, from proceeds of the Bonds, when and if issued, in accordance with U.S. Treasury Regulation § 1.150-2 and Indiana Code § 5-1-14-6(c).

SECTION 2. Additional Appropriation. There is hereby appropriated the sum of Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), together with all investment earnings thereon, to be provided for out of the proceeds of the Bonds, for the purpose of providing funds to pay the costs of the Projects, including related costs and the costs of issuing the Bonds. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 3. General Terms of Bonds. In accordance with the Act and in order to procure said loan for such purposes, the Controller of the City (the “Controller”) is hereby authorized and directed to have prepared and to issue and sell, in one or more series, Bonds of the City, designated “City of Bloomington, Indiana General Revenue Annual Appropriation Bonds, Series 2022”, with any such further or different series designation as determined by the Controller to be necessary or appropriate, in the aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) (the “Bonds”), for the purpose of providing funds to (i) pay costs of the Projects, (ii) pay capitalized interest on the Bonds, if necessary, (iii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (iv) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies, if any.

THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS IS PAYABLE SOLELY FROM LEGALLY AVAILABLE REVENUES OF THE CITY, BUT SUBJECT TO AND CONDITIONED UPON THE APPROPRIATION ON AN ANNUAL BASIS BY THE COMMON COUNCIL OF THE NECESSARY FUNDS TO PAY THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS FROM ONE OR MORE FUNDS OR ACCOUNTS OF THE CITY AND THE TRANSFER AND DEPOSIT OF ANY AMOUNTS SO APPROPRIATED TO THE SINKING FUND (AS DEFINED HEREIN), AS DETERMINED BY THE COMMON COUNCIL IN ITS SOLE DISCRETION.

The principal of, interest on, and premium, if any, on the Bonds shall never be paid from “property taxes”, as such term is defined under Indiana Code 6-1.1-20-1.6, which are exempt from the levy limitations of Indiana Code 6-1.1-18.5. The Bonds and the interest thereon do not and shall not constitute an indebtedness of the City, the State of Indiana (the “State”) or any political subdivision thereof within the meaning of any constitutional limitation, but shall be special and limited obligations of the City, payable solely from any revenues annually appropriated and deposited into the Sinking Fund (as defined herein) as determined by the Common Council in its sole discretion. Each Bond must state plainly on its face that it is payable solely from any amounts annually appropriated for such purpose and deposited into the Sinking Fund and that it does not constitute a general obligation of, an indebtedness of, or charge against the general credit of, the City, the State or any political subdivision thereof. Neither the faith and credit nor the taxing power of the City is or may be pledged for the payment of the principal of, premium (if any) on, or interest on the Bonds. An owner of the Bonds is not entitled to compel the exercise of the taxing power by the City or the forfeiture of any of its property in connection with any default on the Bonds.

The Bonds shall be issued in one or more series as fully registered bonds in denominations of: (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) if sold through a private placement, in denominations of One Hundred Thousand Dollars (\$100,000), plus any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof, or the aggregate principal amount of such Bonds maturing in any year if less than \$100,000; in either case not exceeding the aggregate principal amount of the Bonds maturing in any one year. The Bonds shall be numbered consecutively from R-1 upward, and shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum (the exact rate or rates to be determined by bidding or through negotiations, as determined by the Controller). Interest on the Bonds shall be payable semiannually on January 1 and July 1 of each year (each an “Interest Payment Date”), commencing not earlier than July 1, 2023. The principal of the Bonds shall mature semiannually on January 1 and July 1 of each year, or be subject to mandatory sinking fund redemption on such dates, commencing not earlier than July 1, 2023, and ending no later than twenty-five (25) years following the date of issuance thereof, until the principal is fully paid. Interest on the Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months. Subject to the terms and conditions herein, the Bonds shall mature on such dates and amounts as determined by the Controller prior to the sale of the Bonds with the advice of O.W. Krohn & Associates, LLP, as municipal advisor to the City (the “Municipal Advisor”).

All payments of interest on the Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the fifteenth (15th) day of the month immediately preceding an Interest Payment Date at the addresses as they appear on the registration books kept by the Registrar (the “Registration Record”) or at such other address as is provided to the Paying Agent (as hereafter defined) in writing by such registered owner. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the record date for any payment. All principal payments on the Bonds shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent, in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

The Bonds shall bear an original issue date which shall be the date of delivery and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the fifteenth (15th) day of the month immediately preceding the first Interest Payment Date, shall pay interest from its original date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the fifteenth (15th) day of the month immediately preceding an Interest Payment Date and on or before such

Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

Each Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the designated corporate trust operations office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Bond may be transferred or exchanged without cost to the registered owner or his or her attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Bond (i) during the fifteen (15) days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof and redemption premium, if any, and interest thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Bond, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Bond or satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Bond. The City and the Registrar and Paying Agent may charge the owner of any such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

SECTION 4. Terms of Redemption. The Mayor and the Controller, upon consultation with the Municipal Advisor, may designate maturities of Bonds (or portion thereof in integral multiples of \$5,000 principal amount each) that shall be subject to optional redemption and/or maturity sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Mayor and the Controller, upon consultation with the Municipal Advisor, are hereby authorized and directed to determine the terms governing any such redemption, as evidenced by the delivery of the Bonds.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar.

Notice of redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other Bonds. The notice shall specify the date and place of redemption, the redemption price, the CUSIP numbers (if any) of the Bonds called for redemption, and any conditions precedent to such redemption. The place of redemption may be at the designated corporate trust operations office of the Paying Agent or as otherwise determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such Bonds shall no longer be protected by this ordinance and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered Bonds shall be issued for the unredeemed portion of any Bond without charge to the holder thereof.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Bond or portion thereof called for redemption until such Bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this resolution with respect to any mutilated, lost, stolen or destroyed Bond.

SECTION 5. Appointment of Registrar and Paying Agent. The Controller is hereby authorized to serve as, or to appoint a qualified financial institution to serve as, the registrar and paying agent for the Bonds (the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Bonds, and shall keep and maintain at its principal office or corporate trust office books for the registration and transfer of the Bonds. The Controller and the Mayor are hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and Paying Agent. The Controller is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the Controller and to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the Controller may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the Mayor may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the Bonds then outstanding of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond register. Any predecessor Registrar and Paying Agent shall deliver all the Bonds, cash and investments in its possession and the Bond register to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

SECTION 6. Form of Bonds; Authorization of Book-Entry System. (a) The form and tenor of the Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
 GENERAL REVENUE ANNUAL APPROPRIATION BOND, SERIES 2022

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	[CUSIP]
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REGISTERED OWNER: _____

PRINCIPAL SUM: _____ DOLLARS (\$ _____)

The City of Bloomington, in Monroe County, Indiana (the “City”) for value received, hereby promises to pay to the Registered Owner set forth above, or registered assigns, the Principal Sum set forth above, solely out of the sinking fund hereinafter referred to, on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Sum shall be fully paid upon redemption or at maturity, at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond, unless this bond is authenticated after the fifteenth day of the month immediately preceding an interest payment date (the “Record Date”) and on or before the next such interest payment date, in which case it shall bear interest from such next interest payment date, or unless this bond is authenticated on or before [June 15, 2023], in which case it shall bear interest from the Original Date specified above, with such interest payable semiannually on January 1 and July 1 of each year, commencing [July 1, 2023]. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of and premium, if any, on this bond is payable at designated office of _____ (the “Registrar” or “Paying Agent”), in the City of _____, _____. All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner prior to the Record Date. Each registered owner of \$1,000,000 or more in principal amount of Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All payments of principal of and premium, if any, on this bond shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of America which on the dates of such payment shall be legal tender for the payment of public and private debts.

This bond is one of an authorized series of bonds of like date, tenor and effect, except as to denomination, numbering, rates of interest, redemption terms and dates of maturity, aggregating _____ Dollars (\$ _____), numbered and lettered consecutively from R 1 upward (the “Bonds”), issued for the purpose of providing funds to pay costs of the Projects (as defined in the Ordinance), [pay capitalized interest,] [fund a debt service reserve fund,] and pay the costs of issuance of the Bonds. This bond is issued pursuant to Ordinance No. _____ adopted by the Common Council of the City (the “Common Council”) on the ____ day of _____, 2022 (the “Ordinance”), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-4-6-19, as amended, and other applicable provisions of the Indiana Code, as amended (collectively, the “Act”).

THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS IS PAYABLE SOLELY FROM LEGALLY AVAILABLE REVENUES OF THE CITY DEPOSITED INTO THE SINKING FUND (AS DEFINED IN THE ORDINANCE), BUT SUBJECT TO AND CONDITIONED UPON THE APPROPRIATION ON AN ANNUAL BASIS BY THE COMMON COUNCIL OF THE NECESSARY FUNDS TO PAY THE PRINCIPAL OF, INTEREST ON, AND PREMIUM, IF ANY, ON THE BONDS FROM ONE OR MORE FUNDS OR ACCOUNTS OF THE CITY AND THE TRANSFER AND DEPOSIT OF ANY AMOUNTS SO APPROPRIATED TO THE SINKING FUND, AS DETERMINED BY THE COMMON COUNCIL IN ITS SOLE DISCRETION. The principal of, interest on, and premium, if any, on the Bonds shall never be paid from “property taxes”, as such term is defined under Indiana Code 6-1.1-20-1.6, which are exempt from the levy limitations of Indiana Code 6-1.1-18.5. The Bonds and the interest thereon do not and shall not constitute an indebtedness of the City, the State or any political subdivision thereof within the meaning of any constitutional limitation, but shall be special and limited obligations of the City, payable solely from revenues and other amounts annually appropriated and deposited into the Sinking Fund created and established under the Ordinance. The Bonds do not constitute a general obligation of, an indebtedness of, or charge against the general credit of, the City, the State or any political subdivision thereof. Neither the faith and credit nor the taxing power of the City is or may be pledged for the payment of the principal of, premium (if any) on, or interest on the Bonds. An owner of the Bonds is not entitled to compel the exercise of the taxing power by the City or the forfeiture of any of its property in connection with any default on the Bonds. BY ITS PAYMENT FOR AND ACCEPTANCE OF THIS BOND (OR ANY INTEREST THEREIN), THE REGISTERED OWNER AND BENEFICIAL OWNER OF THIS BOND HEREBY AGREES TO

ALL OF THE TERMS AND PROVISIONS CONTAINED IN THIS BOND, THE ORDINANCE AND THE ACT.

