



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 06 December 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
06 December 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/82756031264?pwd=ZFNzUDVKZWEOStlNXdZV0hTR2pvUT09>

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES:
 - A. January 11, 2023 – Regular Session
 - B. February 1, 2023 – Regular Session
 - C. February 15, 2023 – Regular Session
- 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 Climate Action Plan
 - C. Council Committees
 - D. Public*
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS
 - A. Ordinance 23-29 - An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals 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. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 01 December 2023

- B. Ordinance 23- 30 - An Ordinance Concerning the Construction of Additions and Improvements to the Waterworks of the City of Bloomington, Indiana; the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation, and Distribution of the Revenues of Said Waterworks, the Safeguarding of the Interests of the Owners of Said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation
- B. Appropriation Ordinance 23-08 - To Specially Appropriate from the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Vehicle Replacement Fund, Solid Waste Fund and Fleet Maintenance Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement Fund)

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

- A. 2024 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. Individuals 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.

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Posted: 01 December 2023



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

Minutes for Approval

11 January 2023 | 01 February 2023
15 February 2023

<p>In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 11, 2023 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.</p>	<p>COMMON COUNCIL REGULAR SESSION January 11, 2023</p>
<p>Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan Councilmembers present via Zoom: none Councilmembers absent: none</p>	<p>ROLL CALL [6:30pm]</p>
<p>Council President Susan Sandberg summarized the agenda.</p>	<p>AGENDA SUMMATION [6:31pm]</p>
<p>There were no minutes for approval.</p>	<p>APPROVAL OF MINUTES [6:31pm]</p>
<p>Smith wished everyone a Happy New Year.</p>	<p>REPORTS [6:32pm]</p>
<p>Volan concurred and noted Charlotte Zietlow's book.</p>	<p>COUNCIL MEMBERS [6:32pm]</p>
<p>Sims and Sgambelluri also wished all a Happy New Year.</p>	
<p>Piedmont-Smith, Rosenbarger, and Flaherty mentioned their upcoming constituent meetings.</p>	
<p>Rollo wished everyone a safe and Happy New Year.</p>	
<p>Deputy Mayor Mary Catherine Carmichael thanked council for the opportunity to reintroduce herself. She highlighted her experience with Parks Commissions and her employment with the city as the Communications Director with Mayor John Hamilton, and later the first Director of Public Engagement. She noted her experience including being a radio host, Director of Leadership Bloomington Monroe County, small business owner, former Board President of the Bloomington Economic Development Corporation (BEDC), Government Affairs Director at a local utility, and her volunteer work with children and the arts. She also enjoyed being a mother. She was the second female Deputy Mayor. Carmichael thanked city staff, colleagues, and Hamilton. She said it had been delightful to work with council, too.</p>	<p>The MAYOR AND CITY OFFICES [6:35pm]</p>
<p>John Zody, Director of Housing and Neighborhood Development, gave an update on the report on Public Input on use of HOME/American Rescue Plan Act (ARPA) Funding. He highlighted uses of funds, outreach, public comment opportunities, and the timeline.</p>	
<p>Sims asked how the public comment period would be publicized.</p>	
<p>Zody said there would be direct, and broad outreach to community organizations, as well as the notice in the newspaper.</p>	
<p>Sandberg commented on the Community Development Block Grants (CDBG) Social Services committee and the recent public hearing to hear from the thirteen applicants.</p>	<p>COUNCIL COMMITTEES [6:43pm]</p>
<p>Greg Alexander commented on a bicycle task force report, its goals, and the extension of the B-Line. He said a safe path program for schoolchildren was needed. He expressed frustration for Elm Heights residents disdain for traffic calming efforts in their neighborhood.</p>	<p>PUBLIC [6:44pm]</p>
<p>Eric Ost said that there was a lot of passion around transportation infrastructure in the community. The frustration for Elm Heights was unfair and there needed to be more objectivity.</p>	
<p>Marc Haggerty spoke about violence in the community and the importance of activities like basketball, especially as a deterrent for other bad options.</p>	

Rollo moved and it was seconded that Sue Sgambelluri be elected as President.	ELECTION OF OFFICERS [6:58pm]
Sgambelluri appreciated the nomination and thanked her colleagues for their work. She noted the previous year's work, and commented on scheduling.	Council discussion:
Volan said Sgambelluri was interested in the Special Committee on Council Processes (SCCP) and asked if, as president, she would address it.	
Sgambelluri said yes and that more engagement with the community was important. Councilmembers could report on their constituent meetings, as well as work with city boards and commissions more closely.	
Volan asked if she was interested in setting time limits for questions and answers, or public comments, per item.	
Sgambelluri said yes, and that was part of why she looked forward to SCCP.	
The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.	Vote to elect Council President [7:02pm]
Rollo moved and it was seconded that Isabel Piedmont-Smith be elected as Vice President.	
Piedmont-Smith stated she would be pleased to serve as Vice President.	Council discussion:
Volan asked Piedmont-Smith if she had specific ideas on addressing lengthy council meetings through time limits or other improvements.	
Piedmont-Smith said yes and that SCCP could address it.	
The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.	Vote to elect Council Vice President [7:05pm]
Sandberg moved and it was seconded that Dave Rollo be elected as Parliamentarian.	
Rollo stated that he would be happy to serve as parliamentarian and believed time limits were necessary.	Council discussion:
The motion received a roll call vote of Ayes: 7, Nays: 1 (Volan), Abstain: 1 (Rollo).	Vote to elect Council Parliamentarian [7:06pm]
Sgambelluri noted council's work and Sandberg's leadership over her tenure as Council President. She presented Sandberg with a gavel in honor of her work. Council applauded Sandberg.	
Sandberg handed the gavel to Sgambelluri who listed the new seating arrangement. Council President Sue Sgambelluri presided over the remainder of the meeting.	
Sgambelluri established the Special Committee on Council Processes (SCCP). Sgambelluri appointed the following councilmembers to the Special Committee: Flaherty (chair), Piedmont-Smith, Rollo, Sgambelluri	APPOINTMENTS TO COUNCIL COMMITTEES [7:10pm]
Sgambelluri appointed the following councilmembers to the Climate Action & Resilience Committee: Flaherty, Piedmont-Smith, Rollo (chair), Smith	
Sgambelluri appointed the following councilmembers to the Jack Hopkins Social Services Funding Committee: Sandberg (chair), Sims, Rosenbarger, Smith	
Sgambelluri appointed the following councilmembers to the Council Sidewalk Committee: Sandberg, Sims (chair), Rosenbarger, Volan	
Sgambelluri made the following assignments to the Board and Commission Interview Committees:	
<ul style="list-style-type: none">• Interview Team A- Smith, Sims, Rosenbarger• Interview Team B- Sgambelluri, Volan, Flaherty• Interview Team C- Piedmont-Smith, Rollo, Sandberg	

Sgambelluri announced that council appointments to boards and commissions would take place at the next Regular Session of the Council on January 18, 2023.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[7:13pm]

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[7:13pm]

Rollo moved and it was seconded that Resolution 22-20 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis. Resolution 22-20 was adopted on December 14, 2022 with a vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0 and was presented to Mayor John Hamilton on December 15, 2022. Resolution 22-20 was returned by Hamilton, unsigned, along with a statement of reasons for his veto.

Resolution 22-20 – A
Resolution
Responding to
Monroe County Board
of Commissioners
Ordinance 2022-46
[7:13pm]

Rollo moved and it was seconded that Resolution 22-20 be adopted.

Stephen Lucas, Council Attorney/Administrator, provided a brief history of Resolution 22-20. He provided options council could undertake that evening including a two-thirds vote overriding the veto and adopting the legislation.

Sandberg added that council had a tight deadline to support the county’s path forward as the Capital Improvement Board (CIB) as the mechanism for any expansion to the Convention Center using Food and Beverage Tax (FBT) funds. It was important to bring the legislation back to council, as a separate entity from the mayor, as well as showing support for moving forward.

Monroe County Commissioner Julie Thomas wished everyone a Happy New Year. She agreed that there had been a short timeline in December for council to decide to support the CIB or not. Resolution 22-20 would be non-binding because the deadline had passed. She stated that council’s vote that evening would send a message regarding the CIB. She gave a brief history of the FBT including the promise of working with the county by the city.

Monroe County Commissioner Lee Jones supported Thomas’s statements.

Sgambelluri acknowledged Mayor Hamilton’s statement with his veto.

Volan asked if the commissioners believed that the FBT should be repealed.

Council questions:

Thomas responded that she supported the FBT, especially if the CIB moved forward.

Sandberg had attended a recent legislative update where a question was asked about the possibility of the Indiana General Assembly (GA) eliminating the FBT. She asked what would occur if that happened.

Thomas said that without the administration’s support, the county would have to demonstrate to the GA the seriousness of using that tax. An agreement on the CIB structure would have to exist. She listed other concerns.

Deputy Mayor Mary Catherine Carmichael commented that the GA had attempted and failed to remove the FBT the previous year. She reiterated that the CIB was not the only mechanism to manage the expansion of the Convention Center.

Piedmont-Smith asked if the mayor intended to move forward with a 501c3 and if there was a requirement for the county to sign off on that.

Carmichael stated that it was the mayor’s intention to have a 501c3 and did not need the county to sign off.

Piedmont-Smith believed that the county council had to sign off on expenditures from the FBT.

Carmichael said that a 501c3 did not require the county’s approval, but did require county council approval for expenditures of the FBT.

Sims said that a 501c3 would separate the efforts from the city from the county regarding the Convention Center. He asked for clarification.

Carmichael clarified that there were many things that a 501c3 could do for the city that a CIB could not, such as managing other city owned properties like the Hopewell site or Waldron Arts Center. More information would come later in the week. She said there would be many opportunities to include the county as required and by choice. State funding primarily flowed through the county.

Sims asked for examples of other ways that progress could be measured, locally and at the state level.

Carmichael said that staff had been updating the GA on the progress including initial steps like design efforts.

Sims asked what would happen, or what the lobbyists would recommend, if the CIB was not formed, which he understood was a deal breaker for the county.

Carmichael clarified that the lobbyists would not advise, but would ask what the next steps would be.

Sims asked if next steps would be done along with county leadership.

Carmichael said the city would have to work with the county.

Smith asked why it was so important for the city to have control over the entity that managed the Convention Center.

Carmichael said that the city did not have any interest in managing the facility but did want it built expertly, quickly, and well. The city wanted the asset ready for the community in a timely fashion. She said there had been problems in working with the county, and could continue to slow the expansion.

Smith asked if there was a sunset for the 501c3.

Carmichael said that the 501c3 would encompass more than the Convention Center, but could have a sunset relating to the expansion.

Piedmont-Smith asked how the city envisioned working with the county, given that county government did not agree with the city having a 501c3.

Carmichael described ways that the city and county could collaborate including the use of the Innkeeper's Tax, with county appointed members.

Piedmont-Smith said the entities would be the Convention and Visitors Center Board (CVCB) and the FBT Advisory Committee (FBTAC).

Smith asked if the city would agree to binding arbitration.

Carmichael stated that had not been discussed so she did not know.

Volan asked if public comment was allowed on a veto-override vote.

Lucas said yes because it was considered to be normal course of business.

Christopher Emge, Greater Bloomington Chamber of Commerce, reaffirmed the business community's strong commitment to the CIB as the governance structure for the Convention Center expansion. He gave supporting reasons.

Public comment:

Geoff McKim thanked council for their diligence with decisions on the expansion of the Convention Center. Having the city and county partner together would result in greater success of the expansion. He urged council to support the CIB.

Mike Campbell, President of the Convention and Visitors Center Commission, said they were ready to partner with the city and move forward. There were some items that would need to be addressed with the 501c3.

Peter Iversen, Monroe County Council, urged councilmembers to support the CIB. It was important for growth, tourism, and bringing businesses to the community. He iterated that collaboration was important.

Julie Thomas thanked council and said that a 501c3 was not transparent and did not have to meet publicly. The Convention Center expansion should not be under the purview of a 501c3, and she would not support the FBT if the 501c3 was formed.

Tonda Radewan looked forward to more partnerships between the city and county. She said that 501c3s were less transparent and she, and the public, would like to know who would sit on the leadership board of that entity.

Resolution 22-20
(cont'd)

Public comment:

Dave Askins, BSquare Bulletin, asked about FBTAC approvals for expenditure of funds. He believed a majority vote was necessary and asked how that was put before the FBTAC. He believed it was council and not the administration.

Lucas read a comment from Sam Dove submitted via Zoom chat stating that the "council needed to pass the issue and vote again with the mayor [sic]."

Piedmont-Smith asked how a request for the expenditure of funds would be made to the FBTAC; from council or the mayor.

Council comment:

Lucas stated that council passed a resolution in 2020 regarding requesting a recommendation from the FBTAC on the expenditures of the FBT revenues, as directed by state statute §6-9-41-16.

Rollo commented that a CIB was the best means for an objective path forward, and was the county's preference. It ensured transparency and was subject to Public Access laws. It would be a collaborative approach to working with the county. He would support Resolution 22-20.

Volan understood and supported the utility of a 501c3 to oversee things in the city like the historic alcohol permits in the downtown area. He was agnostic about a 501c3 overseeing the Convention Center expansion but there had to be an entity to manage it. It appeared that the administration was holding off to ensure a majority power. Volan said that if it came down to encumbering the money or losing the FBT, then he would vote to end the tax, despite advocating for it. If a majority of the council believed that the CIB was adequate, then the administration should accept it, and if a 501c3 had a role, then the county should accept that too. Volan believed that the city should have a 501c3. The main point was about who would be in charge of the Convention Center, and a management scheme could be adequately designed for all stakeholders.

Sandberg clarified that the FBT was under the county council's purview. She hoped that the city and county could collaborate on the expansion and would support the CIB. She also did not believe that all the entities had been contacted regarding the duties of the 501c3. She reiterated that council was considering overriding the mayor's veto and standing with the county.

Flaherty stated that he did not find the mayor's veto offensive. It was a signal that he did not agree with forming a CIB. The county commissioner's ordinance said the CIB would take effect upon receipt of notification from the mayor and council agreeing with the terms. He would vote for Resolution 22-20 and reminded everyone that council had passed an amendment to the legislation which sought to address the administration's concerns and have greater balance between the city and county. He referenced community justice reform as analogous to the current issue of collaboration between the city and county.

Sims said that rescinding the tax was ludicrous. He referenced comments from county commissioners stating they would vote to rescind the tax if an agreement was not reached. He spoke about the city and county reaching an agreement despite vast differences. Council had supported the CIB via Resolution 22-20. He was not set on having a 501c3, though it could manage city-owned properties. He discussed the appointments to the CIB and to the 501c3. He wondered what the best option in the long term was. Sims supported Resolution 22-20.

Piedmont-Smith would rather not be discussing the Convention Center expansion considering local governments' responsibilities to the community. She was the only councilmember to abstain in voting on the FBT in 2017. The expansion was not a priority for use of tax monies. She noted climate crisis and the warming of the ocean; it was not ideal to expand a venue for people to arrive using fossil fuels. Conventions could be held online and should be. She expressed frustration on the

disagreement between county and city executives. She would support Resolution 22-20 because the CIB was the best solution. She reiterated that not everyone was thrilled about an expansion of the Convention Center.

Resolution 22-20
(cont'd)

Council comments:

Rosenbarger concurred with Piedmont-Smith and stated she would vote against Resolution 22-20 because she did not agree with the expansion. It was not about the CIB or 501c3. She discussed the overall increase of convention center spaces despite falling attendance and use of those spaces. She noted a survey of community members demonstrating that the expansion was not a priority.

Smith acknowledged the disagreement between the city and county. He believed professional help, such as a mediator or social worker, would help move the project forward. Smith stated that it was unknown if the state would take action and restrict Food and Beverage taxes. He would support Resolution 22-20.

Volan said that a 501c3 could manage city owned properties. He discussed the Buskirk-Chumley which was celebrating its 100th anniversary, as well as the Waldron Arts Center, which was formerly managed by Ivy Tech and had been returned to the city. He commented on the appointments to a 501c3 and said that compromise was necessary or the proposal would fail.

Rollo was mystified by the mayor's veto and indication to proceed with a 501c3 resulting in the county's rescinding of the FBT. He understood that the expansion would make the Convention Center a civic center. He would support Resolution 22-20.

The motion to adopt Resolution 22-20 received a roll call vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0.

Vote to adopt
Resolution 22-20
[8:32pm]

Dave Askins stated that the temperature in the room was eighty degrees.

ADDITIONAL PUBLIC
COMMENT [8:32pm]

Dave Burnworth expressed interest in Volan's vote against Rollo for parliamentarian.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE
[8:32pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT
[8:34pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 01, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 01, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:33pm)
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION
[6:30pm]

Rollo moved and it was seconded to approve the minutes of April 21, 2021 and September 01, 2021. The motion was approved by a voice vote.

APPROVAL OF
MINUTES [6:32pm]
• April 21, 2021
(Regular Session)
• September 01,2021
(Regular Session)

Volan noted the 100th anniversary of the Buskirk-Chumley theater marked by a gala.

REPORTS [6:32pm]

Smith thanked the Cubs Scout troop 100 for their attendance. He said that ReStore needed volunteers.

• COUNCIL MEMBERS
[6:32pm]

Sims recognized the Cubs Scout troop too and said that he was an Eagle Scout. He said that day was also the start of the Black history month and recognized the city for its work on inclusion and for being welcoming. He thanked Beverly Calendar-Anderson and Shatoyia Moss for their work on Black History Month in the city. The theme for the month was Black innovation.

Rollo stated that there was low-level frequency vibrations coming from the Carlisle factory on Hillside Street and urged residents to reach out if they were affected.

Piedmont-Smith acknowledged the death of Tyree Nichols at the hands of the Memphis police. She read a statement from the Vice President of the United States of America, Kamala Harris.

Sandberg recognized the 100th anniversary of the Buskirk-Chumley theater and spoke about its history. She also mentioned the Waldron Arts center managed by Constellation, and noted she was a season ticket holder. She thanked the Cubs Scout troop for their participation.

Sgambelluri noted her upcoming constituent meeting.

Clerk Nicole Bolden spoke about Black History Month and noted the recent killing of two Black men. She quoted from Kareem Abdul Jabbar's publication stating that the killings did not celebrate the joys of Black History Month. She said that Black History Month was supposed to be about celebrating Black joy, and learning. She thanked County Councilor Jennifer Crossley, Judge Valeri Haughton, Councilmember Jim Sims, Councilmember Isabel Piedmont-Smith, and former Deputy Mayor Donald Griffin for their attendance at the recent kickoff. She noted that there were four more weeks of events that month and urged council and the public to attend when they could.

• The MAYOR AND
CITY OFFICES
[6:42pm]

There were no reports from council committees.

• COUNCIL
COMMITTEES
[6:46pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about civility, the makeup of council, the Community Revitalization Enhancement District (CRED), and the beautification of the city.

• PUBLIC [6:46pm]

Kathryn Rock, Dispatcher at the Monroe County Emergency Dispatch Center, noted employees' goals for unionization with the Communication Workers of America (CWA). They wanted to be treated as first responders, have more diversity in the dispatch center, more consistency with scheduling, and a more robust pay scale that accounted for the stress of the job as well as the decades of experience of some dispatchers. She urged council to support their efforts.

Stephen Lucas, Council Attorney and Administrator, read a statement from Sam Dove, submitted via the Zoom chat, regarding an upcoming rally for the Asian and Asian American and Pacific Islander community.

Daryl Rubel commented on protestors, vandalism, justice, and arresting violent protestors around the nation. He also commented on the Bloomington Police Department (BPD) and commended their efforts.

Eric Ost said that how people treated each other was important, as was language. He said the council were somewhat shepherds of the community and needed to be mindful.

Stephanie Hatton noted ReStore's good efforts in the community. It was also nice to have seen the Cub Scouts, and hoped that the council provided opportunity for them. She spoke about civility and respect.

Piedmont-Smith moved and it was seconded to reappoint Duncan Campbell to seat C-1, to appoint Kirsten Hawley to seat C-2, and Ernesto Castaneda to seat C-3 on the Historic Preservation Commission. The motion was approved by a voice vote.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[6:57pm]

Piedmont-Smith moved and it was seconded to reappoint Randy Cassady to seat C-1 and Deborah Myerson to seat C-2 on the Redevelopment Commission. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to appoint Reyes Javier Rosales to seat C-2, Raquel Anderson to C-3, and Marlo Libel to seat C-5 on the Commission on Hispanic and Latino Affairs. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to reappoint Gerard Pannekoek to seat C-4 and Nia Carlsgaard to seat C-5. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to appoint Regina Moore to seat C-2 on the Parking Commission and to reappoint Tatiana Peters to seat C-4 on the Commission on the Status of Children and Youth. The motion was approved by a voice vote.

Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for the following cause: posting obscene and inappropriate statements, including statements directed at and antagonizing members of the public, that are unbecoming of an appointed member of a public body, which has diminished Mr. Alexander's ability and fitness to be an effective member of the Traffic Commission, and to represent the best interests of the City.

Volan moved and it was seconded that the question of removal be postponed until the Special Committee on Council Processes (SCCP) reviewed and reported back to the Council at the March 22, 2023, Regular Session.

Volan said that there was not a process for council to remove a commissioner. He spoke about censuring and critiquing politics, council, or community members. Residents of Elm Heights had privileged access to councilmembers, and one resident had been allowed to present without any time limit. That was not the case for other community members. Volan discussed committees, unprecedented council action, and postponement of the motion.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (*cont'd*)

Council discussion:

Flaherty supported the motion to refer the discussion to the SCCP, and said that Volan had brought up valid points including the for-cause removal of a commissioner. There were legal issues to consider.

Rollo said that Lucas recommended that the motion be postponed so that Mr. Alexander could be notified and given the opportunity to submit comments. It was important for the motion to be considered by all councilmembers and not just the committee.

Volan explained that it was sufficient to have the committee do preliminary work and then have the full council discuss afterward. He gave reasons in support of the committee and then deliberating.

Sandberg stated that if the committee could work quickly then she had no issue with establishing a process. Harm had already been done, and using a formal process was best. It was ideal to determine a process to remove commissioners for reasons other than non-attendance.

There was a brief council discussion on the timing of meetings.

Sims asked if the committee would return a recommendation to remove, or not remove, Mr. Alexander.

Rosenbarger stated that the goal of the committee was to devise a process for removing commissioners for causes other than non-attendance.

Flaherty added that the committee would investigate the concerns and then determine if there was a recommendation to put forth to the full council.

Rollo asked for Lucas's input on timing.

Lucas stated that his recommendation was that council not take action that evening because city code only referenced absenteeism as a cause for removal. That would allow time to notify the commissioner, and allow them a chance to respond. Afterwards, it was up to the council how to proceed.

Rollo commented that Volan inferred that he could not make a fair decision because there was animosity between Rollo and Mr. Alexander, therefore, he would step down from the SCCP.

Volan clarified that what he had said was that there were political statements that might be offensive, using profanity and obscenity, but there needed to be a process for removing a commissioner for non-absentee reasons. It was not to focus on feelings, but to agree on a course of action.

Sandberg noted that as public servants, councilmembers may be targeted or called names, et cetera. She said the issue was that there was a commissioner who had made statements that caused the community to feel unsafe coming before council without being harassed. Commissioners had responsibilities and this was a unique issue. She said it was not a free speech issue but rather unbecoming conduct by a commissioner.

Rosenbarger pointed out that the goal was to objectively determine a process for issues when they arose. She commented on the Supreme Court of the United States' consideration of obscenity in the 1960s. There was not a set of parameters or rules to guide decisions of what was considered obscene. Presently, council did not have an objective process in place. In regards to community members not feeling safe speaking at council meetings,

Rosenbarger stated it was also not useful for a councilmember to say that a public speaker ruined the meeting, as had been done recently.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (cont'd)

Rollo said that council needed to distinguish between political speech and bullying behavior, as described by residents. He had brought forth the motion because the residents resided? in his district. The residents described bullying behavior, intimidation, harassment eluding to sexual violence.

Council discussion:

Smith commented that the manner of speech was threatening and council needed a process to address those concerns. He agreed that a standard needed to be attained, and believed Mr. Alexander should be removed.

Volan asked what would prevent other community members from stating that they felt threatened. He said that no matter how self-evident statements may be, there was not a standard and processes were necessary. It was important to follow legal processes and not unduly unseat a commissioner, and gave additional reasons in support of having a process in place. Volan stated that Mr. Alexander said that the residents were the bullies so the sentiments were subjective and the process needed to be objective.

Sandberg stated that she had not heard of any commissioners being so offensive to members of the public, ever. It was an unprecedented situation, and was important to have time to vet the situation and determine a process.

Sgambelluri thanked council for the discussion. She understood there was an acute situation where members of the public felt threatened and unable to participate in their government, and that needed to be addressed in a timely manner. It would likely not be the last time and a process was needed that allowed for clarity and integrity. She would support referring the investigation to the SCCP.

Volan amended and it was seconded to have the Special Committee on Council Processes report back to the Council at the March 1, 2023, Regular Session. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to refer to motion to committee [7:46pm]

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[7:47pm]

Rollo moved and it was seconded that Ordinance 23-02 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-02 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Transfer from Chapter 2.21 (Department of Law) to Chapter 2.23 (Community and Family Resources Department) [7:47pm]

Rollo moved and it was seconded that Ordinance 23-02 be adopted.

Beth Cate, Corporation Counsel, presented the legislation and thanked council staff for their work on it. She highlighted key points including more efficient use of city resources and an expansion of education and programming efforts. She thanked former city attorney Barbara McKinney for her work, and for achieving high scores on the municipal equality index for eight years, with a perfect score. Cate noted there would be continued legal input and support on human rights cases in 2023 with a transition in 2024. She introduced Audrey Brittingham who had taken over McKinney’s role in the Legal department in supporting the Human Rights Commission (HRC) and Human Resources (HR). She mentioned that there were some stylistic updates to city code in the proposal, as well as the future possibility of a merger with the Monroe County Human Rights Commission.

Beverly Calendar-Anderson, Director of the Community and Family Resources department (CFRD), said that moving the HRC to CFRD fit well with the

ongoing work already being done in CFRD including diversity, equity, and inclusion, and community accessibility and justice. She noted some changes that would be made with staff to enable a smooth and successful transition.

Ordinance 23-02
(cont'd)

Volan asked if the proposal was an expansion for human rights across the city, as a result of the change.

Council questions:

Michael Shermis, Special Projects Coordinator in CFRD, looked forward to a full transition of the HRC. He said that there would be additional time for staff to provide education and outreach to the community.

Volan asked specifically if there would be more personnel hours devoted to the efforts.

Calendar-Anderson stated that it would be about 50% of Shermis's time. She explained that along with other commissions under CFRD, there would be a holistic view of human rights in the city.

Audrey Brittingham, Assistant City Attorney, clarified that her time with human rights concerns would be around 25% and that including HR issues, like Affirmative Action, it would be closer to 40% of her time.

Volan asked for further clarification regarding the Legal department's time with human rights issues in the city.

Cate explained that previously, McKinney was responsible for all the duties including education, investigations, and providing additional legal advice to the HRC. The proposal shifted the administration responsibilities of the Human Rights Director to CFRD with support from the Legal department.

Sims asked what was anticipated for staff's time with having the city review cases in the unincorporated parts of the city.

Cate clarified that would be addressed only if the merger with the county was done. Staff did not know what the potential case load would be, and part of the discussion with the county included its' participation and support of the city's HRC efforts.

Sims asked for examples of educational outreach that would be done.

Shermis stated that there would be more opportunities for outreach at schools and civic groups in an effort to publicize what the HRC did.

Sims appreciated the proposal.

There was no public comment.

Public comment:

Volan was encouraged by Ordinance 23-02 and discussed the creation of the Commission on the Status of Children and Youth. He noted McKinney's heroic work during her tenure and appreciated that the large workload would be spread across two departments and its personnel. He would support Ordinance 23-02. He also welcomed Brittingham to the city.

Council comment:

The motion to adopt Ordinance 23-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Ordinance 23-02
[8:06pm]

There was no legislation for first reading.

LEGISLATION FOR
FIRST READING
[8:07pm]

Greg Alexander spoke about empty parking garages, over-engineered car facilities, under-engineered areas for pedestrians and bicycles, storm drains, greenway projects in the city, and sidewalks. He apologized for making people feel threatened. He did not regret using vitriolic language to describe destructive conduct by elected officials, and if showing respect to elected officials when they were causing harm was a requirement for being a commissioner, then he would not have applied. He said there was a select group of residents with the ability to bypass commissions and overrule staff. They were allowed to speak longer and more often than other public speakers. He concluded by saying that a Twitter user had initiated contact with him, and

ADDITIONAL PUBLIC
COMMENT [8:07pm]

impugned his motives. He urged the city to aggressively pursue greenways across the city.

ADDITIONAL PUBLIC COMMENT (cont'd)

Natalia Galvan commented that it was a failure of city council leadership, especially those who had served for multiple terms, that there was not a process in place to remove commissioners. Council had received information of Alexander's egregious comments on social media in November 2022, well before his reappointment in January 2023. Using rape terms, or threatening, and stalking terms was always wrong. She urged council to reach out to the Indiana Coalition to End Sexual Assault and Human Trafficking for more education. She felt that leadership failed the community.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:14pm]

Rollo moved and it was seconded to cancel the Regular Session on February 8, 2023. The motion was approved by a voice vote.

Vote to cancel Regular Session [8:15pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [8:15pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 15, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 15, 2023

Councilmembers present: Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan

ROLL CALL [6:30pm]

Councilmembers present via Zoom: none

Councilmembers absent: Matt Flaherty

Council President Sue Sgambelluri gave a land acknowledgement and summarized the agenda.

