



## Packet Related Material

**Memo  
Agenda  
Calendar**

**Annual Schedule**

**Draft Annual Council Schedule for 2004** (for action on November 19<sup>th</sup>)

- Memo from Dan Sherman, Council Administrator

**Notices and Agendas:**

*None*

**Legislation for Final Action:**

*None*

**Legislation and Background Material for First Reading:**

**App Ord 03-11** To Specially Appropriate from the General Fund, Parking Enforcement Fund, Park District Bond Fund, and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated (Various Year-End Appropriations for the Common Council Office, the Controller's Office and the Police, Parking Enforcement and Public Works Department)

- Memo from Susan Clark; Memos from the Police Department, Council Office, Penny Howard (Public Works), and John Freeman (Public Works - with Additional Material Regarding Proposed Parking System)

*Contact: Susan Clark at 349-3416 or [clarks@city.bloomington.in.us](mailto:clarks@city.bloomington.in.us)*

**Ord 03-30** To Establish the Unemployment Compensation Non-Reverting Fund for Civil City (Non-Utility) Departments

- Memo from Daniel Grundmann, Director of Employee Services

*Contact: Daniel Grundmann at 349-3578 or [grundmad](mailto:grundmad)*

**Ord 03-31** To Amend Ordinance 01-19 Which Established The Rainy Day Fund

- Memo from Tom Guevara, Controller; Ord 01-19 with Changes Incorporated

*Contact: Tom Guevara at 349-3412 or [guevarat@city.bloomington.in.us](mailto:guevarat@city.bloomington.in.us)*

**Minutes from Regular Session:**

*None*

## Memo

### **Three Items to be Introduced at the Regular Session on Wednesday, November 5<sup>th</sup>**

There are no items requiring final action and only three items ready to be introduced next Wednesday. The three new items are summarized below after the paragraph regarding the approval of next year's annual schedule.

### **Draft Annual Schedule for Consideration on November 19<sup>th</sup>**

This packet contains a draft Council Schedule for 2004 and a memo explaining it. Please review it and comment in the next week so that changes can be incorporated before it comes forward for a vote on November 19<sup>th</sup>.

### **First Readings**

**Item 1 - App Ord 03-11 - End-of-the-Year Appropriations from the General Fund (for the Police Department and Council Office), Parks District Bond Fund (for Controller's Office), Cumulative Capital Improvement Fund (for the Public Works Department) and Parking Enforcement Fund (for New Parking System at Regester Place Garage)**

App Ord 03-11 appropriates money from the General Fund for the Police Department and the Council Office, the Parks District Bond Fund for the Controller's Office, the Parking Enforcement Fund for the Regester Place Garage, and the Cumulative Capital Improvement Fund for the Public Works Department. Susan Clark, Budget and Financial Manager, has provided a cover memo and memos from each department making these requests, which serve as the basis for the following summary.

General Fund - Police Department (\$17,441 for Fuel) and Council Office (\$400 for Books)

**Police Department - \$17,441 for Fuel**                      The Police Department is requesting use of \$17,441 within its budget and from unbudgeted revenue to cover the cost of fuel for the remainder of the year. This amounts to about a 17.5% increase in the expenditure for fuel and corresponds well with the 16% average increase in the cost of a gallon of gas this year, which has risen from \$1.32 to \$1.54. The money

will come from Personal Services (Line 129 - New Officer Uniforms - \$6,195) and unbudgeted reimbursements for car repairs (\$11,246).

**Council Office - \$400 Transfer for Books**            The Council Office is requesting a transfer of \$400 to cover the cost of law books for the rest of the year. As noted in an earlier memo to the Council, the cost of keeping the statute books current has risen in the last few years. This transfer would bring the money for books up to \$2,000 and match what has been budgeted for next year. The money would come from Other Services and Charges (Line 323 - Travel) which would still have \$1,100 for the rest of the year.

#### Parks District Bond Fund - Closing Out Fund

The 1988 Park District bonds were redeemed last year and the Controller wishes to close out the fund and transfer the \$29,083.59 balance to the General Fund.

#### Cumulative Capital Improvement Fund - Public Works (BDU Repair)

Last month the Council appropriated \$4,523.76 from the Infrastructure Account in the Telecommunications Fund to reimburse the Public Works for the cost of repairing a break in the City's fiber optic cable loop at 10<sup>th</sup> and Morton Street last Spring. Now Public Works is requesting that those funds be appropriated for other construction for the rest of the year.

#### Parking Enforcement Fund - Parking Enforcement Department (\$200,000 for Automated Parking System at the New Regester Place Garage)

The Parking Enforcement Department is requesting \$200,000 from the Parking Enforcement Fund for an automated parking system for the new Regester Place Garage. The department is making the request now in order to have an access, payment, and tracking system in place soon after the eight-story, 552-space garage is finished. The costs for purchasing and installing the system should be in the range of \$175,000 to \$180,000 and the costs for connecting the system to City Hall (and perhaps the Police department) should be another \$20,000 - \$25,000. After this appropriation, the Controller's Office projects a year-end balance in this fund of about \$400,000.

Evens Time Equipment (an Indianapolis company) has provided a description of the parking system, which offers three advantages over other alternatives. First, it would allow 24-hour access to the garage without the need of an attendant and, thereby,

would lower the operating costs. Second, it would provide a very versatile electronic ticketing system that can accept different forms of payment and offer different access to various kinds of parkers including visitors to the downtown, customers whose parking is paid by nearby merchants, apartment tenants, other annual leaseholders, and hotel patrons. Visitors, for example, would pay by coin, cash, or credit/debit card at "easy pay" stations and annual leaseholders would be able to enter special parking areas by using their permit pass. And, third, it would allow the City to identify users and accurately track usage throughout the day and year, and therefore, more wisely allocate parking spaces.

## **Item 2 - Ord 03-30 - Creating an Unemployment Compensation Fund for the Civil City**

**Ord 03-30** establishes an Unemployment Compensation Fund for Civil City employees who become eligible for those benefits. As Daniel Grundmann explains in his memo to the Council, the State pays unemployment benefits to city employees who become unemployed and subsequently receives reimbursements from the City for these expenditures. Currently the City spreads the average annual obligation out in Line 124 of each departmental budget. While this amount in total is sufficient to meet the City's needs, it sometimes is not enough to cover the costs for someone leaving a small department. And, when that occurs, administrators must transfer money for this purpose or seek an additional appropriation from the Council at the same time that money for unemployment compensation sits unused in many other departmental budgets.

The ordinance would create a new fund in the Controller's Office where money allocated to Line 124 in all the Civil City (non-Utility) departments would be aggregated at the beginning of the year and then sent, when necessary, to the State once the claims have been approved by the Board of Public Works. The fund would be another of the City's internal service funds, like the Health Insurance Trust Fund, where, as an example, the monies appropriated for employee health insurance premiums are brought together to pay for our medical costs and expended without further approval of the Council. If adopted, this ordinance would bring together the approximately \$145,600 allocated for this purpose from the various Civil City departments and place them into the new Unemployment Compensation Fund at the beginning of 2004. Any monies left at the end of the year would stay in the Fund and not return to the General Fund.

