



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 09 June 2021

Committee of the Whole

at 6:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE
WEDNESDAY | 6:30 PM
09 JUNE 2021

Per IC 5-14-1.5-3.7, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/92866823552?pwd=NkVvNEJNbSs3TkRUdncxMWlualXFFZz09>

Chair: Susan Sandberg

- A. Ordinance 21-25 – To Establish the American Rescue Plan Act Fund (“ARPA Fund”) Supporting the City of Bloomington’s Recovery from the COVID-19 Pandemic

Asked to Attend: Philippa Guthrie, Corporation Counsel

- B. Ordinance 21-28 – An Ordinance to Amend Ordinance 20-23 Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2021 - Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles Within Both the Police and Fire Departments to Better Reflect the Nature of Those Positions

Asked to Attend: Caroline Shaw, Director of Human Resources

- C. Ordinance 21-29 – Amending Ordinance 20-22 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021 - Re: Title Change for Fire Inspector

Asked to Attend: Caroline Shaw, Director of Human Resources

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

Under Indiana Code 5-14-1.5-3.7, during a declared public health emergency, the Council and its committees may meet by electronic means. The public may simultaneously attend and observe this meeting at the link provided above. Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.

Posted: 04 June 2021



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

NOTICE

Wednesday, 09 June 2021
Committee of the Whole
at 6:30 pm

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STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-25 – To Establish the American Rescue Plan Act Fund (“ARPA Fund”) Supporting the City of Bloomington’s Recovery from the COVID-19 Pandemic

Synopsis

This ordinance creates an American Recovery Plan Act (ARPA) Fund. The Fund may be used for the purposes permitted by the U.S. Department of the Treasury under its Interim Final Rule for the expenditure of ARPA funds, including: a) responding to the COVID-19 pandemic’s negative economic impacts on households, small businesses, nonprofits, and industries such as tourism, travel, and hospitality; b) to provide premium pay to eligible workers of the City that are performing essential work, or providing grants to employers that have eligible workers who perform essential work; c) to fund government services to the extent of the reduction in City revenues due to the COVID-19 pandemic relative to revenues collected in the fiscal year prior to the emergency (2019); and/or d) to make necessary investments in water, sewer, or broadband infrastructure.

Relevant Materials

- Ordinance 21-25
- Memo from Philippa Guthrie, Corporation Counsel, and Jeffrey Underwood, Controller
- Memo from the State Board of Accounts Re: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds

Summary

The City of Bloomington is receiving an estimated \$22.1 million in emergency funding from the American Rescue Plan Act of 2021 (“ARPA”). The City received its first distribution of fifty percent (50%) of the funds on May 20, 2021. The remaining fifty percent (50%) of the funds will be distributed in 2022. This funding must be obligated by the end of 2024 and spent by the end of 2026.

All ARPA funding received by the City is subject to the requirements outlined in the U.S. Department of Treasury [Interim Final Rule](#), which was adopted on May 10, 2021. In addition, the Indiana State Board of Accounts, in its memorandum entitled “RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds” (“Memorandum”), requires that the governing body: 1) adopt an ordinance establishing a local ARP Coronavirus Local Fiscal Recovery Fund to receive the allocation; and 2) develop “a plan that will provide the details for use of these funds” (“Plan”).



City of Bloomington Indiana

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Ordinance 21-25 seeks to establish the ARPA Fund in the Office of the Controller and states that the Council shall adopt a plan, which will provide details for the use of the ARPA funds. This fund will consist of monies allocated to the City under the ARPA and distributed in 2021 (already received) and 2022. ARPA funds must be appropriated by the fiscal body before use in accordance with Section 603 of the ARPA, Ordinance 21-25, and the Plan. All disbursement of ARPA funds will go through a statutory claims process outlined in IC 5-11-10-1.6.

The City will be required to submit reports to the U.S. Treasury in accordance with the Interim Final Rule. These reports will include details of the City's utilization of the ARPA funds.