AGENDA SUMMATION
[6:30pm]

Rollo moved and it was seconded to approve the minutes of September 16, 2020. The motion was approved by a voice vote.

APPROVAL OF
MINUTES [6:33pm]
• September 16, 2020
(Regular Session)

Sandberg attended the Lake Monroe Watershed Summit in Brown County. She commented on the health of Lake Monroe and the need to protect it, especially since it was the sole source of water supply. She gave reasons for Bloomington to collaborate with the entities protecting Lake Monroe.

REPORTS [6:34pm]

• COUNCIL MEMBERS

Piedmont-Smith noted her previous constituent meeting, and topics discussed including the Community Revitalization Enhancement District (CRED), legislation, public safety data and report, and the inclusion of traffic accidents not involving cars. She shared information on Flaherty's upcoming constituent meeting, since he was not able to attend the meeting that evening.

Rollo mentioned his and Sandberg's upcoming constituent meeting. He agreed on the need to protect the Lake Monroe Watershed, and commented on the clear-cutting of trees, algae blooms, recreational use of the lake, and water treatment. He spoke about the Friends of Lake Monroe organization which focused on data gathering, education, and protection of the lake.

Sims agreed about Lake Monroe and said local governments should pool resources to deal with the concerns. He discussed gun violence, foreign government issues, and encouraged focus be paid to local issues. He commented on the rally in Dunn Meadow in support of the Asian American woman that had been attacked on a city bus. He spoke about events scheduled for Black History Month and the importance of knowing Black history.

Smith reported on a neighborhood meeting in Park Ridge and commented on flooding issues due to the lack of culverts and storm drains. He appreciated the attention from Utilities. He said a resident had asked about hazardous materials possibly being transported through Bloomington on neighborhood railroad tracks.

Volan commented on city and county interactions, the jail, and the justice system, and spoke about the county's request to the city to rezone the land on Fullerton Pike, with the intent of moving the justice system there. He noted the history of Monroe County. He conveyed he was perplexed that the county commissioners were contemplating building a jail far away from downtown, with negative consequences. The jail needed to stay in the city and more favorably, downtown. Building a justice facility campus away from the city was isolating to employees and rehabilitation services. He said that there was little good will between the county commissioners and Mayor Hamilton and gave reasons. He discussed the process involving the Hopewell site, and gave reasons in support of keeping the jail downtown and perhaps using the Hopewell site.

John Zody, Director of the Housing and Neighborhood department (HAND) reported on the HOME/American Rescue Plan Act (ARPA) Funds Allocation Plan. The city would receive \$2.045 million through the United States Housing & Urban Development (HUD) program. He noted qualifying populations, use of funds and outreach, and recommendations on the use of funds such as non-congregate shelters and tenant based rental assistance. There would also be collaboration with the Heading Home program. Zody highlighted the draft budget, and said that the funds must be spent by September 30, 2030. He also noted opportunities for public comment. The draft plan was due to HUD by the end of March 2023.

- The MAYOR AND CITY OFFICES [6:53pm]

Volan asked what non-congregate shelters were.

Council questions:

Zody explained they were places with independent sleeping and showering facilities. ARPA funds were made available during the COVID-19 pandemic, when there was social and physical distancing.

Volan asked if there were any non-congregate shelters in the city or county.

Zody did not believe so, though there were facilities sheltering families.

Volan asked if the city intended to acquire that type of shelter.

Zody stated that there were not funds proposed for that type of shelter. A hotel for sale would qualify as a non-congregate shelter and could be acquired.

Volan asked about the development of rental housing.

Zody stated the development would not be city owned, but that there were two projects with supportive housing for clients; the Kohr Building and the Retreat at Switchyard.

Sims asked if there would be future funds to support and sustain the projects.

Zody said the program was ongoing, but the HOME/ARPA program was a one-time allocation. It was important to program accordingly to make the projects sustainable in the future, and to plan carefully.

Smith asked if the information on individuals experiencing homelessness would go into the federal database.

Zody said there was a Homeless Management Information System (HMIS) database and the city would pull information from there. Staff would use that data to support the planning of projects and would work with the Heading Home initiative.

Smith asked if the awards would be granted annually to community entities.

Zody said it needed to have a targeted, shorter timeline, with an impactful focus. The goal was to move the money soon in order to help community organizations make a substantive impact on housing needs.

Sgambelluri asked when the public input period would be.

Zody stated that it would be publicized in The Herald Times and city website and listed potential dates in March.

Sgambelluri asked if spring break week was being taken into account.

Zody said yes and there had been robust outreach efforts, and residents could provide feedback virtually, too.

Smith presented the 2023 Sidewalk Committee report and allocation recommendations for 2023. He thanked Ryan Robling, Planning Services Manager; Hank Duncan, Bicycle and Pedestrian Coordinator; Neil Kopper, Senior Project Engineer; Roy Aten, Senior Project Manager, Jane Fleig, Utilities Engineer; Steve Cotter, Natural Resources Manager; Sofia McDowell, Chief Deputy Clerk; Stephen Lucas, Council Administrator/Attorney, and Ash Kulak, Deputy Administrator/Deputy Attorney for their work with the committee. He commented on the updates to the criteria for the prioritization of projects, and described projects that were in design or in construction, proposed projects, and traffic-calming projects requested by residents.

- COUNCIL COMMITTEES [7:11pm]

Lucas noted a typo and clarified that a project was currently in design.

Piedmont-Smith asked if there was a list of streets that needed sidewalks, and if that was what staff had used as a starting point.

Smith said yes, but there were many other projects.

Piedmont-Smith asked if any projects were in Tax Increment Financing (TIF) districts.

Smith stated that staff had looked at other funding sources but was not sure about TIFs.

Rollo said that TIF funds were not discussed, but that Metropolitan Planning Organization (MPO) funds for sidewalks had been considered.

• COUNCIL COMMITTEES (cont'd)

Council questions:

Greg Alexander said that there was a long list of unfunded sidewalks, mainly in impoverished neighborhoods, and listed sidewalk gaps.

Public comment:

Chuck Livingston submitted photos to display that showed overgrowth on, and gaps with, sidewalks. He showed numerous issues with city sidewalks.

Eric Ost appreciated the effort to improve sidewalks, though there was not enough funding. City spending on non-critical infrastructure reduced the ability to make critical infrastructure improvements.

Rollo said that sidewalk funding had not been increased by the administration, despite being needed, like using MPO funds. He noted inflation, funding options, and an increased sidewalk budget. A bond should be considered for sidewalk projects, or redirecting funds, like the Highland Avenue greenway. He appreciated the prioritization of sidewalk projects and said it was important to also consider neighborhoods that were built between the 1950s and 1970s that did not have any sidewalks.

Council comments:

Volan said that the Sidewalk Committee was formed with the goal of building new projects. He discussed an upcoming project in District VI. He clarified that repairing sidewalks was an operating expense while building new sidewalks was a capital expense. Council had lamented that the budget did not include repairs. Having a committee that focused only on sidewalks was not ideal, because scooters and more were not included in its purview. He thought the overall process was misguided and urged the administration and Sidewalk Committee to use former Bicycle and Pedestrian Coordinator, Mallory Rickbeil's formula, for prioritizing projects. He reiterated that the Sidewalk Committee's funding did not come from parking and commented on sources of sidewalk funding, the alternative transportation notion assuming cars as primary, and parking garages. He agreed that a bond was ideal. The entire approach to transportation needed to be redressed.

Piedmont-Smith appreciated the discussion and agreed that different funding sources were needed. She believed that there were some streets in the city that did not need sidewalks, because they were safe streets.

Rosenbarger thanked Volan for his comments and concurred. She said that the city plowed snow from streets, but not from sidewalks, resulting in dangerous conditions for pedestrians. Property owners were required to remove snow from sidewalks. The Comprehensive Plan called for the prioritization of bicycles and pedestrians but the city had not done so. Planning and Transportation, and Engineering staff were experts and had drafted the Transportation Plan with lots of feedback from the community. She said greenways served the purpose of making safe streets safer, as well as more enticing for residents who were not expert bicyclists.

Rollo moved and it was seconded to approve the Council Sidewalk Committee Report and the funding recommendations regarding 2023 Council Sidewalk Funding. The motion was approved by voice vote.

Vote to approve report [7:48pm]

Greg Alexander discussed his work on the Traffic Commission, bicycle and pedestrian fatalities in the city, and reducing speed limits on city streets. He also discussed the eight months that the B-Line was closed near City Hall due to the Johnson Creamery smokestack. He expressed frustration at not being able to accomplish more as a commissioner working with city staff.

• PUBLIC [7:49pm]

Donya Zandi expressed concern about building a bigger jail and urged the city to keep the current jail and allocate resources reserved for a new jail for maintenance and to establish relationships with those incarcerated.

Eric Ost spoke about council's responsibility and delegation of duties to things like boards and commissions. Council meetings allowed opportunities for community members to weigh in and be heard about things affecting the city. He urged council to be cautious when delegating city duties.

Sims moved and it was seconded to make the following appointment(s):

- Reappoint Chris Hazel to seat C-2 on the Animal Control Commission
- Reappoint David Jennings to seat C-4 on the Commission on Aging
- Reappoint Susie Hamilton to seat C-1 and Diana Opata to seat C-3 on the Housing Quality Appeals Board
- Reappoint Felisa Spinelli for seat C-2 on the Urban Enterprise Association

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[7:56pm]

The motion was approved by voice vote.

Volan moved and it was seconded to make the following appointment(s):

- Appoint Matthew Needler to seat C-8, and reappoint Shelby Ford to seat C-11 on the Community Advisory on Public Safety Commission
- Appoint Kristen Mann to seat C-1 and Karena Tankersley to seat C-2 on the Environmental Commission
- Appoint Pauly Tarricone to seat C-2 on the Bicycle and Pedestrian Safety Commission

The motion was approved by voice vote.

Sandberg moved and it was seconded to make the following appointment(s):

- Appoint Robert Shakespeare to seat C-1 on the Bloomington Arts Commission
- Appoint Erin Reynolds to seat C-3 on the Commission on the Status of Children and Youth

The motion was approved by voice vote.

Rollo moved and it was seconded to approve and ratify the following Mayoral appointment(s):

- Reappoint Sam DeSollar, Elizabeth Mitchell, Reynard Cross, and Matthew Seddon on the Historical Preservation Commission

The motion was approved by voice vote.

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[8:03pm]

Rollo moved and it was seconded that Resolution 23-04 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Resolution 23-04 – A
Resolution Authorizing
the 2023 Expanded
Outdoor Dining
Program in the
Downtown Corridor
[8:03pm]

Chaz Mottinger, Special Projects Manager in the Economic and Sustainable Development (ESD) department, presented the legislation including the history and updates on the outdoor dining program and parklets. Staff recommended continuing the program for another season, but shortening the program from April 03 through October 01, with the same block closures. She described additional details including community feedback.

Rollo asked if there was a map of the closures.

Mottinger displayed map of downtown and provided details on the closures.

Rollo asked about businesses and churches that had objected to the closure.

Mottinger explained that staff had continuously worked with entities in the area, including those expressing concerns, and had improved the program over the previous three years. Especially concerns with American with Disabilities Act (ADA) requirements.

Resolution 23-04
(cont'd)

Council questions:

Volan asked about the area that had only one half of the block closed.

Alex Crowley, Director of ESD, stated that the half block had always been closed and not the full street.

Volan stated that The Book Corner had expressed concern about alley access. He asked how that decision was made for the half block closure.

Crowley stated that alleys were still accessible and did not recall the specific reason for the decision.

Volan asked about the full block closure on Kirkwood by the Von Lee, where only Lennie's restaurant participated in the program, and the Bicycle Garage did not like the closure.

Mottinger stated that making a change in that area would not be feasible, presently, but could be changed for the following year. She noted that Lennie's had not been interested in parklets, and stated they would only participate in a full block closure.

Volan asked for clarification on that block's closure and if a one-lane closure was possible.

Mottinger responded that it was up to council, and was not sure if one-lane closures were possible. It might include collaboration with the Fire Department and more.

Sims asked for further clarification on the possibility of a one-lane closure.

Crowley stated that Dave Askins from the BSquare Bulletin recalled that the half block closure on Kirkwood between Walnut Avenue and Washington Street was because the CVS pharmacy provided vaccines.

Volan said he did not recall that and asked for clarification on options.

Crowley clarified the concerns with the one-lane closure, including confusion on right of way traffic patterns. He also gave information on the options including addressing underutilized street closures.

Volan gave reasons for considering other options, and asked if staff would be opposed.

Crowley stated that staff would not be opposed to considering other ideas if they could be done safely.

Sims said the closures had been done to assist local restaurants through the Covid-19 pandemic. He asked why the closures were still done despite being basically done with the pandemic.

Mottinger stated that the benefits included being more pedestrian friendly which was a vision for Bloomington. Despite being out of the public health emergency, feedback from the community demonstrated appreciation for the closures on Kirkwood. She said staff wanted to use the current year to better collect data to support data-informed decisions.

Sims expressed concern about continuing a program without data, and stated that he did support the closures.

Mottinger stated that staff did not have robust data from systems for parking like Parkmobile and IPS, an integrated parking management system. There was preliminary feedback from businesses. She reiterated that it would be ideal to compare data from the previous year, and the current year, since those were the years there was not a public health emergency. Staff was seeking creative solutions for concerns on the closures.

Sandberg had attended the Bloomington Economic Development Corporation (BEDC) meeting and asked about impacts on retail stores who could not put their stock out on the street, like restaurants could. She also brought up

churches. She asked if feedback from restaurants indicated they were alright, coming out of the pandemic and asked if the accommodation was needed.

Mottinger acknowledged that there were some unknowns and reiterated the importance of using the current year to obtain well-informed data.

De de la Rosa, Assistant Director for Small Business Development in ESD, explained that restaurant recovery was still negatively impacted from inflation and loss of staff. It was important to support restaurants in the city because they employed people of color, single mothers, immigrants, students, and more. She reiterated that staff understood there were those who did not like the closures and wanted to work with them on solutions to their concerns.

Piedmont-Smith asked about the beautification requirement of the parklets. She said it was unclear what the requirements were.

Mottinger agreed that beauty was subjective, and it was encouraged that there also be things like plants, and not just tables and chairs. The city had agreed to use orange barriers though they were an eyesore. The goal was to make the barriers more aesthetically pleasing.

Piedmont-Smith asked if there were examples from other cities.

Mottinger said yes and that staff would work with businesses. Potted plants were a simple solution and she gave other examples.

Piedmont-Smith asked how many parklets there were the previous year.

Mottinger stated there were eight businesses with sixteen parking spaces.

Smith said there were about fifty businesses that were surveyed and that thirty had said yes to the program, and twenty had said no. He asked for clarification.

Talisha Coppock, Downtown Bloomington, Inc. (DBI), gave highlights on the survey of downtown businesses. She said that it was a mix of different businesses and not just restaurants that liked the parklets. She discussed how the downtown area functioned including governmental and health and wellness services. She gave additional details on downtown as a destination.

Mottinger added that staff would like to have a more robust survey to better understand what worked and what did not.

Rosenbarger asked who designed the surveys.

Mottinger stated that staff contributed to the survey. Polco was the platform used but staff and DBI designed the questions.

Sgambelluri asked what the economic development benefits were. She said that the Food and Beverage tax revenue suggested that restaurants had recovered from the pandemic.

Mottinger said outdoor dining allowed for more revenue since there were more seats. The economic development included vibrancy of a pedestrian friendly, sustainable environment and thoroughfare that allowed for browsing at local retail businesses. She said it also contributed to the use of non-car transportation. She gave additional examples of benefits like Bloomington as a destination and for tourism.

Sgambelluri asked how data would be gathered from businesses.

Crowley responded that staff could ask for non-specific information rather than demanding very specific things like revenue.

Piedmont-Smith said that the Transportation Plan called for Kirkwood to be a shared street and that needed to be revisited. She described the shared street concept and asked about the status of implementing that plan.

Mottinger said that having the consistency of the current program allowed for the community and businesses to expect a shared street.

Crowley believed it was a great idea and staff wanted to do a feasibility plan to see what was needed. Many businesses needed to be engaged in the planning and it might be best to have a third party do that research. It was important to not rush into a significant change like having Kirkwood be a shared street.

Piedmont-Smith asked if it was accurate that staff did not believe that the closure replaced a shared street.

Resolution 23-04
(cont'd)

Crowley said that was accurate and the closures were in response to negative impacts from the pandemic. He explained other factors that made a change difficult. Staff believed that continuing the outdoor dining program provided support for an eventual shared street on Kirkwood.

Piedmont-Smith said that a shared street was not closed and cars would be allowed.

Crowley concurred and said that there was a shared streets design in the Trades District with slowed traffic, sidewalks, and space for deliveries.

Volan asked what the cost for stanchions was.

Crowley stated that he did not know but could get that information.

Nancy Hutchens, Building Grounds committee at Trinity church, described the difficulty with the street closure on Kirkwood in front of their building including difficulty with ADA ramp access and firetruck access.

Public comment:

Janet Stavropoulos also spoke about the difficulties with the street closure in front of the Trinity church, as well as options to address ADA ramp access.

Marc Haggerty thanked staff for the improvements at the basketball courts at Switchyard Park.

Connor Wright spoke in favor of the street closure and gave reasons in support. He hoped that the closures would continue.

Galen Cassady thanked Mottinger and Coppock for their work on the program and survey. He and his family owned business were in full support of the program. There were more guests than ever and parking was not an issue. He provided reasons in support and suggestions for improvements. He noted that, according to a National Restaurant Association study, it would take three to five years for restaurants to recover.

Bob Costello, President of Kirkwood Community Association, discussed the process in planning the program and thanked the city for their work with businesses for the street closure. He encouraged problem solving the concerns with the closure and not to eliminate the closures entirely. It was difficult on businesses to invest in long term beautification of the outdoor dining areas if they did not know how council would vote.

Piedmont-Smith asked for the estimated fiscal impact of lost revenue from parking.

Council comment:

Mottinger reiterated that it was speculative because staff did not have information from Parkmobile or IPS, the meters usually generated \$13 per day, resulting in \$129,000. She clarified that was if the meters were used the entire day, every day. Staff believed that the revenue from parking shifted to other areas, away from the spaces that were closed.

Rollo stated that he intended to make a motion to postpone the legislation but wanted to hear comments first.

Mottinger said that there would not be new data to consider and could negatively affect businesses and their participation in the program.

Rollo stated that his intent was to have more public input.

Sandberg asked if there was a possibility to address the ADA concerns at Trinity church.

Mottinger said that staff had received the information from Trinity church relatively late, and were meeting with its staff to find a solution.

Larry Allen, Assistant City Attorney, described options including an amendment or a suspension of part of the program. He said that staff was also looking at accessible parking spot locations.

Resolution 23-04
(cont'd)

Volan said he would support a delay to discuss how to continue the program. It might allow for additional data on cost of stanchions, or parking data.

Crowley said that costs of stanchions could be determined, but the full cost of installation months later would prove more difficult.

Volan gave examples to consider for problem solving concerns.

Crowley responded that 2023 was a good time to figure out details since it was more or less the first year being out of the public health emergency. It was ideal to use the year to gather data and to solve problems like the ADA ramp at Trinity church, for example. It would serve as a time to do a full analysis of the program. Staff did not recommend chopping the program at the time.

Volan thanked Crowley but believed minor changes could be made to address concerns.

Crowley said there was value in closing an entire block and not just one lane.

Rollo asked if emergency responders had weighed in on access at the closures.

Crowley stated that emergency responders were comfortable with the current program. Staff was paying attention to access through alleys, and in the future, there would be work to compromise on that.

Smith asked if staff had spoken with the Bicycle Garage business.

Crowley said that staff had met with them, and were aware of their non-support of the program.

Mottinger reiterated the importance of fully understanding the concerns against the closure.

Sgambelluri asked how success was defined with the closures and parklets.

Mottinger said that creative solutions and improvements would demonstrate success. Real data analysis would also serve to make decisions.

Sgambelluri asked for clarification on what data would determine success or failure of the program.

Crowley noted that success could also be measured by the absence of failure. He said there could be perceived failures, like loss with parking spots. Data could show that there was parking in other blocks near the closures, and good revenue, so in reality there was not a loss. He gave additional reasons supporting a complete data analysis to help determine success or failure.

Sims commented that he would support postponing Resolution 23-04 because it was important to find solutions first. That made it easier to support the program. He wanted to support the program but more discussion was needed.

Rollo had general concerns though he liked the closures.

Smith supported the program and asked to see the breakdown of the surveys.

Coppock said she would inquire, though some responses were confidential.

Piedmont-Smith favored taking more time. She appreciated the one-lane closure option by Lennie's and the Bicycle Garage. She recognized the ADA concerns at Trinity church. It was best to attempt to problem solve prior to renewing the program. She would reach out to Planning staff to seek solutions for the concerns with the closures. She believed the closures had worked well but the concerns needed to be addressed.

Sandberg supported postponing the legislation. It was important to address the concerns prior to renewing the program. She commented on a shared street idea, flooding, and the need for more data.

Rosenbarger noted that the next Regular Session was in two weeks. It was important to remember that it was difficult for businesses to plan ahead, like restaurants beautifying their outdoor dining areas, without knowing what council would pass. She urged councilmembers to work with staff to obtain answers to their questions so that action could be taken at the next meeting. She noted the options Allen mentioned and said ESD staff was willing to work through the concerns with creative solutions. She said that measuring success included outcomes, which were qualitative and difficult to measure, and outputs, like revenue which was easier. It was important to include qualitative measurements when considering success. She would support the program.

Resolution 23-04
(cont'd)

Volan welcomed de la Rosa to ESD staff. He suggested some options to improve the program including data collection, narrow lanes on shared streets, mixed uses, and alternatives for the current closure design. It was time to make a better plan for the closures. He noted the Food and Beverage Tax revenues and the importance of investing in barriers and stanchions. He commented on parking meter data and how it would be analyzed. Volan also discussed access on shared streets, and the closed streets. He stated that it was important to make well-designed street closures permanent.

Sgambelluri generally supported the closure of Kirkwood but was less supportive of parklets because they looked like construction zones. She believed how data would be analyzed was important to know ahead of time and gave examples. She favored a postponement.

Rollo moved and it was seconded to postpone consideration of Resolution 23-04 to the Regular Session to meet on March 01, 2023.

The motion to postpone consideration of Resolution 23-04 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to postpone
Resolution 23-04
[9:59pm]

LEGISLATION FOR
FIRST READING
[10:00pm]

Rollo moved and it was seconded that Ordinance 23-03 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-03 - To Amend Title 15 of the Bloomington Municipal Code Entitled Vehicles And Traffic" - Re: Amending Section 15.12.010 to remove seven stop intersections, to add six stop intersections, and to delete one 4-way stop intersection; Section 15.12.020 to add one yield intersection; Section 15.32.030 to delete angle parking on Fourth Street between College Avenue and Gentry Street; Section 15.32.080 to add no parking spaces on Duncan Drive, Nineteenth Street, and Strong Drive and to

Sgambelluri referred Ordinance 23-03 to the Regular Session to meet on March 01, 2023.

remove no parking spaces on Grant Street and Nineteenth Street; and Section 15.32.090 to add limited parking zones to Eighth Street [10:00pm]

Marc Haggerty commented on veterans, and the military draft that primarily affected the lower class. He said that in his experience there was built trust as a result of lower class individuals from varying cultures being drafted together. He said that lack of trust was prevalent in the nation. He discussed voting, poll sites, and New Leaf New Life.

ADDITIONAL PUBLIC COMMENT [10:03pm]

Lucas reviewed the upcoming council schedule as well as council committee meetings. He also noted the upcoming State of the City address.

COUNCIL SCHEDULE [10:07pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [10:08pm]

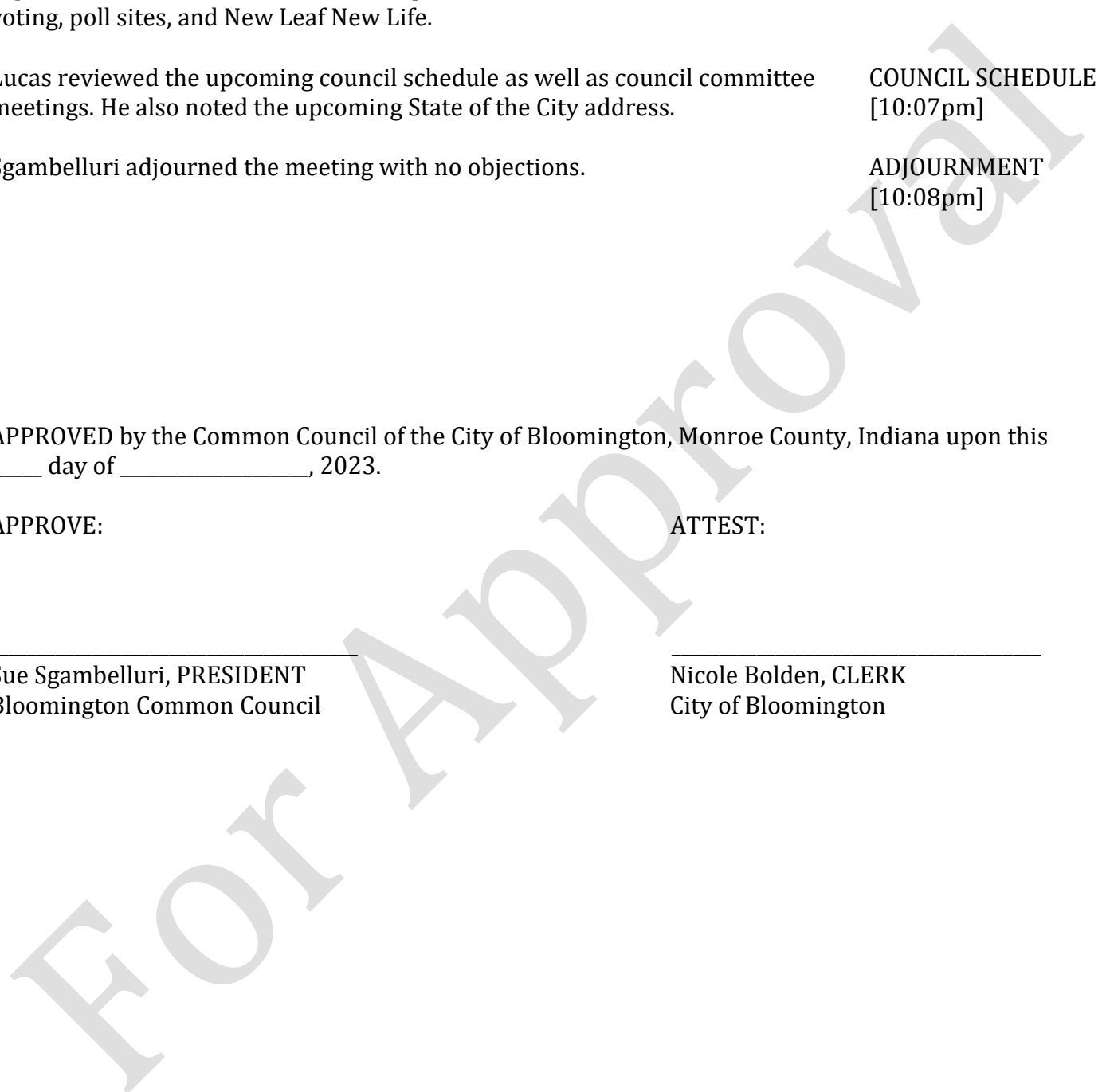
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington





MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: November 9, 2023

Re: Ordinance 23-29 - An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

Synopsis

This ordinance authorizes the City of Bloomington to issue its Sewage Works Revenue Bonds of 2024 in the aggregate principal amount not to exceed \$55,000,000. The 2024 bonds will be issued to finance the second phase of modernizing the Dillman Road WWTP, the Blucher Pool Waste Water Treatment Plant, the Collection System Project, other projects, and to pay costs of issuance of the bonds.

Relevant Materials

- Ordinance 23-29
- Staff memo from Assistant City Attorney Chris Wheeler
- Utilities Service Board Resolution 2023-21
- Link to Winston Thomas Site Master Plan: <https://bton.in/VNvzu>

Summary

Ordinance 23-29 authorizes the construction of several major utilities projects and authorizes the issuance of revenue bonds to fund the costs of the projects.

Overview of Proposed Capital Improvements

The projects to be funded are listed in Exhibit A to the ordinance and include:

- Dillman Road Wastewater Treatment Plant Project – funding for an earlier phase of this project was funded through a bond issuance approved via [Ordinance 20-26](#);
- Blucher Pool Wastewater Treatment Plant Project –equipment replacements/upgrades/improvements and other various projects;
- Collection System Project; and
- Other projects – including a new Utilities Service Center, including but not limited to demolition of the existing buildings at the Winston Thomas property, design of a new Service Center and maintenance facility and any other costs or equipment related thereto.

Detailed cost estimates and preliminary design plans should be made available for public inspection ([pursuant to I.C. 36-1-5-4](#)) in the Office of the City Clerk. Members of the public wishing to view these files may contact the City Clerk's Office at 812-349-3408 or clerk@bloomington.in.gov.



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 involving as much as \$55 million. The following paragraphs categorize and highlight the provisions of the ordinance. In brief, the ordinance:

Amount and Purpose of the Bonds (with Accompanying Documents)

- Authorizes the City to sell a maximum of \$55 million in sewage works revenue bonds;
- Attaches Exhibit A, which provides a brief description of the projects to be funded with the bond revenues;
- Indicates that the *Cost Estimates and Preliminary Design Plans* for these improvements will be made available for public inspection in the Clerk's Office.