Daniel also notes that starting in 2005 the City will compare the unemployment compensation payments with total compensation costs over the previous five years in

order to establish the annual amount for unemployment compensation for the next budget.

### **Item 3 - Ord 03-31 - Amending the Rainy Day Fund**

**Ord 03-31** amends Ord 01-19, which took advantage of a change in state law in 2001 that allowed cities to establish a Rainy Day Fund with monies that were appropriated but unused at the end of the year. These Rainy Day Funds allow cities to set aside unused funds for future unanticipated shortfalls in revenue without these reserves causing the State Board of Tax Commissioners to reduce the property tax levy. According to his memo to the Council, Tom Guevara reports the Rainy Day Fund now has a balance of \$1.64 million, which equates to about 7.7% of the annual 2003 General Fund revenues.

The amendments proposed here address further changes in state law adopted in 2003 and also simplify some of the local transfer procedures. Please note that the legislature adopted two laws this year governing the same statute and the changes in the ordinance make some reasonable assumptions regarding how the two laws will be reconciled. These amendments are explained in the following paragraphs.

**Section 1 - Establishment of Fund.** The first section of the existing and amended ordinances create the Rainy Day Fund in the Controller's Office. The amended ordinance also removes language limiting the amount of the annual set aside from this section, but leaves it in the next section.

**Section 2 - Source of Revenues.** In accordance with the recent changes in state law, the ordinance must identify the source of fund revenues. Here it limits those revenues to two sources. The first source would be the "supplemental County Option Income Tax (COIT) distribution received by the City," which is required to be deposited here by statute. The second source would be the "unused and unencumbered" monies in "any fund from which the City imposes a property tax levy." This choice, according to Tom Guevara's memo, is consistent with the state requirement that cities deposit unused and unencumbered monies raised by property tax levies in either the General Fund or the Rainy Day Fund (see I.C. 36-1-8-5). Transfers, in this case, would typically involve surplus monies in the General Fund, Parks General Fund, and the numerous dedicated funds (like bond, lease, and TIF funds).

The amount that can be transferred each year remains limited to 10% of the political subdivision's annual budget for that year. But, now, in accordance with the change in

state law, the ordinance requires that any transfer occur between January 1<sup>st</sup> and March 1<sup>st</sup> of each year (rather than at any time throughout the year). The ordinance also makes the transfer subject to Council approval (rather than authorizing the Controller to make these transfers within certain parameters).

**Section 3 - Purpose of Fund.** The recent changes in state law also require cities to set forth the purpose of the fund. For this reason, the ordinance elaborates upon the purposes set forth in the third "whereas" clause of the existing ordinance and places them under this section. In the process the purpose of the fund expands from meeting the "unforeseen and unbudgeted financial obligations of the City" to "set(ing) aside monies from normal operating budget for the City" for the purpose of:

- meeting unanticipated expenses that cannot be funded from existing appropriations;
- meeting cash flow needs between biannual distributions of property tax receipts and other period distributions of revenue; and
- bridging the gap caused by a shortfall or significant delay in receiving revenue.

**Section 4 - Expenditures from Fund.** Both the existing and new state law require the expenditures to be made through the normal appropriation process and require the Council to find that the expenditure is consistent with the purpose of the fund. This ordinance brings these requirements together in this section.

**Section 5 - Amendment and Termination.** In accordance with sound principles of legislative drafting, this ordinance also includes provisions for the amending and termination of the fund. Here, the monies would revert to the General Fund upon termination of this fund.

*Happy Birthday, Chris Gaal!*

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, NOVEMBER 5, 2003  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

None

**VII. LEGISLATION FOR FIRST READING**

1. Appropriation Ordinance 03-11 To Specially Appropriate from the General Fund, Park District Bond Fund, Parking Enforcement Fund and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated (Various Year-End Appropriations for the Common Council Office, the Controller's Office and the Police, Parking Enforcement and Public Works Department)
2. Ordinance 03-30 To Establish the Unemployment Compensation Non-Reverting Fund for Civil City (Non-Utility) Departments
3. Ordinance 03-31 To Amend Ordinance 01-19 Which Established the Rainy Day Fund

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

**IX. ADJOURNMENT**

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  
e-mail: [council@city.bloomington.in.us](mailto:council@city.bloomington.in.us)

**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**November 3, 2003 – November 7, 2003**  
**Date: October 31, 2003**

Monday, November 3, 2003

5:00 pm      Redevelopment Commission, McCloskey  
5:00 pm      Utilities Service Board, Service Center – 1969 South Henderson St.  
5:30 pm      Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room

Tuesday, November 4, 2003

*City Holiday: Election Day – Please vote!*  
*City offices are closed today.*

Wednesday, November 5, 2003

12:00 pm     Bloomington Urban Enterprise Association, McCloskey  
7:30 pm      Common Council – Regular Session, Council Chambers

*Happy Birthday, Chris Gaal!*

Thursday, November 6, 2003

5:30 pm      Commission on the Status of Women, McCloskey

Friday, November 7, 2003

*There are no meetings scheduled for today.*





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

**To: Council Members**  
**From: Council Office**  
**Re: Approving the Annual Schedule for Year 2004 on November 19th**  
**Date: October 31, 2003**

**Contents**

Memo with Highlights of Meeting and Scheduling Issues  
Proposed Annual Schedule for 2004

**Memo**

The Council should set its schedule for next year by mid-November so that our calendar can be finished before our Intern, Emily Veach, leaves for winter vacation. The Council typically meets on the first four Wednesdays of the month, with Regular Sessions being held on the first and third Wednesday and Committees of the Whole being held on the second and fourth Wednesday.

Explanation of the Schedule Sheet. The Annual Schedule presents these meetings in legislative cycles which appear as 21 rows with 5 columns. The rows indicate the 21 opportunities for the Council take final action on legislation next year. The 5 columns indicate: the deadline for filing ordinances (column 1); the deadline for filing resolutions (column 2); the date of the first Regular Session in the cycle - where ordinances are introduced (column 3); the date of the Committee of the Whole - where those ordinances and newly introduced resolutions are discussed (column 4); and the date of the second Regular Session of the cycle - where these ordinances and resolutions generally receive final action (column 5).

Explanation of the Footnotes. The footnotes in the Annual Schedule indicate those occasions when the Council does not meet on a Wednesday or does not follow the usual four-Wednesdays-a-month routine.

Religious Holidays. Please note that this calendar adjusts the meetings in September to take into account a religious holiday (Rosh Hashanah). There may be other religious holidays you may want to observe and for that reason a copy of the IU "Five-Year Religious Holidays Calendar" is available in the Council Office or can be found on the web at [www.indiana.edu/~deanfac/rel~hol~cal.html](http://www.indiana.edu/~deanfac/rel~hol~cal.html).

Please review it and be prepared to vote on the schedule on November 19<sup>th</sup>.