Contact

Philippa Guthrie, Corporation Counsel, 812-349-3441, guthriep@bloomington.in.gov

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

ORDINANCE 21-25

TO ESTABLISH THE AMERICAN RESCUE PLAN ACT FUND (“ARPA FUND”) SUPPORTING THE CITY OF BLOOMINGTON’S RECOVERY FROM THE COVID-19 PANDEMIC

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”) was enacted by Congress on March 11, 2021; and

WHEREAS, the ARPA will provide an estimated \$350 billion in emergency funding directly to state and local governments for the purpose of supporting their recovery from the ravages of the COVID-19 pandemic; and

WHEREAS, the City of Bloomington (“City”) has been allocated an estimated \$22.1 million under the ARPA (“ARPA Funds”), which will be distributed in two tranches of fifty percent (50%), one each in 2021 and 2022; and

WHEREAS, the ARPA Funds must be obligated by 2024 and ultimately spent by 2026; and

WHEREAS, the U.S. Department of the Treasury issued an Interim Final Rule (“Rule”) providing guidance on allowable expenditures of the ARPA Funds; and

WHEREAS, the Indiana State Board of Accounts provided additional guidance to Indiana governmental units on accounting for use of ARPA funding in a Memorandum dated May 12, 2021 (RE “Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds”), which mandates that a recipient establish a separate account for its ARPA allocation (“Fund”);

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

SECTION 1. Establishment of Fund. There is hereby established a fund to be known as the ARPA Fund (“ARPA Fund”) in the Office of the Controller.

SECTION 2. Source of Revenues. The Fund shall consist of monies allocated to the City under the American Rescue Plan Act of 2021 and distributed to the City in 2021 and 2022.

SECTION 3. Purpose of Fund. The City shall appropriate and use the Fund only for the following purposes, as permitted by the ARPA, the U.S. Department of the Treasury, and the Rule:

- (A) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 City 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 the City due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the City prior to the emergency, that being 2019; or
- (D) To make necessary investments in water, sewer, or broadband infrastructure.
- (E) For any other purpose as may be allowed by Congress or regulations issued by the Department of the Treasury.

SECTION 4. Plan. The Common Council shall adopt a plan which provides details for the use of the ARPA Funds.

SECTION 5. Investment of Fund. The money in the Fund not currently needed to meet the obligations of the Fund shall be invested in the same manner as other public funds may be invested.

SECTION 6. Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance.

SECTION 7. Severability. If any section, sentence, or provision of this Ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any other section, sentence, provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. 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 _____, 2021.

Jim Sims, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance creates an American Recovery Plan Act (ARPA) Fund. The Fund may be used for the purposes permitted by the U.S. Department of the Treasury under its Interim Final Rule for the expenditure of ARPA funds, including: a) responding to the COVID-19 pandemic's negative economic impacts on households, small businesses, nonprofits, and industries such as tourism, travel, and hospitality; b) to provide premium pay to eligible workers of the City that are performing essential work, or providing grants to employers that have eligible workers who perform essential work; c) to fund government services to the extent of the reduction in City revenues due to the COVID-19 pandemic relative to revenues collected in the fiscal year prior to the emergency (2019); and/or d) to make necessary investments in water, sewer, or broadband infrastructure.

**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Members of the Common Council of the City of Bloomington

FROM: Philippa Guthrie, Corporation Counsel
Jeffrey Underwood, Controller

CC: Stephen Lucas, Council Administrator/Attorney

RE: Establishing the Fund to Receive Emergency Funding Under the American Rescue Plan Act (“ARPA”) of 2021

DATE: June 2, 2021

The American Rescue Plan Act of 2021 (“ARPA”) was enacted by Congress on March 11, 2021 to provide economic relief funding for individuals, businesses and non-profits, and local government units across the country trying to recover from the COVID-19 pandemic. The ARPA will provide an estimated \$350 billion in emergency funding directly to state and local governments, and the City of Bloomington’s (“City”) allocation is an estimated \$22.1 million. The funds are being distributed in two tranches of fifty percent (50%) each, one in 2021 and one in 2022. The City applied for its 2021 distribution as soon as it was possible to do so and received the funds via ACH transfer on May 20th.