Kinds of Bonds, Limits on Interest and Maturity, Relationship with Outstanding Bonds, and Life Cycle of Bonds

- Authorizes bonds with a maximum interest rate of 7% per year and maximum maturity period of no more than 25 years;
- Authorizes the issuance of Bond Anticipation Notes (BANs provide money prior to sale of bonds) at an interest rate of no more than 7% and a maturity date, with extensions, of no more than 5 years after initial date of delivery of these financial instruments;
- Acknowledges outstanding bonds (See the table below) and provides for the new bonds to be issued in parity (on equal ground) with the outstanding ones;
- Authorize Municipal Bond Insurance (which may help lower rates);
- Sets forth procedures for issuing, holding, transferring, and redeeming the BANs and bonds.

Outstanding Wastewater Parity Bonds

Name	Original Date	Amended	Current aggregate principal amount outstanding (Nov 2023)
Amended Sewage Works Revenue of 2006, Series A-1	May 4, 2006	March 26, 2015	\$2,016,000
Sewage Works Refunding Revenue Bonds, Series 2013	May 17, 2013	N/A	\$2,320,000
Sewage Works Revenue Bonds of 2017	August 8, 2017	N/A	\$5,360,000
Sewage Works Refunding Revenue Bonds, Series 2019	November 6, 2019	N/A	\$3,380,000



Sewage Works Revenue Bonds of 2020	December 23, 2020	N/A	\$24,445,000
Sewage Works Revenue Refunding Bonds of 2021	December 21, 2021	N/A	\$5,105,000
Total			\$42,626,000

Safeguarding Bondholders

- Requires the separation of funds into various accounts and prescribes the uses and minimum balances of these accounts;
- Requires the utility to set reasonable, just, and equitable rates and charges sufficient to cover its operations as well as reserve amounts slightly in excess of annual debt service and related obligations;
 - o Note: CBU completed a rate case in 2022 for both wastewater and stormwater that contemplated the projects being funded by this bond issuance. According to the city’s financial advisor, Krohn & Associates, the “wastewater and stormwater rates the City adopted in 2022 will generate sufficient net revenues to repay the debt service on the proposed bonds.”
- Allows the bond holders to appoint a receiver in the event of default or other adverse actions on the part of the City;
- Allows for the issuance of further bonds and BANs on certain conditions;
- 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;
- Requires the City to preserve the tax exempt status of the bonds by not using more than a small percentage of the funds for private purposes; and
- Repeals portions of any previous ordinances that are inconsistent with these provisions.

Contact

Vic Kelson, Utilities Director, kelsonv@bloomington.in.gov, 812-349-3650

Phil Peden, Assistant Director-Engineering, pedenp@bloomington.in.gov, 812-349-3634

Matt Havey, Assistant Director-Finance, matt.havey@bloomington.in.gov, 812-349-3635

Chris Wheeler, Assistant City Attorney, wheelech@bloomington.in.gov, 812-349-3426

ORDINANCE 23-29

AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION BY THE CITY OF BLOOMINGTON, INDIANA, OF CERTAIN EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS UTILITY, THE ISSUANCE AND SALE OF REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS AND OTHER RELATED MATTERS

WHEREAS, the City of Bloomington, Indiana (the "City"), has heretofore established, acquired, constructed and financed its sewage works and currently owns and operates such sewage works (the "Sewage Works") pursuant to the provisions of Indiana Code 36-9-23, as amended; and

WHEREAS, the Common Council of the City (the "Common Council") hereby finds that certain wastewater and storm water improvements, additions and extensions to the Sewage Works are necessary; and that preliminary design plans, specifications, detailed descriptions and cost estimates have been prepared and filed by the engineers employed by the City for the construction of said improvements, additions and extensions, which plans, specifications, descriptions and estimates have been or will be approved by the Utility Service Board (the "Board") and by all governmental authorities having jurisdiction thereover; and

WHEREAS, the Common Council further finds that the City has obtained estimates prepared and delivered by the engineers employed by the City for the construction of said improvements, additions and extensions and will advertise for and receive construction bids therefor; that on the basis of said estimates, the maximum estimated cost of the projects, as defined in Indiana Code 36-9-23 and Indiana Code 36-9-1, each as amended, including all authorized expenses relating thereto, including the costs of issuance of bonds on account of the financing of all or a portion thereof, is in the amount of Fifty-Five Million Dollars (\$55,000,000); and

WHEREAS, the Common Council further finds that there are not sufficient funds on hand from the Sewage Works to pay the costs of the improvements, additions and extensions thereto, and that the financing of the costs of the improvements, additions and extensions to the Sewage Works should be accomplished by the issuance of revenue bonds of the Sewage Works, in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000), and, if necessary, bond anticipation notes, all on the terms and conditions set forth herein; and

WHEREAS, the Common Council finds that there are now outstanding bonds of the Sewage Works consisting of its (a) Amended Sewage Works Revenue Bonds of 2006, Series A-1, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$2,016,000 (b) Sewage Works Refunding Revenue Bonds, Series 2013, dated May 17, 2013, currently outstanding in the aggregate principal amount of \$2,320,000, (c) Sewage Works Revenue Bonds of 2017, dated August 8, 2017, currently outstanding in the aggregate principal amount of \$5,360,000, (d) Sewage Works Refunding Revenue Bonds, Series 2019, dated November 6, 2019, currently outstanding in the aggregate principal amount of \$3,380,000, (e) Sewage Works Revenue Bonds of 2020, dated December 23, 2020, currently outstanding in the aggregate principal amount of \$24,445,000, and (f) Sewage Works Revenue Refunding Bonds of 2021, dated December 21, 2021, currently outstanding in the aggregate principal amount of \$5,105,000 (clauses (a) through (f), collectively, the "Outstanding Parity Bonds"), which Outstanding Parity Bonds constitute a first charge upon the Net Revenues of the sewage works; and

WHEREAS, each of the respective ordinances authorizing the Outstanding Parity Bonds allow for the issuance of additional bonds payable from the Net Revenues of the City's Sewage Works ranking on parity with the pledge thereof to the Outstanding Parity Bonds provided certain financial conditions can be met (such financial conditions, the "Parity Tests"); and

WHEREAS, the Common Council finds that the Parity Tests can be met with respect to the bonds to be issued pursuant to this ordinance, and, accordingly, such bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the pledge thereof to the Outstanding Parity Bonds and are to be issued subject to the provisions of the laws of the State of Indiana, including Indiana Code 36-9-23, as in effect

on the date of delivery of the Bonds authorized herein (collectively, the “Act”) and the terms and restrictions of this Ordinance; and

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds and, if necessary, bond anticipation notes, have been complied with in accordance with the provisions of the Act;

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

SECTION 1. Description of Projects. The City, being the owner of and engaged in operating an unencumbered Sewage Works supplying the City, its inhabitants, and the residents adjacent thereto, with sewage treatment and collection services, now finds it necessary to proceed with the construction of improvements, additions and extensions to its Sewage Works in accordance with the cost estimates and the preliminary design plans heretofore prepared and filed by the consulting engineers employed by the City, which cost estimates and preliminary design plans are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the Office of the City Clerk and are open for public inspection pursuant to IC 36-1-5-4, that the cost of construction of said improvements, additions and extensions to be financed by the issuance of sewage works revenue bonds shall not exceed the sum of \$55,000,000, plus investment earnings on the bond and BAN proceeds, without further authorization from this Common Council.

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. The terms “Sewage Works”, “sewage works”, “works”, “system” and similar terms used in this Ordinance shall be construed to mean the City’s existing sewage works system together with all the real estate, equipment and appurtenances thereto used in connection therewith, and all improvements, extensions and additions thereto, and replacements thereof, now or subsequently constructed or acquired as well as the drainage of storm and surface water to relieve the sewage works system of such water.

A description of the proposed improvements, additions and extensions is set forth on Exhibit A attached hereto (collectively, the “Projects”), and the Projects shall be constructed in accordance with the plans heretofore mentioned, which plans are hereby approved. Said Projects shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the Act.

SECTION 2. Issuance of Bonds and BANs.

(a) The City may issue, if necessary, bond anticipation notes (“the BANs”) for the purpose of procuring interim financing to pay the costs of the Projects, and, if deemed appropriate, the costs of issuance of the BANs. The City may issue the BANs in one or more series, in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000), to be designated “Sewage Works Revenue Bond Anticipation Notes, Series 20__” (to be completed with the year in which the BAN is issued, together with such further or different series designation as may be necessary or appropriate). The BANs shall be lettered and numbered consecutively from R-1 and upward, and shall be in authorized denominations of \$1,000 or more (or such higher denominations as the Controller of the City (the “Controller”) shall determine prior to the sale of the BANs). The BANs shall be dated as of the date of delivery thereof and shall bear interest at a rate not to exceed seven percent (7.0%) per annum (the exact rate or rates to be determined by bidding or through negotiations with the purchasers of the BANs) payable upon maturity. Each series of BANs will mature no later than three (3) years after their date of delivery, unless determined otherwise by the Controller with the advice of the City’s Municipal Advisor (as defined below). The BANs are subject to renewal or extension at an interest rate or rates not to exceed seven percent (7.0%) per annum (the exact rate or rates to be determined by bidding or negotiation). The term of any renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1-14-5, as amended, and may be sold to a financial institution or any other purchaser. The BANs shall be sold at a price not less than ninety-seven and a half percent (97.5%) of the principal amount thereof. The principal of the BANs shall be refunded and retired out of the proceeds from the issuance and sale of the Bonds authorized hereunder. The interest on the BANs shall be payable either from the Net Revenues of the Sewage Works or from proceeds from the issuance and sale hereunder of the Bonds. The Mayor of the City (the “Mayor”) and the Controller are hereby authorized and directed to execute a BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The BANs may be made prepayable at the option of the

City, in whole or in part, on dates and with premiums, if any, and subject to any other terms as determined by the Controller with the advice of the Municipal Advisor, prior to the sale of the BANs. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds, except that such principal and interest due on the BANs may also be paid from other revenues and funds legally available therefor; provided, however, that such other funds are not pledged to the payment of the BANs. The Mayor and the Controller may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith. Unless otherwise indicated by the context, references herein to the Bonds shall also apply to the BANs.

Notwithstanding any other provision of this Ordinance, if the BANs are sold to a purchaser that so agrees, the City may receive payment for the BANs in installments, and principal shall not be payable and interest shall not accrue on the BANs until such principal amount has been advanced pursuant to requests made by the City to such purchaser. In the event that the total principal amount of the BANs sold to such purchaser is not advanced to the City, the principal amount of the BANs shall be reduced accordingly.

(b) In accordance with the Act, the City shall issue, in one or more series, its sewage works revenue bonds designated “City of Bloomington, Indiana Sewage Works Revenue Bonds of 2024”, 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 Fifty-Five Million Dollars (\$55,000,000) (the “Bonds”), for the purpose of providing funds to (i) pay costs of the Projects, (ii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, and (iii) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies. The principal of, redemption premium, if any, and interest on the Bonds shall be payable solely out of the Net Revenues deposited into the Sinking Fund, as defined and described herein. The Bonds shall rank on parity with the Outstanding Parity 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 One Thousand Dollars (\$1,000) 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 not to exceed seven percent (7.0%) per annum (the exact rate or rates to be determined by bidding or through negotiations). 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 January 1, 2024. The principal of the Bonds shall mature annually on January 1 of each year, or be subject to mandatory sinking fund redemption on January 1 of each year, commencing not earlier than January 1, 2025, and ending no later than January 1, 2049, 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 the Municipal Advisor.

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.

The Controller is authorized to serve as, or the Mayor and Controller are authorized to appoint a qualified financial institution to serve as, the Registrar and Paying Agent for the Bonds (the “Registrar and Paying Agent”) as will enable and facilitate the performance of its duties and responsibilities, and are authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, with such fees to be paid from the Sinking Fund as described in this Ordinance. The Registrar and Paying Agent is hereby charged with the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Bonds.

If wire transfer payment for the Bonds is not required, the principal of and any redemption premium on the Bonds shall be payable at the designated corporate trust operations office of the Paying Agent. Interest on the Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth (15th) day of the month immediately preceding an Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. All payments on the Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

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.

In the event that any Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the City shall have no further obligation or liability with respect thereto.

SECTION 3. Redemption of Bonds. 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 such redemption shall be mailed by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by such registered owner), at the address shown on the books of the Registrar. The notice shall specify date and place of redemption, and the registration numbers of the Bonds called for 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 to accrue 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 redemption date and when such Bonds are presented for payment.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Bonds be given, including without limitation and at the option of the City, notice described in paragraph (a) below given by the Registrar to the parties described in paragraph (b) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

(a) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bond being redeemed.

(b) If so directed by the City, each further notice of redemption shall be sent at least thirty (30) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories as the Depository Trust Company of New York, New York) and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

Upon the payment of the redemption price of the Bonds being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

SECTION 4. Authorization for Book-Entry System. 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 Registrar may, in connection herewith, 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 are held in book-entry form on the books of a Clearing Agency, (1) any such Bond may be registered upon Registration Record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (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 and premium, if any, on such

Bond, the receiving of notice and the 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, if any, 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 the 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 holder 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 the 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 bondholders 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 this Section 4 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 5. Execution and Authentication of the Bonds. The Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile 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 signature of the Registrar, and no Bond 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 Bond shall cease to be such official before the delivery of such Bond, 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 6. Security and Sources of Payment; Pledge of Net Revenues. The Bonds, together with the Outstanding Parity Bonds, and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be payable from and secured by, and shall constitute a first charge upon, all of the Net Revenues (herein defined as gross revenues of the Sewage Works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the Sewage Works, including all such Net Revenues from the existing works and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside in the Sinking Fund, which are hereby irrevocably pledged to the payment of the Bonds, to the extent necessary for that purpose. The City shall not be obligated to pay the Bonds or the interest thereon except from the Net Revenues of the Sewage Works, and the Bonds shall not constitute an indebtedness of the City within the

meaning of the provisions and limitations of the constitution of the State of Indiana. The Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

SECTION 7. Form of the Bonds. The form and tenor of the Bonds shall be substantially as set forth in Exhibit B, attached hereto and incorporated herein as if set forth at this place (with all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof).

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 97.5% 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 the binding special revenue obligations of the City, payable out of the revenues of the Sewage Works to be set aside and paid into the Sinking Fund as herein provided, and 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 five percent (5.0%) 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 re-advertising. 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 seven percent (7.0%) 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.

SECTION 9. Official Statement. Any series of the BANs or the Bonds may be offered and sold pursuant to an Official Statement (preliminary and final) or other offering document with respect to such BANs or 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 BANs or 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 10. Continuing Disclosure. 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 BAN or 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 11. Construction Account; Use of Proceeds of Bonds. All of the proceeds from the sale of the Bonds, to the extent not used to refund BANs, and all proceeds of any BANs (if issued) shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as "City of Bloomington, 2024 Sewage Works Construction Account," or such different or further designation as determined by the Controller to be necessary or appropriate (the "Construction Account"). All funds deposited to the credit of the Sewage Works Sinking Fund or the Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Indiana Code 5-13, as amended. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Projects, refunding the BANs (if any), or as otherwise required by the Act or for the expenses of issuance of the Bonds.

All costs of issuance of the Bonds or the BANs, including, without limitation, any rating agency fees, fiscal agency charges, fees and expenses of legal counsel and municipal advisors, printing costs, DTC and CUSIP fees and charges, and/or premiums for credit facilities or reserve fund surety policies, shall be considered as a part of the cost of the Projects on account of which the BANs and Bonds are issued, and the Controller is hereby authority to pay such costs of issuance from the proceeds of the BANs or Bonds.

If any 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 of the Bonds to the Reserve Account of the Sinking Fund, as hereinafter described.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Projects, which are not required to meet unpaid obligations incurred in connection with such Projects, shall be either (i) paid into the Sinking Fund and used solely for the purposes of said Sinking Fund or (ii) used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with Indiana Code 5-1-13, as amended.

SECTION 12. Segregation and Application of Sewage Works Revenues. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the rates and charges of the Sewage Works, which special fund was established and designated as the "City of Bloomington, Sewage Works General Account" (the "General Account") and is continued hereby. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided.

The balance maintained in the General Account shall be sufficient to pay the expenses of operation, repair and maintenance of the Sewage Works for the then next succeeding two (2) calendar months. The moneys credited to the General Account shall be used for the payment of the reasonable and proper expenses of operation, repair and maintenance of the Sewage Works on a day-to-day basis, including the reasonable legal and professional expenses not taken into account in the definition of Net Revenues, but none of the moneys in the General Account shall be used for depreciation, payments in lieu of taxes, replacements, improvements, extensions or additions. Any moneys in the General Account may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of and interest on the outstanding bonds of the Sewage Works, or if necessary to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account, as defined and described below.

Moneys in the General Account shall be transferred from time to time to meet the requirements of the Sinking Fund. Moneys in excess of those transferred to the Sinking Fund may be transferred to the Improvement Fund or may be retained in the General Account, in the discretion of the Board, and in a manner consistent with the requirements of this Ordinance. Moneys in excess of those required to be in the General Account and the Sinking Fund may also be used, in the discretion of the Board, for any other lawful purpose related to the Sewage Works. Notwithstanding the foregoing, in the event that any amounts are due to any providers (including their successors and assigns) of any municipal bond insurance policies or debt service reserve surety policies acquired by the City in connection with the Bonds or any of the Outstanding Parity Bonds, any excess moneys in the General Account after making all required transfers to the Sinking Fund shall be first used to pay any amounts owed under such policies.

SECTION 13. Sewage Works Sinking Fund. (a) There is hereby continued a fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the Sewage Works and the payment of any fiscal agency charges in connection with the payment of the bonds and interest, which fund has been previously designated as the Sewage Works Sinking Fund ("Sinking Fund"). There shall be set aside, transferred and deposited into the Sinking Fund from the General Account, as available and as hereinafter provided, a sufficient amount of the Net Revenues of the Sewage Works to meet the requirements of the Bond and Interest Account and the Reserve Account hereby continued in the Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Reserve Account equal the principal of and interest on all of the then outstanding bonds of the Sewage Works to their final maturity and provide for payment of all fiscal agency charges.

(b) Bond and Interest Account. The Bond and Interest Account is hereby continued. There shall be credited, on the last day of each calendar month from the General Account to the Bond and Interest Account an amount of the Net Revenues equal to at least one-sixth (1/6) of the principal of and interest on all then outstanding bonds payable on the then next succeeding Interest Payment Date and at least one-twelfth (1/12) of the principal on all then outstanding bonds payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding interest and principal payment dates shall have been so credited; provided, that such fractional amounts shall be appropriately increased, if necessary, to provide for the first interest and principal payments on the Bonds. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges, if any, for paying principal and interest on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of any bank fiscal agency charges.

(c) Reserve Account. The Reserve Account is hereby continued. On the date of delivery of the Bonds, the City shall cause funds on hand of the Sewage Works, proceeds of the Bonds or such other bonds, or a combination thereof to be deposited into the Reserve Account so that the balance therein shall equal, but not exceed, the maximum annual debt service requirements on the Outstanding Parity Bonds and the Bonds (such amount, the "Reserve Requirement").

If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, the City shall deposit a sum of Net Revenues into the Reserve Account on the last day of each calendar month, beginning with the first month after the Bonds are delivered, until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Outstanding Parity Bonds, the Bonds and any Additional Parity Bonds (as defined herein), and the moneys in the Reserve Account shall be used to pay current principal and interest on the Outstanding Parity Bonds, the Bonds and any Additional Parity Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. If moneys in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on outstanding bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall, at the direction of the Board, either be transferred to the General Account or be used for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding the par plus accrued interest and redemption premium, if any.

Notwithstanding anything herein to the contrary, but subject to the terms of the Prior Ordinances, the City reserves the right to satisfy the Reserve Account at any time with funds on hand of the Sewage Works, proceeds of the Bonds or other bonds, a debt service reserve surety bond or a combination thereof. Any such surety bond must be issued by an insurance company rated at the time of issuance of such instrument in one of the two highest rating categories by Standard & Poor's Global Ratings Services and Moody's Investors Service. If such surety bond is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the surety bond to the extent necessary to comply with the terms of such surety bond and the commitment to issue such surety. Such agreement shall be deemed a part of this Ordinance for all purposes and is hereby incorporated herein by reference.

SECTION 14. Sewage Works Improvement Fund. After meeting the requirements of the Sinking Fund, any excess Net Revenues may be transferred or credited to the fund previously designated as the "Sewage Works Improvement Fund" (the "Improvement Fund"), hereby continued. The Improvement Fund shall be used for improvements, replacements, additions and extensions of the sewage works, and payments in lieu of taxes. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account of the Sinking Fund or may be transferred to the General Account to meet unforeseen contingencies in the operation and maintenance of the Sewage Works.

SECTION 15. Maintenance of Funds; Investments. The proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The General Account and the Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All of the funds and accounts of the Sewage Works created or continued by this Ordinance, and all moneys deposited therein, shall be continuously maintained, deposited, held, secured and invested as public funds in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including, particularly, applicable provisions of Indiana Code 5-13 and the acts amendatory thereof and supplemental thereto. Any interest or income derived from any such investments shall become a part of the moneys in the fund or account so invested and shall be used only as provided in this Ordinance and the Prior Ordinances. In no event shall any of the Net Revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance or the Prior Ordinances, so long as any of the bonds secured by and payable from the Net Revenues shall be outstanding. Upon

issuance of the Bonds, moneys held and on deposit in the existing funds and accounts established under the Prior Ordinances shall remain on deposit therein.

SECTION 16. Books of Records and Accounts. The City shall keep proper record books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected on account of the operation of the Sewage Works and all disbursements made therefrom and all transactions relating to the Sewage Works. Copies of all such statements and reports shall be kept on file in the office of the Controller. There shall be prepared and furnished, upon the written request, to any owner of the Bonds then outstanding, not more than ninety (90) days after the close of each fiscal year, complete financial statements of the Sewage Works, covering the preceding fiscal year. Copies of all such statements and reports shall be kept on file in the office of the Assistant Director of Finance of the Sewage Works. Any owner of the Bonds then outstanding shall have the right at all reasonable times to inspect the Sewage Works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

SECTION 17. Rate Covenant. The Common Council has previously adopted Ordinance No. 22-33 and Ordinance No. 22-34 (collectively, the "Rate Ordinance"), imposing fees and charges for the several classes of users or property to be served by the Sewage Works utility, which Rate Ordinance (as the same may be subsequently amended or modified from time to time) is incorporated herein by reference as if fully included and set forth in this Ordinance. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the Sewage Works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said Sewage Works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City), to provide for the proper operation, repair and maintenance of the Sewage Works, to comply with and satisfy all covenants contained in this Ordinance and to pay all obligations of the Sewage Works and of the City with respect to the Sewage Works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance of the Sewage Works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such Sewage Works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

SECTION 18. Defeasance. If, when any of the Bonds issued hereunder 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 shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or any portion thereof and coupons then outstanding shall be paid; or (i) sufficient moneys, (ii) direct obligations of, or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) any combination thereof, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

SECTION 19. Additional Bond Provisions. The City reserves the right to authorize and issue additional parity bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the pledge thereof to the Bonds and the Outstanding Parity Bonds (such bonds, the "Additional Parity Bonds"), for the purpose of financing the cost of future extensions, betterments or improvements to the Sewage Works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund and the accounts thereof shall have been made in accordance with the provisions of this Ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid to date in accordance with their terms.

(b) (i) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such proposed Additional Parity Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all of then outstanding bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued; or (ii) prior to the issuance of the proposed Additional Parity Bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous fiscal year's operations, would have produced Net Revenues for said year equal to not less

than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued. For purposes of this subsection, the records of the Sewage Works shall be analyzed and all showings shall be prepared by an independent certified public accountant or nationally recognized firm of professional consultants experienced in analyzing financial records of municipal utilities employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of parity bonds.

(c) The interest on any Additional Parity Bonds shall be payable semiannually on the first days of January and July and the principal of, or the mandatory sinking fund redemption dates for, any Additional Parity Bonds shall be payable annually on the first day of January.

(d) The Reserve Requirement shall be satisfied for the Additional Parity Bonds either as of the date of delivery of said Additional Parity Bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner commensurate with and proportional to the provisions established by Section 13(c) of this Ordinance.

SECTION 20. Additional Covenants of the City. For the purpose of further safeguarding the interests of the owners of the Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Bonds are outstanding, the City shall at all times maintain its sewage works system in good condition and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Bonds are outstanding, the City shall acquire and maintain insurance coverage, including fidelity bonds, to protect the sewage works and its operations of a kind and in an amount such as is automatically carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds and condemnation awards shall be used to replace or repair the property destroyed or damaged.

(c) So long as any of the Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, except to replace equipment which may become worn out or obsolete.

(d) Except as hereinbefore provided in Section 19 hereof, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed, retired or defeased coincidentally with the delivery of such additional bonds or other obligations or, as provided in Section 18 hereof, funds sufficient to effect such redemption are available and set aside for such purpose at the time of issuance of such additional bonds or obligations.

(e) The City shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of the Bonds, nor shall the Common Council or any other body of the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds, the interest thereon remain outstanding or unpaid. Except for the changes set forth in Section 24(a)-(g), this Ordinance may be amended, however, without the consent of Bond owners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds.

(g) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of the governing Act. The provisions of this Ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and

purposes of said fund as in this Ordinance set forth. The owners of the Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer the sewage works in the event the City shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the Bonds.

SECTION 21. Investment of Funds. (a) The Controller is hereby authorized pursuant to IC 5-1-14-3 and the provisions of this Ordinance to invest moneys (subject to applicable requirements of federal law to insure such yield is the then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds under federal law.

(b) The Controller shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts referenced herein. In order to comply with the provisions of the ordinance, the Controller is hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Controller may pay any fees as operation expenses of the sewage works.

SECTION 22. Tax Covenants. In order to preserve the excludability of interest on the BANs or Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the BANs or Bonds, as the case may be (“Code”) and as an inducement to purchasers of the BANs or the Bonds, the City represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or property financed or refinanced by the proceeds of the Bonds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed or refinanced by proceeds of the Bonds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person’s or entity’s use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 2017-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds, as the case may be.

(b) No more than 10% of the principal of or interest on the Bonds is (under the terms of the Bonds, this Ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond proceeds.

(d) The City reasonably expects, as of the date hereof, that the Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds.

(e) No more than 5% of the proceeds of the Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds to be treated as private activity bonds under Section 141 of the Code.

(g) It shall be not an event of default under this Ordinance if the interest on any Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds.

(i) The City represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(j) The Common Council hereby authorizes the Mayor and the Controller to determine whether any series of Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations. Such designation, if made, will be set forth in the arbitrage certificate delivered by the City in connection with the Bonds.

SECTION 23. Waiver of Tax Covenants. Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in Section 22 of this Ordinance (the "Tax Covenants"), which are designed to preserve the exclusion of interest on the Bonds from gross income for purposes of federal income taxation, need not be complied with if the City receives an opinion of nationally recognized bond counsel to the effect that compliance with such Tax Covenant is unnecessary to preserve such exclusion of interest.

SECTION 24. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 20(f), 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 issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, 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 issued pursuant to this Ordinance; or

(b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any Bond or Bonds issued pursuant to this Ordinance over any other Bond or Bonds issued pursuant to the provisions of this Ordinance; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the required balance to be held as a reserve for the Bonds; or

(g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Controller of the City, no owner of any Bond issued pursuant to this Ordinance 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 issued pursuant to the provisions of this Ordinance 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 authorized by this Ordinance, 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 issued pursuant to this Ordinance then outstanding.

SECTION 25. Non-Business Days. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, is a legal holiday or a day on which banking institutions in the area 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 day.

SECTION 26. 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, 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.

SECTION 27. Construction with Other Ordinances. All ordinances, except for the Prior Ordinance, in conflict with this Ordinance are hereby repealed.

SECTION 28. 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 29. 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 _____, 2023.

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its Sewage Works Revenue Bonds of 2024 in the aggregate principal amount not to exceed \$55,000,000. The 2024 bonds will be issued to finance the second phase of modernizing the Dillman Road WWTP, the Blucher Pool Waste Water Treatment Plant, the Collection System Project, other projects, and to pay costs of issuance of the bonds.

EXHIBIT A

DESCRIPTION OF PROJECTS

Dillman Road Wastewater Treatment Plant Project:

The Dillman Road Wastewater Treatment Plant project is the first phase of the treatment plant expansion and modernization plan. The focus of this phase of the project is the replacement of select electrical and mechanical systems due to age and condition. The equipment replacement will include process modernization of the mixed liquor and aerobic digestion aeration systems. The project also includes the addition of a new disc filter and building to expand filtration capacity from 15 million gallon per day (mgd) to 20 mgd. Other improvements will include, but not be limited to, replacement and upgrade of the administrative building heating and cooling system, replacement of the main entry gate with an electronic operated gate, replacement of polymer blending units for the belt press, and design, site safety and miscellaneous improvements at all or any portion of the Dillman Road Wastewater Treatment Plant.

Blucher Pool Wastewater Treatment Plant Project:

The Blucher Pool Wastewater Treatment Plant Project includes replacement, upgrade and improvement projects at the existing wastewater treatment facility, including, but not limited to, repair of the damaged belt press, replacement of three (3) RAS pumps, completion of a hydraulic capacity study for the north sewer basin and the Blucher Poole Wastewater Treatment Plant, design of a plant hydraulic system to include an equalization basin and primary clarifier, replacement of plumbing in the solids handling building, switching current PCL (HMI) over to an ignition system with replacement units, replacement of intake pumps and flow meters, rehabilitation of influent flume, replacement of yard valves, replacement of the primary splitter gate to aeration basin No. 3, and miscellaneous design and equipment replacement projects related thereto.

