



City of Bloomington Common Council

Legislative Packet – Addendum/Correction¹

**Wednesday, 29 August 2018
Special Session and
Committee of the Whole²**

All legislation and background material regarding Resolution 18-14 is included herein.

¹ The Packet Memo and Supplemental Table of Recommendations have been corrected and are included in this Addendum

² Anticipate cancellation of the Committee of the Whole Meeting

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

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City of
Bloomington
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To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: 24 August 2018

Packet Related Material

Special Session and Committee of the Whole (*to be cancelled*) - 29 August 2018

Memo

Agenda – *Motion to Cancel Committee of the Whole anticipated*

Notices – *UDO Notice of Public Meetings*

Minutes - *for approval on August 29th*

- 08 August 2018 (Regular Session)
- 15 August 2018 (Regular Session)

Preliminary Matters

- **Letter** in Support of Application by The Friends of Lake Monroe to IDEM

Legislation for Consideration under Resolutions at the Special Session on Wednesday, August 29th

- **Res 18-14** To Vote in Favor of an Allocation of Public Safety Local Income Tax to Fire Departments and Volunteer Fire Departments that are Operated by or Serve Political Subdivisions Not Otherwise Entitled to Receive a Distribution of Public Safety Local Income Tax as Provided by IC § 6-3.6-6-8(c)
 - See the Packet Memo for a summary of this legislation
 - PS LIT Committee Recommendation for Funding Qualifying Service Providers under IC § 6-3.6-6-8(c)
 - Other Recommendations of the Public Safety Local Income Tax (PS LIT) Committee of the Monroe County LIT Council
 - Summary of Applications for Funding to under IC § 6-3.6-6-8(c)
 - Link to the [Materials for the July 11th PS LIT Committee](#) (containing the applications)

Contact: Daniel Sherman at 812-349-3409 or shermand@bloomington.in.gov

Representatives from City Council: Cms. Granger, Piedmont-Smith, Sandberg & Sims

→ This resolution scheduled for consideration at one hearing this evening.

Memo

Letter and Resolution for Consideration at Special Session and Anticipated Cancellation of Committee of the Whole Scheduled for Wednesday, 29 August 2018

There is a letter ready for approval under Preliminary Matters and a resolution ready for consideration under Resolutions at the Special Session next Wednesday night. Please note that there is no legislation for consideration at the Committee of the Whole scheduled to immediately follow the Special and, for that reason, the Council should consider a Motion to Cancel that meeting at the Special Session under Council Schedule

Letter in Support of Application by The Friends of Lake Monroe to IDEM

Representatives from The Friends of Lake Monroe made public comment to the Council earlier this month. During that comment, a representative from the group requested that Council express its support for the Friends' application for a grant from the Indiana Department of Environmental Management for funding for a Watershed Coordinator for Monroe Reservoir. Lake Monroe is negatively affected by runoff that negatively affects water quality. The Coordinator would focus on the sources that are responsible for algal contamination and would work to identify and reduce these inputs. The grant application requires that applicants obtain support from City, County, and other public officials. The County Council recently passed a resolution in support of this grant application. The proposed attached letter expressed the Council's support of the application. The Council will vote on endorsing this application through this letter at the beginning of the meeting on the 29th.

Resolutions

Item One – Res 18-14 – To Vote In Favor of Allocating \$360,000 in Public Safety Local Income Tax Revenues in 2019 to Five Qualified Service Providers (Fire Departments and Volunteer Fire Departments) under IC 6-3.6-6-8(c)

Res 18-14 brings forward one of the recommendations of the Public Safety Local Income Tax (PS LIT) Committee, which has met for the last three summers to advise the Monroe County LIT Council on modification of Public Safety LIT rates for the following year. This recommendation allocates specific amounts of PS LIT revenues to qualifying service providers (e.g. fire and volunteer fire departments) who applied for funding earlier this summer and must, under statute, be adopted by the MC LIT Council before September 1st for allocation in 2019. The other recommendations adjust the PS LIT tax rate percentages between the Public Safety Answering Point (PSAP) and other general Public Safety purposes (see below), which will come forward in another piece of legislation and will need to be adopted by November 1st to be effective January 1, 2019.