The ARPA Funds must be obligated by the end of 2024 and ultimately spent by the end of 2026. Allowable uses for this recovery funding are set forth in an Interim Final Rule (“Rule”) promulgated by the U.S. Department of the Treasury. Those allowable uses include the following:

- (A) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 City 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 the City due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the City prior to the emergency, that being 2019; or
- (D) To make necessary investments in water, sewer, or broadband infrastructure.

(E) For any other purpose as may be allowed by Congress or regulations issued by the Department of the Treasury.

In addition, the Indiana State Board of Accounts (“SBOA”) provided additional guidance to Indiana governmental units on accounting for use of ARPA funding in a memorandum dated May 12, 2021 entitled “RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds” (“SBOA Memorandum”). The SBOA Memorandum requires that the City establish a separate account for its ARPA allocation, as we were required to do for our distribution of federal CARES Act dollars. This fund will be called the ARPA Fund. In addition, the SBOA Memorandum mandates that the City develop “a plan that will provide the details for use of these funds.” Over the coming weeks and months, the Administration looks forward to working with City Council on developing such a plan for use of the ARPA funds.

Attached to this memo is an ordinance for establishing the ARPA Fund. We request that the Common Council adopt this ordinance so that the City may transfer the first half of its ARPA allocation into this new account.



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
302 WEST WASHINGTON STREET
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MEMORANDUM

TO: Counties, Cities, and Towns

FROM: Paul D. Joyce, CPA, State Examiner

RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds

DATE: Original March 18, 2021; Updated May 12, 2021

This memorandum has been updated to reflect guidance provided by the U.S. Treasury Interim Final Rule, which may be found at this link: <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>. We recommend that every recipient of money under the American Rescue Plan Act read this document in its entirety. The U.S. Treasury has also provided a list of Frequently Asked Questions as of May 10, 2021 (FAQ) which may be found at this link: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.

The purpose of this memorandum is to provide guidance to recipients of funding available under Section 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (ARP). The ARPA established the Coronavirus Local Fiscal Recovery Fund (the Fund) and appropriated \$130,200,000,000 to remain available through December 31, 2024, for making payments to metropolitan cities, non-entitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to COVID-19.

The allocations for metropolitan cities, non-entitlement units, and counties may be found on our website at in.gov/sboa. Metropolitan cities and all counties will receive funding directly from the federal government. Cities and towns determined to be non-entitlement units will receive the allocation through the State of Indiana. The information on SBOA website about allocations also provides which cities are determined metropolitan and which cities and towns are designated as non-entitlement units.

The federal government will make the first payment from the Fund to the State of Indiana, the metropolitan cities, and Indiana Counties by May 11, 2021. The State of Indiana will distribute the first payment received from the Fund within 30 days based on the allocation provisions contained in the ARPA. A second payment will be received by the State of Indiana, the metropolitan cities, and the Indiana Counties not earlier than twelve months after the first payment. The State of Indiana will distribute the second payment received from the Fund within 30 days based on the allocation provisions contained in the ARPA.

It is important to follow the prescribed accounting system procedures and documentation requirements for the use of these funds. According to the ARPA, a detailed accounting for the uses of the funds is required. Any unit that fails to comply with the provisions of the ARPA shall be required to repay an amount equal to the amount of funds used in violation of the ARPA. The Secretary of the Treasury may issue additional regulations related to these funds.

Ordinance and Plan. The governing body must adopt an ordinance establishing a local ARP Coronavirus Local Fiscal Recovery Fund to receive the allocation in accordance with State Examiner Directive 2021-1 (Directive). For a county, the ARP Coronavirus Local Fiscal Recovery Fund must be established by ordinance of the County Commissioners. For a city or town, the ARP Coronavirus Local Fiscal Recovery Fund must be established by ordinance of the legislative body. The ordinance should specifically list the uses described in Section 603(c) that are applicable to the unit and that the unit envisions utilizing. The ordinance should reference a plan that will provide the details for the use of these funds. The plan should be laid out in a way that corresponds to the elements as laid out in Section 603 of the ARPA. The ordinance and plan may be amended as any other ordinance or plan as long as the amendment complies with Section 603.