Collection System Project:

The Collection System Project includes collection system replacement, upgrade and improvement projects, including, but not limited to, a sump pump disconnect program, rehabilitation of sewer pipes and manholes, replacement and upgrade of existing lift stations, coordination with INDOT and the City engineering on road improvement and relocation projects, design of capacity upgrades and all equipment related thereto.

Other Projects:

Other projects include construction and equipping projects at a new Service Center, including, but not limited to, demolition of the existing buildings at the Winston Thomas property, design of a new Service Center and maintenance facility and any other costs or equipment related thereto.

EXHIBIT B

R-__

[FORM OF REGISTERED BOND]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
SEWAGE WORKS REVENUE BOND OF 2024

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Date of Authentication</u>	<u>[CUSIP]</u>
__%	January 1, 20__	_____, 20__	_____, 20__	[_____]

REGISTERED
OWNER: _____

PRINCIPAL AMOUNT: _____ Dollars (\$_____)

The City of Bloomington, in Monroe County, State of Indiana, (the "City") for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above as evidenced by the records of the registered owner making payments for this bond, or its assigns, on the Maturity Date specified 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 Amount is paid upon redemption or at maturity, at the Interest Rate per annum specified above and from the interest payment date to which interest has been paid or duly provided for next preceding the Date of Authentication of this bond as shown above (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 interest payment date or unless this bond is authenticated on or before [January/July] 1, 20__, 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 [January/July] 1, 20__. 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 are payable upon the surrender thereof at the principal office of _____ (the "Registrar" or the "Paying Agent") in the

B-1

_____, _____. 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 as of the Record Date at the address as it appears on the registrations books kept by the Registrar. Each Registered Owner of \$1,000,000 or more in principal amount of the 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 the Bonds (as hereinafter defined) shall be made 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.

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

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 the cost of certain additions, improvements and extensions to the sewage works of the City, [fund a debt service reserve fund/pay the premium on a debt service reserve surety policy] and pay the costs of issuance of the Bonds. This Bond is issued pursuant to an ordinance adopted by the Common Council of the City on the ____ day of _____, 2020, entitled “An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City’s Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters” (the “Ordinance”), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-9-23, as amended (the “Act”).

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this Bond, the Outstanding Parity Bonds (as defined in the Ordinance), and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund (the “Sinking Fund”) maintained under the Ordinance to be funded from the Net Revenues (herein defined as the gross revenues of the Sewage Works (defined as the City’s Sewage Works system, including all real estate, equipment and appurtenances thereto used in connection therewith, and all extensions, additions and improvements thereto and replacements thereof, now or at anytime hereafter constructed or acquired, after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the System).

The City irrevocably pledges the entire Net Revenues of the Sewage Works deposited into the Sinking Fund to the prompt payment of the principal of and interest on the Bonds, the Outstanding Parity Bonds and any bonds ranking on a parity therewith to the extent necessary for such purposes, and covenants that it will cause to be fixed, maintained and collected such rates

and charges for services rendered by the Sewage Works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Sewage Works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there shall be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the System and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City further covenants that for so long as the Bonds, the Outstanding Parity Bonds and any bonds hereafter issued on a parity therewith (the "Additional Parity Bonds") remain outstanding, it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues of the Sewage Works for the payment of (a) the interest on all bonds payable from the revenues of the Sewage Works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying such bonds and interest, (c) the principal of all bonds payable from the revenues of the Sewage Works, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the System. Reference is made to the Ordinance for a more complete statement of the revenues from which and conditions under which this bond is payable, a statement of the conditions on which obligations may hereafter be issued on a parity with this bond, the manner in which the Ordinance may be amended and the general covenants and provisions pursuant to which this bond has been issued.

[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 transferable or exchangeable only upon the books of the City kept for that purpose at the designated corporate trust operations 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 to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred without cost to the Registered Owner except for any tax or governmental charge required to be paid with respect to the transfer. The City, the Registrar and the Paying Agent 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 and premium, if any, due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. **THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE.** The Ordinance may be amended without the consent of the owners of the Bonds as provided in the Ordinance if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds.

The Bonds are issuable only in fully registered form in the denomination of [\$5,000] or any integral multiple 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, in Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Controller.

CITY OF BLOOMINGTON

Mayor

(Seal)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

_____]

By _____
Authorized Representative

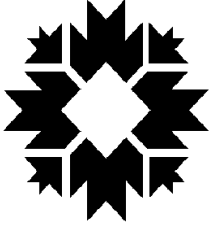
ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (insert name and address) 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.
Dated: _____

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 Guarantee:

NOTICE: Signature(s) must be guaranteed by a broker-dealer or a commercial bank or trust company.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council Members
FROM: Christopher J. Wheeler, Assistant City Attorney
RE: Ordinance 23-29 - Authorizing the combined Wastewater and Stormwater Utility bond issuance
DATE: November 9, 2023

Ordinance 23-29 (“Ordinance”) is before the Common Council for approval as a necessary step in the City’s financing of the planned capital construction projects for the City of Bloomington’s wastewater collection and treatment system and stormwater conveyance for the years 2023 and 2024. This Ordinance frames the terms and conditions required to meet IRS requirements for tax-exempt municipal bonds for low interest bond issuances, and to ensure that the bonds can be sold for the best terms possible to the Utility.

The maximum total bond authorization sought is \$55,000,000.00 (it could end up being less than this, but not more without further Council approval) which includes the cost of the projects listed below plus additional funds for contingencies, debt service reserve funding and costs of issuance. The total figure and the terms of the Bond Ordinance were determined by CBU’s financial advisor in consultation with its bond counsel. They have worked closely with CBU to ensure that all legal and fiscal requirements are met.

The planned wastewater capital improvements for 2023 and 2024 include:

1. Dillman Road Wastewater Treatment Plant Project:

The Dillman Road Wastewater Treatment Plant project is the first phase of the treatment plant expansion and modernization plan. The focus of this phase of the project is the replacement of select electrical and mechanical systems due to age and condition. The equipment replacement will include process modernization of the mixed liquor and aerobic digestion aeration systems. The project also includes the addition of a new disc filter and building to expand filtration capacity from 15 million gallon per day (mgd) to 20 mgd. Other improvements will include, but not be limited to, replacement and upgrade of the administrative building heating and cooling system, replacement of the main entry gate with an electronic operated gate, replacement of polymer blending units for the belt press, and design, site safety and miscellaneous improvements at all or any portion of the Dillman Road Wastewater Treatment Plant.

2. Blucher Pool Wastewater Treatment Plant Project:

The Blucher Pool Wastewater Treatment Plant Project includes replacement, upgrade and improvement projects at the existing wastewater treatment facility, including, but not limited to, repair of the damaged belt press, replacement of three (3) RAS pumps, completion of a hydraulic capacity study for the north sewer basin and the Blucher Poole Wastewater Treatment Plant, design of a plant hydraulic system to include an equalization basin and primary clarifier, replacement of plumbing in the solids handling building, switching current PCL (HMI) over to an ignition system with replacement units, replacement of intake pumps and flow meters, rehabilitation of influent flume, replacement of yard valves, replacement of the primary splitter gate to aeration basin No. 3, and miscellaneous design and equipment replacement projects related thereto.

3. Collection System Project:

The Collection System Project includes collection system replacement, upgrade and improvement projects, including, but not limited to, a sump pump disconnect program, rehabilitation of sewer pipes and manholes, replacement and upgrade of existing lift stations, coordination with INDOT and the City engineering on road improvement and relocation projects, design of capacity upgrades and all equipment related thereto.

4. Other Projects:

Other projects include construction and equipping projects at a proposed new Service Center, including, but not limited to, demolition of the existing buildings at the Winston Thomas property, design of a proposed new Service Center and maintenance facility and any other costs or equipment related thereto.

The planned stormwater capital improvements for 2023 and 2024 consist entirely of the final phase of reconstruction to the clear creek stormwater culvert which runs from Dunn Street across Indiana into Dunn Meadow on the IU campus. The total cost for that final phase is anticipated to be \$6,000,000.00.

The Bond Ordinance will go into effect upon Order of the Council. If you have any questions regarding this ordinance, please feel free to contact me by calling City Legal at 812.349.3549 or e-mailing me at wheelech@bloomington.in.gov.

**UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA
RESOLUTION NO. 2023-21**

A RESOLUTION AUTHORIZING CERTAIN CAPITAL PROJECTS FOR THE CITY OF BLOOMINGTON'S SEWAGE WORKS UTILITY, APPROVING THE ISSUANCE OF REVENUE BONDS THEREFOR, AND DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR SUCH PROJECTS FROM THE PROCEEDS OF SAID BONDS

WHEREAS, the City of Bloomington, Indiana (the "City"), has previously established and constructed and now owns and operates, through its Utility Service Board (the "Board"), a sewage works system for the collection, treatment and disposal of sewage and other wastes from inhabitants and entities in and around the City (the "Sewage Works"), in accordance with the provisions of Indiana Code 36-9-23, as amended, through the City of Bloomington Utilities Department; and

WHEREAS, the Board hereby finds that certain wastewater and storm water improvements, additions and extensions to the Sewage Works, more particularly described on Exhibit A hereto (the "Projects") are necessary; and that preliminary design plans, specifications, detailed descriptions and cost estimates have been prepared and filed by the engineers employed by the City for the construction of said Projects, which plans, specifications, descriptions and estimates have been or will be approved by the Board and by all governmental authorities having jurisdiction thereover; and

WHEREAS, the Board further finds that the City has obtained estimates prepared and delivered by the engineers employed by the City for the construction of said Projects and will advertise for and receive construction bids therefor; that on the basis of said estimates, the maximum estimated cost of the projects, as defined in Indiana Code 36-9-23 and Indiana Code 36-9-1, each as amended, including all authorized expenses relating thereto, including the costs of issuance of bonds on account of the financing of all or a portion thereof, is in the amount of Fifty-Five Million Dollars (\$55,000,000); and

WHEREAS, the Board further finds that there are not sufficient funds on hand from the Sewage Works to pay the costs of the Projects, and that the financing of the costs of the Projects should be accomplished by the issuance of revenue bonds of the Sewage Works, in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000), and, if necessary, bond anticipation notes, all on the terms and conditions set forth herein; and

WHEREAS, this Board finds that it would be beneficial to finance the costs of the Projects and hereby authorizes the same by issuance of one or more series of the City of Bloomington, Indiana Sewage Works Revenue Bonds (collectively, the "Bonds") and, pending the issuance of such Bonds, one or more series of bond anticipation notes (collectively, the "BANs") for such purpose; and

WHEREAS, the Board finds that the City has previously issued and there are now outstanding bonds of the Sewage Works consisting of its (a) Amended Sewage Works Revenue Bonds of 2006, Series A-1, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$2,016,000 (b) Sewage Works Refunding Revenue Bonds, Series 2013, dated May 17, 2013, currently outstanding in the aggregate principal amount of \$2,320,000, (c) Sewage Works Revenue Bonds of 2017, dated August 8, 2017, currently outstanding in the aggregate principal amount of \$5,360,000, (d) Sewage Works Refunding Revenue Bonds, Series 2019, dated November 6, 2019, currently outstanding in the aggregate principal amount of \$3,380,000, (e) Sewage Works Revenue Bonds of 2020, dated December 23, 2020, currently outstanding in the aggregate principal amount of \$24,445,000, and (f) Sewage Works Revenue Refunding Bonds of 2021, dated December 21, 2021, currently outstanding in the aggregate principal amount of \$5,105,000 (clauses (a) through (f), collectively, the “Outstanding Parity Bonds”), which Outstanding Parity Bonds constitute a first charge on the net revenues of the Sewage Works, defined as the gross revenues of the Sewage Works after deduction only for payment of the reasonable expenses of operation and maintenance, derived from the Sewage Works, including all such net revenues from the existing works and all additions, improvements and replacements thereof subsequently constructed or acquired (the “Net Revenues”); and

WHEREAS, each of the respective ordinances authorizing the Outstanding Parity Bonds allow for the issuance of additional bonds payable from the Net Revenues of the City’s Sewage Works ranking on parity with the pledge thereof to the Outstanding Parity Bonds provided certain financial conditions can be met (such financial conditions, the “Parity Tests”); and

WHEREAS, based on information presented to the Board at this meeting, the Board finds that the Parity Tests can be met with respect to the bonds to be issued pursuant to this ordinance, and, accordingly, such bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the pledge thereof to the Outstanding Parity Bonds and are to be issued subject to the provisions of the laws of the State of Indiana, including Indiana Code 36-9-23, as in effect on the date of delivery of the Bonds authorized herein (collectively, the “Act”) and the terms and restrictions of this Ordinance; and

WHEREAS, based on information presented to the Board at this meeting, the Board finds that the Parity Tests can be met with respect to the Bonds, and, accordingly, such Bonds, upon the issuance thereof, will constitute a first charge against the Net Revenues of the Sewage Works ranking on a parity with the Outstanding Parity Bonds and are to be issued subject to the provisions of the Act and the terms and restrictions of an ordinance to be adopted by the Bloomington Common Council authorizing the same; and

WHEREAS, this Board finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds have been complied with in accordance with the provisions of the Act; and

WHEREAS, this Board now desires to recommend to the Bloomington Common Council (the “Common Council”) that it adopt an ordinance authorizing the issuance of the Bonds upon the terms set forth below; and

WHEREAS, the Common Council has previously adopted Ordinance No. 22-33 and Ordinance No. 22-34 (collectively, the “Rate Ordinance”), imposing fees and charges for the several classes of users or property to be served by the Sewage Works utility, which Rate Ordinance, as the same may be amended from time to time, is incorporated herein by reference as if fully included and set forth in this Resolution; and

WHEREAS, the City expects to pay for certain costs of the Projects (collectively, the “Expenditures”) prior to the issuance of the Bonds from the Sewage Works operating account, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds or the BANs, and the Board, on behalf of the City, desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, this Board now desires to recommend to the Bloomington Common Council that it adopt an ordinance authorizing the issuance of the proposed Bonds in substantially the form attached as Exhibit B hereto and incorporated herein (the “Ordinance”).

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Board hereby recommends and requests that the Common Council adopt an ordinance authorizing the issuance of the Bonds, in one or more series, in a maximum aggregate principal amount not to exceed \$55,000,000 with a maximum interest rate of 7.00% and with a final maturity date no later than January 1, 2049, for the purpose of providing funds to (i) pay all or a portion of the costs of the Projects, (ii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, and (iii) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies.
2. The Board hereby estimates that the fees for the several classes of users or property to be served by the Sewage Works utility are equal to the fees and charges set forth in the Rate Ordinance.
3. The Board hereby declares its official intent, to the extent permitted by law, to issue the Bonds in one or more series, in an aggregate principal amount not to exceed \$55,000,000, and to reimburse costs of the Projects consisting of the Expenditures from proceeds of the sale of such Bonds or the BANs.

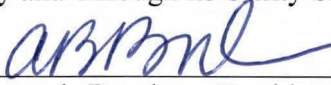
4. The Secretary of the Board is hereby authorized and directed to present a copy of this Resolution to the Bloomington City Clerk for presentation to the Bloomington Common Council as soon as may be done.
5. This Resolution shall be in full force and effect after its adoption by the Board.

Resolution 2023-21

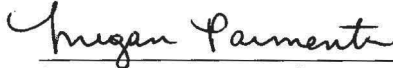
PASSED AND ADOPTED THIS 6th DAY OF NOVEMBER, 2023.

CITY OF BLOOMINGTON, INDIANA

By and Through its Utility Service Board

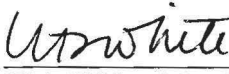
 11-6-23
Amanda Burnham, President

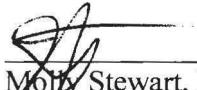
Jeff Ehman, Member

 11-6-23
Megan Parmenter, Vice President

Seth Debro, Member


Jim Sherman, Member


Kirk White, Member


Molly Stewart, Member

ATTEST:


Secretary

EXHIBIT A

DESCRIPTION OF PROJECTS

Dillman Road Wastewater Treatment Plant Project:

The Dillman Road Wastewater Treatment Plant project is the first phase of the treatment plant expansion and modernization plan. The focus of this phase of the project is the replacement of select electrical and mechanical systems due to age and condition. The equipment replacement will include process modernization of the mixed liquor and aerobic digestion aeration systems. The project also includes the addition of a new disc filter and building to expand filtration capacity from 15 million gallon per day (mgd) to 20 mgd. Other improvements will include, but not be limited to, replacement and upgrade of the administrative building heating and cooling system, replacement of the main entry gate with an electronic operated gate, replacement of polymer blending units for the belt press, and design, site safety and miscellaneous improvements at all or any portion of the Dillman Road Wastewater Treatment Plant.

Blucher Pool Wastewater Treatment Plant Project:

The Blucher Pool Wastewater Treatment Plant Project includes replacement, upgrade and improvement projects at the existing wastewater treatment facility, including, but not limited to, repair of the damaged belt press, replacement of three (3) RAS pumps, completion of a hydraulic capacity study for the north sewer basin and the Blucher Poole Wastewater Treatment Plant, design of a plant hydraulic system to include an equalization basin and primary clarifier, replacement of plumbing in the solids handling building, switching current PCL (HMI) over to an ignition system with replacement units, replacement of intake pumps and flow meters, rehabilitation of influent flume, replacement of yard valves, replacement of the primary splitter gate to aeration basin No. 3, and miscellaneous design and equipment replacement projects related thereto.

Collection System Project:

The Collection System Project includes collection system replacement, upgrade and improvement projects, including, but not limited to, a sump pump disconnect program, rehabilitation of sewer pipes and manholes, replacement and upgrade of existing lift stations, coordination with INDOT and the City engineering on road improvement and relocation projects, design of capacity upgrades and all equipment related thereto.

Other Projects:

Other projects include construction and equipping projects at a proposed new Service Center, including, but not limited to, demolition of the existing buildings at the Winston Thomas

property, design of a proposed new Service Center and maintenance facility and any other costs or equipment related thereto.

EXHIBIT B
FORM OF ORDINANCE

(Attached)



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: November 9, 2023

Re: Ordinance 23-30 - An Ordinance Concerning the Construction of Additions and Improvements to the Waterworks of the City of Bloomington, Indiana; the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation, and Distribution of the Revenues of Said Waterworks, the Safeguarding of the Interests of the Owners of Said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

Synopsis

This ordinance authorizes the City of Bloomington to issue its Waterworks Revenue Bonds of 2024 in the aggregate principal amount not to exceed \$95,000 through a forgivable loan program with the Indiana Finance Authority. The 2024 bonds will be issued to finance water pipe related inventory, and pay costs of issuance of the bonds.

Relevant Materials

- Ordinance 23-30
- Staff memo from Assistant City Attorney Chris Wheeler
- Utilities Service Board Resolution 2023-23
- Indiana Finance Authority – State Revolving Fund Loan Program Fact Sheet

Summary

Ordinance 23-30 authorizes the issuance of waterworks bonds in the amount of \$95,000 through a forgivable loan program of the Indiana Finance Authority (IFA). This money would be used to purchase equipment to assist with the City's service line inventory efforts (more details available at <https://bloomington.in.gov/utilities/inventory>). The equipment to be purchased would include a lead pipe detection tool and accompanying items (e.g., iPads, GIS user licenses) to allow staff to conduct the service line inventory and record the data.

The City expects to receive funding for this project through the IFA's State Revolving Fund Loan Program. The City would need to meet certain requirements of the program to ensure the IFA loan is forgiven. The bond ordinance sets forth the procedures and assurances necessary for the relevant financial interests and parties to engage in this transaction.

Wastewater and drinking water revolving loan programs are governed by provisions in state code that spell out state-wide administration of the funds as well as requirements placed on loan participants. For more information on the State Revolving Fund (SRF) Loan Programs and for additional guidance and documents, please consult the following web pages:



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

About SRF: <https://www.in.gov/ifa/srf/>

Applications Guidance & Documents: <https://www.in.gov/ifa/srf/applications-guidance-and-documents>

Contact

Vic Kelson, Utilities Director, kelsonv@bloomington.in.gov, 812-349-3650

Phil Peden, Assistant Director-Engineering, pedenp@bloomington.in.gov, 812-349-3634

Matt Havey, Assistant Director-Finance, matt.havey@bloomington.in.gov, 812-349-3635

Chris Wheeler, Assistant City Attorney, wheelech@bloomington.in.gov, 812-349-3426

ORDINANCE 23-30

AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY OF BLOOMINGTON, INDIANA; THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREOF, THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF THE REVENUES OF SAID WATERWORKS, THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the City of Bloomington, Indiana (the “City”), has heretofore established, constructed, and financed its waterworks, and now owns and operates said waterworks pursuant to Indiana Code 8-1.5, as in effect on the issue date of the bonds authorized herein, and other applicable laws (the “Act”) (all references hereinafter to the Indiana Code are designated as “IC” followed by the applicable code section or sections); and

WHEREAS, the Common Council of the City (the “Common Council”) finds that certain improvements and extensions to said works are necessary; that plans, specifications and estimates have been prepared and filed by the City’s engineers for the construction of said improvements and extensions (as more fully set forth in summary fashion in Exhibit A hereto and made a part hereof) (the “Project”), which plans and specifications have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and will be approved by the aforesaid governmental authorities and are incorporated herein by reference and will be open for inspection at the office of the City as required by law; and

WHEREAS, the City will advertise for and receive bids for the Project, which bids will be subject to the City’s determination to construct the Project and obtaining funds to pay for the Project; and

WHEREAS, based upon the estimates of the City’s engineers and other information provided to the City by the engineers for the Project, the estimated costs of the Project, including engineering, municipal advisory, and legal fees, is in the estimated amount not to exceed \$95,000; and

WHEREAS, the Common Council finds that the City has no funds on hand available to apply on the costs of the Project and that it is necessary to finance the entire costs thereof by the issuance of waterworks revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$95,000 and, if necessary, bond anticipation notes (the “BANs”); and

WHEREAS, the Common Council finds that to the extent there are any outstanding bonds of the waterworks (“Outstanding Parity Bonds”) that constitute a first charge on the Net Revenues (as defined herein), prior to issuing the bonds to be issued pursuant to this Ordinance, at the request of the Authority (as defined herein), the Common Council, if necessary, shall adopt an ordinance amending and restating this Ordinance, to satisfy the conditions for the issuance of additional parity bonds, as described in the ordinance that authorized the Outstanding Parity Bonds. To the extent the City is required to issue bonds pursuant to this Ordinance to meet its obligations to redeem and retire any bond anticipation notes issued pursuant to this Ordinance and the Financial Assistance Agreement (as defined herein) that are not able to not satisfy the conditions for the issuance of additional parity bonds (as described in the ordinance that authorized the Outstanding Parity Bonds), even after taking all possible steps to meet such conditions, such bonds shall, at the request of the Authority, be issued pursuant this Ordinance as a second charge on the Net Revenues, junior and subordinate to any Outstanding Parity Bonds; and

WHEREAS, the bonds to be issued pursuant to this Ordinance will constitute a first charge against the Net Revenues of the waterworks, on a parity with the payment of any Outstanding Parity Bonds, and are to be issued subject to the provisions of the laws of the Act, and the terms and restrictions of this Ordinance; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, if necessary, payable solely from the proceeds of waterworks revenue bonds issued hereunder, and, with respect to interest only, proceeds of the BANs allocable to capitalized interest and/or Net Revenues of

the waterworks, junior and subordinate to the bonds herein authorized and any additional bonds issued pursuant to Section 21 hereof, and to authorize the refunding of said BANs, if issued; and

WHEREAS, the Common Council has been advised by the City's municipal advisor that it may be economically efficient to acquire a municipal bond insurance policy and/or debt service reserve surety for the bonds hereby authorized; and

WHEREAS, if the bonds or BANs herein authorized are sold to the Indiana Finance Authority (the "Authority") as part of its drinking water revolving loan program, supplemental drinking water and wastewater assistance program, water infrastructure assistance program and/or water infrastructure grant program, established and existing pursuant to IC 5-1.2-1 through IC 5-1.2-4, IC 5-1.2-10, IC 5-1.2-11, IC 5-1.2-14 and/or IC 5-1.2-14.5 (collectively, the "IFA Program"), the City will enter into a Financial Assistance Agreement, Funding Agreement, Grant Agreement and/or Financial Aid Agreement (in substantially the form attached as Exhibit B hereto and made a part hereof) together with any subsequent amendments thereto (collectively, the "Financial Assistance Agreement") with the Authority pertaining to the Project and the financing thereof; and

WHEREAS, the City may accept other forms of financial assistance, as and if available from the IFA Program; and

WHEREAS, the Common Council understands that for the Project to be permitted to be financed under the IFA Program, the City must (a) agree to own, operate, and maintain the waterworks and the Project for their useful life and (b) represent and warrant to the Authority that the City has no intent to sell, transfer or lease the waterworks or the Project for their useful life; and

WHEREAS, to the extent the City's waterworks is under the jurisdiction of the Indiana Utility Regulatory Commission (the "IURC") with respect to the approval of rates and charges and financings, the City shall, if required, receive approval of the IURC prior to the issuance of the bonds herein authorized; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the City intends by this Ordinance to qualify amounts advanced by the City to the Project for reimbursement from proceeds of the BANs or the bonds in accordance with the requirements of the Reimbursement Regulations; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said revenue bonds and BANs have been complied with in accordance with the provisions of the Act; now, therefore,

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

Section 1. Authorization of Project. The City shall proceed with the construction of the Project pursuant to the plans and specifications therefore as prepared by the City's engineers for the Project, two copies of which plans and specifications are on file in the office of the duly qualified and acting officers of the City (the "Officers") and open for public inspection pursuant to IC 36-1-5-4. The estimated cost for the construction of said Project, based upon the information provided to the City by its consulting engineers for the Project, will not exceed \$95,000, plus investment earnings on the BAN and bond proceeds, without further authorization of the Common Council. The terms "waterworks," "waterworks system," "works," "system," and words of like import where used in this Ordinance shall be construed to mean and include the existing waterworks system of the City (and its Drinking Water System as defined in the Financial Assistance Agreement, if applicable), and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired. If the bonds herein authorized will be sold to the IFA Program, such terms shall also be construed to mean the Drinking Water System, as defined in the Financial Assistance Agreement to be entered into, in such case, between the City and the Authority through the IFA Program. The Project shall be constructed in accordance with the plans and specifications heretofore mentioned, which Project and plans and specifications are hereby approved. The Project shall be constructed and the BANs and bonds herein authorized shall be issued pursuant to and in accordance with the Act.

In the event the bonds herein authorized or the BANs are purchased by the Authority as part of the IFA Program, on behalf of the City, the Common Council hereby (i) agrees to own, operate, and maintain the waterworks and the Project for their useful life and (ii) represents and warrants to the Authority that the City has no intent to sell, transfer or lease the waterworks or the Project for their useful life.

Section 2. Issuance BANs. The City shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the costs of the Project and to pay costs of issuance. The City may issue its BANs, in one or more series, in an aggregate principal amount not to exceed \$95,000 to be designated “Waterworks Bond Anticipation Notes of 202_,” to be completed with the year in which any BANs are issued and appropriate series designation, if issued in more than one series. The BANs shall be sold at not less than 99.0% of their par value, numbered consecutively from 1 upward and shall be in denominations of Five Thousand Dollars (\$5,000) and integral multiples thereof. The BANs shall be dated as of the date of delivery thereof and shall bear interest at a rate not to exceed 7.0% per annum (the exact rate or rates to be determined through negotiations with the purchaser of the BANs) payable either upon maturity or redemption. Interest on the BANs may, as determined by the Officers of the City, with the advice of the City’s municipal advisor, also be payable semiannually on January 1 and July 1 of each year, commencing on the first January 1 or the first July 1 following delivery of the BANs.

The BANs will mature no later than five (5) years after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 7.0% per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof. Interest on the BANs shall be calculated according to a 360-day calendar year containing twelve 30-day months.

The BANs shall be issued pursuant to IC 5-1.2-1 through IC 5-1.2-4, IC 5-1.2-10, IC 5-1.2-11, IC 5-1.2-14 and/or IC 5-1.2-14.5 if sold to the Authority or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The City shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act.

Interest on the BANs may, as determined by the Officers, with the advice of the City’s municipal advisor, also be payable from capitalized interest and/or Net Revenues of the waterworks. Any pledge of Net Revenues of the waterworks to the payment of interest on the BANs shall be junior and subordinate to the payment of any Outstanding Parity Bonds, any bonds issued pursuant to this Ordinance and any additional parity bonds issued in the future pursuant to Section 21 of this Ordinance (the “Future Parity Bonds”). The BANs shall rank on a parity with respect to the pledge of Net Revenues of the waterworks in the event more than one (1) series of BANs is outstanding and secured, with respect to the payment of interest thereon, by the Net Revenues of the waterworks.

Notwithstanding anything in this Ordinance to the contrary, any series of BANs issued hereunder may bear interest that is taxable and included in the gross income of the owners thereof. If any such BANs are issued on a taxable basis, the designated name shall include the term “Taxable” as the first word in the designated name.

Section 3. Issuance of Bonds. The City shall issue its waterworks revenue bonds, in one or more series, in the aggregate principal amount not to exceed \$95,000 to be designated “Waterworks Revenue Bonds, Series 202_,” to be completed with the year in which issued and appropriate series designation if issued in more than one series (collectively, the “Bonds”), for the purpose of procuring funds to apply on the costs of the Project, refunding the BANs, if issued, funding a reserve, if necessary, and costs of issuance of the Bonds, including the purchase, if necessary, of a municipal bond insurance policy and/or debt service reserve surety.