## **Proposed Annual Schedule - Highlights and Issues**

### January

Monday, January 5<sup>th</sup> Organizational Meeting and Committee of the Whole

Wednesday, January 14<sup>th</sup> No Meeting (See above)

### March

Wednesday, March 31<sup>st</sup> No Meeting - Fifth Wednesday

### May

Saturday, May 22<sup>nd</sup> Budget Retreat at Cascades clubhouse

### June

Wednesday, June 30<sup>th</sup> No Meeting - Fifth Wednesday (Independence Day Holiday falls on the following Monday, July 5<sup>th</sup>)

### July

Wednesday, July 7<sup>th</sup> Unlike the previous two July's, the Council will meet on the first Wednesday in July (which falls after the July 4<sup>th</sup> Weekend)

Monday, July 19<sup>th</sup>  
(Through)

Tuesday, July 27<sup>th</sup> End of Departmental Budget Hearings

### August

Wednesday, August 4<sup>th</sup> August Recess begins after Regular Session

### September

Wednesday, September 1<sup>st</sup> August Recess ends with Regular Session immediately followed by Committee of the Whole to discuss 2005 Budget

Wednesday, September 8<sup>th</sup> Council will hold Special Session to take action on 2004 budget immediately followed by Committee of the Whole

Wednesday, September 15<sup>th</sup> *This evening coincides with the Jewish holiday, Rosh Hashanah, and the schedule proposes that Council take advantage of the five Wednesdays in September to skip this evening and hold the remaining meetings one week later.*

Wednesday, September 22<sup>nd</sup> Council will hold its second Regular Session on the fourth Wednesday of the month (see preceding comment).

Wednesday, September 29<sup>th</sup> Council will hold its second Committee of the Whole on the fifth Wednesday of the month (see preceding comment).

October - November

Wednesday, November 24<sup>th</sup> 4<sup>th</sup> Wednesday – No Meeting - Night Before Thanksgiving

December

Wednesday, December 15<sup>th</sup> Last meeting of the year

**DRAFT COMMON COUNCIL  
MEETING SCHEDULE AND LEGISLATION DEADLINES FOR THE YEAR 2004  
(Subject to Revision by Common Council)**

<u>DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON</u>	<u>DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON</u>	<u>REGULAR SESSION 1st READING FOR ORDS.</u>	<u>COMMITTEE DISCUSSION</u>	<u>REGULAR SESSION FINAL ACTION</u>
Mon. Dec. 22 (2003)	Mon. Dec. 22 (2003)	<sup>1</sup> Jan. 5	<sup>1</sup> Jan. 5	Jan. 21
Mon. Jan. 12	Fri. Jan. 16	Jan. 21	Jan. 28	Feb. 4
Tue. Jan. 26	Mon. Feb. 2	Feb. 4	Feb. 11	Feb. 18
Mon. Feb. 9	Mon. Feb. 16	Feb. 18	Feb. 25	Mar. 3
Mon. Feb. 23	Mon. Mar. 1	Mar. 3	Mar. 10	Mar. 17
Mon. Mar. 8	Mon. Mar. 15	Mar. 17	Mar. 24	<sup>2</sup> Apr. 7
Mon. Mar. 22	Mon. Mar. 29	<sup>2</sup> Apr. 7	Apr. 14	Apr. 21
Mon. Apr. 12	Mon. Apr. 19	Apr. 21	Apr. 28	May 5
Mon. Apr. 26	Fri. Apr. 30	May 5	May 12	<sup>3</sup> May 19
Mon. May 10	Mon. May 17	May 19	May 26	June 2
Mon. May 24	Fri. May 28	June 2	June 9	June 16
Mon. June 7	Mon. June 14	June 16	June 23	<sup>2</sup> July 7
Mon. June 21	Mon. June 28	<sup>2</sup> July 7	July 14	<sup>3</sup> July 21
Tue. July 6	Mon. July 12	<sup>3</sup> July 21	<sup>3</sup> July 28	<sup>4</sup> Aug. 4

AUGUST RECESS

Wed. Aug. 18	Wed. Aug. 25	<sup>5</sup> Sep. 1	<sup>5</sup> Sep. 8	<sup>6</sup> Sep. 22
Fri. Sep. 3	Mon. Sep. 13	<sup>6</sup> Sep. 22	<sup>6</sup> Sep. 29	Oct. 6
Mon. Sep. 20	Mon. Sept. 27	Oct. 6	Oct. 13	Oct. 20
Mon. Oct. 11	Mon. Oct. 18	Oct. 20	Oct. 27	Nov. 3
Mon. Oct. 25	Fri. Oct. 29	Nov. 3	Nov. 10	Nov. 17
Mon. Nov. 8	Mon. Nov. 8	Nov. 17	<sup>7</sup> None	Dec. 1
Mon. Nov. 15	Mon. Nov. 22	Dec. 1	Dec. 8	<sup>4</sup> Dec. 15

YEAR END RECESS

2002: Mon. Dec. 20 (2004)	Mon. Dec. 20 (2004)	<sup>1</sup> Tue. Jan. 4 (2005)	<sup>1</sup> Tue. Jan. 4 (2005)	Wed. Jan. 19 (2005)
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Deadlines for Legislation: The deadline for submitting legislation and all accompanying materials, including a summary memo, is noon on the date listed. For information on the manner for submitting these materials, please inquire with the Council Office.

Unless otherwise indicated, the Council meets on the first four Wednesdays of the month in the Council Chambers of the Showers Center, 401 North Morton, at 7:30 p.m. The following footnotes explain some of the deviations from that schedule:

1. There will be an annual Organizational Meeting on this date when the Council elects officers and gives legislation first reading. The meeting is held on the first Monday in January, except when it is a legal holiday, in which case it is held on the first Tuesday. (IC 36-4-6-8; BMC 2.04.050(d)) In 2004, this meeting will be immediately followed by a Committee of the Whole.

2. There will be two weeks between the Committee of the Whole and the Regular Session due to the occurrence of a fifth Wednesday in these months.

3. There will be a Council Budget Retreat in the Cascades Golf Course Club House (3550 N. Kinser Pike) at 9:00 a.m. on Saturday, May 22<sup>nd</sup> and departmental budget hearings in the Council Chambers at 7:00 p.m. on Monday, July 19<sup>th</sup>, Tuesday, July 20<sup>th</sup>, Thursday, July 22<sup>nd</sup>, Monday, July 26<sup>th</sup>, and Tuesday, July 27<sup>th</sup>, 2004. A Special Session may be held after the departmental hearing on Monday, July 28<sup>th</sup> in order to take action on at least one of the budget related ordinances.

4. Since the Council will have a brief recess after first meeting in August and the second Regular Session in December, no legislation will be introduced for first reading at these meetings. (BMC 2.04.060 (e) & (g))

5. The Council will consider the City Budget for 2005 as well as routine legislation during the first legislative cycle in September. The public hearing on the City Budget will be held during the Committee of the Whole on Wednesday, September 1<sup>st</sup> and final adoption is scheduled for a Special Session on Wednesday, September 8<sup>th</sup>.

6. There are five Wednesdays in September this year and the third Wednesday falls on the Jewish holiday, Rosh Hashanah. For this reason, the Council will hold its second Regular Session on fourth Wednesday and the second Committee of the Whole on the fifth Wednesday.

