



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 07 December 2022

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA:
REGULAR SESSION
WEDNESDAY | 6:30 PM
7 December 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/89056934818?pwd=VWhEbzVjSC9GRmYwK0pjY3NIT3lrdz09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES**
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
 - A. **Councilmembers**
 - B. **The Mayor and City Offices**
 - a. Report on Accessible Transportation and Mobility Principles, alongside ADA Transition Plan Resolution
 - b. Bloomington Commission on Sustainability Reports from 2021 & 2022
 - C. **Council Committees**
 - D. **Public***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 22-19 – To Approve an Update to the City of Bloomington’s Americans with Disability Act Transition Plan

Committee recommendation: N/A
 - B. 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)

Committee recommendation: 6-3-0

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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

Posted: 2 December 2022

- C. 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

Committee recommendation: 2-2-5

- D. 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

Committee recommendation: 4-3-1

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 22-36 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Proposal to Amend Chapter 20.02 “Zoning Districts” and Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood
- B. Ordinance 22-37 – To Amend the City of Bloomington Zoning Maps by Adding the Transform Redevelopment Overlay (TRO) to Certain Below-Described Property
- C. Ordinance 22-39 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Creation of Joint City-County Human Rights Commission and Transfer from Chapter 2.21 (Department of Law) to Chapter 2.23 (Community and Family Resources)

VIII. ADDITIONAL PUBLIC COMMENT* *(A maximum of twenty-five minutes is set aside for this section.)*

IX. COUNCIL SCHEDULE

- A. 2023 Annual Council Legislative Schedule

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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, 07 December 2022

Regular Session

Starting 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/89056934818?pwd=VWhEbzVjSC9GRmYwK0pjY3NIT3Irdz09>

Meeting ID: 890 5693 4818

Passcode: 826524

One tap mobile

+13092053325,,89056934818# US

+13126266799,,89056934818# US (Chicago)

Find your local number: <https://bloomington.zoom.us/j/89056934818?pwd=VWhEbzVjSC9GRmYwK0pjY3NIT3Irdz09>

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.

2021-2022 Report

Bloomington Commission on Sustainability
City of Bloomington, Indiana

Summary

The City of Bloomington Commission on Sustainability (BCOS) promotes economic development, environmental health, and social equity in our community for present and future generations. The commission gathers and disseminates information; promotes practical initiatives; and measures, monitors, and reports on our community's progress toward sustainability.

Authority: Municipal Code Title 2 [Chapter 2.12.100](#)

2022 Members:

Kristina Anderson	Matt Austin	Sarah Congress	KateLyn Edwards
Emma Ferguson	Matt Flaherty**	Elisha Hardy	Nolan Hendon***
Aanya Jain	David Maenner	Shawn Miya	Nejla Routsong ⁺
Joseph Wynia ⁺			Lauren Clemens*

2021 Members:

Anna Abernathy	Jerrett Alexander ⁺⁺	Kristina Anderson	Matt Flaherty**
Samantha Ginther	Elisha Hardy	Nolan Hendon***	Jana McGee
Colin Murphy	Nejla Routsong ⁺⁺⁺	Joseph Wynia	Lauren Clemens*

* Staff Liaison, ** Council Ex Oficio, *** Monroe County Commissioner

⁺ Co-Chair, ⁺⁺ Chair, ⁺⁺⁺ Vice/Interim Chair

2021-2022 Activities & Achievements

The Commission is proud to report its engagement in or completion of the following items since our last submitted report:

1. Conducted 'Apartment Recycling & Compost' survey with 50 multi-family housing properties to study barriers to these services in the community. Identified cost as the largest inhibitor to recycling services, and located 6 properties open to on-site composting.
2. Passed Resolution on Housing First February 9, 2021 (7-0-0 with 3 Organizational sponsors), urging the Mayor of Bloomington, working in collaboration with the Bloomington Common Council, to conduct a feasibility study and subsequently develop a housing first plan; to work with all stakeholders to identify and address existing gaps and barriers to achieving housing stability for all residents; and to identify and consider all public and private sources of funds, especially any major contributing agents to and/or beneficiaries of the rising housing costs in our city.
3. Held a Just Transition hybrid town hall in March 2022 at Monroe County Public Library with Attendees: 53 (12 in person, 41 virtually), and 17 Online surveys completed.
4. Represented BCOS at 2021 City Budget hearings, asking that the council not increase funds to police budgets until a comprehensive housing first plan is drafted and funded in full by the City to adequately address the growing housing crisis.
5. Completed internal training on Roberts Rules of order
6. Updated by-laws to reflect current operational procedures, and to better align elections with commissioner appointments timing.
7. Guest Speakers:
 - a. Don Eggert, Environmental Commission Member
 - b. John Zody, Director of Housing and Neighborhood Development (HAND)
 - c. Marybelle Tobias and Colin Miller, EJ Solutions, Drafters of the 2020 Racial Equity Impact Assessment of City of Oakland
8. Engagement:
 - a. Attended 2022 Climate Leadership Summit by Earth Charter Indiana.
 - b. Attended 2022 Sustainability Community Fair by Indiana University School of Public and Environmental Affairs.

2022 Objectives

BCOS plans to continue this forward momentum for the rest of 2022. In all its work, it aims to make a positive contribution to implementing our city's Climate Action Plan and Sustainability Action Plan and achieving the goals stated therein.

Areas of Focus:

- 1) Waste Reduction: To reduce the amount of waste generated by residents and improve the diversion of the waste that is generated.
- 2) Heat Management: To reduce the health impacts of extreme heat caused by climate change through the mitigation of urban temperatures, education campaigns, adaptation programs, and emergency response actions specific for extreme heat events. (SDG 3, 11 & 13) (Climate Action Plan Strategy HS3-C-4)
- 3) Just Transition: To address rising rates of homelessness, addiction, mental illness, food insecurity and other social manifestations of local economic and climate insecurity by focusing on the underlying policy and institutional obstacles to achieving sustainable and equitable economic development

Goals:

1. Waste Reduction:
 - a. Design a plan for a Neighborhood Compost project to promote the hyper-local diversion of food waste.
 - b. Collaborate with Monroe County Waste District to promote established compostables drop-off locations and education about compostable materials.
 - c. Research the feasibility of creating local collection options of TetraPak or similar layered cartons.
2. Heat Management:
 - a. Create a Heat Management Task Force composed of personnel from the Monroe County Health Department, Bloomington Hospital, city departments such as Utilities, Planning, Emergency Management, nonprofits such as the United Way, Area 10 Agency on Aging, etc.
 - b. Determine based on capacity to either create a Heat Management Plan or work on only one aspect of the plan: (Mitigation, Adaptation, Education, Emergency Response, or Ordinances)

3. Just Transition
 - a. Conduct policy research and planning more focused public dialogues in Fall 2022, with which our working group can create well-researched, high-impact policy recommendations that reflect the chosen values and focus areas voiced by our community.
4. Adopt United Nations Sustainable development goals (SDGs) to better organize BCOS work within a global sustainability framework.

City Goal Alignment

Our 2022 commission goals have been expressly selected to fulfill or support specific action items defined in the Climate Action Plan (CAP) and Sustainability Action Plan (SAP) adopted by the common council. The Waste Reduction goals correspond to CAP WM1-A-6 & WM1-C-8, WM1-A-4, and WM1-C-8 respectively. The heat management activity is centered around CAP Strategy HS3-C-4, and the Just Transition works toward the climate change and adaptation, and transportation sections, as well as the “equity considerations” described throughout. While the adoption of the UN SDG framework does not have a direct correlation to an action plan item, it will help the commission to associate the CAP category with which any commission activity will correspond.



Bloomington Commission on Sustainability. 2021-2022 Report



COMMISSIONERS

2021

Anna Abernathy
Jerrett Alexander⁺
Kristina Anderson
Matt Flaherty*
Samantha Ginther
Elisha Hardy
Nolan Hendon**
Jana McGee
Colin Murphy
Nejla Routsong⁺⁺
Joseph Wynia

2022

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David Maenner
Shawn Miya
Nejla Routsong⁺
Joseph Wynia⁺

* Council Ex Officio, ** Monroe County Commissioner

010

⁺ Chair, ⁺⁺ Vice/Interim Chair



ACTIVITIES & ACHIEVEMENTS

APARTMENT
WASTE SURVEY

	<input type="checkbox"/>
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RESOLVED

Housing first...

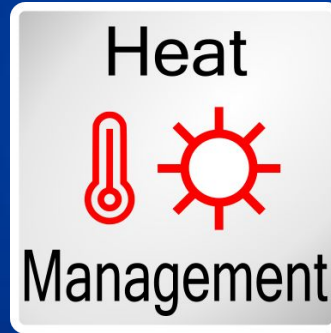




OBJECTIVES



- **WM1-A-4** promote MC-SWMD drop-off of compostable material
- **WM1-A-6** At-Home Composting program
- **WM1-C-8** support collaborative consumption programs



- **HS3-C-4** develop a comprehensive heat response plan



Assess existing services in the community and seek opportunities to add value to avoid duplicating efforts



QUESTIONS ?



CITY OF
BLOOMINGTON

Commission on Sustainability

<https://bloomington.in.gov/boards/sustainability>



MEMO FROM COUNCIL OFFICE ON:

Resolution 22-19 – To Approve An Update to the City of Bloomington’s Americans with Disabilities Act Transition Plan

Synopsis

This resolution approves an Americans with Disabilities Act (ADA) Transition Plan that shall act as an advisory document outlining a plan for the City of Bloomington to be accessible to people of all abilities.

Relevant Materials

- [Resolution 22-19](#)
- 2022 City of Bloomington ADA Transition Plan
- Staff memo from Michael Shermis

Summary

[Resolution 22-19](#) approves an updated Americans with Disabilities (ADA) Transition Plan, which was initially adopted in 1990 and was last updated in 2014 by [Resolution 14-16](#). The development and approval of these plans are a means to implement aspects of the ADA and, along with offering good or best practices to improve accessibility for persons with a disability, are also required to receive federal funding.

The previous 2014 plan prioritized numbers of accessibility actions accomplished. This year, staff is shifting priorities toward a plan that focuses more on people than numbers. On top of meeting the ADA requirements, this year’s plan centers program education in order to shift attitudes on disability and spread awareness on lack of accessibility.

The ADA prohibits discrimination on the basis of disability in state and local government. Title II of the ADA requires that local governments give people with disabilities equal opportunities to participate in all of their programs, services, and activities. Public entities with 50 or more employees are required to develop and maintain an up-to-date Transition Plan that surveys accessibility barriers in governmental programs and services and comes up with a plan to remove those barriers.

Specifically, a Transition Plan consists of a list of physical barriers limiting accessibility of governmental programs, services, or activities; the methods to remove those barriers and make the facilities accessible; and the target date for completion of the work. The 2022 Plan conducts a self-evaluation of physical facilities (starting on Page 12) and sets forth whether they are compliant or need barrier elimination and the status of when the barrier elimination is to be completed.



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

A Transition Plan must also gather public input and set forth grievance procedures. The City provided several opportunities for public input as shown on Page 24 of the 2022 Plan, including a notice of public comment period and presentations/discussion with the City of Bloomington’s Council for Community Accessibility, Traffic Commission, and Bicycle and Pedestrian Safety Commission. The 2022 Plan also includes grievance procedures and complaint forms in Appendices E and F on Pages 36 through 41.

Contact

Michael Shermis, Special Projects Coordinator, shermism@bloomington.in.gov, 812-349-3471

Barbara McKinney, Human Rights Director/Attorney, mckinneb@bloomington.in.gov, 812-349-3426

RESOLUTION 22-19

**TO APPROVE AN UPDATE TO THE CITY OF BLOOMINGTON'S
AMERICANS WITH DISABILITIES ACT TRANSITION PLAN**

WHEREAS, Title II of the Americans with Disabilities Act (hereafter, ADA) prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in governmental programs, services, or activities because of their disability; and

WHEREAS, the ADA requires all public agencies with more than 50 employees to maintain an up-to-date Transition Plan, which should survey accessibility barriers in programs and services and implement a plan to remove them; and

WHEREAS, the City of Bloomington works with state and federal agencies that require an up-to-date ADA Transition Plan approved by the City's legislative body as a condition of receiving federal funding, including the Indiana Department of Transportation (INDOT), the Federal Highway Administration (FHWA) and Housing and Urban Development Department (HUD); and

WHEREAS, the Board of Public Works, with resolution 2011-99, adopted the United States Access Board's Public Right of Way Accessibility Guidelines (PROWAG) for the evaluation, design, and construction of infrastructure in the public right of way; and

WHEREAS, the City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then, most recently in 2014; and

WHEREAS, the document proposed for adoption by the Common Council will satisfy the ADA's requirement to have an up-to-date Transition Plan; and

WHEREAS, the City, working with the Council for Community Accessibility, has been making strides toward improving accessibility in Bloomington, in governmental programs, transportation and public accommodations; and

WHEREAS, the City recognizes that barriers to accessibility remain and that the ADA Transition Plan helps to identify those barriers and plans for removal;

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

SECTION 1. The Americans with Disabilities Act (ADA) Transition Plan is approved as an advisory document outlining a plan for the City of Bloomington to be accessible to people of all abilities and is attached and made a part of this resolution.

PASSED AND ADOPTED 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.

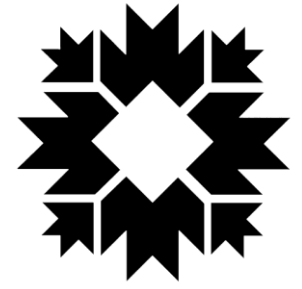
NICOLE BOLDEN, Clerk,
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution approves an Americans with Disabilities Act (ADA) Transition Plan that shall act as an advisory document outlining a plan for the City of Bloomington to be accessible to people of all abilities.



CITY OF BLOOMINGTON

2022

City of Bloomington ADA Transition Plan



401 N. Morton Street
PO Box 100
Bloomington, IN 47402

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INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and amended effective January 1, 2009. Title II of the ADA prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services, or activities because of their disability.

Title II requires local governments to prepare Transition Plans. The City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then, the last time in 2014 (available online: <https://bloomington.in.gov/accessible>). Our goal is to ensure program accessibility for people with disabilities in our community by meeting or exceeding the requirements of the ADA. Periodic updates help us evaluate how well we are achieving that goal.

The City of Bloomington has designated the Bloomington Human Rights Director as the ADA Coordinator. The ADA Coordinator manages the City's efforts to comply with Title II of the ADA and to communicate with local businesses their responsibilities to comply with Title III of the ADA. The ADA Coordinator is responsible for investigating any alleged violations of the ADA by the City.

We are making a conscious decision to begin this Transition Plan by focusing on people. We know that if you change minds and attitudes about accessibility, addressing barriers to accessibility and decisions that are made with people with disabilities access in mind will then happen more easily. With that, we will look at some of the efforts that the Council for Community Accessibility has been working on this past year.



Breaking down the Barriers has been a popular event that shows businesses that people with disabilities have buying power.

The City of Bloomington Council for Community Accessibility (CCA) is a volunteer group that advocates for the interests of people with disabilities. Formerly known as the Community Council on Handicap Concerns, the group was formed in 1990. The CCA promotes awareness of the challenges faced by people with disabilities and works to develop solutions to barriers to accessibility in the community. The CCA envisions an inclusive community where everyone is valued and empowered to access equitable opportunities.

While they come from diverse backgrounds, CCA members share a personal interest in accessibility issues and bring a range of leadership experiences to their work on the Council. Many members have disabilities themselves or are family members of those with disabilities.

CCA Vision and Objectives

The Council for Community Accessibility envisions an inclusive community where everyone is valued and empowered to access equitable opportunities.

- Assessment: To seek information about the needs and available services for persons with disabilities.
- Awareness: To educate all segments of the community.
- Accessibility: To promote access to places of public accommodation, housing, programs, and services.

- **Advocacy:** To promote the best interests of persons with disabilities by supporting specific, identified issues.
- **Advice:** To serve as a resource for the community.

CCA EVENTS/PROGRAMS

Here are some 2021 events and programs that made the community more aware of barriers that people with disabilities face and various accessibility challenges.

Breaking down the Barriers



A slide from Brian Richwine's presentation

For Breaking down the Barriers in April, the Council for Community Accessibility held a virtual event about virtual events, specifically how to make them more accessible to everyone. Speakers included Brian Richwine, an accessibility expert from IU University Information Technology Services, who talked about making virtual events accessible; Holly Elkins, Chair, Legislative Committee, at the Indiana Association of the Deaf, who spoke about how to make virtual events more accessible for the Deaf; and Ted Boardman, president of the Heartland Association of the American Council of the Blind, who informed attendees on how to make virtual events more accessible for people who have low vision or who are blind.

Increasing Transportation and Mobility Accessibility Opportunities for All

In June, the Council for Community Accessibility held a hybrid, in-person, and virtual, event that brought together engineers, planners, city officials, people with disabilities, and others to listen to a keynote speaker on common pedestrian access barriers and innovative ways to address them. Together, groups navigated and evaluated several routes around the city and witnessed directly many of the challenges people with disabilities face in our community.

[Video: People with disabilities navigate challenges on city streets.](#)



CCA Transportation and Mobility Committee Chair Barbara Salisbury walks with Liz Peterson from IU Health.

ADA Anniversary Celebration



A family visiting the Monroe County Public Library was pleased to be able to take their children through the Anniversary Celebration that was held outside the Library.

Partnering with organizations that serve people with disabilities, like Monroe County Public Library, Stone Belt, Indiana Institute on Disability and Community, Heartland Association of the American Council of the Blind, and the Youth Self Advocates of Monroe County, helped reach people in the community to celebrate the 31st anniversary of the ADA in July, 2021. This event takes place annually.

Gather 'round the Table: With Us, About Us

In September, a hybrid event provided an opportunity for both online and in-person attendance. Keynote speaker Rosemarie Garland-Thomson, co-editor of the book *About Us: Essays from the Ability Series of the New York Times*, joined the audience on Zoom, while several inspiring CCA volunteers presented plain language versions of their favorite essays from the book. These reflections led to thoughtful questions and discussions about the essays in *About Us*, and about members' steps in developing plain-language versions of its content for people with cognitive, intellectual, and developmental disabilities.

Video: [Watch the event's impact on participants](#)



(left to right, top to bottom) Our CCA volunteers who shared their favorite essays, Zoe Waters, Michelle Hahn, Tiba Walter, and Lesley Davis.

Beyond the signature events, CCA promotes several other efforts:

AccessAbility Decal Program

This program, run by the Accessibility Committee, recognizes accessible businesses and provides guidance to businesses to eliminate barriers to accessibility. In the past, they have worked on surveying polling locations, bus stops, schools, and medical offices. While the pandemic made it hard to do surveys, the Committee continues to focus on reviewing accessibility at restaurants, retail establishments, nonprofits, and more. The accessibility survey that is used is in Appendix A.



The AccessAbility decal that is found on doors of businesses and agencies around the city.

Annual Accessibility and Disability Awareness Months

CCA keeps track of numerous events sponsored by organizations concerned with disability and accessibility and informs members and the public. In the month of March the CCA celebrates Disability Awareness Month and in April Accessibility Awareness Month. *Document:* [Calendar of events](#)

MALL

A local group of women with physical disabilities (aka “the Wheelie Women”) have started a Mobility Aids Lending Library” (MALL) to serve the greater Bloomington community. They realized that many in their network have unneeded canes, crutches, walkers, ankle-foot orthoses (AFOs), rollators, scooters, and wheelchairs taking up space and not being used. They would like to change this by making these mobility devices available to people free of charge to those who cannot afford them or who need them only for a short period of time. The City of Bloomington Council for Community Accessibility (CCA) and the Monroe County Public Library (MCPL) are partnering with them to make this new community service a reality.

To [Donate...](#)

For those in [Need...](#)

Videos: [MALL 1](#), [MALL 2](#), [MALL 3](#), [MALL 4](#)



(l to r) Lesley Davis, Susan Seizer, and Susanne Even (not pictured, Coleman Kavgian), the “Wheelie Women”



Some of the donations to the MALL.

CCA 2021 Goals in Review

Goals are listed with some points on the progress made on those goals.

Goal 1: More engagement between CCA and the Deaf community

- Holly Elkins, Chair, Legislative Committee, Indiana Association of the Deaf, presented at our virtual Breaking down the Barriers event in April 2021.
- Efforts were made to reach out and invite other members of the Deaf community, but thus far no hearing-impaired people regularly attend CCA meetings.

Goal 2: Building permits within Monroe County to comply with ADA requirements and a closer connection to the County

- State Senator Shelli Yoder, who spoke at a CCA meeting where this issue was discussed, said she would follow up on this issue on the state level.
- The Accessibility Committee worked with Monroe County on assessing all County buildings in the City. Progress also was made on accessibility of the new City parking garages. Some City departments that have not worked closely with the CCA on various issues of accessibility in the past, including Engineering, Planning, Parks and Recreation, Economic and Sustainable Development, and Public Works, are now consulting CCA more regularly.

Goal 3: Create interconnectivity through the CCA's three signature events with a wider range of groups to create wider diversity

- Members of the public anticipate the three yearly signature events (Breaking down the Barriers, ADA Anniversary Celebration, and Gather 'round the Table) and changing locations and modes of delivery for the events attracted different populations.
- Annual events coordinated and directed by the Transportation and Mobility Committee are gaining in popularity and the CCA has considered making their pedestrian forum or engineering workshop a fourth signature event.

Goal 4: Educate the community about transportation and mobility in Bloomington and its opportunities and challenges

- The Transportation and Mobility Committee provided training on mobility issues for people with disabilities for the City's engineers, planners, other City staff, and Common Council members.
- Progress has been made in developing Accessible Transportation and Mobility Principles (see below) with the hope that the Principles are considered for adoption by the City Common Council and that might then lead to interest in working on a Complete Streets policy.

Digital Accessibility

What is digital accessibility? Digital accessibility refers to the inclusive practice of removing barriers that prevent interaction with, or access to websites, digital tools and technologies.

Today's world provides a majority of services, social interactions, education, healthcare, ecommerce, and employment online. Everyone benefits from using the best practices needed to ensure that online content can be accessed by people of various abilities and needs.

We invite you to learn about web accessibility by visiting the [WebAIM, Introduction to Web Accessibility page](#), by visiting our resources library, and by exploring our 3-Part Simple Survey and Accessibility Bytes page.



Resource Library

A digital accessibility resource list where you can explore and learn more about digital accessibility.

Simple Survey and Accessibility Bytes

Perform a simple digital accessibility survey on your webpages or view our quick Accessibility Bytes.

Accessibility in our Community

Learn about the Council for Community Accessibility and how it benefits Bloomington residents and beyond

Goal 5: Develop a digital accessibility program to augment the general accessibility survey program presently in place

- With extensive help from IU's ServeIT students, the City has nearly completed a digital accessibility survey. Features of the survey emphasize the need to expand digital accessibility that would result in increased engagement with the disability community.

A digital accessibility website mockup

CCA 2022 GOALS

Goal 1: Create interconnectivity through our three main events with a wider range of groups, including the Deaf and mental health communities, people with intellectual and developmental disabilities, and the neurodivergent communities, to increase diversity

Goal 2: Continue physical surveys for the AccessAbility program and be ready in case other local facilities need survey assistance (such as schools, bus stops, polling places, etc.)

Goal 3: Finalize the digital accessibility survey form and market/distribute it to potential surveyors and businesses

Goal 4: Complete the work with Health-by-Design and City staff on the Accessible Transportation and Mobility Principles (see below) for the Common Council to consider

Goal 5: Ensure that the Transition Plan addresses the issues of transportation and mobility

Goal 6: Develop a course on the "why" for ADA design for the Engineering Department that will include a field experience for engineers and people with disabilities together

Goal 7: Continue to work with BT Access on paratransit and connect with the new General Manager of Bloomington Transit

Goal 8: Develop a summer or fall event that speaks to a current transportation/mobility topic, such as shared streets/greenways

Goal 9: Support the efforts for the development of a Mobility Aids Lending Library (MALL)



The [history of the CCA is online](#).

CCA Services

Awareness Training

For organizations, businesses, and government employees

Disabilities Awareness Presentations

To schools and religious and civic groups through our Speakers Bureau

Free Consultations

To review building or architectural plans to evaluate accessibility according to Americans with Disabilities Act (ADA) specifications

Workshops for Businesses

On the benefits and responsibilities of complying with the ADA



Long-time member of CCA and Transportation and Mobility Committee Chair Barbara Salisbury reads to children during Disability and Accessibility Awareness Month.

Accessible Transportation and Mobility Principles

The following Principles are being developed by community volunteers in consultation with City staff members in the Community and Family Resources, Engineering, and Planning and Transportation departments. The intent is for the Principles to be conveyed to the administration and the City of Bloomington Common Council for them to determine how they might fit into policy goals.

Accessible Transportation and Mobility Principles For the City of Bloomington

Statement of Purpose

These Accessible Transportation and Mobility Principles seek to guide how the City of Bloomington plans and implements accessible transportation and mobility considerations for persons with disabilities. These Principles are intended to inform city-wide improvements and developments of public spaces so that legislation and infrastructure truly reflect the needs of our diverse community.

Introduction

Persons with disabilities comprise an estimated 11,000 unique individuals within the City of Bloomington--a population that constitutes the largest and most diverse, marginalized demographic group in the City.

Disability is intersectional, affecting people regardless of age, race, gender, sexual orientation, class, or gender identity: any one person may find themselves a part of this community at any stage in their lifetime. Striving for excellent accessibility for people with disabilities also will help other populations to travel independently, including senior citizens and people with children.

Transportation equity is an essential component of healthy, safe, equitable, and sustainable communities. Despite policy mechanisms in place, transportation barriers often interfere with opportunities for people with disabilities to access services, commute to work, live independently, and otherwise fully participate in community life.

Left unexamined, much of the status quo of inequitable transportation access will remain intact. To foster the full potential of our community, we must design and build a safe, convenient, and comfortable transportation network that is accessible to all.

Our intention in the presentation of these Accessible Transportation and Mobility Principles is to center the experiences of people with disabilities, so that everyone may benefit from spaces to thrive and connect with each other.

Accessible Transportation and Mobility Principles

1. **Adopt Inclusive Processes:** Make genuine efforts to involve people with disabilities in transportation design and decisions, construction, maintenance, and operation decisions by seeking meaningful input and sharing decision-making power. Establish an equitable process based on transparency, inclusiveness, respectfulness, and building trusted relationships within the community. A more fully inclusive process would include other people who are historically marginalized, like people of color, women, LGBTQ+, low-income individuals, incarcerated individuals, senior citizens, and many more.
2. **Seek Equitable Outcomes:** An equity-based transportation network shall create meaningful access to connect people with disabilities to jobs, schools, housing, health care facilities, grocery stores, mass transit, parks, and other essential services.
3. **Pursue Planning:** Update the City of Bloomington’s ADA Transition Plan that details how the City will ensure all of its facilities (buildings and roadway assets), services, programs, and activities in the public right-of-way are accessible to all individuals.
4. **Prioritize Safe Access:** Design and repair sidewalks, streets, public rights-of-way, and other transportation facilities to prioritize safety and reduce risk for the most vulnerable users--specifically pedestrians and people using bicycles and public transit.
5. **Anticipate and Report Impacts:** Evaluate the extent of probable, favorable, and adverse impacts of transportation decisions on people with disabilities. Use the results to continually review and refine the implementation of these Principles. City Departments shall evaluate their practices relative to existing and emergent accessibility and equity standards of their field. Based on the evaluation, departments should develop actionable plans and change practices to remediate disparities.

ADA STANDARDS AND GUIDELINES

The City is committed to ensuring that all of its new facilities and all of its renovations, including buildings, parks, trails and sidewalks, comply with the ADA. The City also works to ensure accessibility by installing accessibility improvements that go beyond the physical accessibility or sidewalks. Some of its recent efforts include acquiring an evacuation chair to help people with disabilities evacuate the second floor of the Showers building in case of an emergency, installing five



Title II of the ADA requires local governments to maintain a transition plan.

assistive listening devices in the common council chambers, and acquiring two waterproof chairs so that adults and children with disabilities can enjoy the Splash Pad at Switchyard Park.

In 2011, the City’s Board of Public Works passed Resolution 2011-99, adopting the proposed Public Right of Way Accessibility Guidelines (PROWAG) as the standards to follow for evaluation, design and construction of infrastructure in the public right of way (see Appendix B for a copy of the resolution). The City will continue to comply with PROWAG in all future projects and renovations.

SELF EVALUATION

Evaluation of Physical Facilities

Accessibility surveys and audits were done by CCA-trained volunteers and City staff. The [facility survey \(AccessAbility Decal Form\)](#) is available to view and use on the [CCA’s website](#) and was originally designed by the CCA and the City’s ADA Coordinator (see Appendix A). Parks & Recreation staff reviewed all of the parks for accessibility/inaccessibility.

Definition:

Technically infeasible: In the following tables means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Assessment of City-owned Parking Facilities

Table 1: Parking Facilities

Type	Location	Assessment Status	Barrier Elimination Status
Parking Lot	E 6th St. & N. Lincoln St.	Compliant	
Parking Lot	W. 4th St. & N. Washington St.	Compliant	
Parking Lot	E. 4th St. & N. Dunn St.	Compliant	
Garage	300 N. Morton St. (“Morton St. Garage”)	Stairway railings don’t all have 12” extensions beyond risers; elevators have no raised indicator for up/down buttons	Railings are technically infeasible to fix; elevators will have raised indicators by the end of 2022
Garage	W. 7th St. & N. Walnut St. (“Walnut St. Garage”)	Accessible space with no access aisle; elevators have no raised indicator for up/down buttons	Because there are enough accessible spaces, the space without an access aisle will be removed;

Type	Location	Assessment Status	Barrier Elimination Status
			elevators will have raised indicators by the end of 2022
Garage	W. 4th St. & N. College Ave. ("4th St. Garage")	Compliant	
Garage	("Trades District Garage")	Compliant	



Public Works Director Adam Wason places an AccessAbility decal on the Trades District Parking Garage.

Assessment of City-owned Buildings

Table 2: Buildings

All buildings that have no assessment were found to be compliant. All buildings have been surveyed or reviewed in the past two-and-a-half years.