[Insert optional redemption terms, if applicable].

[The bonds maturing on _____ 1, ___ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

<u>Date</u>	<u>Amount</u>
-------------	---------------

*

*Final Maturity]

[Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of mandatory redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar.]

Notice of such redemption shall be mailed to the address of the registered owners of the Bonds to be redeemed as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, unless the notice is waived by the registered owner of the Bonds to be redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent, an amount sufficient to pay such Bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability with respect thereto.

This Bond is subject to defeasance prior to payment as provided in the Ordinance.

If this bond shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such Bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This Bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of [\$5,000 or any integral multiple thereof][\$100,000 plus integral multiples of \$1,000 in excess thereof].

[A Continuing Disclosure Contract from the City to each registered owner or holder of any Bond, dated as of the date of initial issuance of the Bonds (the "Contract"), has been executed by the City, a copy of which is available from the City and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the City to each registered owner or holder of any Bond, including a promise to provide certain continuing disclosure. By its payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Bloomington, Indiana, in Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its duly elected, qualified and acting Mayor, and its corporate seal, if any, to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by the Controller of the City.

CITY OF BLOOMINGTON, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the Bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

_____, as Registrar

By: _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

- TEN. COM. as tenants in common
 - TEN. ENT. as tenants by the entireties
 - JT. TEN. as joint tenants with right of survivorship and not as tenants in common
 - UNIF. TRANS. _____ Custodian _____
 - MIN. ACT (Cust.) (Minor)
- under Uniform Transfers to Minors Act of _____
(State)

Additional abbreviations may also be used, although not contained in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Please Print or Typewrite Name and Address) \$ _____ principal amount (must be a multiple of \$5,000) of the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney to transfer the within Bond on the books kept for the registration thereof with full power of substitution in the premises.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating

in a Securities Transfer Association recognized signature guarantee program.

(End of Form of Bonds)

(b) The Bonds may, in compliance with all applicable laws and as determined by the Controller based upon the advice of the Municipal Advisor, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of Bonds to the purchasers. The following provisions of this section apply in such event.

One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and the Registrar and Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds remain and are held in book-entry form on the books of a Clearing Agency, (1) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including Cede & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond, the receiving of notice and giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the City and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holders of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the City.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Bonds as the Noteholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Controller and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer Letter of Representations, and the provisions of any such Letter of Representations or any successor

agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the Bonds are held in book-entry form, the provisions of Section 5 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 7. Execution and Authentication of the Bonds. In accordance with the terms hereof and the provisions of Indiana Code 5-1-3 and Indiana Code 5-1-14-18, the Bonds shall be executed in the name of the City by the manual, facsimile or electronic signature (as defined in Indiana Code 26-2-8-102(10), as amended) of the Mayor, and attested by the manual, facsimile or electronic signature of the Controller, with the seal of the City, if any, or a facsimile thereof to be affixed to each of the Bonds. The Bonds shall be authenticated by the manual, facsimile or electronic signature of the Registrar, and no Bonds shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Bonds shall cease to be such official before the delivery of such Bonds, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the Bonds, the Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

SECTION 8. Issuance, Sale and Delivery of the Bonds. The Controller is hereby authorized and directed to have the Bonds prepared, and the Mayor and the Controller are hereby authorized and directed to execute or to cause the execution of the Bonds in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the Bonds to the purchaser or purchasers thereof upon compliance with the requirements established hereunder and under the Act for the sale thereof, and to collect the full amount which the purchaser or respective purchasers have agreed to pay therefor, which shall not be less than 99.0% of the par amount of the Bonds, plus accrued interest thereon to the date of delivery. The Bonds, when fully paid for and delivered to the purchaser or purchasers shall be binding special and limited obligations of the City subject to an annual appropriation, payable out of any legally available revenues of the City annually appropriated for such purpose and transferred into the Sinking Fund as herein provided; however, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for the application to the costs of the Projects and the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of the Bonds on account of the financing thereof. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

If the Bonds are sold by competitive bid, the Controller shall cause to be published either (i) a notice of such sale two (2) times, at least one (1) week apart, with the first publication made at least fifteen (15) days before the date of such sale and the second publication at least three (3) days before the date of the sale in accordance with Indiana Code 5-3-1-2 in one (1) newspaper, as defined in and in accordance with Indiana Code 5-3-1-4, or (ii) a notice of intent to sell bonds once each week for two (2) weeks in accordance with Indiana Code 5-1-11-2 and Indiana Code 5-3-1-4 and in a newspaper of general circulation published in the State capital, in which case bids may not be received more than ninety (90) days after the first publication. Such notice, or a summary thereof, may also be published in any other publications deemed appropriate in the discretion of the Controller. The bond sale notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount and maturities thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. Such notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or wire transfer in the amount of one percent of the par amount of the Bonds to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then such

check and the proceeds thereof shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Controller or his or designee at the physical or electronic address identified in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding six percent (6.00%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same rate. The rate on any maturity shall be equal to or greater than the rate on the immediately preceding maturity. The Bonds shall be awarded by the Controller to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the bidder who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds from the date thereof to their respective maturities and deducting therefrom the premium bid, if any. No bid for less than all of the Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Controller shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Bonds in the bond sale notice.

As an alternative to competitive bid, the Controller may negotiate the sale of said Bonds at an interest rate or rates not exceeding six percent (6.00%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and Municipal Advisor, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with the Ordinance.

Prior to the delivery of the Bonds, the Controller (i) shall be authorized, but not required, to investigate and to obtain insurance, surety bonds and/or credit ratings on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel for the City, and such opinion shall be furnished to the purchasers of the Bonds at the expense of the City. The costs of obtaining any such insurance, surety bonds and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Bonds, shall be considered as a part of the cost of issuance of the Bonds and shall be paid out of the proceeds of the sale of the Bonds.

By its payment for and acceptance of any Bonds (or any interest therein), each registered or beneficial owner of such Bonds hereby agrees to all of the terms and provisions contained in the Bonds, this Ordinance and the Act.

SECTION 9. Use of Bond Proceeds. Proceeds of the Bonds shall be applied as follows and in the following order of priority:

(a) *First*, if proceeds of the Bonds will be used to fund all or a portion of the Reserve Account (as defined herein), the Controller shall transfer such proceeds to the Reserve Account of the Sinking Fund, as hereinafter described.

(b) *Second*, the remaining proceeds received from the sale of the Bonds shall be deposited in a separate construction fund designated as the City of Bloomington, Indiana, 2022 Public Safety Projects Construction Fund (the "Construction Fund"). The proceeds deposited in the Construction Fund shall be expended only for the purpose of paying expenses incurred in connection with the Projects together with the costs and expenses incidental thereto and on account of the issuance of the Bonds. The Controller is authorized to pay costs of issuance from the proceeds of the Bonds deposited into the Construction Fund. Any balance remaining in the Construction Fund after the completion of the Projects which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the Bonds may be used to pay debt service on the Bonds or otherwise used as permitted by law.

SECTION 10. Funds and Accounts. (a) Sinking Fund. There is hereby created a separate fund, designated as the “City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Sinking Fund” (the “Sinking Fund”), which shall consist of an account created and designated as the “Revenues Account” (the “Revenues Account”). Prior to the sale of the Bonds, the Controller, with the advice of the Municipal Advisor, is authorized to create an account within the Sinking Fund designated as the “Debt Service Reserve Account” (the “Reserve Account”), as provided in the following paragraph. Funds deposited into the Sinking Fund shall be applied to the payment of the principal of and interest on the Bonds, together with any fiscal or administrative charges related to the Bonds.

(b) Revenues Account. There shall be deposited by the Controller into the Revenues Account, as and when received, all revenues appropriated by the Common Council in its sole discretion for transfer and deposit into the Sinking Fund during such fiscal year for the purpose of paying the principal of, premium, if any, and interest on the Bonds, together with any fiscal agency charges, as the same becomes due. Nothing herein should be construed as requiring the Common Council or any other board, department, agency, commission or special taxing district of the City to appropriate and transfer any legally available revenues to the Revenues Account from any source, other than any revenues annually appropriated by the Common Council for such purpose as determined by the Common Council in its sole discretion. Moneys in the Revenues Account shall be used by the Paying Agent solely for the purpose of paying the interest, premium, if any, and principal on the Bonds as such becomes due, whether at maturity or upon redemption. Any amounts appropriated and deposited in the Revenues Account are hereby irrevocably pledged by the City to the payment of the Bonds, such pledge being effective as set forth in Indiana Code § 5-1-14-4 without the necessity of filing or recording this Ordinance or any instrument except in the records of the City. The Mayor and the Controller are authorized to enter into agreements or undertakings as the Mayor and the Controller deem necessary or appropriate to further effectuate such pledge of amounts deposited into the Revenues Account of the Sinking Fund hereunder. If necessary in order to facilitate the deposit of any revenues or other funds so appropriated by the Common Council into the Revenues Account, the Mayor is hereby authorized to execute, and the Controller is authorized to attest, a revenue deposit agreement, in a form and substance acceptable to the Mayor and Controller, based upon the advice of the City’s bond counsel, with such approval to be conclusively evidenced by the execution thereof by Mayor and attested by the Controller.