This memo is intended to help the Council understand the action on the recommendations coming forward next Wednesday and will be followed by another memo regarding the other recommendations, when the second piece of legislation comes forward to the Council in the fall.

Public Safety Local Income Tax (PS LIT)

For some context, in 2015, the General Assembly consolidated local income taxes and, among other things, enabled localities to impose a new Public Safety Local Income Tax (PS LIT). In 2016, Monroe County authorized a PS LIT with an additional 0.25% in the LIT rate. This additional tax rate was then allocated between a tax rate percentage for Public Safety Answering Point (PSAP),¹ which now provides primary funding for the Unified Central Dispatch,² and a tax rate percentage for other public safety purposes (General Purpose Public Safety).³ Since that time, the PSAP and General Public Purpose Public Safety LIT have continued, with the allocation of rates between them changing from year to year, following the recommendation of the PS LIT Committee and adoption by the MC LIT Council.

MC LIT Council – Adopting Body; Composition; Votes; Procedures

In Monroe County, the entity empowered to impose most of the LIT tax rates (Adopting Body) is the Monroe County Local Income Tax (MC LIT) Council. As you may remember from last

¹ PSAP is defined as a “public safety answering point: (1) that operates on a twenty-four (24) hour basis; and (2) whose primary function is to receive incoming requests for emergency assistance and relay those requests to an appropriate responding public safety agency.” IC 6-3.6-2-13.5; IC 36-8-16.7-20

² Along with E911 revenues.

³ IC 6-3.6-2-14. “Public safety” refers to the following:

- (1) A police and law enforcement system to preserve public peace and order.
- (2) A firefighting and fire prevention system.
- (3) Emergency ambulance services (as defined in [IC 16-18-2-107](#)).
- (4) Emergency medical services (as defined in [IC 16-18-2-110](#)).
- (5) Emergency action (as defined in [IC 13-11-2-65](#)).
- (6) A probation department of a court.
- (7) Confinement, supervision, services under a community corrections program (as defined in [IC 35-38-2.6-2](#)), or other correctional services for a person who has been: (A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C); (B) convicted of a crime; or (C) adjudicated as a delinquent child or a child in need of services.
- (8) A juvenile detention facility under IC 31-31-8.
- (9) A juvenile detention center under IC 31-31-9.
- (10) A county jail.
- (11) A communications system (as defined in [IC 36-8-15-3](#)), an enhanced emergency telephone system (as defined in [IC 36-8-16-2](#), before its repeal on July 1, 2012), a PSAP (as defined in [IC 36-8-16.7-20](#)) that is part of the statewide 911 system (as defined in [IC 36-8-16.7-22](#)) and located within the county, or the statewide 911 system (as defined in [IC 36-8-16.7-22](#)).
- (12) Medical and health expenses for jailed inmates and other confined persons.
- (13) Pension payments for any of the following: (A) A member of a fire department (as defined in [IC 36-8-1-8](#)) or any other employee of the fire department. (B) A member of a police department (as defined in [IC 36-8-1-9](#)), a police chief hired under a waiver under [IC 36-8-4-6.5](#), or any other employee hired by the police department. (C) A county sheriff or any other member of the office of the county sheriff. (D) Other personnel employed to provide a service described in this section.
- (14) Law enforcement training.

year, the MC LIT Council is comprised of members consisting of the fiscal bodies of the City, Monroe County, Ellettsville, and Stinesville,⁴ with a total of 100 votes allocated between them (and with the City allocated 58 of those votes).⁵ These votes are cast in a block by each member and are allocated based upon the percentage of population located within these jurisdictions to the total population of the County.⁶

Adoption Procedure. As you may imagine, the process for action by an entity comprised of four fiscal bodies is cumbersome and requires coordination. Any member may, after providing notice and holding a hearing, exercise their votes by passing a resolution and transmitting the resolution to the County Auditor (Auditor), who then acts as a hub for communication with the other members, and, once a majority have cast their vote, the State.