Name	Location	Assessment and Barrier Elimination Status
Allison-Jukebox Community Center	349 S. Washington St.	<ul style="list-style-type: none"> Bathrooms were remodeled and accessible features were improved, including doors and entrance area for privacy (2017). Added accessible entry ramp to front of building (2019). Outdoor railing along new accessible ramp needs to extend 12" beyond ramp at the bottom. Railings are technically infeasible to fix (to replace the railings to extend out would create a secondary safety issue as they would protrude too far into the path of travel and thus require a full remodel, cost prohibitive for this small issue).
Animal Shelter	3410 S. Walnut St.	
Banneker Center	930 W. 7 th St.	Exterior door handles aren't able to be opened with a closed fist; Handrails don't all have 12" extensions beyond risers; Restroom doors on the ground

Name	Location	Assessment and Barrier Elimination Status	
		floor have door handles on the inside that can't be opened with a closed fist. Door handles will be replaced by Summer of 2023; Railings are technically infeasible to fix (see above for Allison-Jukebox).	
Bloomington Fire Department Station 2	210 S. Yancy Ln.	Needs signage indicating the accessible entrance; restrooms need accessible signage; accessible parking is not striped correctly.	For all of the fire stations, despite the limited amount of the public coming to these buildings, their current condition, the plans for new buildings to take their place as soon as financially feasible, and the cost of most of the fixes, they <i>are</i> open to the public for tours and are designated Safe Spaces. To mitigate the issues, we will be offering all fire station employees a brief training to ensure that they do their best to accommodate anyone with a disability.
Bloomington Fire Department Station 3	800 N. Woodlawn Ave.	Path to front entrance is a step, so needs a ramp; exterior door have knobs and need to be levers; restroom doors are too narrow and room is not 5' x 5', no grab bars, paper towel dispenser is too high, toilet paper dispensers aren't correct height, no accessible signage; accessible parking is not striped correctly.	
Bloomington Fire Department Station 4	2201 E. 3 rd St.	Path of travel needs signage to indicate the accessible entrance; exterior door can't be a knob; restroom doors are too narrow and room is not 5' x 5', no grab bars, paper towel dispenser is too high, toilet paper dispensers isn't correct height, no accessible signage; accessible parking is not striped correctly.	
Bloomington Fire Department Station 5	1987 S. Henderson Ave.	Restroom doors are too narrow and room is not 5' x 5', no grab bars, paper towel dispenser is too high, toilet paper dispensers aren't correct height, no accessible signage; accessible parking is not striped correctly.	
Bloomington Police Department Administration	220 E. 3 rd St.		
Bloomington Police Department Sub-Station	245 W. Grimes		

Name	Location	Assessment and Barrier Elimination Status
Cascades Golf Course Clubhouse	3550 N. Kinser Pike	
Frank Southern Ice Arena	1965 S. Henderson St.	Bleachers are technically infeasible to fix, but Parks & Recreation is building a platform area for wheelchair users. All other barriers, including parking lot restriping and signs, were addressed
Showers City Hall	401 N. Morton St.	
Switchyard Park Pavilion	1601 S. Rogers	
Twin Lakes Recreation Center	1700 W. Bloomfield Rd.	

Assessment of City-owned Parks and Trails

The City’s Parks and Recreation Department strives to exceed its obligations under the ADA. The department regularly surveys its facilities to make sure that they are accessible, and when it finds barriers to accessibility in possible violation of the ADA, it implements plans and budgets for removing those barriers as quickly as possible. Parks and Recreation employs an Inclusive Recreation Coordinator who makes sure that its programs are as accessible as possible. Anyone with a question about accessibility at a Parks property or event should contact the Parks and Recreation Department. The site conditions were updated based on site visits in the summer of 2022. A list of all parks and trails locations are in Appendix C.

Table 3: Parks and Trails

Park	Assessment and Barrier Elimination Status
B-Line Trail	3.1 mile hard surfaced recreational trail, parking lot, site amenities (benches, tables, fountains) are all accessible.
Bloomington Rail Trail	2 mile crushed stone surface recreational trail is technically infeasible to make accessible. Future potential to build accessible trail next to Rail Trail dependent on funding (no established timeline yet).
Broadview Park	Fully accessible shelter and playgrounds (2), site amenities.
Bryan Park	Picnic shelters (3), playgrounds (3), parking lots (6), swimming pool, restrooms, stream bridges (2), south of stream paved fitness trail, site amenities are all accessible. 2022 completed the following: <ul style="list-style-type: none"> • Perimeter trail project improving condition of accessible path and widening it in locations. • Will create a new accessible connection to the North Shelter (previously not accessible). • Improving path/road interactions by adding detectable warnings on three new curb ramps. Trail, north of stream, and bridge are technically infeasible to make accessible.
Building & Trades Park	Basketball courts (5), restrooms, playgrounds (2), shelters (2), perimeter walking trail, parking lot area all accessible.

Park	Assessment and Barrier Elimination Status
	Planned for Fall 2022: Replaced several cracked sidewalk panels along Building Trades Park. The plan is to look at holistic fixes, including a ramp that does not meet ADA specs, to the park design as part of a later stage of the hospital redevelopment, ~2024, to eliminate the need for that separate ramp altogether.
Butler Park	Playgrounds (2), parking lot, restrooms, basketball court are all accessible. Paved walking trail is too steep, so technically infeasible.
Cascades Park-Lower	Sycamore Shelter, Waterfall Shelter, Sycamore Parking Lot, 1.5+ miles of paved trail, 700+ feet of accessible boardwalk are all accessible. Hiking trails and some areas on the west side of the creek near the southern end of the park (rugged terrain, inaccessible narrow bridges) are technically infeasible to make accessible. Completed in 2022: <ul style="list-style-type: none"> • Created 750 feet of boardwalk to create accessible path to waterfall. • Added .25 new miles of paved trail and 400 new feet of sidewalk to improve access to Waterfall Shelter and improved creek access/interaction. • Created accessible connections to Waterfall Shelter (none existed). • Removed a cable causing issues with accessibility to get from the Sycamore Parking lot to the trail; replaced with a bollard. • Corrected issues with soap dispenser heights in the restrooms for accessibility. • Added four new accessible parking spots for use of the Waterfall Shelter. Improved pedestrian crosswalk across Old 37 (mitigated dangerous drop off at edge of crosswalk end).
Cascades Park-Upper-Lions Den	Shelter, playground, site amenities are all accessible.
Cascades Park-Upper-Skate Park	Basketball court, parking, site amenities are all accessible.
Clear Creek Trail	Trailhead parking lots (3), site amenities, 2.3 mile hard surfaced recreational trail are all accessible.
Crestmont Park	Parking lot, basketball courts, playground (1), site amenities are all accessible. Shelters and disc golf course are technically infeasible to make accessible. Completed in 2020: <ul style="list-style-type: none"> • Installed new playground and updated pour-in-place rubber surfacing and new concrete walks/ramps for improved accessibility.
Ferguson Dog Park	Parking, access path to fenced dog area, site amenities are all accessible.
Goat Farm	Undeveloped park property. Any future development will be accessible.
Griffy Lake Nature Preserve	Parking, boat rental, boat dock, trails, fishing pier, and causeway walkway are all accessible. Trails are technically infeasible to make accessible.

Park	Assessment and Barrier Elimination Status
	2022: <ul style="list-style-type: none"> • Installed a .25-mile accessible trail along the western edge of the causeway. • Created sidewalks between the parking lot and new accessible trail/fishing pier (further improvements planned for 2023/2024). • Created an accessible fishing pier with ramp access.
Highland Village Park	Parking, shelter, basketball courts, playground, paved walking trail, site amenities are all accessible.
Jackson Creek Trail	0.6 mile hard surfaced recreational trail, site amenities are all accessible.
Leonard Springs Nature Park	Hiking trails are technically infeasible to make accessible.
Miller-Showers Park	Parking, observation pier, 0.5 mile paved walking trail, site amenities are all accessible.
Olcott Park	Parking, woods trail, shelter, playground, restroom/concession building, site amenities are all accessible. Trail to Sherwood Oaks Park is technically infeasible to make accessible due to slope.
Park Ridge Park	Tennis courts, shelter, basketball courts, playground, site amenities are all accessible.
Peoples Park	Sidewalks, site amenities are all accessible.
RCA Park	Parking, tennis courts, basketball courts, shelters (2), restroom, playground, north walking trail, site amenities, south walking trail, hiking loop trail are all accessible. Completed in 2021: <ul style="list-style-type: none"> • Improved .7-mile loop trail with new asphalt and upgraded and widened bridges at creek crossings for better accessibility. • Added an accessible port-o-let to pickle ball courts for winter months.
Rogers Family Park	Jackson Creek Trail is accessible through the park. Paved trail continues but does not make full loop currently. Planned project for Fall 2022 will add approximately .6 more miles of accessible trail, improving informal trail on the southwest side of the park, and adding six new accessible parking spots. The mowed trails through the prairie are technically infeasible to make accessible.
Schmalz Farm Park	Playground, shelter, site amenities, pedestrian entrance are all accessible.
Seminary Park	Sidewalks, plaza, site amenities are all accessible.
Sherwood Oaks Park	Parking, tennis courts, playground, site amenities are all accessible. Shelter and basketball court are technically infeasible to make accessible. But in Fall 2022, there is a plan to address floodplain & sidewalk issues that periodically make sidewalk inaccessible/accumulate mud and debris.
Southeast Park	Parking, tennis courts are all accessible. Completed Summer 2022: Asphalt repairs were done for a degraded area where it has become inaccessible (between parking lot and tennis courts).
Switchyard Park	Stage, Restrooms, Sports Courts, Dog Parks, Playground, Shelter, Spray Pad are all accessible. In 2021:

Park	Assessment and Barrier Elimination Status
	<ul style="list-style-type: none"> • Purchased two water chairs for use at the spray pad.
Twin Lakes Sports Park	<p>Parking, ballfields, playground, restrooms, concessions, site amenities are all accessible. Perimeter soft surface walking rail is technically infeasible to make accessible.</p> <p>Completed in 2022:</p> <ul style="list-style-type: none"> • Front desk renovation with accessible counter • Braille signs for bathrooms • Van accessible signage
Waldron, Hill, and Buskirk Park	<p>Stage and paver audience area, fountain area, and areas around playground are all accessible. When playground is constructed accessible elements and surfacing are included.</p> <p>Completed in 2019:</p> <ul style="list-style-type: none"> • Replaced lawn (and mud) with accessible pavers. <p>Completed in 2022:</p> <ul style="list-style-type: none"> • New playground includes large area of unitary rubber surface for better accessibility and additional accessible play elements.
Wapehani Mountain Bike Park	<p>Parking, mountain biking trails are technically infeasible to make accessible.</p>
Winslow Sports Park	<p>Parking, ballfields, playground, restrooms, concessions, soft surface fitness trail are all accessible.</p>
Winslow Woods Park	<p>Parking, basketball courts, playground, shelter, garden plots, site amenities are all accessible.</p> <p>Hiking trails and the Community Orchard are technically infeasible to make accessible.</p> <p>Completed in 2021:</p> <ul style="list-style-type: none"> • Installed a new playground with accessible elements at Winslow Woods. Made major repairs to accessibility of path. <p>Completed in 2022:</p> <ul style="list-style-type: none"> • Addition of an accessible sidewalk to the Community Orchard.



Lower Cascades now has an accessible path to the waterfall

Hiking , mountain biking, soft-surface walking, and mowed trails due to rugged terrain or technical infeasibility to make accessible are not listed above.



Griffy Lake Fishing Pier is now accessible.

Public Right of Way Data

The City of Bloomington uses many different strategies to remove barriers to accessibility in the public-right-of-way. These include identifying and repairing barriers as identified by our sidewalk and curb ramp assessments, responding to citizen complaints, and removing barriers as part of new construction or resurfacing projects. Currently in 2022, the COB Street Division is conducting a citywide assessment that will determine the current condition of streets, sidepaths, sidewalks, and accessible curb ramps. This project builds upon a similar effort that was last performed in 2017 by Public Works with the support of the Office of Innovation and will update the now five-year-old condition data for these important transportation assets.

The Board of Public Works approved a contract with the Infrastructure Management Services (IMS) Company in September of 2021 to undertake this project. Condition data and a variety of associated infrastructure metrics will be collected via a crew in a vehicle that incorporates Light Detection and Ranging (LIDAR) technology. LIDAR is more time-efficient than visual data collection alone and allows for real-time data collection while providing more uniform and accurate reporting.

The collected street pavement data will be utilized to update the current Pavement Condition Index (PCI) ratings for all of the City's 237 miles of public use streets. Staff will use these updated PCI ratings to prepare targeted improvements during the development of the City's annual paving schedule. An updated asset condition picture for the 29 miles of sidepaths and 236-mile-long sidewalk network, plus associated Americans with Disability Act compliant accessible curb ramps, is another major component of this project.

This data will be utilized to directly assist in administering the City's Sidewalk Repair Assistance Program, as well as to better target maintenance activities, identify areas of concern, and provide budget planning and direction for future non-motorized infrastructure improvements. It will allow the City to better plan and budget for maintenance and future improvements for both our motorized and non-motorized transportation networks.

The project began in April 2022 and data collection is on schedule to be completed by the end of September 2022. A finalized condition data summary and statistics report is expected to be delivered by IMS in early

2023. The finished report will be available to the public on the B-Clear Open Data Portal, along with a host of other Street Division operations data and metrics, which can be found at data.bloomington.in.gov/.

The figures below are for work done by the departments of Public Works and Engineering between 2016-2021. None of the figures include work done by developers.

Definitions:

Sidewalks: The part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians (I.C. 9-13-2-167)

Multiuse Path: A type of sidewalk designed primarily for use by pedestrians, persons riding bicycles, and persons using coasters for transportation and recreation purposes that is physically separated from motor vehicle traffic and within a highway right-of-way or adjacent easement (BMC 15.04.057)

Multiuse Trail: A facility designed primarily for use by pedestrians, persons riding bicycles, and persons using coasters for transportation and recreation purposes that is physically separated from motor vehicle traffic, has all the same operational requirements of a sidewalk, and is a public facility not within a highway right-of-way or adjacent easement (BMC 15.04.058)

Table 4: Public Right of Way Data

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Sidewalks New (linear feet)	3105	2885	2295	2095	2310	1505	2000	2000	2000	2000
Sidewalks Repaired/Replaced (linear feet)*	7817	5898	6921	8918	8360	7343	8000	8000	8000	8000
Multiuse Path New (linear feet)	9522	0	1780	2510	13315	4640	3600	7200	0	0
Multiuse Path Repaired/Replaced (linear feet)	0	0	0	50	0	160	0	0	0	0
Trail New (linear feet)	1700	0	255	0	0	0	0	3300	0	0
Sidewalk Trip Hazards Repaired** i.e., sidewalk grinding (linear feet)	***	***	749	0	7400	3861	****	****	****	****
Sidewalk Trip Hazards Saw Cut (number of)	***	***	179	0	2272	1112	1000	1000	1000	1000
ADA Curb Ramps Installed (number of)	114	191	137	208	174	227	200	200	200	200
Traffic Signals New/Replaced (number of)	2	2	1	2	1	3	2	2	2	2
Audible Pedestrian Signals*****	-	-	-	-	-	-	6	6	6	6

2022-2025 figures are estimates.

* 2019-2021 includes sidewalk repaired via Sidewalk Repair Assistance Program

** Sidewalk trip hazards categories refer to sidewalk grinding.

*** The program to fix sidewalk trip hazards wasn't started until 2018.

**** Determined after hazards are fixed.

***** Thus far, 58 Audible Pedestrian Signals (APS) in Bloomington have been installed. The plan is to install four more APS each year, in addition to installing them on all new and upgraded traffic signals.

Estimated Costs

The City of Bloomington estimates the cost of sidewalk reconstruction at \$1 million for a half mile of new sidewalk, \$7,000 for ADA ramps per intersection corner (\$15,000 if it includes bump outs), and \$400,000-500,000 per signalized intersection modernization.

Funding Sources

A variety of local, state, and federal sources of funding are available to remove the sidewalk and curb ramp access barriers identified in this Transition Plan. These sources include, but are not limited to, those listed in Table 5.

Table 5. Eligible Funding Sources for Accessibility Upgrades in the Public Right of Way

Funding Source	Type
General Funds	Local
Tax Increment Finance Districts (TIF)	Local
Alternative Transportation Fund (ATF)	Local
Community Development Block Grants (CDBG)	Federal (HUD)
Surface Transportation Program (STP)	Federal (FWHA)
Highway Safety Improvement Program (HSIP)	Federal (FWHA)
Transportation Alternative Program (TAP)	Federal (FWHA)
General Obligation (G.O.) Bonds	Local
Cumulative Capital Development	Local
Motor Vehicle Highway	State
Local Road & Street	State

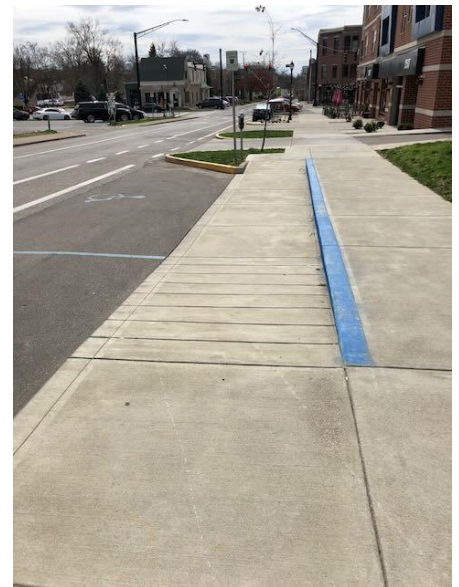
Modifications and New Construction

Since 1995, the City of Bloomington has included pedestrian facilities in almost all of its public improvements, with very few exceptions. For new construction projects, the City adheres to the proposed Public Right of Way Accessibility Guidelines (PROWAG) for all pedestrian facilities included in our projects. In 2011, the Bloomington Board of Public Works formally adopted the PROWAG as our design standard at the request of the Engineering Department.

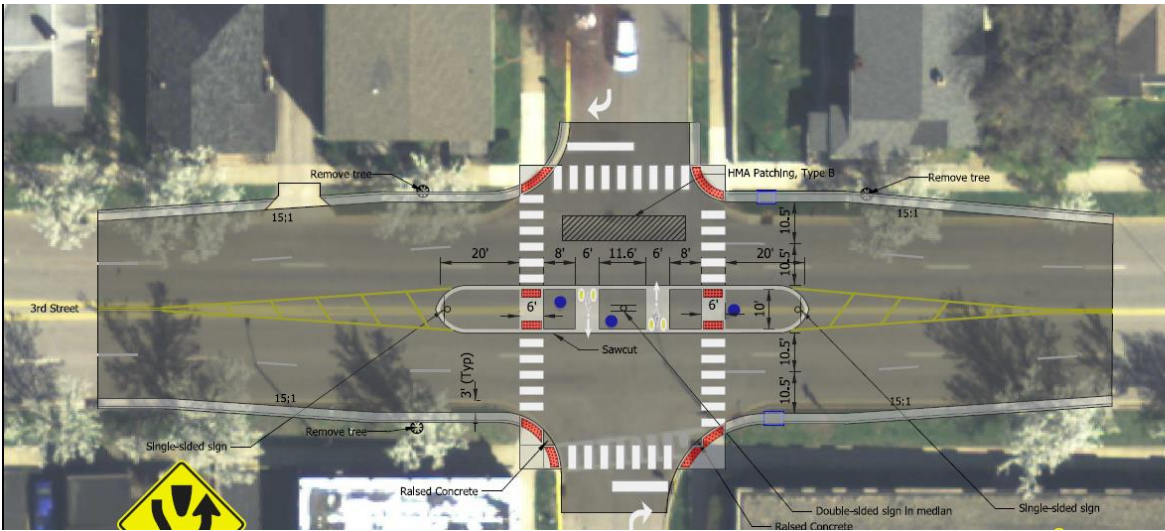
Improvements to the right-of-way such as repaving (mill and fill, overlay, etc.), traffic signal modernization, sidewalk improvements and repairs, et al., require the City to update pedestrian facilities to meet ADA specifications. Therefore, the City's policy for paving operations is to update curb ramps at intersections with public streets and public alleys where sidewalks exist to the maximum extent feasible.

For traffic signal modernization projects, the City's policy, in addition to bringing existing curb ramps into compliance with ADA, is to include signal equipment such as pedestrian signal heads (the red, yellow and green light signals at a signal-controlled intersection), audible pedestrian signals, pushbuttons, and other features specified in PROWAG to the maximum extent feasible.

In addition, construction began in 2022 on the City of Bloomington's Crosswalk Improvement Project, a federally funded project that will construct improved crosswalks at three different intersections. The project was prioritized by the Bloomington-Monroe County Metropolitan Planning Organization (BMCMPPO) to receive \$494,005 in Highway Safety Improvement Program (HSIP) funding for up to 90% of construction costs. The Highway Safety Improvement Program is a core Federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The City's federally funded Crosswalk Improvements Project has entered the construction phase at the following intersections: 3rd & Grant, 11th & Blair, and Patterson & Isaac. Improvements included marked crosswalks, accessible curb ramps, warning signs, flashing beacons, a median refuge island, curb bulb-outs, and other traffic calming features.



A different approach to an accessible curb ramp on S. Washington Street between 3rd and 4th Streets.



3rd STREET AND GRANT STREET
CROSSWALK IMPROVEMENTS PROJECT

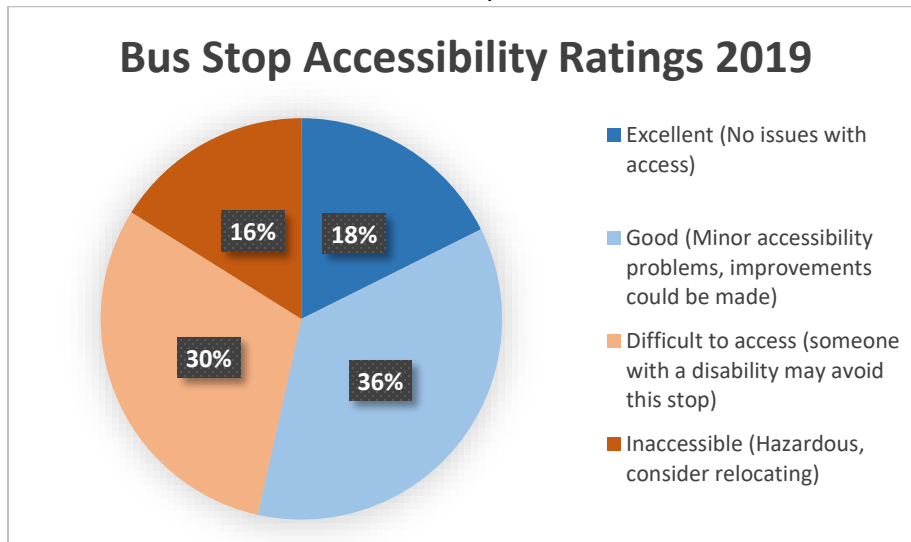
Crosswalk Improvement Process project at 3rd and Grant Streets where new accessible curb ramps were installed.

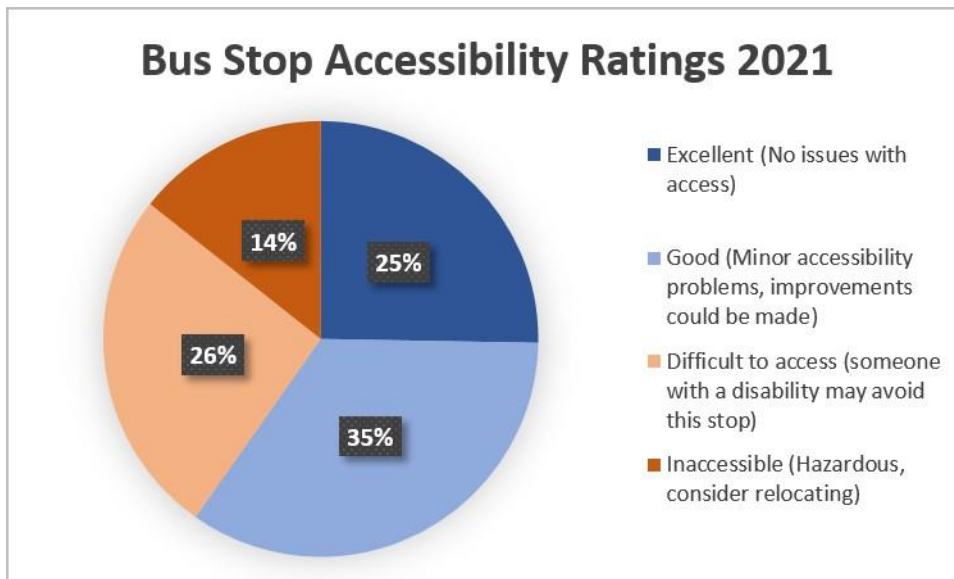
Yearly Schedule

Accessibility improvements will be achieved each year in coordination with the construction of capital facilities, street repaving projects, and traffic signal modernizations.

Sidewalk/Path Improvement for BT Stops

Part of the Recover Forward funding, Bloomington Transit worked to improve accessibility to Bloomington Transit (BT) bus stops. The stops were chosen based on BT’s 2019 accessibility inventory, a comprehensive bus stop assessment and inventory that evaluated and rated each bus stop according to ADA and accessibility guidelines. Operationally, they added six new bus stops, improved 22 bus stops from a rating of “Difficult to access” to “Good” or “Excellent,” and improved eight bus stops from a rating of “Good” or “Excellent.” See the pie charts below that indicate an 11% increase of bus stops rated “Excellent” or “Good.”





Document Accessibility for City Website and Digital Distribution

In 2021, the City’s Information and Technology Services Department developed and provided training for Document Accessibility for City Website and Digital Distribution. Besides the training and a video, there is a checker on how to make sure your documents (Word, Acrobat, and Google Docs) are accessible and a Web Accessibility Checklist (see Appendix D).

PUBLIC INPUT

The City provided the following opportunities for individuals and community organizations to comment on this Transition Plan:

- Public notice of a public comment period via a City press release (September 9-30, 2022)
- Document made available on the City’s website
- Document made available at the Monroe County Public Library
- Presentation and discussion with the City of Bloomington Council for Community Accessibility on September 26, 2022
- Presentation and discussion with the City of Bloomington Traffic Commission on September 28, 2022
- Presentation and discussion with the City of Bloomington Bicycle and Pedestrian Safety Commission on October 10, 2022
- Presentation and adoption by City Council on **October TBD, 2022**

CONTACT

This document is online at [LINK](#)

For more information, contact the ADA Coordinator or Council for Community Accessibility staff liaison.

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APPENDICES:

Appendix A: AccessAbility Decal Survey

Appendix B: PROWAG Resolution

Appendix C: Sidewalk/Path Improvements for BT Stops

Appendix D: Web Accessibility Checklist

Appendix E: ADA Grievance Procedure

Appendix F: ADA Complaint Form

Appendix G: City Council Resolution



www.bloomington.in.gov/cca 

bloomington.in.gov/AccessAbility.

AccessAbility Decal Program SCREENING FORM

PLEASE NOTE: You must submit Screening Form results online at

This form is only a basic guide for evaluation purposes, and is not a substitute for state and federal accessibility standards.

FACILITY NAME: _____ **SCREENING DATE:** _____

STREET ADDRESS: _____


CITY, STATE, ZIP: _____ PHONE: _____

BUSINESS CONTACT: _____ CONTACT EMAIL: _____

SURVEYOR(S): _____

SURVEYOR PHONE: _____ SURVEYOR EMAIL: _____

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

 PARKING	
1. Is there dedicated parking for the facility? (parking over which the facility has control) If No, skip to "Path of Travel."	Yes <input type="radio"/> No <input type="radio"/>
a. If yes, how many total spaces are there?	_____
b. How many accessible spaces are there?	_____
c. Of those spaces, how many have upright signs saying they are accessible spaces?	_____
d. How many van accessible spaces are there?	_____
e. Of those van accessible spaces, how many have upright signs saying they are "Van Accessible"?	_____
f. Do all the accessible spaces have a striped access aisle (two spaces may share a common aisle)?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
g. Are the aisles at least 5 feet wide?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
h. Is the width of each van accessible space plus adjacent access aisle equal to at least 16 feet?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
2. Is the accessible parking on the closest (and/or safest) route to the accessible entrance?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
3. If there is a garage entrance, is it 8' 2" (98") vertical clearance?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>

COMMENTS ABOUT PARKING (attach photo if ambiguous):	
Provided Accessible Parking Spaces Handout (only if there is an issue and the organization expresses interest in change)?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

PATH OF TRAVEL (TO GET TO ENTRANCE, COMMON AREAS, ETC.)