(c) Reserve Account. If, at or prior to the sale of the Bonds, it is determined by the Controller, with the advice of the Municipal Advisor, to be necessary to establish a Reserve Account for the Bonds, then the Reserve Account shall be established, and there shall be set aside from the proceeds of such series of Bonds or other legally available money of the City and deposited in the Reserve Account an amount of money that shall be required to maintain the Reserve Account in the full amount of the Reserve Requirement (as defined below). If so established, no deposit need be made in the Reserve Account so long as there shall be on deposit therein a sum no greater than the least of (i) 10% of the stated principal amount or the issue price of the Bonds, determined in accordance with U.S. Treasury Regulation Section 1.148-2(f)(2)(ii), (ii) the maximum annual principal and interest requirements on the Bonds, and (iii) 125% of the average annual principal and interest requirements on the Bonds (the “Reserve Requirement”), with the amount of any such Reserve Requirement to be determined by the Controller prior to the sale of the Bonds, based on the recommendation of the Municipal Advisor. All money in the Reserve Account shall be used and withdrawn by the City solely for the purpose of making deposits into the Revenues Account, in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums, if any, on the Bonds, in the event that no other money is lawfully available therefor. Any amount in the Reserve Account in excess of the Reserve Requirement shall be withdrawn from the Reserve Account and deposited in the Revenues Account. Money in the Reserve Account shall also be available to make the final payments of interest and principal on the Bonds. At its option, the City may satisfy the Reserve Requirement (if so established) with a surety bond, letter of credit or other financial instrument on terms and conditions recommended by the Municipal Advisor, so long as the provider of any such surety bond, letter of credit or other credit facility is rated, solely at the time such credit instrument is issued, in one of the two highest rating categories by any rating agency then rating the Bonds.

(d) Annual Appropriation Certification and Request. By no later than July 15 of each year, so long as the Bonds remain outstanding, the Controller of the City shall certify to the Mayor and the Common Council the aggregate amount of principal, interest and any fiscal

agency charges coming due on the Bonds on July 1 of the calendar year immediately following such annual certification and on January 1 of the second calendar year following such annual certification, together with any amount necessary to restore the balance in the Reserve Account (if so established) to the Reserve Requirement. The Mayor and the Controller shall use their best efforts to include each year as a part of the proposed annual budget for the following budget year an appropriation of revenues from one or more accounts of the City and transfer thereof to the Sinking Fund in an amount sufficient to ensure timely payment of debt service and fiscal agency charges on the Bonds when due, together with any amount necessary to restore the balance in the Reserve Account to the Reserve Requirement, if necessary. For the avoidance of doubt, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council. If such amounts are so appropriated each year, the Common Council will transfer, or cause to be transferred, any such amount to the Sinking Fund at times and in amounts sufficient to pay in full the debt service payments on the Bonds, including any amount necessary to restore the Reserve Account, if so established.

SECTION 11. Defeasance. If, when the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 12. Tax Covenants. If the Bonds are issued on a tax-exempt basis, in order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the Bonds, the City represents, covenants and agrees that:

(a) The City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Bonds pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on Bond proceeds or other monies treated as Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(b) The City will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(c) The City will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with to the extent the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 13. Additional Covenant. Following the issuance of the Bonds authorized hereunder, in the event that the City makes a legal pledge of the EDIT revenues in the future to other bonds, notes, warrants, leases or other instruments, the City hereby covenants to reserve

sufficient unencumbered revenues on an annual basis in amounts adequate for appropriation to pay debt service on the Bonds authorized hereunder when due; provided, however, the mere availability of such unencumbered revenues does not require any such appropriation thereof, the Common Council has no legal obligation to appropriate any such legally available revenues from any fund or account of the City for such purpose, and the decision whether to make an appropriation in its annual budget for such purpose is within the sole discretion of the Common Council.

SECTION 14. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond, without the consent of the holder of each Bond so affected; or

(b) A reduction in the principal amount of any Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Bond so affected; or

(c) A preference or priority of any Bond over any other Bond, without the consent of the holders of all Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance, without the consent of the holders of all Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owners shall have consented thereto.

No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Bonds, and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in

any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Without notice to or consent of the owners of the Bonds, the City may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof),

- (a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or
- (b) To grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds; or
- (c) To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; or
- (d) To obtain or maintain Bond insurance with respect to the Bonds; or
- (e) To provide for the refunding or advance refunding of the Bonds; or
- (f) To make any other change which, in the determination of the Common Council in its sole discretion, is not to the prejudice of the owners of the Bonds.

SECTION 15. Official Statement. Any series of the Bonds may be offered and sold pursuant to an Official Statement (preliminary and final) or other offering document with respect to such Bonds (collectively, the “Official Statement”), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12, as amended, promulgated by the United States Securities and Exchange Commission (the “Rule”) and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board, to the extent applicable to the Bonds. The City hereby authorizes the Mayor or Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended for distribution as the Preliminary Official Statement of the City with respect to the Bonds, (b) on behalf of the City, to designate the Preliminary Official Statement a “final” Official Statement of the City with respect to the Bonds, and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule.

SECTION 16. Continuing Disclosure Contract. If required under the Rule, the Common Council hereby approves, and authorizes and directs the Mayor and the Controller, for and on behalf of the City, to execute and deliver, and to perform the obligations of the City under, a Continuing Disclosure Contract from the City to each registered owner or holder of any Bond (the “Continuing Disclosure Contract”). The Mayor and the Controller are authorized to approve the form of the Continuing Disclosure Contract, upon the advice of the City’s bond counsel, with such determination to be conclusively evidenced by such Mayor’s and such Controller’s execution thereof.

SECTION 17. Construction with Other Ordinances. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the Bonds and so long as any of the Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the Bonds, nor shall the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders.

SECTION 18. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 19. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 20. Other Actions. Each of the Mayor and the Controller is hereby authorized and directed, for an on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the transactions contemplated by this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved. Pursuant to Indiana Code 5-1-14-18, in connection with the issuance of the Bonds, the execution of the Bonds and any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Bonds, is authorized to be executed and delivered using electronic signatures (as defined in Indiana Code 26-2-8-102(10), as amended), rather than manual signatures, and any such Bonds or any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Bonds using electronic signatures shall be considered fully legal and valid for all purposes and with the same force and effect as if the execution were performed with manual signatures.

SECTION 21. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance

SECTION 22. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its General Revenue Annual Appropriation Bonds, Series 2022, in one or more series, in the aggregate principal amount not to exceed \$29,500,000. The bonds will be issued to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof.

EXHIBIT A

DESCRIPTION OF THE PROJECTS

The proceeds of the Bonds will be used to pay all or any portion of the costs of the following capital projects to provide improved public safety facilities for the City's police and fire departments:

(a) the acquisition of real property and the design, construction and/or equipping thereon of a new downtown fire station facility;

(b) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of all or a portion of the City's four existing fire station facilities;

(c) the acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new consolidated headquarters for the police and fire departments to replace their current facilities;

(d) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing police headquarter facilities;

(e) the acquisition of real property and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new public safety training center;

(f) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing public safety training center; and

(g) any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.



**CITY OF BLOOMINGTON
MEMORANDUM**

TO: Members of the Common Council of the City of Bloomington

FROM: Mayor John Hamilton
Jeff Underwood, Controller
Beth Cate, Corporation Counsel

CC: Stephen Lucas, Council Attorney

DATE: November 10, 2022

RE: Ordinance 22-30 - 2022 General Revenue Bonds for Public Safety Capital Improvements

Executive Summary: If approved, Ordinance 22-30 would authorize the issuance of general revenue bonds and appropriation of bond proceeds in an amount not to exceed \$29,500,000, to finance capital improvements to public safety facilities in the City (“2022 Bond Series”). The 2022 Bond Series would be paid for with annually appropriated revenue from the economic development local income tax (the “EDIT”), which the Council approved in May 2022 in significant part explicitly to support public safety enhancements. The term for the 2022 Bond Series would be a maximum of 25 years and the rate would not exceed six percent (6%).

State law limits the amount of tax supported debt a municipality may have outstanding at a given time, and the City is well under that limit. The proposed “General Revenue” bonds do not have a direct property tax pledge and will not count against the City’s General Obligation debt limit. Even after the 2022 Bonds are issued the City will retain the flexibility necessary to address subsequent urgent infrastructure needs. A list of the City’s outstanding bonds is attached to this memo.

Proposed Projects: City staff are recommending funding for public safety facilities improvements throughout the City, which would include as many of the projects described in Exhibit A of the Ordinance as financially and practically feasible. We will provide to Council a final proposed project list with total estimated costs for each project, no later than Monday, November 28, 2022.