7. There will not be a Committee of the Whole meeting on the Wednesday before the Thanksgiving Holiday (BMC 2.04.050(f)).

**APPROPRIATION ORDINANCE 03-11**

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PARK DISTRICT BOND FUND, PARKING ENFORCEMENT FUND, AND CUMULATIVE CAPITAL DEVELOPMENT FUND EXPENDITURES NOT OTHERWISE APPROPRIATED (Various Year-End Appropriations for the Common Council Office, the Controller's Office and the Police, Parking Enforcement and Public Works Department)**

WHEREAS, the Police Department (General Fund) desires to transfer monies from Category 1 – Personal Services for Fuel, and desires to appropriate unbudgeted revenues received throughout the year in Category 2 – Supplies for fuel; and

WHEREAS, the Common Council (General Fund) desires to transfer monies from Category 3 – Other Service and Charges to Category 2 – Supplies for books; and

WHEREAS, the Park District Bond Fund is now dormant and the Controller desires to transfer balance to the General Fund; and

WHEREAS, the Parking Enforcement Department (Parking Enforcement Fund) desires to purchase an automated parking system for the new Register parking garage; and

WHEREAS, the Public Works Department (Cumulative Capital Development Fund) desires to expend a reimbursement from the Non-Reverting Telecommunications Fund for various construction expenses;

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

SECTION I. 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 – Police Department**

Line 51290 – New Officer Uniforms	\$ (6,195)
Line 52240 – Fuel & Oil	<u>17,441</u>
Total General Fund – Police Department	11,246

**General Fund – Common Council**

Line 52410 – Books	400
Line 53230 – Travel	<u>(400)</u>
Total General Fund – Common Council	0

**Park District Bond**

Line 53990 – Other Services and Charges	<u>29,084</u>
Total Park District Bond	29,084

**Parking Enforcement Fund**

Line 54310 – Improvements Other Than Building	<u>200,000</u>
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Total Parking Enforcement Fund	200,000
Cumulative Capital Development (CCD) Fund	
Line 54310 – Improvements Other Than Building	<u>4,524</u>
Total CCD Fund	\$ 4,524

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance transfers \$6,195 within and appropriates \$11,246 in unbudgeted revenues into the General Fund – Police Department for fuel and transfers \$400 within the General Fund – Common Council Department for books. It appropriates a \$29,084 transfer from a dormant fund (the Park District Bond Fund.) It also appropriates \$200,000 from the Parking Enforcement Fund for an automated parking system in the new Regester parking garage and appropriates a \$4,524 reimbursement into the Cumulated Capital Development Fund for construction projects.



**City of Bloomington  
Office of the Controller**

## **Memorandum**

**To:** Council Members  
**From:** Susan Clark, Budget and Research Manager  
**Date:** October 20, 2003  
**Re:** Appropriation Ordinance 03-11

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In Appropriation Ordinance 03-11, we are requesting authorization for expenditures in three funds:

**General Fund:** The Police Department has requested an additional \$17,441 for fuel. Of that amount, the department is able to transfer \$6,195 from a Category 1 line. The remaining amount, \$11,246 will be offset by unbudgeted revenues received throughout the year. Thus, this appropriation will have a neutral effect on the General Fund cash balance. While the department's fuel consumption has not increased significantly, the average price per gallon charged to departments for 2002 was \$1.32, and the average price year-to-date 2003 is \$1.54. Please refer to the attached memo from Chief Hostettler.

The Common Council has requested authorization for a transfer from Category 3 – Other Services and Charges (Line 3230 – Travel) to Category 2 – Supplies (Line 2410 – Books) in order to cover the cost of updating law books. Please refer to the attached email from Dan Sherman.

**Park District Bond Fund:** Since the 1988 Park District bonds were redeemed in 2002, this debt service fund is now dormant. We are seeking approval to transfer the balance of \$29,083.59 to the General Fund.

**Parking Enforcement Fund:** The Public Works Department has requested an appropriation for the Parking Enforcement Fund in the amount of \$200,000. This appropriation will cover equipment for and installation of an automated parking system for the new Register garage. The cash balance in the Parking Enforcement Fund is sufficient to cover this expenditure. We project a year end balance of approximately \$400,000 after this expenditure. Please refer to the attached email from John Freeman.

**Cumulative Capital Development:** The Public Works Department has requested authorization to expend \$4,524 which is the amount paid to Miller Pipeline for repair to the Bloomington Digital Underground. The authorization for the reimbursement from the Non-reverting Telecommunications Fund was approved with Appropriation Ordinance 03-10. Please refer to the attached email from Penny Howard Myers.

Feel free to call me at 349-3416 if you have any questions or concerns.

# Memo

**To:** Susan Clark  
**From:** Michael Hostetler  
**Date:** October 31, 2003  
**Re:** Appropriations

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This year our fuel line item is short again. The shortage can be covered by Police Department budgeted funds, but not from the 200 line. Therefore, we are requesting the following appropriation from the Council; appropriation from line 101.14.00000.51290.0.0 for \$6194.24 to line 101.14.00000.52240.0.0.

The following funds have been deposited into revenue line 101.14.00000.47070.0.0 this year for reimbursement for repairs to Police cars with a total of \$11, 246.49. We are also requesting this amount be appropriated into expense line 101.14.00000.52240.0.0 to help cover with the shortage of money in this line.

<b>Date</b>	<b>Quietus #</b>	<b>Amount</b>
October 6, 2003	83613	\$ 1,000.00
September 30, 2003	83485	\$ 978.56
September 24, 2003	83412	\$ 1,280.20
July 30, 2003	82558	\$ 4,221.61
July 23, 2003	82422	\$ 1,662.25
July 23, 2003	82423	\$ 520.60
June 30, 2003	82073	\$ 285.34
February 27, 2003	80144	\$ 1,297.93



Subject: Re: End-of-the-Year Transfer - \$400  
Date: Fri, 17 Oct 2003 17:17:58 -0500  
From: Dan Sherman <shermam@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Susan Clark <clarks@city.bloomington.in.us>

> > Dear Susan -  
> >  
> > I am requesting a transfer of \$400 from Line 3230 (Travel) in Category 3  
> > (Other Services and Charges) to Line 2410 (Books) in Category 2  
> > (Supplies) in order to cover the cost of updating law books through the  
> > end-of-the-year. The Council Office has set aside \$1,600 for books this  
> > year and, because of the increased costs, has budgeted \$2,000 for next  
> > year. The shift of \$400 from the Line 3230 (Travel) this year will  
> > leave enough money for travel expenditures for the remainder of the year  
> > (about \$1,100) and provide enough money to pay for law books and law  
> > updates through December.  
> >  
> > Please let me know if you have any questions.  
> >  
> > Thank You,  
> >  
> > Dash

AppOrd03-11 - Request for BDU Repair.txt

Subject: [Fwd: YES! Thank you]  
Date: Mon, 20 Oct 2003 08:34:56 -0500  
From: Susan Clark <clarks@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Dan Sherman <shermamd@city.bloomington.in.us>,  
Rachel Atz <atzr@city.bloomington.in.us>

for the packet...

