City of Bloomington
Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 24 January 2024

Regular Session at 6:30pm

CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
24 January 2024

Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:
https://bloomington.zoom.us/j/81542698527?pwd=0x0vlQ6L73E8MQu6ceQAl5EbVQUHPv.1

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES:

A. April 19, 2023 – Regular Session
B. May 3, 2023 – Regular Session
C. May 17, 2023 – Regular Session
D. June 7, 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
C. Council Committees
D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

A. Appropriation Ordinance 2024-01 - To Transfer Funds from the Motor Vehicle Highway Restricted Street Fund into the Motor Vehicle Highway Fund and to Additionally Appropriate ARPA State and Local Fiscal Recovery Fund Expenditures Not Otherwise Appropriated for 2024

VII. LEGISLATION FOR FIRST READINGS

None

(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: 19 January 2024

VIII. ADDITIONAL PUBLIC COMMENT *

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

IX. COUNCIL 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: 19 January 2024

City of Bloomington
Office of the Common Council

Minutes for Approval

19 April 2023 | 03 May 2023
17 May 2023 | 07 June 2023

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 19, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR SESSION April 19, 2023

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

ROLL CALL [6:30pm]

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

AGENDA SUMMATION [6:30pm]

Rollo moved and it was seconded to approve the minutes of April 27, 2022. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:33pm]
- April 27, 2022 (Special Session)

Volan urged the public to vote.

REPORTS [6:33pm]
- COUNCIL MEMBERS

Sims asked why the Community Justice Response Committee (CJRC) was disbanded by county commissioners. He noted poll workers were needed. He thanked Piedmont-Smith for her support for the two Black representatives from Tennessee, Justin Jones and Justin Pearson, who were expelled and then reinstated. He spoke about the questionnaire sent by Black Lives Matter B-Town and said that four councilmembers had not responded. He spoke about support for the Black community and antiracist policies in the city.

Piedmont-Smith reported on the study regarding an anaerobic digester to create energy, and discussed the wastewater treatment plants. She noted the conclusions and findings. The proposal was possible and a benefit to the city.

Sandberg discussed the current grant cycle of the Jack Hopkins Social Services Fund (JHSSF) and its applicants.

Rosenbarger spoke about David Howard's recent passing, and the work he had done in the community. She noted his businesses, his efforts with dense housing, and his passions in the city.

Flaherty also noted David Howard's passing. He mentioned his upcoming constituent meeting, as well as Earth Day events. He appreciated Piedmont-Smith's report. He explained how anaerobic digestion of carbon gases worked.

Sgambelluri noted the good work done during the recent neighborhood cleanup in Fritz Terrace.

Alex Crowley, Director, Economic and Sustainable Development (ESD) department, discussed the upcoming events for Earth Day. He acknowledged efforts by Bloomington High School South (BHSS) students in creating white paint that reduced heat, with a project called "Samsung Solve for Tomorrow." He spoke of tax abatements and entities' adherence to agreements and goals. He summarized Hoosier Energy's submission, timeline, and concerns. He said that the required form was submitted early by Hoosier Energy, thus initiating the forty-five day timeline. He noted that Hoosier Energy had been exceeding beyond the requirements.

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

Piedmont-Smith asked if Hoosier Energy produced energy.
Crowley believed so and would follow up.

Council questions:

For Approval

Smith asked about the jobs included in the tax abatement.
Crowley said the required jobs totaled one hundred and sixteen, but had grown to one hundred and forty five jobs. The capital investment was also exceeded by $800,000.

- The MAYOR AND CITY OFFICES (*cont'd*)

Council questions:

Flaherty noted that Hoosier Energy was a generation and transmission cooperative and was composed of distribution cooperatives that supplied power.

Volan asked when the forty five day timeline began.
Crowley said it was when council received the CF-1.
Stephen Lucas, Council Attorney, explained the process and that the CF-1 from Hoosier Energy was filed early and sent directly to council.

There were no reports from council committees.

- COUNCIL COMMITTEES [7:03pm]

- PUBLIC [7:03pm]

Sean Hall, Salt Creek Township board member, spoke about the city's housing affordability crisis and its effect on the township. He acknowledged Missoula, Montana's efforts to address housing crises in its city.

Jim Shelton discussed the Court Appointed Special Advocates (CASA) and upcoming training. He explained what CASAs were responsible for.

Deborah Myerson asked council to refer to affordable housing goals in the Comprehensive Plan and urged council to take action.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:17pm]

Flaherty moved and it was seconded to appoint Carolyn Leinenbach to seat C-7, and Tyler Shaffer to seat C-9, on the Community Advisory on Public Safety Commission. The motion was approved by voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:18pm]

Ordinance 23-04 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20 [7:18pm]

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

Rollo moved and it was seconded that Ordinance 23-04 be adopted.

Jackie Scanlan, Development Services Manager, Planning and Transportation (PT) staff summarized the legislation including correction of errors, terminology, and missing text in the Unified Development Ordinance (UDO).

Council questions:

Piedmont-Smith asked about a deleted item.
Scanlan stated that was in reference to another ordinance to be considered in legislation later that evening.

Public comment:

There was no public comment.

Council comments:

There were no council comments.

Vote to adopt Ordinance 23-04 [7:30pm]

The motion to adopt Ordinance 23-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

For Approval

Rollo moved and it was seconded that Ordinance 23-05 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.

Rollo moved and it was seconded that Ordinance 23-05 be adopted.

Scanlan explained the proposed changes relating to use regulations, subdivision standards, and definitions and provided examples.

Ordinance 23-05 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03; 20.05; And 20.07 [7:30pm]

Volan asked for clarification on the removal of language concerning fraternities and sororities.

Scanlan believed it was related to recent litigation and clarified the reason for striking the language pertaining to uses. She referenced proposed law that allowed fraternities and sororities to show affiliation to a national organization, when not affiliated to Indiana University (IU).

Council questions:

Piedmont-Smith asked about compliance with the requirement for gas stations to offer alternative fuel at 50% of their pumps.

Scanlan clarified that the requirement had only been in Mixed-Use Employment (ME) districts. The proposed change would include all gas stations in all districts.

Volan asked who determined that land had a 1% chance or more for flooding.

Eric Greulich, Senior Zoning Planner, PT, stated that the language was given to the city by the Department of Natural Resources (DNR).

Volan asked where it was listed in the Bloomington Municipal Code (BMC). If it was not there, he would like it to be added.

Greulich explained that it was just adopting state policy.

There was no public comment.

Public comment:

Volan asked about the process for amending the language for flood plains.

Lucas explained that it needed to be in writing and would then be returned to the Plan Commission, which triggered a forty-five day window to accept or reject the amendment.

Scanlan clarified that Ordinance 23-05 updated the flood plain language only. She said that it was new language from the state.

Scott Robinson, Director, PT, said staff would be happy to address his concerns in a future amendment. The current proposed change had a timeline to abide by.

Council comments:

The motion to adopt Ordinance 23-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-05 [7:54pm]

Rollo moved and it was seconded that Ordinance 23-06 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.

Rollo moved and it was seconded that Ordinance 23-06 be adopted.

Scanlan presented the proposed updates relating to design requirements for uses in the UDO.

Ordinance 23-06 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.04 [7:54pm]

Piedmont-Smith asked about revisions to architectural standards requiring that 30% of the façade be transparent glass.

Scanlan responded that the change was 50% for nonresidential and 30% for residential.

Council questions:

For Approval

Ordinance 23-06 (*cont'd*)

Piedmont-Smith asked if the city could require something interesting be placed in the glass façade, given that the purpose was to increase pedestrian interest.

Council questions:

Scanlan said that there were restrictions, like not allowing parking in front, in an effort to encourage the spaces be of public interest.

Rollo asked about the requirement for native plants, and how long they were required to be maintained, and how staff monitored that.

Scanlan said it was in perpetuity, and that currently, there was not enough staff to monitor. It was typically an enforcement situation.

Rollo was aware of developments that were native, but would be changed at a later date. He asked what the penalty was.

Scanlan said yes, and a notice of violation would be issued prior to a fine.

Volan asked about the difference between canopy and crown. He asked what ground-mounted mechanical equipment was.