Next Wednesday, the City Council is scheduled to consider Res 18-14 which would cast its 58 of 100 votes in favor of the resolution.

Public Safety Local Income Tax (PS LIT) Committee – Duty to Review of Applications from Qualifying Service Providers for PS LIT Revenues – Chart of Overall Recommendations

In 2016, in order to comply with a statutory requirement to review certain applications for public safety tax revenues (*see below*), members of the MC LIT Council appointed representatives to serve on a Public Safety Local Income Tax (PS LIT) Committee. This year, the representatives include: four from the City (Cms. Granger, Piedmont-Smith, Sandberg & Sims); two from the County (Cms. Munson and Yoder); one from the Town of Ellettsville (Cm. Oldham); and, one non-voting member from the Town of Stinesville (with Clerk Purcell serving in that capacity).

Specifically, IC § 6-3.6-6-8(c) requires the MC LIT Council to review applications for funding submitted to it:

- By a fire department, volunteer fire department, or emergency medical services provider (Qualifying Service Provider) that:
 - (1) provides fire protection or emergency medical services within the county; and
 - (2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section; and
- Before July 1st of a year for a distribution for the following year.

Under statute, the MC LIT Council must review eligible applications and may, *but is not obligated to*, fund all or part of the request. If the MC LIT Council chooses to fund an application, it must, before September 1st, adopt a resolution, “specify[ing] an amount of tax revenue” that one or more of the fire departments, volunteer fire departments, or emergency medical services providers will receive for the following calendar year.

⁴ IC § 6-3.6-3-1(b)

⁵ According to IC 6-3.6-3-6(c), the Auditor, must, by the beginning of the year notify the members of the allocation of these 100 votes. In 2017, the Auditor, notified the City that the allocation of votes was as follows: City (58), County (37), Ellettsville (5), and Stinesville (0).

⁶ Or, in the case of the county, the percentage of the population in the county located outside of the other jurisdictions. IC 6-3.6-3-6

Please know that there is a particular order and manner of funding, where the amount of funding to the first beneficiary (PSAP) would reduce the funding available for the second, optional beneficiary (Qualifying Service Providers), and funding for the first and second beneficiaries would reduce funding for the remaining beneficiaries (i.e. the City, County, Town of Ellettsville & Town of Stinesville whose fiscal bodies constitute the MC LIT Council). With that in mind, the PS LIT Committee decided to consider and make recommendations regarding funding for:

- PSAP;
- Qualifying Service Providers; and
- Certified Shares (which would be the remainder the public safety tax revenues).

The recommendations regarding the first allocation (i.e. tax rate for PSAP) and the third allocation (i.e. revenues for distribution to the four member-jurisdictions) are included in the material, *but will be the subject of subsequent legislation*. That said, here is a summary of the Committee recommendations *with the recommendation related to this resolution highlighted in green*:

	Public Safety Revenue	2019	
		July Revised numbers	Tax Rate
		8,240,880	(0.25%)
PSAP	1) PSAP Revenue (Tax Rate)	2,689,041	0.0816%
GENERAL PURPOSE PUBLIC SAFETY	2) Allocation to Qualifying Service Providers	360,000	0.0109%
	3) Public Safety Certified Shares	5,191,839	0.1575%
	County	2,399,900	46.22%
	City	2,641,491	50.88%
	Town of Ellettsville	149,529	2.88%
	Town of Stinesville	919	0.02%

Allocation of Specific Amounts for Qualifying Service Providers under IC § 6-3.6-6-8(c)

The PS LIT Committee met four times over the months of June, July, and August for the following purposes:

- June 18th – to review current and projected revenues and expenditures, and approve criteria, an application form and the Committee schedule;
- July 11th – to review the proposed budget for Central Dispatch (which is largely funded by PSAP) and applications for funding by qualifying service providers, and discuss recommendations;
- July 31st – to hear about public safety needs from the four member-jurisdictions and further discuss recommendations; and
- August 7th – to discuss and make recommendations.