---

Subject: YES! Thank you  
Date: Fri, 10 Oct 2003 11:58:24 -0500  
From: Penny Howard <howardp@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Susan Clark <clarks@city.bloomington.in.us>

----- Original Message -----  
Subject: appropriation request  
Date: Fri, 10 Oct 2003 11:38:59 -0500  
From: Penny Howard <howardp@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Susan Clark <clarks@city.bloomington.in.us>

I understand that the BDU project will be receiving an appropriation to cover costs that includes an invoice for Miller Pipeline in the amount of \$4,523.76, which was paid from Public works 601. We would like for that amount to be appropriated into account number 601.02.00000.54310.0.0. to be utilized for other construction in 2003.

Thank you.

---

Susan Clark <clarks@city.bloomington.in.us>  
Budget and Research Manager  
City of Bloomington  
Controller's Office

Susan Clark  
Budget and Research Manager <clarks@city.bloomington.in.us>  
City of Bloomington  
Controller's Office  
401 North Morton  
Bloomington

Fax: 812-349-3456  
Work: 812 349-3416

IN  
47404  
Additional Information:  
Last Name Clark  
First Name Susan  
Version 2.1

AppOrd03-11 - Public Works Request - Automated Parking System - Final.txt  
Subject: [Fwd: appropriation request]  
Date: Mon, 20 Oct 2003 08:34:20 -0500  
From: Susan Clark <clarks@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Dan Sherman <shermamd@city.bloomington.in.us>,  
Rachel Atz <atzr@city.bloomington.in.us>

for the packet...

---

Subject: appropriation request  
Date: Fri, 17 Oct 2003 09:34:16 -0500  
From: John Freeman <freemanj@city.bloomington.in.us>  
Organization: City of Bloomington  
To: Susan Clark <clarks@city.bloomington.in.us>  
CC: James McNamara <mcnamarj@city.bloomington.in.us>,  
Jack Davis <davisj@city.bloomington.in.us>,  
Penny Howard Myers <howardp@city.bloomington.in.us>

Susan,

I would like to request \$200,000 be appropriated for the purchase and installation of an automated parking system. We anticipate the cost for the equipment and the installation to be in the \$175,000 to \$180,000 range. The additional \$20,000 or \$25,000 will be used for connecting the computerized parking system to City Hall and perhaps BPD.

This system is in use at many major garages around the world. The Indianapolis Airport uses this type of system. We will be able to have 7 days per week, 24 hours per day parking controls. The system will have "easy pay" locations for customer convenience.

One of the major highlights will be the ability to use the system for all of the various tenants of the garage and keep an ongoing record of who is using the garage and when they are using it. We will have apartment tenants, hotel guests, public parking, reserved parking, etc. and we will be able to set up the system to accommodate all the varied interests and have instant access to our computerized use records.

I would hope that this system could also be looked at for the Walnut Center Garage sometime in the near future.

Thanks

---

John Freeman <freemanj@city.bloomington.in.us>  
Public Works Director  
City of Bloomington

John Freeman  
Public Works Director <freemanj@city.bloomington.in.us>  
City of Bloomington  
401 N. Morton Street P.O. Box 100 Fax: (812)349-3520  
Bloomington work: (812)349-3410  
Indiana  
47402-0100  
USA  
Additional Information:  
Last Name Freeman  
First Name John  
Version 2.1

## EXECUTIVE SUMMARY

This proposal is based upon creating two entrance lanes (one for transient, or daily paying patrons, and the other for cardholders) from 7<sup>th</sup> Street, and two exit lanes for the same purposes to Morton Street. Upon entering the garage, the patron would pull a ticket from the ticket dispenser, and pay for the duration of his/her stay in one of three ways: the ticket can be presented to an attendant in the booth in the exit lane whereupon the attendant "swipes" the ticket in the Reader/Validator, and the Fee Computer then computes the parking fee and pays the attendant, OR using the Amano Fully Automatic Pay Station option, the patron would take a ticket from a ticket dispenser upon entry (which vends the entrance gate), and KEEP THE TICKET WITH HIM/HER. The parking fee is computed upon duration of stay by the Automatic Pay Station (located under the stairwell adjacent to the elevator in the southeast corner of the parking garage) as it reads the magnetic stripe encoding on the ticket. After the patron pays the fee with either cash or credit card, the Pay Station re-encodes the ticket as a "PAID" ticket, which the patron then presents upon exit to the ExpressParc/Lag-Time reader in the exit lane. The ExpressParc/Lag-Time Reader then vends the gate for patron's exit. A third option for payment is to present the UNPAID ticket to the ExpressParc/Lag-Time Reader in the exit lane whereupon the ExpressParc/Lag-Time Reader can accept a patron's credit card ONLY as payment. The chief advantage for using the Fully Automatic Pay Station option is convenience for patrons (paying inside the garage) and ability for online reports to management now or in the future. Cardholder patrons would use the entrance and exit lanes designated "cardholders only" and present a proximity badge within 7 inches of the proximity card reader, whereupon the successful "read" vends the gate.

A "nested" area can be created for cardholders that are residents of either the adjacent apartments OR the Smallwood apartments two blocks away. Nesting enforces cardholders to park in their respective designated reserved decks, and also enforces anti-passback rules.

The City can offer other services to the retail tenants of the garage. Pre-encoded magnetic stripe "PAID" tickets can be sold in advance to the tenants to give to their own customers at their discretion to pay for the parking fees. For instance, the City may sell 50 pre-encoded to Tenant A for \$2.00 apiece (\$100) at the beginning of the month. The City gets paid upfront for the parking, and the tenant will dispense the paid tickets to their own customers as an incentive for their patronage. A second option would be to provide Hand Encoders to the retail tenants. The Hand Encoder re-encodes the parking garage ticket the patron pulled from the ticket dispenser upon entering the garage as "PAID". In our opinion, this is a less desirable option, as it runs the risk of tenants re-encoding tickets for parkers other than their own customers, and the City has no audit trail nor does the City get its money upfront.

Finally, if a hotel is built adjacent to the garage in the future, there is an add-on McGann software module for Hotel Parking Management. The Hotel Touchscreen terminal allows the hotel desk clerk to encode a hotel room key for a guest (using a different track on the magnetic stripe than the room key encoding) and encode an expiration date on the key. Most electronic hotel keys are very inexpensive, so with this method of operation, a desk clerk could encode a guest's room key for 2 days of parking in the garage, and the guest can enter and exit the garage as many times as he/she wishes until the expiration date and time. Usually guests "drive away" with these keys, but since they are so inexpensive, the convenience is well worth the few cents the key costs. This solution would require additional hardware and software, but will easily be added to the existing McGann software/Amano hardware.

We believe that creating separate lanes for cardholder entrance and exit from the transient, or daily paying patrons lanes, will allow for a smoother and faster traffic flow. Although the upfront cost of the Automatic Pay Station Solution is greater than the Booth-Attendant-Fee Computer solution, the Return on Investment starting in year two of the equipment clearly shows that over the lifetime of the equipment, the Automatic Pay Station Solution is less expensive overall.