Background: Bonds are frequently used by municipal governments to pay for large capital improvements that cannot be funded otherwise. The proposed bond series that would be authorized by passage of Ordinance 22-30 would be revenue bonds issued pursuant to Indiana Code § 36-4-6-19. Annually-approved appropriations from the Common Council of revenues from the EDIT will be used to service the bonds. As a result of the annual appropriation, these bonds will not count against the City’s overall 2% debt limit as found in Article 13, Section 1 of the Indiana Constitution and Indiana Code Chapter 36-1-15.

Per Section 9(b) of Ordinance 22-30, bond proceeds would be used to establish a Construction Fund for the projects listed above. Bond proceeds would be deposited in the Construction Fund, and Council, through Section 2 of this Ordinance, would be approving an additional appropriation permitting the expenditure of the bond proceeds from the Construction Fund. No further specification in the Ordinance of one or more departments benefitting from the appropriation is needed.

Section 10(d) of Ordinance 22-30 reflects an annual certification that is not required by law, but that the City will make by July 15 of each year to assure bondholders that the City knows how much money the Common Council must appropriate to service the outstanding bonds in the next fiscal year, and that the City will ask the Common Council to appropriate such funds as part of the annual budget process.

Process and Next Steps: Indiana Code § 36-4-6-19 authorizes the Common Council to approve ordinances to issue bonds. Such ordinances must include the terms of the bonds, time and manner of giving notice for the sale of the bonds, the manner in which the bonds will be sold, and the maximum total of any issue of the bonds. Ordinance 22-30 meets these requirements. By approving the Ordinance, Council also will authorize the additional appropriation. The additional appropriation is subject to public notice and hearing.

Here are the next steps in the process:

- November 16, 2022: Common Council’s first reading of Ordinance 22-30.
- On or before November 21, 2022: Notice published in The Herald-Times for additional appropriation.
- November 30, 2022: Common Council Committee of the Whole consideration of the bond ordinance.
- December 7, 2022: Common Council public hearing regarding additional appropriation and second reading of the bond ordinance.
- If Council approves Ordinance 22-30, the City will follow the usual statutory procedures for sale of the bonds, receipt and handling of proceeds, and bidding and contracting of construction work (including necessary Board of Public Works approvals).

City of Bloomington, Indiana

Summary of Outstanding Bonds at November 10th, 2022

Per Krohn & Associates, CPAs & Bloomington's Municipal Advisor

Issuer	Total Debt		Per cent Allocable to City	Amount Allocable to City	Bloomington Direct Debt City Only
				Direct & Indirect Debt	
Revenue Supported Debt:					
City of Bloomington	41,810,000	(1)	100.00%	\$ 41,810,000	\$ 41,810,000
City of Bloomington - Park District	2,885,000	(2)	100.00%	2,885,000	2,885,000
City of Bloomington - Utilities	\$ 95,358,400	(3)	100.00%	95,358,400	95,358,400
Monroe County	2,185,989	(4)	49.17%	1,074,851	
Total Revenue Supported Debt				<u>\$ 141,128,251</u>	<u>\$ 140,053,400</u>
Property Tax Supported Debt:					
City of Bloomington Park District	\$ 19,220,000	(5)	100.00%	\$ 19,220,000	\$ 19,220,000
City of Bloomington	13,625,000	(6)	100.00%	13,625,000	13,625,000
Monroe County	1,560,000	(7)	49.17%	767,052	
Monroe County Community School Corporation	108,495,000	(8)	56.39%	61,180,331	
Richland-Bean Blossom Community Schools	40,938,436	(9)	2.86%	1,170,839	
Monroe County Library	7,770,000	(10)	49.17%	3,820,509	
Richland Township	113,000	(11)	3.29%	3,718	
Monroe County Solid Waste Management District	1,290,000	(12)	49.17%	634,293	
Total Property Tax Supported Debt				<u>\$ 100,421,742</u>	<u>\$ 32,845,000</u>
Tax Increment Supported Debt:					
City of Bloomington	\$ 65,830,000	(13)	100.00%	\$ 65,830,000	\$ 65,830,000
Monroe County	15,325,000	(14)	49.17%	7,535,303	
Total Tax Increment Supported Debt				<u>\$ 73,365,303</u>	<u>\$ 65,830,000</u>
Statutory General Obligation Bond Debt Limit:					
	<i>Net Assessed Value</i>		<i>Debt Limit</i>	<i>G.O. Debt</i>	<i>Available G.O. Capacity</i>
City of Bloomington	\$ 4,850,387,524		\$ 32,335,917	\$ 13,625,000	\$ 18,710,917
Bloomington Park District	4,850,387,524		32,335,917	19,220,000	13,115,917

NOTE:

The Outstanding Debt Schedules (above and below) present both the City's Direct and Indirect (Overlapping) Debt Obligations, as well as the City's Current Available General Obligation Bonding Capacity (after the proposed General Revenue Bonds of 2022 are Issued). The City of Bloomington will still have approximately \$31.8 million of G.O. bonding capacity (includes City and Park District).

City of Bloomington, Indiana
Detailed Listing of Outstanding Bonds at November 10th, 2022
Per Krohn & Associates, CPAs & Bloomington's Municipal Advisor

	Total Debt Including Overlapping (Indirect) Debt	Bloomington Direct Debt City Only
	Direct & Indirect Debt	
(1) Proposed General Revenue Annual Appropriation Bonds of 2022	\$ 24,685,000 *	\$ 24,685,000
General Revenue Annual Appropriation Refunding Bonds, Series 2021	10,515,000	10,515,000
Equipment Lease Purchase (2018 Advanced Metering Project)	6,610,000	6,610,000
Total	<u>\$ 41,810,000</u>	<u>\$ 41,810,000</u>
(2) Park District Refunding Revenue Bonds of 2017	<u>\$ 2,885,000</u>	<u>\$ 2,885,000</u>
(3) Waterworks Revenue Bonds of 2022	\$ 15,430,000	\$ 15,430,000
Waterworks Refunding Revenue Bonds of 2020, Series A	3,270,000	3,270,000
Taxable Waterworks Refunding Revenue Bonds of 2020, Series B	25,470,000	25,470,000
Waterworks Revenue Bonds of 2017	3,720,000	3,720,000
Waterworks Revenue Bonds of 2006, Series A	1,511,000	1,511,000
Sewage Works Refunding Revenue Bonds, Series 2021	5,705,000	5,705,000
Sewage Works Revenue Bonds of 2020	24,445,000	24,445,000
Sewage Works Refunding Revenue Bonds, Series 2019	4,245,000	4,245,000
Sewage Works Revenue Bonds of 2017	5,660,000	5,660,000
Amended Sewage Works Revenue Bonds of 2006, Series A-1	2,462,400	2,462,400
Sewage Works Refunding Revenue Bonds, Series 2013	3,440,000	3,440,000
Total	<u>\$ 95,358,400</u>	<u>\$ 95,358,400</u>
(4) Monroe County Convention Center 2016A	\$ 906,979	
Monroe County Convention Center 2016B	1,279,010	
Total	<u>\$ 2,185,989</u>	
(5) Park District Bonds, Series 2022	\$ 5,105,000	\$ 5,105,000
Park District Bonds of 2018, Series A	2,780,000	2,780,000
Park District Bonds of 2018, Series B	3,155,000	3,155,000
Park District Bonds of 2018, Series C	2,565,000	2,565,000
General Obligation Park Bonds of 2016, Series A-E	5,615,000	5,615,000
Total	<u>\$ 19,220,000</u>	<u>\$ 19,220,000</u>
(6) General Obligation Bonds, Series 2022	\$ 5,105,000	\$ 5,105,000
General Obligation Bonds of 2016, Series A-H	8,520,000	8,520,000
	<u>\$ 13,625,000</u>	<u>\$ 13,625,000</u>
(7) General Obligation Bonds, Series 2021	<u>\$ 1,560,000</u>	
(8) General Obligation Bonds of 2021	\$ 3,485,000	
General Obligation Bonds of 2020	11,335,000	
Ad Valorem Property Tax First Mortgage Bonds, Series 2020	54,525,000	
General Obligation Bonds of 2018B	450,000	
General Obligation Bonds of 2018	2,480,000	
Ad Valorem Property Tax First Mortgage Refunding Bonds, Series 2016	32,370,000	
Taxable General Obligation Pension Bonds of 2006	3,900,000	
Total	<u>\$ 108,495,000</u>	
(9) Taxable General Obligation Bonds, Series 2021	\$ 1,815,000	
First Mortgage Refunding Bonds, Series 2021	7,805,000	
First Mortgage Bonds, Series 2020	6,135,000	
Taxable Negotiable School Improvement Notes, Series 2019	1,975,000	
First Mortgage Refunding & Improvement Bonds, Series 2018	9,725,000	
Taxable Ad Valorem Property Tax First Mortgage Bonds, Series 2010A	1,335,000	
Taxable Ad Valorem Property Tax First Mortgage Bonds, Series 2010B	10,000,000	
Qualified School Construction Bonds of 2009	333,000	
First Mortgage Refunding Bonds, Series 2008A (unrefunded)	1,141,518	
Taxable First Mortgage Refunding Bonds, Series 2008B	673,918	
Total	<u>\$ 40,938,436</u>	
(10) General Obligation Bonds, Series 2021A	\$ 2,000,000	
General Obligation Bonds, Series 2021B	5,770,000	
Total	<u>\$ 7,770,000</u>	
(11) General Obligation Bonds of 2016	<u>\$ 113,000</u>	
(12) Solid Waste Management District Refunding Bonds of 2012	<u>\$ 1,290,000</u>	
(13) (a) Redevelopment District Tax Increment Revenue Bonds of 2019, Series A-1	\$ 12,845,000	\$ 12,845,000
(a) Redevelopment District Taxable Tax Increment Revenue Bonds of 2019, Series A-2	2,225,000	2,225,000
(a) Redevelopment District Tax Increment Revenue Bonds of 2019, Series B	10,615,000	10,615,000
(a) Redevelopment District Tax Increment Refunding Revenue Bonds, Series 2017	7,465,000	7,465,000
(b) Redevelopment District Tax Increment Revenue Bonds of 2015	32,680,000	32,680,000
Total	<u>\$ 65,830,000</u>	<u>\$ 65,830,000</u>
Note 13 (a): The debt service is payable from Tax Increment in the Downtown Area.		
Note 13 (b): The debt service on the Redevelopment District Bonds of 2015 is payable from Tax Increment in the Consolidated Area.		
(14) (a) Redevelopment District Bonds of 2020	\$ 5,900,000	
(b) Economic Development Revenue Bonds, Series 2018	6,175,000	
(a) Redevelopment District Bonds of 2015	3,065,000	
(a) Redevelopment District Bonds of 2013	185,000	
Total	<u>\$ 15,325,000</u>	
Total Bond Indebtedness	<u>\$ 416,405,825</u>	<u>\$ 238,728,400</u>
		City Direct Debt