1. Is there a clear, accessible path of travel from parking to the facility entrance?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
2. Are there ramps and curbcuts (If No or N/A, skip to #6)?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
a. Measure the length of each ramp/curbcut. A _____ inches B _____ inches C _____ inches	b. Measure the height of each ramp/curbcut at its highest point. A _____ inches B _____ inches C _____ inches
3. Are ramps/curbcuts where the slopes begins and ends at least 36" wide?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
4. Is any ramp longer than 6'? If No, skip to #5.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
a. If yes, does it have railings 34" to 38" high?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
5. Is any ramp longer than 30 feet? If No, skip to #6.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
a. If yes, are there landings at least 5' x 5' every 30' of length?	Yes <input type="radio"/> No <input type="radio"/>
6. Are there uneven areas along the path of travel, more than 1/2"?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
7. Is the path of travel clear of protruding objects between 27" and 80" from the ground?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
8. Is there a slope along the path of travel that is problematic? If so, comment or add photos below?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>

COMMENTS ABOUT PATH OF TRAVEL (attach photo if ambiguous):	
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Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

ENTRANCE & DOORS

FOR THE ACCESSIBLE ENTRANCE: EXTERIOR	
1. If there is more than one public entrance to a facility, is it clear (by signage or observation) which is the accessible entrance?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
2. a. Is the exterior door an unobstructed, non-revolving, hinged door which can be opened with a closed fist (or automatically) and has an opening at least 32" wide? If no, indicate problem(s) in the Comments section.	Yes <input type="radio"/> No <input type="radio"/>


b. Measure the height of the door threshold in inches. _____	
c. Is the edge of the threshold beveled (like a tiny ramp)?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
3. If there is a vestibule, is there at least 5' clearance between doors?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
4. The door feels like it might be hard to open for a person with disability or a senior.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
FOR THE INTERIOR DOORS OPEN TO THE PUBLIC	
5. a. If there are interior doors (not including the bathroom doors), are they unobstructed, non-revolving, hinged, easily opened with a closed fist and with an opening at least 32" wide? If No, indicate inaccessible door location(s) and the problems in the Comments section. If N/A, skip to #6.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
b. If there is a threshold, measure the height in inches. _____	
c. Is the edge beveled (like a tiny ramp)?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
6. The door feels like it might be hard to open for a person with disability or a senior.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
COMMENTS ABOUT DOORS (attach photo if ambiguous): Provided Door Pounding Guidelines Handout (only if there is an issue of a door seeming particularly heavy and hard to open and the organization expresses interest in change)? If there is an issue, we will come and use the door pounding gauge to formally measure the opening force.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

 ELEVATORS, STAIRS, & RAILINGS	
1. How many levels owned by this business and open to the public are there? One _____ Two _____ Three or more _____ (If One, skip to "Common Areas.")	
2. Are all levels open to the public accessible by ramp or elevator?	Yes <input type="radio"/> No <input type="radio"/>
3. Is there an elevator (If No, skip to "Common Areas.")?	Yes <input type="radio"/> No <input type="radio"/>
4. If there are elevators, are controls no higher than 48", closed fist operable, marked with raised characters and Braille? If no, indicate problem(s) in Comments section.	Yes <input type="radio"/> No <input type="radio"/>
a. Do elevators have both visual and audible floor indicators and Braille floor indicators on the exterior frame of the elevator on each floor? If no, indicate problem(s) in Comments section.	Yes <input type="radio"/> No <input type="radio"/>
5. Are there interior ramps? If No, skip to #6.	Yes <input type="radio"/> No <input type="radio"/>
a. Do any ramps along the path(s) of travel exceed 6' in height, or 72" in length?	Yes <input type="radio"/> No <input type="radio"/>
b. If yes, are there firm and stable handrails on both sides, parallel with the ground surface, with continuous grippable surfaces between 34" and 38" above ramp surface, and extending at least one foot beyond ramp, with a rounded end? If no, indicate the problem(s) in Comments section.	Yes <input type="radio"/> No <input type="radio"/>

c. If yes, are there landings at least 5' x 5' every 30' of length?	Yes <input type="radio"/> No <input type="radio"/>
6. Are there flights of stairs accessing the public areas? (If No, skip to "Common Areas.")	Yes <input type="radio"/> No <input type="radio"/>
a. If yes, are there firm and stable handrails on both sides, with continuous grippable surfaces between 34" and 38" above stair? If no, indicate the problem(s) in Comments section.	Yes <input type="radio"/> No <input type="radio"/>
b. At the top of stairs, do all handrails extend at least one foot beyond the top riser, parallel with the ground surface?	Yes <input type="radio"/> No <input type="radio"/>
c. At the bottom of stairs, do handrails extend at the slope of the stair flight for a horizontal distance at least equal to the depth of one step?	Yes <input type="radio"/> No <input type="radio"/>
COMMENTS ABOUT ELEVATORS, STAIRS, & RAILINGS (attach photo if ambiguous):	

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

 COMMON AREAS (INTERIOR AND EXTERIOR)	
1. Are the aisles at least 36" wide?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
2. Are the aisles free from protrusions that stick out more than four inches into the aisle between the height of 27" to 80"?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
3. Is a service counter necessary for transactions? If no, move to #5, but please include a comment on how staff accommodates a person's needs.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
4. a. If there is a service counter, measure the height in inches _____ at the lowest point.	
4. b. If there is a service counter, measure the width in inches _____.	
5. Is the credit card machine less than 48" high? If you notice any other problem (touch screen, visibility issues, etc.), please mention them in the Comments section below.	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
6. Are seating/tables fixed? If N/A, skip to "Public Restrooms and Drinking Fountains."	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/> Both fixed and not fixed <input type="radio"/>
7. Is there an outdoor dining area? If No, skip to "Public Restrooms and Drinking Fountains."	Yes <input type="radio"/> No <input type="radio"/>
a. Is it on the same level or ramped?	Yes <input type="radio"/> No <input type="radio"/>
COMMENTS ABOUT COMMON AREAS (attach photo if ambiguous):	

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

PUBLIC RESTROOMS AND DRINKING FOUNTAINS


1. Are there public restrooms used by the business customers? (If No, skip to #2)	Yes <input type="radio"/> No <input type="radio"/>
a. Is there accessibility signage (raised lettering, international symbol of accessibility) near the restroom?	Yes <input type="radio"/> No <input type="radio"/>
b. Is the width of the door opening at least 32" or more? If "No", measure the width in inches _____.	Yes <input type="radio"/> No <input type="radio"/>
c. For the bathroom doors, are they unobstructed, non-revolving, hinged, easily opened with a closed fist and with an opening at least 32" wide? If No, indicate inaccessible door location(s) and the problems in the Comments section.	Yes <input type="radio"/> No <input type="radio"/>
d. If there are multiple floors open to the public, is there one accessible restroom per floor?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
e. Is the restroom/stall at least 5' x 5' (measured wall to wall)?	Yes <input type="radio"/> No <input type="radio"/>
f. Are there grab bars at the back and side of the toilet?	Yes <input type="radio"/> No <input type="radio"/>
g. Is the distance from the floor to the operable part of the following fixtures the appropriate measurement? If no, measure the distance: Paper towel dispenser (should be 48" or less) _____ Soap dispenser from floor (should be 48" or less) _____ Reach across sink to soap dispenser (should be 25" or less) _____ Knee clearance from floor to bottom of sink (should be at least 27") _____ Hand dryer (should be 48" or less) _____	Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/>
h. Does the sink have levers (not knobs)? If the sink has something other than levers or knobs (such as automatic sensors or push buttons), describe them in the comments.	Yes <input type="radio"/> No <input type="radio"/> Other <input type="radio"/>
i. Is the toilet paper dispenser between 15" and 48" from the ground?	Yes <input type="radio"/> No <input type="radio"/>
j. Is the toilet paper dispenser no farther than 9" in front of the toilet?	Yes <input type="radio"/> No <input type="radio"/>
2. If there is a drinking fountain, is one of the spouts no higher than 36", measured from the floor to the spout outlet?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
COMMENTS ABOUT PUBLIC RESTROOMS AND DRINKING FOUNTAINS (attach photo if ambiguous):	

Please use this checklist to document your screening. Photos may also be submitted online to document the findings reported.

CUSTOMER SERVICE AND EMPLOYMENT

1. Does staff receive information during orientation on how to serve customers with disabilities?	Yes <input type="radio"/> No <input type="radio"/>
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<p>2. Does the business want assistance in obtaining materials in alternative formats for people with visual disabilities (<i>Guidelines for Preparing Menus in Large Print</i>)?</p>	<p>Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/></p>
<p>3. Does the business want assistance in obtaining materials to assist customers with disabilities (<i>Disable Disrespect- A thoughtful guide for your words and actions</i>)?</p>	<p>Yes <input type="radio"/> No <input type="radio"/></p>
<p>COMMENTS ABOUT CUSTOMER SERVICE AND EMPLOYMENT:</p>	

 GENERAL COMMENTS	
<p>1. Are there any barriers to accessibility at the facility?</p>	<p>Yes <input type="radio"/> No <input type="radio"/> Maybe <input type="radio"/></p>
<p>COMMENTS ABOUT THE FACILITY IN GENERAL:</p>	

To submit your Screening Form results, go to www.bloomington.in.gov/AccessAbility

**RESOLUTION 2011-99
BOARD OF PUBLIC WORKS
Accessibility Guidelines**

Whereas, the City of Bloomington is updating the ADA Transition Plan; and

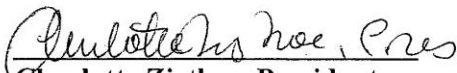
Whereas, to complete the revision, public infrastructure must be evaluated against criteria to determine compliance and barriers; and

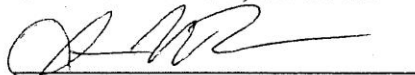
Whereas, the United States Access Board has provided Public Right Of Way Accessibility Guidelines specific to pedestrian circulation in public rights of way (hereafter, PROWAG); and

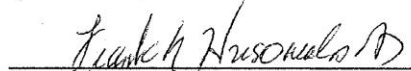
Whereas, the Federal Highway Administration has identified PROWAG as best practices for accessible design for public rights of way.

Now, Therefore, Be it resolved that the Board of Public Works adopts the PROWAG for evaluation, design, and construction of infrastructure in the public right of way.

BOARD OF PUBLIC WORKS

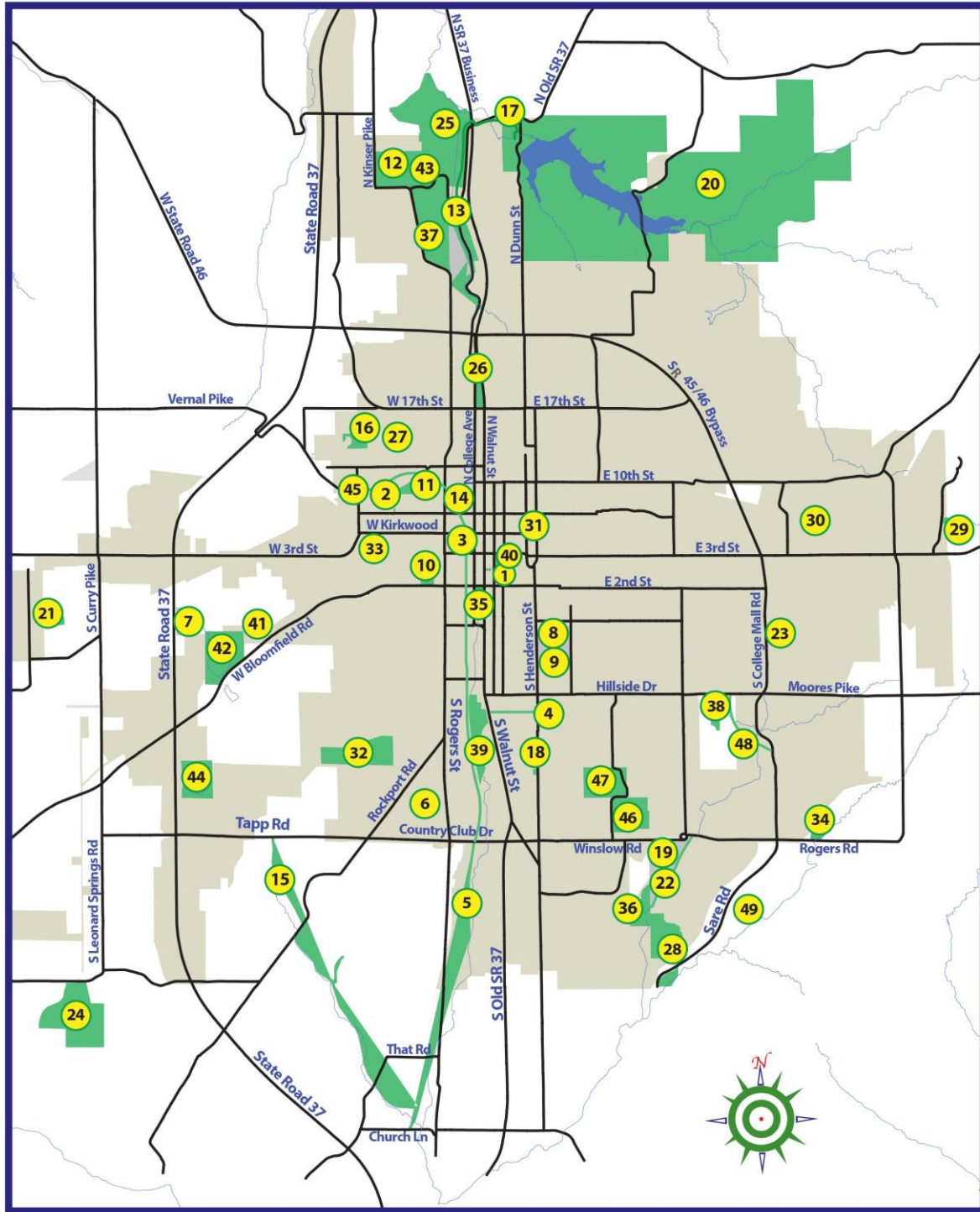

Charlotte Zietlow, President


James McNamara


Dr. Frank N. Hrisomalos

Date: 9/27/11

Facilities, Trails, and Parks



*Playground at The Waldron, Hill and Buskirk Park temporarily closed for construction.

FACILITIES (restrooms and rental space available in all facilities)		ACRES	DRINKING FOUNTAINS	BENCHES	PICNIC TABLES	SEASONAL RESTROOMS	PORTRA JOURNALS	PARKING	PAVED	UNPAVED TRAIL	ACCESSIBLE TRAIL	SHELTERS	GRILLS	PLAYSETS	PLAYGROUND	BASKETBALL COURTS	VOLLEYBALL	TENNIS COURT	FITNESS COURT	PUBLIC ART	LIGHTING	ELECTRICITY
1	Allison-Jukebox Community Center 351 S. Washington St. • 349-3731 (see page 4)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
2	Banneker Community Center 930 W. Seventh St. • 349-3735 (see page 5)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9	Bryan Park Pool 1020 S. Woodlawn Ave. • concessions (open seasonally)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12	Cascades Golf Course 3550 N. Kinser Pk. • 349-3764 (see page 6)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14	City Hall/Showers Common 401 N. Morton St. • 349-3700 (open M-F, 8 a.m.-5 p.m.)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18	Frank Southern Ice Arena 2100 S. Henderson St. • 349-3740 • concessions (see pages 10-13)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
27	Mills Pool 1100 W. 14th St. (open seasonally)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
41	Twin Lakes Recreation Center 1700 W. Bloomfield Rd. • 349-3720 • concessions (see pages 12-13)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

TRAILS (many parks below also have trails)		ACRES	DRINKING FOUNTAINS	BENCHES	PICNIC TABLES	SEASONAL RESTROOMS	PORTRA JOURNALS	PARKING	PAVED	UNPAVED TRAIL	ACCESSIBLE TRAIL	SHELTERS	GRILLS	PLAYSETS	PLAYGROUND	BASKETBALL COURTS	VOLLEYBALL	TENNIS COURT	FITNESS COURT	PUBLIC ART	LIGHTING	ELECTRICITY
3	B-Line Trail 3.1-mile trail between Adams St. and Country Club Dr.	29.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
4	B-Link .32-mile trail between Henderson St. and Walnut St.	1.17	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
5	Bloomington Rail Trail 2.0 miles. Trailhead at W. Country Club Dr. Gravel surface.	63	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13	Cascades Park Trail 1.4 miles. Trailheads at Sycamore Shelter and Lions Den Shelter.		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15	Clear Creek Trail 2.4 miles. Trailheads at W. Tapp Rd., That Rd., and Church Ln. between S. Rogers St. and S. Old SR 37.	22	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
49	Creek's Edge Trail .6 mile in Creek's Edge neighborhood off Sare Rd.		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22	Jackson Creek Trail .6 mile. Through Goat Farm between Sherwood Oaks Park and the High, Winslow, and Rogers roundabout.	32.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
48	Renwick Trail Southeast Park, 1600 Sycamore Ct. to Sare Rd.	.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

PARKS (see page 18 for shelter and ballfield rental information)		ACRES	DRINKING FOUNTAINS	BENCHES	PICNIC TABLES	SEASONAL RESTROOMS	PORTRA JOURNALS	PARKING	PAVED	UNPAVED TRAIL	ACCESSIBLE TRAIL	SHELTERS	GRILLS	PLAYSETS	PLAYGROUND	BASKETBALL COURTS	VOLLEYBALL	TENNIS COURT	FITNESS COURT	PUBLIC ART	LIGHTING	ELECTRICITY
6	Broadview Park 704 W. Graham Dr.	1	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
7	Brown's Woods Basswood Dr./Just East of Hwy. 37 (undeveloped property)	16	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
8	Bryan Park 1001 S. Henderson St.	33	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10	Building Trades Park 619 W. Howe St.	3.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11	Rev. Ernest D. Butler Park and Community Gardens 812 W. Ninth St. • Storywalk Trail	9.7	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16	Crestmont Park 600 W. 16th St. Has an 18-hole frisbee golf course.	14	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17	Ferguson Dog Park 4300 N. Stone Mill Rd. Has dog rinse and waste bag stations.	18.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19	Goat Farm 2000 E. Winslow Rd. Restored native prairie.	31.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20	Griffy Lake Nature Preserve 3400 N. Headley Rd. • 349-3732 (see page 7) • trails and boating	1,191	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21	Highland Village Park 950 S. Harvey Dr.	6.2	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23	Latimer Woods 3200 E. Buick Cadillac Blvd.	10	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
24	Leonard Springs Nature Park 4685 S. Leonard Springs Rd.	84.8	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
25	Lower Cascades Park 2851 N. Old State Rd. 37.	62.4	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
26	Miller-Showers Park 100 W. 17th St.	9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
28	Olcott Park 2300 E. Canada Dr.	41.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
29	Park Ridge East Park 4221 E. Morningside Dr.	4.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
30	Park Ridge Park 3421 E. Longview Dr.	.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
31	Peoples Park 501 E. Kirkwood Ave. • Little Library	.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
32	RCA Community Park 1400 W. RCA Park Dr. Has six pickleball courts.	47.9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
33	Rose Hill Cemetery 1100 W. Fourth St. • 349-3498. Has dog waste bag stations.	26.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
34	Schmalz Farm Park 3010 E. Daniel St.	6	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
35	Seminary Park 100 W. Second St.	1	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
36	Sherwood Oaks Park 1600 E. Elliston Dr.	15.8	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
37	Skate Park at Upper Cascades 2602 N. Kinser Pk. Has bowl, ramps, rails, and skating terrain.	32	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
38	Southeast Park 1600 Sycamore Ct.	8.9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
39	Switchyard Park and Community Gardens 1601 S. Rogers St. (see pages 8-9)	48.9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
40	The Waldron, Hill and Buskirk Park 331 S. Washington St. (formerly Third Street Park)	5.5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
42	Twin Lakes Sports Park 2350 W. Bloomfield Rd.	52.9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
43	Upper Cascades Park 514 W. Clubhouse Dr.	6.1	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
44	Wapehani Mountain Bike Park 3401 W. Wapehani Rd.	43.3	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
45	White Oak Cemetery 1200 W. Seventh St. • 349-3498	3.7	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
46	Winslow Sports Complex 2800 S. Highland Ave.	40	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
47	Winslow Woods Park/Willie Streeter Community Gardens 2120 S. Highland Ave.	40	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*



CITY OF BLOOMINGTON

INFORMATION & TECHNOLOGY SERVICES

ACCESSIBILITY GUIDELINES FOR DOCUMENTS ON THE CITY WEBSITE

All files uploaded to the City website, or otherwise electronically distributed to the public, need to be fully accessible. Accessible includes, *but is not limited to*, readable by assistive technology, images have captions and/or alternative text descriptions, and the use of high color contrast when placing text over an image.

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Before uploading your file, or distributing it electronically, complete this checklist to ensure the document is accessible.

ADD DESCRIPTIVE CAPTIONS OR ALTERNATIVE TEXT FOR ANY IMAGE(S) IN THE DOCUMENT.

In Word 2013:

- » Add alt text:
 - Right click on image and select "Format Picture."
 - Select the "Layout & Properties" icon and choose "Alt Text."
 - Enter appropriate alt text only in the Description field (not the Title field).

- » Add caption:
 - Right click on image and select "Insert caption."
 - Enter caption.

In Google Docs:

- » Add alt text:
 - Right click on image and select "Alt Text."
 - Enter a title and description for the image.
 - Click "Ok"

USE AN ACCESSIBILITY CHECKER TOOL

In Word 2013:

- Open file
- Click on "File" in the upper left-hand corner.
- On the Info page, click on the down arrow next to "Check for Issues"
- Select "Check Accessibility"
- Correct any issues found in "Inspection Results"

In Adobe Acrobat Pro (*paid version*):

- Open file
- Click on "Tools"
- On the Tools page, locate and click on the Accessibility tool under "Protect & Standardize"
- Click on "Accessibility Check" on the right side of the screen.
- Click "Start Checking" on next screen.
- Correct any issues listed in the report.

WHAT TO AVOID

AVOID UPLOADING SCANNED DOCUMENTS.

Scanned documents are viewed as an image unless you apply Optical Character Recognition (OCR) using Adobe Acrobat Pro. If your document requires a wet signature and scanning is unavoidable, you must apply OCR on the document after it is scanned.

- » To apply OCR:
 - Open the scanned PDF document in Acrobat Pro.
 - Click the "Edit" tool in the right side pane.
 - Adobe will then automatically apply OCR to your document.
 - Click "Close" to return to your document.
 - Save your document.

AVOID UPLOADING PDFs TO ONBOARD

Only upload Word documents. The system will automatically convert your Word document to an accessible PDF.

AVOID LOW COLOR CONTRAST

This is less of an issue for business style text documents where the text is black on a white background but if you are using different color combinations, use this site to check your combinations: webaim.org/resources/contrastchecker/

> For a list of more ways to make your document accessible, check these linked resources at {insert bton.in link} <

APPENDIX E: ADA Grievance Procedure

The Americans with Disabilities Act requires that public entities such as the City of Bloomington that employ 50 or more people adopt and publish grievance procedures providing for prompt and equitable resolutions of grievances alleging any action that could be prohibited by Title II. The City of Bloomington's grievance procedure is described below. Anyone who believes he or she has been denied access to a City facility, program or service because of his or her disability may file a grievance. Anyone who is representing a person with a disability, as a parent, guardian, attorney or advocate, may do so as well.

Step One: Filing a Grievance

You or your representative should fill out an ADA complaint form (See Appendix X or online: <https://bloomington.in.gov/accessible>) as completely as possible. The form should be filed in writing with the ADA Coordinator within 60 days of the alleged discriminatory act. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. You may obtain a copy of the form by calling 812-349-3429 (voice), by calling 812-349-3458 (TDD), by e-mailing human.rights@bloomington.in.gov or by going to <http://bloomington.in.gov/accessible>. The form explains the filing procedures.

Step Two: Conducting an Investigation

The City's ADA Coordinator will notify you that she has received your complaint within two business days of receiving it. She will begin her investigation into the merits of the complaint within five business days of receiving it. If necessary, she or an authorized representative may contact you to get more details about your complaint. If you do not want to be contacted, please indicate that on the complaint form. If your complaint alleges misconduct on the part of the ADA Coordinator, the Mayor will appoint another individual to investigate the merits of your complaint.

Step Three: Decision

After full consideration of the merits of the complaint, the ADA Coordinator or other authorized individual will prepare a written decision. A copy of the decision will be mailed to you within three business days of completion.

Step Four: Appealing the Decision

If you are dissatisfied with the ADA Coordinator's written decision, you may file a written appeal with the Mayor's Office within 20 business days from the date the decision was mailed. Your appeal must include an explanation of why you are dissatisfied with the written decision, and must be signed by you or by someone authorized to sign on your behalf. The Mayor's Office will notify you that it has received your appeal within two business days of receiving the appeal. The Mayor's Office, working with appropriate City staff, will decide the appeal within 20 business days of receiving it. A copy of the written decision on the appeal will be sent to you within three business days of completion.

Any City employee involved with processing or investigating ADA complaints will maintain the confidentiality of all files and records relating to the complaint, unless disclosure is authorized by the complainant or required by law. Any retaliation or intimidation used to discourage a complainant from filing a complaint or to punish a

complainant for filing a complaint is prohibited and should be reported immediately to the ADA Coordinator and/or the Mayor’s Office, as appropriate.



**City of Bloomington
ADA Complaint Form**

The City of Bloomington strives to never discriminate against anyone on the basis of any legally protected category, including disability, and takes all such complaints seriously. If you believe the City has discriminated against you on the basis of your disability, please let us know so that we can take appropriate action.

You can file an informal complaint by contacting the City's ADA compliance officer at human.rights@bloomington.in.gov or by calling 812-349-3429. Or if you prefer, you may complete this form and submit it to the City.

You must file your complaint within 180 days of the alleged discriminatory incident.

If you believe that another entity in the City is violating the ADA, we want to know about that, too. We don't have the power to require private entities to comply with the ADA, but we can and do let them know if we believe they are in violation and what steps they can take to be compliant. If they do become compliant, we award them with an accessibility decal so members of the public know they are entering an accessible business.

If you need any assistance to complete this form, or if you need the form in an alternative format, please let us know.

Full name: _____

Mailing address: _____

Phone: _____

Email address: _____

Preferred contact method (check one): Mail _____ ; Email _____ ; Phone _____

Please provide a detailed description of the alleged discriminatory practice or action which occurred. To the extent you can, please provide relevant names and dates, telling us who you believed discriminated against you, what happened, when it happened, where it happened and any other details you believe would be helpful to us. Feel free to add additional pages if necessary.

How can this issue be resolved to your satisfaction?

If there is anyone we may contact for more information to support or clarify your complaint, please list them here.

Have you filed this complaint with anyone else? If so, with whom and when?

Complainant signature

Date

(If you prefer, you may submit this complaint anonymously. We will do our best to look into the situation and to remove any barriers to accessibility, with or without your name.)

You can submit your complaint by emailing it to human.rights@bloomington.in.gov, by faxing it to 812-349-3441, by mailing it to ADA Compliance Officer, P.O. Box 100, Bloomington, IN 47402-0100, or by dropping it off at Showers City Hall, 401 N. Morton St., Bloomington, IN.

Appendix G: City Council Resolution

Forthcoming upon review completion

MEMO

To: City of Bloomington Common Council

From: Michael Shermis, Staff Liaison, Council for Community Accessibility,
Community and Family Resources Department
Barbara E. McKinney, Assistant City Attorney

DATE: 12/2/22

RE: Resolution 22-19, Update to the City of Bloomington's Americans with Disabilities Act Transition Plan

The attached resolution contains an update to the City of Bloomington's Americans with Disabilities Act Transition Plan that has been recommended by the Community and Family Resources staff, with input and review from the Legal Department.

Title II requires local governments to prepare Transition Plans. The City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then, the last time in 2014 (available online: <https://bloomington.in.gov/accessible>). Our goal is to ensure program accessibility for people with disabilities in our community by meeting or exceeding the requirements of the ADA. Periodic updates help us evaluate how well we are achieving that goal.

This update of the Transition plan focuses more on people, specifically what the Council for Community Accessibility does to make people aware of accessibility issues and how to change attitudes about barriers to accessibility. It also includes plenty of public right of way data on sidewalks, curb ramps, paths, trails, traffic signals, audible pedestrian signals, and facilities, as well as information on bus stop accessibility and Parks & Recreation parks, trails, and path map with a list of amenities.

A definitive fiscal impact cannot be determined at this time but incorporating accessibility at the planning and development stages rarely increases costs and helps avoid the significant cost of having to retrofit structures to make them accessible after construction.



**MEMO FROM COUNCIL OFFICE ON:
(Updated December 2, 2022)**

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

- Appropriation Ordinance 22-05
- Draft Amendment 01 to Appropriation Ordinance 22-05
- [updated 11/21/2022] Notice to Taxpayers
- [updated 12/1/2022] Staff Memo from Office of the Controller: Jeffrey Underwood (Controller), Jeff McMillian, and Cheryl Gilliland

Update following Committee of the Whole held November 30, 2022

On November 30, the Committee of the Whole considered Appropriation Ordinance 22-05. Cheryl Gilliland and Jeff McMillian presented the legislation, committee members asked questions, and the public was given the opportunity to comment. Through the course of the discussion, staff noted several corrections to the Staff Memo. The memo was resubmitted to council staff and included as revised in the packet materials. The various corrections are highlighted in green. Councilmember Sgambelluri also noted a typo in the appropriation ordinance itself, which is addressed through Draft Amendment 01.

Update following Regular Session held November 16, 2022

On November 16, Appropriation Ordinance 22-05 was introduced for first reading. Before first reading but after distribution of the Legislative Packet (on November 11), the appropriation ordinance was revised to include 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 (the ad proof) 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.

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 the 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 the next Regular Session on December 7, 2022.

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



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

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	306,000
	<hr/>
Total Rental Inspection Program Fund – HAND	306,000
	<hr/>

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

306,000

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

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

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

-

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

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

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

-

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

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

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

-

**Fleet Maintenance – Public Works
Fleet Division**

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

**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.

***** Amendment Form *****

Appropriation Ordinance #: 22-05
Amendment #: Am 01
Submitted By: [In need of sponsor]
Date: December 7, 2022

Proposed Amendment:

1. Appropriation Ordinance 22-05 shall be amended by deleting any references to “Economic and Sustainability Development” and replacing such with “Economic and Sustainable Development.”

Synopsis and Intent

This amendment is sponsored by Cm. [in need of sponsor] and would correct the name of the Economic and Sustainable Development Department within the ordinance.

12/7/2022 Regular Session Action: *Pending*

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=VWwhEbZVjSC9GRmYwK0pjY3NIT_3lrdz09), 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 Dept.
	\$155,450	Economic and Sustainable Dev
	\$19,900	Facilities
	\$0	Fire
	\$123,491	Legal
	\$15,000	Office of the Mayor
	\$15,500	Public Works Admin
	\$283,027	Engineering
	(\$57,000)	Information Technology Service
	(\$90,000)	Human Resources
	(\$166,824)	Planning and Transportation
	(\$514,394)	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		Fleet Maintenance Fund 802
\$500,000		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 determination 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,

071

Jeffrey Underwood, City of Bloomington Controller

H-I: 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
f 812.349.3456
controller@bloomington.in.gov

Memorandum

To: Council Members
From: Jeffrey Underwood, Controller, Jeff **McMillian**, and Cheryl Gilliland
Date: November 9, 2022 [*updated December 1, 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 Sustainable 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.

- i. **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 3 – Services 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 11 prior months. 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 Classification 3 - Services. 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 4 – Capital to Classification 2 – Supplies** 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:
(Updated December 2, 2022)**

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
- Initial Memo from Mayor John Hamilton, Controller Jeff Underwood, and Corporation Counsel Beth Cate
- Supplemental Memo to Mayor Hamilton from Administration Staff [*Previously districted via [Packet Addendum](#)*] containing:
 - Summary of financial components of CFC Showers project
 - Potential CFC Showers Public Safety Headquarters layout
- [*New materials*] Presentation slides shown during November 30, 2022 Committee of the Whole meeting
 - Slides from Deb Kunce, JS HELD
 - Slides from Buzz Krohn, Krohn & Associates
- [*New materials*] Redevelopment Commission's CFC Showers Purchase Agreement with 1st and 2nd amendments

Update

This item was considered by the Committee of the Whole on November 30, 2022. At that meeting, the administration and the city's outside consultants presented the proposal and displayed slides (included herein) that provided additional information on the ordinance. Councilmembers asked questions, heard public comment, and provided their own comments on the ordinance. The Committee voted to recommend that the Council adopt the ordinance by a vote of two in favor, two opposed, and five abstaining.