Evens Time Equipment is an independent Indiana Company with 70 years experience in time and attendance and parking equipment systems. We are the authorized dealer/distributor/reseller for many fine manufacturers, including Amano/McGann, Maxxess, Lathem, and Time America. Our current staff has a combined 61 years experience in servicing the equipment we sell. We know that service is the cornerstone and lifeline of our business and pledge our best efforts to not only a successful installation but continuing excellent support as well.

Thank you for the opportunity to present this proposal to you. We appreciate your consideration!

***"The bitterness of poor quality remains long after the sweetness of lowest bid."*** -West Bend



# Evens Time Equipment

QUOTATION – Fully Automatic Pay Station

## EVENS TIME EQUIPMENT

1345 Brookville Way, Suite I

Indianapolis, IN 46239

(317) 358-1000

FAX: (317) 308-6608

Date: September 25, 2003

Salesperson: Sherry Evens

QUOTED TO: City of Bloomington

ATTN: Jack Davis

Phone: 812-349-3436

E-Mail: davisj@city.bloomington.in.us

**Terms: 50% Deposit, 50% Net 30 Days. If customer delays installation, entire balance is due 30 days from placement of order.**

Delivery: 10-12 weeks

Quotation valid for 60 days.

Quoted to: City of Bloomington

Project: Register Garage Parking Control

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
6	AGP-1710/A599 Gates with dual channel vehicle detectors (2 for nested area)	\$2,400.00	\$14,400.00
6	AL20 11-ft. Folding Aluminum gate arms	\$224.00	\$1,344.00
12	Loops (4 for nested area)	\$80.00	\$960.00
6	Loop Sealant kits (2 for nested area)		
1	ETP-22 Magnetic Stripe Ticket Dispenser	\$8,000.00	\$8,000.00
1	AGP-7821/A647 Automatic Pay Station with Fifteen Note Escrow Acceptor (includes note, coin, and credit card ACCEPTANCE)	\$43,200.00	\$43,200.00
1	AGP-0522/A652 Coin Dispensing Module* (Coin dispensing module allows coins to be recycled and dispensed in the pay station. The base model allows coins to drop directly into the coin box. With the coin dispensing module and hoppers, coins go to their designated hopper [.05, .10, .25, etc.] for recycling. A fourth non-recycling hopper is also an option.	\$2,720.00	\$2,720.00

Overflow coins with no hopper designation go directly to the coin box.)

2	Coin hoppers*	\$960.00	\$1,920.00
1	Triple Note Dispenser (Pay station has the capacity for none, or up to three note dispensers. Each note dispenser is configured from the factory for the denomination it will dispense, i.e.\$5's. Each note cassette is a lockable, removable cassette from the pay station for reloading. Additional spare cassettes must be ordered separately. Cassette denominations are programmed by the factory.	\$11,200.00	\$11,200.00
1	Dial-up intercom for Pay Station	\$2,000.00	\$2,000.00
1	AGP-4410/A545 ExpressParc Credit Card/Mag Stripe Ticket Lag Time Reader	\$14,400.00	\$14,400.00
4	McGann PRX280M Proximity readers with buffering, power supply, and mounting plate, up to 10 in. read range. (2 of the 4 readers are for the nested area)**	\$1,435.00	\$5,740.00
1	7 x 18 x 4.5 inches Neon "FULL" sign	\$315.00	\$315.00
5	RM100YL Pedestals for readers & "FULL" sign	\$160.00	\$800.00
1	MPS1152PRO McGann Professional Series <u>Revenue Software</u> . Reports include: Transaction, <u>Parking Fee</u> , General Totals, Attendant Totals, Daily Revenue, Validation, Entry/Exit Time, Duration of Stay, and SQL.	\$4,250.00	\$4,250.00
1	MPS4052PRO McGann Professional Series Debit Access Control Software. Supports 9 digit ID numbers and 150 readers. Reports include: Debit Card Activity, Payment, Cardholder Database, Card Status, Card Activity, Last Activity, Alarms, User Changes, Entry/Exit Time, Duration of Stay, SQL.	\$7,125.00	\$7,125.00
1	McGann MPS6051PRO Professional Series Credit Card EXPRESSPARC Software. System is a ticket in/ticket and credit card out system. The ExpressParc unit will automatically issue a receipt for transactions. Software accepts Master Card, Visa, Diners Club, Amex and Discover. Product includes IC Verify for credit card gateway to the users clearing house. All transactions will be processed through IC Verify's batch processing which is included in this product. ADS Link module can be added for processing directly via ADS. Includes standard reports. Requires: MPS4242PRO.	\$16,750.00	\$16,750.00
1	McGann MPS7050PRO Professional Series <u>Count/Monitor Software</u> . Includes non-reset and facility, transient and contract differential counts. Supports dry contact full sign control. Reports include Count Totals, Count Statistics, Count Activity, Remote Vend, Alarms, User Changes, SQL.	\$3,750.00	\$3,750.00

X

ON PC

2 I/O7000 Intelligent Lane Controllers (supports 2 adjacent lanes) <small>MORTON &amp; 7TH</small>	\$1,875.00	\$3,750.00
4 MT-1703 McGann Gate Communications Boards	\$415.00	\$1,660.00
3 TC Converters	\$308.00	\$924.00
6 Gate Power Protection Devices	\$50.00	\$300.00
1 Ticket Dispenser Power Protection Device	\$70.00	\$70.00
4 Card Reader Power Protection Devices	\$20.00	\$80.00
1 McGann PC	\$3,000.00	\$3,000.00
2 Pay Station and PC Power Protection Devices	\$240.00	\$480.00
1 Miscellaneous Supplies	\$2,777.00	\$2,777.00
1 Installation and Training Fee (includes 3 round trips Indianapolis<->Bloomington) (any additional trips billed at \$1.95 per mile ONE WAY)	\$12,065.00	\$12,065.00
	<b>TOTAL</b>	<b>\$163,980.00</b>

\*If rates will be even dollar amounts, these items are not needed unless coin dollars are desired acceptable payment.

\*\*Proximity cards are NOT INCLUDED herein as amount is yet to be determined; however, please allow \$5.00 per card.

#### COMPUTER REQUIREMENTS:

##### Computer recommendations:

If the system encompasses five or less PC's, it is possible to use the limited version of SQL Server (MSDE) that McGann provides as part of its install program. Windows 2000 Professional operating system is the proper accompanying operating system for MSDE.

If the system will have more than five PC's, or for any other reason the management versatility and scalability of the full SQL Server 2000 product is desired, then Windows 2000 Server operating system is required.

Dual processor systems should be considered for very best performance or for large campuses, airports and cities or where a large number of users will be accessing the system.

There are several "server-class" hardware options for customers that wish to maximize up-time, in case of hardware failure. Beyond regular backups to tape, it may be desirable to install a redundant disk array (RAID) to maximize up-time of the system in the case of a hard drive malfunction. Redundant power supplies add an additional layer of power protection beyond the UPS. EDD (Error Correction Code) RAM will automatically correct many memory errors.

Many institutions consider it a "best practice" to install the SQL database on a separate server; McGann Professional fully supports this configuration and may gain in performance from the additional hardware. It is critical that the network connection between McGann Professional and the SQL Server be 24/7 reliable.