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-35 - To Amend the Traffic Calming and Greenways Program Incorporated by Reference into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020

Synopsis

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes, and an increase to the required percentage of affected housing unit signatures required as part of the resident-led process.

Relevant Materials

- Ordinance 22-35
- Attachment A – Amended Traffic Calming and Greenways Program

Summary

Ordinance 22-35 would amend the city’s Traffic Calming and Greenways Program (“TCGP”). The TCGP, adopted in 2020 via [Ordinance 20-17](#), replaced the city’s previous traffic calming policy, the Neighborhood Traffic Safety Program (“NTSP”). Materials associated with [Ordinance 20-17](#) can be viewed in the Council’s [October 7, 2020 Legislative Packet](#). The NTSP was adopted in 1999 via [Ordinance 99-16](#).

The TCGP is incorporated into Bloomington Municipal Code Section [15.26.020](#) by reference and includes any amendments to the program approved by the Council by ordinance. The TCGP is administered by the Planning and Transportation Department and provides the policies and procedures used by the city to determine the appropriate location and construction of traffic calming and related devices in neighborhoods. The TCGP defines “traffic calming device” as “a device erected to slow traffic on residential streets, including the following:

- (1) traffic circles;
- (2) curb extensions;
- (3) neck downs;
- (4) diagonal diverters;
- (5) truncated diagonal diverters; or
- (6) chicanes.”



The amendments to the TCGP proposed by Ordinance 22-35 are shown in Attachment A to the ordinance and include:

1. The addition of Common Council Action as a necessary step in both the resident-led and staff-led traffic calming processes before projects can proceed to installation.
2. An increase to the percentage of affected housing unit signatures required as part of the resident-led process. Currently, twenty-four (24) or 30% signatures from affected housing units (whichever is less) are required as part of the application materials to be submitted for a resident-led project. The proposed amendment would increase the signature requirement to 51% of affected housing units.
3. Correction of various grammatical errors and adjustments to the table of contents and the visual overviews to reflect the amendments.

The proposed amendments to the TCGP have not been reviewed by the Traffic Commission or by the Bicycle and Pedestrian Safety Commission. Planning and Transportation Department Director Scott Robinson noted that the Department is not in support of these specific proposed changes but is open to discussing suggestions and improvements to the program that councilmembers wish to consider. He also noted that five projects have been implemented through the TCGP and a sixth project (Hawthorne & Weatherstone Neighborhood Greenway) is currently in process.

The ordinance sponsor, Councilmember Rollo, does not anticipate that the proposed amendments to the TCGP will directly impact city revenues, expenditures, or any debt obligations.

Contact

Cm. Dave Rollo, 812-349-3409, rollod@bloomington.in.gov

ORDINANCE 22-35

**TO AMEND THE TRAFFIC CALMING AND GREENWAYS PROGRAM
INCORPORATED BY REFERENCE INTO TITLE 15 (“VEHICLES AND TRAFFIC”)
OF THE BLOOMINGTON MUNICIPAL CODE -**

**Re: Amending the Traffic Calming and Greenways Program
Incorporated by Reference into Bloomington Municipal Code Section 15.26.020**

- WHEREAS, on June 2, 1999, the Bloomington Common Council (“Council”) adopted Ordinance 99-16, which established the Neighborhood Traffic Safety Program in order to guide the decision making process for placement of traffic calming and related traffic control devices in neighborhoods; and
- WHEREAS, on October 21, 2020, the Council adopted Ordinance 20-17, which replaced the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program; and
- WHEREAS, Bloomington Municipal Code Section 15.26.020 (“Traffic calming and greenways program”) incorporates the Traffic Calming and Greenways Program into the municipal code by reference, including any amendments made to the program approved by ordinance of the Council; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of rationale for the program, which includes encouraging resident involvement and ensuring an appropriate process to receive traffic calming requests from residents; and
- WHEREAS, the Traffic Calming and Greenways Program includes a list of guiding principles that inform the program, including the principle that processes shall provide for reasonable but not onerous resident participation in the plan development and evaluation; and
- WHEREAS, the Traffic Calming and Greenways Program envisions a process for Bloomington that is openly shared and transparent to the community; and
- WHEREAS, under the current Traffic Calming and Greenways Program, proposed projects, which may have significant impacts on residents, do not require review by an elected governing body before proceeding to the installation phase; and
- WHEREAS, both the resident-led and staff-led traffic calming processes provided for in the Traffic Calming and Greenways Program should include a step for Council review and approval of potential projects before those projects proceed to the installation phase; and
- WHEREAS, the resident-led traffic calming process currently requires twenty-four (24) or 30% (whichever is the lesser) signatures from affected housing units to be included in the application materials for a project; and
- WHEREAS, the resident-led traffic calming process should require signatures from 51% of affected housing units to be included in the project application materials in order to help encourage consensus building and broad support for projects; and
- WHEREAS, the Bloomington Common Council believes that changes are warranted to the Traffic Calming and Greenways Program, which has been incorporated by reference into Title 15 of the Bloomington Municipal Code entitled “Vehicles and Traffic,”

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

SECTION 1. The Traffic Calming and Greenways Program (“Program”) incorporated by reference into Bloomington Municipal Code Section 15.26.020 is amended as depicted in “Attachment A”, attached hereto and incorporated herein. The visual overviews in the Program of the resident-led traffic calming process and the staff-led traffic calming/neighborhood greenway process shall be revised to reflect the amendments shown in Attachment A.

SECTION 2. The amended Program is adopted. Two copies of the amended Program shall be kept on file in the office of the City Clerk for public inspection.

SECTION 3. If any section, sentence or provision of this ordinance, or 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance adopts an amended Traffic Calming and Greenways Program. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes. The amendments to the program include the addition of Common Council Action as a required step in both the resident-led and staff-led processes, and an increase to the percentage of affected housing unit signatures required as part of the resident-led process.



TRAFFIC CALMING & GREENWAYS PROGRAM

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BACKGROUND

The City of Bloomington (the City) places a high value on livability. Livability, as a concept, has largely been the rationale for public policies which serve to benefit the community. One such policy, Chapter 15.26, added to the City’s Code on June 2, 1999, established the Neighborhood Traffic Safety Program (NTSP). The NTSP aimed to increase a neighborhood’s livability by enabling groups of organized residents to manage driving behaviors on neighborhood streets through the installation of speed cushions, chicanes, and other traffic calming devices.

The City of Bloomington Traffic Calming and Greenways Program (TCGP) seeks to replace the NTSP program and envisions a process for Bloomington which is:

- Based upon objective, measurable data
- Viewed through the lenses of connectivity and accessibility
- Aligned with the City’s Comprehensive Plan and Transportation Plan
- Managed through a consistent process
- Openly shared and transparent to the community

RATIONALE

The rationale for replacing the NTSP policy is based on the Bloomington Comprehensive Plan (2018) and the Bloomington Transportation Plan (2019):

- Continue to integrate all modes into the transportation network while prioritizing bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users (*Comprehensive Plan Goal 6.4*)
- Protect neighborhood streets that support residential character and provide a range of local transportation options (*Comprehensive Plan Goal 6.5*)
 - Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets (*Comprehensive Plan, Policy 6.5.1*)
 - Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods (*Comprehensive Plan, Policy 6.5.2*)
 - Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools (*Comprehensive Plan, Policy 6.5.3*)
- Ensure an appropriate process to receive traffic calming requests from residents and include steps for the installation of temporary, proactive traffic calming measures as well as the installation of longer-term measures as a result of a reactive process in response to local concerns (*Transportation Plan, p. 51*)
- Encourage resident involvement (*Transportation Plan, p. 64*)

GUIDING PRINCIPLES

The following eight guiding principles inform the TCGP:

1. Evaluation and prioritization of TCGP installations should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; ~~and~~ be reviewed by a designated City Commission ~~who that~~ oversees traffic calming, and/or long range transportation planning; **and be subject to approval by the Bloomington Common Council.**
2. Traffic Calming and Greenways Program projects shall enhance pedestrian, bicyclist, and other **micromobility** mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well.
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into Bloomington Municipal Code.
6. The TCGP is mainly intended for: **Shared Street, Neighborhood Residential Street,** and **Neighborhood Connector Street** typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project.
7. Some motorists may choose to reroute from one neighborhood street to another as a result of an TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis.
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