Scanlan believed the difference was that crown referred to one tree. An example of the mechanical equipment was a utility box.

Greulich gave examples of types of equipment and explained that there were additional examples in the table listed in code.

Volan noted businesses with drive throughs and asked whether they were allowed to serve pedestrians or could be required to do so.

Scanlan stated there was nothing in code addressing that and did not believe that was under the purview of Title 20. She believed the only way to address that was to require pedestrian walk-up windows.

Public comment:

Greg Alexander said that businesses that did not allow walk-up were a big problem.

Council comments:

Piedmont-Smith requested that the word "gauge" be corrected.

Lucas explained that it could be treated as a scrivener's error.

Volan reiterated that it should not be allowed that a business can close its doors to pedestrians but not to cars.

Flaherty thanked staff for their work, and appreciated the change with respect to alleys that made sidewalks safer for pedestrians.

Rollo supported the landscaping requirement changes but felt there needed to be more code enforcement to have meaningful impact.

Vote to adopt Ordinance 23-06 [8:44pm]

The motion to adopt Ordinance 23-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 23-07 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.06 [8:44pm]

Rollo moved and it was seconded that Ordinance 23-07 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.

Rollo moved and it was seconded that Ordinance 23-07 be adopted.

Scanlan summarized the legislation including amendments relating to processes and procedures in the UDO.

Council questions:

Piedmont-Smith asked for clarification on pedestrian facilities.

Scanlan gave an example of small-scale updates to their site which they did not own and did not meet cross-slope. It was determined that the requirement was overly complicated for that site, which caused staff to reconsider it.

For Approval

Sgambelluri asked what conditions were contemplated for requiring a new petition for minor changes.

Greulich explained the approval process, and gave examples, as well as minor and inconsequential changes that would require new approvals.

Ordinance 23-07 (*cont'd*)

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 23-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-07 [9:04pm]

LEGISLATION FOR FIRST READING [9:05pm]

Rollo moved and it was seconded that Ordinance 23-08 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sgambelluri referred Ordinance 23-08 to the Regular Session to meet on May 03, 2023.

Ordinance 23-08 - To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code – Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020 [9:05pm]

Rollo moved and it was seconded that Ordinance 23-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sgambelluri referred Ordinance 23-09 to the Regular Session to meet on May 03, 2023.

Ordinance 23-09 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: the Creation of a Joint City-County Human Rights Commission [9:06pm]

Greg Alexander noted a connectivity problem on the north side of the city.

ADDITIONAL PUBLIC COMMENT [9:06pm]

Lucas reviewed the upcoming council and committee schedule.

COUNCIL SCHEDULE [9:11pm]

Rollo moved and it was seconded to move the Budget Advance meeting on April 25, 2023 to the McCloskey conference room. The motion was approved by voice vote.

Vote to move Budget Advance meeting [9:13pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [9:14pm]

For Approval

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2024.

APPROVE:

_____
Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 03, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR SESSION May 03, 2023

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

ROLL CALL [6:32pm]

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

AGENDA SUMMATION [6:33pm]

Rollo moved and it was seconded to approve the minutes of May 04, 2022 and February 23, 2023. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:35pm]
- May 03, 2022 (Special Session)
- February 23, 2023 (State of the City)

Volan thanked all who voted in the primary election as well as candidates.

REPORTS [6:36pm]
- COUNCIL MEMBERS

Sgambelluri mentioned her upcoming constituent meeting.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:37pm]

There no reports from council committees.

- COUNCIL COMMITTEES [6:37pm]

Greg Alexander expressed his concerns with the Cascades path because it did not have connectivity.

- PUBLIC [6:38pm]

Christopher Emge discussed voting, the Special Committee on Council Processes, boards, and commissions.

Jim Shelton spoke about Court Appointed Special Advocates (CASA) and upcoming training.

Flaherty moved and it was seconded to appoint Patty Moon to seat C-3 on the Community Advisory on Public Safety Commission. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:45pm]

Flaherty moved and it was seconded to appoint Mitchell Owens to seat C-10, and Shannon Gayk to seat C-4 on the Environmental Commission. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:47pm]

Rollo moved and it was seconded that Resolution 23-07 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Resolution 23-07 be adopted.

Resolution 23-07 – To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding a

For Approval

Beth Cate, Corporation Counsel, explained the process and reasoning for creating a joint city and county Human Rights Commission (HRC). She summarized Resolution 23-07 and explained the roles, responsibilities, and goals of the HRC.

Joint Bloomington/Monroe County Human Rights Commission [6:47pm]

Piedmont-Smith asked for clarification on the funding of the Human Rights Director.

Cate said the county would pay half of the salary of the director for the time spent working on cases before the HRC.

Council questions:

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in support of the collaboration of the joint HRC.

Public comment:

Piedmont-Smith believed the HRC was a good opportunity for city and county collaboration.

Council comments:

The motion to adopt Resolution 23-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-07 [6:59pm]

Rollo moved and it was seconded that Ordinance 23-09 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Ordinance 23-09 be adopted.

Cate said Ordinance 23-09 amended city code with minimal changes since the work of the HRC would not change. The HRC would be tasked with applying the relevant code provisions to cases.

Ordinance 23-09 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: the Creation of a Joint City-County Human Rights Commission [7:00pm]

Rollo moved and it was seconded that Amendment 01 to Ordinance 23-09 be adopted.

Amendment 01 to Ordinance 23-09

Amendment 01 Synopsis: Local municipal code calls for enabling legislation to set forth the manner for achieving staggered terms for all newly-established boards, commissions, and councils. This amendment would add language to specify the initials terms for the seven members of the Bloomington/Monroe County Human Rights Commission.

Cate provided additional information on staggering seat terms.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 23-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 [7:06pm]

Piedmont-Smith asked for an example of exceptions based on religion, sex, or national origin for a business or enterprise.

Audrey Brittingham, Assistant City Attorney, had not seen that situation arise and did not foresee it occurring.

Cate added that language was likely longstanding from federal guidance, and could be revisited. She noted that citizenship was not the same as national origin, and had different guidance.

Piedmont-Smith asked about references to only city code only.

Cate believed that was an oversight and should be corrected.

Council questions:

For Approval

Stephen Lucas, Council Attorney, suggested adding language to include Monroe County code and not removing any language.

Piedmont-Smith asked for clarification on reducing an agreement to writing. She also asked about the exclusion of the term "asexuality."

Cate stated that it required that agreements be put in writing. She would follow up with council regarding the term.

Piedmont-Smith asked about addressing discrimination in home appraisals and approvals of home loans. It appeared to her that the banking portion was excluded in the discriminatory housing violations.

Cate said that may need to be reviewed, and if it was the case that there was not adequate coverage, then the language or definitions should be updated. It was possible that type of discrimination may be covered by another governmental entity.

Ordinance 23-09 as amended (*cont'd*)

Council questions:

Piedmont-Smith moved and it was seconded that Amendment 02 to Ordinance 23-09 be adopted.

Amendment 02 to Ordinance 23-09

Clerk's note: Amendment 02 added the following language to Appendix 1, Section 2.23.160 (4): "or relevant portions of Monroe County Code."

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 02 to Ordinance 23-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 [7:20pm]

Sims asked about data and reporting on hate crimes and how the data was used. He asked if there was not a conviction, if the hate crime was not counted.

Cate understood that a conviction was not required for the hate crime to be included in the data and reported.

Brittingham distinguished between self-reported bias incidents and hate crimes. Hate crimes did not require a conviction. The data was used by the city, HRC, and other entities.

Cate added that the data informed education needed in the community as well as tracked the numbers of hate crimes and bias incidents.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 23-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-09 as amended [7:26pm]

Rollo moved and it was seconded that Ordinance 23-08 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Ordinance 23-08 be adopted.

Flaherty moved and it was seconded that the Council postpone consideration of Ordinance 23-08 to the May 10 Regular Session and that Council staff be instructed to invite the Bicycle and Pedestrian Safety Commission (BPSC) to provide the Council with a formal recommendation on the ordinance.