Up to 8 lanes in a single facility:

**ORDINANCE 03-30**

**TO ESTABLISH THE UNEMPLOYMENT COMPENSATION NON-REVERTING FUND FOR CIVIL CITY (NON-UTILITY) DEPARTMENTS**

- WHEREAS, Pursuant to IC § 22-4-10-1, the Indiana Department of Workforce Development issues a “Statement of Benefit Charges” each month to the City of Bloomington listing unemployment compensation benefit charges; and
- WHEREAS, the City makes monthly "payments in lieu of contributions" as defined by IC § 22-4-2-32; and
- WHEREAS, the City currently appropriates amounts for unemployment compensation in its annual budget for each City department; and
- WHEREAS, each City department is currently responsible for its share of the City’s unemployment compensation liability as specified by the “Statement of Benefit Charges”; and
- WHEREAS, an individual unemployment compensation benefit charge often exceeds the unemployment budget of an individual department, but does not exceed the total aggregate unemployment budget of the City; and
- WHEREAS, the City desires to spread the risk of unemployment compensation benefit charges of the Civil City (non-Utility) departments by pooling the monies budgeted annually for that purpose into a single fund;

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

SECTION I. Establishment of Fund. An Unemployment Compensation Non-Reverting Fund (Fund) is hereby established in the Office of the Controller.

SECTION II. Source of Revenues. Monies included in the annual budget of the City of Bloomington for the purpose of providing unemployment compensation to Civil City employees who become eligible for these benefits shall be transferred to this Fund at the beginning of each fiscal year.

SECTION III. Purpose of Fund. The monies contained in the Fund shall be used for the payment of unemployment compensation benefits to the Indiana Department of Workforce Development for Civil City employees who become eligible for these benefits.

SECTION IV. Expenditures from Fund. Claims for payment from this Fund shall be subject to approval of the Board of Public Works.

SECTION V. Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.

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

SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.



PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance establishes the Unemployment Compensation Non-Reverting Fund to be used for the payment of unemployment compensation benefits to the Indiana Department of Workforce Development for Civil City employees who become unemployed.

## Memorandum

To: City Council members  
From: Daniel Grundmann, ES Director; Susan Clark, Budget and Research Manager  
CC: Dan Sherman, James McNamara, Tom Guevara  
Date: 10/30/03  
Re: Proposed Ordinance 03-30

---

As you may know as a municipality, unlike private sector organizations, we do not pay unemployment insurance. Instead we are a “reimbursable employer”, which means that when a former employee is deemed eligible for unemployment compensation the State pays that individual and we reimburse the State directly for the full amount of the recipient’s benefit. Consequently, we cannot budget for a given, predetermined rate. Instead we budget based on a trend analysis of historic unemployment claims.

Currently, we budget for each department in line 124. Using this method, smaller departments have a relatively low dollar amount in that line. For example, the 2004 Employee Services budget for unemployment compensation is currently set at \$726. In the event that smaller departments like Employee Services experience an unemployment case it is likely, under the current system, that unemployment expenses exceed budgeted amounts resulting in a need to transfer money from other category one lines (e.g. Salaries and Wages). This could cause a shortfall in total category one money and create payroll problems for the effected department.

By combining annual departmental budgets for Unemployment Compensation, we reduce the potential risk for individual departments, particularly smaller departments with fewer dollars in category one. With your support of this proposed ordinance, beginning in 2004, the Employee Services Department will bill each Civil City department for the amount they have included in their annual budgets for unemployment compensation. All claims for unemployment compensation will be paid from the new Fund instead of from the individual departments’ budget. The total amount budgeted for 2004 is \$145,614.03.

For the 2005 Budget, we will use a five-year trend of the City’s total liability to determine the total amount to be allocated. Then, we will calculate unemployment compensation allocations using a five year moving average. Thus, each department is charged an amount based on their actual unemployment experience from 1999 to 2003. By using a moving average, we generally will not have a dramatic increase for a department that has had one bad year. However, if there is an increase, it will be occur in the subsequent budget year and will not affect the current budget.

**ORDINANCE 03-31**

**TO AMEND ORDINANCE 01-19 WHICH ESTABLISHED THE RAINY DAY FUND**

- WHEREAS, In August of 2001, pursuant to IC § 36-1-8- 5.1, as added by Indiana Public Law 251-2001, the City adopted Ordinance 01-19, which established the Rainy Day Fund; and
- WHEREAS, IC § 36-1-8-5 states that a rainy day fund may receive transfers of unused and unencumbered funds raised by a general or special tax levy on all the taxable property of a political subdivision; and
- WHEREAS, IC § 36-1-8-5.1 (a), as amended by Indiana Public Law 267-2003, now states that a rainy day fund may receive transfers of supplemental County Option Income Tax (COIT) distributions from the Indiana Department of Revenue pursuant to IC § 6-3.5-6-17.3; and
- WHEREAS, IC § 36-1-8-5.1 (b), as amended by Indiana Public Law 173-2003, now states that an ordinance establishing a rainy day fund must specify the purposes and the sources of funding for the rainy day fund; and
- WHEREAS, IC § 36-1-8-5, as amended by Indiana Public Law 173-2003, now states that transfers to a political subdivision’s rainy day fund must be made after the last day of the political subdivision’s fiscal year and before March 1 of the subsequent calendar year; and
- WHEREAS, IC § 36-1-8-5.1 (d), as amended by Indiana Public Law 173-2003, now states that in any fiscal year, a political subdivision may transfer not more than ten percent (10%) of the political subdivision’s annual budget for that fiscal year to the rainy day fund; and
- WHEREAS, due to the aforementioned changes in Indiana Law, the City is required to amend Ordinance 01-19;

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

- SECTION I. Section 1 of Ordinance 01-19 shall be amended so that it will read as follows:
- Establishment of Fund. A Rainy Day Fund (Fund) is hereby established within the office of the Controller.
- SECTION II. Section 2 of Ordinance 01-19 shall be amended so that it will read as follows:
- Source of Revenues. The Fund may receive transfers of unused and unencumbered funds from any fund for which the City imposes a property tax levy. Any supplemental COIT distribution received by the City shall be deposited into the Fund.
- After the last day of the City’s fiscal year and before March 1 of the subsequent calendar year, the Common Council shall approve the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than ten percent (10%) of the political subdivision’s annual budget for the current year.
- SECTION III. Section 3 of Ordinance 01-19 shall be amended so that it will read as follows:
- Purpose of Fund. The Fund is established in order to set aside monies from the normal operating budget of the City that can be used to meet unanticipated expenses that cannot be funded from existing appropriations, to meet cash flow needs between biannual distributions of property tax receipts and other periodic revenue distributions, and for bridging a gap caused by an unexpected revenue shortfall or significant delay in receiving revenue.

SECTION IV. Section 4 of Ordinance 01-19 shall be amended so that it will read as follows:

Expenditures from Fund. All expenditures from this fund shall be subject to appropriation by the city's fiscal body. Before making an appropriation from the rainy day fund, the fiscal body shall make a finding that the proposed use of the rainy day fund is consistent with the intent of the fund.