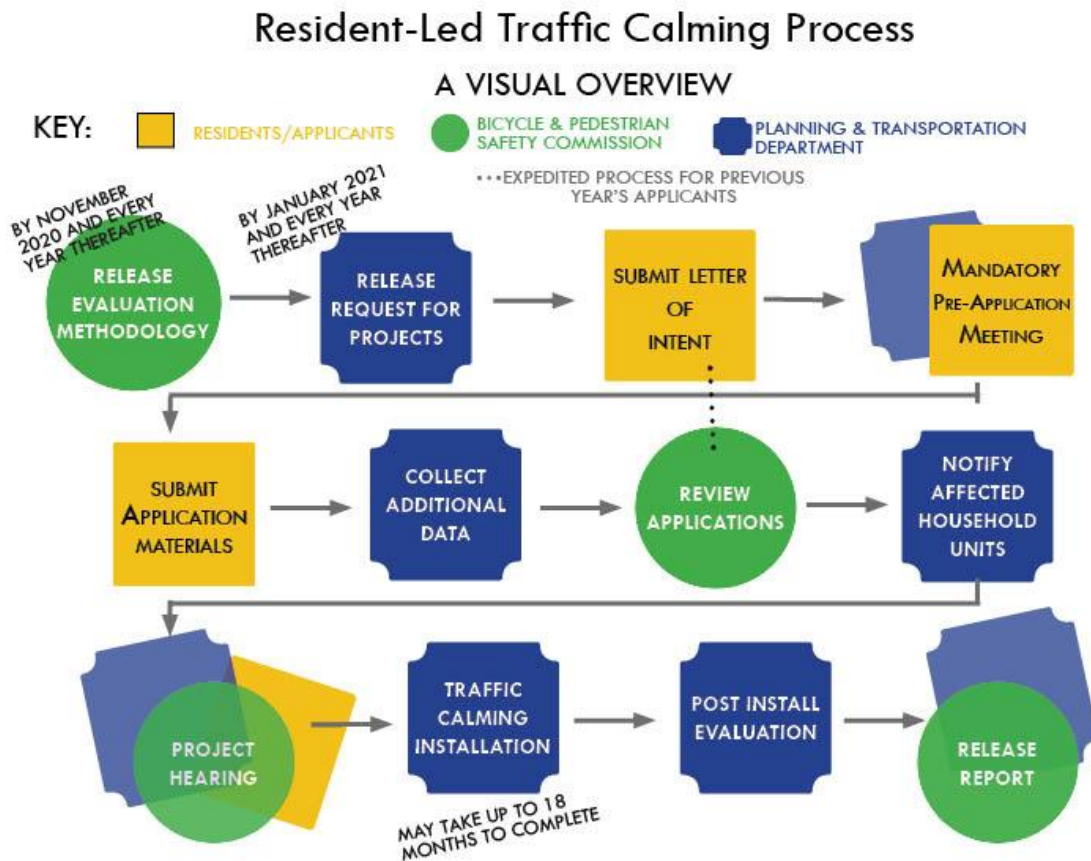
RESIDENT-LED TRAFFIC CALMING PROCESS

The TCGP provides a mechanism for residents to work with the City to manage traffic in their neighborhoods. The TCGP is intended to provide a simple process for residents to address traffic and speeding concerns on neighborhood streets. The TCGP processes also provide a consistent framework to ensure efficient use of resident and City staff time.

This section describes in detail the steps involved in participating in the Resident-led Traffic Calming process including the City’s request for projects, the application requirements, benchmark data collection, the review and prioritization of high-ranking projects, the installation of traffic calming devices, and an evaluation of the project’s success. The Resident-Led Traffic Calming Process is illustrated below in Figure 1 and in the [Appendix](#).

Traffic Calming devices primarily considered for this program include **speed cushions** and **speed humps**, in some contexts other devices may also be considered.

Figure 1: Visual Overview of the: Resident-led Traffic Calming Process



BICYCLE PEDESTRIAN SAFETY COMMISSION RELEASES EVALUATION METHODOLOGY

The Evaluation Methodology defines the objective criteria used to review project requests. The evaluation methodology is reviewed each year before the start of a new process cycle. By November 30, 2020 and by November 30 of each year thereafter, the Bicycle Pedestrian Safety Commission (BPSC) shall submit revisions of the TCGP Evaluation Methodology to the Planning and Transportation Department as well as a report that includes the following:

- Any changes to the application evaluation methodology from the previous year;
- A status report on the previous years' designed and installed projects; and
- Projects which applied for funding but did not receive funding based on the priority ranking during the previous year's cycle.

CITY RELEASES REQUEST FOR PROJECTS

In January 2021 and every year in January thereafter, the City Planning Department will release a Request for Projects (RFP) for participation in the Traffic Calming and Greenways Program. Each RFP issued shall be dependent upon funding availability, and the amount of available funding may be made known to prospective applicants. Requests for participation will be made through the BPSC and City staff to residents upon the opening of the RFP process.

STEP 1: RESIDENTS SUBMIT LETTER OF INTENT

Residents who wish to engage in the TCGP must submit a Letter of Intent (LOI) to the Planning Department before the end of the posted deadline. Prospective applicants are responsible for checking the TCGP guidelines for additional formatting and submission requirements. The LOI from the interested parties shall include but may not be limited to:

- Contact information for a minimum of two project co-organizers;
- Project organizers must represent two (2) separate dwelling units within the proposed area to be considered.
 - Individuals who reside in the same dwelling shall not be permitted to serve as project co-organizers without the collaboration of a neighbor or resident of a differing dwelling unit.
 - Individuals who reside in different dwelling units of a larger multi-family complex shall be permitted to serve as project co-organizers.
- A general description of the concern;
- A map of the proposed area to be considered;
- Acknowledgement of program policies; and
- Any supplemental information requested by staff.

Previous Applicants: Project co-organizers who have submitted an application for the previous one (1) year program cycle and did not receive funding may reapply with an updated LOI and any supplemental materials requested by City Staff.

Staff Action: When the submission window has closed, City staff shall review each of the LOIs. City staff will notify applicants who have met the requirements to advance to the application process of the Resident-led Traffic Calming Process. In the event that an application does not meet the minimum

requirements to apply, City staff may notify the project co-organizers and allow up to 4 additional business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. LOIs which do not meet the minimum requirements will not progress beyond Step 2 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 2: PRE-APPLICATION MEETINGS WITH CITY STAFF AND PROJECT ORGANIZERS

City staff shall schedule a mandatory meeting with each group of project co-organizers who have advanced to Step 2 of the Resident-led Traffic Calming Process. At the mandatory pre-application meeting staff shall:

- Discuss the application requirements, processes, and deadlines;
- Disseminate preliminary information required in the application;
- Provide a link to the application materials; and
- Answer questions from the project organizers.

STEP 3: RESIDENTS SUBMIT APPLICATION MATERIALS

Project co-organizers will have approximately six to eight weeks to complete and submit their applications. Application materials shall include:

- Three (3) Letters of Support from stakeholders.
 - Must include at least one (1) City Council Representative
 - May include an organization or professional which serves the residents living within the identified area (i.e., neighborhood association, school, neighborhood resource specialist, faith based organization, and/or a non-profit which serves households located within the specified area but may not necessarily be located within the specified zone)
 - Only three letters will be reviewed. Additional letters will not be reviewed with the project application.
- ~~Twenty-four (24) or~~ **Signatures from 51% of 30% (whichever is the lesser) signatures from Affected Housing Units** impacted by the traffic calming installations proposed.
 - Staff shall provide a template document for collecting signatures which must be used for collecting signatures. No other forms will be accepted.
 - Electronic signatures may be used for this purpose if deemed appropriate and with written approval of the City Planning Department Director.
- A finalized map of the proposed project area.
- Additional relevant data requested by City staff

City staff shall send a confirmation email once an application has been received. In the event that an application requires clarification or has proposed a zone which is incompatible with the program, City staff may notify the project organizers and allow up to an additional 4 business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. Incomplete applications which are submitted with insufficient supporting documents/ materials will not progress beyond Step 3 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 4: CITY STAFF PREPARE RELEVANT DATA

City staff shall collect preliminary information about current traffic conditions. Relevant data may include crash history, speed counts and volume data, and other relevant facts. City staff shall notify the affected safety and emergency services of the initiative to include but not be limited to: the Bloomington Police Department, Bloomington Fire Department, local ambulance services, and Bloomington Transit.

City staff may collect and summarize preliminary information about existing plans for development, census data, and pedestrian and bicycle network infrastructure near the proposed project.

STEP 5: BPSC REVIEW OF APPLICATIONS

Upon the receipt of completed applications, the BPSC will review the materials submitted and the preliminary data collected by City staff. The BPSC will validate successful applications, and rank the projects which score highest as determined by the evaluation methodology. All applications will be evaluated using the same criteria.

The evaluation criteria for the Resident-led Traffic Calming Process must account for two main areas of emphasis:

1. Prevalence of vulnerable users (e.g., children, persons with disabilities, older adults, economically disadvantaged households) and community centers.
2. Incidence of crashes and behaviors which are the causal factors for increased injury to vulnerable users (crashes, speeding, volume).