Here are a list of the applicants from qualifying service providers (follow this [link](#) to see the relevant Committee materials), the amount of their requests, and the allocations recommended by the Committee:

<u>Applicant</u>	<u>Request</u>	<u>Recommendation</u>
Bean Blossom Stinesville Volunteer Fire Department Inc.	\$73,353 (SCBAs)	\$73,353 (SCBAs)
Benton Twp Volunteer Fire Department	\$50,000 (Water “Tanker” Truck)	\$50,000 (Water “Tanker” Truck)
Ellettsville Fire Department	\$250,000 (SCBAs) and Personnel ⁷	\$96,647 (SCBAs)
Perry-Clear Creek Fire Protection District	\$343,669 (Extrication Equipment and other items)	\$60,000 (Extrication Equipment)
Van Buren Township Fire Department	\$446,116 (SCBAs and other items) ⁸	\$80,000 (SCBAs)
Total		\$360,000

Note on Deliberations

Compressed time frames, revenue uncertainties, and competing demands for funds by both member-jurisdictions and the qualifying service providers make the PS LIT Committee deliberations difficult. Last year, the PS LIT Committee chose to allocate funds for qualifying service providers (and others) as part of a two-year, community-wide Central Dispatch Communications Initiative. This year, in mid-stride of last year’s initiative, the PS LIT Committee anticipated a ~6% increase in revenues (per the State Budget Agency)⁹ and decided to allocate \$360,000 to qualifying service providers. Most of these funds were intended to purchase Self-Contained Breathing Apparatus (SCBAs) for many departments whose equipment will expire next year. In addition, two departments were granted funds to help with other needs – extrication equipment and a water tanker truck. Please note that, while the qualifying service providers are not required, per statute, to use the funds as recommended by the PS LIT Committee, the Committee may decide not to fund applicants in future years who use funds in another manner.

Resolution

The resolution, in brief:

⁷ The initial Council Legislative Packet listed \$200,000 rather than the \$250,000 requested in the application.

⁸ The initial Council Legislative Packet listed \$80,000 rather than the \$46,116 requested in the application.

⁹ Unfortunately, those projections were about \$110,000 higher than subsequent estimates.

- Recites the history of the imposition of this tax and the review of the applications for funding;
- Casts the 58 votes of the City Council (as member of the LIT Council which, as a whole, has 100 vote) for the aforementioned allocations to take effect January 1, 2019;
- Declares that a public hearing and notice of the resolution preceded this action; and
- Includes a severability clause.

Upon passage, the City Clerk will need to provide the resolution to the County Auditor who must relay it to the State in a timely manner in accordance with statute.

29 August 2018 Council Packet - Correction / Addendum (in Yellow)

PS-LIT Committee -- Supplemental Table of Recommendations for 2019 - Revised (See Blue-Shaded Cells)

Allocations to Qualified Providers

Fire Dept	Number of SCBAs needed	Allocation	Amount requested	Percentage of request granted	Purpose
Bean Blossom	15	\$ 73,353.00	\$ 75,353.00	97%	SCBA
Benton	14	\$ 50,000.00	\$ 50,000.00	100%	Water Tanker
Ellettsville for Richland Twp	22	\$ 96,647.00	\$ 250,000.00	39%	SCBA
Perry Clear Creek	45	\$ 60,000.00	\$ 343,669.00	17%	Extrication Equipment
Van Buren	26	\$ 80,000.00	\$ 446,116.00	18%	SCBA
	122	\$ 360,000.00	\$ 1,165,138.00	54% AVERAGE	

Funds available \$ 360,000.00

Allocation per SCBA \$ 2,950.82

* Note: The "Number of SCBAs Needed" (shaded in blue) were entered as part of earlier deliberations and is not applicable to the PS LIT Committee recommended PS LIT Revenue allocations.