SECTION V. A new Section 5 shall be inserted into Ordinance 01-19, which will read as follows, and the existing Section 5 and subsequent sections shall be renumbered accordingly:

Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.

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

SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 01-19 which created the Rainy Day Fund, due to changes in Indiana Law made this year by the General Assembly.



**City of Bloomington  
Office of the Controller**

To: Members of the Common Council  
From: Tom Guevara  
Date: October 20, 2003  
Subj.: Rainy Day Fund Ordinance

In the 2001 Session of the General Assembly, the Indiana Legislature enacted law to permit the establishment of local rainy day funds. The City of the Bloomington was the first to take advantage of that law when the Council passed Ordinance 01-19, creating our own rainy day fund. To date, we have accumulated over \$1,643,000 or 7.7% of budgeted FY 2003 general fund revenues into our fund.

The 2003 Session of the General Assembly modified the rainy day fund law, with several changes affecting the source and timing of deposits that may be deposited into the fund, as well as requiring that the purpose of the fund be stated in the ordinance. The first significant change is in Section II, meeting the requirement that a local rainy day fund ordinance must specify the fund or fund(s) from which rainy day fund deposits are derived. In the case of our legislation, we are proposing that the source of funds for deposit in the rainy day fund be any fund which derives revenues, in whole or part, from property taxes. Our rationale for this is that funds which derive revenue from property taxes provide the funding for most of our general governmental functions. Funds which derive revenue only from non-property tax sources usually have very specific purposes associated with their funding. Thus, it is our believe that the our ordinance preserves the right balance between flexibility to meet unforeseen fiscal emergencies that may threaten the provision of basic government services while not necessarily opening the fund for use in less urgent situations. Our proposed legislation also is consistent with Indiana law (IC 36-1-8-5) concerning the disposition of funds derived from property taxes when the purpose of the fund has been met. In addition to the above, changes in state law also now require any supplemental distributions of County Option Income Tax to be deposited into our rainy day fund.

The second change, also contained in Section II, states that funds cannot be deposited until after the end of each fiscal year, but before March 1 of the following year. This change is drawn directly from the amended state law.

The final change is in Section III, which states the purposes of the fund. We believe that the stated purposes in our ordinance, "...to meet unanticipated expenses that cannot be funded from existing appropriations, to meet cash flow needs between biannual distributions of property tax receipts and other periodic revenue distributions, and for bridging a gap caused by an unexpected revenue shortfall or significant delay in receiving revenue." cover all circumstances for which the use of the rainy day fund would be appropriate.

If you have any other questions, please feel free to reach me at 349-3412.

Cc: Mayor Fernandez

New Text = **Bold and Underline**

Removed Text = ~~Strikethrough~~

## ORDINANCE 01-19

### TO ESTABLISH A RAINY DAY FUND AS PERMITTED BY INDIANA PUBLIC LAW 251-2001

- WHEREAS, Indiana Public Law 251-2001 permits local units of government to establish a rainy day fund to receive transfers of unused and unencumbered funds; and
- WHEREAS, Public Law 251-2001 requires that whenever the purposes of a tax levy have been fulfilled and that there remains unused and unencumbered funds raised by a general tax or special tax levy on all taxable property, the balance shall be transferred by order of the fiscal body to the general fund or rainy day fund; and
- WHEREAS, It is the intent of the Mayor and Common Council of the City of Bloomington to establish a fund to meet unforeseen and unbudgeted financial obligations of the City; and
- WHEREAS, Public Law 251-2001 requires that funds placed in the rainy day fund are subject to the same appropriation process as all other funds that receive tax money; and
- WHEREAS, Public Law 251-2001 requires that before funds are appropriated from the rainy day fund the fiscal body shall make a finding that the proposed use of the fund is consistent with the intent of the fund;

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

~~SECTION 1. A rainy day fund is established within the office of the Controller to receive transfers of funds, not to exceed more than 10% of the city's total budget for the current fiscal year in accordance with the provisions of Public Law 251-2001 and SECTION 2 or SECTION 4 of this Ordinance.~~

**SECTION 1. Establishment of Fund. A Rainy Day Fund (Fund) is hereby established within the office of the Controller.**

~~SECTION 2. If at any time the balance of the rainy day fund is less than 10% of the total appropriation of the general fund for that fiscal year, the controller shall transfer funds from the general fund to the rainy day fund, provided that there is a unobligated, unencumbered balance in the general fund that is greater than 5% of the current fiscal year's general fund appropriation, until there is a balance in the rainy day fund that is at least equal to 10% of the general fund appropriation for that year.~~

**SECTION 2. Source of Revenues. The Fund may receive transfers of unused and unencumbered funds from any fund for which the City imposes a property tax levy. Any supplemental COIT distribution received by the City shall be deposited into the Fund.**

**After the last day of the City's fiscal year and before March 1 of the subsequent calendar year, the Common Council shall approve the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than ten percent (10%) of the political subdivision's annual budget for the current year.**

~~SECTION 3. Before an appropriation is made from the rainy day fund, the Common Council of the City of Bloomington shall make a finding that the proposed use of funds from the rainy day fund is consistent with the intent of the fund.~~

**SECTION 3. Purpose of Fund. The Fund is established in order to set aside monies from the normal operating budget of the City that can be used to meet unanticipated expenses that cannot be funded from existing appropriations, to meet cash flow needs between biannual distributions of property tax receipts and other periodic revenue distributions, and for bridging a gap caused by an unexpected revenue shortfall or significant delay in receiving revenue.**

~~SECTION 4. Notwithstanding the provisions of SECTION 2 of this ordinance, if the Common Council of the City of Bloomington appropriates funds from the rainy day fund that cause the balance of the fund to be less than 10% of the current fiscal year's general fund appropriation the controller shall include in~~

New Text = **Bold and Underline**

Removed Text = ~~Strikethrough~~

~~the general fund budget for the succeeding fiscal year sufficient funds to permit the transfer of unencumbered funds from the general fund to the rainy day fund in the succeeding fiscal year in an amount that will increase the rainy day fund balance so that it is at least equal to 10% of the City's total general fund appropriation for the succeeding fiscal year.~~

**SECTION 4. Expenditures from Fund. All expenditures from this fund shall be subject to appropriation by the city's fiscal body. Before making an appropriation from the rainy day fund, the fiscal body shall make a finding that the proposed use of the rainy day fund is consistent with the intent of the fund.**

**SECTION 5. Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.**

SECTION ~~5~~ **6. Severability.** If any sections, 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 ~~6.~~ **7.** This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
PATRICIA COLE, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

SYNOPSIS

This ordinance would establish a rainy day fund to set aside reserve funds to meet unanticipated or emergency financial needs for which funds have not been appropriated. The establishment of a local rainy day fund is permitted by the recent enactment of Public Law 251-2001 that was passed by the state legislature during the 2001 session of the General Assembly.

*Note: The Council adopted Amendment 1 on August 1, 2001. The amendment affected Sections 2 and 4 by removing references that tied transfers from the general fund to the rainy day fund to the greater of either the total appropriation or approved revenues for the relevant fiscal year. The amended version ties those transfers solely to the total appropriations for the relevant fiscal year.*