The Bonds shall be issued and sold at a price not less than 99.0% of the par value thereof. The Bonds shall be issued in fully registered form in denominations of: (i) Five Thousand Dollars (\$5,000) or integral multiples thereof; (ii) One Dollar (\$1) or integral multiples thereof if the Bonds are sold to the Authority through the IFA Program; or (iii) if sold through a private placement, in denominations of One Hundred Thousand Dollars (\$100,000), plus any integral multiple of One Thousand Dollars (\$1,000) in excess thereof, or the aggregate principal amount of such Bonds maturing in any year if less than \$1,000,000. The Bonds shall be numbered consecutively from 1 up and shall be originally dated as of their date of delivery. The Bonds shall bear interest at a rate or rates not exceeding 7.0% per annum (the exact rate or rates to be determined by bidding or through negotiation, as applicable). The interest on the Bonds shall be payable semiannually on January 1 and July 1 in each year, commencing on either the first January

1 or the first July 1 following the date of delivery of the Bonds, as selected by the Officers, with the advice of the City's municipal advisor. The principal of the Bonds shall be payable in lawful money of the United States of America at the principal office of the Paying Agent (as hereinafter defined). The Bonds shall mature semiannually on January 1 and July 1 of each year, or be subject to mandatory sinking fund redemption on January 1 and July 1 of each year, over a period ending no later than thirty-five (35) years from the date of issuance of the Bonds. The Bonds shall mature in such amounts that will either (i) produce as level annual debt service as practicable taking into account the denominations of the Bonds and the annual debt service on any Outstanding Parity Bonds or (ii) if the Bonds will be sold to the IFA Program, enable the City to meet the requirements of the IFA Program (in such case, the debt service schedule shall be finalized and set forth in the Financial Assistance Agreement).

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the purchaser. Such term bonds shall have a stated maturity or maturities consistent with the maturity schedule determined in accordance with the preceding paragraph, on the dates as determined by the purchaser, but in no event later than the last serial maturity date of the Bonds as determined in the preceding paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates which are hereafter determined in accordance with the preceding paragraph.

The Bonds will be payable solely out of and constitute a first charge against the Net Revenues (herein defined as gross revenues of the waterworks, inclusive of System Development Charges (as hereafter defined), remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the waterworks of the City, including the works authorized herein and all real estate, equipment and appurtenances thereto used in connection therewith, and all extensions, additions and improvements thereto and replacements thereof subsequently constructed or acquired, on a parity with the payment of any Outstanding Parity Bonds. For purposes of this Ordinance, "System Development Charges" shall mean the proceeds and balances from any non-recurring charges such as tap fees, subsequent connector fees, capacity or contribution fees, and other similar one-time charges that are available for deposit under this Ordinance. Interest on the Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months.

Notwithstanding anything contained herein, the City may accept any other forms of financial assistance, as and if available, from the IFA Program (including without limitation any forgivable loans, grants, or other assistance) whether available as an alternative to any Bond or BAN related provision otherwise provided for herein or as a supplement or addition thereto. If required by the IFA Program to be eligible for such financial assistance, one or more of the series of the Bonds issued hereunder may be issued on a basis such that the payment of the principal of or interest on (or both) such series of Bonds is junior and subordinate to the payment of the principal of and interest on other series of Bonds issued hereunder (and/or any other revenue bonds secured by a pledge of Net Revenues, whether now outstanding or hereafter issued), all as provided by the terms of such series of Bonds as modified pursuant to this authorization. Such financial assistance, if any, shall be provided in the Financial Assistance Agreement and the Bonds of each series of Bonds issued hereunder (including any modification made pursuant to the authorization in this paragraph to the form of Bonds otherwise contained herein).

Section 4. Registrar and Paying Agent. The Officers are hereby authorized to select and appoint a qualified financial institution to serve as Registrar and Paying Agent for the Bonds and the BANs, which Registrar is hereby charged with the responsibility of authenticating the Bonds (the "Registrar" or "Paying Agent"). The Officers are hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of a Registrar and Paying Agent. The Officers are further authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the Sinking Fund (as hereinafter defined) established to pay the principal of and interest on the Bonds as fiscal agency charges. As to the BANs and as to the Bonds, if sold to a purchaser that does not object to such designation, the Officers may serve as Registrar and Paying Agent and is, in such case, hereby charged with the duties of a Registrar and Paying Agent.

If the Bonds or BANs are sold to the Authority through the IFA program, the principal of and interest thereon shall be paid by wire transfer to such financial institution if and as directed by the Authority on the due date of such payment or, if such due date is a day when financial institutions are not open for business, on the business day immediately after such due date. So long as the Authority through the IFA Program is the owner of said Bonds or BANs, such Bonds and BANs shall be presented for payment as directed by the Authority.

If the Bonds are not sold to the Authority through the IFA Program or if wire transfer payment is not required, the principal of the Bonds shall be payable at the principal office of the Paying Agent and 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 day of the month preceding each payment (the "Record Date"), at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner on or before such Record Date. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

All payments on the BANs and Bonds shall be made 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.

Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar, by the registered owner thereof in person, or by its 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 its 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 costs of such transfer or exchange shall be borne by the City. The City and the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

Interest on Bonds sold to the Authority through the IFA Program shall be paid from the date or dates which are set forth in the Financial Assistance Agreement. Interest on all other Bonds which are authenticated on or before the Record Date which precedes the first interest payment date shall be paid from their original date. Interest on Bonds authenticated subsequent to the Record Date which precedes the first interest payment date thereon shall be paid from the interest payment date to which interest has been paid as of the date on which such Bonds are authenticated unless a Bond is authenticated between the Record Date and the interest payment date in which case the interest shall be paid from such interest payment date.

Section 5. Redemption of BANs. The BANs are prepayable by the City, in whole or in part, on any date, upon twenty (20) days' notice to the owner of the BANs, without any premium.

Section 6. Redemption of Bonds. The Bonds are redeemable at the option of the City. If the Bonds are sold to the Authority through the IFA Program, the Bonds are redeemable at the option of the City no sooner than ten (10) years after their date of delivery, or any date thereafter, on sixty (60) days' notice, in whole or in part, in inverse order of maturity, and by lot within a maturity, at face value together with a premium no greater than 2%, plus accrued interest to the date fixed for redemption; provided, however, if the Bonds are sold to the IFA Program and registered in the name of the Authority, the Bonds shall not be redeemable at the option of the City unless and until consented to by the Authority. If the Bonds are sold to a purchaser other than the Authority through the IFA Program, the Bonds are redeemable no sooner than such date as shall be determined by the Officers, prior to the sale of the Bonds, with the advice of the City's municipal advisor, or any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City, and by lot within a maturity, at face value with no premium, plus accrued interest to the date fixed for redemption. The exact redemption dates and premiums shall be established by the Officer, with the advice of the City's municipal advisor, prior to the sale 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 canceled 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 authorized denomination 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 for redemption shall be selected by lot by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In either case, notice of redemption shall be given not less than sixty (60) days, if the Bonds are sold to the Authority through the IFA Program, and thirty (30) days if the Bonds are sold to another purchaser, prior to the date fixed for redemption unless such redemption notice is waived by the owner of the Bond or Bonds redeemed. Such notice shall be mailed to the address of the registered owner as shown on the registration record of the City as of the date which is sixty-five (65) days if the Bonds are sold to the Authority through the IFA Program, and forty-five (45) days if the Bonds are sold to another purchaser, prior to such redemption date. 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 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.

Section 7. Book-Entry Provisions. The City may, upon the advice of its municipal advisor, have the Bonds held by a central depository system pursuant to an agreement between the City and The Depository Trust Company, New York, New York (the “DTC”) and have transfers of the Bonds effected by book-entry on the books of the central depository system. In such case, the Bonds shall be issued in the name of Cede & Co., as nominee for DTC, as registered owner of the Bonds, and held in the custody of DTC and the terms and conditions of this Section 7 shall apply.

If the Bonds are held by DTC, a single certificate will be issued and delivered to DTC for each maturity of the Bonds. The actual purchasers of the Bonds (“Beneficial Owners”) will not receive physical delivery of the Bond certificates except as provided herein. Beneficial Owners are expected to receive a written confirmation of their purchase providing details of each Bond acquired. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interests will be made by book-entry only, and no investor or other party purchasing, selling, or otherwise transferring beneficial ownership of the Bonds is to receive, hold, or deliver any Bond certificate.

For every transfer and exchange of the Bonds, the Beneficial Owner may be charged a sum sufficient to cover such Beneficial Owner’s allocable share of any tax, fee, or other governmental charge that may be imposed in relation thereto. Bond certificates are required to be delivered to and registered in the name of the Beneficial Owner, under the following circumstances:

- (i) DTC determines to discontinue providing its service with respect to the Bonds (such a determination may be made at any time by giving thirty (30) days’ notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law), or
- (ii) the City determines that continuation of the system of book-entry transfers through DTC (or a successor securities depository) is not in the best interests of the Beneficial Owners.

The City and the Registrar will recognize DTC or its nominee as the holder of the Bonds for all purposes, including notices and voting. The City and the Registrar covenant and agree, so long as DTC shall continue to serve as securities depository for the Bonds, to meet the requirements of DTC with respect to required notices and other provisions of a Letter of Representations between the City and DTC. If necessary to comply with the terms and provisions of the Letter of Representations, a supplemental ordinance shall be adopted to amend this Ordinance as necessary.

The Registrar is authorized to rely conclusively upon a certificate furnished by DTC and corresponding certificates from DTC participants and indirect participants as to the identity of, and the respective principal amount of Bonds beneficially owned by, the Beneficial Owner or Beneficial Owners.

The City may, upon the advice of its municipal advisor, have the BANs held in the custody of DTC. In such case, the aforementioned terms and conditions of this Section 7 shall apply to the BANs.

Section 8. Execution of Bonds and BANs; Pledge of Net Revenues to Bonds. The BANs and Bonds shall be signed in the name of the City by the manual or facsimile signature of the Officer and attested by the manual or facsimile signature of a separate Officer. These officials, by the signing of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures their facsimile signatures appearing on said Bonds and BANs. In case any Officer whose signature or facsimile signature appears on the Bonds or BANs shall cease to be such Officer before the delivery of the Bonds or BANs, the signature of such Officer shall nevertheless be valid and sufficient for all purposes the same as if such Officer had remained in office until such delivery. The Bonds shall also be authenticated by the manual signature of an authorized representative of the Registrar and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

The Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon the Net Revenues of the waterworks of the City, on a parity with the payment of any Outstanding Parity Bonds. The City shall not be obligated to pay said Bonds or the interest thereon except from the Net Revenues of said works, and said Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana. Said Bonds and BANs shall have all of the qualities of negotiable instruments under the laws of the State of Indiana subject to the provisions for registration herein.

Section 9. Form of Bonds. 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:

Form of Bond

[Unless this Bond is presented by an authorized representative of The Depository Trust Company to the Registrar or its agent for registration or transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.]

No. _____

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

Error! Reference source not found.
WATERWORKS REVENUE BOND, SERIES 202__[_]

[Maturity Date] [Interest Rate] [Original Date] [Authentication Date] [CUSIP]

Registered Owner:

Principal Sum:

The City of Bloomington, Indiana (the "City"), in Monroe County, State of Indiana, for value received, hereby promises to pay to the Registered Owner (named above) or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above[, or so much thereof as may be advanced from time to time and be outstanding as evidenced by the records of the registered owner making payment for this Bond, or its assigns,] on [the Maturity Date set forth above] or [January 1 and July 1 in the years and in the amounts as set forth on Exhibit A attached hereto] (unless this Bond be subject to and shall have been duly called for redemption and payment as provided for herein), and to pay interest hereon until the Principal Sum shall be fully paid at the rate per annum specified above from [the dates of payment made on this Bond] or [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 preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this Bond is authenticated on or before _____ 15, 202_, in which case it shall bear interest from the Original Date], which interest is payable semiannually on the first day of January and July of each year, beginning on _____ 1, 202_. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

[The principal of this Bond is payable at the principal office of _____ (the "Registrar" or "Paying Agent"), in the _____ of _____, Indiana.] All payments of [principal of and] interest on this Bond shall be paid by [check mailed one business day prior to the interest payment date] or [wire transfer for deposit to a financial institution as directed by the Indiana Finance Authority on the due date or, if such due date is a day when financial institutions are not open

for business, on the business day immediately after such due date] to the registered owner hereof, as of the fifteenth day of the month preceding such payment, at the address as it appears on the registration books kept by [_____] (the "Registrar" or "Paying Agent") in the _____ of _____, Indiana] or [the Registrar] or at such other address as is provided to the Paying Agent in writing by the registered owner. [If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).] All payments on the Bond shall be made 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 shall not constitute an indebtedness of the City, within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City shall not be obligated to pay this Bond or the interest hereon except from the sinking fund provided from the Net Revenues.

This Bond is [the only] one of an authorized issue of Bonds of the City, [of like tenor and effect, except as to numbering, interest rate, and dates of maturity,] in the total amount of _____ Dollars (\$_____) [for this series] (the "Bonds"), numbered from 1 up, issued for the purpose of providing funds to be applied on the cost of the construction of additions and improvements to the City's waterworks, [to refund interim notes issued in anticipation of the Bonds] and to pay costs of issuance of the Bonds, as authorized by an Ordinance adopted by the Common Council of the City, on the ___ day of _____, 202_ entitled "An ordinance concerning the construction of additions and improvements to the waterworks of the City, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said waterworks, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" (the "Ordinance"), and in strict compliance with the provisions of Indiana Code 8-1.5, as in effect on the issue date of the Bonds (the "Act").

[Reference is hereby made to the Financial Assistance Agreement between the City and the Indiana Finance Authority as to certain terms and covenants pertaining to the waterworks project and this Bond (the "Financial Assistance Agreement").]

[The Bonds shall be initially issued in a book entry system by The Depository Trust Company ("DTC"). The provisions of this Bond and of the Ordinance are subject in all respect to the provisions of the Letter of Representations between the City and DTC, or any substitute agreement affecting such book entry system under DTC.]

Pursuant to the provisions of said Act and said Ordinance, the principal and interest of this Bond and all other Bonds of said issue, and any bonds hereafter issued on a parity therewith, are payable solely from the Sinking Fund (created by the Ordinance) to be provided from the Net Revenues (defined as the gross revenues, inclusive of System Development Charges (as defined in the Ordinance), remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the waterworks of the City, including the works authorized under the Ordinance to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. The payment of this Bond ranks on a parity with the payment of any Outstanding Parity Bonds (as defined in the Ordinance). The City reserves the right to issue additional bonds on a parity with this Bond and the issue of which it is a part, as provided in the Ordinance.

The City irrevocably pledges the entire Net Revenues of said waterworks to the prompt payment of the principal of and interest on the Bonds authorized by said Ordinance, of which this is one, and any bonds ranking on a parity therewith, including any Outstanding Parity Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of [Operation and Maintenance (as defined in the Financial Assistance Agreement)][operation, repair and maintenance] of said works and for the payment of the sums required to be paid into said Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper Officers of the City shall fail or refuse to so fix, maintain, and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this Bond, the owner of this Bond shall have all of the rights and remedies provided for under Indiana law, including the provisions of the Act.

The City further covenants that it will set aside and pay into its Sinking Fund a sufficient amount of the Net Revenues of said works to meet (a) the interest on all bonds which by their terms are payable from the revenues of the waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the waterworks, as such principal shall fall due, and (d) an additional amount to [create and] maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of said works, on a parity with the payment of any Outstanding Parity Bonds.

The Bonds of this issue maturing on _____ 1, 20_, and thereafter, are redeemable at the option of the City on _____ 1, 20_, or any date thereafter, on [sixty (60)] [thirty (30)] days' notice, in whole or in part, in [inverse order of maturity] [in the order of maturity as determined by the City] and by lot within a maturity, at face value [together with the following premiums:

_____% if redeemed on _____ 1, 20_ or thereafter
on or before _____, 20_;

_____% if redeemed on _____ 1, 20_ or thereafter
on or before _____, 20_;

0% if redeemed on _____ 1, 20_, or thereafter
prior to maturity;]

plus, in each case accrued interest to the date fixed for redemption.

[Notwithstanding the foregoing, the Bonds shall not be redeemable at the option of the City unless and until consented to by the Indiana Finance Authority.]

[The Bonds maturing on _____ 1, 20__ 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:

Date Amount

*Final Maturity]

Each [Five Thousand Dollar (\$5,000)][One Dollar (\$1)] 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 for redemption shall be selected by lot by the Registrar. [If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.]

Notice of redemption shall be mailed to the address of the registered owner as shown on the registration record of the City, as of the date which is [sixty-five (65)][forty-five (45)] days prior to such redemption date, not less than [sixty (60)][thirty (30)] days prior to the date fixed for redemption. 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 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.

If this Bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with its depository bank, 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 with said bank 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 hereof in person, or by its 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 its 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 to the registered owner, as the case may be, in exchange therefor. The City, the 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.

This Bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the Bonds as provided in the Ordinance.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of [Five Thousand Dollars (\$5,000)][One Dollar (\$1)] or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to and in the preparation and complete 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 _____, countersigned by the manual or facsimile signature of its _____, and its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its _____.

CITY OF BLOOMINGTON, INDIANA

By: _____

Attest:

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Bonds described in the Ordinance.

as Registrar

By: _____
Authorized Representative

[MUNICIPAL BOND INSURANCE LEGEND]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____, the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within Bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

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.

[EXHIBIT A]

End of Bond Form

Section 10. Preparation and Sale of BANs and Bonds; Official Statement; Investment Letter; Rating; Municipal Bond Insurance. The Officers are hereby authorized and directed to have said BANs and Bonds prepared, and the Officers are hereby authorized and directed to execute said BANs and Bonds in the form and manner herein provided. The Officers are hereby authorized and directed to deliver said BANs and Bonds to the respective purchasers thereof after sale made in accordance with the provisions of this Ordinance, provided that at the time of said delivery the Officers shall collect the full amount which the respective purchasers have agreed to pay therefor, which amount shall not be less than 99.0% of the par value of said BANs and not less than 99.0% of the par value of said Bonds, as the case may be. The City may receive payment for the Bonds and BANs in installments. The Bonds herein authorized, as and to the extent paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City, payable out of the Net Revenues of the City’s waterworks to be set aside into the Sinking Fund as herein provided. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for application on the cost of the Project hereinbefore referred to, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the BANs and Bonds. The proper Officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this Ordinance.

The preparation and distribution of an official statement (preliminary and final) on behalf of the City for the Bonds and BANs sold to a purchaser other than the IFA Program is hereby authorized. The Officers are hereby authorized and directed to execute any such preliminary official statement on behalf of the City in a form consistent with this Ordinance and are further authorized to designate any such preliminary official statement as “nearly final” for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”).

Alternatively, in lieu of preparing and distributing an official statement, the City may obtain a sophisticated investment letter from the purchaser of the Bonds or BANs at the time of delivery of the Bonds or BANs which satisfies applicable state and federal securities laws.

The Officers, with the advice of the City’s municipal advisor, is hereby authorized to obtain one or more ratings for the Bonds if such rating or ratings will facilitate the sale of the Bonds.

In the event the municipal advisor to the City certifies to the City that it would be economically advantageous for the City to obtain bond insurance for the Bonds, the City hereby authorizes the purchase of such bond insurance; provided, however, if the Bonds are sold to Authority as part of the IFA Program the prior written consent of the Authority shall be obtained by the City prior to purchasing such bond insurance. In such case, the Officers are hereby authorized to execute and deliver all agreements with the provider of the bond insurance to the extent necessary to comply with the terms of such bond insurance

and the commitment to issue such bond insurance. The acquisition of bond insurance is hereby deemed economically advantageous if the difference between the present value of (i) the total debt service on the Bonds if issued without the bond insurance and (ii) the total debt service on the Bonds if issued with the bond insurance, is greater than the cost of the premium for the bond insurance. The cost of obtaining bond insurance shall be considered as a part of the cost of issuance of the Bonds and may be paid out of the proceeds of the Bonds or out of other funds of the waterworks.

Section 11. Bond Sale; Bond Sale Notice. As determined by the Officers, with the advice of the City's municipal advisor, the Bonds may be sold by either a competitive sale or a negotiated sale.

If the Bonds will be sold at a competitive sale, in such case the Officers shall cause to be published either (i) a notice of such sale in a newspaper published in the county in which the City is located in with general circulation in the City, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in a newspaper described in (i) above and a newspaper published in Indianapolis, Indiana, all in accordance with IC 5-1-11 and IC 5-3-1. A notice of sale may also be published one time in a newspaper published in Indianapolis, Indiana, and a notice or summary notice may also be published in *The Bond Buyer* in New York, New York. The notice shall state the character and amount of the Bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Officers and the attorneys employed by the City shall deem advisable and any summary notice may contain any information deemed so advisable. The notice may provide, among other things, that each bid shall be accompanied by a certified or cashier's check or a wire transfer payable within one day after the sale of the Bonds in an amount equal to one percent (1%) of the principal amount of the Bonds described in the notice and that in the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default; that bidders for said Bonds will be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8), one-twentieth (1/20) or one-hundredth (1/100) of one percent (1%). No conditional bid or bid for less than ninety-nine percent (99.0%) of the par value of the Bonds will be considered. The opinion of a bond counsel, approving the legality of said Bonds, will be furnished to the purchaser at the expense of the City.

The Bonds shall be awarded by the Officers to the best bidder who has submitted its bid in accordance with the terms of this Ordinance, IC 5-1-11 and the notice of sale. The best bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Bonds to their maturities, adding thereto the discount bid, if any, and deducting the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the City than the best bid received at the time of the advertised sale will be considered.

As an alternative to a competitive sale, the Officers may negotiate the sale of said Bonds to the Authority through the IFA Program or any other purchaser. The Officers are hereby authorized to (i) submit an application to the Authority through the IFA Program, (ii) execute a Financial Assistance Agreement (including any amendment thereof) with the Authority or a Bond Purchase Agreement with any other purchaser, with terms conforming to this Ordinance, and (iii) sell such Bonds upon such terms as are acceptable to the Officers consistent with the terms of this Ordinance.

In the event the Bonds are sold to the Authority through the IFA Program, the Financial Assistance Agreement for the Bonds and the Project shall be executed by the City. The substantially final form of Financial Assistance Agreement attached hereto as Exhibit B and incorporated herein by reference is hereby approved. The Officers are hereby authorized to approve, execute, and deliver said Financial Assistance Agreement, and to approve such changes in form or substance thereto which are consistent with the terms of this Ordinance, such changes to be conclusively evidenced by its execution. In the event the Bonds are sold in series to the Authority, the Financial Assistance Agreement may be amended and restated for any subsequent series of Bonds sold to the Authority through the IFA Program, with such changes in form or substance to the original Financial Assistance Agreement as the Officers may approve, execute, and deliver, consistent with the terms of this Ordinance, as conclusively evidenced by its execution.

Section 12. Use of Proceeds. The accrued interest received at the time of the delivery of the Bonds and premium, if any, shall be deposited in the Sinking Fund. The remaining proceeds from the sale of the Bonds, to the extent not used to refund BANs or fund a reserve, and BAN proceeds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as the “Waterworks Construction Account” (the “Construction Account”). All funds deposited to the credit of said Sinking Fund or Construction Account shall be deposited, held, secured, or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing, or investing of public funds, including particularly IC 5-13, IC 5-1.2-1 through 5-1.2-4, IC 5-1.2-10, IC 5-1.2-11, IC 5-1.2-14 and/or IC 5-1.2-14.5, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, or as otherwise required by the Act or for the expenses of issuance of the Bonds or BANs. The cost of obtaining the legal services of a bond counsel shall be considered as a part of the cost of the Project on account of which the BANs and Bonds are issued.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Sinking Fund and used solely for the purposes thereof or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with IC 5-1-13, as amended and supplemented.

If the Bonds are sold to the Authority as part of the IFA Program, to the extent that (a) the total principal amount of such Bonds is not paid by the purchaser or drawn down by the City or (b) proceeds remain in the Construction Account and are not applied to the Project (or any modifications or additions thereto approved by the Authority), the City shall reduce the principal amount of the Bond maturities to effect such reduction in a manner that will still achieve as level annual debt service as practicable as described in Section 3 subject to and upon the terms set forth in the Financial Assistance Agreement for the Bonds.

The City hereby declares its “official intent”, as such term is used in the Reimbursement Regulations, to reimburse the City’s advances to the Project, such advances from the City’s General Fund or Depreciation Fund (as hereinafter defined), from proceeds of the BANs or the Bonds herein authorized by this Ordinance. The City reasonably expects to make such advances for the costs of the Project.

Section 13. Revenue Fund. There is hereby created the “Revenue Fund” (the “Revenue Fund”). All income and revenues derived from the operation of the waterworks and from the collection of water rates and charges (and any System Development Charges), shall be deposited in the Revenue Fund. The Revenue Fund shall be maintained separate and apart from all other funds and accounts of the City. Out of these revenues, the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the requirements of the Waterworks Sinking Fund shall be met, and the costs of replacements, extensions, additions, and improvements shall be paid. So long as any Bonds are held by the Authority, no moneys derived from the revenues of the waterworks shall be transferred to the General Fund of the City, except for any payments in lieu of property taxes, or be used for any purpose not connected with the waterworks.

Section 14. Operation and Maintenance Fund. The “Operation and Maintenance Fund” (the “Operation and Maintenance Fund”) is hereby created. By the last day of each calendar month, revenues of the waterworks shall be transferred from the Revenue Fund to the Operation and Maintenance Fund so that the balance maintained in this fund shall be sufficient to pay the expenses of operation, repair, and maintenance of the waterworks for the then next succeeding two (2) calendar months. The moneys credited to this fund shall be used for the payment of the reasonable and proper operation, repair, and maintenance expenses of the waterworks on a day-to-day basis, but none of the moneys in the Operation and Maintenance Fund shall be used for depreciation, replacements, improvements, extensions, or additions. Any moneys in said fund may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the waterworks.

Section 15. Waterworks Sinking Fund. There is hereby created a special fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the waterworks, and the payment of any fiscal agency charges in connection with the payment of bonds, which fund is designated as the “Waterworks Sinking Fund” (the “Sinking Fund”). There shall be set aside and deposited in the Sinking Fund, as available, and as provided below, a sufficient amount of the Net Revenues of the waterworks (including any System Development Charges) to meet the requirements of

the Bond and Interest Account and the Reserve Account (each as defined herein) hereby created or to be created in the Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Reserve Account equal the principal of and interest on all of the then outstanding bonds of the waterworks to their final maturity.

If the Bonds are sold to the Authority as part of its IFA Program, the Sinking Fund, containing the Bond and Interest Account and the Reserve Account, and/or the Construction Account, may be held by a financial institution acceptable to the Authority as part of its IFA Program, pursuant to terms acceptable to the Authority. If the Sinking Fund and the accounts therein are held in trust, the City shall transfer the monthly required amounts of Net Revenues to the Bond and Interest Account and the Reserve Account in accordance with this Section 15, and the financial institution holding such funds in trust shall be instructed to pay the required payments in accordance with the payment schedules for the City's outstanding bonds. The Officers are hereby authorized to execute and deliver an agreement with a financial institution to reflect this trust arrangement for the Sinking Fund and/or the Construction Account. The financial institution selected to serve in this role may also serve as the Registrar and the Paying Agent for any outstanding bonds of the City.

(a) Bond and Interest Account. There is hereby created, within the Sinking Fund, the Bond and Interest Account (the "Bond and Interest Account"). After making the credit to the Operation and Maintenance Account, there shall be credited by the last day of each calendar month from the Revenue Fund to the Bond and Interest Account an amount of the Net Revenues equal to (i) at least the sum of one-sixth (1/6) of the principal and one-sixth (1/6) of the interest on all then outstanding bonds payable from the Net Revenues on the then next succeeding principal and interest payment dates, until the amount so credited shall equal the interest payable in the next six (6) months and the principal payable in the next six (6) months. There shall similarly be credited to the Bond and Interest Account any amount necessary to pay the bank fiscal agency charges for paying interest on outstanding bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(b) Reserve Account. There is hereby created, within the Sinking Fund, the Reserve Account (the "Reserve Account"). On the date of delivery of the Bonds, the City may deposit funds on hand, Bond proceeds, unless the Bonds are sold to the Authority as part of its IFA Program, or a combination thereof into the Reserve Account. The balance to be maintained in the Reserve Account shall equal but not exceed the least of (i) the maximum annual debt service on the Bonds, any Outstanding Parity Bonds and any Future Parity Bonds, (ii) 125% of average annual debt service on the Bonds, any Outstanding Parity Bonds and any Future Parity Bonds or (iii) 10% of the proceeds of the Bonds, any Outstanding Parity Bonds and any Future Parity Bonds (the "Reserve Requirement"); provided, however, that if the Bonds are sold to the Authority as part of its IFA Program or are insured by an insurance or surety provider that so requires it, the Reserve Requirement shall be as described in (i) above. At the time of sale of the Bonds, the actual Reserve Requirement shall be set forth in a closing certificate executed by the Officers. If the initial deposit into the Reserve Account does not cause the balance therein to equal the Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be credited to the Reserve Account by the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The Reserve Account shall constitute the margin for safety and a protection against default in the payment of principal of and interest on the Bonds, any Outstanding Parity Bonds and any Future Parity Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest on the Bonds, any Outstanding Parity Bonds, and any Future Parity Bonds, to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. If monies in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on the Bonds, any Outstanding Parity Bonds, or any Future Parity Bonds, then this depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall either be transferred to the Waterworks Depreciation Fund or be used for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding par and accrued interest.