On Tuesday, November 29th, the Council Office was notified that the required notice for a public hearing associated with the additional appropriation of bond proceeds was not properly submitted for publication in the local paper. Because of this, the public hearing associated with the additional appropriation (previously scheduled for December 7th) will need to be held at a later date. Ordinance 22-30 as written both approves of the bond issuance and appropriates the proceeds. The administration has requested that the Council amend Ordinance 22-30 to remove provisions related to the additional appropriation and consider that request as a separate item of legislation in order to avoid delaying potential approval and issuance of the bonds. The administration has indicated it would like the Council to consider such an additional appropriation ordinance before the end of the year, which might also provide a mechanism for the Council to consider approving of an agreement of the Bloomington Redevelopment Commission to purchase a portion of the Showers Building complex from CFC, LLC. The purchase agreement approved by the Redevelopment Commission (along with two amendments) are included herein for context.

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.

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;
- As written, 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 was scheduled for December 7th, 2022, but will need to be held at a later date – see note above).

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
- 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				\$ 141,128,251	\$ 140,053,400
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				\$ 100,421,742	\$ 32,845,000
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				\$ 73,365,303	\$ 65,830,000
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



MEMORANDUM

To: Mayor Hamilton

From: Don Griffin, Deputy Mayor
Chief Mike Diekhoff, Bloomington Police Department
Chief Jason Moore, Bloomington Fire Department
Jeffrey Underwood, Controller
Beth Cate, Corporation Counsel

Date: November 23, 2022

Re: Ordinance 22-30 - Details related to General Revenue Bonds for Public Safety Capital Improvements

Executive Summary:

If approved, Ordinance 22-30 will 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 “ED-LIT”), which the Council approved in May of 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%).

This memo outlines proposed capital improvements for Bloomington Police Department (BPD) and Bloomington Fire Department (BFD) totaling \$34 million, as well as their funding sources: primarily the aforementioned bonds, plus funds from the Community Revitalization Enhancement District (CRED) as well as the sale of the existing Police Station property. It also analyzes the pros and cons of purchasing the CFC-owned portion of the Showers building (CFC Showers) for the purpose of public safety and recommends the purchase.

Background:

The current City Hall at Showers was purchased in 1991 and has 74,500 square feet, office space for 11 departments, and 180 staff members. The BPD headquarters and police station is currently located at 220 E. 3rd St., a 20,000 square foot building which is outdated, threatened with ongoing flooding, and undersized for the current staff. BPD has a police substation at 245 W. Grimes Ln. in Switchyard Park and training facilities in another location. BFD has five fire stations, and the Fire administration has operated out of several locations for many years, most recently out of downtown Station #1 at 300 E. 4th St. That station was rendered unusable by the June 2021 flood, at which point administration staff consolidated and relocated along with the downtown fire station into temporary space in the City-owned College Square property on South

College Avenue. BFD currently also rents a space for training/logistics but has a need for permanent, City-owned space. Station #3 on north Woodlawn Avenue is also in dire need of major renovations.

The largest component of the proposed public safety capital improvements involves acquiring and remodeling the CFC portion of Showers—a 64,000 square foot building contiguous with City Hall—for the Police station and administrative offices for both BPD and BFD. Space not currently needed for city purposes can be rented to other tenants, including those presently in the building.

Proposed Projects:

CFC Showers Building: The City conducted due diligence on CFC Showers (see details below) and found it to be feasible for housing both the Police Station and the administrative offices for BPD and BFD. Detailed cost estimates from architects have been conducted to estimate the costs of appropriately renovating the building for these needs.

Fire Station #1: The City conducted due diligence on the possibility of re-utilizing the current Station #1 site with a major remodel, as the current, temporary location for Station #1 is not a feasible long-term location. These renovations would bring the building up to current standards, remove the basement, avoid complications of mold remediation, fix known issues, and provide energy efficiency updates. The new layout also follows best practices for maintaining an inclusive space by removing group sleeping areas, showers, and restrooms.

Fire Station #3: Major renovations on Station #3 would similarly bring the building up to current standards and follow best practices for inclusion. The specifics of what upgrades are made would be determined by further review of needs, the budget, and design details.

BFD Training/Logistics Center and Storage Facility: BFD is currently leasing facilities for training/logistics and storage, but there is a need for a permanent replacement. This proposed facility would be built on property on S. Walnut St. (edge of Winston Thomas property) that is already owned by the City

Financial Summary:

Costs of Proposed Projects

Item	Estimated Cost	Notes
Purchase of CFC Showers building	\$8.75 million	Agreed purchase price
Renovation of CFC Showers building	\$14.75 million	Based on two architectural reviews and space needs and facility upgrades required
Rebuilding Fire Station #1	\$5.5 million	A conservative estimate: probable cost (including inflation) estimates are \$5 to 5.4 million

Item	Estimated Cost	Notes
Remodel Fire Station #3	\$2.5 million	A conservative estimate for major remodeling, with design yet to be detailed.
Construct BFD training/logistics center and storage facility	\$2.5 million	A conservative estimate that includes contingencies and pricing uncertainties. Comparable facilities for BPD cost \$2 million
Total Project Cost	\$34 million	

Proposed Funding

Funding Source	Amount	Notes
Bond proceeds and interest earnings	\$26 million	Assumes bond sale in 2022 Q4
Sale of current BPD headquarters	\$3 million	Estimate of sale price
CRED funds	\$5 million	Increased from previously identified \$3 million
Total Funding	\$34 million	

CFC Showers Purchase:

Due Diligence: During a 120-day due-diligence period on the CFC Showers building (60 days plus a 60-day extension), the City completed a public safety relocation feasibility assessment, Homeland Security safety assessment, internal survey, external survey (including roof, insulation, tuckpointing, and windows), architectural assessments, plumbing inspection, electrical inspection, solar inspection, environmental assessment, and a real estate survey.

Architectural Assessments: Two architectural assessments of renovating the space for the proposed use by BPD and BFD were completed to determine both cost and feasibility. The second assessment, which reevaluated the assumptions built into the first and explored alternative placements and space-utilization, helped clarify best options. Extensive coordination with BPD and BFD identified possible placement of individual components—such as the evidence room, interview rooms, lockers, showers, storage, records, and administrative offices—as well as HVAC, IT and phone systems, and electrical needs. Retention of existing walls was identified where feasible. Possible connections to existing City Hall space are considered. Operational considerations of vehicle ingress and egress, parking, access for public and non-public purposes, ADA compliance, and others were reviewed.

We highlight the factors pro and con that counsel us to recommend the purchase:

Pros:

- Assemble public safety leadership together at City Hall, allowing for better coordination across public safety and City Government, increased visibility to the public, and better safety for City Hall
- Much-improved office and headquarters quality of space for BPD and BFD
- Leave sufficient bond funding for additional BFD upgrades to Station #3 and the training center/storage facility
- Provide flexibility for BPD and BFD expansions into a larger, contiguous space if/when either department expands
- Provide potential flexibility for all City Hall offices in future years
- Located close to Trades District Parking Garage, in addition to existing surface parking to the west of the building
- Projected to serve this public safety purpose for at least 30 years, due to expansion opportunities
- Offers potential to relocate (or create back-up) dispatch services if determined to be advantageous
- Purchasing and remodeling Showers allows existing operations to continue without interruption during interim period (a turn-key move-in)

Cons:

- The projected cost of renovating CFC Showers is higher than initially anticipated, due to both the rising costs of labor and materials and the safety standards for public safety buildings to which the City is committed
- Relocating from existing BPD headquarters facility will mean adjustments to operational patterns such as ingress/egress
- Leases between CFC and tenants continue into 2023-2027, which the City would assume upon purchase. Some of these leases may require work-outs on a case-by-case basis in ways that are satisfactory to both the tenants and the City.

Recommendation:

After evaluating a number of options and alternatives, including new construction or expansions of existing facilities, we have determined this set of public safety capital improvements, including the purchase and renovation of CFC Showers, to be the most efficient and effective for city service delivery, and the most cost effective.

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.

The next steps are:

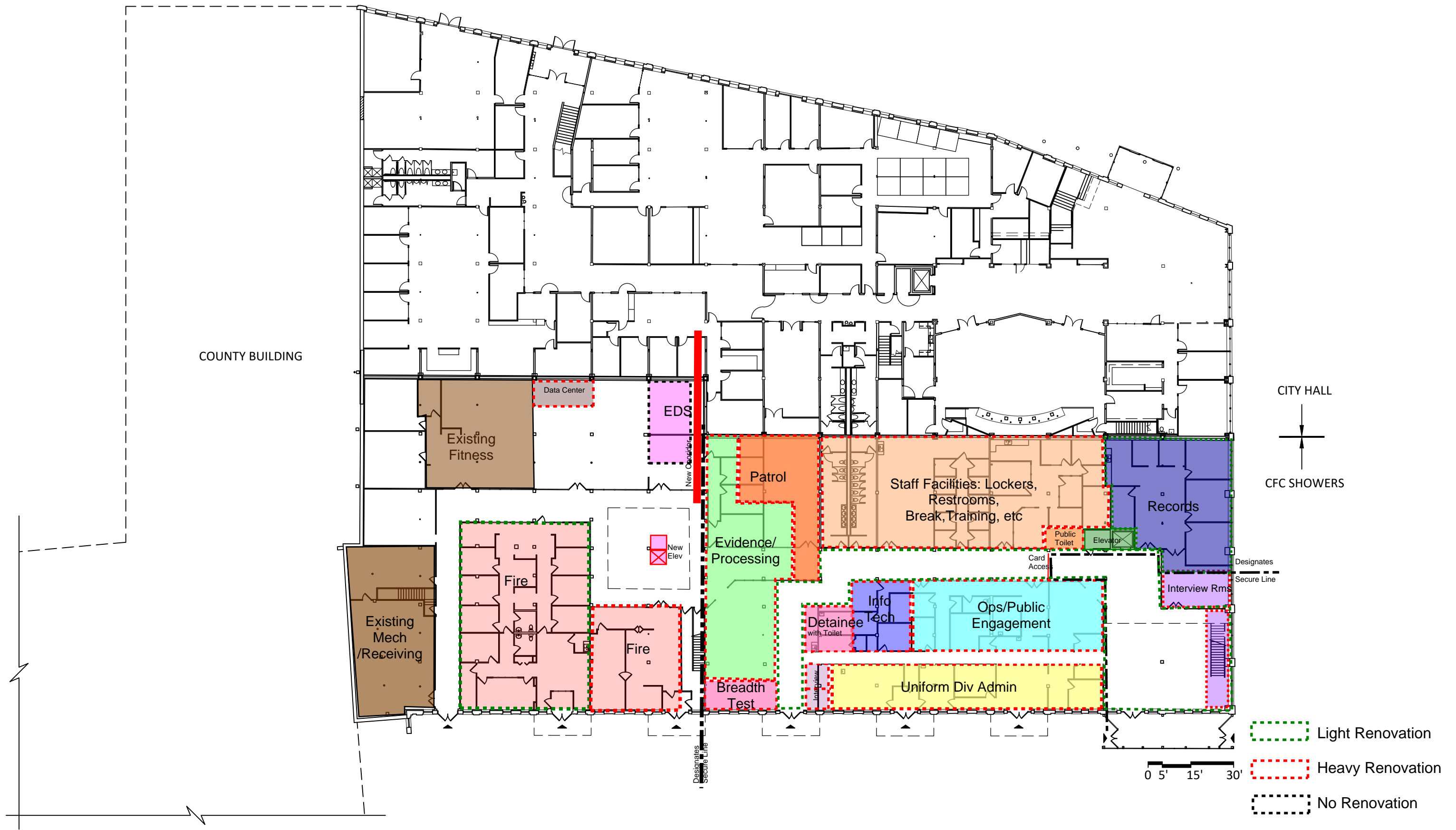
- November 30, 2022: Common Council Committee of the Whole consideration of the bond ordinance.
- December 7, 2022: Common Council public hearing regarding additional appropriation and second reading of the bond ordinance.
- If Council approves Ordinance 22-30, notices of decision to issue bonds published in The Herald-Times pursuant to Ind. Code 5-3-1-2(d) (requiring publication of two notices at least one (1) week apart: the first notice shall be published at least 15 days prior to the sale date for the bonds and the second notice shall be published at least three (3) days before the date of the sale).
- 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).

Attachments:

- Summary of financial components of CFC Showers project
- Potential CFC Showers Public Safety Headquarters layout
 - Main floor
 - Upper floor

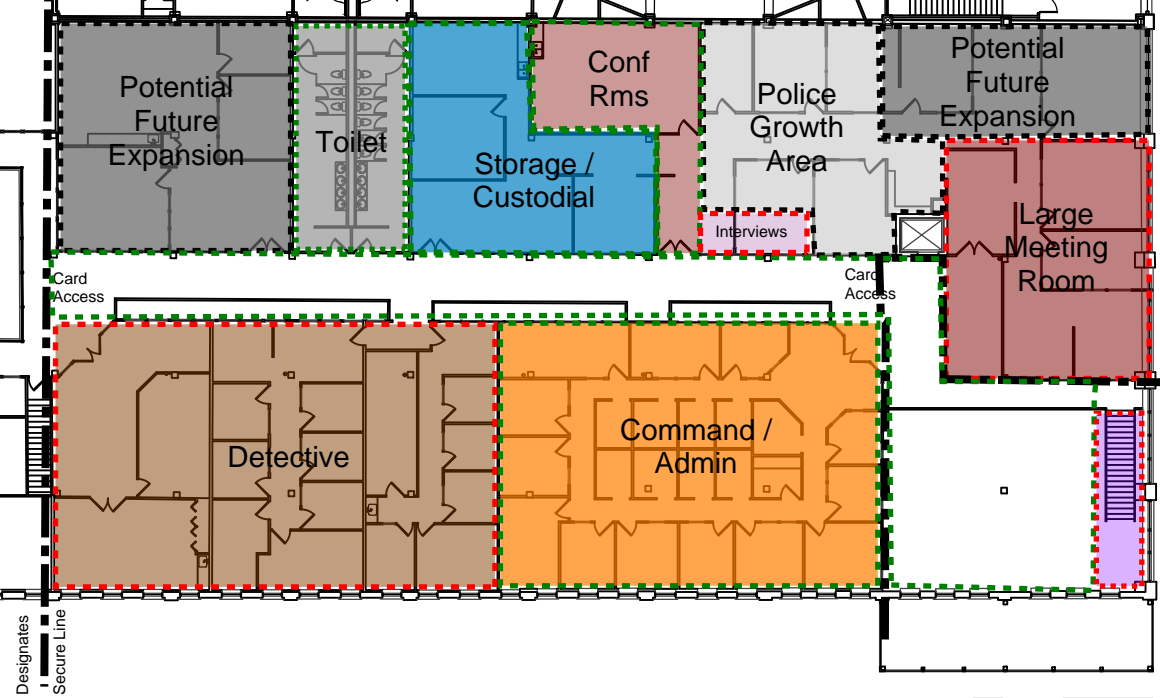
BLOOMINGTON POLICE AND FIRE DEPARTMENT ADMINISTRATION

	POLICE @ SHOWERS BUILDING				FIRE @ SHOWERS BUILDING			
	29,874	SF	Cost/SF		4,725	SF	Cost/SF	
Site Work Allowance			\$ 200,000				\$ -	
New Construction	-	SF	\$ -		-	SF	\$ -	
Police - 2nd Flr Renovation - Light	7,241	SF	\$100	\$ 724,100	-	SF	\$100	\$ -
Police - 2nd Flr Renovation Heavy	5,445	SF	\$250	\$ 1,361,250	-	SF	\$250	\$ -
Police - 1st Flr Staff Facilities Renovation	4,000	SF	\$350	\$ 1,400,000	-	SF	\$350	\$ -
Police - 1st Flr Renovation - Light	5,124	SF	\$100	\$ 512,400	-	SF	\$100	\$ -
Police - 1st Flr Renovation - Heavy	7,076	SF	\$250	\$ 1,769,000	-	SF	\$250	\$ -
Fire - 1st Flr Renovation - Light	-	SF	\$100	\$ -	3,150	SF	\$100	\$ 315,000
Fire - 1st Flr Renovation - Heavy	-	SF	\$250	\$ -	1,575	SF	\$250	\$ 393,750
Connect to City Hall - 1st & 2nd Floor	700	SF	\$250	\$ 175,000	-	SF	\$250	\$ -
Generator			\$ 1,000,000				\$ -	
Elevator	288	SF	\$ 300,000			SF	\$ -	
Design Cont/Escalation			\$ 550,000	7%			\$ 50,000	7%
			\$ 7,991,750	59%			\$ 758,750	57%
IT			\$ 250,000	wiring is above			\$ 23,625	wiring is above
Security			\$ 660,000				\$ 33,075	
AV			\$ 500,000				\$ 15,000	
Antenna/Radio Comm			\$ 200,000				\$ -	
Escalation			\$ 130,000	7%			\$ 10,000	12%
			\$ 1,740,000	13%			\$ 81,700	6%
Bond Costs/Fees			\$ 250,000				\$ 50,000	
Fees (AE, Owner's Rep, etc)			\$ 1,654,398				\$ 142,877	
Furn, Fixtures, Equip			\$ 800,000				\$ 200,000	
Relocation			\$ 50,000				\$ 15,000	
Owner's Contingency			\$ 973,175	10%			\$ 84,045	10%
			\$ 3,727,573	28%			\$ 491,922	37%
TOTAL without Bldg/Site Purchase			\$ 13,459,323				\$ 1,332,372	\$ 14,791,694
TOTAL with Bldg/Site Purchase			\$ 8,312,500	\$ 21,771,823			\$ 437,500	\$ 1,769,872
FUTURE EXPANSION SPACE			4000 SF (min) w/in secure area				1500 SF (min)	
CFC BUILDING - COST PER SF	64000	sf						
COST PER SF								\$ 368
REMAINING SHOWERS BUILDING SF AFTER POLICE & FIRE BUILD-OUT				29,401				



COUNTY BUILDING

CITY HALL
CFC SHOWERS



0 5' 15' 30'

- Light Renovation
- Heavy Renovation
- No Renovation

AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS

THIS AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS, is made by and between The City of Bloomington, Indiana, and its Redevelopment Commission (collectively, "Purchaser"), and CFC, LLC, an Indiana Limited Liability Company ("Seller").

RECITALS

- A. The Seller owns real property and improvements (hereinafter referred to as "Real Estate") as a commercial real estate operation located at 320 West 8th Street, in Monroe County, Indiana, which is more particularly described as follows:

Parcel No.	Legal Description
53-05-33-309-003.000-005	013-69780-03 SHOWERS OFFICE & RESEARCH CENTER; LOT 3

- B. Purchaser recognizes that the Real Estate includes a historic structure, and desires to maintain the character and elements of its uniqueness within the Trades District.
- C. Pursuant to Indiana Code Section 36-1-11-3, the RDC desires to convey the Real Estate to Purchaser and, pursuant to its governing authority, Purchaser desires to accept the Real Estate and any and all improvements located on the Real Estate, subject and according to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

In consideration of the payment of the purchase price set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the mutual covenants herein contained, Seller and Purchaser agree as follows:

1. **Commission Approval.** This Agreement is contingent upon approval by the Bloomington Redevelopment Commission within thirty (30) days from the Effective Date. In the event that the Redevelopment Commission, in its sole discretion, does not approve the Purchase Agreement within thirty (30) days following acceptance of the Purchase Agreement by SELLER, the Purchase Agreement is rescinded and the sale is terminated. This approval is separate and distinct from the other Conditions in the Purchase Agreement, Due Diligence, Financing and Statutorily Required Process.

2. **Purchase and Sale.** Purchaser hereby agrees to purchase from Seller and Seller hereby agrees to sell to Purchaser the real property located in Monroe County, Indiana legally described as 013-69780-03 SHOWERS OFFICE & RESEARCH CENTER; LOT 3 as shown by the plat thereof recorded in the office of the Recorder of Monroe County, Indiana, and commonly known as 320 W. 8th Street, Bloomington, Monroe County, Indiana, Parcel No. 53-05-33-309-003.000-005 (the "Property"), together with all rights, easements and interests appurtenant thereto, including, but not limited to, any rights, title and interests in and to any streets or other public ways within and adjacent to the Property, along with an assignment of Leases, deposits and rents and vendor and service contracts and personalty associated with the

operation of the Real Estate which personalty shall be itemized and provided to Purchaser within ten (10) days of the Effective Date.

3. **Purchase Price and Manner of Payment.** The purchase price for the Property (the "Purchase Price") shall be Nine Million Two Hundred Fifty Thousand Dollars (\$9,250,000.00). The Purchase Price shall be paid by Purchaser to Seller at the Closing by certified check or cashier's check, or by wire transfer.

4. **Closing.** The purchase and sale of the Property shall be closed within fourteen (14) days after the Purchaser has completed its due diligence, the conditions precedent to closing have been satisfied subject to the terms and conditions set forth in this Agreement, and any necessary bond or financing is approved and closed; all as further set forth in this Agreement. The parties shall agree to a date, time, and location for the closing. The date and event of the consummation of the purchase and sale of the Property as contemplated hereby is referred to herein, respectively, as the "Closing Date" and the "Closing."

5. **Conditions Precedent to Closing.** Purchaser's obligations hereunder shall be subject to the condition that as of the Closing Date there is no breach of any of Seller's representations or warranties hereunder and to the satisfaction of the following additional conditions precedent which shall be determined during the Due Diligence Period which shall be sixty (60) days from the Effective Date, except as expressly otherwise specified herein or agreed by the Parties:

a. **Title Insurance.** Title to the Property shall be good and merchantable and shall be conveyed to Purchaser free and clear of any and all liens, encumbrances, claims and interests of any kind or nature whatsoever except the following:

- (1) current real estate taxes not delinquent;
- (2) matters reflected on the public record, and
- (3) such other leases, liens, rights, and encumbrances as may be approved by Purchaser.

(collectively, "Permitted Exceptions").

As evidence of such title, Seller shall, at Purchaser's sole cost and expense, obtain and deliver to Purchaser, as soon as practicable after the date hereof, but in no event more than **fourteen (14)** days after all parties' execution of this Agreement (such date being referred to herein as the "Effective Date"), a commitment ("Commitment") for an ALTA owner's policy of title insurance issued by Capstone Title Partners, (the "Title Company"), together with legible copies of all instruments identified as exceptions in the Commitment, in which Commitment the Title Insurer shall agree to insure in an amount equal to the Purchase Price that upon delivery of a general warranty deed from Seller to

Purchaser, Purchaser shall have fee simple title to the Property free and clear of all liens, encumbrances, claims, and interests except for Permitted Exceptions. Purchaser shall, within **ten (10)** days after receipt of the Commitment, raise any objections, other than Permitted Exceptions to the Title Commitment. If any exceptions, other than Permitted Exceptions, are not able to be cured by Seller within **thirty (30)** days after receipt of notice thereof from Purchaser, or are not waived by Purchaser, this Agreement shall terminate and neither party shall have any further obligation hereunder. Seller shall cause the final owner's policy of title insurance to be delivered to Purchaser within forty-five (45) days after Closing. Any closing fee charged by Title Company shall be paid by Purchaser.

b. **Survey.** Purchaser may, at Purchaser's sole cost and expense, cause a staked survey of the Property to be prepared (the "Survey"). The Survey must be acceptable to Purchaser in all respects. The Survey shall be ordered by Purchaser immediately following the Effective Date. Any objection to the results of the Survey shall be communicated to Seller not later than **sixty (60)** days following the Effective Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time. Purchaser acknowledges that deletions of standard exceptions of title may not be available if Purchaser elects not to obtain a proper survey for such purpose.

d. **Environmental Analysis.** Purchaser may, at Purchaser's sole cost and expense, cause an environmental analysis of the Property to be performed that it deems necessary, including Phase II and subsurface examinations (the "Environmental Analysis"). Purchaser shall have the right to enter upon the Property and conduct its Due Diligence upon coordination with Seller. Purchaser shall provide Seller or Seller's designated representative, reasonable notice of its intent to enter upon the Property. Purchaser, at Purchaser's sole expense, shall restore or repair any damage to the Property, including but not limited to soil borings or other holes in the ground, caused by Purchaser's Due Diligence no later than seven (7) days prior to closing or fourteen (14) days following termination of this Agreement. Purchaser, with the consent, consultation and cooperation of Seller, shall have the opportunity to discuss the environmental conditions at the Property with regulatory agencies of the State of Indiana (including, but not limited to the Indiana Department of Environmental Management) with the purpose of reaching an agreement as to a remedial plan that is consistent with Purchaser's intent to develop or renovate the Property. Any objection to the results of the Environmental Analysis shall be communicated to Seller not later than **sixty (60)** days following the Effective Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time.

e. **Inspections of Property.** Purchaser may, at Purchaser's sole cost and expense, cause inspections of the Property to be performed (the "Inspections"). Purchaser and its employees, agents, contractors and engineers shall, upon reasonable advance notice to and coordination with Seller, have the right to enter the Property for purposes of performing such Inspections. Any objection to the results of the Inspections shall be communicated to Seller not later than **sixty (60)** days following the Effective

Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time.

f. **Financing.** Purchaser shall have until January 31, 2023 to secure financing in an amount and terms acceptable to Purchaser and, in addition, to obtain approval from the Redevelopment Commission and the Common Council of the City of Bloomington that may be required to obtain such financing. If such a commitment and approvals are not received by Purchaser as provided herein, then either the Seller or Purchaser may terminate this Agreement upon written notice to the other party.

g. **Leases and Contracts.** Closing shall be subject to the Purchaser's review and acceptance of the leases and operational contracts during the Due Diligence period on the Real Estate, which Leases and lease information, including the Parking Lease to benefit tenants and Service/Vendor Contracts, shall be provided to Purchaser within ten (10) days after the Effective Date. Seller has the option to lease back the property from the Purchaser consistent with the provisions in Section 9, below.

6. **Closing Adjustments and Prorations.**

a. **Taxes and Assessments.** All real estate and personal property taxes assessed against the Property for years prior to the year of the Closing and all penalties and interest thereon shall be paid by Seller. All real estate and personal property taxes assessed against the Property for the year of the Closing and due and payable in the year following Closing shall be prorated to the date of Closing. If the amount of such real estate and personal property taxes is not known at the Closing, closing adjustments will be finally made on the basis of the most recent tax rate and assessed valuation for the Property and, if the Property has been taxed as part of a tax parcel including other real estate, a reasonable estimate as to the allocation of taxes between the Property and such other real estate. Purchaser shall have the right, in the name of Seller or Purchaser, to contest or appeal any such tax or assessment. Immediately upon conveyance of the Property, Seller shall pay all property transfer taxes, documentary stamp taxes and gross income or adjusted gross income taxes then due and payable in respect of the transfer hereby contemplated. Any taxes or assessments in respect of the Property not assumed by Purchaser, but which are not due and payable at or prior to the Closing, shall be allowed to Purchaser as a credit against the Purchase Price at the Closing, and Seller shall have no further liability for such taxes or assessments.

b. **Recording Fees.** Seller shall pay all recording costs related to the conveyance of the Property to Purchaser.

c. **Insurance Contracts.** All insurance maintained by Seller in respect of the Property, if any, shall be cancelled as of the Closing Date.

d. **Other Closing Costs.** The parties shall split any other ordinary

and customary closing costs.

7. **Risk of Loss; Condemnation.** All risk of loss or damage to the Property occurring subsequent to the date hereof shall be borne by Seller to and including the Closing Date. If any of the Property shall suffer a loss by fire, flood, tornado, accident or other cause after the date hereof and on or before the Closing Date, or if proceedings to take or condemn the whole or any part of the Property for public or quasi-public use under any statute or by the right of eminent domain are commenced or threatened prior to the Closing Date, then Purchaser may, at its sole option, either consummate or not consummate the transaction contemplated hereby. If Purchaser elects to consummate such transaction, then all insurance proceeds payable in respect of such casualty and/or any and all damages or awards payable in respect of such taking or condemnation shall be paid to Purchaser. If Purchaser elects not to consummate such transaction, this Agreement shall terminate and be of no further force and effect.

8. **Possession of the Property.** Possession of the Property shall be delivered by Seller to Purchaser at the Closing, subject to the rights of tenants. Upon delivery of possession to Purchaser, the Property shall be in the same condition as it is on the date hereof, reasonable wear and tear excepted. Seller agrees to maintain the Property in good condition until possession is delivered to Purchaser.

9. **Occupancy After Closing.** Seller may remain in the portion of the Property it currently occupies (Suite 200 and Units 01, 04 and 05) for up to sixty (60) days following Closing. Seller shall be responsible for payment of a gross lease amount equal to \$10,874.74, pro-rated on the actual number of days Seller is in possession, and insurance on the contents until it vacates the Property. The parties shall enter into a temporary occupancy agreement at closing for all other terms related to the Seller's continued occupancy after closing.

10. **Seller's Obligations at Closing.** At the Closing, Seller agrees to deliver to Purchaser in accordance with the terms of this Agreement the following:

- a. A duly authorized and executed Limited Warranty Deed in recordable form conveying good and marketable title to the Property, subject only to Permitted Exceptions;
- b. A duly authorized and executed Vendor's Affidavit in the form required by the Title Company;
- c. A duly authorized and executed affidavit in a form reasonably satisfactory to Purchaser stating that Seller is not a "Foreign Person" as such term is used in §1445 of the Internal Revenue Code;
- d. A duly authorized and executed sales disclosure statement, as required by I.C. 6-1.1-5.5 et seq., (the "Sales Disclosure Statement");
- e. A duly authorized and executed Assignment of Deposits, Rents and Leases ("Assignment");

- f. A duly authorized Bill of Sale;
- g. A duly authorized assignment of vendor and service contracts (“Service Contracts”);
- h. Such other instruments, documents and considerations which may reasonably be required by Purchaser or Purchaser's counsel to effectuate the Agreement evidenced by this Agreement.

All of the documents and instruments required pursuant to this Paragraph 10 or otherwise in connection with the consummation of this Agreement shall be in a form and manner reasonably satisfactory to Purchaser and Seller.

11. **Purchaser's Obligations at Closing.** At the Closing, Purchaser agrees to deliver to Seller:

- a. The amount of the Purchase Price payable in such form as set forth in Paragraph 3 above, subject to the Closing adjustments and prorations provided for herein;
- b. A duly authorized and executed Sales Disclosure Statement;
- c. Such other instruments, documents and considerations which may reasonably be required by Seller or Seller's counsel to effectuate the Agreement evidenced by this Agreement.