Flaherty explained the reason for proposing the postponement of Ordinance 23-08. He noted that BPSC was going to consider Ordinance 23-08 at their next

Ordinance 23-08 - To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code – Re: Amending the Traffic Calming and Greenways Program Incorporated by

For Approval

meeting. He suggested that Rollo present Ordinance 23-08 to BPSC, as the sponsor.

Rollo stated that he did not object to postponing Ordinance23-08 and noted that staff had presented the legislation to BPSC already.

Reference into Bloomington Municipal Code Section 15.26.020 [7:27pm]

Sims asked for clarification on the timeline of the legislation since council had been discussing that for months.

Flaherty said there was not a formal process for legislation to go to boards or commissions. He favored inclusion of boards and commissions.

Scott Robinson, Director, Planning and Transportation (PT) department, explained that most legislation proposed by PT staff went before a variety of boards and commissions. Ordinance 23-08 was drafted by a councilmember, and had not been up for consideration by a board or commission.

Volan underscored the need for reviewing council processes. He believed that boards and commissions should be included in the consideration of legislation.

Council discussion:

The motion to postpone consideration of Ordinance 23-08 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Ordinance 23-08 [7:38pm]

LEGISLATION FOR FIRST READING [7:38pm]

Rollo moved and it was seconded that Ordinance 23-10 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Sgambelluri referred Ordinance 23-10 to the Regular Session to meet on May 10, 2023.

Ordinance 23-10 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04 [7:38pm]

Lucas read a comment submitted via Zoom chat from Sam Dove, on social media comments on bicycle and pedestrian paths and the police department.

ADDITIONAL PUBLIC COMMENT [7:40pm]

Lucas reviewed the upcoming council and committee schedule.

COUNCIL SCHEDULE [7:42pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [7:43pm]

For Approval

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

ATTEST:

_____

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

_____

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 17, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 17, 2023

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

ROLL CALL [6:30pm]

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

AGENDA SUMMATION [6:30pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:32pm]

REPORTS [6:32pm]

- COUNCIL MEMBERS

Flaherty mentioned the application for the Residents Academy. He noted his upcoming constituent meeting. He spoke about the next meeting of the Special Committee on Council Processes (SCCP).

- The MAYOR AND CITY OFFICES [6:35pm]

Beth Rosenbarger, Assistant Director, Planning and Transportation (PT) department report on the College Avenue and Walnut Street corridor study. She provided an overview of the study including its goals, process, and timeline. The purpose was to assess and enhance safety, accessibility, efficient use of public space, community goals and feedback, and adopting plan recommendations. She gave additional information and examples for each topic.

Council questions:

Volan thanked staff and asked what triggered the study.
Rosenbarger stated it was staff workload and about the process itself.

Rollo asked if the conceptual design was done by city staff or a consultant.
Rosenbarger said that there was a consultant, Tool Design Group, and they would lead the charrette. There would not be an appropriation needed.

Sgambelluri asked if it was possible to have public 'walk and talk' events in the evening and not just during the day.

- COUNCIL COMMITTEES [6:56pm]

There were no council committee reports.

- PUBLIC [6:56pm]

Matt Austin, Commission on Sustainability member, urged the city to select Rumpke instead of Republic such as a closer landfill, methane capture from landfill, and the more recycling options.

[Unknown] discussed the options for making downtown Bloomington more appealing and valuable for the city.

Daryl Ruble thanked veterans. He noted Curtis Gilstrap's care and courtesy at Rosehill Cemetery and other city staff. He was concerned with people crossing at the border.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about National Police Week and noted the shortage of officers.

Justin Foster commented on his concerns for council's behavior in meetings, greenways, and spoke against the Hawthorne greenway.

Ash Kulak, Assistant Council Attorney, read a comment submitted via Zoom chat by Sam Dove concerning social media posts.

For Approval

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:27pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:27pm]

Rollo moved and it was seconded that Appropriation Ordinance 23-04 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Deputy Clerk Susan Stoll read the legislation by title and synopsis.

Rollo moved and it was seconded that Appropriation Ordinance 23-04 be adopted.

Jeff Underwood, Controller, summarized the legislation including reversion requests, technical corrections, and two additional requests.

Cheryl Gilliland, Director of Auditing and Financial Systems, Office of the Controller, described the request for reversions for departments.

Appropriation Ordinance 23-04 – To Specially Appropriate from the General Fund, ARPA State and Local Fiscal Recovery Fund, Parks and Recreation General Fund, and Motor Vehicle Highway Street Fund, Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2022 for Unmet Needs in 2023) [7:24pm]

Council questions:

Piedmont-Smith asked for clarification on the appropriation of $626,100 and what happened to the rest of the money.

Gilliland said that there would be cash reserves and target reserves.

There was discussion on how the reserve percentages were calculated.

Underwood discussed the motor vehicle highway funds and the State Board of Accounts' (SBOA) requirements for restricted and unrestricted amounts. He gave brief reasons on the steps taken to satisfy the requirements.

Underwood presented the American Rescue Plan Act (ARPA) appropriations including raising firefighter pay to be in alignment with other civil city staff, and a home buying program that allowed up to ten fire fighters and ten police officers to receive assistance for purchasing homes in the city.

Emily Fields, Interim Director, Human Resources, said there were currently four firefighters and sixteen police officers using the rental assistance program. There were four firefighters and one police officer that expressed interest in the home buying program.

Piedmont-Smith asked there was $500,000 for police and $500,000 for fire for the home buying program.

Underwood said yes. A final agreement with a local bank would have an escrow account to rebuild the fund, since the program distributed $10,000 per year.

Rollo asked what the obstacle was for advancing the home buying program.

Underwood stated it was dependent on the agreement with the bank.

Sgambelluri asked how close the city was to having an agreement and the five staff members that had expressed interest.

For Approval

Beth Cate, Corporation Counsel, understood that the agreement with the bank would hopefully be finalized and the program could start.

Appropriation Ordinance 23-04 (*cont'd*)

Piedmont-Smith understood that the fire department had many staff leave for other cities, et cetera, and asked what the administration had in mind for 2024 given that the union contract was up at the end of that year. How did the extra pay for 2023 factor into the current firefighters' salary.

Underwood said that the administration would look at the budget request for firefighters carefully and noted it was very early in the process. 2024 would also have a new mayor, and many new councilmembers.

Deputy Mayor Mary Catherine Carmichael added that there were many ideas being discussed with the goal of retaining staff. She noted that there were also many firefighters retiring.

Dave Askins, Be Square Bulletin, asked about the number of firefighters to be hired in the coming year and if they would be included in the extra pay.

Public comment:

Piedmont-Smith asked if new firefighters were hired at the previous pay rate.

Fields said the new employees would not receive the premium pay rate but would receive the $500 extra pay.

Council comments:

Piedmont-Smith stated her support for the use of funds.

The motion that Appropriation Ordinance 23-04 be adopted received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 23-04 [7:52pm]

LEGISLATION FOR FIRST READING [7:53pm]

Rollo moved and it was seconded that Ordinance 23-11 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 23-11 – To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation" – Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code [7:53pm]

Sgambelluri referred Ordinance 23-11 to the Committee of the Whole to meet on June 07, 2023 at 8:00pm, following the Regular Session.

There was additional discussion on councilmember participation virtually and scheduling.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [7:59pm]

Kulak reviewed the upcoming council and committee schedule.

COUNCIL SCHEDULE [8:00pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [8:01pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2024.

For Approval

APPROVE:

_____
Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 07, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR SESSION June 07, 2023

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

ROLL CALL [6:30pm]

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

AGENDA SUMMATION [6:31pm]

Rollo moved and it was seconded to approve the minutes of June 1, 2022. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:33pm]

REPORTS [6:34pm]

- COUNCIL MEMBERS

Sims acknowledged the youth in the audience that evening.

Volan referenced a news article noting lower rates of enrollment at colleges and universities and commented on housing.

- The MAYOR AND CITY OFFICES [6:36pm]

Kaisa Goodman, Public Engagement Director, Office of the Mayor, introduced Vicki Veenker, Founder of Sibling Cities USA.

Veenker thanked council for their support for the sibling cities program and for Bloomington's sibling city relationship with Palo Alto, California. She explained the three pillars of connection including community, commerce, and civil discourse. She noted programs, events, delegations, and many successes.