Appropriations and Disbursements. As stated in the Directive, funds must be appropriated by the fiscal body before use in accordance with the Section 603, the ordinance, and the plan. Only local appropriation is required. All disbursements must go through the normal claims process in IC 5-11-10-1.6 and be supported with sufficient documentation. All disbursements must be made directly from the ARP Coronavirus Local Fiscal Recovery Fund. Money in the fund may not be transferred to another fund of the unit.

Fund Uses. The uses of the fund are specified in Section 603(c) as follows:

- "(1) USE OF FUNDS – Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024
 - (A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 metropolitan city, nonentitlement unit of local government, or county 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 metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or
 - (D) to make necessary investments in water, sewer, or broadband infrastructure."

Section 603(c)(1)(A). Grants and programs to respond to the public health emergency or its negative economic impacts under Section 603 (c)(1)(A) should be through written agreement with the recipient. Disbursements to grantees and program recipients must be documented and in compliance with the written agreement.

Section 603(c)(1)(B). Premium pay allowed for eligible workers of your unit under Section 601(c)(1)(B) is for work performed during the COVID-19 Public Health Emergency. Premium pay is defined in Section 602(g) as "an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker." This definition is expanded in the Interim Final Rule on page 134.

Eligible worker is defined in Section 603(g) as "those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each chief executive officer of a metropolitan city, nonentitlement unit of local government, or county may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county." This definition is expanded in the Interim Final Rule on page 131.

The Interim Final Rule defines essential work to mean work that "(1) Is not performed while teleworking from a residence; and (2) Involves: (i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or (ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work." (Interim Final Rule page 132)

The Interim Final Rule clarifies and provides examples of essential critical infrastructure sectors and eligible workers. Please note that if premium pay increases a worker's total pay above 150% of the greater of the state and county average annual wage, written justification must be maintained to show how the premium pay responds to the needs of these workers. (Interim Final Rule page 49 and FAQ 28). Please see the Interim Final Rule for more information.

Grants to eligible employers under Section 603(c)(1)(B) should be through written agreement with the eligible employer. Disbursements to grantees must be documented and in compliance with the written agreement. The Interim Final Rule defines the terms eligible employer, eligible worker, and essential work starting on page 131. The Interim Final Rule imposes additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided. (Interim Final Rule page 51)

Section 603(c)(1)(C). Section 603(c)(1)(C) allows the funds to be used for costs incurred for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency. The revenues of the full calendar year of 2019 will be used as the base year to determine the reduction of revenue in the full calendar years of 2020, 2021, 2022, and 2023. Over the covered period, costs incurred for the provision of government services will be limited to the total amount of revenue reduction in these years.

Starting on page 51, the Interim Final Rule provides definitions and step-by-step instructions for the calculation of the reduction in revenue. Recipients are to calculate the extent of the reduction in revenue as of four points in time: December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023. The four-step process to be used starts on page 58 of the Interim Final Rule.

Information to calculate the revenue reduction for the local income tax revenue may be obtained from the Local Tax Distribution Report available on the Department of Local Government website at www.in.gov/dlgf. Information to calculate the revenue reduction for the MVH/LRS and other state distributions may be obtained from the Auditor of State website at www.in.gov/aos. Information to calculate the revenue reduction for other funds should be obtained from your records. Documentation must be available to show all calculations.

Certain revenues may not be considered in the calculation for the reduction in revenues. According to the Interim Final Rule (page 133), "General revenue means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and inter-governmental transfers from the Federal government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue does not include revenues from utilities." (our emphasis).

According to FAQ 18, "Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's Government Finance and Employment Classification manual, the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities."

Recipients are to calculate revenue on an entity-wide basis by summing across all revenue streams covered as general revenue. (Interim Final Rule page 54 and FAQ 17)

According to the Interim Final Rule on page 57, any diminution in actual revenue calculated using the prescribed formula would be presumed to have been due to the COVID 19 public health emergency.

The costs incurred for the provision of governmental services may not exceed the total amount of revenue reduction.

Section 603(C)(1)(D). Costs incurred to make investments in water, sewer, or broadband infrastructure under Section 603(c)(1)(D) must be documented and recorded on the capital asset ledger in accordance with the local capitalization policy. The Interim Final Rule clarifies eligible expenses for this category.