All of the documents and instruments required pursuant to this Paragraph 11 or otherwise in connection with the consummation of this Agreement shall be in a form and manner reasonably satisfactory to Purchaser and Seller.

12. **Seller's Representations and Warranties.** As a material inducement to Purchaser for entering into this Agreement, Seller hereby represents and warrants to Purchaser as follows:

- a. All necessary action has been taken to authorize Seller's execution and performance of this Agreement and the consummation of the transactions herein contemplated;
- b. Seller owns good, marketable and indefeasible fee simple title to the Property free and clear of any and all liens, mortgages, pledges, security interests, conditional sales agreements, charges and other claims, interests or encumbrances except the Permitted Exceptions and those encumbrances that shall be removed at Closing;
- c. There are no known violations of any laws, regulations, codes,

ordinances, orders or requirements affecting the Property, including, but not limited to, applicable laws, regulations, ordinances or requirements relating to the environment, pollution, use, health, and safety;

d. There are no mechanic's or materialmen's liens against the Property, and no unpaid claims for labor performed, materials furnished or services rendered in connection with constructing, improving or repairing the Property in respect of which liens may or could be filed against the Property;

e. There are no claims, actions, suits or investigations pending with respect to or in any manner affecting the Property;

f. All improvements on the Property, including the building and all parking associated with the building, shall be located entirely within the bounds of the Real Estate and there will be no existing violations of zoning ordinances or other restrictions applicable to the Property.

g. Except in the ordinary course of Seller's business operations, Seller shall not sell, assign, transfer, lease, sublease or convey, any right, title or interest whatsoever in or to the Property or any portion thereof without the Purchaser's prior written consent, nor shall Seller amend, modify, terminate or alter any existing document or agreement related to the Property without Purchaser's written consent.

h. Seller knows of no facts, nor has Seller misrepresented or failed to disclose any facts which materially adversely affect the value of the Property. Each of the foregoing representations and warranties shall be and remain true at and as of the Closing Date.

13. **Purchaser's Representations and Warranties.** As a material inducement to Seller for entering into this Agreement, Purchaser hereby represents and warrants that all necessary action has been taken to authorize Purchaser's execution and performance of this Agreement and the consummation of the transactions herein contemplated.

The foregoing representations and warranties of Seller and Purchaser shall survive the Closing for a period of six (6) months from the date of Closing.

14. **Default.** In the event the purchase and sale contemplated by this Agreement is not consummated due to the breach hereof or default hereunder by Seller or Purchaser, or if any representation or warranty made herein is untrue or breached as of the Closing Date, then the non-breaching party may avail itself of any and all remedies at law or in equity, including, but not limited to, a suit for specific performance of this Agreement or for damages for the breach of this Agreement or any of the representations or warranties set forth herein, and shall further be entitled to recover attorneys' fees incurred in connection with any such action.

In the event the purchase and sale contemplated by this Agreement is not consummated

due to the failure, without fault on the part of either party, to satisfy any of the conditions set forth in Paragraph 5 hereof within the respective time periods provided for therein, Purchaser may, at its sole option (a) terminate this Agreement, or (b) elect to waive any of such conditions and proceed with the Closing in accordance herewith.

15. **Notices.** All notices, requests, demands, consents and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been duly and properly given on the date of service if delivered personally or on the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed appropriately as follows:

If to Seller: CFC, LLC
Attn.: James E. Murphy, President
P.O. Box 729Bloomington, IN 47402

Copy to: Angela Parker
Carmin Parker P.C.
116 W. 6th Street, Suite 200
Bloomington, IN 47404

If to Purchaser: Bloomington Redevelopment Commission
Attn.: Larry Allen
City of Bloomington Legal Department
P.O. Box 100
Bloomington, IN 47402

Either party may change its address for purposes of this Paragraph by giving the other party written notice of the new address in the manner set forth above.

16. **Confidentiality.** During the Due Diligence Period of this Agreement as set out in Paragraph 5 it will likely be necessary for Sellers to furnish certain information or documentation about the Property upon reasonable request of the Purchaser. Purchaser and Seller recognize that Purchaser, as a public entity, is limited in its ability to keep documents confidential by state law. State law also prohibits the Purchaser from disclosing—among other things—trade secrets and confidential financial information. This prohibition applies regardless of whether the Purchaser ultimately closes on the purchase of the Property. In the event that the Purchaser receives a public records request, the Purchaser will work with Seller to identify all information (including trade secrets and confidential financial information) that the Purchaser is prohibited from disclosing. This section shall not prevent the Purchaser from providing information provided by Seller to staff and other professionals advising the Purchaser.

17. **Assignment.** Neither party may assign its interest in this Agreement without the prior written consent of the other party.

18. **Survival.** All representations and warranties of the parties made herein shall be and remain true at the time of the Closing and shall survive the Closing for a period of six (6)

months and the conveyance of the Property to Purchaser, and shall not be deemed to be merged into the deed to be delivered by Seller to Purchaser hereunder.

19. **Binding on Successors.** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, representative, successors and permitted assigns.

20. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

21. **Modification.** This agreement may not be changed or modified except by an agreement in writing signed by the party sought to be charged with such modification.

22. **Waiver.** No failure on the part of either party to exercise any power or right given hereunder or to insist upon strict compliance with any obligations specified herein, and no custom or practice at variance with the terms hereof, shall constitute a waiver of either party's right to demand exact compliance with the terms hereof; provided, however, that either party may, at its sole option, waive in writing any requirement, covenant or condition herein established for the benefit of such party without affecting any of the other terms or provisions of this Agreement. No delay on the part of either party in the exercise of any power or right hereunder shall operate as a waiver thereof nor shall any single or partial exercise of any power or right preclude other or further exercise thereof or the exercise of any power or right. All rights and remedies existing under this Agreement shall be cumulative and shall be in addition to those otherwise provided by law.

23. **Entire Agreement.** This Agreement constitutes the entire agreement among the parties hereto and supersedes all prior discussions, letters of intent, agreements, writings and representations between Seller and Purchaser with respect to the Property and the transaction contemplated herein.

24. **Governing Law.** This Agreement shall be governed by the laws of the State of Indiana.

[Signature Page Follows]

IN WITNESS WHEREOF, Purchaser and Seller have executed this Agreement as of the date first hereinabove written.

"SELLER"

CFC, LLC

By: James E. Murphy
James E. Murphy, President

Date: July 13, 2022

"PURCHASER"

REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA

By: Cindy Kinroney
Cindy Kinroney, President

Date: 7-18-22

THE CITY OF BLOOMINGTON

By: John Hamilton
John Hamilton, Mayor

Date: July 12, 2022

AMENDMENT TO AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS

This Amendment is attached to and made a part of the Agreement for Purchase of Real Estate and Assets between the Bloomington Redevelopment Commission ("RDC") and CFC, LLC ("Purchaser"), for real property and improvements located at 320 West 8th Street, in Bloomington, Indiana ("Real Estate"), effective July 18, 2022, ("Agreement").

1. The Due Diligence Period under Section 5 Conditions Precedent to Closing shall be extended until November 15, 2022 for the following purposes:
 - a. Completion of the Environmental Analysis as defined in Section 5d;
 - b. Completion of analysis and report to determine if the Real Estate is suitable for use as a Commission on Accreditation for Law Enforcement Agencies, Inc. ("CALEA") certified police headquarters.
2. The Occupancy After Closing as provided in Paragraph 9 of the Agreement shall be modified to allow Seller to continue to occupy its current Suites for up to ninety (90) days following the Closing or until April 30, 2023, whichever is later.
3. In all other respects, the Agreement shall remain in effect as originally written.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed the day and year last written below:

"SELLER"

"PURCHASER"

CFC, LLC

**REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA**

By: James E. Murphy
James E. Murphy, President

By: Cindy Kinnarney
Cindy Kinnarney, President

Date: 9/16/22

Date: 9-16-22

APPROVED AS TO FORM:

THE CITY OF BLOOMINGTON

By: Beth Cate
Beth Cate, Corporation Counsel

Date: 9/16/22

**SECOND AMENDMENT TO AGREEMENT
FOR PURCHASE OF REAL ESTATE AND ASSETS**

This Second Amendment is attached to and made a part of the Agreement for Purchase of Real Estate and Assets and (First) Amendment to Agreement for Purchase of Real Estate and Assets, dated September 16, 2022 (collectively "the Agreement"), between the Bloomington Redevelopment Commission ("RDC") ("Purchaser") and CFC, LLC ("Seller") (collectively, the "Parties"), for real property and improvements located at the common address of 320 West 8th Street, in Bloomington, Indiana ("Real Estate"), effective as of the date of last signature ("Second Amendment").

1. Paragraph 3 of the Agreement shall be amended such that the Purchase Price shall be Eight Million Seven Hundred and Fifty Thousand Dollars and no cents (\$8,750,000.00).
2. The Occupancy After Closing, as stated in Paragraph 9 of the Agreement shall be amended to allow Seller to continue to occupy its current Suites until June 30, 2023 with no requirement for payment of rent, common area maintenance, or other expenses of occupancy, except for Seller's own internal operating costs.
3. The Parties acknowledge that all Due Diligence under the Agreement has been completed or waived, excepting the Conditions Precedent to Closing as provided in paragraph 5(a) and 5(f).
4. In all other respects, the Agreement shall remain in effect as originally written.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed the day
and year last written below:

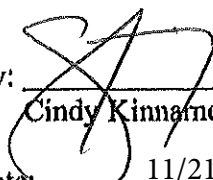
"SELLER"

"PURCHASER"

CFC, LLC

**REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA**

By: ^{Designated by:} James E. Murphy
James E. Murphy, President

By: 
Cindy Kinnafney, President

Date: 11/16/2022

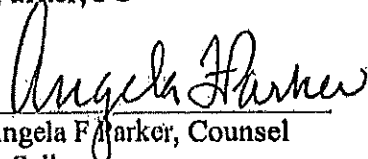
Date: 11/21/2022

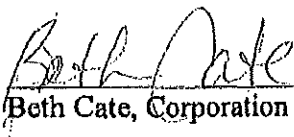
APPROVED AS TO FORM:

APPROVED AS TO FORM:

CarminParker, PC

THE CITY OF BLOOMINGTON

By: 
Angela F. Parker, Counsel
to Seller

By: 
Beth Cate, Corporation Counsel

Date: 11/16/2022

Date: 11/16/2022

439480 / 17582-164



**MEMO FROM COUNCIL OFFICE ON:
(Updated December 2, 2022)**

**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
- [New material] Presentation slides from Beth Rosenbarger, Assistant Director of Planning and Transportation, shown during November 30, 2022 Committee of the Whole meeting

Update after November 30, 2022 Committee of the Whole meeting

This item was considered by the Committee of the Whole on November 30, 2022. At that meeting, the councilmember sponsor (Cm. Rollo) presented the proposal. Beth Rosenbarger, Assistant Director of Planning and Transportation, gave the administration’s position on the ordinance and provided a presentation (slides included herein) that covered the Traffic Calming and Greenways Program, the planning process generally, and concerns that staff have with the proposed ordinance. Councilmembers asked questions, heard public comment, and provided their own comments on the ordinance. The Committee voted to recommend that the Council adopt the ordinance by a vote of four in favor, three opposed, and one abstention.

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.

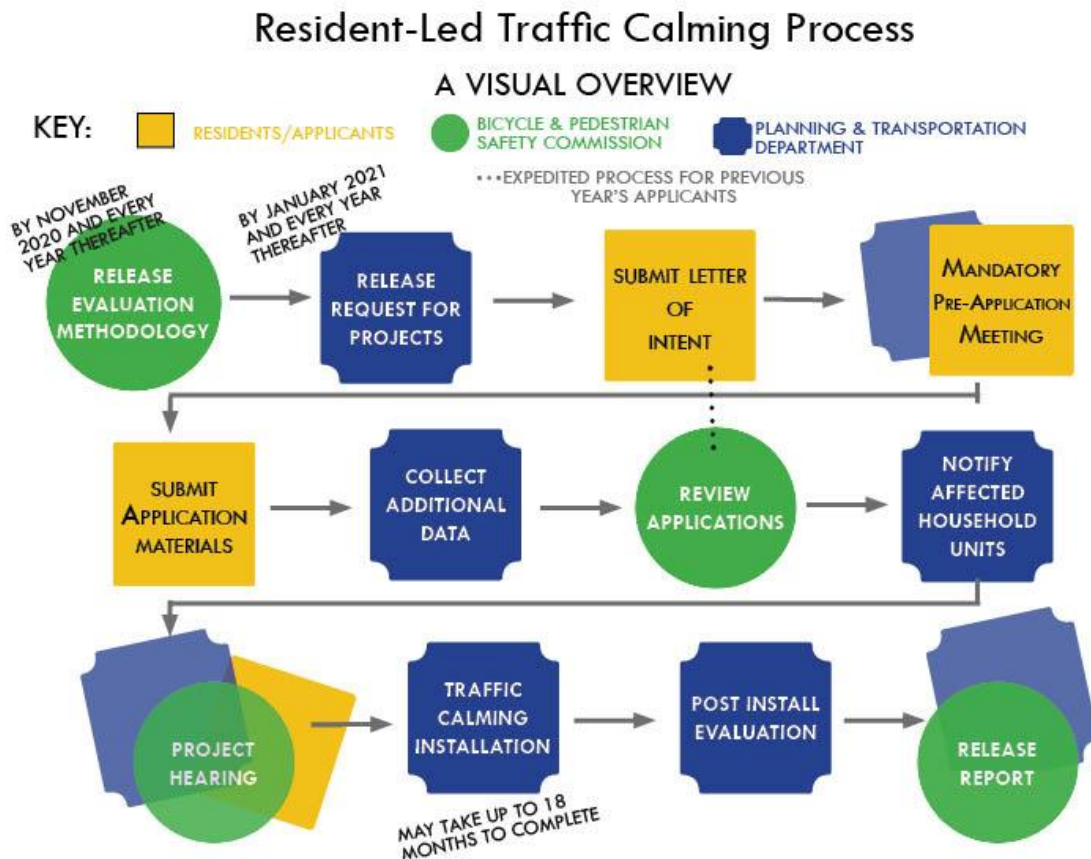
RESIDENT-LED TRAFFIC CALMING PROCESS

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 98: 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 109B)*

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 109A)*

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.

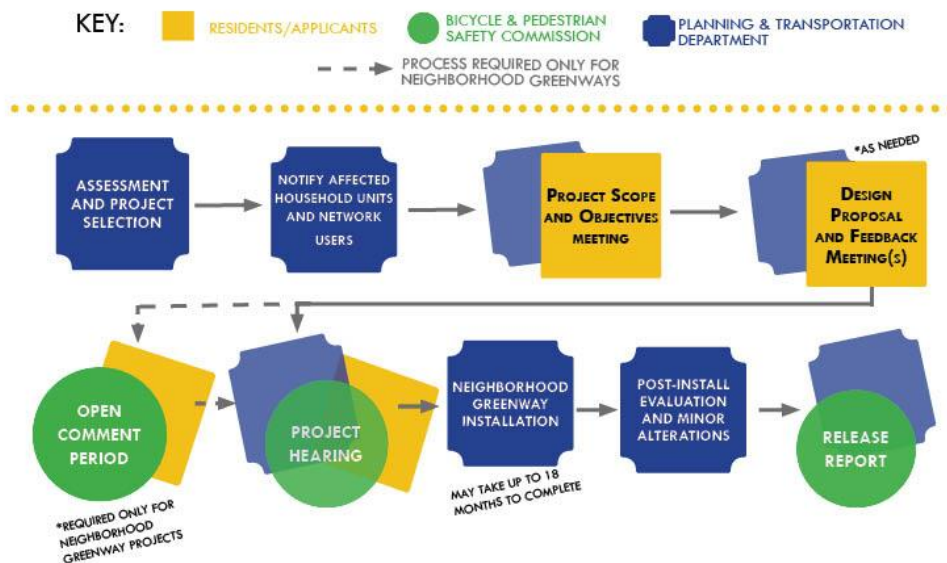
Traffic Calming, or devices used for reducing speeds on residential streets are defined by state code and may include: speed bumps, curb extensions, chicanes, and/or diagonal diverters. While the state provides a definition for specific traffic-calming devices which may be used, there are other street 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 98B*)

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 98A*)

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**.

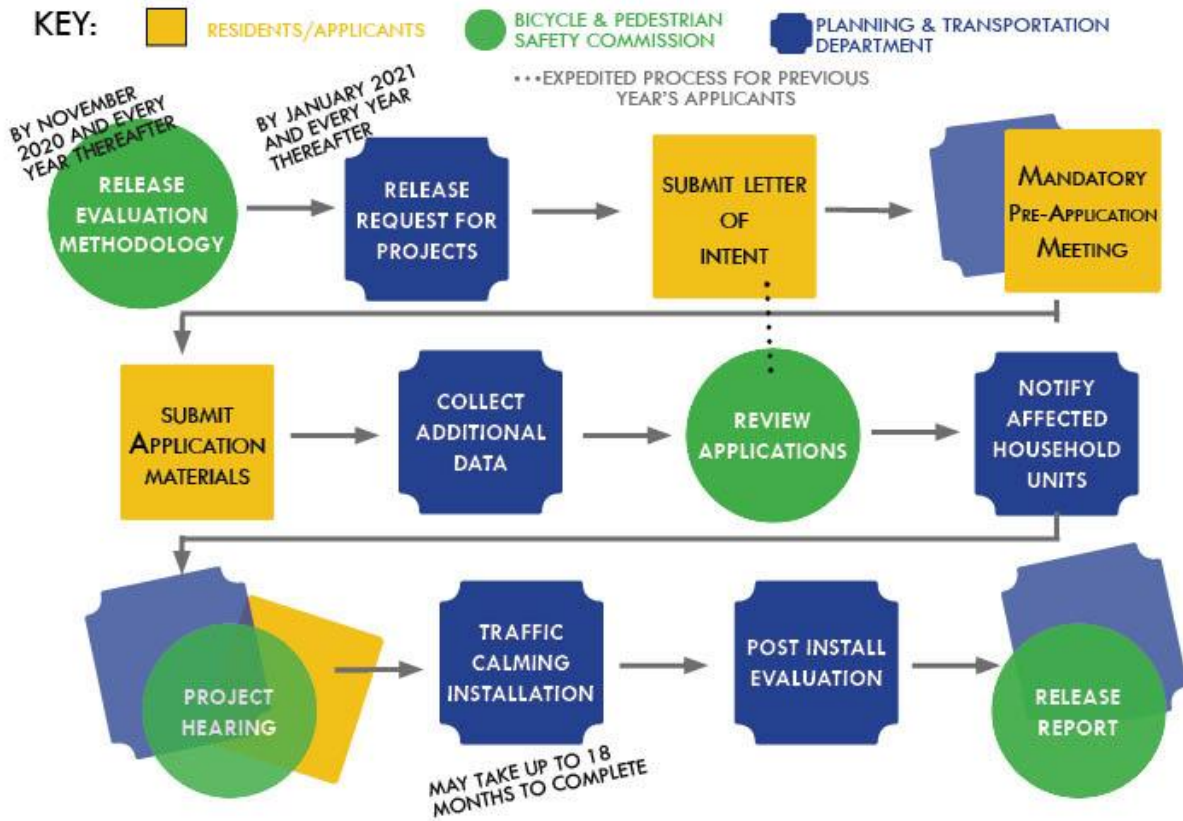
City Staff may request to make **major modifications** to existing traffic calming installations on public streets by following the Staff-led Traffic Calming and Neighborhood Greenways Process, starting at [Step 6](#). In some cases, the City may choose to start at an earlier step in the process.

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

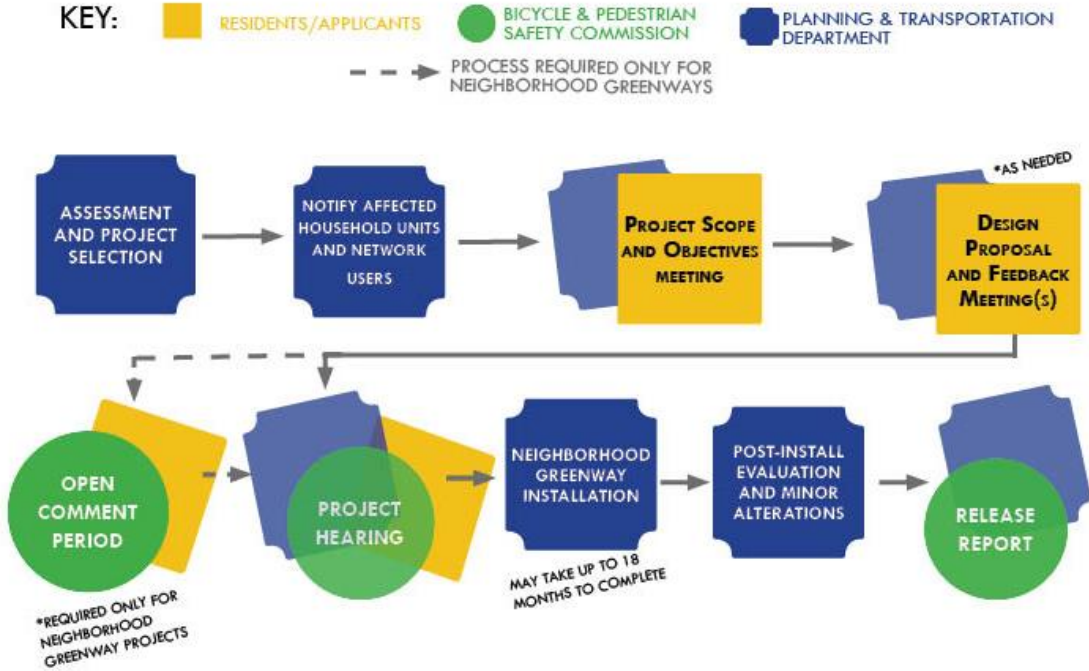
Resident-Led Traffic Calming Process

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.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-36 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Proposal to Amend Chapter 20.02 "Zoning Districts" And Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood

Synopsis

This petition contains a text amendment that proposes to add the Transform Redevelopment Overlay (TRO) to the Unified Development Ordinance in order to address the charge in [Resolution 22-17](#).

Relevant Materials

- [Ordinance 22-36](#)
- Certification form from Plan Commission
- Attachment A & staff memo, including red-line amendments showing changes proposed by the ordinance to the UDO
- [Resolution 22-17](#)

Summary

This ordinance and a companion ordinance (22-37) follow from action taken by the Council earlier this year related to amendments to the City's Unified Development Ordinance (UDO). On September 21, 2022, the Council adopted [Resolution 22-17](#) to initiate a UDO amendment process. The resolution directed the Plan Commission to prepare a proposal to establish an overlay zoning district for the Hopewell neighborhood, located at the former IU Health Bloomington Hospital site. An overlay district is a zoning district that is applied over one or more established zoning districts and contains additional standards for properties in the district beyond the standards contained in the base zoning district(s).

One use for overlay districts is to help guide or encourage certain types of development within an area. The resolution provided guidance to the Plan Commission on the types of policy items that should be addressed in proposed development standards for the overlay district. The specific development standards and proposed changes to the UDO are detailed in the staff memo and in Attachment A to [Ordinance 22-35](#), included in this packet. Attachment A provides a redline version of affected UDO provisions, showing the proposed changes in context. Among other changes, the proposal would add a new subsection (b) entitled TRO: Transform Redevelopment Overlay to [BMC 20.02.060](#). As this entire subsection would be newly-added language to the UDO, it is not highlighted as bold red text, which is typically used to show added language in UDO proposals.



On November 14, 2022, the Plan Commission held a public hearing and considered these UDO text changes as case number ZO-51-22. The proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. It was certified to the Council on November 22, 2022.

UDO Text Amendments Generally

Proposals to amend the text of the UDO are governed by local code under [BMC 20.06.070](#) and by state law under Indiana Code (IC) 36-7-4 in the “600 Series – Zoning Ordinance”. As a threshold matter, state law provides that the purpose of the local planning and zoning laws are “to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria)
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).



IC 36-7-4-607 provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

Contact

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423,

robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423,

scanlanj@bloomington.in.gov

ORDINANCE 22-36

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –**

**Re: Proposal to Amend Chapter 20.02 "Zoning Districts" and Related Sections to Establish
an Overlay District and Related Development Standards for the Hopewell Neighborhood**

WHEREAS, the Common Council, via Resolution 22-17, directed that a Unified Development Ordinance (UDO) text amendment proposal be considered by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution; and

WHEREAS, on November 14, 2022, the Plan Commission voted to favorably recommend an amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified the amendment proposal to the Common Council on November 22, 2022; and

WHEREAS, in preparing and considering the proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION 1. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION 2. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-51-22, (hereinafter “Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications 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 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED 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 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 petition contains a text amendment that proposes to add the Transform Redevelopment Overlay (TRO) to the Unified Development Ordinance in order to address the charge in Resolution 22-17.

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-36 is a true and complete copy of Plan Commission Case Number ZO-51-22 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 14, 2022.

Date: November 22, 2022



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of November, 2022.


 Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

This is a Zoning Text Amendment request to create a new Zoning Overlay that will not produce any fiscal impact.

Case # ZO-51-22 Memo (Ordinance 22-36)

To: Bloomington Common Council

From: Jackie Scanlan, AICP Development Services Manager

Date: November 22, 2022

Re: TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-51-22 on November 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0. The packet of information provided to the Plan Commission for ZO-51-22 is below.

ZO-51-22 TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Common Council initiated a proposal to amend Title 20 (the Unified Development Ordinance “UDO”). The resolution (22-17) directs that a that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution. The resolution specifics the development standards that the Plan commission should address and provides policy guidance on how those standards should be adjusted from what exists in the base zoning districts.

The Planning and Transportation Department has drafted an amendment to the UDO for the Plan Commission’s review which creates an overlay which is designed to address the guidance in resolution 22-17. The specified development standards and proposed changes are as follows:

- Subdivision standards should require alleys in the area;
 - Table 02-30: IS Subdivision Development Standards requires that 100% of newly created lots are served by alleys and that all alleys are required to meet Transportation Plan guidance.
- Increase impervious surface maximums;
 - Table 02-29: TRO District Dimensional Standards allows for mixed-use & nonresidential zoned properties within the overlay to increase their impervious surface maximum by 25% percentage points above the underlying base zoning district. Residential zoned properties have an increase of 15% percentage points. Increases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)
- Reduce landscape area;

- Table 02-29 decreases the minimum required amount of landscape area to allow for the changes to impervious surface maximums.
- Reduce side and rear building setbacks;
 - Table 02-29 reduces side building setbacks to 0 feet within the overlay. Rear setbacks for mixed-use & nonresidential districts are reduced to 0 feet. In residential districts the minimum rear setback is 10 feet.
- Eliminate minimum parking requirements;
 - 20.02.050(8)(A) removes the minimum vehicle parking requirement for all properties within the overlay.
- Require drive access off alleys rather than streets;
 - 20.05.050(7)(A)(i) prohibits driveways accessing a street if a platted alley is adjacent.
- Reduce minimum lot sizes;
 - Table 02-29 reduces minimum lot width to 35 feet. There is no minimum lot area for mixed-use & nonresidential zoned properties. In residential districts the minimum lot area is 1,500 (0.034 acres).
- Require pedestrian-scale development standards for first-floor residential uses
 - 20.02.050(6)(A)(i) requires that multifamily dwellings be setback 20 feet behind each building façade facing identified streets, and the B-line Trail.
 - 20.02.050(6)(A)(ii) requires that any multifamily dwelling unit which has a front building wall facing a street be raised 2 to 5 feet above the sidewalk level.
 - 20.02.050(9)(B)(iv)(1) requires that front building setback not generate unusable or dead space. Front setbacks are required to be landscaped or provide outdoor commercial areas.
 - 20.02.050(9)(B)(iv)(2) requires that primary buildings include a courtyard visible from the sidewalk that provides an active and usable open space.
 - 20.02.050(9)(b)(v)(3)(a) requires that a minimum of 20% of the total wall/façade area of ground floor residential facades contain glass or framed facades.
 - 20.02.050(9)(b)(vi)(1) limits the maximum building floor plate to 5,000 square feet without incentives.

In addition the guidance of Resolution 22-17 the Planning and Transportation Department has included other proposed regulations to ensure that developments within the overlay meet the goals of the Comprehensive Plan, promotes redevelopment, encourages public and private investment, and provides desirable residential neighborhood. The proposed overlay also includes:

- A modification to the allowed use table within the overlay to expand the permitted uses, and exclude other uses;
- New use-specific standards for dwelling, multifamily and restaurant uses;
- A requirement for parking to be constructed solely of permeable pavers;
- A requirement for the installation of street lighting;
- A modification to expand building materials;
- New requirements for pedestrian entries;
- New regulations on exterior facades to prevent blank walls;

- A modification in landscaping standards to encourage interior plantings.