STEP 6: NOTIFICATIONS SENT TO AFFECTED HOUSING UNITS IN HIGH RANKING AREAS

Notifications will be sent via post to **Affected Housing Units** and electronically to **Network Users** in the areas surrounding projects that are likely to be funded based upon the number of applications and the designated resources for traffic calming.

Information presented in the notification shall include:

- Information related to the location and placement of the proposed traffic calming installations;
- The objectives for the traffic calming;
- Notification of all scheduled meetings associated with the project and prioritization process; and Contact information and project website to direct feedback, ask questions, or present concerns.

STEP 7: PROJECT PRIORITIZATION HEARING

The BPSC shall host a hearing in which **Affected Housing Units**, **Network Users**, and members of the public may voice their questions, concerns, support, or critique of the Traffic Calming project. Based upon information gleaned at the prioritization hearing, the BPSC may vote to **recommend and** advance fundable projects to the **Common Council Action step design/~~installation phase~~** for those which rank highest unless extenuating circumstances become known which calls into question a project's merit or evidence that an application was not put forth in good faith with the program policies.

STEP 8: COMMON COUNCIL ACTION

Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.

-STEP 9B: INSTALLATION

After the project has been approved by the Common Council, City staff will proceed with final design and installation. Planning, design, and construction may take up to 18 months depending on the scope of the project. Installations will typically be planned with permanent materials; however, using temporary materials may be appropriate to evaluate design options or to accelerate project timelines.

STEP 109A: POST-INSTALLATION EVALUATION *(TAKES PLACE CONCURRENTLY WITH STEP 9B)*

Up to 18 months after the construction of the Traffic Calming project, the City may conduct a follow-up evaluation. After the installation has been completed, City of Bloomington Planning Department Staff will work to gather data which may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be included.

STEP 109B: MAINTENANCE AND MINOR ALTERATIONS *(TAKES PLACE CONCURRENTLY WITH STEP 9A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the Resident-led Traffic Calming Process. Alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenways Process or the Resident-led Traffic Calming Process in subsequent funding cycles.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming installations.

OTHER PROCESSES A: INCREASED TRAFFIC CALMING AND MODIFICATIONS

If residents desire to have their traffic calming modified to include major alterations, a request in writing must be made to City Planning and Transportation staff. Requests for traffic calming tools beyond those typically used for Resident-led projects shall require staff approval in writing. Projects that are able to be supported and prioritized for increased traffic calming will follow the Staff-led Traffic Calming/Neighborhood Greenways Process beginning at [Step Six](#). In some cases, the City may choose to start at an earlier step in the process.

Residents may request to make major modifications to existing traffic-calming on public streets by applying to the Resident-led Traffic-Calming Process. To request major modifications to existing traffic

calming, residents shall follow the Resident-Led Process, starting at [Step 1](#) but may not do so within 7 years of the date which the traffic calming installation was approved.

OTHER PROCESSES B: REMOVAL PROCESS

If residents of a neighborhood request to have their traffic calming installations removed, an application shall be submitted with no less than sixty-six (66) percent of the **Affected Housing Units** in support of the removal. Removal of Traffic calming must be based upon the same boundaries as the original project request and may not be divided into smaller portions thereof. Applications for removal and required signatures shall not be submitted within 7 years of the date which the traffic calming installation was approved. City staff shall provide a template document for collecting signatures which **must** be used for collecting signatures required for traffic calming removal. No other forms will be accepted for this purpose. The City may provide an electronic signature option if deemed appropriate and with written approval of the City Planning Department Director.

City Planning Department staff shall validate completed applications and present it to the Bicycle Pedestrian Safety Commission for approval. Based upon the application materials provided, traffic speed and volume data, and public comment, BPSC shall vote to remove the traffic calming installations (or any portion thereof) unless sixty-six (66%) percent majority of BPSC appointed members vote to deny the removal of the traffic calming installations.

In some extenuating circumstances, the City Engineer may remove a traffic calming installation if they find it poses increased and unnecessary risk to public. In the event of such circumstances, the Engineer must submit a report within 180 days of the removal of a traffic calming device to both the BPSC and City Council explaining the rationale which the removal was deemed necessary.

STAFF-LED TRAFFIC CALMING/ NEIGHBORHOOD GREENWAY PROCESS:

The Staff-led Traffic Calming/ Neighborhood Greenway Process provides a framework for Planning and Engineering Department staff to identify and implement traffic calming projects, improve safety and/or support pedestrian, bicyclist, or transit initiatives.

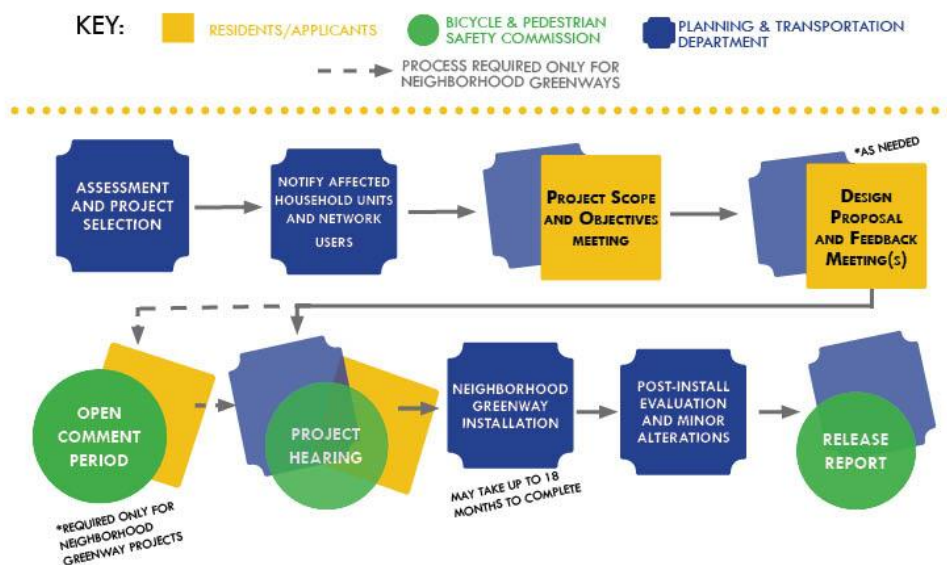
Traffic Calming, or devices used for reducing speeds on residential streets are defined by state code and may include: speed bumps, curb extensions, chicanes, and/or diagonal diverters. While the state provides a definition for specific traffic-calming devices which may be used, there are other street design elements (i.e., adding on-street parking, the design of on-street parking, narrowing lanes) which may result in slowing motorized vehicle traffic. These design elements alone do not trigger the Staff-Led Traffic Calming process. However, the design strategies may be included in a traffic-calming project.

A **Neighborhood Greenway** is a street that serves as a shared, slow street with the intention of prioritizing bicycling and improving walking. The Bloomington Transportation Plan identifies certain streets as Neighborhood Greenways. Traffic Calming installations, signs, and pavement markings are often used to create the basic elements of a Neighborhood Greenway-- but are, in and of themselves not Greenways for the purposes of the program until they are identified within the Transportation Plan. To be considered ~~for as~~ a Neighborhood Greenway, a street must be identified as a Neighborhood Greenway in the Bicycle Facilities Network in the Bloomington Transportation Plan.

This section describes in detail the steps involved in the Staff-led Traffic Calming/Neighborhood Greenways Process including the City’s notification to the public, the process for gaining feedback from **Affected Housing Units**, and the installation and evaluation for each Neighborhood Greenway project. The Staff-led Neighborhood Greenway Process is illustrated below in Figure 2 and in [the Appendix](#).

Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW



STEP 1: NOTICE MAILING

City staff shall notify **Affected Housing Units** by a postal mailing and electronically to **Network Users** in advance of any work sessions or meetings which discuss the installation of the Traffic Calming/ Neighborhood Greenway project.

The intent of the notification is to alert residents and stakeholders of the project and provide details of upcoming meetings. Other notifications, such as postings on social media or signs posted in the vicinity of the proposed project, are additional measures which may be used to increase engagement with residents.

STEP 2: FIRST MEETING- PROJECT SCOPE AND OBJECTIVES MEETING

City Planning and Transportation Department Staff shall host a meeting about the proposed project. Staff will seek input from residents, stakeholders, and **Network Users**. Staff will present information including but not limited to the following:

- What is Traffic Calming? What is a Neighborhood Greenway?
- What are the boundaries of this phase of the project?
- How do the Traffic Calming/ Neighborhood Greenways support the City's Comprehensive Plan and Transportation Plan goals for multimodal connectivity?
- What are the funding limitations for this project or phase?

STEP 3: SECOND MEETING- FEEDBACK ON PRELIMINARY DESIGN

City staff will host a second meeting to share the preliminary design and to take input from residents and users.

STEP 4: THIRD MEETING (OPTIONAL) DESIGN/BUILD OUT OPTION WORK MEETING

A third meeting is optional, based on feedback of the preliminary design.

STEP 5: OPEN COMMENT PERIOD (NEIGHBORHOOD GREENWAY PROJECTS ONLY)

Staff-led Neighborhood Greenway plans shall be made available for comment by **Affected Housing Units, Network Users**, and other stakeholders. Comments shall be made on the project website, email, phone, or post mail. Comments housed in social media platforms and listservs will not be considered in the BPSC Discussion/ Review.

The open comment period is expected to last 4 weeks, unless extenuating circumstances require a longer timeframe. When City staff feel confident that a design best suited to the project and location has been achieved, the proposed Staff- Led Neighborhood Greenway installation will proceed forward to the BPSC Discussion and Review Phase.