Pension Funds. Section 603(c)(2) specifically states the ARP grant fund may not be used to make a deposit into any pension fund. However, payments may be made into a pension fund as a normal part of the employee payroll benefits process if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds. (Interim Final Rule page 80)

Transfers to certain entities or the State. Section 603(c)(3) allows money in the ARP fund to be transferred to a private nonprofit organization, public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government. The term "private nonprofit organization" is defined in 42 USC 11360(17) to mean an organization - "(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (B) that has a voluntary board; (C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the [Secretary](#); and (D) that practices nondiscrimination in the provision of assistance." If money is transferred under this section, documentation must exist to show that the nonprofit organization meets the required definition.

Section 603(c)(4) allows money in the ARP Coronavirus Local Fiscal Recovery Fund to be transferred to the State of Indiana.

Prior Costs Incurred. Permitted expenses incurred in the fund of a unit after the passage of ARP (March 3, 2021) but before the receipt of the ARPA funds may be shown as an expense from the ARP Coronavirus Local Fiscal Recovery Fund.

For example, if on March 12, 2021, a city incurred expenses in the amount of \$10,000 from the General Fund in response to the public health emergency, the city may transfer that expense to the ARP Coronavirus Local Fiscal Recovery Fund through a reversing entry. The city will first reverse the \$10,000 expense in the General Fund, which will reinstate the expense appropriation line item and the cash balance of the general fund. The city will then post the \$10,000 disbursement to the ARP Coronavirus Local Fiscal Recovery Fund with a link to the original claim and supporting documentation.

Ineligible Costs. The following items are not eligible uses of the ARP money per the FAQ document (FAQ 23, 24, 26, and 27): payment of interest or principal on outstanding long term or short-term debt; payment of fees or issuance costs associated with the issuance of new debt; contributions to the Rainy Day Fund or reserve funds; payment of settlements or judgments; non-federal match for other federal programs.

Reporting Requirements. The Interim Final Rule, starting on page 110, contains information on the required reports to the U.S. Treasury.

Metropolitan Cities and counties will be required to submit one interim report and thereafter quarterly Project and Expenditure reports. The interim report will include a recipient's expenditures by category at the summary level from the date of the award through July 31, 2021. The interim report will be due on August 31, 2021. The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021. The initial quarterly report is due by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Non-entitlement units of local government will be required to submit annual Project and Expenditure reports. The initial annual Project and Expenditure report will be due on October 31, 2021. The Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds. The initial annual Project and Expenditure report will cover activity from the date of award to September 30, 2021, and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Metropolitan Cities and counties with a population of greater than 250,000 will also be required to submit annual Recovery Plan Performance report. The initial report will be due August 31, 2021.


The U.S. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

Internal Controls. Internal controls must be designed, implemented, and documented to provide reasonable assurance that the ARPA funds will be safeguarded and used in accordance with the ARPA. Each of the five components of internal control is necessary to form a complete internal control process: Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring Activities. For more information on the establishment of internal controls, see the *Uniform Internal Control Standards for Indiana Political Subdivisions* and the Best Practice Documents on our website at www.in.gov/sboa.

Counties, Cities, and Towns
May 12, 2021
Page 6

This memorandum is considered to be part of the Uniform Compliance Guidelines of the State Board of Accounts and is intended to provide guidance that will promote transparency and accountability of funds received from the Coronavirus Local Fiscal Recovery Fund pursuant to the American Rescue Plan Act of 2021. This memorandum may be amended or rescinded at any time in writing by the State Examiner or Deputy State Examiner.

Respectfully,


Paul D. Joyce, CPA
State Examiner

SG/DG



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-28 – An Ordinance to Amend Ordinance 20-23 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2021 Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles within the Police and Fire Departments and the Office of the Mayor to Better Reflect the Nature of Those Positions

Synopsis

This ordinance amends Ordinance 20-23, which fixed the salaries of certain City of Bloomington employees for the year 2021, by changing the grade and job title of one existing position in the Office of the Mayor, and changing the grade of an existing position in the Parks Department and in the Utilities Department. In addition, this ordinance changes the titles of one existing position in both the Fire Department and Police Department. All changes were made to more accurately reflect the duties of these positions.