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Chapter 20.02: Zoning Districts

20.02.010 Zoning Districts Established

(a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

Table 02-1: Summary Table of Zoning Districts

Prior District Name	District Name
Residential	
RE – Residential Estate	R1 - Residential Large Lot [New]
RS - Residential Single-Family	R2 - Residential Medium Lot
RC - Residential Core	R3 - Residential Small Lot
---	R4 - Residential Urban [New]
RM - Residential Multifamily	RM - Residential Multifamily
RH - Residential High-Density Multifamily	RH - Residential High-Density Multifamily
MH - Manufactured/Mobile Home Park	RMH - Manufactured/Mobile Home Park
Mixed-Use	
---	MS - Mixed-Use Student Housing
CL - Commercial Limited	MN - Mixed-Use Neighborhood-Scale
CG - Commercial General	MM - Mixed-Use Medium-Scale
CA - Commercial Arterial	MC - Mixed-Use Corridor
BP - Business Park	ME - Mixed-Use Employment
IN - Institutional	MI - Mixed-Use Institutional
CD - Commercial Downtown	MD - Mixed-Use Downtown
MD - Medical	MH - Mixed-Use Healthcare
Nonresidential	
IG - Industrial General	EM - Employment
QY - Quarry	EM - Employment
---	PO – Parks and Open Space [New]
Planned Development District	
PUD - Planned Unit Development	PUD – Planned Unit Development
Overlay Zoning Districts	
CSO - Courthouse Square	DCO - Downtown Character Overlay
DCO - Downtown Core Overlay	DCO - Downtown Character Overlay
UVO - University Village Overlay	
DEO - Downtown Edges Overlay	
DGO - Downtown Gateway Overlay	
STPO - Showers Technology Park Overlay	
---	TRO – Transform Redevelopment Overlay [New]

(b) TRO: Transform Redevelopment Overlay

(1) Purpose

The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition. Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

(2) Applicability

The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

(3) Other Applicable UDO Sections

The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

(4) Dimensional Standards

The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

Table 02-29: TRO District Dimensional Standards

Lot Dimensions (Only for lots created after the effective date)		
	Lot area (minimum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres)
	Lot width (minimum)	35 feet
	Lot width (maximum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet
Building Setbacks		Single Family, Duplex, Triplex, or Fourplex Dwelling
C	Build-to range	Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet
	Building facade build-to percentage (minimum)	Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50%
D	Side (minimum)	0 feet [1]
E	Rear (minimum)	Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1]
		R4 district standards apply [2]
Other Standards		
	Maximum impervious surface coverage increase	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Minimum landscape area decrease	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Primary structure height (minimum)	2 stories, not less than 20 feet
		No minimum

Notes:

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards)
- [2] In such cases a front setback is established
- [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)

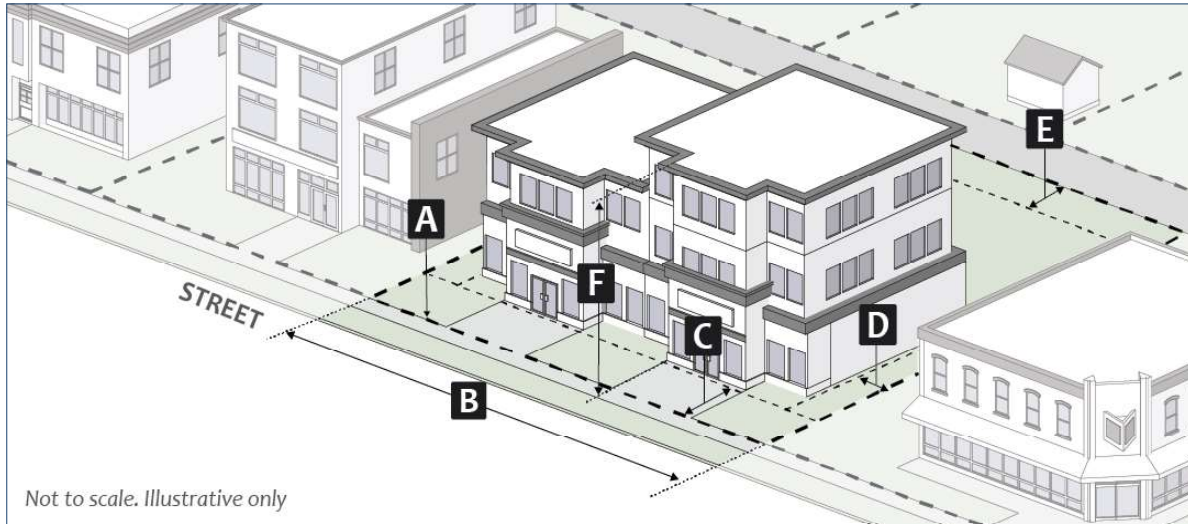


Figure 47: TRO Dimensional Standards

(5) **Allowed Use Table Modifications**

(A) **Excluded Uses**

The following uses are prohibited within the TRO: Fraternity or sorority house, Opioid rehabilitation home, small, Crematory, Mortuary, Methadone treatment facility, Kennel, Country club, Sexually oriented business, Check cashing, Building supply store, Firearm sales, Pawn shop, Liquor or tobacco sales, Retail sales, big box, Vehicle fuel station, Student housing or dormitory

(B) **Permitted Uses**

The following uses are permitted within the TRO: Dwelling, single-family (attached)*, Dwelling, duplex*, Dwelling, triplex*, Dwelling, fourplex*, Dwelling, multifamily**, Dwelling, live/work*, Restaurant**

* = base zoning district use-specific standards apply

** = overlay use-specific standards apply only

(6) **Use-Specific Standards**

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

(A) **Dwelling, Multifamily**

- i. Multifamily dwelling structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail

shall have ground floor dwelling units located at least 20 feet behind each building facade facing any public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

(B) Restaurant

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

(7) Access and Connectivity

(A) Driveways and Access

i. Alley Access:

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

ii. Surface Material:

Except for, single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

(8) Parking and Loading

(A) Minimum Vehicle Parking Requirement:

Minimum vehicle parking requirements shall not apply to developments in the TRO.

(B) Maximum Vehicle Parking Requirements:

i. Housing Living Uses:

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO. Except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

ii. All Other Uses:

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

(C) Surface Material:

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

(9) Site and Building Design

(A) Street Lighting Plans Generally:

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height.

(B) Building Design

i. Exceptions

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

ii. Materials

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials

1. **Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);or
- [h] Wood

2. **Secondary Exterior Finish Materials**

- [a] Stucco, plaster, or similar systems (excluding EIFS);
- [b] Split-faced block;or
- [c] Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. **Prohibited Exterior Finish Materials**

- [a] EIFS;
- [b] Vinyl; and
- [c] Highly reflective materials

iii. **Primary Pedestrian Entry**

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.
 - [a] Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.
 - [b] Pedestrian entrances located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade.
2. Pedestrian entries shall incorporate at least one of the following architectural design features:
 - [a] A portico;
 - [b] A buttress and arched entry;
 - [c] Pilasters or a facade module projecting from the exterior wall plane;
 - [d] A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;
 - [e] Rusticated masonry;
 - [f] A front porch; or

[g] Other architectural designs as approved by the staff.

iv. Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.
2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than 250 square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:
 - [a] A plaza space with ornamental paving and integral landscape planters;
 - [b] A landscaped patio area with outdoor seating for at least eight persons;
 - [c] A landscaped garden area; or
 - [d] Other landscaped areas as approved by the staff.

v. Exterior Facades

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 20% of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and
2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 60% of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and
 - [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 60% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and
3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

- [a] A minimum of 20% of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and
- [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 20% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

vi. Building Size Maximum

1. Building Floor Plate

The maximum building floor plate for a structure in the TRO shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.040.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.40.110(d) has been earned, the maximum building floor plate shall be 10,000 square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be 15,000 square feet per building.

2. Building Height

The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

[a] Eligibility

In addition to the eligibility criteria in 20.04.110(c) (2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

- i. The building shall contain six or more dwelling units; and
- ii. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

[b] Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

[c] Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

- [d] Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed 48 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- [e] Sustainable Development Bonus
 - i. Tier 1 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
 - ii. Tier 2 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet. The additional floor of building height granted under this subsection shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(10) Landscaping, Buffering, and Fences

(A) Buffer Yards

Developments within the TRO are not required to provide buffer yards.

(B) Landscaping

i. Interior Plantings

The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following

1. A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.
 - a. Tree location should maximize visibility between windows and the street.
2. A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.
3. Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

ii. **Parking Lot Perimeter Plantings**

See Section 20.04.080(h) (1)

iii. **Parking Lot Landscape Bumpouts, Islands, and Endcaps**

See Section 20.04080(h)(2)

(C) **Subdivision Standards**

All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

(D) **Development Standards**

Table 02-30: IS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Lots served by alleys (minimum percentage)	100% [1]
Block length (maximum)	400 feet
Right of Way Standards	
On-street parking [1]	Per Transportation Plan guidance [2]
Tree plot width (minimum)	Per Transportation Plan, or 7 feet, whichever is greater
Sidewalk/multiuse path width (minimum)	Per Transportation Plan, or 8 feet, whichever is greater

NOTES:

[1] Required to meet Transportation Plan guidance

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(E) Lots

i. Design

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(11) Departures

(A) Purpose

Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

(B) Applicability

- i. Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.
- ii. Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

(C) Limitations on Departures

- i. The departure procedure shall not apply to any proposed modification or deviation that results in:
 1. A change in permitted uses or mix of uses;
 2. A deviation from building or fire codes;
 3. A deviation from engineering standards;
 4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
 5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(D) Departure Review Process

i. Petition Submittal and Handling

A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall be considered a separate departure

request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

ii. Review and Decision

1. The Plan Commission shall review and decide the departure petition based on the following criteria:
 - [a] The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;
 - [b] Provides adequate public services and facilities;
 - [c] Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
 - [d] Is of a technical nature and is required to provide for an exceptional architectural design which will:
 - i. Significantly enhance the visual appeal of the building;
 - ii. Significantly enhance the perceived quality of the building facades visible from public streets; and
 - iii. Strengthen the public-private interaction at the street level.

RESOLUTION 22-17

TO INITIATE A PROPOSAL TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE Re: Preparation of a Proposal to Amend Chapter 20.02 “Zoning Districts” and Related Sections To Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, existing overlay districts have been established in the UDO that prescribe additional development, architectural, and use standards for Downtown Character Overlay Districts; and

WHEREAS, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by the City of Bloomington Redevelopment Commission; and

WHEREAS, the Council considered proposed development standards for the Hopewell neighborhood area as part of Ordinance 22-10, which the Council indicated, through adoption of Amendment 03 to that ordinance, would be more appropriately proposed as part of an overlay zoning district for the area in question; and

WHEREAS, the Bloomington Hospital Site Redevelopment Master Plan Report was issued in January 2021 and envisions 2nd Street as an active community corridor, North/South Streets as neighborhood connectors, an East/West Greenway as a B-Line connection, a well-scaled, walkable neighborhood fabric, diversity and variety of housing types, neighborhood anchors, and active ground floors; and

WHEREAS, to adhere to the Master Plan Report and to the principle of compact urban form, and to provide the opportunity for more housing to meet the housing need indicated in the Bloomington Housing Study of 2020, the current rules in the UDO regarding maximum impervious surface, minimum landscaping, and setback requirements in this area should be revised; and

WHEREAS, pursuant to IC 36-7-4-602, the Common Council may initiate a proposal to amend or partially repeal the text of the UDO and require the Plan Commission to prepare it;

WHEREAS, the Common Council wishes to initiate a proposal to amend the UDO to establish an overlay district containing development standards that will guide development of the Hopewell neighborhood; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council shall pay reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth.

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

SECTION 1. Pursuant to IC 36-7-4-602(b), the Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO to establish an overlay district containing development standards in order to guide development of the Hopewell neighborhood.


SECTION 2. Upon passage of this resolution, the Plan Commission shall review and recommend UDO amendments to the Common Council in response to this resolution and the policy guidance below:

The following policy items should be addressed in the proposal:


- The overlay district boundaries as depicted in Exhibit A, attached hereto, should apply to the zoning districts MM, MN, MI, and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street, and to Morton Street;
- Subdivision standards should require alleys in this area;
- Increase impervious surface maximums;
- Reduce landscape area;
- Reduce side and rear building setbacks;
- Eliminate minimum parking requirements;
- Require drive access off alleys rather than streets;
- Reduce minimum lot sizes; and
- Require pedestrian-scale development standards for first-floor residential uses.

SECTION 3. If any section, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of September, 2022.


SUSAN SANDBERG, President
Bloomington Common Council

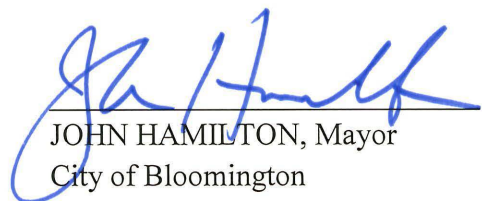
ATTEST:


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of September, 2022.

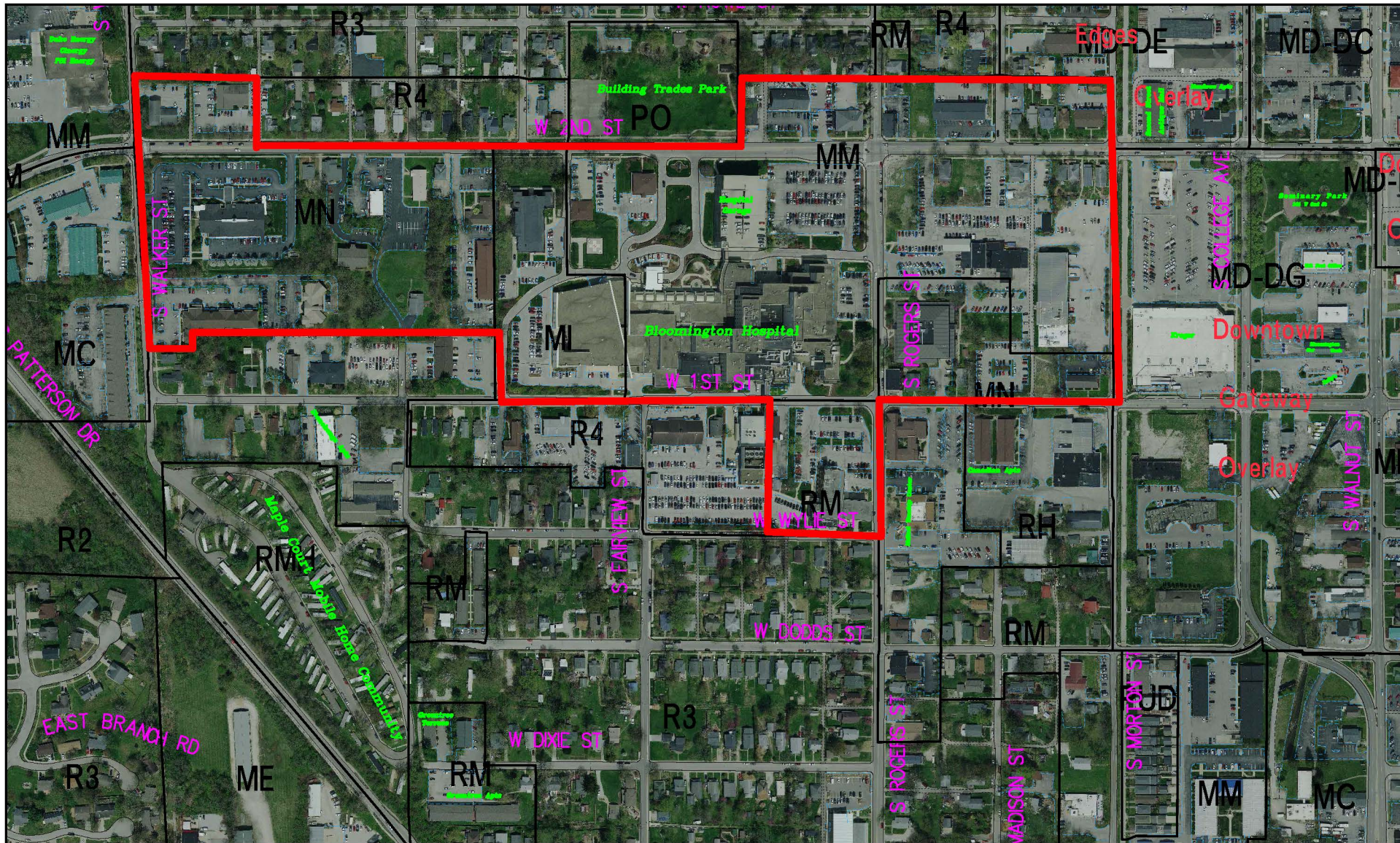

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED by me upon this 22nd day of September, 2022.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution initiates a proposal to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution.



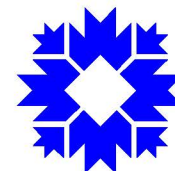
15 Sep 22



For reference only; map information NOT warranted.



City of Bloomington



Scale: 1" = 400'



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-37 – To Amend the City of Bloomington Zoning Maps by Adding the Transform Redevelopment Overlay (TRO) to Certain Below-Described Property

Synopsis

Ordinance 22-37 would add a zoning overlay to properties in the Hopewell neighborhood, located in and around the former Indiana University Hospital location.

Relevant Materials

- Ordinance 22-37
- Certification form from Plan Commission
- Attachment A & staff memo, including map of proposed overlay zone location

Summary

This ordinance and a companion ordinance (22-36) follow from action taken by the Council earlier this year related to amendments to the city's Unified Development Ordinance (UDO). On September 21, 2022, the Council adopted [Resolution 22-17](#) to initiate a UDO amendment process. The resolution directed the Plan Commission to prepare a proposal to establish an overlay zoning district for the Hopewell neighborhood, located at the former IU Health Bloomington Hospital site. An overlay district is a zoning district that is applied over one or more established zoning districts and contains additional standards for properties in the district beyond the standards contained in the base zoning district(s).

One use for overlay districts is to help guide or encourage certain types of development within an area. The resolution provided guidance to the Plan Commission on the types of policy items that should be addressed in proposed development standards for the overlay district. The resolution also specified the overlay district boundaries and attached a map to depict the location of the district. Establishing the overlay zoning district entails amending the text of the UDO (accomplished through Ordinance 22-36) and amending the official zoning map to reflect the new overlay district. Ordinance 22-37 would add the Transform Redevelopment Overlay district to the zoning map, which would apply to the properties described in the ordinance and depicted in Attachment A.

On November 21, 2022, the Plan Commission held a public hearing and considered this UDO map amendment as case number ZO-52-22. The proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. It was certified to the Council on November 22, 2022.



UDO Zoning Map Amendments Generally

Indiana Code provides the following procedure that applies to a change to the zone maps incorporated by reference into the UDO. Note that many of the procedures are the same as a text amendment.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. In this case, the proposal to replace the official zoning map received a positive recommendation (7-0) by the Plan Commission. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt or reject the proposal (but not amend). The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on the proposal within 90 days after certification (deadline listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within 90 days after the proposal was certified, the Council can either adopt or reject the proposal. If the Council adopts (as certified) the proposal, it takes effect as other ordinances of the Council. If the Council rejects the proposal, it is defeated.

Contact

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423,
robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423,
scanlanj@bloomington.in.gov

ORDINANCE 22-37

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY ADDING THE
TRANSFORM REDEVELOPMENT OVERLAY (TRO) TO CERTAIN BELOW-
DESCRIBED PROPERTY**

WHEREAS, the Common Council, via Resolution 22-17, directed that a map amendment proposal be considered by the Plan Commission to establish an overlay district in the Hopewell neighborhood consistent with the guidance contained in the resolution; and

WHEREAS, the Plan Commission has considered this case, ZO-52-22, and recommended that the Transformer Redevelopment Overlay (TRO) be added to the areas described below; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the properties shown in Attachment A shall be amended to add the Transform Redevelopment Overlay (TRO). The property is further described as follows:

Properties bounded by S. Walker Street, W. 2nd Street, S. Morton Street, and W. 1st Street; however excluding 649 and 651 S. Walker Street and also excluding properties on the north side of W. 1st Street from 1018 W. 1st Street to 822 W. 1st Street; also including the eastern half of 608 W. Wylie Street; and including properties on the north side of W. 2nd Street between Building and Trades Park and S. Morton Street, from 522 W. 2nd Street to 300-308 W. 2nd Street; also including 510 S. Morton Street; also including 525 S. Walker Street and 1010 W. 2nd Street

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications 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 full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED 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

Ordinance 22-37 would add a zoning overlay to properties in the Hopewell neighborhood, located in and around the former Indiana University Hospital location.

****ORDINANCE CERTIFICATION****

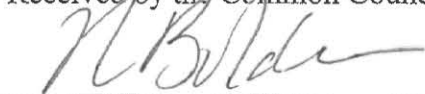
In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-37 is a true and complete copy of Plan Commission Case Number ZO-52-22 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 21, 2022.



Date: November 22, 2022

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of November, 2022.



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ X _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-52-22 Memo (Ordinance 22-37)

To: Bloomington Common Council

From: Jackie Scanlan, AICP Development Services Manager

Date: November 22, 2022

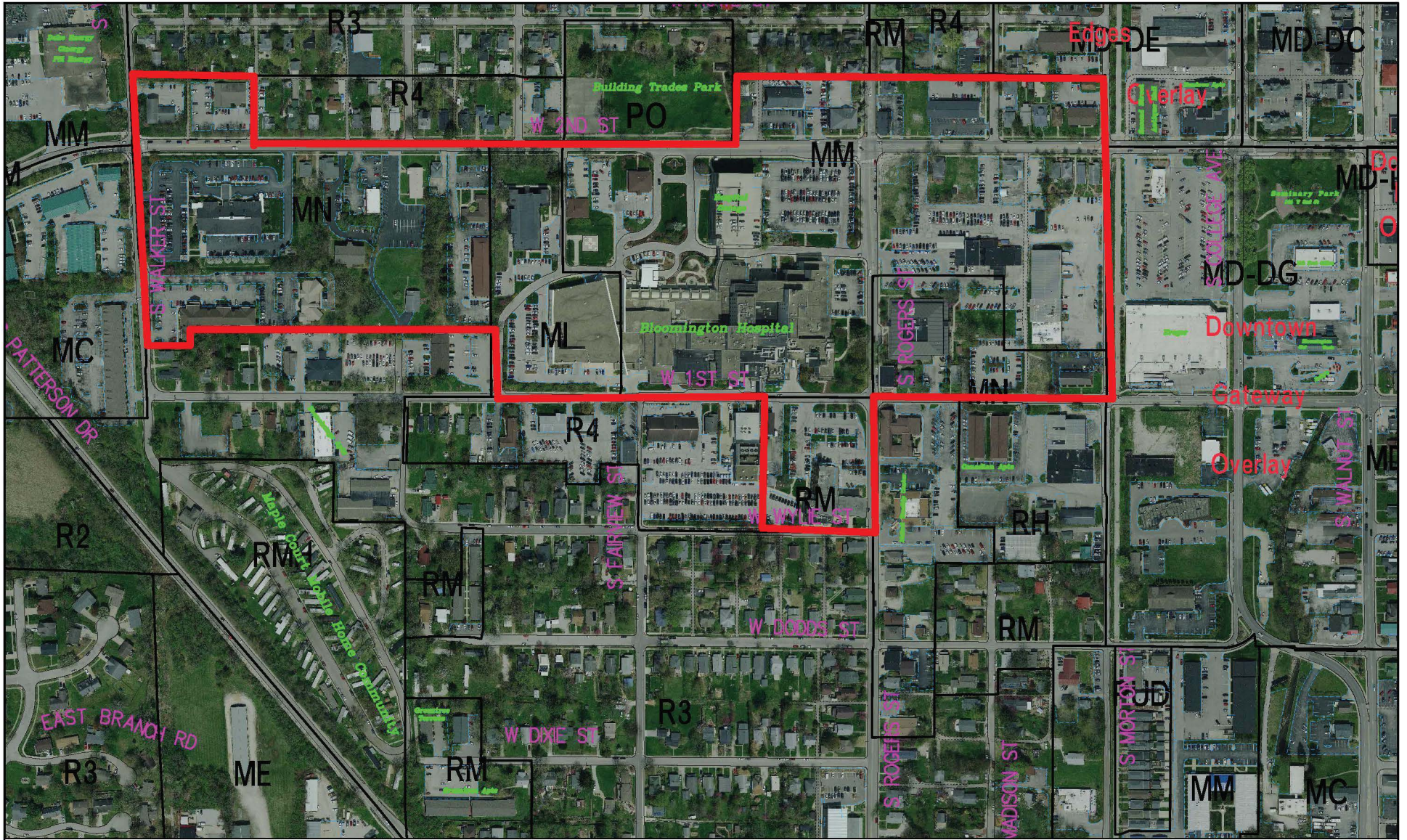
Re: TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Zoning Map Amendment

The Plan Commission heard case ZO-52-22 on November 21, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0. The packet of information provided to the Plan Commission for ZO-52-22 is below.

ZO-52-22 TRO District Overlay Boundaries

The Common Council initiated a proposal to amend the Official Zoning Map to locate an overlay also established in resolution 22-17. The resolution identified that the overlay’s district boundaries should apply to the zoning districts MM, MN, MI, and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street, and to Morton Street. A proposed draft of the Official Zoning Map has been included in the packet.

Exhibit A



15 Sep 22

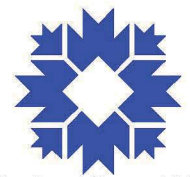


For reference only; map information NOT warranted.

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City of Bloomington



Scale: 1" = 400'



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-39 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Creation of Joint City-County Human Rights Commission and Transfer from Chapter 2.21 (Department of Law) to Chapter 2.23 (Community and Family Resources Department)

Synopsis

This ordinance amends Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code (“BMC”) and comes forth at the request of the City Legal Department and of the Community and Family Resources Department. The ordinance:

- merges the Bloomington Human Rights Commission with the Monroe County Human Rights Commission;
- moves the human rights ordinance from Chapter 2.21 of the BMC, “Department of Law” to Chapter 2.23 of the BMC, “Community and Family Resources Department;”
- provides that three members of the Human Rights Commission will be appointed by the mayor, two by the Common Council and two by the Monroe County Commissioners; and
- makes numerous technical changes for the sake of consistency and currentness.

Relevant Materials

- Ordinance 22-39
- Staff memo from Barbara McKinney
- Chapter 2.23 as Modified by the Proposed Ordinance 22-39 (Redline)

Summary

Ordinance 22-39 amends Title 2 of the Bloomington Municipal Code to shift the rights and responsibilities of the Human Rights Commission from the Legal Department to the Community and Family Resources Department (CFRD). The changes come at the request of the Legal Department and CFRD. The ordinance also amends local code to reflect the creation of a joint city-county commission, a proposal that will come to Council through an upcoming resolution as a result of negotiations with Monroe County.

History:

The City of Bloomington Human Rights Commission was first established as the Human Relations Commission by [Ordinance 65-02](#), amended by [Ordinance 68-15](#), and was later renamed and reorganized by both [Ordinance 70-37](#) and [Ordinance 83-6](#), the latter of which both created the City’s Department of Law and housed the Human Rights Commission within this Department under Bloomington Municipal Code (BMC) Sections 2.21.000 & 2.21.010. Under Municipal Code Section 2.21.040, the Commission currently calls for seven members, four appointed by the mayor and three appointed by the Council.

The Monroe County Human Rights Commission was established by the [Monroe County Human Rights Ordinance](#) in 2010, which was last amended in 2017. The Commission also has seven members, all appointed by the Monroe County Board of Commissioners. Section 520-4.



The County ordinance mirrors the Bloomington Municipal Code to the extent that most provisions, including definitions, are identical or nearly identical between the two local governing entities.

Notably, the current differences between the Bloomington and Monroe County codes that govern each respective Commission are as follows: the City includes more protections for veterans and requires affirmative action by city contractors, the County carves out additional permissive practices for employers regarding employees with disabilities, and only the City limits the Commission's authority to voluntary investigations and mediation regarding complaints of housing status discrimination.

Amendments to Code:

This ordinance changes the Municipal Code in three ways: (1) it calls for a joint city-county commission and includes language to that effect; (2) the code itself moves from 2.21 (Legal) to 2.23 (CFRD) and specifies the continued involvement of the Legal Department where necessary; and (3) makes stylistic and grammatical changes.

Language to Effectuate Creation of Joint City-County Commission:

This ordinance reflects the codification of combining the two Commissions, and the changes will be reflected in the Bloomington Municipal Code. A redline version of the code was added to the packet to show the proposed changes. Please note that a separate resolution approving of an interlocal agreement between the City and County will be introduced at the same time that this ordinance will be scheduled for a vote. Under state code, two entities who wish to jointly exercise power must enter into a written agreement approved by ordinance or resolution. Ind. Code 36-1-7-2.

The combined Commission will still have seven members, with three appointed by the Mayor, two by the Common Council, and two by the Monroe County Commissioners. Members appointed by the City must be City residents, and members appointed by the County must be County residents. More information on the proposed changes and their expected fiscal impact can be found in the staff memo or by contacting Barbara McKinney (see contact below).

Language to Effectuate Movement from Legal Department to CFRD:

The ordinance proposes updates to the Municipal Code to reflect the movement of the Commission from the Department of Law to CFRD. Legal Department oversight will still be required to accomplish some of the legal tasks specific to the Commission's duties, like determining whether probable cause exists to believe that discrimination has occurred. This type of oversight will be similar to that given to all City boards and commissions. The rest of the Commission's duties that are non-legal in nature will be overseen by the Community and Family Resources Department.

Stylistic/Grammatical Changes:

Additional proposed changes to the code are also stylistic and grammatical in nature, including insertion of Oxford commas; capitalization of city, county, and state authorities; alphabetizing definitions; deletion of legally outdated language ("transvestite") and addition of more inclusive language ("his, her, or their"); and reorganizing and separating various sections for improved clarity and comprehension.



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

Contact

Barbara McKinney, Human Rights Director/Attorney, mckinneb@bloomington.in.gov, 812-349-3426

Michael Shermis, Special Projects Coordinator, shermism@bloomington.in.gov, 812-349-3471

Jeff Cockerill, Monroe County Attorney, jcockerill@co.monroe.in.us, 812-349-2525

ORDINANCE 22-39

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"ADMINISTRATION AND PERSONNEL"
Re: Creation of Joint City-County Human Rights Commission and Transfer from Chapter
2.21 (Department of Law) to Chapter 2.23 (Community and Family Resources
Department)**

WHEREAS, the City of Bloomington created the Bloomington Human Rights Commission through adoption of Ordinance 70-37 in 1970; and

WHEREAS, Monroe County created the Monroe County Human Rights Commission in 2010; and

WHEREAS, the City and the County, by interlocal agreement approved by Resolution, now desire to create a joint Human Rights Commission with jurisdiction over their respective boundaries, pursuant to Indiana code §§ 36-1-7-2 and -3; and

WHEREAS, the City wishes to transfer the investigative and educational work of the Human Rights Commission from the Legal Department to the Community and Family Resources Department;

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

SECTION 1. The following sections of the Bloomington Municipal Code shall be deleted in their entirety from Chapter 2.21, entitled "Department of Law" without any replacement:

Section 2.21.010, entitled "Human Rights Commission — Establishment;"

Section 2.21.020, entitled "Public policy and purpose;"

Section 2.21.030, entitled "Definitions;"

Section 2.21.040, entitled "Appointments;"

Section 2.21.050, entitled "Qualifications;"

Section 2.21.060, entitled "Rules and regulations;"

Section 2.21.070, entitled "Powers and duties;"

Section 2.21.080, entitled "Educational programs;"

Section 2.21.090, entitled "Relationship with Civil Rights Commission;"

Section 2.21.095, entitled "Housing discrimination — Definitions;"

Section 2.21.097, entitled "Housing discrimination — Exemptions;"

Section 2.21.098, entitled "Hate crime statistics;" and

Section 2.21.099, entitled "Complaints of housing status discrimination."

SECTION 2. The following sections are hereby added to Chapter 2.23 of the Bloomington Municipal Code, entitled "Community and Family Resources Department," which shall read as follows and be reflected in the table of contents for this chapter:

2.23.100 Bloomington/Monroe County Human Rights Commission — Establishment.

The Bloomington/Monroe County Human Rights Commission is hereby established within the City's Community and Family Resources Department.