STEP 6: BPSC DISCUSSION/REVIEW

City staff shall present the project, objectives, baseline data, notes from public meetings, and design concepts to the BPSC for review **and recommendation**. By default, projects will proceed **to the next step**, unless a ~~a~~ seventy-five percent (75%) of the BPSC appointed members vote to send the project back to the City staff for further refinement.

STEP 7: COMMON COUNCIL ACTION

Based on the project meetings, collected data, and BPSC review, City staff members prepare a resolution and report for the Common Council. The report outlines the process followed, includes the project findings, and states the reasons for the BPSC's recommendations. City staff shall present the resolution and report to the Common Council for action. If the resolution is not adopted by the Common Council, the project does not proceed to installation.

STEP 78: INSTALLATION

After the project has been approved by the Common Council, the City of Bloomington Planning Department shall install the Traffic Calming or Neighborhood Greenways. The installation is intended to be constructed with permanent materials; however, in some cases, using temporary materials may be appropriate in order to evaluate design techniques or to accelerate project timelines.

STEP 89A: EVALUATION *(HAPPENS CONCURRENTLY WITH STEP 8B)*

Within eighteen months after the construction of a Traffic Calming/ Neighborhood Greenway project is complete, the City may conduct a follow-up evaluation. This evaluation may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be beneficial.

STEP 89B: MAINTENANCE AND ALTERATIONS *(HAPPENS CONCURRENTLY WITH STEP 8A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alterations of any traffic calming device implemented as part of the program. These alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered **minor alterations**.

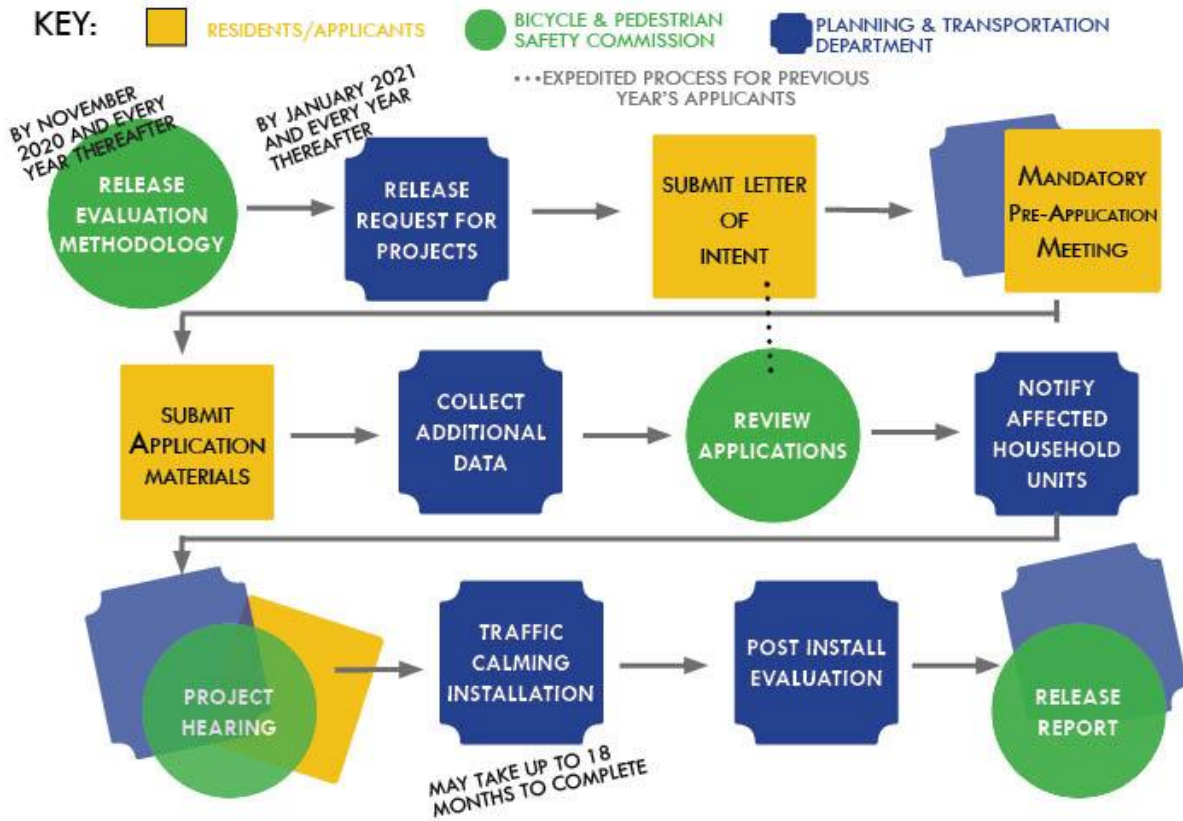
City Staff may request to make **major modifications** to existing traffic calming installations on public streets by following the Staff-led Traffic Calming and Neighborhood Greenways Process, starting at [Step 6](#). In some cases, the City may choose to start at an earlier step in the process.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming/ Neighborhood Greenway installations.

APPENDIX: VISUAL OVERVIEW OF RESIDENT-LED AND STAFF-LED PROCESSES

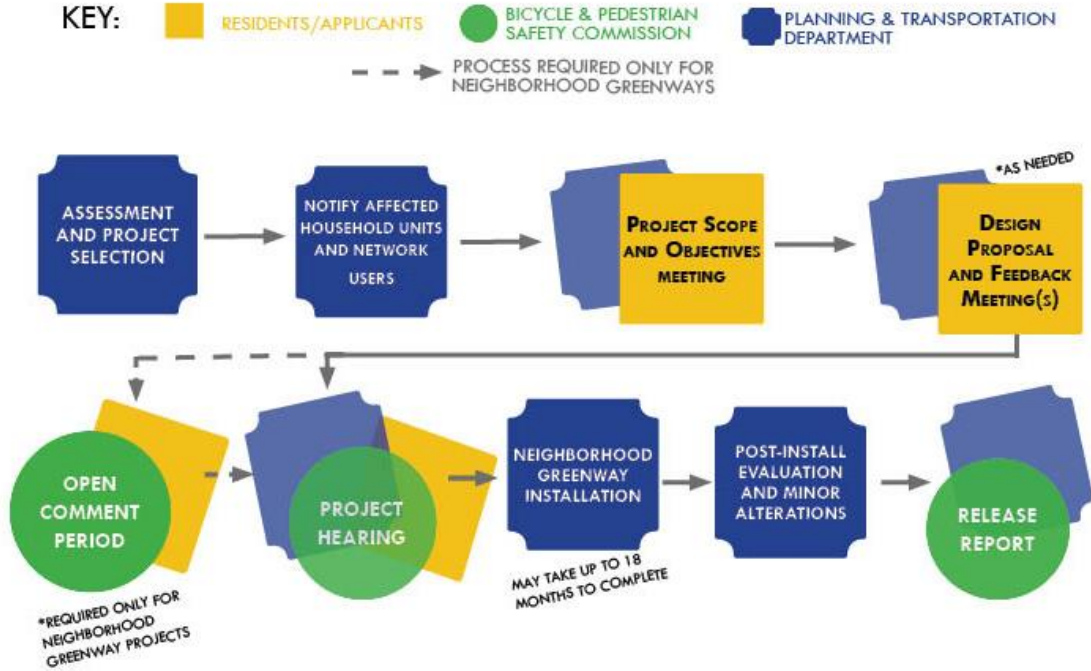
Resident-Led Traffic Calming Process

A VISUAL OVERVIEW



Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW



APPENDIX: DEFINITIONS

Affected Housing Units: residents and property owners of record located within two lots not to exceed 300 feet of streets affected by the proposed traffic calming installation.

Major alterations: A change other than a minor alteration.

Micromobility: a category of modes of transport that are provided by very light vehicles such as scooters, electric scooters, electric skateboards.

Minor alterations: a change which has no appreciable effect on the surface area of the street dedicated to the travel for motor vehicles. Changes to signs, markings, parking policies or location of traffic calming devices may be considered minor alterations. All other changes are considered 'major alterations.'

Neighborhood Connector Street: streets which provide connections between the neighborhood residential and general urban or suburban connector streets. They collect traffic from residential neighborhoods and distribute it to the broader street network. Most of the land uses surrounding neighborhood connectors are generally low/medium-density residential with commercial nodes as it connects to the larger street network.

Neighborhood Residential Street: streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town motor vehicle commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians.

Neighborhood Greenway: a low-speed, low-volume shared roadway that creates a high-comfort walking and bicycling environment. Neighborhood Greenways are identified in the Bloomington Transportation Plan.

Network Users: People who utilize a street for their primary means of access to pedestrian, bicycle, or transit networks.

Shared Streets: Streets designed for pedestrians, bicyclists, transit riders, and motorists to operate in a "shared" space; shared streets utilize design elements such as pavement treatments, planters, roadway widths, parking spaces, and other elements to direct traffic flow and to encourage cooperation among travel modes in typically flush or curbless environments.

Speed Cushions: speed humps that include wheel cutouts to allow large vehicles, cyclists, scooters and strollers to pass unaffected, while reducing passenger car speeds.

Speed Humps: a ridge set in a road surface, typically at intervals, to control the speed of vehicles.

Traffic Calming: methods described within the state code which are used to slow cars on residential streets. Traffic Calming devices may include curb extensions, chicanes, and/or diagonal diverters.