A debt service reserve surety bond may be purchased by the City to satisfy, in whole or in part, the Reserve Requirement. The Officers are hereby authorized to execute and deliver the necessary agreements with the provider of the debt service reserve surety bond providing for, among other matters, the reimbursement to such provider of amounts drawn under the debt service reserve surety bond. Each of these officials are hereby authorized and directed to complete, execute and attest any agreement pertaining to such a debt service reserve surety bond on behalf of the City so long as its provisions are consistent with this Ordinance. The provider of the debt service reserve surety bond must be rated, at the time the debt service reserve surety bond is acquired, in one of the three highest rating categories by either Standard & Poor's Rating Services or Moody's Investors Service. The cost of obtaining a debt service reserve surety bond shall be considered as a part of the cost of issuance of the Bonds and may be paid out of the proceeds of the Bonds or out of other funds of the waterworks. So long as any Bonds are held by the Authority, the prior written consent of the Authority shall be obtained by the City prior to satisfying any portion of the Reserve Requirement with a debt service reserve surety bond.

Section 16. Waterworks Depreciation Fund. After meeting the requirements of the Operation and Maintenance Fund and the Sinking Fund, any excess revenues may be transferred or credited to the Waterworks Depreciation Fund (the "Depreciation Fund"), hereby created, and said fund shall be used for improvements, replacements, additions, and extensions of the waterworks. Moneys in the Depreciation Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal or interest on any outstanding bonds payable from the Sinking Fund or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Reserve Account of the Sinking Fund. Moneys in the Depreciation Fund may also be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation, repair, and maintenance of the waterworks. If the Bonds are sold to the Authority as part of its IFA Program and so long as any Bonds are outstanding, no monies derived from the revenues of the waterworks shall otherwise be transferred to the General Fund of the City or otherwise be used for any purpose not connected with the waterworks. Notwithstanding anything herein to the contrary, revenues of the waterworks may only be used for purposes related to the waterworks and as authorized under IC 8-1.5, as amended.

Section 17. Maintenance of Accounts; Investments. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The Operation and Maintenance Fund and the Depreciation Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City (including, without limitation, any funds and accounts relative to any other utility of the City beyond the Waterworks System) and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13, IC 5-1.2-1 through IC 5-1.2-4, IC 5-1.2-10, IC 5-1.2-14 and/or IC 5-1.2-14.5 (as applicable), and, and the acts amendatory thereof and supplemental thereto, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this Ordinance. Nothing in this Section or elsewhere in this Ordinance shall be construed to require that separate bank accounts be established and maintained for the funds and accounts created by this Ordinance except that (a) the Sinking Fund and Construction Account shall be maintained as a separate bank account from the other funds and accounts of the waterworks and (b) if the Bonds are sold to the Authority, and so long as such Bonds are outstanding and owned by the Authority, the other funds and accounts of the waterworks shall be maintained as a separate bank account from other funds and accounts of the City, including, without limitation, any other funds and accounts for any other utility of the City beyond the waterworks.

Section 18. Maintenance of Books and Records. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and all disbursements made on account of the works, also all transactions relating to said works. There shall be furnished, upon written request, to any owner of the Bonds, the most recent audit report of the waterworks prepared by the State Board of Accounts. Copies of all such statements and reports shall be kept on file in the office of the Officers. Any owner of the Bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports, and data of the City relating to the waterworks. Such inspections may be made by representatives duly authorized by written instrument.

If the Bonds or BANs are sold to the Authority through the IFA Program, the City shall establish and maintain the books and other financial records of the Project (including the establishment of a separate account or subaccount for the Project) and the waterworks in accordance with (i) generally accepted

governmental accounting standards for utilities, on an accrual basis, as promulgated by the Government Accounting Standards Board and (ii) the rules, regulations and guidance of the State Board of Accounts.

Section 19. Rate Covenant. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the waterworks, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses the waterworks by or through any part of the waterworks system of the City, or that in any way uses or is served by the waterworks, at a level adequate to produce and maintain sufficient revenue provided that System Development Charges shall be excluded, to the extent permitted by law, when determining if such rates and charges are sufficient so long as the Bonds are outstanding and, if applicable, owned by the Authority as part of its IFA Program, to provide for the proper (i) Operation and Maintenance (as defined in the Financial Assistance Agreement) of the waterworks, if the Bonds are sold to the IFA Program, and (ii) operation, repair and maintenance of the waterworks, if the Bonds are sold to a purchaser other than the IFA Program, to comply with and satisfy all covenants contained in this Ordinance and, if applicable, the Financial Assistance Agreement, and to pay all obligations of the waterworks and of the City with respect to the waterworks. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance of the waterworks, or Operation and Maintenance of the waterworks, as the case may be, and the requirements of the Sinking Fund. The rates and charges so established shall apply to any and all use of such works by and service rendered to the City, and all departments thereof, and shall be paid by the City, or the various departments thereof, as the charges accrue.

If the Bonds or BANs are sold to the Authority through the IFA Program, the City shall establish and maintain the books and other financial records of the Project (including the establishment of a separate account or subaccount for the Project) and the waterworks in accordance with (i) generally accepted governmental accounting standards for utilities, on an accrual basis, as promulgated by the Government Accounting Standards Board and (ii) the rules, regulations and guidance of the State Board of Accounts.

Section 20. Defeasance of Bonds. If, when any of the Bonds issued hereunder 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 shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or any portion thereof and coupons then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct 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, the principal of and the interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's waterworks.

Section 21. Additional Bond Provisions. The City reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The City reserves the right to authorize and issue Future Parity Bonds, payable out of the Net Revenues of its waterworks, ranking on a parity with the Bonds and any Outstanding Parity Bonds, for the purpose of financing the cost of future additions, extensions, and improvements to the waterworks, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this Ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the waterworks shall have been paid to date in accordance with their terms. The Reserve Requirement shall be satisfied for the Future Parity Bonds either at the time of delivery of the Future Parity Bonds or over a five (5) year or shorter period, in a manner which is commensurate with the requirements established in Section 15(b) of this Ordinance.

(b) The Net Revenues of the waterworks in the fiscal year immediately preceding the issuance of any such Future Parity Bonds (provided, within the 90-day period following the end of such preceding fiscal year, if such year's accounting records are not final as of the sale date of the Future Parity Bonds, the fiscal year preceding such year may be used in lieu of the immediately preceding fiscal year) shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the Future Parity Bonds proposed to be issued; or, prior to the issuance of said Future Parity Bonds, the water rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous year's operations (provided, within the 90-day period following the end of such preceding fiscal year, if such year's accounting records are not final

as of the sale date of the Future Parity Bonds, the fiscal year preceding such year may be used in lieu of the immediately preceding fiscal year) would have produced Net Revenues for said period equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the Future Parity Bonds proposed to be issued. For purposes of this subsection, the records of the waterworks shall be analyzed and all showings prepared by a certified public accountant employed by the City for that purpose. In addition, for purposes of this subsection with respect to any Future Parity Bonds hereafter issued, if the outstanding Bonds are owned by the Authority as part of its IFA Program, Net Revenues may not include any revenues from the System Development Charges unless the Authority provides its consent to include all or some portion of the System Development Charges as part of the Net Revenues or otherwise consents to the issuance of such Future Parity Bonds without satisfying this subsection (b).

(c) The interest on the Future Parity Bonds shall be payable semiannually on the first days of January and July and the principal on, or mandatory sinking fund redemption dates for, the Future Parity Bonds shall be payable semiannually on January 1 and July 1.

(d) If the Bonds are sold to the Authority through the IFA Program, (i) the City obtains the consent of the Authority, (ii) the City has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement and this Ordinance, and (iii) the City is in compliance with its waterworks permits, except for non-compliance for which purpose the Future Parity Bonds are issued, including refunding bonds issued prior to, but part of the overall plan to eliminate such non-compliance.

Section 22. Further Covenants. For the purpose of further safeguarding the interests of the holders of the BANs and Bonds, it is specifically provided as follows:

(a) All contracts let by the City in connection with the construction of said Project shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employer's liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) Said Project shall be constructed under the supervision and subject to the approval of such competent engineers as shall be designated by the City. All estimates for work done or material furnished shall first be checked by the engineers and approved by the City.

(c) The City shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the BANs or Bonds herein authorized are outstanding, the City shall acquire and maintain insurance coverage, including fidelity bonds, to protect the waterworks and its operations. If the Bonds or BANs are sold to the Authority through its IFA Program, such insurance shall be acceptable to the Authority. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds and condemnation awards shall be used to replace or repair the waterworks unless the Authority consents to a different use of such proceeds or awards if the Bonds or BANs are held by the Authority through its IFA Program.

(e) So long as any of the BANs or Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber such works or any part thereof, nor shall it sell, lease, or otherwise dispose of any portion thereof except machinery, equipment or property which may become worn out, obsolete or no longer suitable for use in the waterworks. If the Bonds or BANs are sold to the Authority through the IFA Program, the City shall obtain the consent of the Authority prior to the disposal of any portion of the waterworks as described herein.

(f) If the BANs or Bonds are sold to the Authority through the IFA Program, the City shall not without the prior written consent of the Authority (i) enter into any lease, contract or agreement or incur any other liabilities in connection with the waterworks, other than for normal operating expenditures, or (ii) borrow any money (including without limitation any loan from other utilities operated by the City) in connection with the waterworks.

(g) Except as hereinbefore provided in Section 21 hereof, so long as any of the Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds herein authorized, unless all of the Bonds herein authorized are redeemed, retired or defeased pursuant to Section 20 hereof coincidentally with the delivery of such additional bonds or other obligations.

(h) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs herein authorized, and after the issuance of said Bonds or BANs, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of said Bonds or BANs nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of said Bonds, BANs or the interest thereon remain unpaid. Except for the changes set forth in Section 25(a)-(g), this Ordinance may be amended, however, without the consent of BAN or Bond owners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the BANs or Bonds; provided, however, that if the Bonds or BANs are sold to the Authority through the IFA Program, the City shall obtain the prior written consent of the Authority.

(i) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the Bonds and BANs shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of said governing Act. The provisions of this Ordinance shall also be construed to create a trust in the portion of the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this Ordinance set forth. The owners of said Bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said waterworks, in the event the City shall fail or refuse to fix and collect sufficient rates and charges, or shall fail or refuse to operate and maintain said system and to apply the revenues derived from the operation thereof, or if there be a default in the payment of the principal of or interest on any of the Bonds herein authorized or in the event of default in respect to any of the provisions of this Ordinance or the governing Act.

(j) For purpose this Section 22, the term "lease" shall include any lease, contract, or other instrument conferring a right upon the City to use property in exchange for a periodic payments made from the revenues of the waterworks, whether the City desires to cause such to be, or by its terms (or its intended effects) is to be, (i) payable as rent, (ii) booked as an expense or an expenditure, or (iii) classified for accounting or other purposes as a capital lease, financing lease, operating lease, non-appropriation leases, installment purchase agreement or lease, or otherwise (including any combination thereof).

Section 23. Investment of Funds. The Officers are hereby authorized to invest moneys pursuant to IC 5-1-14-3 and the provisions of this Ordinance (subject to applicable requirements of federal law to ensure such yield is the then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds and BANs under federal law. The Officers shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts created, continued, or referenced herein. In order to comply with the provisions of the ordinance, the Officers are hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Officers may pay any such fees as operating expenses of the waterworks.

Section 24. Tax Covenants. In order to preserve the exclusion of interest on the Bonds and BANs from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds or BANs, as the case may be (the "Code") and as an inducement to purchasers of the Bonds and BANs, the City represents, covenants, and agrees that:

(a) The waterworks will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such

uses in the aggregate relate to no more than 10% of the proceeds of the Bonds or BANs, as the case may be. If the City enters into a management contract for the waterworks, the terms of the contract will comply with Internal Revenue Service Revenue Procedure 2017-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds or BANs, as the case may be.

(b) No more than 10% of the principal of or interest on the Bonds or BANs is (under the terms of the Bonds or BANs, this Ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond or BAN proceeds.

(d) The City reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraphs (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds or BANs, as the case may be.

(e) No more than 5% of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds or BANs pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds or BANs to be treated as private activity bonds under Section 141 of the Code.

(g) It shall not be an event of default under this Ordinance if the interest on any Bond or BAN is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds or BANs, as the case may be.

(h) The City represents that, if necessary, it will rebate any arbitrage profits to the United States of America in accordance with the Code.

(i) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds or BANs, as the case may be.

Section 25. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 22(h), 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 issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, 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 if the Bonds or BANs are sold to the Authority through the IFA Program, the City shall obtain the prior written consent of the Authority; and provided, further, 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 issued pursuant to this Ordinance; or

- (b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this Ordinance; or
- (d) A preference or priority of any Bond or Bonds issued pursuant to this Ordinance over any other Bond or Bonds issued pursuant to the provisions of this Ordinance; or
- (e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or
- (f) A reduction in the Reserve Requirement; or
- (g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Officers, no owner of any Bond issued pursuant to this Ordinance 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 issued pursuant to the provisions of this Ordinance 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 authorized by this Ordinance, 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 issued pursuant to this Ordinance then outstanding.

Section 26. Issuance of BANs. The City, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs to a financial institution, the Authority, or to any other purchaser, pursuant to a Bond Anticipation Note Purchase Agreement (the “Bond Anticipation Note Agreement”) to be entered into between the City and the purchaser of the BAN or BANs. If the BANs are sold to the Authority through the IFA Program, the Financial Assistance Agreement shall serve as the Bond Anticipation Note Agreement. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

The Officers are hereby authorized and directed to execute a Bond Anticipation Note Agreement or Financial Assistance Agreement (and any amendments made from time to time) in such form or substance as they shall approve acting upon the advice of counsel. The Officers may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Section 27. Continuing Disclosure. If necessary in order for the purchaser of the Bonds or BANs to comply with the Rule, the Officers are hereby authorized to execute and deliver, in the name and on behalf of the City, an agreement by the City to comply with the requirements of a continuing disclosure undertaking by the City pursuant to subsection (b)(5) of the Rule, and any amendments thereto from time to time (the “Continuing Disclosure Agreement”). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement.

Section 28. Tax-Exemption. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance (the “Tax Sections”) which are designed to preserve the exclusion of interest on the BANs and Bonds from gross income under federal law (the “Tax Exemption”) need not be complied with if the City receives an opinion of bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption. At the time of delivery of the BANs and Bonds, the Officers will execute post-issuance compliance procedures with respect to the BANs and Bonds relating to continued compliance of the City with respect to the Tax Sections to preserve the Tax Exemption.

Section 29. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Section 30. Special Covenant. To the extent there are any Outstanding Parity Bonds that constitute a first charge on the Net Revenues, prior to issuing the bonds to be issued pursuant to this Ordinance, at the request of the Authority, the Common Council, if necessary, shall adopt an ordinance amending and restating this Ordinance, to satisfy the conditions for the issuance of additional parity bonds, as described in the ordinance that authorized the Outstanding Parity Bonds. To the extent the City is required to issue bonds pursuant to this Ordinance to meet its obligations to redeem and retire any bond anticipation notes issued pursuant to this Ordinance and the Financial Assistance Agreement that are not able to not satisfy the conditions for the issuance of additional parity bonds (as described in the ordinance that authorized the Outstanding Parity Bonds), even after taking all possible steps to meet such conditions, such bonds shall, at the request of the Authority, be issued pursuant this Ordinance as a second charge on the Net Revenues, junior and subordinate to any Outstanding Parity Bonds.

Section 31. Effective Date. This Ordinance shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2023.

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its Waterworks Revenue Bonds of 2024 in the aggregate principal amount not to exceed \$95,000 through a forgivable loan program with the Indiana Finance Authority. The 2024 bonds will be issued to finance water pipe related inventory, and pay costs of issuance of the bonds.

EXHIBIT A

DESCRIPTION OF PROJECT

The Project consists of (i) purchasing a Swordfish (product of Electro Scan Inc.) as a method of quickly and effectively identifying service line composition using measures of conductivity and electrical resistance and (ii) acquiring the tools necessary to rapidly input and update our service line inventory from the field by multiple users, including iPads and corresponding GIS user licenses that will allow our crews in the field to identify and input data directly into the service line database.

EXHIBIT B

Form of Financial Assistance Agreement

[See attached]

FUNDING AGREEMENT

FUNDING AGREEMENT made as of [CLOSING DATE] by and between the Indiana Finance Authority (the "**Finance Authority**"), a body politic and corporate, not a state agency but an independent instrumentality of the State of Indiana (the "**State**") and the City of Bloomington, Indiana, a "Participant" as defined in I.C. 5-1.2-2-54, duly organized and validly existing under State law (the "**Participant**").

RECITALS

1. The attached Appendix A sets forth terms applicable to this Agreement including the SRF Program from which the hereafter referenced Financial Assistance is to be made available to the Participant by the Finance Authority.

2. Such SRF Program is subject to a certain Amended and Restated Indenture of Trust (the "**SRF Indenture**") entered into by the Finance Authority pursuant to IC 5-1.2-1 through IC 5-1.2-4 and IC 5-1.2-10 (together with other applicable State law, the "**Authorizing Law**"), and the parties desire capitalized terms herein contained and not otherwise defined herein to have the same meanings ascribed to them under the applicable SRF Indenture.

3. The Finance Authority has established under such SRF Indenture a Wastewater Program Fund into which Wastewater Program Fees, or a Drinking Water Program Fund into which Drinking Water Program Fees, are deposited, held and applied as allowed by such applicable SRF Indenture and Authorizing Law (such fund, herein, the "**Fees Fund**")

4. The applicable SRF Indenture and Authorizing Law authorize the Finance Authority to make loans (the "**Financial Assistance**") from the Fees Fund to participants for wastewater or drinking water related projects and purposes as more fully provided in the applicable SRF Indenture and Authorizing Law.

5. The Participant's project (the "**Project**") and Financial Assistance are more fully described on Appendix A to this Agreement.

6. The Finance Authority has reviewed the Project and the Financial Assistance therefor, and approved the Project and Financial Assistance therefor.

7. The Finance Authority desires to provide the Financial Assistance to the Participant for the Project (and for no other purpose), and the Participant desires to receive the Financial Assistance from the Finance Authority for the Project (and for no other purpose).

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements set forth in this Agreement, the Finance Authority and the Participant agree that:

ARTICLE I

A. The Finance Authority covenants and agrees with the Participant, subject to this Agreement and State law, including the Authorizing Law, to provide the Financial Assistance, which is comprised of a loan (the "**Loan**"), as more fully described on Appendix A to this Agreement, to the Participant for the Project, in accordance with the Authorizing Law and this Agreement. The Loan must be repaid in accordance with its terms.

B. The terms of any Loan shall be those set forth in the form of the bonds or other obligations of the Participant issued or delivered to the Finance Authority in accordance with applicable laws of the State pursuant to this Agreement (the "**Obligating Instrument**"). The form and substance of the Obligating Instrument, the ordinance or resolution, as applicable, authorizing the issuance of the Obligating Instrument (the "**Authorizing Instrument**"), and the other related certifications and opinions, shall be acceptable to the Finance Authority, in its sole discretion.

C. The Financial Assistance will be disbursed as set forth in this paragraph. Loan disbursements made to or for the benefit of the Participant shall be deemed to be a purchase of the Obligating Instrument in such amounts and with such maturities as achieves annual debt service as level as practical, and with no maturity longer than the original maturity schedule. Unless the Finance Authority consents in writing, no Loan disbursements shall be made more than one year after substantial completion of construction of the Project.

D. Notwithstanding any provision herein to the contrary, the Finance Authority may require the Participant to borrow all available funds from loans or other financial assistance, if any, made available to the Participant for the Project from the Finance Authority's amounts held in the wastewater revolving loan fund established or the drinking water revolving loan fund established pursuant to IC 5-1.2-1 through IC 5-1.2-4 and IC 5-1.2-10, before all or some portion of the Financial Assistance hereunder from the Fees Fund is loaned or paid to the Participant.

ARTICLE II

The Participant covenants and agrees with the Finance Authority that:

A. The Participant will use the Financial Assistance to acquire, construct and equip the Project and for no other purpose without the prior written consent of the Finance Authority. The Participant agrees to undertake and complete the Project in a timely manner and to receive and expend the Loan proceeds in accordance with this Agreement.

B. The sum of the Financial Assistance and other moneys on hand or available lawfully to the Participant are sufficient to complete the Project, and the Participant understands that the Finance Authority is not in any manner obligated to provide additional Financial Assistance for the Project.

C. The Project is expected to be completed not later than eighteen (18) month after the date to this Agreement. In the event (1) physical construction of the Project has not commenced pursuant to a duly bid and awarded construction contract within six (6) months after the date to

this Agreement or (2) the Finance Authority, in its discretion, shall determine that construction of the Project has been abandoned by the Participant, upon notice given to the Participant by the Finance Authority, any further disbursement of Financial Assistance may be terminated.

D. The Participant will use the Financial Assistance, and acquire, construct and equip the Project, in accordance with all applicable laws. The Participant will maintain and operate the Project in accordance with the applicable laws.

E. The Participant will report to the Finance Authority on the Participant's expenditure of the Financial Assistance and the status of the Project on the first day of January following the date of this Agreement, and on the first day of every January thereafter until the Participant expends all the Financial Assistance and completes the Project, whichever is later. At the time the Participant completes the Project, the Participant will provide promptly to the Finance Authority a final report (the "**Final Report**"). All reports to the Finance Authority will be in form and substance satisfactory to the Finance Authority.

F. The Finance Authority and its agents, officers and employees will have ready access at the Participant's offices to the Participant's agents, officers and employees, and its books and records, at all reasonable times from the date of this Agreement to and including the third anniversary of the day the Participant submits to the Finance Authority its Final Report. Upon the Finance Authority's written request therefor, the Participant will promptly provide to the Finance Authority, at no cost to the Finance Authority, certified copies of the Participant's books and records or any portion thereof.

G. The Participant will own and operate and maintain (in good condition) the Project for its useful life (or cause it to be so operated and maintained).

H. The Participant will establish, adjust and maintain rates and charges at levels adequate to maintain sufficient revenues to operate and maintain (in good condition) the Project and to repay all the Participant's indebtedness, including the Loan as evidenced by the Obligor Instrument and the Authorizing Instrument.

I. Except as permitted by the Authorizing Instrument, the Participant will not incur additional indebtedness on parity with the Obligor Instrument in connection with or related to the Project, including any utility or other works to which the Project is a part, without the prior written consent of the Finance Authority.

J. To the extent permitted by law, the Participant agrees to indemnify, defend and hold harmless the Finance Authority and its agents, officers and employees from any and all claims and actions of any nature arising out of this Agreement (or any action taken hereunder), the Financial Assistance or the Project (or the planning, design, acquisition, construction or equipping or operating of the Project), from all judgments or recoveries resulting therefrom and for all costs in defending or appealing such claims or actions or judgments or recoveries, including court costs and attorneys' fees.

K. The Participant shall provide to the Finance Authority audited financial statements of the Participant inclusive of the activities of the Participant's utility system to be improved by the Financial Assistance, commencing with financial statements for a calendar year period that ends not more than two (2) years after the date of this Agreement (and for each calendar year period that ends every two (2) years thereafter until the Financial Assistance has been repaid), which audit (i) shall have been performed by the Indiana State Board of Accounts or by an independent public accountant and (ii) shall be submitted to the Finance Authority no later than nine (9) months following the end of the calendar year period to which such audit pertains.

ARTICLE III

A. The Finance Authority's obligation to make a disbursement of the Financial Assistance to the Participant under this Agreement may be terminated at the option of the Finance Authority, without giving any prior notice to the Participant, in the event: (1) the Participant fails to undertake or perform in a timely manner any of its agreements, covenants, terms or conditions set forth herein or in any paper entered into or delivered in connection herewith; or (2) any representation or warranty made by the Participant as set forth herein or in any paper entered into or delivered in connection herewith is materially false or misleading. Any such event shall constitute an event of default. If an event of default occurs, the Finance Authority without giving any prior notice, may declare the entire outstanding principal amount of the Loan, together with accrued interest thereon, immediately due and payable.

B. Failure on the part of the Finance Authority in any instance or under any circumstance to observe or perform fully any obligation assumed by or imposed upon the Finance Authority by this Agreement or by law shall not make the Finance Authority liable in damages to the Participant or relieve the Participant from paying any Obligating Instrument or fully performing any other obligation required of it under this Agreement or the Authorizing Instrument; provided, however, that the Participant may have and pursue any and all other remedies provided by law for compelling performance by the Finance Authority of such obligation assumed by or imposed upon the Finance Authority. Neither the Finance Authority nor any agent, attorney, member or employee of the Finance Authority shall in any event be liable for damages, if any, for the nonperformance of any obligation or agreement of any kind whatsoever set forth in this Agreement.

C. This Agreement does not create a debt or a liability of the Finance Authority under the constitution of the Finance Authority or a pledge of the faith or credit of the Finance Authority and does not directly, indirectly or contingently obligate the Finance Authority to levy any form of taxation, or to make any appropriation, for the payment or fulfillment of any terms of this Agreement. The Financial Assistance shall be funded solely from uncommitted, appropriated and available funds held in the Fees Fund or from other sources the Finance Authority, in its sole discretion, may designate. It shall be a condition precedent to the disbursement of the Financial Assistance or any portion thereof, that there shall be available to the Finance Authority uncommitted funds in an amount sufficient to satisfy the Finance Authority's obligations hereunder in the Fees Fund.

D. When the Finance Authority makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of this Agreement, this Agreement shall be canceled. Any determination by the Finance Authority that funds are not appropriated or otherwise available shall be final and conclusive.

E. Pursuant to Indiana Code 22-9-1-10, the Participant and its contractors, subgrantees or contractors and subcontractors, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

F. The Participant hereby covenants and agrees to make a good faith effort to provide and maintain during the term of this Agreement, a drug-free workplace and that it will give written notice to the Finance Authority and the Indiana Department of Administration within ten (10) days after receiving actual notice that an employee of the Participant has been convicted of a criminal drug violation occurring in the Participant's workplace. Failure of the Participant to, in good faith comply with this Paragraph, shall constitute a material breach of this Agreement and shall entitle the Finance Authority to impose sanctions against the Participant including suspension of payments and termination of this Agreement.

ARTICLE IV

A. All appendices to this Agreement are incorporated into this Agreement and made a part of this Agreement. Capitalized terms herein contained and not otherwise defined herein to have the same meanings ascribed to them under the applicable SRF Indenture.

B. This Agreement may be executed in any number of counterparts, each of which shall be executed by the Finance Authority and the Participant, and all of which shall be regarded for all purposes as one original and shall constitute one and the same instrument.

C. The Participant will give any notice or other writing to the Finance Authority in writing by certified United States mail, postage prepaid or hand delivery to the Indiana Finance Authority, SRF Programs, 100 North Senate, Room 1275, Indianapolis, Indiana 46204, Attention: Director of Environmental Programs, or such other persons or address as shall be given properly to the Finance Authority. The Finance Authority may give any notice or other writing to the Participant by first-class United States mail, postage prepaid or hand delivery to the person and address set forth in Appendix A or such other person or address as shall be given properly to the Participant.

D. This Agreement will be construed in accordance with State law. Any claim or action must be brought in the courts of the State.

E. No amendment of this Agreement will be valid unless duly authorized, executed and delivered by the Participant and the Finance Authority.

F. Neither this Agreement, nor the Financial Assistance may be assigned by the Participant without the prior written consent of the Finance Authority and any attempt at such an assignment without such consent shall be void.

G. This Agreement contains the entire agreement between the parties hereto and there are no promises, agreements, conditions, undertakings, warranties and representations, either written or oral, expressed or implied between the parties hereto other than as herein set forth or as may be made in the Authorizing Instrument and the other papers delivered in connection herewith. In the event there is a conflict between the terms of this Agreement and the Authorizing Instrument, the terms of this Agreement shall control. It is expressly understood and agreed that except as otherwise provided herein this Agreement represents an integration of any and all prior and contemporaneous promises, agreements, conditions, undertakings, warranties and representations between the parties hereto.

H. Neither the failure nor the delay of the Finance Authority to exercise any right, power or privilege under this Agreement shall operate as a waiver thereof or shall any single or partial exercise of any right, power or privilege preclude any further exercise of any other right, power or privilege.

I. The Participant agrees to pay (a) the fees, costs and expenses in connection with making the Loan, including issuing the Obligating Instrument (including attorneys' fees incurred by the Finance Authority which are typically \$2,000 to \$4,000, which may be paid from the Loan) and (b) any and all costs and expenses, including attorneys' fees, incurred by the Finance Authority in connection with the enforcement of this Agreement, the Authorizing Instrument and the Obligating Instrument in the event of the breach by the Participant of or a default under this Agreement, the Authorizing Instrument or the Obligating Instrument.

J. The undersigned attests, subject to the penalties of perjury, that he/she is an authorized officer or representative of the Participant, that he/she has not, nor has any other officer or representative of the Participant, directly or indirectly, to the best of the undersigned's knowledge, entered into or offered to enter into any combination, collusion or agreement to receive pay, and that the undersigned has not received or paid any sum of money or other consideration for the execution of this agreement other than that which appears upon the face of the agreement or is a payment to lawyers, accountants and engineers by the Participant related to customary services rendered in connection with the Financial Assistance.

[Remainder of Page Left Blank]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or officials, all as of the date first above written.

CITY OF BLOOMINGTON, INDIANA
“Participant”

By: _____

Attest: _____

INDIANA FINANCE AUTHORITY

By: _____
James P. McGoff
Director of Environmental Programs

APPENDIX A: Project, Financial Assistance

APPENDIX A - Project, Financial Assistance

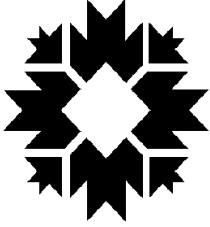
1. **The Project.** The proceeds of the Financial Assistance described below will be applied to (i) purchase a Swordfish (product of Electro Scan Inc.) as a method of quickly and effectively identifying service line composition using measures of conductivity and electrical resistance and (ii) acquire the tools necessary to rapidly input and update the service line inventory from the field by multiple users, including iPads and corresponding GIS user licenses that will allow the crews in the field to identify and input data directly into the service line database.