2.23.110 Public policy and purpose.

It is the public policy of the City, and of the County upon appropriate county authority, that they do not discriminate in the provision or implementation of their programs or services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran. It is the public policy of the City, and of the County upon appropriate county authority, to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to: housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender

identity, disability, housing status, or status as a veteran, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

It is also against the public policy of the City, and of the County upon appropriate county authority, and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status of a veteran by:

- (1) Refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or
- (2) Refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City and of the County, upon appropriate county authority, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is the purpose of this section.

It is also the public policy of the City, and the County upon appropriate county authority, to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

It is hereby declared to be contrary to the public policy of the City and of the County, upon appropriate county authority, and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, status as a veteran, or familial status.

It is also the public policy of the City of Bloomington to prohibit discrimination against or harassment of individuals, including employees, independent contractors, volunteers, interns, and any others doing sanctioned work for the City. Any such individual who believes she, he, or they have been discriminated against or harassed by a City employee has a right to bring a complaint to the attention of City officials, who will investigate the complaint promptly and take appropriate action. All contracts with the City shall include a clause explaining this right.

2.23.120 Definitions.

As used in this chapter unless the context clearly requires otherwise:

(1) “Acquisition of real property” means the sale, rental, lease, sublease, construction or financing, including negotiations and other activities or procedures incident thereto, of:

(A) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters;

(B) Any building, structure, or portion thereof, or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, or industrial or agricultural purposes; or

(C) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(2) “Affirmative action” means those acts which the commission deems necessary to assure compliance with the human rights ordinance.

(3) “Ancestry” refers to both the country from which a person’s ancestors came and the citizenship of a person’s ancestors.

(4) “Commission” means the Bloomington/Monroe County Human Rights Commission hereinafter created.

(5) “Commission attorney” means the City attorney, or such assistants of the City attorney as may be assigned to the commission, or such other attorney as may be engaged by the commission or voluntarily lend his, her, or their services to the commission.

(6) “Compensation” or “compensatory damages” means actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits.

(7) “Complainant” means any individual charging on his, her, or their own behalf to have been personally aggrieved by a discriminatory practice or the commission attorney, a member of the Bloomington/Monroe County Human Rights Commission, or the commission director charging that a discriminatory practice was committed against a person, other than himself, herself, or themselves, or a class of people in order to vindicate the public policy of the State as defined in Indiana Code 22-9-1-2, and the public policy of the City and County as defined in Section 2.23.110.

(8) “Complaint” means any written grievance filed by a complainant with the commission director. The original shall be signed and verified before a notary public or another person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished by the City without charge.

(9) “Consent agreement” means a formal agreement entered into in lieu of adjudication.

(10) “Disability” means with respect to a person: (i) a physical or mental impairment that substantially limits one or more of the person’s major life activities; (ii) a record of having an impairment described in subdivision (i) above; or (iii) being regarded as having an impairment described in subdivision (i) above.

(11) “Discriminatory practice” means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran; or a system which excludes persons from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not be a discriminatory practice for an employment agency to refer for employment any individual, or a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of his, her, or their religion, sex, or national origin in those particular instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be a discriminatory practice for a person to refuse to rent for occupancy as living quarters any space in an owner-occupied multiple dwelling structure on the basis of sex.

(12) “Educational institution” includes all public and private schools and training centers, except that the term does not include any state agency as defined in subsection (27) of this section.

(13) “Employee” includes any person employed by another for wages or salary; provided, that it shall not include any individual employed by his, her, or their parents, spouse, or child.

(14) “Employer” includes any person employing six or more employees within the City or within the unincorporated areas of Monroe County, except that the term does not include a not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation, or association that is not organized for profit; nor the City or County or any department thereof; nor any State agency as defined in subsection (27) of this section.

(15) “Employment agency” includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(16) “Gender identity” means a person’s actual or perceived gender-related attributes, self-image, appearance, expression, or behavior, whether or not such characteristics differ from those traditionally associated with the person’s assigned sex at birth.

(17) “Housing status” means the type of housing in which an individual resides, whether publicly or privately owned, or the status of not having a fixed residence, whether actual or perceived.

(18) “Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for formal mutual aid or protection in relation to employment.

(19) “Lending institution” means any bank, building or loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in making or guaranteeing loans secured by real estate or an interest therein.

(20) “National origin” refers to both the country from which a person came and the citizenship of the person.

(21) “Owner-occupied multiple-dwelling structure” includes only structures in which the owner of the premises actually resides, containing not more than three separate dwelling units, apartments, rooms, or portions of the building designed or intended for occupancy as living quarters.

(22) “Person” includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, any subdivision of the state, and other organized groups of persons.

(23) “Public accommodation” means any establishment which offers its services, facilities, or goods to the general public.

(24) “Respondent” means one or more persons against whom a complaint is filed under this chapter, and whom the complainant alleges has committed or is committing a discriminatory practice.

(25) “Sex,” as it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing; provided, that it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its members or to classify or refer for employment any individual, or for any employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

(26) “Sexual orientation” means an individual’s identity or practice as a lesbian woman, gay male, bisexual person, or heterosexual person, whether actual or perceived.

(27) “State agency” means every office, officer, board, commission, council, department, division, bureau, committee, fund, agency, and without limitation by reason any enumeration herein, every other instrumentality of the state of Indiana, every hospital, every penal institution, and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the state of Indiana. “State agency” does not mean counties, county departments of public welfare, cities, towns, townships, school cities, school towns, school townships, school districts or other municipal corporations, political subdivisions, or units of local government.

(28) “Veteran” means:

- (A) A veteran of the armed forces of the United States;
- (B) A member of the Indiana National Guard; or
- (C) A member of a reserve component.

2.23.130 Appointments.

The seven members of the Bloomington/Monroe County Human Rights Commission shall be appointed three by the Mayor, two by the Common Council, and two by the Monroe County Commissioners, pursuant to the appropriate County authority.

2.23.140 Qualifications.

Members of the Bloomington/Monroe County Human Rights Commission appointed by the Mayor or the Common Council shall be representative of the community and shall be City residents. Members of the Commission appointed by the Monroe County Commissioners shall be representative of the community and shall be Monroe County residents, pursuant to the appropriate County authority.

2.23.150 Rules and regulations.

The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purpose of this chapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the Commission.

The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the Community and Family Resources Department.

2.23.160 Powers and duties.

The commission shall have the following powers and duties:

- (1) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section.
- (2) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, veteran status, or familial status.
- (3) To investigate complaints filed with the commission. Complaints of discrimination shall be received and investigated by the commission director. A complaint shall be sufficiently complete so as to reflect properly the name and address and/or other contact information of the complainant; the name and address of the respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within one-hundred-eighty (180) days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the

Bloomington/Monroe County Human Rights Commission for purposes of measuring the one-hundred-eighty (180) day limitation, as long as the complaint is otherwise within the commission's jurisdiction; provided, further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the Bloomington/Monroe County Human Rights Commission concerning any of the matters alleged in such complaint; provided, further, that the commission shall have no jurisdiction over the State or any of its agencies, or over the City or County or any of their departments. After a complaint is scheduled for a public hearing, the commission shall make reasonable efforts to conciliate all issues raised during the investigation of the case.

(4) To determine jointly with an attorney from the legal department whether probable cause exists to believe that discrimination in violation of the Bloomington Municipal Code Section 2.23.100 et seq. occurred. A probable cause commissioner shall be assigned to each complaint filed on the date it is filed and shall participate jointly with the director and assist in the investigation of the complaint. The director, after consultation with the attorney from the legal department, shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority to submit it to the designated probable cause commissioner. The commissioner shall review the director and legal department's joint recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The probable cause commissioner shall follow applicable legal standards set forth by the director and attorney in making the determination.

(5) To schedule complaints for public hearings upon a determination of probable cause. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of no probable cause and recommendation and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the commission for review of the finding. Upon the receipt of the request for review, the chairperson or designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participating in that case, except as a witness at a public hearing on the complaint.

(6) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because he, she, or they filed a complaint or testified in any hearing before the commission or in any way assisted in any matter under investigation.

(7) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(A) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order;

(B) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless contained by the commission at the request of the respondent. At such hearing, the complainant shall show that a failure to continue the temporary order would damage his, her, or their remedy. The commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive said hearing without prejudice to the defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(C) The commission may by rule provide for issuance of its temporary order by a majority of the commission, and it may compel compliance with any such temporary order by bringing in Monroe Circuit Court or other appropriate court for prohibitory or mandatory injunction showing that such person is subject to the

court's jurisdiction, resides or transacts business within the county in which the proceeding is brought, and that such an injunction is necessary to protect the complainant's rights under this chapter until his, her, or their complaint is resolved through conciliation or public hearing.

(8) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (10) of this section. If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a Monroe Circuit Court or other appropriate court upon showing that the party is not complying with the consent agreement, and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(9) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the Monroe Circuit Court or other appropriate court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the City; provided, however, that the payment of such a penalty by a party shall not impair the commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

(10) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

2.23.170 Duties upon a finding of discrimination.

If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action the commission may deem necessary to assure justice, including but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity, meaning wages, salary, or commissions. When an employer has been found to have committed a discriminatory practice in employment by failure to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission.

If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, reinstatement of membership, reinstatement of membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant's being denied equal opportunity.

If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action, including, but not limited to, a review and revision of school boundaries, revision of teaching aids and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

If upon all the evidence, the commission finds that a person has not engaged in any such unlawful practice or violation of this section, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person.

Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the Monroe Circuit Court. The scope of review shall be in accordance with the provisions set out in Indiana Code 4-21.5-1 et seq. If no proceeding to obtain judicial review is instituted within thirty calendar days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in the Monroe Circuit Court upon showing that such person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the commission attorney or attorney representing the complainant to seek enforcement.

2.23.180 Affirmative Action by City Contractors.

This section applies only to contractors doing business with the City of Bloomington. All contractors doing business with the City, except those specifically exempted by regulations promulgated by the city-appointed members of the human rights commission and approved by the common council, shall take affirmative action to ensure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran. Affirmative action shall include but not be limited to the issuance of a statement of policy regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran; recruiting in the minority group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading, and the like.

Each such contractor shall submit to the human rights commission a written proposal concerning the affirmative action it proposes to take, which proposal must be approved prior to its entering a contract with the City. Said proposal shall be limited to measures similar to those which the City is required to take in its affirmative action with regard to its own employees, as established by the mayor's office and as specified by resolution of the common council.

Each such contractor shall also submit to the human rights commission its policy prohibiting harassment in the workplace. The policy must include a definition of harassment, the name or title of the individual(s) designated to receive and investigate complaints, and a statement that the contractor will not retaliate against an employee for complaining about harassment.

All contracting agencies of the City or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obliging the contractor to take affirmative action to ensure that the applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the City shall be entitled, at its option:

- (A) To cancel, terminate, or suspend the contract in whole or in part;
- (B) To declare the contractor or vendor ineligible for further City contracts;
- (C) To recover liquidated damages of a specified sum.

2.23.190 Educational programs.

In order to eliminate prejudice among the various groups in the City and County and to further goodwill among such groups, the commission may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran, its harmful effects, and its incompatibility with the principles of equality.

2.23.200 Relationship with Civil Rights Commission.

The commission may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights Law.

2.23.210 Housing discrimination.

This section applies only to cases alleging housing discrimination.

(a) Definitions.

(1) "Familial status" means one or more individuals (who have not obtained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the written permission of such parent or other person. The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(2) "Dwelling" means any building, structure, or part of a building or structure, that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building structure or part of a building or structure that is occupied as, or designed or intended for occupancy by one or more families.

(3) "To rent" includes to lease, to sublease, to let or otherwise grant for consideration the right to occupy the premises not owned by the occupant.

(4) "Discriminatory housing practice" includes: (A) practices prohibited by Section 2.23.120 (11) of this code, (B) refusing to rent to an individual or family on the basis of familial status, (C) refusing to allow a tenant with a disability, as defined by Section 2.23.120 (10), to make reasonable modifications of the rented premises at the tenant's expense if such modifications are necessary to afford the tenant full enjoyment of the premises. The landlord may, where it is reasonable to do so, condition permission for the modification(s) on the tenant's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may require the tenant to acquire any necessary permits and to perform the modifications in a workmanlike standard. (D) Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a tenant with a disability, as that term is defined by Section 2.23.120(10), equal opportunity to use and enjoy a dwelling.

(b) Exemptions.

(1) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(2) Nothing in this section shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons. Nor shall anything in this section prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(3) Nothing in this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(4) Nothing in this section regarding familial status applies with respect to housing for older persons, as defined below. As used in this section, “housing for older persons” means housing:

(A) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development designed and operated to assist elderly persons (as defined in the state or federal program); or

(B) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(C) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit if the following requirements are met: (i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and (ii) that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and (iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(5) Nothing in this section applies to the following:

(A) The sale or rental of a single-family house sold or rented by an owner if: (i) The owner does not own more than three single-family houses at any one time or own any interest in, nor is there owned or reserved on the owner’s behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of, more than three single-family houses at any one time; and (ii) The house was sold or rented without the use of the sales or rental facilities or services of a real estate broker, agent, or salesperson licensed under state law.

(B) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner’s residence.

2.23.220 Hate crime statistics.

The Bloomington/Monroe County Human Rights Commission may collect data and issue reports on the incidence of hate crimes in its jurisdiction. Hate crimes include verbal or physical abuse directed at individuals or groups because of their religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

2.23.230 Complaints of housing status discrimination.

In complaints of discrimination on the basis of housing status discrimination, the commission’s

authority shall typically be limited to voluntary investigations and voluntary mediation.

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 on January 1, 2023, 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 amends Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code (“BMC”) and comes forth at the request of the City Legal Department and of the Community and Family Resources Department. The ordinance:

- merges the Bloomington Human Rights Commission with the Monroe County Human

Rights Commission;

- moves the human rights ordinance from Chapter 2.21 of the BMC, “Department of Law” to Chapter 2.23 of the BMC, “Community and Family Resources Department;”
- provides that three members of the Human Rights Commission will be appointed by the mayor, two by the Common Council and two by the Monroe County Commissioners; and
- makes numerous technical changes for the sake of consistency and currentness.

TO: Members of Bloomington Common Council
FROM: Barbara E. McKinney, Director, BHRC/Assistant City Attorney
RE: Ordinance 22-39, changes to the human rights ordinance
DATE: 11/30/22

The Bloomington Human Rights Ordinance is currently located within the Legal Department's section of the Bloomington Municipal Code, BMC 2.21.010. The City's Human Rights Commission is currently staffed by a Human Rights Director/Assistant City Attorney and by an Administrative Assistant. The Director/Attorney spends half of her time on HRC work; the Administrative Assistant spends 65% of her time on HRC work.

The HRC has two central responsibilities: resolving complaints of discrimination and providing human rights education. Resolving complaints includes speaking to individuals who feel they have been illegally discriminated against, investigating the allegations in the complaint, researching the legal issues raised by the allegations, making determinations as to whether the Human Rights Ordinance was violated and negotiating settlements. The HRC's educational activities include publishing a monthly human rights newsletter, developing and maintaining the commission's website, giving talks to the community, sponsoring an annual essay/art contest for area students and participating in the Fourth of July parade.

Both the Legal Department and the Community and Family Resources Department agree that CFRD is a more natural home for the HRC, including the human rights director's position and the City's human rights activities that do not require an attorney. The proposed ordinance moves the Human Rights Ordinance from BMC 2.21, Department of Law, to BMC 2.23, Community and Family Resources Department. It also makes some minor changes to the Ordinance for the sake of clarity and compliance with current law. An Assistant City Attorney will continue to provide legal advice to the commission, just as city attorneys provide legal advice to all city boards and commissions.

The proposed changes also join the Bloomington and Monroe County Human Right Commissions, creating the Bloomington/Monroe County Human Rights Commission. Earlier this year, the County approached the City to suggest creating a joint city/county HRC. Under this proposal, the City would investigate human rights complaints that arise in the unincorporated areas of the County. In return, the County would contribute substantially to the salary of the HRC staff. Under the proposed ordinance, the joint commission would continue to have seven members. Three would be appointed by the Mayor, two by the Common

Council and two by the County Commissioners. Currently, the BHRC's seven members are appointed by the Mayor (four) and common council (three).

The proposed ordinance and Interlocal Agreement reflect these terms. If the Common Council approves the proposed ordinance, the City and County will execute the Interlocal Agreement, and the County will enact corresponding changes to its own human rights ordinance (the substantive provisions of that ordinance are identical to those of the City's Human Rights Ordinance).

The shift of the HRC to CFRD and collaboration with the County are intended to create more opportunity for educational activities and to better allocate City and County resources.

The fiscal impact of Ordinance 22-39 is minimal. We expect the contribution from the County will offset additional costs to the City for enforcing the Human Rights Ordinance in the unincorporated areas of the county. If experience in the first 18 months indicates that those costs are higher than anticipated, the Interlocal Agreement provides that the City and the County will renegotiate the County's contribution.

CHAPTER 2.23 AS MODIFIED BY THE PROPOSED ORDINANCE 22-39 (Redline)

red text = proposed additions
strikethrough = proposed deletions

Chapter 2.23 – COMMUNITY AND FAMILY RESOURCES DEPARTMENT

Sections:

**2.21.0102.23.100 Bloomington/Monroe County Human Rights Commission —
Establishment.**

The Bloomington/Monroe County Human Rights Commission ~~re~~ is hereby ~~created~~ established within the ~~Department of Law a Human Rights Commission pursuant to Section 2.21.020~~ City's Community and Family Resources Department.

2.21.0202.23.110 Public policy and purpose.

It is the policy of the Ceity, and the County upon appropriate county authority, that ~~they~~ ~~it~~ does not discriminate in the provision or implementation of ~~its~~ ~~their~~ programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran. It is the public policy of the Ceity, and of the County upon appropriate county authority, to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to: housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

It is also against the public policy of the City, and of the County upon appropriate county authority, and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

- (1) Refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or
- (2) Refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the city, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran is the purpose of this section.

It is also the public policy of the Ceity, and the County upon appropriate county authority, to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

It is hereby declared to be contrary to the public policy of the Ceity and of the County, upon appropriate county authority, and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, ~~or~~ status as a veteran, or familial status.

It is also the public policy of the City of Bloomington to prohibit discrimination against or harassment of individuals, including employees, independent contractors, volunteers, interns, and any others doing sanctioned work for the Ceity. Any such individual who believes she, he, or they have been discriminated against or harassed by a Ceity employee has a right to bring a complaint to the attention of Ceity officials, who will investigate the complaint promptly and take appropriate action. All contracts with the Ceity shall include a clause explaining this right.

2.21.0302.23.120 Definitions.

As used in this chapter unless the context clearly requires otherwise:

(1) "Acquisition of real property" means the sale, rental, lease, sublease, construction or financing, including negotiations and other activities or procedures incident thereto, of:

(A) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters;

(B) Any building, structure, or portion thereof, or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, or industrial or agricultural purposes; or

(C) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(2) "Affirmative action" means those acts which the commission deems necessary to assure compliance with the ~~city~~ human rights ordinance.

(3) "Ancestry" refers to both the country from which a person's ancestors came and the citizenship of a person's ancestors.

(4) "Commission" means the Bloomington/Monroe County Human Rights Commission hereinafter created.

(5) "Commission attorney" means the Ceity attorney, or such assistants of the Ceity attorney as may be assigned to the commission, or such other attorney as may be engaged by the commission or voluntarily lend his, her, or their services to the commission.

(6) "Compensation" or "compensatory damages" means actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits.

(7) "Complainant" means any individual charging on his, her, or their own behalf to have been personally aggrieved by a discriminatory practice or the commission attorney, ~~or a member of the Bloomington/Monroe County Human Rights Commission, commissioner to the Bloomington Human Rights Commission or the commission director~~ charging that a discriminatory practice was committed against a person, other than himself, herself, or themselves, or a class of people in order to vindicate the public policy of the Sstate as defined in Indiana Code 22-9-1-2, and the public policy of the Ceity and County as defined in Section 2.23.1102.21.020.

(8) "Complaint" means any written grievance filed by a complainant with the ~~legal department~~ commission director. The original shall be signed and verified before a notary public or another person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished by the ~~legal department~~ City without charge.

(9) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(10) "Disability" means with respect to a person: (i) a physical or mental impairment that substantially limits one or more of the person's major life activities; (ii) a record of having an

impairment described in subdivision (i) above; or (iii) being regarded as having an impairment described in subdivision (i) above.

~~(10)~~(11) "Discriminatory practice" means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran; or a system which excludes persons from equal opportunities because of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status or status as a veteran or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not be a discriminatory practice for an employment agency to refer for employment any individual, or a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of his, her, or their religion, sex, or national origin in those particular instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be a discriminatory practice for a person to refuse to rent for occupancy as living quarters any space in owner occupied multiple dwelling structure on the basis of sex.

~~(11)~~(12) "Educational institution" includes all public and private schools and training centers, except that the term does not include any state agency as defined in subsection (275) of this section.

~~(12)~~(13) "Employee" includes any person employed by another for wages or salary; provided, that it shall not include any individual employed by his, her, or their parents, spouse or child.

~~(13)~~(14) "Employer" includes any person employing six or more employees within the City or within the unincorporated areas of Monroe County, except that the term does not include a not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation, or association that is not organized for profit; nor the City or County or any department thereof; nor any State agency as defined in subsection (275) of this section.

~~(14)~~(15) "Employment agency" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

~~(15)~~ "Disabled" means

~~(A) With respect to a person: (i) a physical or mental impairment that substantially limits one or more of the person's major life activities; (ii) a record of having an impairment described in subdivision (i) above; or (iii) being regarded as having an impairment described in subdivision (i) above.~~

~~(B) The term "disabled" does not include the following: current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)), homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, compulsive gambling, kleptomania, pyromania or psychoactive substance use disorders resulting from current illegal use of drugs.~~

(16) "Gender identity" means a person's actual or perceived gender-related attributes, self-image, appearance, expression, or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.

(17) "Housing status" means the type of housing in which an individual resides, whether publicly or privately owned, or the status of not having a fixed residence, whether actual or perceived.

~~(16)~~(18) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for mutual aid or protection in relation to employment.

~~(17)~~(19) "Lending institution" means any bank, building ~~and or~~ loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in making or guaranteeing loans secured by real estate or an interest therein.

~~(18)~~(20) "National origin" refers to both the country from which a person came and the citizenship of the person.

~~(19)~~(21) "Owner-occupied multiple-dwelling structure" includes only structures in which the owner of the premises actually resides, containing not more than three separate dwelling units, apartments, rooms, or portions of the building designed or intended for occupancy as living quarters.

~~(20)~~(22) "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, any subdivisions of the state, and other organized groups of persons.

~~(21)~~(23) "Public accommodation" means any establishment which offers its services, facilities, or goods to the general public.

~~(22)~~(24) "Respondent" means one or more persons against whom a complaint is filed under this chapter, and whom the complainant alleges has committed or is committing a discriminatory practice.

~~(23)~~(25) "Sex," as it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing; provided, that it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its members or to classify or refer for employment any individual, or for any employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

~~(24)~~(26) "Sexual orientation" means an individual's identity or practice as a lesbian woman, gay male, bisexual person, or heterosexual person, whether actual or perceived.

~~(25)~~(27) "State agency" means every office, officer, board, commission, council, department, division, bureau, committee, fund, agency, and without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, every hospital, every penal institution, and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the state of Indiana. "State agency" does not mean counties, county departments of public welfare, cities, towns, townships, school cities, school towns, school townships, school districts or other municipal corporations, political subdivisions, or units of local government.

~~(26) "Gender identity" means a person's actual or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.~~

~~(27) "Housing status" means the type of housing in which an individual resides, whether publicly or privately owned, or the status of not having a fixed residence, whether actual or perceived.~~

(28) "Veteran" means:

(A) A veteran of the armed forces of the United States;

(B) A member of the Indiana National Guard; or

(C) A member of a reserve component.

2.23.1302.21.040 Appointments.

The seven members of the Bloomington/Monroe County Human Rights Commission shall be appointed ~~four-three~~ by the Mayor, ~~three-two~~ by the Common Council, and two by the Monroe County Commissioners, pursuant to the appropriate County authority.

2.21.0502.23.140 Qualifications.

Members of the Bloomington/Monroe County Human Rights Commission appointed by the Mayor or the Common Council shall be representative of the community and shall be City residents. Members of the Commission appointed by the Monroe County Commissioners shall be representative of the community and shall be Monroe County residents, pursuant to the appropriate County authority.

2.21.0602.23.150 Rules and regulations.

The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purpose of this chapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the Commission.

The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the ~~legal department~~Community and Family Resources Department.

2.21.0702.23.160 Powers and duties.

The commission shall have the following powers and duties:

(1) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section.

(2) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry, ~~or~~ disability, sexual orientation, gender identity, housing status, veteran status, or familial status.

~~(A) To determine jointly with the legal department whether probable cause exists to believe that discrimination in violation of Bloomington Municipal Code Section 2.21.010 et seq. occurred. A probable cause commissioner shall be assigned to each complaint filed on the date it is filed and shall participate jointly with the legal department and assist in the investigation of the complaint. The legal department shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority and submit it to the designated probable cause commissioner. The commissioner shall review the legal department's recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The probable cause commissioner shall follow applicable legal standards as set forth by the legal department in making the determination.~~

~~(3) To schedule complaints for public hearings upon a determination of probable cause. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the commission for review of the finding. Upon the receipt of the request for review, the chairperson or their designee shall review the request and the decision of the reviewing commissioner regarding~~

~~probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint.~~

(3) To investigate complaints filed with the commission. Complaints of discrimination shall be received and investigated by the ~~legal department~~commission director. ~~To be acceptable to the legal department, a~~ complaint shall be sufficiently complete so as to reflect properly the name and address and/or other contact information of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within one-hundred-eighty (180) days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the ~~legal department~~Bloomington/Monroe County Human Rights Commission for purposes of measuring the one-hundred-eighty (180) day limitation, as long as the complaint is otherwise within the ~~legal department's~~commission's jurisdiction; provided, further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the ~~city legal department~~Bloomington/Monroe County Human Rights Commission concerning any of the matters alleged in such complaint; provided, further, that the ~~legal department~~commission shall have no jurisdiction over the ~~S~~State or any of its agencies, or over the ~~C~~city or County or any of ~~its~~their departments. After a complaint is scheduled for a public hearing, the ~~legal department~~commission shall make reasonable efforts to conciliate all issues raised during the investigation of the case.

(4) To determine jointly with an attorney from the legal department whether probable cause exists to believe that discrimination in violation of the Bloomington Municipal Code Section 2.23.100 et seq. occurred. A probable cause commissioner shall be assigned to each complaint filed on the date it is filed and shall participate jointly with the director and assist in the investigation of the complaint. The director, after consultation with the attorney from the legal department, shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority to submit it to the designated probable cause commissioner. The commissioner shall review the director and legal department's joint recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The probable cause commissioner shall follow applicable legal standards set forth by the director and attorney in making the determination.

(5) To schedule complaints for public hearings upon a determination of probable cause. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of no probable cause and recommendation and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the commission for review of the finding. Upon the receipt of the request for review, the chairperson or designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participating in that case, except as a witness at a public hearing on the complaint.

~~(4)~~(6) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because he, she, or they filed a complaint or testified in any hearing before the commission or in any way assisted in any matter under investigation.

~~(5)~~(7) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(A) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order;

(B) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless contained by the commission at the request of the respondent. At such hearing the complainant shall show that a failure to continue the temporary order would damage his, her, or their remedy. The commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive said hearing without prejudice to his defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(C) The commission may by rule provide for issuance of its temporary order by a majority of the commission, and it may compel compliance with any such temporary order by bringing in ~~any circuit or superior court~~ Monroe Circuit Court or other appropriate court for prohibitory or mandatory injunction upon showing that such person is subject to the court's jurisdiction, resides or transacts business within the county in which the proceeding is brought, and that such injunction is necessary to protect the complainant's rights under this chapter until his, her, or their complaint is resolved through conciliation or public hearing.

~~(6)~~(8) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection ~~(8)~~(10) of this section. If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in ~~a circuit or superior court~~ Monroe Circuit Court or other appropriate court upon showing that the party is not complying with the consent agreement, and the party is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

~~(7)~~(9) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the ~~circuit or superior court~~ Monroe Circuit Court or other appropriate court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the City; provided, however, that the payment of such penalty by a party shall not impair the commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

~~(8)~~(10) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

2.23.170 Duties upon a finding of discrimination.

If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action the commission may deem necessary to assure justice, including but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity, meaning wages, salary, or commissions. When an employer has been found to have committed a discriminatory practice in employment by failure to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include

placing the veteran in the employment position with the employer for which the veteran applied.

If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission.

If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, instatement ~~of~~ membership, reinstatement ~~of~~ membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant's being denied equal opportunity.

If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action, including, but not limited to, a review and revision of school boundaries, revision of teaching aids, and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

If upon all the evidence, the commission finds that a person has not engaged in any such unlawful practice or violation of this section, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the ~~said~~ complaint as to such person.

Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the ~~county circuit or superior courts~~ Monroe Circuit Court. The scope of review shall be in accordance with the provisions set out in Indiana Code 4-21.5-1 et seq. If no proceeding to obtain judicial review is instituted within thirty calendar days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in ~~circuit or superior court~~ the Monroe Circuit Court upon showing that such person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the ~~city attorney,~~ commission attorney, or attorney representing the complainant to seek enforcement.

2.23.180 Affirmative Action by City Contractors. ~~Affirmative Action by City Contractors.~~

This section applies only to contractors doing business with the City of Bloomington. All contractors doing business with the Ceity, except those specifically exempted by regulations promulgated by the city-appointed members of the human rights commission and approved by the common council, shall take affirmative action to ensure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran. Affirmative action shall include but not be limited to the issuance of a statement of policy regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran; recruiting in the minority group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

Each such contractor shall submit to the human rights commission a written proposal concerning the affirmative action it proposes to take, which proposal must be approved prior to its entering a contract with the Ceity. Said proposal shall be limited to measures similar to those which the Ceity is required to take in its affirmative action with regard to its own

employees, as established by the mayor's office and as specified by resolution of the common council.

Each such contractor shall also submit to the human rights commission its policy prohibiting harassment in the workplace. The policy must include a definition of harassment, the name or title of the individual(s) designated to receive and investigate complaints, and a statement that the contractor will not retaliate against an employee for complaining about harassment.