Ryne Shadday, Human Rights Commission (HRC), Chair, wished everyone a happy Pride month and commented on the unrelenting attacks on the community by those who wish to do harm. There were six nominations with two award recipients, Reverend Forrest Gilmore of Beacon and the Monroe County Community School Corporation (MCCSC) Equity Ambassadors. Shadday recognized the expansive work of Gilmore in the community including food, shelter, and other basic needs. He also recognized the group of high school students, under the tutelage of Dr. Markay Winston, Assistant Superintendent of Curriculum and Instruction of MCCSC.

Rollo moved and it was seconded to extend the time for reports by 10 minutes. The motion was approved by voice vote.

Vote to extend time [7:05pm]

Adam Wason, Director, Public Works, reported on the field reconnaissance project and its data including quality of street pavement, sidewalks and sidepaths, and accessible curb ramps. The contracted vendor used advanced technology to analyze roads and more. He discussed details on the findings on roads, sidewalks, and curb ramps. He briefly described the project's next steps.

Council questions:

Rollo asked if there was data from 2017 for comparison.
Wason said yes, and would provide that to council.

Volan asked about possible funding for the projects.
Wason said staff was looking at grant opportunities, federal infrastructure bills, and other funding.

- COUNCIL COMMITTEES [7:10pm]

Sgambelluri appointed Volan to replace Rollo on the Special Committee for Council Processes (SCCP).

- PUBLIC [7:11pm]

There was no public comment.

For Approval

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:12pm]

Sims moved and it was seconded to appoint Dylan Schutte to seat C-1 on the Housing Quality Appeals Board. The motion was approved by a voice vote.

Volan moved and it was seconded to approve the appointment of Piedmont-Smith to the Monroe County Justice Finance Advisory Committee. The motion was approved by a voice vote.

Volan moved and it was seconded to approve the appointment of Sims to the College and Walnut Corridor Study Steering Committee. The motion was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:14pm]

Resolution 23-09 – A Resolution of the Common Council of the City Of Bloomington, Indiana, Endorsing and Urging Passage of Indiana Legislation Establishing a Driver Card for Undocumented Indiana Residents [7:14pm]

Rollo moved and it was seconded that Resolution 23-09 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Resolution 23-09 be adopted.

Josefa Madrigal, Chief of Staff, Office of the Mayor, thanked community members for their work on the legislation in English and Spanish. She presented the legislation and the benefits of the driver card for community members like transporting their children to and from school, going to food pantries, and more. Some restrictions were the inability to vote, no access to federal assistance, and not claiming citizenship. Undocumented residents paid taxes. There were twenty states that offered driving cards to undocumented residents. The driver card would be obtained after taking a driver's test at the Department of Motor Vehicles. It would allow drivers to obtain insurance.

Council questions:

Rollo referenced a bill that had passed the senate and asked what the next steps were.

Ed Rodriguez, La Voz Unida member, said that legislation had been drafted for the Indiana General Assembly for thirteen years, but repeatedly failed. Currently there was a grassroots effort to support the driver card in local cities and towns via supportive resolutions. The goal was to assist community members and eliminate the fear of driving due to not having a license. The DMV, police departments, and more were in full support of driver cards.

Public comment:

Indiana State Senator Shelli Yoder spoke in favor of the legislation. She noted it was a bipartisan effort, and gave reasons in support of driver cards.

Council comments:

Sims strongly supported Resolution 23-09 and noted the importance of educating the public on the topic of driver cards. It did not make sense to have a group of community members to live with fear.

Rollo appreciated the efforts that had been made and said it made sense to make the roads safer. It was a humane thing to do and he would support it.

Smith agreed that it was the right thing to do. He hoped it passed at the state level.

Volan commented on the Census Bureau's inclusion of all residents of a community, even those who were not citizens. He said a driver card made the roads safer and he fully supported the legislation.

Sgambelluri thanked everyone and appreciated the clear explanation of what the card did and did not allow.

For Approval

The motion that Resolution 23-09 be adopted received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-09 [7:37pm]

LEGISLATION FOR FIRST READING [7:38pm]

Rollo moved and it was seconded that Ordinance 23-12 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.

Sgambelluri referred Ordinance 23-12 to the Regular Session to meet on June 14, 2023.

Ordinance 23-12 – An Ordinance To Amend Ordinance 22-26, Previously Amended By Ordinance 22-40, Which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2023 – Re: To Reflect Updates Needing Implementation in 2023 [7:38pm]

Rollo moved and it was seconded that Ordinance 23-13 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.

Sgambelluri referred Ordinance 23-13 to the Regular Session to meet on June 14, 2023.

Ordinance 23-13 – An Ordinance to Amend Ordinance 22-25, Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana for the Year 2023 - Re: To Reflect Increases in Compensation to Certain Firefighters [7:39pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in support of Monroe County Community School Corporation (MCCSC) and Richland Bean Blossom (RBB) school district. He discussed the Success School at the chamber.

ADDITIONAL PUBLIC COMMENT [7:40pm]

Sgambelluri scheduled a work session on Monday, June 12, 2023 at 12:00pm.

There was discussion regarding the scheduled Budget Advance meeting.

COUNCIL SCHEDULE [7:44pm]

Rosenbarger moved and it was seconded to cancel the Budget Advance on June 13, 2023 and reschedule at a later date. The motion was approved by voice vote.

Vote to cancel [7:46pm]

Lucas reviewed some upcoming council and committee meetings.

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [7:47pm]

For Approval

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

_____
Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval

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

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council
From: Stephen Lucas, Council Administrator/Attorney
Date: January 12, 2024
Re: Appropriation Ordinance 2024-01 - To Transfer Funds from the Motor Vehicle Highway Restricted Street Fund into the Motor Vehicle Highway Fund and to Additionally Appropriate ARPA State and Local Fiscal Recovery Fund Expenditures Not Otherwise Appropriated for 2024

Synopsis
This ordinance corrects an inadvertent closeout on December 21, 2023 of an open purchase order funding a grant agreement between the City and the United Way to address housing insecurity, by additionally appropriating $1.5 million the City Council approved in 2021 for this purpose, and also makes the annual housekeeping adjustment required by the state Department of Local Government Finance in order to move the funds budgeted in the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund.

Relevant Materials
- Appropriation Ordinance 2024-01
- Staff Memo from Deputy Mayor Gretchen Knapp, Controller Jessica McClellan, and Corporation Counsel Margie Rice
- January 4, 2022 Grant Agreement with United Way
- December 26, 2023 Amendment to Grant Agreement
- State Board of Accounts Directive 2018-2

Summary
Appropriation Ordinance 2024-01 would do two things.

First, it would appropriate $1.5 million out of the ARPA Local Fiscal Recovery Fund (Fund #176). As explained in the staff memo, this action would reappropriate funds that had been previously appropriated for combating housing insecurity through the Housing and Neighborhood Development Department's collaboration with United Way. Due to the accidental closure of a purchase order at the end of 2023, the administration is proposing this appropriation to make these ARPA funds available once more.

Second, the ordinance would appropriate just under $1.75 million out of the Motor Vehicle Highway Fund (Fund #451). This appropriation comes as a result of state guidance on accounting for motor vehicle highway and restricted motor vehicle highway funds. The adopted 2024 civil city budget included $1,749,319 in the Motor Vehicle Highway Restricted Fund (Fund #456). The Controller's Office has indicated that the proposed appropriation of these funds out of the Motor Vehicle Highway Fund is needed to make use of this already-budgeted money in 2024.

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 2024-01 should not result in such an increase to the City's tax levy.

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 January 24, 2024.