2. **Financial Assistance**
 - A. **Loan:** \$[_____], to be evidenced by the Participant’s Taxable Waterworks Bond Anticipation Note of 2023 (the “BAN”), which will bear interest at the per annum rate of zero percent (0%). The BAN will be in the aggregate principal amount of the Loan. Subject to Paragraph 3.A. herein, the BAN will mature on December 31, 2023.

3. **Additional Terms:**
 - A. The principal maturity of the BAN is subject to forgiveness and discharge and shall be deemed forgiven and discharged on December 31, 2023, provided however that there is not then existing any default under this Agreement and the Participant has otherwise complied with the terms and conditions of this Agreement. The Participant acknowledges that a portion of the Financial Assistance is subject to forgiveness and discharge which Financial Assistance was made available to the Participant in reliance upon information submitted to the Finance Authority by the Participant that demonstrated individual ratepayers (in the residential user rate class of the Participant that does not meet the SRF Program’s affordability criteria) would have otherwise experienced a significant hardship from the increase in rates necessary to finance the Project. The Participant hereby represents the additional subsidization afforded by such forgiveness and discharge has been (and it agrees to cause such to continue to be) directed to the benefit of such individual ratepayers through the Participant’s user rate system or other appropriate methods.

 - B. The Participant and the Finance Authority agree that any event of default occurring under any prior financial assistance agreement, financial aid agreement, funding agreement and/or grant agreement (the “Prior Agreements”) entered into between the Participant and the Finance Authority (if any) shall constitute an event of default under this Agreement. Similarly, the Participant and the Finance Authority agree that any event of default under this Agreement, or under any subsequent financial assistance agreement entered into between the Participant and the Finance Authority, shall constitute an event of default under the Prior Agreements and the subsequent financial assistance agreement, if any, as the case may be.

[End of Appendix A]



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council Members
FROM: Christopher J. Wheeler, Assistant City Attorney
RE: Ordinance 23-30 authorizing issuance of an IFA Bond
DATE: November 9, 2023

Ordinance 23-30 (“Ordinance”) is before the Common Council for approval as a necessary step in the City’s eligibility for Lead Service Line Inventory Type III grant funding (the “Grant”) from the Indiana Finance Authority (the “IFA”).

The Indiana State Revolving Fund authorizing law permits the IFA to make loans for drinking water related projects under a “forgivable” bond anticipation note. The Ordinance before the Common Council, therefore, is a forgivable bond anticipation note with a maximum total bond authorization not to exceed \$95,000.00. The funding made available through this loan from the IFA will fund the purchase of Swordfish (product of Electro Scan, Inc.) which is a device that identifies the composition of material in service lines using measures of conductivity and electrical resistance along with the tools necessary to rapidly input and update our service line inventory from the field. Some of the necessary tools include iPads and corresponding GIS user licenses that will allow CBU crews in the field to identify and input data directly into a CBU service line database.

**UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA
RESOLUTION NO. 2023-23**

**A RESOLUTION AUTHORIZING CERTAIN CAPITAL PROJECT FOR THE CITY OF
BLOOMINGTON’S WATERWORKS UTILITY, AND APPROVING THE ISSUANCE
OF REVENUE BONDS THEREFOR**

WHEREAS, the City of Bloomington, Indiana (the “City”), has previously established and constructed and now owns and operates, through its Utility Service Board (the “Board”), a waterworks system pursuant to Indiana Code 8-1.5 (the “Waterworks”), through the City of Bloomington Utilities Department; and

WHEREAS, the Board hereby finds that certain improvements and extensions to said works are necessary; that plans, specifications and estimates have been prepared and filed by the City’s engineers for the construction of said improvements and extensions (as more fully set forth in summary fashion in Exhibit A hereto and made a part hereof) (the “Project”), which plans and specifications have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and will be approved by the aforesaid governmental authorities and are incorporated herein by reference and will be open for inspection at the office of the City as required by law; and

WHEREAS, the Board further finds that the City has obtained estimates prepared and delivered by the engineers employed by the City for the construction of said Project and will advertise for and receive construction bids therefor; that on the basis of said estimates, the maximum estimated cost of the Project, as defined in Indiana Code 8-1.5, as amended, including all authorized expenses relating thereto, including the costs of issuance of bonds on account of the financing of all or a portion thereof, is in the amount of Ninety-Five Thousand (\$95,000); and

WHEREAS, the Board further finds that there are not sufficient funds on hand from the Waterworks to pay the costs of the Project, and that the financing of the costs of the Project should be accomplished by the issuance of revenue bonds of the Waterworks, in an aggregate principal amount not to exceed Ninety-Five Thousand (\$95,000), and, if necessary, bond anticipation notes, all on the terms and conditions set forth herein; and

WHEREAS, this Board finds that it would be beneficial to finance the costs of the Project and hereby authorizes the same by issuance of one or more series of the City of Bloomington, Indiana Waterworks Revenue Bonds (collectively, the “Bonds”) and, pending the issuance of such Bonds, one or more series of bond anticipation notes (collectively, the “BANs”) for such purpose; and

WHEREAS, the Board finds that to the extent there are any outstanding bonds of the waterworks (“Outstanding Parity Bonds”) that constitute a first charge on the Net

Revenues (as defined herein), prior to issuing the bonds to be issued pursuant to the Bloomington Common Council (the “Common Council”) Ordinance (as hereinafter defined), at the request of the Indiana Finance Authority (the “Authority”), the Common Council, if necessary, shall adopt an ordinance satisfying the conditions for the issuance of additional parity bonds, as described in the ordinance that authorized the Outstanding Parity Bonds. To the extent the City is required to issue bonds pursuant to the Common Council Ordinance to meet its obligations to redeem and retire any bond anticipation notes issued pursuant to the Common Council Ordinance and the Financial Assistance Agreement with the Authority that are not able to not satisfy the conditions for the issuance of additional parity bonds (as described in the ordinance that authorized the Outstanding Parity Bonds), even after taking all possible steps to meet such conditions, such bonds shall, at the request of the Authority, be issued pursuant this Ordinance as a second charge on the Net Revenues, junior and subordinate to any Outstanding Parity Bonds; and

WHEREAS, this Board finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds have been complied with in accordance with the provisions of the Act; and

WHEREAS, this Board now desires to recommend to the Common Council that it adopt an ordinance authorizing the issuance of the Bonds upon the terms set forth below; and

WHEREAS, the Common Council has previously adopted its ordinances (the “Rate Ordinances”), imposing fees and charges for the several classes of users or property to be served by the Waterworks utility, which Rate Ordinances, as the same may be amended from time to time, are incorporated herein by reference as if fully included and set forth in this Resolution; and

WHEREAS, the City expects to pay for certain costs of the Project (collectively, the “Expenditures”) prior to the issuance of the Bonds from the Waterworks operating account, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds or the BANs, and the Board, on behalf of the City, desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, this Board now desires to recommend to the Common Council that it adopt an ordinance authorizing the issuance of the proposed Bonds in substantially the form attached as Exhibit B hereto and incorporated herein (the “Ordinance”).

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Board hereby recommends and requests that the Common Council adopt an ordinance authorizing the issuance of the Bonds, in one or more series, in a maximum aggregate principal amount not to exceed \$95,000 with a maximum interest rate of 7.00%

and with a final maturity date no later than January 1, 2029, for the purpose of providing funds to (i) pay all or a portion of the costs of the Project, (ii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, and (iii) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies.

2. The Board hereby estimates that the fees for the several classes of users or property to be served by the Waterworks utility are equal to the fees and charges set forth in the Rate Ordinances.
3. The Board hereby declares its official intent, to the extent permitted by law, to issue the Bonds in one or more series, in an aggregate principal amount not to exceed \$95,000, and to reimburse costs of the Project consisting of the Expenditures from proceeds of the sale of such Bonds or the BANs.
4. The Secretary of the Board is hereby authorized and directed to present a copy of this Resolution to the Bloomington City Clerk for presentation to the Common Council as soon as may be done.
5. This Resolution shall be in full force and effect after its adoption by the Board.

Resolution 2023-23

PASSED AND ADOPTED THIS 6th DAY OF NOVEMBER, 2023.

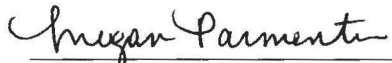
CITY OF BLOOMINGTON, INDIANA

By and Through its Utility Service Board

 11-8-23

Amanda Burnham, President

Jeff Ehman, Member



Megan Parmenter, Vice President

Seth Debro, Member



Jim Sherman, Member

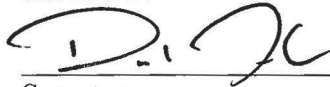


Kirk White, Member



Molly Stewart, Member

ATTEST:



Secretary

EXHIBIT A

DESCRIPTION OF PROJECT

The Project consists of (i) purchasing a Swordfish (product of Electro Scan Inc.) as a method of quickly and effectively identifying service line composition using measures of conductivity and electrical resistance and (ii) acquiring the tools necessary to rapidly input and update our service line inventory from the field by multiple users, including iPads and corresponding GIS user licenses that will allow our crews in the field to identify and input data directly into the service line database.

EXHIBIT B
FORM OF ORDINANCE

(Attached)



State Revolving Fund Loan Programs

Drinking Water, Clean Water, Nonpoint Source

FACT SHEET

October 2023

GENERAL PROGRAM INFORMATION

What is the State Revolving Fund (SRF) Loan Program?

The State Revolving Fund (SRF) Loan Program provides low interest loans to Indiana communities for projects that improve wastewater and drinking water infrastructure and for nonpoint source projects. The Indiana Finance Authority administers this program to protect public health and the environment.

Who is eligible?

- Cities, towns, counties, regional sewer/water districts, conservancy districts are eligible for wastewater, drinking water and nonpoint source SRF loans.
- In addition, private, not-for-profit and water authorities are eligible for drinking water SRF loans.

Where does SRF's funding originate?

The State applies to the U.S. Environmental Protection Agency (U.S. EPA) annually for capitalization grants to fund its SRF Programs. To increase available funds, the State leverages its U.S. EPA capitalization grants in the municipal bond market. These funds are combined with the U.S. EPA required state match and are then made available to Indiana communities in the form of low interest loans.

What types of projects are eligible for funding?

Wastewater projects may include:

- Treatment plant improvements,
- Sewer line extensions to existing or platted unsewered properties,
- Combined sewer overflow corrections,
- Infiltration/inflow projects,
- Sewer/Pump Station Rehabilitation or Replacement, and/or
- Projects defined in the Water Resources Reform and Development Act.

Drinking water projects may include:

- Drinking water wells and surface water intakes,
- Treatment plant improvements,
- Water line replacements and extensions to existing or platted un-served properties, and/or
- Water storage facilities.

Nonpoint source projects may include:

- Wetland protection and restoration measures,
- Providing sewer service to properties served by on-site sewage disposal systems,
- Best Management Practices for agriculture and stormwater runoff,
- Brownfield Remediation,
- Riparian Buffers and Conservation Easements, and/or
- Wellhead and Source Water Protection measures.

What types of projects are not eligible for funding?

Ineligible projects include those projects solely intended for economic development and projects primarily for fire suppression.

How does a community apply for an SRF loan?

- An eligible entity can submit an application at any time to the SRF Loan Program at: 100 N. Senate Ave., Rm. 1275, Indianapolis, IN 46204.
- Application forms are available on SRF's website at <http://www.srf.in.gov>.

What are the loan terms?

- The SRF loan is a fixed rate, 20-year loan. However, up to 35-year loan terms are available for qualifying projects.
- Interest rates reset quarterly and are at or below 90% of the average 20-year AAA-rated, general obligation bond Municipal Market Data. Rates are further discounted based on the applicant's median household income (gathered from census data) and local user rates.
- Interest rates can be further reduced by up to 0.5% if the project has Green Project Reserve components or nonpoint source features. In addition, interest rates may be reduced to 0.0% for qualifying projects that include lead line replacement.

Where can I get more information about SRF loans?

For information regarding wastewater projects or drinking water projects, please contact SRF's Clean Water and Drinking Water Program Manager, Brett Roberts, at broberts@ifa.in.gov or (317) 232-8623.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation

Synopsis

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

Relevant Materials

- Ordinance 23-31
- Memo to the Council from Cm. Volan, District 6, Sponsor
- Closed Captions Quick Guide – prepared by the Indiana Association of the Deaf and the Hearing Loss Association of America

Summary

Ordinance 23-31 would amend [Chapter 2.23](#) ("Community and Family Resources Department") of the Bloomington Municipal Code ("BMC") to add a new Section 2.23.240, entitled "Closed Captioning in Places of Public Accommodation". This ordinance is sponsored by Cm. Volan and has been developed in coordination with several individuals, including the city's Special Projects Coordinator Michael Shermis and Holly Elkins, working with the Indiana Association of the Deaf.

The Bloomington/Monroe County Human Rights Commission considered this proposal at its meeting on November 20, 2023 and recommended passage of the ordinance. Likewise, the Council for Community Accessibility considered the ordinance at a meeting on November 27, 2023 and recommended adoption.

The proposed regulation would require places of public accommodation within the City of Bloomington to enable closed captioning on capable televisions that are in use in public places during regular business hours. Bloomington Municipal Code already defines public accommodation for purposes of the human rights ordinance as any establishment which offers its services, facilities, or goods to the general public.



Ordinance 23-31 provides certain exceptions to the general requirement, as follows:

- a television that is turned off does not need to be turned on to comply with the ordinance;
- a place of public accommodation is not required to provide a television;
- a place of public accommodation is not required to upgrade or replace a television that is incapable of displaying closed captions; and
- if two or more televisions are displaying the same channel or program, then only one of every five televisions must have closed captioning enabled (or two of every ten televisions, etc., with consideration for spacing out those televisions).

Enforcement of this requirement would be handled through a complaint process handled by the Bloomington/Monroe County Human Rights Commission (“Commission”). The Commission has an established enforcement procedure that allows it, among other powers, to investigate complaints, to make probable cause determinations (in coordination with the Legal Department), to schedule public hearings, to reach consent agreements with relevant parties, and to issue temporary or permanent orders.

More information about the Commission, its membership, and its processes is available online at <https://bloomington.in.gov/boards/human-rights>.

Several cities and states across the United States have enacted similar requirements, including [Boston, MA](#); [Salt Lake City, UT](#); [Rochester, NY](#); [Ann Arbor, MI](#); [Toledo, OH](#); [Portland, OR](#); and [San Francisco, CA](#). States with similar regulations include [Washington](#) and [Maryland](#). An Indiana House Bill ([H.B. 1390](#)) that would have added similar requirements to state law was offered in 2023 but did not make it out of committee.

The ordinance’s impact would include a possible increase in workload for the Commission and the city staff that support the Commission. The amount of additional work would depend, among other things, on the number of complaints submitted to the city. If existing staff capacity is insufficient to implement the ordinance, the administration could request additional resources, which would depend on future legislative action.

Contact

Councilmember Steve Volan, volans@bloomington.in.gov, 812-349-3409

Common Council Office, council@bloomington.in.gov, 812-349-3409

ORDINANCE 23-31

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"ADMINISTRATION AND PERSONNEL"
- Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding
Section 2.23.240 - Closed Captioning in Places of Public Accommodation**

WHEREAS, pursuant to its home rule power, the City of Bloomington may promote the quality of life, health, safety, and welfare of its citizens; and

WHEREAS, Bloomington Municipal Code 2.23.110 states that it is the public policy of the City of Bloomington to provide all citizens equal opportunity to access public accommodations; and

WHEREAS, the City of Bloomington's Comprehensive Plan was adopted on March 20, 2018 and provides a long-range vision for the community; and

WHEREAS, the Comprehensive Plan includes the following:

Goal 1.1 Inclusivity (p.28): Prioritize programs and strategies that support inclusive recreational and cultural activities.

Policy 1.1.2: Continue and enhance programs that embrace Bloomington's diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.

Goal 2.3 Resilient Public Spaces (p.39): Ensure public spaces are of high quality, engaging, and active.

Policy 2.3.2: Ensure public spaces are accessible to all ages and abilities and serve to connect all generations.

Policy 2.3.3: Ensure public spaces and facilities are well-maintained and frequently updated and that these spaces and facilities are responsive to cultural and technological changes.

WHEREAS, the lack of communication access to the audio content on television programming in public places presents a barrier for individuals with certain disabilities; and

WHEREAS, television's audible content has not been accessible to some individuals, including persons who are deaf, hard of hearing, have hearing loss, have developmental disabilities, have sensory disabilities, are non-native English speakers, and others; and

WHEREAS, when businesses enable the "closed captions" function on their televisions, a transcript of the program's audio content is shown scrolling across a portion of the screen; and

WHEREAS, visible captions would reduce or eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on television programming in all of Bloomington's public places; and

WHEREAS, visible captions would also increase access to information for the general public, because televisions are often located in crowded and noisy commercial spaces where everybody may have difficulty hearing;

WHEREAS, the Bloomington/Monroe County Human Rights Commission and the Council for Community Accessibility considered this ordinance at meetings on November 20, 2023 and November 27, 2023, respectively, and recommend its passage;

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

SECTION 1. Bloomington Municipal Code Chapter 2.23 entitled “Community and Family Resources Department” shall be amended by inserting Section 2.23.240, entitled “Closed Captioning in Places of Public Accommodation”, with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.23.240 - Closed Captioning in Places of Public Accommodation.

- (a) Purpose and Applicability. The purpose of this Section is to expand access to closed captioning in places of public accommodation within the corporate boundaries of the City of Bloomington.
- (b) Definitions. When used in this section, the following terms shall have the following meanings:
 - (1) “Closed captioning” means a transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.
 - (2) “Closed captioning television receiver” (CCTR) means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.
 - (3) “Place of public accommodation” has the meaning set forth at Bloomington Municipal Code 2.23.120(23) for the term “public accommodation”.
 - (4) “Regular hours” means the hours of any day in which a place of public accommodation is generally open to members of the general public.
 - (5) “Responsible Person” means an owner, employee, manager, or agent with the authority to control a closed captioning television receiver in a place of public accommodation.
- (c) Activation of Closed Captioning.
 - (1) A responsible person at a place of public accommodation in the City of Bloomington must activate and leave activated closed captioning on any closed captioning television receivers in use in any part of the place of public accommodation that is open to the general public at all times during regular business hours.
 - (2) Exceptions. A responsible person is not required to:
 - (A) power on a CCTR that is powered off;
 - (B) provide a CCTR in a place of public accommodation;
 - (C) upgrade or replace a receiver of television programming that is incapable of displaying closed captioning; or
 - (D) activate closed captioning on more than one of every five CCTRs displaying the identical channel or program, more than two of every ten CCTRs, and so on. If two or more CCTRs under this rule have closed captioning activated, they shall not be adjacent to each other.
- (d) Enforcement.
 - (1) An individual may allege a violation of Section 2.23.240 by filing a complaint with the Bloomington/Monroe County Human Rights Commission (“Human Rights Commission”).
 - (2) The Human Rights Commission shall have the authority to investigate complaints brought before it and to issue appropriate orders pursuant to Bloomington Municipal Code 2.23.

(e) Other Applicable Laws. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

SECTION 2. 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 3. This ordinance shall be in full force and effect beginning on January 1, 2025.

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

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

To: Council

From: Steve Volan, Councilmember, District VI

Date: December 1, 2023

Re: Ordinance 23-31: closed captioning in public accommodations

This ordinance adds Section 2.23.240 to Bloomington Municipal Code to require that any establishments that display television programming in their places of business for the benefit of customers, clients or patients should have closed captioning active on those TVs whenever they are open to the public.

"Places of public accommodation"

BMC 2.23.120 (23) defines a "public accommodation" as "any establishment which offers its services, facilities, or goods to the general public." The most likely place people are likely to think of as a place of public accommodation where this ordinance would apply is a bar or restaurant with TVs showing sporting events, news channels or entertainment programming. But places with televisions in their lobbies, sales floors or waiting rooms also count as public accommodations, like big-box stores with TVs for sale; banks; hotels; entertainment centers like cinemas, bowling alleys or pool halls; hospitals, medical offices, and barber and beauty shops. In short, any place that provides TV programming as a service to their patrons, patients or clients should be turning on the closed captioning feature as a matter of course. (Thanks to the permanent establishment of hybrid meetings through Zoom software, the Common Council already complies with the letter and spirit of this ordinance.)

Specifics

The ordinance would require those places of public accommodation with TVs to turn on captioning during their operating hours, whether those be "normal business hours" from 9 to 5 weekdays, whenever waiting rooms or sales floors are open, or 24 hours a day in the case of some medical facilities. Captioning would not need to be on before or after hours if only employees are present. Enforcement would be handled in the same way as any potential Human Rights violation: in response to a complaint, and addressed through the city's adjudication process for such complaints.

While captioning may seem to the casual observer like a requirement too trivial to be deserving of an ordinance, it's significant to those with hearing loss. It removes a barrier, relieves an obligation to request accommodation to be treated equally in public, and relieves the indignity of having to reveal, explain or justify the need for accommodation. And it serves everyone who is temporarily unable to hear TVs in crowded and noisy public environments.

There are also reasonable exceptions to this requirement. An establishment does not need to power a TV on if it is off, or replace, upgrade or modify a TV that does not have captioning ability. In places with a wall of TVs like a bar or big-box store, only one TV in five must have captioning on. These exceptions underscore the very modest obligation the city is placing on public place providers -- once they press a certain button sequence, they can forget about it.

Origin of the ordinance

On the heels of working with Michael Shermis, the city's Human Rights Director, on Res. 23-11, earlier this year to enshrine Accessible Transportation and Mobility Principles into the city's Transportation Plan, he brought to my attention the Indiana Association of the Deaf's interest in a closed-captioning ordinance. They have for several years been lobbying for a statewide requirement at the General Assembly without success, and have turned instead toward trying to get local communities to pass ordinances to require closed-captioning.

A very informative August meeting occurred during which I and Christopher Emge of the Chamber of Commerce met with Mike Chin and Stephanie Thorpe of the civil rights office in Seattle where they passed a captioning ordinance, to learn more about their outreach to Seattle-area businesses and other entities to inform them of their ordinance's requirements.

The ordinance before you has been endorsed by the Council for Community Accessibility and the Bloomington/Monroe County Human Rights Commission. I've been working with Holly Elkins, the IAD's Legislative Chair who lives in Bloomington, and Mr. Shermis to get the fine points right. The original draft of the ordinance contemplated a two-year phase-in and education period for local establishments, but the IAD and CCA both recommended a start date of January 1, 2025, which I now also endorse.

I want to thank them and everyone else who has contributed to the discussion for their efforts. This particularly includes Stephen Lucas and Ash Kulak from Council staff, who have done excellent work to research and prepare the language for this final ordinance I'm sponsoring. They've made my final term in office a very satisfying experience, and I'll miss working with them.

#

In conclusion, I encourage your support of Ordinance 23-31. It's a reasonable and modest change to city code that has broad support. It also furthers our Comprehensive Plan's goals of inclusivity and resilience in our public spaces by making them more accessible. It would be a positive and constructive final ordinance for this Council to approve.

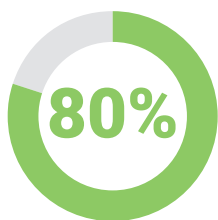
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CLOSED CAPTIONS QUICK GUIDE

Many people are using closed captions for things other than accessibility. It is not just for only people who are Deaf or hard of hearing. Captioning needs to be viewed as a valuable tool that is not solely a part of accessibility. Several surveys show that captioning is beneficial for everyone and promotes equality justice for people of all abilities.

Closed Captions ON Always is for each and every person in Indiana. Your children, family members, friends, parents, and grandparents are able to understand and follow the news, information, shows, and sports easily with closed captions.



People that use closed captions aren't deaf or hard of hearing.



Zero cost to turn on closed captions.

LOUD NOISES IN RESTAURANTS?



Cannot hear at all?



Turn on captions.



Easy Steps!

BUSINESS VALUE. ALLYSHIP. DIVERSITY. EQUITY. INCLUSION. ACCESSIBILITY.

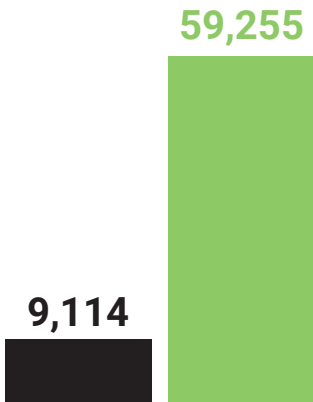


Indiana Association of the Deaf
www.iadhoosiers.org

Hearing Loss Association of America
www.hlaa-indianapolis.org



EMERGENT LEARNERS



550%
Students:
 Indiana's English learner (EL) population growth between 1999 and 2018.



24%
 EL STUDENTS ARE IMMIGRANTS
K-12 SCHOOLS

-The Teacher Educator: Volume 53, 2018. Issue 3: Immigration and Teacher Education



52,000+

DISABLED VETERANS

Indiana Dept. of Veterans Affairs



1,428,132

DISABLED ADULTS

Centers for Disease and Control (CDC)



960,000+

SENIOR CITIZENS

-AARP Indiana

500,000+ DEAF, DEAFBLIND, HARD OF HEARING

-2010 Census

2021 TV Viewership: Nielsen Ratings



5, 574,000



5, 484,000



4,077,000



3,683,000



1,618,000



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Appropriation Ordinance 23-08 - To Specially Appropriate from the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Vehicle Replacement Fund, Solid Waste Fund and Fleet Maintenance Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement Fund)

Synopsis

This ordinance appropriates various transfers of funds within the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Cumulative Capital Development Fund, Solid Waste Fund and the Fleet Maintenance Fund. It also appropriates additional funds from the General Fund, Rental Inspection Fund and Vehicle Replacement Fund.

Relevant Materials

- Appropriation Ordinance 23-08
- Staff Memo from Cheryl Gilliland, Director of Auditing and Financial Systems
- Notice to Taxpayers

Summary

Appropriation Ordinance 23-08 would authorize transfers between major budget classifications for most of the city's departments across eight different funds. It would also authorize additional appropriations totaling \$460,000 by approving expenditures of \$280,000 in the Housing and Neighborhood Development Department out of the Rental Inspection Program Fund and \$180,000 in the Controller's Office out of the Vehicle Replacement Fund.

This 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 occasion has generally been a "reversion" appropriation ordinance, 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.

The second occasion includes the "budget" ordinances, which estimate the tax rates and revenues and propose expenditures for the following year. There were three budget appropriation ordinances proposed and adopted by the Council earlier this year.



The last occasion has been 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 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 \$460,000 across two different funds – Rental Inspection Program Fund and Vehicle Replacement Fund). Please consult the supporting memorandum from Cheryl Gilliland for details on the nature and rationale of each transfer or 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 23-08](#) 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. Budget Classifications are as follows: 1 (Personnel Services), 2 (Supplies), 3 (Services and Charges), and 4 (Capital).

[Indiana Code 6-1.1-17-3](#) requires a public hearing to be held before additional appropriations can be made, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for this appropriation ordinance is set for the Regular Session on December 13, 2023.