Relevant Materials

- Ordinance 21-28
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

Ordinance 21-28 proposes to amend Ordinance 20-23, which fixed salaries for certain City of Bloomington employees for the year 2021 as follows:

Section I adds the following positions: Fire Marshal to the Fire Department (grade 7); Digital Brand Manager to the Office of the Mayor (grade 7); Golf Course Superintendent to the Parks Department (grade 6); 4 Community Service Specialists to the Police Department (grade 5); and an MS4 Coordinator to the Utilities Department (grade 8).

Section II eliminates the following positions: Fire Inspection Officer from the Fire Department (grade 7); Digital Communications Specialist from the Office of the Mayor, (grade 6); Golf Course Superintendent from the Parks Department (grade 5); Neighborhood Resource Specialists from the Police Department (grade 5); MS4 Coordinator from the Utilities Department (grade 7).

The fiscal impact of these changes is estimated to be \$10,149.00. At this time, staff anticipates that the fiscal impact of this legislation will be absorbed by the existing department budgets, but will review the matter in October/November to determine whether any additional appropriation requests are necessary.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

ORDINANCE 21-28

AN ORDINANCE TO AMEND ORDINANCE 20-23 WHICH FIXED SALARIES FOR CERTAIN CITY OF BLOOMINGTON EMPLOYEES FOR THE YEAR 2021 - Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles within the Police and Fire Departments and the Office of the Mayor to Better Reflect the Nature of Those Positions

WHEREAS, IC § 36-4-7-3 authorizes the Mayor, subject to the approval of the Common Council, to fix the compensation of each appointive officer, deputy and other employee of the city; and

WHEREAS, Salaries for City of Bloomington employees were set by Ordinance 20-23, which was passed by the Common Council on October 14th, 2020, and approved by the Mayor on October 16th, 2020; and

WHEREAS, the Mayor desires to make or change appointments within the Parks Department, Office of the Mayor, Utilities Department, Fire Department , and Police Department, which will also require amendments to the salary ordinance.

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

SECTION 1. The Ordinance Fixing Salaries shall be amended so that the following five positions are added in the following Departments:

<u>Department/Division (followed by Job Title)</u>	<u>Grade</u>
<u>Fire Department</u>	
Fire Marshal	7
<u>Office of the Mayor</u>	
Digital Brand Manager	7
<u>Parks Department</u>	
Golf Course Superintendent	6
<u>Police Department</u>	
Community Service Specialists (4)	5
<u>Utilities Department/Environmental</u>	
MS4 Coordinator	8

SECTION 2. The Ordinance Fixing Salaries shall be amended so that the following five positions are eliminated from the following Departments:

<u>Department/ (followed by Job Title)</u>	<u>Grade</u>
<u>Fire Department</u>	
Fire Inspection Officer	7
<u>Office of the Mayor</u>	
Digital Communications Specialist	6

Parks Department

Golf Course Superintendent 5

Police Department

Neighborhood Resource Specialists (4) 5

Utilities Department/Environmental

MS4 Coordinator 7

SECTION 3. 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of _____, 2021

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 20-23, which fixed the salaries of certain City of Bloomington employees for the year 2021, by changing the grade and job title of one existing position in the Office of the Mayor, and changing the grade of an existing position in the Parks Department and in the Utilities Department. In addition, this ordinance changes the titles of one existing position in both the Fire Department and Police Department. All changes were made to more accurately reflect the duties of these positions.

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced at the June 2, 2021 Regular Session. The revisions corrected two dates in the second Whereas clause from 2021 to 2020, corrected the title of the four positions that will be renamed within the Police Department, and modified the first sentence of the synopsis to identify the particular ordinance being amended.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator/Attorney Stephen Lucas

Date: May 24, 2021

Re: 2021 Salary Ordinance 21-28 amending Ordinance 20-23 which set 2021 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees

Attached for your review and approval is Ordinance 21-28 amending Ordinance 20-23 which set 2021 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees.