Contacts
Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov
Margie Rice, Corporation Counsel, 812-349-3426, margie.rice@bloomington.in.gov

APPROPRIATION ORDINANCE 2024–01

TO TRANSFER FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED STREET FUND INTO THE MOTOR VEHICLE HIGHWAY FUND AND TO ADDITIONALLY APPROPRIATE ARPA STATE AND LOCAL FISCAL RECOVERY FUND EXPENDITURES NOT OTHERWISE APPROPRIATED FOR 2024

WHEREAS, on August 18-19, 2021, the Common Council of the City of Bloomington ("Common Council") and Mayor approved an appropriation of $1.2 million in America Rescue Plan Act of 2021 ("ARPA") funds granted by the U.S. Department of the Treasury to the City of Bloomington ("City), to be used for a grant to the United Way to address homelessness and housing insecurity; and

WHEREAS, on November 2, 2021, the Common Council and Mayor approved the City's 2022 budget, including an appropriation of another $1.565 million in ARPA funds to the Housing and Neighborhood Development Department ("HAND") to "work with partners to establish resource hubs, help with reunification of the unhoused with families and loved ones, provide dollars for community shelters, and provide additional funding to the Heading Home Initiative"; and

WHEREAS, pursuant to and in accordance with these appropriations by the Common Council, on January 4, 2022 the City entered into a grant agreement ("Grant Agreement") with United Way of South Central Indiana, Inc. d/b/a United Way of Monroe County ("United Way"), under which the City would provide $2.7 million in ARPA funds to the United Way to be used exclusively to address housing insecurity by executing long-term, regional strategies defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating ("Heading Home Report"); and

WHEREAS, pursuant to the above appropriations and Grant Agreement, HAND and the City's Office of the Controller opened Purchase Orders 2021-9127 and 2022-10072 for a total of $2.7 million and transferred the initially approved $1.2 million to United Way, with the remaining $1.5 million to be transferred subsequently; and

WHEREAS, United Way has been performing under the Grant Agreement by engaging in various activities supportive of the strategies in the Heading Home Report, as reflected in prior presentations to the Common Council on; and

WHEREAS, on December 26, 2023, the City and United Way entered into an amendment to the Grant Agreement ("Amendment") to extend the term of the original agreement through January 31, 2024, to provide for the closeout of United Way's first phase of activities funded with City ARPA funds identified to the Revenue Loss Category, and to provide for the execution of a Sub recipient Agreement ("Sub recipient Agreement") governing its future activities using City ARPA funds identified to other expenditure categories; and

WHEREAS, the Amendment provides for transfer by the City of the remaining $1.5 million upon execution of the Sub recipient Agreement; and

WHEREAS, the City and United Way intend to either execute a Sub recipient Agreement by January 31, 2024 or, if further negotiations are necessary, extend that deadline via an addendum to the Amendment executed on December 26, 2023, a copy of which is attached hereto as Exhibit A; and

WHEREAS, through a clerical error, the City inadvertently closed Purchase Order 2022-10072 on December 21, 2023; and

WHEREAS, the City wishes to ensure that the full amount of funds appropriated by the Common Council and contracted for through the Grant Agreement and Amendment, are made available to United Way to continue implementing the Heading Home Report strategies and addressing critical housing insecurity issues in our community; and

WHEREAS, the Public Works Department for the Motor Vehicle Highway Fund desires to maintain a housekeeping alignment per the Indiana Department of Local Government Finance, in Classification 1 – Personnel Services, Classification 2 – Supplies, Classification 3 – Services and Charges, and Classification 4 – Capital, in order to move the already-budgeted funds from the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund;

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 the City the following additional sums of money are hereby transferred or additionally appropriated and ordered set apart from the funds herein names and for the purposes herein specified, subject to the laws governing the same:

ARPA Local Fiscal Recovery Fund		
ARPA Local Fiscal Recovery Fund – HAND		
	Classification – 3 Services and Charges	1,500,000
	Total ARPA Local Fiscal Recovery Fund – HAND	1,500,000
Grand Total ARPA Local Fiscal Recovery Fund (F176)		**1,500,000**

Motor Vehicle Highway Fund		
Motor Vehicle Highway Fund – Public Works Street Division		
	Classification – 1 Personnel Services	275,622
	Classification – 2 Supplies	256,696
	Classification – 3 Services and Charges	517,000
	Classification – 4 Capital	700,000
	Total Motor Vehicle Highway Fund	1,749,318
Grand Total Motor Vehicle Highway Fund (F451)		**1,749,318**

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2024.

_____
ISABEL PIEDMONT-SMITH, 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 _____, 2024.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2024.

_____
KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance corrects an inadvertent closeout on December 21, 2023 of an open purchase order funding a grant agreement between the City and the United Way to address housing insecurity, by additionally appropriating $1.5 million the City Council approved in 2021 for this purpose, and also makes the annual housekeeping adjustment required by the state Department of Local Government Finance in order to move the funds budgeted in the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund.

Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Gretchen Knapp, Deputy Mayor
Jessica McClellan, City Controller
Margie Rice, Corporation Counsel

CC: Stephen Lucas, Council Attorney

RE: Appropriation Ordinance 2024-01

DATE: January 10, 2024

Summary

Ordinance 24-01 addresses two financial accounting matters.

First, it fixes a clerical error that inadvertently closed a 2022 Purchase Order supplying ARPA funds that the City Council appropriated in late 2021 for a grant to the United Way of Monroe County to implement the Heading Home report strategies for tackling housing insecurity.

Second, it performs the annual task of moving funds already budgeted for the City's Restricted Motor Vehicle Highway Fund, per State Board of Accounts (SBOA) requirements, to a different subaccount that the City must create for such funds in order to comply with the Department of Local Government Finance (DLGF) requirements. The SBOA and the DLGF each have differing requirements related to these funds. In order to try and comply with both SBOA and DLGF requirements, the City budgets the funds into the Restricted Fund and then, at the beginning of each year, transfers the funds to the Motor Vehicle Highway Fund each year via Council approval.

Background

Additional appropriation of United Way ARPA grant funds

On January 4, 2022, the City entered into a grant agreement with the United Way of South Central Indiana, Inc. d/b/a United Way of Monroe County ("United Way"), whereby the City would provide United Way with $2.7 million in America Rescue Plan Act ("ARPA") funds to

implement the long-term strategies for combating housing insecurity defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating ("Heading Home Report"). HAND opened Purchase Orders 2021-9127 and 2022-10072 to fund the grant agreement. The Purchase Orders were supported by two appropriations of ARPA funds made by the City Council in 2021 – an August 2021 appropriation of $1.2 million specifically for a grant to the United Way for these purposes, and a subsequent appropriation of $1.565 million as part of the Council's approval of the 2022 budget for the Housing and Neighborhood Development Department ("HAND"), to enable HAND to "work with partners to establish resource hubs, help with reunification of the unhoused with families and loved ones, provide dollars for community shelters, and provide additional funding to the Heading Home Initiative." (HAND 2022 Budget Memo).

The City transferred the first tranch of appropriated funds ($1.2 million) following execution of the grant agreement. $1.5 million remained in the open 2022 Purchase Order for subsequent transfer.

The City originally expected that the full $2.7 million for the grant agreement would be funded with City ARPA funds identified to the Treasury Department's Revenue Loss Category. As the City developed and finalized the 2024 budget, however, it determined that the funds not yet used by the United Way should be identified to other ARPA expenditure categories. Because certain different reporting and other compliance obligations apply to the use of ARPA funds identified to those other expenditure categories, the parties agreed in December 2023 to amend the original grant agreement. The amendment did the following things:

1. Extended the original grant agreement, which was set to terminate on December 31, 2023, through January 31, 2024.
2. Declared the first phase of activity under the grant, funded with $465,000 in ARPA funds identified to the Revenue Loss Category, completed as of January 31, 2024.
3. Froze the further use of ARPA funds in United Way's possession, and the transfer of the final $1.5 million, all of which would be identified to ARPA expenditure categories other than Revenue Loss, pending execution of the parties by January 31, 2024 of a Sub-recipient Agreement that would replace the original grant agreement and contain the necessary terms governing the use of those funds.

In late December 2023, while the City and United Way were reviewing and discussing a draft Sub-recipient Agreement, HAND inadvertently included Purchase Order 2022-10072 on the end-of-year list of PO's to close out which it provided to the Controller's Office. The Controller's Office therefore reflected the closure of Purchase Order 2022-10072 in its end-of-year report to the Indiana Department of Local Government Finance (DLGF). Neither HAND nor the Controller's Office intended to close out Purchase Order 2022-10072, which they intended to

leave open to allow for the transfer of the remaining grant funds to the United Way per the amended grant agreement and following execution of the Sub-recipient Agreement. The Controller's Office confirmed that per DLGF rules they could not reopen Purchase Order 2022-10072 and that they would need therefore to have the funds additionally appropriated in 2024 and a new Purchase Order opened.