All contracting agencies of the Ceity or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to ensure that the applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the Ceity shall be entitled, at its option:

- (A) To cancel, terminate, or suspend the contract in whole or in part;
- (B) To declare the contractor or vendor ineligible for further Ceity contracts;
- (C) To recover liquidated damages of a specified sum.

2.21.0802.23.190 Educational programs.

In order to eliminate prejudice among the various groups in the Ceity and County and to further goodwill among such groups, the commission may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran, its harmful effects, and its incompatibility with the principles of equality.

2.21.0902.23.200 Relationship with Civil Rights Commission.

The legal department commission may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights Law.

2.21.0952.23.210 Housing discrimination—Definitions.

This section applies only to cases alleging housing discrimination.

(a) Definitions:

- (1) "Familial status" means one or more individuals (who have not obtained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the written permission of such parent or other person. The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- (2) "Dwelling" means any building, structure, or part of a building or structure, that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building structure or part of a building or structure that is occupied as, or designed or intended for occupancy by one or more families.
- (3) "To rent" includes to lease, to sublease, to let or otherwise to grant for consideration the right to occupy the premises not owned by the occupant.

(4) "Discriminatory housing practice" includes: (A) practices prohibited by ~~Section 2.21.030(10)~~2.23.120(11) of this code, (B) refusing to rent to an individual or family on the basis of familial status, (C) refusing to allow a tenant with a disability, as defined by ~~Section 2.21.030(15)~~2.23.120(10), to make reasonable modifications of the rented premises at the tenant's expense if such modifications are necessary to afford the tenant full enjoyment of the premises. The landlord may, where it is reasonable to do so, condition permission for the modification(s) on the tenant's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may require the tenant to acquire any necessary permits and to perform the modifications in a workmanlike standard. (D) Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a tenant with a disability, as that term is defined by ~~Section 2.23.120(10)~~2.21.030(15), equal opportunity to use and enjoy a dwelling.

~~2.21.097 Housing discrimination—Exemptions.~~

~~This section applies only to cases alleging housing discrimination.~~

(b) Exemptions.

~~(1a)~~ Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

~~(2b)~~ Nothing in this section shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this ~~ordinance section~~ prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

~~(3e)~~ Nothing in this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

~~(4d)~~ Nothing in this section regarding familial status ~~applies~~ with respect to housing for older persons, as defined below. As used in this section, "housing for older persons" means housing:

~~(A1)~~ Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development designed and operated to assist elderly persons (as defined in the state or federal program); or

~~(B2)~~ Intended for, and solely occupied by, persons sixty-two years of age or older; or

~~(C3)~~ Intended and operated for occupancy by at least one person fifty-five years of age or older per unit if the following requirements are met: ~~(iA)~~ the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and ~~(iiB)~~ that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and ~~(iiiC)~~ the publication of, and adherence to, policies and procedures which

demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(5e) Nothing in this section applies to the following:

(A+) The sale or rental of a single-family house sold or rented by an owner if:
(iA) The owner does not ~~(i)~~ own more than three single-family houses at any one time; or ~~(h)~~ own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of 2 more than three single-family houses at any one time; and (iiB) The house was sold or rented without the use of the sales or rental facilities or services of a real estate broker, agent, or salesperson licensed under state law.

(B2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters as the owner's residence.

2.21.0982.23.220 Hate crime statistics.

The Bloomington/~~Monroe County~~ Human Rights Commission may collect data and issue reports on the incidence of hate crimes in ~~its jurisdiction~~~~the city~~. Hate crimes include verbal or physical abuse directed at individuals or groups because of their religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

2.21.0992.23.230 Complaints of housing status discrimination.

In complaints of discrimination on the basis of housing status discrimination, the commission's authority shall typically be limited to voluntary investigations and voluntary mediation.



MEMO FROM COUNCIL OFFICE ON: Drafts of Annual Council Legislative Schedule for 2023

This packet contains two alternate drafts of an Annual Council Legislative Schedule for 2023, labeled schedules A and B. Both drafts have been previously distributed to councilmembers and staff members for review and feedback. Please review the material, share your suggestions with others, and be ready to discuss the draft schedules on December 7th. The Council Office suggests that the Council adopt its schedule as early in December as possible to make it easier for those working with boards and commissions to resolve any room conflicts and establish their schedules for 2023. A brief summary of the draft schedules and potential changes are included below.

Legislative Cycles. The Council generally meets on the first four Wednesdays of the month for Regular Sessions and committee meetings (see [BMC 2.04.050 – Regular meetings](#) and [BMC 2.04.255 – Committees-Scheduling](#)). For years, the Council has also met on Fridays about twice a month for Council Work Sessions to informally hear about upcoming legislation and other pending matters.

Draft Schedule A includes 20 legislative cycles, plus a Budget Cycle, which are set forth in rows with five columns of dates for the following meetings and deadlines associated with each legislative cycle:

- Work Sessions;
- Deadline for submittal of ordinances and associated materials to the Council Office (and another for resolutions);
- First Regular Session;
- Committee meetings; and
- Second Regular Session.

Draft Schedule B generally provides for three regular sessions of Council each month (with exceptions/deviations noted on the schedule), does not provide for regularly-scheduled committee meetings or work sessions, and divides up departmental budget hearings between five days across two weeks. While local code provides for regular sessions of the Council to generally be held on the first and third Wednesdays, it also provides that the Council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting.

Exceptions and Additions to the Usual Wednesday Schedule. Both draft schedules include a number of footnotes, which, among other things, explain and elaborate on any exceptions or additions to the typical legislative process. Please see the draft Schedules for more detailed information.



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Religious Holiday Adjustments. (See excerpts from the IU Religious Holiday Schedule) – The Council has often adjusted its schedule to account for religious holidays that fall during scheduled meetings. This draft Schedule makes an adjustment on April 5, 2022 for Passover by rescheduling the Council’s Regular Session for Tuesday, April 4, 2023. The Council can make any additional desired scheduling adjustments for religious holidays by motion (see below).

Proposing changes to draft Schedule and Adoption. Adoption of either draft schedule requires a motion to adopt the Schedule approved by a majority of the Council. Once adopted, please note that local code says the Council may agree by majority vote to dispense with any regular session or committee meeting, or to change the day or hour of any meeting. See [BMC 2.04.050](#) and [BMC 2.04.255](#).

ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2023 (A)

The Legislative Cycle. The Council’s regular sessions are held twice a month, typically on first and third Wednesdays. A “legislative cycle” is the period between and including regular sessions, which usually spans three consecutive Wednesdays (15 days). Upon the introduction of a legislative item (typically through a "First Reading" at a regular session), the Council usually schedules it for public deliberation at a subsequent meeting.

Referral to Committee. Legislation is typically referred to one of the Council's committees, which hold meetings to consider such items on second and fourth Wednesdays. A standing committee has two legislative cycles to make recommendations on an item referred (i.e., it can hold a meeting on the second and fourth Wednesdays after referral).

A standing committee must return the item to the full Council by the second Regular Session following its referral, but may choose to return the item within a single cycle (i.e., after having held only one meeting).

Location and Time of Meetings: Unless otherwise indicated, the Council meets on the first four Wednesdays each month in the Council Chambers, Suite 115 of City Hall, at 6:30 p.m. It also meets for Work Sessions on Fridays about 12 days before the beginning of the next legislative cycle. See the first column of the chart below. When considering referred legislation, standing committee meetings start between 5:30 and 9:45 pm (BMC 2.04.255). Council and committee meetings are also accessible electronically via links shared on the Council’s web calendar, at: <https://bloomington.in.gov/council>.

Work Sessions. These provide an opportunity for members to preview city initiatives, many of which are legislative items close to being formally introduced at Council. These meetings are held at City Hall at 12 noon, with meeting rooms announced via separate notice. Work Sessions will be held on the dates noted below.

Deadlines for Legislation: There are typically two deadlines for submitting legislation for each cycle: one for ordinances and another for resolutions. All accompanying materials, including a summary memo, must be submitted to the Council Office via email by noon on the date listed below. For the manner for submitting these materials, please inquire with the Council Office.

LEGISLATIVE CYCLE	COUNCIL WORK SESSION	DEADLINE (NOON) FOR EMAIL SUBMISSION OF ORDINANCES	DEADLINE (NOON) FOR EMAIL SUBMISSION OF RESOLUTIONS	REGULAR SESSIONS - 1 ST ORDINANCE READINGS	COMMITTEE MEETINGS - ORDINANCES & RESOLUTIONS	REGULAR SESSIONS - 2 ND ORDINANCE READINGS & RESOLUTIONS
	FRIDAYS	MONDAYS	MONDAYS	WEDNESDAYS	WEDNESDAYS	WEDNESDAYS
0				1 Jan. 4		
1	2022 Dec. 12 <i>M</i>	2022 Dec. 14 <i>w</i>	2022 Dec. 14 <i>w</i>	1 Jan. 11	1 Jan. 11	Jan. 18
2	Jan. 6	Jan. 9	Jan. 13 <i>F</i>	Jan. 18	Jan. 25	Feb. 1
3	Jan. 20	Jan. 23	Jan. 30	Feb. 1	Feb. 8	Feb. 15
4	Feb. 3	Feb. 6	Feb. 13	Feb. 15	Feb. 22	Mar. 1
5	Feb. 17	Feb. 20	Feb. 27	Mar. 1	Mar. 8	2 Mar. 22
6	Mar. 3	Mar. 6	Mar. 13	2 Mar. 22	2,3 Mar. 29	Apr. 5
7	Mar. 24	Mar. 27	Apr. 3	4 Apr. 4 Tu	Apr. 12	Apr. 19
8	Apr. 10 <i>M</i>	Apr. 10	Apr. 17	Apr. 19	5 Apr. 26	May 3
9	Apr. 21	Apr. 24	May 1	May 3	May 10	May 17
10	May 5	May 8	May 15	May 17	May 24	June 7
11	May 19	May 22	May 26 <i>F</i>	6 June 7	5,6 June 14	6,7 June 21
<i>SUMMER RECESS (ENDING WITH REGULAR SESSION ON JULY 19)⁵</i>						
12	July 7	July 10	July 17	6 July 19	6 July 26	6 Aug. 2
13	July 21	July 24	July 31	Aug. 2	Aug. 9	Aug. 16
14	Aug. 4	Aug. 7	Aug. 14	Aug. 16	Aug. 23	Sept. 6
<i>[BUDGET WEEK – DEPARTMENTAL HEARINGS TO BE HELD – AUG 28-31]^{3,5}</i>						
15	Aug. 25	Aug. 28	Sept. 1 <i>F</i>	Sept. 6	Sept. 13	Sept. 20
Budget	N/A	Sept. 18	Sept. 18	8 Sept. 27	8 Sept. 27	8 Oct. 11
16	Sept. 8	Sept. 11	Sept. 18	Sept. 20	Oct. 4	Oct. 18
17	Oct. 6	Oct. 9	Oct. 16	Oct. 18	Oct. 25	Nov. 1
18	Oct. 20	Oct. 23	Oct. 30	Nov. 1	Nov. 8	Nov. 15
19	Nov. 3	Nov. 6	Nov. 13	Nov. 15	3,9 Nov. 29	Dec. 6
20	Nov. 17	Nov. 27	Dec. 4	Dec. 6	Dec. 13	10 Dec. 20
<i>YEAR-END RECESS¹⁰ followed by Organization Day (Jan. 3) and First Legislative Cycle of 2024</i>						
1	Dec. 11 <i>M</i>	Dec. 13 <i>w</i>	Dec. 13 <i>w</i>	1 2024 Jan. 10	1 2024 Jan. 10	2024 Jan. 17

SEE REVERSE FOR NOTES ON SPECIAL EVENTS MARKED ABOVE

1. Organizational Meeting and First Legislative Cycle. The Council will hold its 2023 Organizational Meeting on January 4 when, along with other matters, it elects officers and appoints members to serve on various boards and commissions. Under local code, the meeting must be held no later than the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]).

The Council will hold a Regular Session immediately followed by committee meetings on January 11 in order to avoid losing a legislative cycle due to the January 4 Organizational Meeting.

2. Spring Break. The Council will hold its second Regular Session in March on Wednesday, March 22, and second Committee meeting that month on Wednesday March 29. This schedule avoids meeting over Spring Break (when many residents are out-of-town) and takes advantage of a fifth Wednesday to shift meetings to the fourth and fifth Wednesdays of the month.

3. Fifth Wednesdays. The Council does not generally meet on a fifth Wednesday of the month. In 2023, there are four such Wednesdays, which occur in March, May, August, and November. According to this schedule, the Council would meet on the fifth Wednesday in March (to avoid meeting during Spring Break), in August (for the third night of Budget Week) and in November (to replace the committee meeting from the previous week that is lost due to Thanksgiving).

4. Passover. Passover begins on the evening of Wednesday April 5. To avoid meeting on this day of religious observance, the Council will instead meet on Tuesday, April 4.

5. Budget Hearings. The Council will hold a Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, April 25. The Council will also hold a Budget discussion on Tuesday, June 13.

The Council will hold Departmental Budget Hearings in the Council Chambers at 6:00 p.m. each of the four nights of the week of August 28 through August 31 (a.k.a. "Budget Week"). Budget Books are scheduled to be delivered to members no later than the preceding Friday, August 25.

6. Summer Recess. BMC 2.04.050[e] states that the Council may schedule a summer recess, but if it does so, no legislation may be introduced for First Reading at the final regular session prior to the recess.

By approving this Annual Schedule, the Council will be scheduling a Summer Recess to begin after the first legislative cycle in June (which ends with the Regular Session of June 21) and to end with the Regular Session of July 19.

7. Tax Abatement Report. The Council will hear Annual Tax Abatement Reports no later than Regular Session on June 21, during Reports from the Mayor and City Offices.

8. Budget Cycle. After holding Departmental Budget Hearings in late-August (see Note #4), the Council will formally consider the several items making up the City Budget for 2024 during a separate legislative cycle known as the "Budget Cycle," starting in late September and ending in mid-October. In keeping with the Wednesday meeting schedule, this Budget Cycle starts with a Special Session and Committee of the Whole on the fourth Wednesday in September and ends with a Special Session on the second Wednesday in October.

Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned committee hearing, and the official adoption meeting will be held at Second Reading during the Special Budget Session in October.

9. Thanksgiving Week. The Council will not meet on the Wednesday before Thanksgiving per BMC 2.04.050[f]. In order to hold a full complement of Wednesday meetings during the two legislative cycles in November, this schedule utilizes the fifth Wednesday in November for committee meetings.

10. Year-End Recess. BMC 2.04.050[g] calls for the Council to recess after the second Regular Session in December. At this session, legislation may not be introduced for First Reading.

Additional Notes on the Council's Annual Legislative Schedule

Note: If additional meetings are scheduled, or if the date, time or place of a scheduled meeting changes, additional public notice will be posted. By adoption of this schedule, the Council gives staff the authority to correct typographical errors and align the narrative and notes to mesh with changes made in the course of and after Council approval of this schedule. These changes will not alter the date, time, or place of any meeting approved by the Council upon schedule adoption.

Council meetings are accessible both in person and via electronic means. Attendees joining a meeting electronically should visit <https://bloomington.in.gov/council> to find links for electronic meetings and to check for the most up-to-date information on accessing Council meetings.

For background and more information, consult Chapter 2.04 of the Bloomington Municipal Code, visit the Council website at bloomington.in.gov/council, or contact the Council office at 812-349-3409 | council@bloomington.in.gov.

ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2023 (B)

Regular Meetings. The Council will hold three regular sessions each month, usually on the first, second, and third Wednesdays, unless otherwise noted below. Upon the introduction of an ordinance (typically through a "First Reading" at a regular session), the Council may refer it to a committee, may schedule it for deliberation (typically through a "Second Reading" at the next regular meeting), or may consider it for adoption (a two-thirds (2/3) vote of all the elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance on the same day or at the same meeting at which it is introduced). Resolutions may be considered for action by the Council at one meeting.

Referral to Committee. Legislation may be referred to one of the Council's committees, which hold meetings to consider such items on second and fourth Wednesdays unless a majority of the Council decides to meet at an alternative date and time.

A standing committee must return a referred item of legislation to the full Council by the second Regular Session following its referral, but may choose to return the item after a single regular session.

Location and Time of Meetings: Unless otherwise indicated, the Council meets in the Council Chambers, Suite 115 of City Hall, at 6:30 p.m. When considering referred legislation, standing committee meetings start between 5:30 and 9:45 pm (BMC 2.04.255). Council and committee meetings are also accessible electronically via links shared on the Council's web calendar, at: <https://bloomington.in.gov/council>.

Deadlines for Legislation: Ordinances and resolutions should be submitted to the Council Office at least ten days before the meeting at which the legislation is to be introduced. All accompanying materials, including a summary memo and fiscal impact statement, must be submitted to the Council Office via email by noon on the date listed below. For the manner for submitting these materials, please inquire with the Council Office.

Deadline for Submission of Legislation and Supporting Materials	Meeting Dates	Deadline for Submission of Legislation and Supporting Materials	Meeting Dates
N/A	01/11/2023 Organizational Meeting ¹	07/17/2023	07/26/2023 Regular Session
01/09/2023	01/18/2023 Regular Session	07/24/2023	08/02/2023 Regular Session
01/13/2023	01/25/2023 Regular Session	07/31/2023	08/09/2023 Regular Session
01/23/2023	02/01/2023 Regular Session	08/07/2023	08/16/2023 Regular Session
01/30/2023	02/08/2023 Regular Session	08/21/2023	08/29/2023-08/31/2023 Budget Week 1 – Departmental Budget Hearings ⁶
02/06/2023	02/15/2023 Regular Session	08/21/2023	09/05/2023-09/06/2023 Budget Week 2 – Department Budget Hearings ⁶
02/20/2023	03/01/2023 Regular Session	09/01/2023	09/13/2023 Regular Session
02/27/2023	03/08/2023 Regular Session	09/11/2023	09/20/2023 Regular Session
03/13/2023	03/22/2023 Regular Session	09/18/2023	09/27/2023 Special Session – Introduction of 2024 Budget Legislation followed by a Committee of the Whole (including the public hearing on the 2024 Budget) ⁷
03/27/2023	04/04/2023 Regular Session ²		
03/31/2023	04/12/2023 Regular Session		
04/10/2023	04/19/2023 Regular Session		
N/A	04/25/2023 Budget Advance ³	09/25/2023	10/04/2023 Regular Session
04/24/2023	05/03/2023 Regular Session	10/02/2023	10/11/2023 Special Session – Adoption Meeting for 2024 Budget Legislation ⁷
05/01/2023	05/10/2023 Regular Session	10/09/2023	10/18/2023 Regular Session
05/08/2023	05/17/2023 Regular Session	10/23/2023	11/01/2023 Regular Session
05/26/2023	06/07/2023 Regular Session	10/30/2023	11/08/2023 Regular Session
N/A	06/13/2023 Budget Advance ³	11/06/2023	11/15/2023 Regular Session
06/05/2023	06/14/2023 Regular Session	11/27/2023	12/06/2023 Regular Session
06/12/2023	06/21/2023 Regular Session ^{4 & 5}	12/04/2023	12/13/2023 Regular Session ⁸
<i>Summer Recess - Ending With Regular Session on July 26⁵</i>		<i>Year-End Recess – followed by Organization Day on January 10, 2024⁸</i>	

1. **Organizational Meeting.** The Council will hold its 2023 Organizational Meeting on January 11 when it elects officers and appoints members to serve on various boards and commissions. Under local code, the meeting must be held no later than the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]).
2. **Passover.** Passover begins on the evening of Wednesday April 5. To avoid meeting on this day of religious observance, the Council will instead meet on Tuesday, April 4.
3. **Budget Advance Meetings.** The Council will hold a Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, April 25. The Council will hold a second Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, June 13.
4. **Tax Abatement Report.** The Council will hear Annual Tax Abatement Reports no later than Regular Session on June 21, during Reports from the Mayor and City Offices.
5. **Summer Recess.** BMC 2.04.050[e] states that the Council may schedule a summer recess, but if it does so, no legislation may be introduced for First Reading at the final regular session prior to the recess. By approving this Annual Schedule, the Council will be scheduling a Summer Recess to begin after the Regular Session of June 21 and to end with the Regular Session of July 26.
6. **Departmental Budget Hearings.** The Council will hold Departmental Budget Hearings in the Council Chambers at 6:00 p.m. spread out across two weeks. Week 1 hearings will be held August 29 through August 31 and Week 2 hearings will be held September 5 and September 6. Budget Books are scheduled to be delivered to members no later than Friday, August 25.
7. **Budget Cycle.** After holding Departmental Budget Hearings in late-August and early September (see Note #6), the Council will formally consider the several items making up the City Budget for 2024 during a separate legislative cycle known as the "Budget Cycle," starting in late September and ending in mid-October. Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned committee hearing, and the official adoption meeting will be held at Second Reading during the Special Budget Session in October.
8. **Year-End Recess.** BMC 2.04.050[g] calls for the Council to recess after the second Regular Session in December. At this session, legislation may not be introduced for First Reading.

Indiana University 5-Year Religious Calendar

2021-2022

2nd Semester

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Saturday
Epiphany	Christian	Jan. 6	Thursday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Friday
Asian/Lunar New Year-Year of the Tiger		Feb. 1	Tuesday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Wednesday
Vasant Panchami / Saraswati Puja	Hindu	Feb. 5	Saturday
Ash Wednesday (first day of lent)	Christian	Mar. 2	Wednesday
Purim	Jewish	Mar. 17*	Thursday
Vernal Equinox (EDT)		Mar. 20	Sunday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 20	Sunday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 21*	Monday
Holi	Hindu	Mar. 18*	Friday
Beginning of Ramadan	Islamic	Apr. 3*	Sunday
Palm Sunday	Christian	Apr. 10	Sunday
Vaisakhi / Baisakhi	Hindu / Sikh	Apr. 14	Thursday
Maundy Thursday	Christian	Apr. 14	Thursday
Good Friday	Christian	Apr. 15	Friday
Passover (Pesach), 1st two days	Jewish	Apr. 16*-17	Sat.-Sun.
Easter	Christian	Apr. 17	Sunday
Palm Sunday	Eastern Orthodox	Apr. 17	Sunday
Ridvan Festival, 1st of 12 days	Baha'i	Apr. 21*	Thursday
Holy Friday	Eastern Orthodox	Apr. 22	Friday
Passover (Pesach), concluding days	Jewish	Apr. 22-23*	Fri.-Sat.
Pascha (Easter)	Eastern Orthodox	Apr. 24	Sunday
9th Day of Ridvan	Baha'i	Apr. 29*	Friday
May Day (Beltane)	Pagan/Wiccan	May 1	Sunday
12th Day of Ridvan	Baha'i	May 2*	Monday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	May 3*	Tuesday

**Holy days start at sundown on evening preceding first day and end at sundown or nightfall of concluding date.*

Islamic dates are based on criteria adopted by the Fiqh Council of North America (FCNA).

Please note that certain days each week are not good times to schedule meetings for some groups. For example, Friday nights and Saturdays for observant Jews and Friday nights for observant Muslims.

2022

Summer Sessions

Declaration of the Báb	Baha'i	May 24*	Tuesday
Ascension of Bahá'u'lláh	Baha'i	May 29*	Sunday
Shavuot (Feast of Weeks)	Jewish	June 5*-6	Sun.-Mon.
Summer Solstice (EDT)		June 21	Tuesday
Summer Solstice (Midsummer)	Pagan/Wiccan	June 21	Tuesday
Eid al-Adha	Islamic	July 10*	Sunday
Martyrdom of the Báb	Baha'i	July 10*	Sunday
Al-Hijra / Muharram (New Year)	Islamic	July 30*	Saturday

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2022-2023

1st Semester

Lammas (Lughnasdh)	Pagan/Wiccan	Aug. 1	Monday
Ashura (10th day of Muharram)	Islamic	Aug. 8*	Monday
Raksha Bandhan	Hindu	Aug. 11	Thursday
Krishna Janmashtami	Hindu	Aug. 19	Friday
Ganesh Chaturthi	Hindu	Aug. 31	Wednesday
Autumn Equinox (EDT)		Sept. 22	Thursday
Autumnal Equinox (Mabon)	Pagan/Wiccan	Sept. 22	Thursday
Rosh Hashanah (New Year)	Jewish	Sept. 26*-27	Mon.-Tues.
Navaratri	Hindu	Sept. 26-Oct. 4	Mon.-Tues.

Durga Puja	Hindu	Oct. 1-5	Sat-Wed.
Yom Kippur (Day of Atonement)	Jewish	Oct. 5*	Wednesday
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islamic	Oct. 8*	Saturday
Sukkot (Feast of Tabernacles)	Jewish	Oct. 10*-16	Mon.-Sun.
Shemini Atzeret & Simchat Torah	Jewish	Oct. 17*-18	Mon.-Tues.
Diwali / Kali Puja	Hindu	Oct. 24	Monday
Birth of the Báb	Baha'i	Oct. 26*	Wednesday
Birth of Bahá'u'lláh	Baha'i	Oct. 27*	Thursday
Halloween (Samhain)	Pagan/Wiccan	Oct. 31-Nov.1	Mon.-Tues.
Guru Nanak Birthday	Sikh	Nov. 8	Tuesday
Day of the Covenant	Baha'i	Nov. 26*	Saturday
Ascension of 'Abdu'l-Bahá	Baha'i	Nov. 28*	Monday
Bodhi Day (Rohatsu)	Buddhist	Dec. 8	Thursday
Hanukkah (Chanukah) (8-day Feast)	Jewish	Dec. 19*-26	Mon.-Mon.
Winter Solstice (EST)		Dec. 21	Wednesday
Winter Solstice (Yule/Midwinter)	Pagan/Wiccan	Dec. 21	Wednesday
Christmas	Christian	Dec. 25	Sunday
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Mon.-Sun.

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2022-2023 2nd Semester

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Sunday
Epiphany	Christian	Jan. 6	Friday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Saturday
Asian/Lunar New Year-Year of the Rabbit		Jan. 22	Sunday
Vasant Panchami / Saraswati Puja	Hindu	Jan. 26	Thursday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Thursday
Ash Wednesday (first day of lent)	Christian	Feb. 22	Wednesday
Purim	Jewish	Mar. 7*	Tuesday
Holi	Hindu	Mar. 8*	Wednesday
Vernal Equinox (EDT)		Mar. 20	Monday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 20	Monday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 21*	Tuesday
Beginning of Ramadan	Islamic	Mar. 23*	Thursday
Palm Sunday	Christian	Apr. 2	Sunday
Maundy Thursday	Christian	Apr. 6	Thursday
Passover (Pesach), 1st two days	Jewish	Apr. 6*-7	Thurs.-Fri.
Good Friday	Christian	Apr. 7	Friday
Easter	Christian	Apr. 9	Sunday
Palm Sunday	Eastern Orthodox	Apr. 9	Sunday
Passover (Pesach), concluding days	Jewish	Apr. 12-13*	Wed.-Thurs.
Holy Friday	Eastern Orthodox	Apr. 14	Friday
Vaisakhi / Baisakhi	Hindu / Sikh	Apr. 14	Friday
Pascha (Easter)	Eastern Orthodox	Apr. 16	Sunday
Ridvan Festival, 1st of 12 days	Baha'i	Apr. 21*	Friday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	Apr. 22*	Saturday
9th Day of Ridvan	Baha'i	Apr. 29*	Saturday
May Day (Beltane)	Pagan/Wiccan	May 1	Monday
12th Day of Ridvan	Baha'i	May 2*	Tuesday

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2023 Summer Sessions

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Shavuot (Feast of Weeks)	Jewish	May 26*-27	Fri.-Sat.
Ascension of Bahá'u'lláh	Baha'i	May 29*	Monday

Summer Solstice (EDT)		June 21	Wednesday
Summer Solstice (Midsummer)	Pagan/Wiccan	June 21	Wednesday
Eid al-Adha	Islamic	June 29*	Thursday
Martyrdom of the Báb	Baha'i	July 10*	Monday
Al-Hijra / Muharram (New Year)	Islamic	July 19*	Wednesday
Ashura (10th day of Muharram)	Islamic	July 28*	Friday

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2023-2024 1st Semester

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Raksha Bandhan	Hindu	Aug. 30	Wednesday
Krishna Janmashtami	Hindu	Sept. 6	Wednesday
Rosh Hashanah (New Year)	Jewish	Sept. 16*-17	Sat.-Sun.
Ganesh Chaturthi	Hindu	Sept. 19	Tuesday
Autumn Equinox		Sept. 23	Saturday
Autumnal Equinox (Mabon)	Pagan/Wiccan	Sept. 23	Saturday
Yom Kippur (Day of Atonement)	Jewish	Sept. 25*	Monday
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islamic	Sept. 27*	Wednesday
Sukkot (Feast of Tabernacles)	Jewish	Sept. 30*-Oct. 6	Sat.-Fri.
Shemini Atzeret & Simchat Torah	Jewish	Oct. 7*-8	Sat.-Sun.
Navaratri	Hindu	Oct. 15-24	Sun.-Tues.
Durga Puja	Hindu	Oct. 20-24	Fri.-Tues.
Birth of the Báb	Baha'i	Oct. 26*	Thursday
Halloween (Samhain)	Pagan/Wiccan	Oct. 31-Nov. 1	Tues.-Wed.
Birth of Bahá'u'lláh	Baha'i	Nov. 12*	Sunday
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Winter Solstice		Dec. 21	Thursday
Winter Solstice	Pagan/Wiccan	Dec. 21	Thursday
Christmas	Christian	Dec. 25	Monday
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Tues. – Mon.

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Feast of the Nativity	Eastern Orthodox	Jan. 7	Sunday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Friday
Asian/Lunar New Year-Year of the Dragon		Feb. 10	Saturday
Ash Wednesday (first day of lent)	Christian	Feb. 14	Wednesday
Vasant Panchami / Saraswati Puja	Hindu	Feb. 14	Wednesday
Beginning of Ramadan	Islamic	Mar. 11*	Monday
Vernal Equinox		Mar. 19	Tuesday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 19	Tuesday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 20*	Wednesday
Palm Sunday	Christian	Mar. 24	Sunday
Purim	Jewish	Mar. 24*	Sunday
Holi	Hindu	Mar. 25*	Monday
Maundy Thursday	Christian	Mar. 28	Thursday
Good Friday	Christian	Mar. 29	Friday
Easter	Christian	Mar. 31	Sunday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	Apr. 10*	Wednesday