In order to provide 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
2022 – App Ord 22-05	\$0	\$828,000
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



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

Contacts

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

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

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

cheryl.gilliland@bloomington.in.gov

APPROPRIATION ORDINANCE 23-08

TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, ECONOMIC DEVELOPMENT LIT FUND, PARKS AND RECREATION GENERAL FUND, THE RENTAL INSPECTION PROGRAM FUND, LOCAL ROAD AND STREET FUND, PARKING FACILITIES FUND, CUMULATIVE CAPITAL DEVELOPMENT FUND, VEHICLE REPLACEMENT FUND, SOLID WASTE FUND AND FLEET MAINTENANCE FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

(Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement 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 Human Resources Department desires to transfer funds from Classification – 1 Personnel Services to Classification – 2 Supplies and to Classification – 3 Services and Charges in the Economic Development LIT 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 – 3 Services and Charges to Classification – 4 Capital 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 – 3 Services and Charges to Classification – 2 Supplies in the Local Road and Street Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Parking Services Division desires to transfer funds from Classification – 3 Services and Charges to Classification – 1 Personnel Services in the Parking Facilities Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in its Cumulative Capital Development Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Office of the Controller desires to increase its budget in Classification – 4 Capital in its Vehicle Replacement Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Sanitation Division desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges 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 – 2 Supplies to Classification – 3 Services and Charges in its budget for the Fleet Maintenance 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 – 3 Services and Charges	13,840
Classification – 4 Capital	95,000
	<hr/>
Total General Fund – AC&C	108,840
	<hr/>
General Fund – Public Works Administration	
Classification – 2 Supplies	9,000
Classification – 3 Services and Charges	546,000
Classification – 4 Capital	(30,000)
	<hr/>
Total General Fund – PWA	525,000
	<hr/>
General Fund – Clerk	
Classification – 1 Personnel Services	(10,000)
Classification – 2 Supplies	2,000
Classification – 3 Services and Charges	8,000
	<hr/>
Total General Fund – Clerk	-
	<hr/>
General Fund – Economic and Sustainable Development	
Classification – 1 Personnel Services	(58,000)
Classification – 3 Services and Charges	60,690
	<hr/>
Total General Fund – ESD	2,690
	<hr/>
General Fund – Common Council	
Classification – 1 Personnel Services	2,500
Classification – 3 Services and Charges	(2,500)
	<hr/>
Total General Fund – Common Council	-
	<hr/>
General Fund – Office of the Controller	
Classification – 3 Services and Charges	(80,955)
	<hr/>
Total General Fund – Office of the Controller	(80,955)
	<hr/>

General Fund – Engineering

Classification – 1 Personnel Services	(30,000)
Classification – 2 Supplies	15,000
Classification – 3 Services and Charges	<u>15,000</u>
Total General Fund – Engineering	<u>-</u>

General Fund – Fire

Classification – 1 Personnel Services	70,000
Classification – 2 Supplies	(14,000)
Classification – 3 Services and Charges	<u>(165,000)</u>
Total General Fund – Fire	<u>(109,000)</u>

General Fund –CFRD

Classification – 1 Personnel Services	<u>(30,000)</u>
Total General Fund – CFRD	<u>(30,000)</u>

General Fund – Legal

Classification – 1 Personnel Services	(20,000)
Classification – 3 Services and Charges	<u>90,000</u>
Total General Fund – Legal	<u>70,000</u>

General Fund – Office of the Mayor

Classification – 1 Personnel Services	34,050
Classification – 2 Supplies	(12,460)
Classification – 3 Services and Charges	<u>6,890</u>
Total General Fund – OOTM	<u>28,480</u>

General Fund – Human Resources

Classification – 1 Personnel Services	(459,000)
Classification – 2 Supplies	-
Classification – 3 Services and Charges	<u>924,931</u>
Total General Fund – HR	<u>465,931</u>

General Fund – Planning and Transportation

Classification – 1 Personnel Services	(43,906)
Classification – 2 Supplies	(5,000)
Classification – 3 Services and Charges	<u>(100,500)</u>
Total General Fund – P&T	<u>(149,406)</u>

General Fund – Police		
	Classification – 1 Personnel Services	(870,000)
	Classification – 3 Services and Charges	60,000
	Total General Fund – Police	<u>(810,000)</u>
General Fund – HAND		
	Classification – 1 Personnel Services	58,420
	Total General Fund – HAND	<u>58,420</u>
General Fund – Facilities Maintenance		
	Classification – 3 Services and Charges	45,000
	Classification – 4 Capital	(45,000)
	Total General Fund – Facilities Maint.	<u>-</u>
General Fund – Information & Technology Services		
	Classification – 1 Personnel Services	(50,000)
	Classification – 3 Services and Charges	(20,000)
	Classification – 4 Capital	(10,000)
	Total General Fund – ITS	<u>(80,000)</u>
Grand Total General Fund (F101)		<u><u>-</u></u>
Economic Development LIT Fund - Human Resources Department		
	Classification – 1 Personnel Services	(180,000)
	Classification – 2 Supplies	20,000
	Classification – 3 Services and Charges	160,000
	Total Economic Development LIT – Human Resources	<u>-</u>
Grand Total Economic Development Fund (F153)		<u>-</u>
Parks & Recreation General Fund – Parks & Rec		
	Classification – 3 Services and Charges	(50,000)
	Classification – 4 Capital	50,000
	Total Parks & Rec General Fund- Parks	<u>-</u>
Grand Total Parks & Recreation General Fund (F200)		<u>-</u>

**Rental Inspection Program Fund –
HAND**

Classification – 3 Services and Charges	280,000
	<hr/>
Total Rental Inspection Program Fund – HAND	280,000
	<hr/>

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

280,000

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

Classification – 2 Supplies	20,000
Classification – 3 Services and Charges	(20,000)
	<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 – 1 Personnel Services	2,500
Classification – 3 Services and Charges	(2,500)
	<hr/>
Total Parking Facilities – PW Parking Services	-
	<hr/>

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

-

**Cumulative Capital Development
Fund – Public Works**

Classification – 2 Supplies	(300,000)
Classification – 3 Services and Charges	300,000
	<hr/>
Total Cumulative Capital Devlp – Public Works	-
	<hr/>

**Grand Total Cumulative Capital
Development Fund (F601)**

-

Vehicle Replacement Fund

Classification – 4 Capital	180,000
	<hr/>
Total Vehicle Replacement	180,000
	<hr/>

**Grand Total Vehicle Replacement
Fund (F610)**

180,000

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

Classification – 2 Supplies	(25,000)
Classification – 3 Services and Charges	25,000
	<hr/>
Total Solid Waste – PW Sanitation	-
	<hr/>

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

-

**Fleet Maintenance – Public Works
Fleet Division**

	Classification – 2 Supplies	(85,000)
	Classification – 3 Services and Charges	85,000
	Total Fleet Maintenance Fund – PW Fleet Division	-
Grand Total Fleet Maintenance Fund (F802)		-
Grand Total All Funds		460,000

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 _____, 2023.

SUSAN SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates various transfers of funds within the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Cumulative Capital Development Fund, Solid Waste Fund and the Fleet Maintenance Fund. It also appropriates additional funds from the General Fund, Rental Inspection Fund and Vehicle Replacement Fund.



**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 30, 2023
Re: Appropriation Ordinance 23-08

Appropriation Ordinance 23-08 is our comprehensive 2023 year-end appropriation. The total additional appropriation is \$460,000. 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 2023, 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 an additional appropriation of \$13,840 in Classification 3 – Services to cover donations received through MCHA for care of Carolina dogs and \$95,000 in Classification 4 – Capital to cover the cost of the Monroe County Humane Society lease buyout (building ownership). This request will come from other General Fund departmental funding releases.
 - b. **Public Works Administration** – the **Public Works Department** is requesting \$30,000 transfer from Classification 4 – Capital to Classification 3 – Services to help cover 2023 municipal election costs. In addition, the department is requesting an appropriation of \$9,000 in Classification 2 – Supplies to cover DPW winter weather clothing allowance and an appropriation of \$546,000 in Classification 3 – Services to fully cover the 2023 municipal election costs. These funds will come from the release of funds from other General Fund departments. The savings in Classification 4 is due from lower than anticipated capital and land acquisition costs. This request will come from other General Fund departmental funding releases.
 - c. **Clerk** – the **Clerk Department** is requesting a transfer of \$10,000 from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of \$2,000 and Classification 3 – Services in the amount of \$8,000. Funds transferred to Classification 2 will cover the purchase of headphones, tablets, and other peripherals and the transfer to Classification 3 will cover unbudgeted education programming fees and travel related to education. There is no fiscal impact due to this request.
 - d. **ESD** – the **Economic and Sustainable Development Department** is requesting a transfer of \$58,000 from Classification 1 – Personnel

Services to Classification 3 – Services. In addition, the department is requesting an additional appropriation of \$60,690 for Classification 3 – Services to cover the cost of unbudgeted parking corral cost which is being covered by scooter permit and users fees. The surplus from Classification 1 is the result of personnel changes. This additional appropriation request will come from the release of funds from other General Fund departments.

- e. **Council** – the **Common Council Department** is requesting the transfer of \$2,500 from Classification 3 – Services which is due to budgeting slightly higher than actually needed in 2023 to Classification 1 – Personnel Services to cover higher than anticipated personnel expenditures. There is no fiscal impact due to this request.
- f. **Controller** – the **Department of the Controller** is requesting the release of \$80,955 from Classification 3 – Services which is due to lower than anticipated dues, subscriptions, postage, and project management expenditures. The savings will fund other General Fund departments.
- g. **Engineering** – the **Engineering Department** is requesting a transfer of \$30,000 from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of \$15,000 and to Classification 3 – Services in the amount of \$15,000. The savings will come from significant turnover/vacancies over 2023. The transfers will cover new employee supplies in Classification 2 and modification of workstations to accommodate new employees in Classification 3. There is no fiscal impact due to this request.
- h. **Fire** – the **Fire Department** is requesting a transfer of \$70,000 from Classification 3 – Services to Classification 1 – Personnel Services to cover the cost associated with hiring bonuses, corrections to overtime payments due to bonuses for all shift firefighters, and the issuance of Kelly day buyback payments. In addition, the department is requesting to release \$14,000 in Classification 2 and \$95,000 in Classification 3. The savings will come from utilizing needed furniture from the acquired Shower's West and reduced maintenance expense when workstations were updated. The savings will fund other General Fund departments.
- i. **CFRD** – the **CFRD Department** is requesting the release of \$30,000 from Classification 1 – Personnel Services. The savings comes from a shift in staffing. The savings will fund other General Fund departments.
- j. **Legal** – the **Legal Department** is requesting a \$20,000 transfer from Classification 1 – Personnel Services to Classification 3 – Services to cover excess outside Special Legal Services due primarily to annexation litigation, extensive consulting by department heads with ARPA counsel, and Classification 1 savings comes from the departure of two attorneys. An additional appropriation request in the amount of \$70,000 is being requested to fully cover Classification 3 – Services shortfall. This request will come from the release of funds from other General Fund departments.
- k. **Mayor** – the **Office of the Mayor** is requesting a \$12,460 transfer from Classification 2 – Supplies to Classification 1 to cover the expense of employee turnover related expenditures, plus the department is requesting an increase of \$21,590 in Classification 1 to fully cover the need and an increase of \$6,890 to Classification 3 – Services to cover higher than anticipated dues, subscriptions and Mayor's promo of business categories. This request will come from other General Fund departmental funding releases.

- i. **Human Resources** – the Human Resources Department is requesting the transfer of \$459,000 from Classification 1 – Personnel Services to Classification 3 – Services. In addition, the department requests an additional appropriation of \$465,931 in Classification 3 – Services to fully cover the Fire/Police Housing Program. The savings will come from the Park Cash out Program and pushing the longevity program into 2024. This request will come from other General Fund departmental funding releases.
 - m. **Planning** – the **Planning Department** is requesting the release of \$43,906 from Classification 1 – Personnel Services due to vacancies that took extra time to fill, \$5,000 from Classification 2 -- Supplies since anticipated needs were met with existing resources and \$100,500 from Classification 3 – Services due to lower employee instruction/conferences and travel since the department had vacancies. The savings will fund other General Fund departments.
 - n. **Police** – the **Police Department** is requesting the release of \$810,000 from Classification 1 – Personnel Services which is due to unfilled officer positions throughout 2023. The department is also requesting a transfer of \$60,000 from Classification 1 – Personnel Services to Classification 3 – Services to cover higher than budgeted electricity, data connectivity, vehicle labor and insurance claims. The released funds would cover shortfalls in other General Fund departments.
 - o. **HAND** – The **Housing and Neighborhood Development Department** is requesting an additional appropriation of \$58,420 in Classification 1 – Personnel Services to cover personnel turnover expenditures throughout 2023. This request will come from other General Fund departmental funding releases.
 - p. **Public Works – Facilities Maintenance** – the **Public Works Department** is requesting to transfer \$45,000 in Classification 4 –Capital to Classification 3 – Services. The savings will come from deferring a pick-up truck purchase and the Classification 3 increase will cover higher than anticipated City Hall electricity charges. There is no fiscal impact due to this request.
 - q. **Information Technology Services** – the **Information Technology Services Department** is requesting a release of \$50,000 from Classification 1 – Personnel Services due to multiple vacancies, a release of \$20,000 from Classification 3 due to lower costs of instruction, travel and Hardware/Software, and a release of \$10,000 from Classification 4 – Capital due to lower costs for planned meeting room projects and deferring the PEG Hub project. The funds are being released to cover shortfalls in other General Fund departments.
 2. **Economic Development LIT Fund – Human Resources** – the **Human Resources Department** is requesting an \$180,000 transfer of funds from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of \$20,000 and Classification 3 – Services in the amount of \$160,000. The transfer will cover the cost of NeoGov, recruitment videos, New World API, memberships and fees in Classification 3 and office furniture, docking stations, monitors, desks and chairs for additional temporary staff in Classification 2. There is no fiscal impact due to this request.
 3. **Parks & Recreation General Fund** – the **Parks Department** is requesting a \$50,000 transfer of funds from Classification 3 – Services to Classification 4 – Capital to purchase a new greens mower and an emergency replacement of a blower. The surplus comes from deferring the new leased golf cart bulk purchase into 2024. There is no fiscal impact due to this request.

4. **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 \$280,000 for the last year. Although the revenue is now accounted for in the new fund, expenses for the program are still appropriated in the general fund. As such, an invoice will be created to reimburse the general fund from the rental inspection program fund. There is no fiscal impact to this fund as this is simply a transfer of revenues collected in this fund to the General Fund where the expenses for the program are budgeted and paid. This has a positive fiscal impact of \$280,000 to the General Fund.
5. **Local Road and Street Fund – the Public Works Department, Street Division**, is requesting a transfer of \$20,000 from Classification 3 – Services to Classification 2 – Supplies to cover the cost of traffic signal detection equipment repairs. The savings in Classification 3 comes from minimal outside services used in 2023. There is no fiscal impact due to this request.
6. **Parking Facilities Fund – the Public Works Department, Parking Services Division**, is requesting transfer of \$2,500 from Classification 3 – Services to Classification 1 – Personnel Services to cover higher than anticipated personnel costs. The surplus comes from the department experiencing lower than expected contract service projects. There is no fiscal impact due to this request.
7. **Cumulative Capital Development Fund – the Public Works Department**, is requesting a transfer of \$300,000 from Classification 2 – Supplies to Classification 3 – Services to cover the cost associated with the milling machine purchase and the savings in Classification 2 comes from lower than anticipated de-icing salt usage (dome is currently full). There is no fiscal impact due to this request.
8. **Vehicle Replacement Fund – the Office of the Controller**, is requesting an appropriation of \$180,000 in Classification 4 – Capital to cover the purchase of a replacement sanitation truck, which includes the proceeds from the sale of an old sanitation truck. The new sanitation truck is expected to lower the overall maintenance expenditures and will allow the crew to maneuver better through the City streets. There is no fiscal impact due to the sale of the old truck.
9. **Solid Waste Fund – Sanitation – the Public Works Department, Sanitation Division**, is requesting a \$25,000 transfer of funds from Classification 2 – Supplies to Classification 3 – Services to cover the end of year landfill and recycling processing. The savings will come from lower than anticipated fuel and oil costs. There is no fiscal impact due to this request.
10. **Fleet Maintenance Fund – the Public Works Department, Fleet Division**, is requesting a transfer of \$85,000 from Classification 2 – Supplies to Classification 3 – Services to cover the higher than anticipated outside service repairs and work on engines and transmission, lift repairs, plus the installation of a welding hood. The savings was created with few parts being ordered during 2023. There is no fiscal impact due to this request.

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

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/84239976534?pwd=c280Z2JicnhYSnZnaWhMcXExVk5UQT09> , at 6:30 p.m. on December 13, 2023.

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
	\$108,840	Animal Care & Control
	\$0	Clerk
	\$0	Common Council
	(\$30,000)	Community & Family Resources
	(\$80,955)	Controller
	\$58,420	Housing and Neighborhood Dept.
	\$2,690	Economic and Sustainable Dev
	\$0	Facilities
	(\$109,000)	Fire
	\$70,000	Legal
	\$28,480	Office of the Mayor
	\$525,000	Public Works Admin
	\$0	Engineering
	(\$80,000)	Information Technology Service
	\$465,931	Human Resources
	(\$149,406)	Planning and Transportation
	(\$810,000)	Police
\$0		Economic Development LIT Fund 153
	\$0	Human Resources
\$0		Parks & Recreation General Fund 200
\$280,000		Rental Inspection Fund 411
\$0		Local Road and Street Fund 450
\$0		Parking Facilities Fund 452
\$0		Cumulative Capital Development Fund 601
\$180,000		Vehicle Replacement Fund 610
\$0		Solid Waste Fund 730
\$0		Fleet Maintenance Fund 802

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

Dated: November 29, 2023,

Jeffrey Underwood, City of Bloomington Controller



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Draft of 2024 Annual Legislative Schedule

This packet contains a draft Annual Council Legislative Schedule for 2024. This draft schedule has 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 schedule on December 6th. The Council Office suggests that the Council adopt its schedule in early December to make it easier for staff to plan for upcoming meetings and to make it easier for those working with boards and commissions to resolve any room conflicts and establish their schedules for 2024. A brief summary of the draft schedule is included below.

Council meetings.

For 2023, the Council adopted a schedule that generally provided for three regular sessions of Council each month (with some exceptions/deviations). The 2023 schedule did not provide for regularly-scheduled committee meetings or work sessions, which were scheduled and held on an as-needed basis. While local municipal code generally provides for regular sessions of the Council to be held on the first and third Wednesdays of each month, 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.

Prior to 2023, the Council generally met 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 also met on Fridays about twice a month for Council Work Sessions to informally hear about upcoming legislation and other pending matters.

This draft schedule generally provides for three regular sessions of Council each month, does not include regularly-scheduled committee meetings or work sessions, and includes departmental budget hearings to be held during the last week of August.

Exceptions and Additions to the Usual Wednesday Schedule. The draft schedule includes a number of footnotes, which, among other things, explain and elaborate on any exceptions or additions to the legislative process described above. Please see the draft schedule for more detailed information.

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 October 2, 2024 for Rosh Hashanah by rescheduling the Council’s Regular Session for Tuesday, October 1, 2024.



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

The Council can make any additional desired scheduling adjustments for religious holidays by motion (see below).

Proposing changes to schedule and adoption. Adoption of the draft schedule (as written or with any desired amendments) requires a motion to adopt the schedule approved by a majority of the Council. Once a schedule is adopted, the Council may make further needed changes at subsequent meetings by majority vote, including dispensing with any regular session or committee meeting, or changing the day or hour of any meeting. See [BMC 2.04.050](#) and [BMC 2.04.255](#).

ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2024

Regular Meetings. The Council will hold three regular sessions each month, usually on the first, second, and third Wednesdays, unless otherwise listed 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 session), 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. Under local code, when a committee is to consider legislation referred by the Council, it does so on the second and/or 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	Council Meeting Dates	Deadline for Submission of Legislation and Supporting Materials	Council Meeting Dates
N/A	01/10/2024 Organizational Meeting ¹	07/22/2024	07/31/2024 Regular Session ⁷
01/08/2024	01/17/2024 Regular Session	07/24/2024	08/07/2024 Regular Session
01/15/2024	01/24/2024 Regular Session	08/05/2024	08/14/2024 Regular Session
01/29/2024	02/07/2024 Regular Session	08/12/2024	08/21/2024 Regular Session
02/05/2024	02/14/2024 Regular Session	08/19/2024	08/26/2024-08/29/2024 – Departmental Budget Hearings on 2025 Budget ⁸
02/12/2024	02/21/2024 Regular Session	08/26/2024	09/04/2024 Regular Session
02/19/2024	02/28/2024 Regular Session ²	09/02/2024	09/11/2024 Regular Session
02/26/2024	03/06/2024 Regular Session	09/09/2024	09/18/2024 Regular Session
03/11/2024	03/27/2024 Regular Session ³	09/16/2024	09/25/2024 Special Session – Introduction of 2024 Budget Legislation followed by a Committee of the Whole (including the public hearing on the 2024 Budget) ⁹
03/25/2024	04/03/2024 Regular Session		
04/01/2024	04/10/2024 Regular Session		
04/08/2024	04/17/2024 Regular Session		
N/A	04/25/2024 Budget Advance ⁴	09/23/2024	10/01/2024 Regular Session ¹⁰
04/22/2024	05/01/2024 Regular Session	09/30/2024	10/09/2024 Special Session – Adoption Meeting for 2024 Budget Legislation ⁹
04/29/2024	05/08/2024 Regular Session	10/07/2024	10/16/2024 Regular Session
05/06/2024	05/15/2024 Regular Session	10/28/2024	11/06/2024 Regular Session
05/27/2024	06/05/2024 Regular Session	11/04/2024	11/13/2024 Regular Session
N/A	06/11/2024 Budget Advance ⁴	11/11/2024	11/20/2024 Regular Session
06/03/2024	06/12/2024 Regular Session	11/25/2024	12/04/2024 Regular Session
06/10/2024	06/18/2024 Regular Session ^{5 & 6}	12/02/2024	12/11/2024 Regular Session ⁹
<i>Summer Recess - Ending With Regular Session on July 31, 2024⁷</i>		<i>Year-End Recess – followed by Organization Day on January 8, 2025¹¹</i>	

1. **Organizational Meeting.** The Council will hold its 2024 Organizational Meeting on January 10 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. **Fourth Wednesday in February.** The Council will hold a fourth Regular Session in February rather than meet during the second week of March in order to avoid meeting during Spring Break (when many residents are out of town).
3. **Fourth Wednesday in March.** The Council will meet for a Regular Session on March 27 to avoid meeting during the third week of March, when the City Clerk and staff will be out of town attending training courses.
4. **Budget Advance Meetings.** The Council will hold a Budget Advance meeting in the Council Chambers at 6:00 p.m. on Thursday, April 25. The Council will hold a second Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, June 11.
5. **Juneteenth.** The Council will hold its third Regular Session in June on Tuesday, June 18 to avoid meeting on Juneteenth.
6. **Tax Abatement Report.** The Council will hear Annual Tax Abatement Reports no later than the Regular Session on June 18, during Reports from the Mayor and City Offices.
7. **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 18 and to end with a Regular Session on July 31 (the fifth Wednesday of that month).
8. **Departmental Budget Hearings.** The Council will hold Departmental Budget Hearings on the 2025 budget in the Council Chambers on Monday, August 26, Tuesday, August 27, Wednesday, August 28, and Thursday, August 29 beginning at 5:30 p.m. each night. Budget Books are scheduled to be delivered to members no later than Friday, August 23.
9. **Budget Cycle.** After holding Departmental Budget Hearings in late-August (see Note #8), the Council will formally consider the several items making up the City Budget for 2025 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.
10. **Rosh Hashanah.** Because Rosh Hashanah (Jewish New Year) begins on Wednesday, October 2, the first Regular Session in October has been rescheduled for Tuesday, October 1.
11. **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.

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 footnotes and narrative to mesh with changes made in the course of Council approval of this schedule. These changes will not alter the date, time, or place of any meeting voted upon by the Council.

Indiana University 5-Year Religious Calendar

2023-2024 1st Semester (2023)

Lammas/Lughnasdh	Pagan/Wiccan	Aug. 1	Tuesday
Raksha Bandhan	Hindu	Aug. 30	Wednesday
Krishna Janmashtami	Hindu	Sept. 6	Wednesday
Rosh Hashanah, Jewish New Year	Jewish	Sept. 15*-17	Fri.-Sun.
Ganesh Chaturthi	Hindu	Sept. 18	Monday
Autumn Equinox		Sept. 23	Saturday
Autumnal Equinox/Mabon	Pagan/Wiccan	Sept. 21-24	Thurs.-Sun.
Yom Kippur, Day of Atonement	Jewish	Sept. 24*-25	Sun.-Mon.
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islam	Sept. 27	Estimate
Sukkot, Festival of Booths	Jewish	Sept. 29*-Oct. 1	Fri.-Sun.
Shmini Atzeret & Simchat Torah	Jewish	Oct. 6*-8	Fri.-Sun.
Navaratri	Hindu	Oct. 15-23	Sun.-Mon.
Durga Puja	Hindu	Oct. 19-23	Thurs.-Mon.
Birth of the Báb	Baha'i	Oct. 16	Monday
Halloween/Samhain	Pagan/Wiccan	Oct. 31-Nov. 1	Tues.-Wed.
Birth of Bahá'u'lláh	Baha'i	Oct. 17	Tuesday
Diwali / Kali Puja	Hindu	Nov. 12	Sunday
Day of the Covenant	Baha'i	Nov. 26	Sunday
Guru Nanak's Birthday	Sikh	Nov. 27	Monday
Ascension of 'Abdu'l-Bahá	Baha'i	Nov. 28	Tuesday
Bodhi Day (Rohatsu)	Buddhist	Dec. 8	Friday
Hanukkah (Chanukah), Festival of Lights	Jewish	Dec. 7*-15	Thurs.-Fri.
Winter Solstice		Dec. 21	Thursday
Winter Solstice/Yule (Midwinter)	Pagan/Wiccan	Dec. 20-23	Wed.-Sat.
Christmas	Christian	Dec. 25	Monday
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Tues. – Mon.

**This holy day starts at sundown on evening preceding first day and ends at sundown or nightfall of concluding date. Islamic dates are based on criteria adopted by the Fiqh Council of North America (FCNA). Please also note that certain days each week are not good times to schedule meetings for some groups. For example, Friday nights and Saturdays for people observing Jewish Sabbath and Friday afternoons for Muslims who attend the Friday congregational prayers (jum'a). This list is not exhaustive.*

2023-2024 2nd Semester (2024)

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Monday
Epiphany	Christian	Jan. 6	Saturday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Sunday
Candlemas/Imbolc	Pagan/Wiccan	Feb. 1 or 2	Thurs. or Friday
Spring Festival/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	Islam	Mar. 11	Estimate. Observers may determine the exact date from local lunar observations shortly before the holiday.
Vernal Equinox		Mar. 19	Tuesday

Spring Equinox/Ostara	Pagan/Wiccan	Mar. 19-24	Tues.-Sun.
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 20	Wednesday
Palm Sunday	Christian	Mar. 24	Sunday
Purim, Festival of Esther	Jewish	Mar. 23*-24	Sat.-Sun.
Holi	Hindu	Mar. 25	Monday
Maundy Thursday	Christian	Mar. 28	Thursday
Good Friday	Christian	Mar. 29	Friday
Easter	Christian	Mar. 31	Sunday
Qingming Festival		Apr. 4	Thursday
Laylat al Qadr (Night of Power; 27 th day of Ramadan)	Islam	Apr. 6	Estimate. Observers may determine the exact date from local lunar observations shortly before the holiday.
Eid-al-Fitr	Islam	Apr. 8 or 9	Estimate. Observers may determine the exact date from local lunar observations shortly before the holiday.
Vaisakhi / Baisakhi	Hindu / Sikh	Apr. 14	Sunday
Ridvan Festival, 1st of 12 days	Baha'i	Apr. 20	Saturday
Pesach, Passover's Beginning	Jewish	Apr. 22*-24	Mon.-Wed.
Palm Sunday	Eastern Orthodox	Apr. 28	Sunday
9th Day of Ridvan	Baha'i	Apr. 28	Sunday
Pesach, Passover's Conclusion	Jewish	Apr. 28*-30	Sun.-Tues.
May Day/Beltane	Pagan/Wiccan	May 1	Wednesday
12th Day of Ridvan	Baha'i	May 1	Wednesday
Holy Friday	Eastern Orthodox	May 3	Friday
Pasha (Easter)	Eastern Orthodox	May 5	Sunday

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2024 Summer Sessions

Declaration of the Báb	Baha'i	May 23	Thursday
Ascension of Bahá'u'lláh	Baha'i	May 28	Tuesday
Shavuot, Festival of Weeks	Jewish	June 11*-13	Tues.-Thurs.
Yawm al Arafa (Day of Arafa)	Islam	June 15/16	Estimate
Eid al-Adha	Islam	June 17	Estimate. Observers may determine the exact date from local lunar observations shortly before the holiday.
Summer Solstice		June 20	Thursday
Summer Solstice/Litha (Midsummer)	Pagan/Wiccan	June 19-23	Wed.-Sun.
Al-Hijra / Muharram (New Year)	Islam	July 7-8	Estimate
Martyrdom of the Báb	Baha'i	July 9	Tuesday
Ashura (10th day of Muharram)	Islam	July 16-17	Estimate

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2024-2025
1st Semester (2024)

Lammas/Lughnasdh	Pagan/Wiccan	Aug. 1	Thursday
Raksha Bandhan	Hindu	Aug. 19	Monday
Krishna Janmashtami	Hindu	Aug. 26	Monday
Ganesh Chaturthi	Hindu	Sept. 6	Friday
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islam	Sept. 16	Estimate
Autumn Equinox (EDT)		Sept. 22	Sunday
Autumnal Equinox/Mabon	Pagan/Wiccan	Sept. 21-24	Sat.-Tues.
Rosh Hashanah, Jewish New Year	Jewish	Oct. 2*-4	Wed.-Fri.
Navaratri	Hindu	Oct. 3-12	Thur.-Sat.
Durga Puja	Hindu	Oct. 8-12	Tues.-Sat.
Yom Kippur, Day of Atonement	Jewish	Oct. 11*-12	Fri.-Sat.
Sukkot, Festival of Booths	Jewish	Oct. 16*-18	Wed.-Fri.
Shmini Atzeret & Simchat Torah	Jewish	Oct. 23*-25	Wed.-Fri.
Birth of the Báb	Baha'i	Nov. 2	Saturday
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Diwali / Kali Puja	Hindu	Nov. 1	Friday
Birth of Bahá'u'lláh	Baha'i	Nov. 3	Sunday
Guru Nanak's Birthday	Sikh	Nov. 15	Friday
Day of the Covenant	Baha'i	Nov. 25	Monday
Ascension of 'Abdu'l-Bahá	Baha'i	Nov. 27	Wednesday
Bodhi Day (Rohatsu)	Buddhist	Dec. 8	Sunday
Winter Solstice (EST)		Dec. 21	Saturday
Winter Solstice/Yule (Midwinter)	Pagan/Wiccan	Dec. 20-23	Fri.-Mon.
Christmas	Christian	Dec. 25	Wednesday
Hanukkah (Chanukah), Festival of Lights	Jewish	Dec. 25*-Jan. 2	Wed.-Thur.
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Thur.-Wed.

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2024-2025
2nd Semester (2025)

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Wednesday
Epiphany	Christian	Jan. 6	Monday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Tuesday
Spring Festival/Lunar New Year-Year of the Snake		Jan. 29	Wednesday
Candlemas/ Imbolc	Pagan/Wiccan	Feb. 1 or 2	Sat. or Sun.
Vasant Panchami / Saraswati Puja	Hindu	Feb. 2	Sunday
Beginning of Ramadan	Islam	Fri. 28	Estimate. Observers may determine the exact date from local lunar