City staff promptly notified the United Way and members of the incoming administration of this clerical error, and advised that the appropriate way to fix this error would be to pursue an additional appropriation in the first quarter of 2024 of the final $1.5 million in grant funds pledged to support United Way's implementation of the Heading Home Report. Ordinance 24-01 is drafted to accomplish this.

A Sub-receipient Agreement with United Way will either be executed with United Way by January 31, 2024 or United Way and the City will extend that deadline via an Addendum to the Amendment to provide additional time, if necessary, for negotiations.

Movement of already appropriated Motor Vehicle Highway Restricted Funds to subaccount of single MVH Fund

The Comptroller of the State of Indiana annually distributes funds to the City from the state's Motor Vehicle Highway and Local Road and Street Accounts ("MVH funds"), which are funded through a combination of fuel taxes, vehicle registration costs, and other transportation-related fees.

Per state code, at least 50% of the City's distribution must be spent on construction, reconstruction, or preservation of the City's highways. Ind. Code 8-14-1-5(c). "Highways" is defined to include "roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns." Ind. Code 8-14-1-1(3).

The City's annual budgeting and expenditure of MVH funds complies with these restrictions – that is, the City reserves at least 50% of its annual MVH funds distribution for restricted uses each year. However, the State Board of Accounts (SBOA), which audits local government expenditures for compliance with state law requirements, and the Department of Local Government Finance (DLGF), which reviews and approves property tax assessments and local government budgets, do not agree on how local governments should account for such funds. Specifically, the SBOA requires local governments to create two separate "funds," called the MVH Fund and MVH Restricted Fund, to house the respective allocations approved by City Council, while the DLGF requires local governments to maintain a single MVH Fund with restricted and unrestricted sub-accounts that are not listed on the City's annual financial and operational reports as "funds."

To accommodate both agencies, the City annually performs the following steps:

1. Develops its proposed budget for Council approval with appropriations for an MVH Fund and MVH Restricted Fund
2. Following approval of the budget, requesting Council to appropriate or transfer the already-budgeted funds for the MVH Restricted Fund into the MVH Fund, after which the Controller's Office records the moved funds in a restricted sub-account.

Since the movement of MVH restricted funds into a single "MVH Fund," requires Council action, as does the additional appropriation of the ARPA funds discussed above, we have combined the two matters into this one additional appropriation Ordinance for efficiency. The movement of MVH funds only requires a transfer and not an additional appropriation; however, it can be accomplished through this single Ordinance.

Attachments:

January 4, 2022 Grant Agreement with the United Way

December 26, 2023 Amendment to the Grant Agreement

SBOA Directive 2018-2

GRANT AGREEMENT
between the
CITY OF BLOOMINGTON
and
UNITED WAY OF MONROE COUNTY
TO
SUPPORT A LONG-TERM REGIONAL RESPONSE TO HOUSING INSECURITY

This agreement, entered into this 4th day of ~~December, 2021~~ January, 2022, by and between the City of Bloomington ("City") and United Way of Monroe County ("Grantee"), WITNESSETH THAT:

WHEREAS, in response to the global pandemic COVID-19, the City has received funds as a result of the American Rescue Plan Act ("ARPA") for use in the economic recovery of our community; and

WHEREAS, Grantee is a Bloomington-based non-profit organization that is, under this program, working to support a long-term regional response to housing insecurity based on the 2021 review of the Heading Home Plan and community input; and

WHEREAS, this program will execute a long-term, regional strategies defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating; and

WHEREAS, the City has certain funds available to grant for purposes of community and economic development.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Term of Agreement. This Agreement shall become effective upon execution and continue through December 31, 2023, unless terminated prior to that date pursuant to Section 11 or extended pursuant to Section 15 herein.

2. Activities to be Performed by Grantee. During the Term of Agreement, Grantee agrees to use the Funds to support activities in the City of Bloomington as reflected in its project proposal, which is attached to this Agreement as Exhibit A.

3. Funding, and Activities to be Performed by City. City agrees to the following:

   (a) Provide funding to Grantee in the total amount of two million, seven hundred thousand dollars ($2,700,000.00) to be used exclusively for activities described herein and subject to the terms of this agreement;

   The City's funding contribution is subject to the appropriation and availability of funds. If funds for the City's contribution are not forthcoming or are insufficient, through the failure of any entity—including the City—then the City shall have the right to terminate its contribution without penalty.

4. Amendments, Evaluation and Outcomes. The parties mutually agree that by no later than January 31, 2022, they will approve an amendment to this agreement to provide for more additional specifics about the work to be undertaken by United Way under this agreement.

5. Misuse of Grant and Repayment. If the City determines that the grantee has failed to comply with any material term, condition, or obligation of the Grantee in this Agreement, including but not limited to the Grantee not using any part of the Grant for the project in accordance with Section 2, or the Grantee making material false or misleading statement or other written or oral representation furnished to or made to the City as part of the terms of this Agreement, the City may rescind the Grant by written notice to the Grantee in accordance with the terms of this Agreement.

   In the event that the City rescinds the Grant by written notice to the Grantee, the Grantee shall be obligated to return an amount equal to all Grant payments received pursuant to this Agreement.

   The City may also require the Grantee to take any action at law whatsoever to recover any Grant funds not used for the payment of costs related to the Project and consistent with the project budget, as provided in Exhibit A. Additionally, the City may take any judicial action as is necessary to collect any amounts owed to the City by the Grantee, including but not limited to legal action for breach of this Agreement.

6. Supervision and Independent Contractor Status. The status of Grantee employees providing services pursuant to this Agreement as employees of the Grantee shall not be affected in any way by this Agreement. Said employees shall be subject solely to supervision by their Grantee supervisors.

   During the entire term of this Agreement, Grantee shall be an independent contractor, and in no event shall any of its personnel, agents or sub-contractors be construed to be, or represent themselves to be, employees of the City. Grantee shall be solely responsible for the payment and reporting of all employee and employer taxes, including social security, unemployment and any other federal, state or local taxes required to be withheld from employees or payable on behalf of employees.

7. Indemnity. To the extent allowed by Indiana law, Grantee shall indemnify and hold the City harmless against all claims, actions, damages, liability and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of acts or omissions by its officers, directors, agents, employees, successors and assigns, in the performance of this Agreement.

8. Waiver or Breach. The Waiver by either party or breach of any provision of this Agreement by the other party, shall not operate or be construed as a waiver of any subsequent breach by the parties. No waiver shall be valid unless it is in writing and signed by an authorized officer of the waiving party.

9. Attorney's Fees. If any action is brought to enforce this Agreement, the prevailing party shall be entitled to recover reasonable costs of enforcement, including court costs and attorney fees.

10. Records. Each party shall retain all records related to this Agreement for a period of at least three years from the termination of this Agreement. Each party shall permit the other access to all records relating to this Agreement at all reasonable times for review and audit purposes.

11. Termination of Agreement. This agreement may be terminated in whole or in part by either party at any time for any reason by sending the other party written notice via certified mail, return receipt requested, at least thirty (30) days prior to the date of termination. Termination of the Agreement shall not affect any liabilities that accrued between the parties prior to the date of termination.

12. Nondiscrimination. As part of this Agreement, Grantee shall comply with City of Bloomington Ordinance 2.21.020 and all other federal, state and local laws and regulations regarding non-discrimination in all regards, including but not limited to employment practices.

    Grantee understands that the City of Bloomington prohibits its employees from engaging in harassment or discrimination of any kind, including harassing or discriminating against independent contractors doing work for the City. If Grantee believes that a City employee engaged in such conduct towards Grantee and/or any of its employees, Grantee or its employees may file a complaint with the City department head in charge of the work, and/or with the City human resources department or the Bloomington Human Rights Commission. The City takes all complaints of harassment and discrimination seriously and will take appropriate disciplinary action if it finds that any City employee engaged in such prohibited conduct.