Position and grade changes to the current salary ordinance are explained below. Consistent with past practice, grade classifications were determined and re-evaluated by a job evaluation committee¹, and the estimated fiscal impact is included.

PROPOSED GRADE CHANGES TO CURRENT POSITIONS

The pay grade for the **Parks & Recreation** Golf Course Superintendent was reviewed and will increase from a grade 5 to a grade 6. The role has changed significantly over the years. It now requires additional training, certifications, and employee supervision. This represents an approximate fiscal impact of \$2,742.

The Office of the Mayor Digital Communications Specialist (Grade 6) changed to a Digital Brand Manager (Grade 7) due to the position's changing duties which have increased in scope and complexity. The fiscal impact is \$3,057.

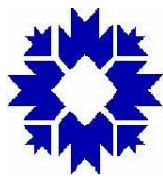
The Utilities MS4 Coordinator's grade increased from a 7 to an 8 after review. After losing two employees to higher paying comparable, public-sector jobs, the job description was revised to include missing information that increased the pay grade. This represents an approximate fiscal impact of \$4,350.

PROPOSED TITLE CHANGES TO CURRENT POSITIONS

The Fire Inspection Officer (Grade 7) becomes a Fire Marshal (Grade 7). Since this is only a title change, there is no fiscal impact.

The four Neighborhood Resource Specialists (Grade 5) have been renamed Community Service Specialists (Grade 5). This is a title change with no fiscal impact.

¹ The job evaluation committee evaluates a job using seven criteria. Points are assessed in each category, and a grade is assigned based on the cumulative score.



City of Bloomington
Human Resources Department

Thank you for your thoughtful consideration of Ordinance 21-28. I would be happy to answer any questions you have about these changes from the previous Salary Ordinance. My direct line is 349-3578.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-29 – Amending Ordinance 20-22 which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021

Re: Title Change for Fire Inspector

Synopsis

This ordinance amends Ordinance 21-22, which fixed the salaries of officers in the Police and Fire Department for the year 2021. This changes the title of the Fire Inspection Officer to Deputy Fire Marshal in the Fire Department Administration Table.

Relevant Materials

- Ordinance 21-29
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

Ordinance 21-29 proposes to amend Ordinance 20-22, which fixed salaries of officers in the Police and Fire Departments for the year 2021 by renaming the position “Fire Inspection Officer” to “Deputy Fire Marshal”. There is no proposed change to the job grade or salary range for this position.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

ORDINANCE 21-29

**AMENDING ORDINANCE 20-22 WHICH FIXED THE SALARIES OF OFFICERS OF
THE POLICE AND FIRE DEPARTMENTS FOR
THE CITY OF BLOOMINGTON FOR 2021
- Re: Title Change for Fire Inspector**

WHEREAS, as a result of changes in Ordinance 20-22, which fixed the salaries of officers in the Police and Fire departments, a Fire Inspector in the Fire Department was retitled Deputy Fire Marshal in this ordinance;

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

SECTION 1. Section IA of Ordinance 20-22 shall be amended by replacing Fire Inspection Officer with the following position and maximum salary to the Fire Department Administration Table:

FIRE DEPARTMENT ADMINISTRATION

<u>Job Title</u>	<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
Deputy Fire Marshal	7	\$41,087	\$65,735

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

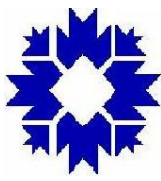
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 20-22, which fixed the salaries of officers in the Police and Fire Departments for the year 2021. This changes the title of the Fire Inspection Officer to Deputy Fire Marshal in the Fire Department Administration Table.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator/Attorney Stephen Lucas

Date: May 24, 2021

Re: 2021 Salary Ordinance 21-29 amending Ordinance 20-22 to Fix the Salaries of Officers of the Police and Fire Departments

Attached for your review and approval is Ordinance 21-29 amending Ordinance 20-22 which fixed the 2021 salaries of officers of the Police and Fire Departments.

There is one title change in this ordinance amendment. The Fire Inspection Officer becomes a Deputy Fire Marshall. Since this is only a title change, there is no fiscal impact.

Your approval of Ordinance 21-29 is requested. Please contact me at 349-3578, if you have any questions.

Thank you!