13. Notice to Parties. Whenever any notice, statement or other communication shall be sent to the City or Grantee, it shall be sent to the person and address named below, unless otherwise advised in writing by a party:

Notice to Grantee:	Efrat Feferman United Way of Monroe County 431 S. College Avenue Bloomington, Indiana 47403
Notice to City:	John Zody Housing & Neighborhood Development

City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Copy To:

Daniel Dixon
City of Bloomington Legal Department
P.O. Box 100
Bloomington, IN 47402

14. Amendment and Modification. This Agreement may be amended at any time by mutual written and signed agreement of the authorized representative of the parties, but may not be modified in any other manner, except as expressly provided by this Agreement.

15. Extension and Renewal of Agreement. This Agreement may be renewed, renegotiated or extended upon its expiration by mutual written consent of the parties.

16. Governing Laws. This agreement shall be construed in accordance with and governed by the laws of the State of Indiana and suit, if any, must be brought in Monroe County, Indiana.

17. Severability. If any part of this Agreement is invalid or unenforceable under any statute, regulation, ordinance, executive order or other rule of law, such term shall be deemed reformed or deleted, but only to the extent necessary to comply with such statute, regulation, ordinance, order or rule and the remaining provisions of this agreement shall remain in full force and effect.

18. Force Majeure. Neither the City nor Grantee shall be liable to perform its respective obligations hereunder when such failure is caused by fire, explosion, water, act of God, civil disorder or disturbance, strikes, vandalism, war, sabotage, weather and energy related closings, governmental rules or regulations, or like cause beyond the reasonable control of such party, or for real or personal property destroyed or damaged due to such causes.

19. Verification of New Employees' Immigration Status. Grantee shall comply with provisions in Indiana Code § 22-5-1.7-11(b) which requires the City of Bloomington to obtain the following from business entities that receive grants from the City of Bloomington which total more than $1,000.00:

- A sworn affidavit that affirms that the business entity has enrolled and is participating in the E-Verify program.
- A sworn affidavit that affirms that the business entity does not knowingly employ an unauthorized alien.
- Documentation that the business entity has enrolled and is participating in the E-Verify program.

The required affidavit is attached to this Agreement as Exhibit B.

20. Entire Agreement. The parties agree that this Agreement contains all of the agreements, representations, and conditions made between the parties. This Agreement may not be modified except by written agreement and signed by both parties.

In witness of acceptance of all conditions contained in this agreement, the parties execute this agreement on the date entered on the first page hereof.

CITY OF BLOOMINGTON

BY:

Michael Rouker, Interim Corp. Counsel

Date: 1/4/2022

John Zody, Director
Housing and Neighborhood Development

Date: 1/4/2022

UNITED WAY OF MONROE COUNTY

BY:

Efrat Feferman

Date: 1/20/2022

CITY OF BLOOMINGTON
Legal Department
Reviewed By: BEM
DATE: 12/23/21

11/30

① Contract revisions by EOY.: $1.5 M out : need contracts done
② Reporting structure → past : (BC talk to Andrea)
③ Reporting structure → future : in contracts

JZ Send to Randy, MM & Chris Hazel

EXHIBIT A
PROGRAM PROPOSAL

Purpose:
This understanding is made and entered into as of December 2021 by and between the City of Bloomington (COB) and United Way of Monroe County (UWMC) to enter into a collaboration to provide our community with a long-term regional response to housing insecurity based on the 2021 review of the Heading Home Plan and subsequent input from community partners including funders, providers, and elected officials and community leaders.

Period of Performance:
Beginning October 2021 with eligibility for ongoing renewal in 2 years – no later than December 31, 2023.

→ Do we lose the $ if we don't do an extension?

Background:
In January, 2020 leadership from UWMC and Community Foundation of Bloomington Monroe County convened a working group which included service providers, funders, and other key partners to assess housing insecurity issues in our region; examine and bolster existing assets with the goal of supporting community stakeholders in reaching a shared understanding of the challenges we face; creating a vision for moving forward to address both acute and chronic issues related to or that impact homelessness and supporting long-term strategies to reduce homelessness and provide effective and expeditious strategies for addressing acute housing issues.

In May, 2021, the Housing Insecurity Working Group completed "HEADING HOME 2021: A Regional Plan for Making Homelessness Rare, Brief, & Non-Repeating." This was a result of a substantive review and updating of the Heading Home Plan created by the South Central Housing Network in 2019. This report took into consideration changes in the community; accomplishments from the original report and current gaps in service.

Goals of Collaboration:
The goals of this collaboration include:

- To collectively develop and implement a community vision/strategy for making homelessness brief, rare and non-repeating in Monroe County and the surrounding region.
- Partner with local agencies to expand the work of rapid rehousing in Monroe County and beyond.

Deliverables:

In accordance with this Memorandum of Understanding, UWMC will provide:

- Site hosting and staff program professionals to execute long-term, regional strategies defined in "HEADING HOME 2021: A Regional Plan for Making Homelessness Rare, Brief, & Non-Repeating;"
- Build an active cross-sector coalition (Guiding Group) to coordinate and monitor progress of strategies which will include two City representatives;

- Develop live data set for monitoring progress on homelessness and housing insecurity and a dashboard accessible to the public;
- Develop relationships and provide incentives for landlords to house the community's most vulnerable residents through the development of a risk mitigation fund and/or other tools as appropriate.
- Incentivize the development of a range of housing options.

Compensation:
COB will provide $1.2M f/y 2021 and $1.5M f/y 2022 for a total of $2.7M to UWMC to support expenses related to this initiative.

EXHIBIT B

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

E-VERIFY AFFIDAVIT

The undersigned, being duly sworn, hereby affirms and says that:

1. The undersigned is the Executive Director of United Way of Monroe County
[Title] [Orgahization]
2. The company named herein that employs the undersigned has received or is seeking a grant from the City of Bloomington of more than $1,000.

3. The company named herein that employs the undersigned is enrolled in and participating in the E-Verify program.

4. Documentation that the company named herein has enrolled and is participating in the E-Verify program is attached to this Affidavit as Exhibit 1.

5. The undersigned hereby states that, to the best of his/her knowledge and belief, the company named herein does not knowingly employ an "unauthorized alien," as defined at 8 United States Code 1324a(h)(3).

Signature

Efrat Feferman
Printed name

STATE OF INDIANA)
) SS:
COUNTY OF Monroe)

Before me, a Notary Public in and for said County and State, personally appeared Efrat Feferman and acknowledged the execution of the foregoing this 20 day of January, 2022.

Christina Finley
Notary Public
Christina Finley
Printed name

CHRISTINA FINLEY
My Commission Expires 04-19-2023
NOTARY PUBLIC SEAL
Monroe County
Commission Number 666625
STATE OF INDIANA

My Commission Expires: 4-19-23
County of Residence: Monroe

AMENDMENT
to the Grant Agreement between
the City of Bloomington and
United Way of Monroe County
to Support a Long-Term Regional Response to Housing Insecurity

This Amendment to the Grant Agreement ("Original Agreement") entered into on January 4, 2022, is made by and between the City of Bloomington ("City") and United Way of South Central Indiana, Inc. d/b/a Monroe County United Way ("Grantee" and with the City collectively, "Parties").

WHEREAS, the purposes of this Amendment are to (1) declare that the first phase of Grantee's activities will be complete as of January 31, 2024; and (2) to extend the term of the Original Agreement through January 31, 2024, for the purpose of allowing Grantee to complete that first phase and for the Parties to execute a Subrecipient Agreement, in substantially the form and attached hereto as Exhibit A (the "Subrecipient Agreement"), to govern the second phase of Grantee's activities and to set out the terms of the Grantee's administration of the remaining $2.235 Million of funds provided under the Original Agreement; and

WHEREAS, the Original Agreement contemplated that the City would transfer a total of $2.7 million in funds received by the City pursuant to an award of funds from the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act ("ARPA" and such funds "ARPA Funds") to the Grantee to support long-term regional responses to housing insecurity as more fully described in the Original Agreement (the "Project"); and

WHEREAS, Grantee will have completed a first phase of the Project by January 31, 2024 and will have expended up to $465,000 in ARPA Funds ("Phase 1 Funds"); and

WHEREAS, the City has identified the Phase 1 Funds as having been expended in Expenditure Category 6.1 (Revenue Replacement: Provision of Government Services) as described in the United States Department of Treasury's Coronavirus State and Local Fiscal Recovery Funds: Project and Expenditure Report Use Guide, as amended ("Revenue Loss Category"); and

WHEREAS, the City has determined that the second phase of Grantee's activities on the Project are eligible to be funded with ARPA Funds identified to one or more APRA expenditure categories other than the Revenue Loss Category; and

WHEREAS, in recognition of the differential compliance and reporting obligations that arise from the identification of funds for Grantee's second phase of activities on the Project, in one or more expenditure categories other than the Revenue Loss Category, the Parties wish to enter into the Subrecipient Agreement to govern the expenditure of the remaining ARPA Funds awarded under the Original Agreement; and

WHEREAS, a brief extension of the Original Agreement will allow Grantee to close out the first phase of its activities and the Parties the necessary time to execute such a Subrecipient Agreement for Phase II; and

WHEREAS, Sections 14 of the Original Agreement permits amendments, and Section 15 of the Original Agreement permits renewal, renegotiation, or extension, by mutual written consent of the Parties.

NOW, THEREFORE, the Parties agree as follows:

1. The first phase of Grantee's activities contemplated by the Original Agreement, consisting of the activities described above, for which Phase 1 Funds up to $465,000 will have been expended by January 31, 2024, will be complete as of that date.
2. By not later than January 31, 2024, Grantee will provide a report to the City:
    a. listing and discussing the activities performed during the first phase of its activities
    b. describing how the activities furthered the goals of the City regarding housing insecurity
    c. discussing successes, challenges, and/or lessons learned from the activities to date that will inform the second phase of Grantee's activities
    d. accounting for expenditures made of all Phase 1 Funds.
3. The term of the Original Agreement is extended through January 31, 2024, for the purposes of completing Phase I and of completing and executing a Subrecipient Agreement in substantially the form attached hereto as Exhibit A, to govern Phase II. Upon execution by the Parties of such a Subrecipient Agreement:
    a. the Subrecipient Agreement shall replace the Original Agreement and constitute the sole and complete terms governing all further Grantee expenditures of ARPA Funds to advance Project activities using the $2.235 Million in remaining ARPA Funds provided by the City under the Original Agreement; and
    b. the City shall transfer the remaining $1.5 Million reflected in the Original Agreement, to Grantee subject to the terms of the Subrecipient Agreement.
4. While Grantee shall remain in possession of the $735,000 in non-Phase I ARPA Funds already provided by the City under the Original Agreement, Grantee shall not make any expenditures of those funds until such time as the Parties shall have executed the Subrecipient Agreement described in Section 3 of this Amendment. Any funds expended in violation of this term are subject to immediate recoupment by the City.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date last signed below.

CITY OF BLOOMINGTON

By: Beth Cate
Beth Cate, Corporation Counsel

Date: 12/22/23

UNITED WAY OF SOUTH CENTRAL INDIANA, d/b/a Monroe County United Way

By: [illegible]

Date: 12/26/23

By: _____
John Zody, Director
Housing and Neighborhood Development

Date: 12/22/23

ADDENDUM
to the Grant Agreement between
the City of Bloomington and
United Way of Monroe County
to Support a Long-Term Regional Response to Housing Insecurity

This Federally-funded subaward and funding assistance agreement (the "Agreement") is entered into by the City of Bloomington, Indiana (the "City") and United Way of South Central Indiana, Inc. d/b/a Monroe County United Way, an Indiana nonprofit corporation (the "Subrecipient") (collectively, the "Parties").

On March 11, 2021, the American Rescue Plan Act of 2021, Public Law No: 117-2 ("ARPA") was signed into law. Section 9901 of ARPA amended Title VI of the Social Security Act (the "Act") to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (collectively, with the Coronavirus State Fiscal Recovery Fund established by section 602 of the Act, the "SLFRF"). The SLFRF program under ARPA was intended to provide funding to state and local units of government to support efforts to respond to and recover from the impacts of the Coronavirus Disease 2019 ("COVID-19") public health emergency. ARPA provides that funds provided under the SLFRF program may be used for the following purposes:

a. to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
b. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
c. for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or
d. to make necessary investments in water, sewer, or broadband infrastructure

(each an "Eligible Use" and collectively, the "Eligible Uses").

WHEREAS, The City has received an award of Federal funds pursuant to ARPA from the SLFRF program (the "Award Funds"); and

WHEREAS, The City has identified certain project proposals by entities operating within the City which would qualify as an Eligible Use of the Award Funds because such projects would respond to the negative economic impacts of the COVID-19 public health emergency by providing programs or services which promote various benefits to residents of the City which advance long term housing security and which provide services to unhoused persons; and

STATE OF INDIANA

AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
302 WEST WASHINGTON STREET
ROOM E418
INDIANAPOLIS, INDIANA 46204-2769

Telephone: (317) 232-2513
Fax: (317) 232-4711
Web Site: www.in.gov/sboa

STATE EXAMINER DIRECTIVE 2018-2

Date: December 20, 2018

Subject: Motor Vehicle Highway Account

Authority: IC 5-11-1-2, -9, -10, -21, -24; IC 8-17-4.1-2, -3, -4, -6

Application: This Directive applies to all local governmental units that receive distributions from the Motor Vehicle Highway Account

From: Paul D. Joyce, CPA, State Examiner

The purpose of this Directive is to authorize and require counties, cities, and towns that receive distributions from the State Motor Vehicle Highway Account to **create a new sub-fund within the MVH Fund** to properly manage and account for the usage restrictions that were included in House Enrolled Act 1002-2017 and House Enrolled Act 1290-2018.

The sub-fund will be referred to throughout this Directive as "MVH Restricted" and will be used to account for MVH monies which have been statutorily restricted for construction, reconstruction, and preservation purposes.

On the chart of accounts, the MVH Fund and MVH Restricted sub-fund shall be shown as follows:

Counties

Fund 1176	MVH
Fund 1173	MVH Restricted

Cities and Towns

Fund 201	MVH
Fund 203	MVH Restricted

Together, MVH and MVH Restricted shall constitute the total MVH Fund. MVH and MVH Restricted will be shown separately on the Annual Financial Report and Annual Operational Report.

Starting on January 1, 2019, the political subdivision must post at the time of receipt of the distribution from the State Motor Vehicle Highway Account fifty percent (50%) of the distribution to MVH Restricted.

The political subdivision, by ordinance or resolution, may elect to allocate more than fifty percent (50%) of the distributions to MVH Restricted. During the same fiscal year, the political subdivision may transfer, by ordinance or resolution, the amount allocated in excess of the 50% requirement from MVH Restricted to

MVH. ***In no event can any transfers from MVH Restricted to MVH reduce the fiscal year distributions from the State Motor Vehicle Highway Account below the 50% requirement for MVH Restricted.***

Any amounts allocated in excess of the required 50% of distributions which remain in MVH Restricted at the end of the fiscal year must remain in MVH Restricted until expended for construction, reconstruction, or preservation.

Qualified expenditures will then be entered accordingly to MVH and MVH Restricted:

> MVH: Permissible uses of the State Motor Vehicle Highway (MVH) Account distributions are outlined in Indiana Code 8-14-1-4 for counties and in Indiana Code 8-14-1-5 for cities and towns.
>
> MVH Restricted: Effective July 1, 2018, Indiana Code 8-14-1-4(b) and Indiana Code 8-14-1-5(c) requires at least 50% of the MVH distributions to be used for construction, reconstruction and preservation of the unit's highways. (Maintenance expenditures no longer count toward the 50% requirement.)

Accounting for distributions from the State Motor Vehicle Highway Account in MVH and MVH Restricted will promote the transparency and accountability of public funds. This will also assist counties and municipalities with more than 15,000 residents in completing and filing the Annual Operational Report required under Indiana Code 8-17-4.1.

This Directive may be amended from time to time and may be rescinded at any time in writing by the State Examiner or a Deputy State Examiner.

Paul D. Joyce

Paul D. Joyce, CPA
State Examiner