



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 16 June 2021

Regular Session

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:
REGULAR SESSION
WEDNESDAY | 6:30 PM
16 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/94090367455?pwd=TEFMdjVuZzBkaHFGRzVoV2kvanJBUT09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES**
 - 27 May 2020 (Special Session)
 - 29 July 2020 (Regular Session)
- IV. **REPORTS** (*A maximum of twenty minutes is set aside for each part of this section.*)
 - A. **Councilmembers**
 - B. **The Mayor and City Offices**
 - a. Innovation Report
 - C. **Council Committees**
 - D. **Public***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 21-19 - Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2021 and Related Matters
 - B. Resolution 21-21 - To Confirm Resolution 21-20 Designating an Economic Revitalization Area, Approving the Statement of Benefits, and Authorizing an Abatement Period for Real Property Improvements - Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner)
 - C. Resolution 21-22 - Resolution Proposing Opt Out of Opioids Settlements Pursuant to Indiana Code § 4-6-15-2
 - D. Resolution 21-23 - Recognizing the 52nd Anniversary of the Stonewall Riots and the June Celebration of Pride Month

- E. Ordinance 21-30 – To Amend Title 16 of the Bloomington Municipal Code Entitled “Residential Rental Unit and Lodging Establishment Inspection Program”

Housing Committee Recommendation (26 May 2021) Do Pass: 4-0-0

Regular Session Action (02 June 2021)

Amendment 01

Adopted: 9-0-0

Amendment 02

Adopted: 5-4-0

Motion to Postpone to 16 June 2021

Adopted: 9-0-0

- F. 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

Committee of the Whole Recommendation (09 June 2021)

Do Pass: 7-0-0

- G. 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

Committee of the Whole Recommendation (09 June 2021)

Amendment 01

Do Pass: 7-0-0

Ordinance 21-28 as Amended Do Pass: 7-0-0

- H. 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

Committee of the Whole Recommendation (09 June 2021)

Do Pass: 7-0-0

VII. LEGISLATION FOR FIRST READINGS

None

VIII. ADDITIONAL PUBLIC COMMENT* (*A maximum of twenty-five minutes is set aside for this section.*)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

- * Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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.



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

NOTICE

Wednesday, 16 June 2021
Regular Session
at 6:30 pm

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<https://bloomington.zoom.us/j/94090367455?pwd=TEFMdjVuZzBkaHFGRzVoV2kvanJBUT09>

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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.



City of Bloomington
Office of the Common Council

Minutes for Approval

27 May 2020 | 29 July 2020

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 27, 2020 at 6:30pm, Council President Stephen Volan presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
SPECIAL SESSION
MAY 27, 2020

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

ROLL CALL [6:30pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:32pm]

Mayor John Hamilton discussed the recent opening of City Hall to the general public, the COVID-19 pandemic, and various nonprofit organizations that had aided the community.

REPORTS

- The MAYOR AND CITY OFFICES [6:33pm]

Alex Crowley, Economic and Sustainable Development Director, discussed the funding commitments and total applications for the Rapid Response Fund program.

Sean Starowitz, Assistant Director for the Arts, Staff Liaison for the Bloomington Arts Commission, discussed the impacts of COVID-19 on various art performances and events. Such impacts included ticket refunds, event cancellations, and salary and staff reductions. Starowitz named various organizations that would receive grant funding from the 2020 Arts Fund.

Hamilton introduced several members from the Social Services Working Group.

Tina Peterson, Community Foundation of Bloomington-Monroe County, spoke of the importance of developing a strong organization that could support the broader community in addressing a variety of challenges, such as shelter, food, childcare, and health. Peterson described the Social Services Working Group's areas of focus, which included safe shelter for those experiencing homelessness, an emergency food system, childcare for essential workers, and health and personal safety.

Efrat Feferman, United Way of Monroe County, updated the council on the Social Services Working Group's creation of safe shelters to provide emergency housing for those experiencing homelessness.

Jon Barada, Bloomington Health Foundation, spoke of the Social Services Working Group's help in creating an emergency food system after conducting research on the community's needs.

Peterson spoke of providing childcare for essential workers and the various facilities that helped care for the children, while taking safety precautions. Peterson spoke of various funding opportunities for Social Services Working Group to provide childcare.

There was council discussion related to the reports.

Flaherty moved and it was seconded to appoint Chiara Bangor-Giorgio to the Traffic Commission. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS [7:34pm]

Piedmont-Smith moved and it was seconded to have the council authorize Councilmembers Volan and Sims to enter into negotiation

to hire Stephen Lucas as the Council Administrator/Attorney effective no earlier than August 1, 2020, and to report back to the council by the regular session on June 3, 2020.

Volan provided a brief report on behalf of the Administration Committee.

Piedmont-Smith asked Volan if he could explain the time frame of waiting two months to hire Lucas.

Volan said that Dan Sherman, Council Attorney, set his retirement for July 31. Volan explained that providing a two month time span would allow ample time for the search of Deputy Council Administrator/Attorney.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There was no legislation for second reading.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

LEGISLATION FOR FIRST READING [7:40pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-10 be introduced and read by title and synopsis only. The motion was approved by voice vote. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Ordinance 20-10 - TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED "VEHICLES AND TRAFFIC" - Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52 (Abandoned Vehicles) to Align Rules for City-Initiated Tow with Non-Consensual Tows

Stephen Lucas, Deputy Council Attorney, gave a summary of the upcoming council schedule.

COUNCIL SCHEDULE [7:43pm]

Volan adjourned the meeting.

ADJOURNMENT [7:46pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2021.

APPROVE:

ATTEST:

Jim Sims, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, July 29, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
REGULAR SESSION
July 29, 2020

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

ROLL CALL [6:32pm]

Council President Volan summarized the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Smith commented that the Parks and Rec Master Plan development process has begun.

REPORTS

Sgambelluri extended an invitation to attend constituent meeting, on August 1, via Zoom.

- COUNCIL MEMBERS [6:35pm]

Alex Crowley, Director of Economic & Sustainable Development (ESD), introduced the two presenters from his office.

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

Jane Kupersmith, Assistant Director of Small Business Development, presented the Annual Economic Development Commission (EDC) Report for 2019 Activity and Tax Abatement. There was council discussion following the report.

Rollo moved and it was seconded to accept the Annual Economic Development Commission Report-2019 Activity and Tax Abatement Summary. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to accept the Annual Economic Development Commission Report (7:15pm)

Kaisa Goodman, Special Projects Manager for the ESD, gave a report on a program to help local businesses during the pandemic. She described the implementation of 15 minute free parking in designated pick-up, drop-off zones (PUDO) in the downtown quarter. The program would run as a trial period through September 30 to concur with the closure of Kirkwood from Indiana to Grant Street and Washington to Walnut Street. There was council discussion following the report.

There were no council committee reports.

- COUNCIL COMMITTEES (7:28pm)

Jane Arthur, representing Black Lives Matter Bloomington, spoke about their anti-racism training program that was available to local government.

- PUBLIC [7:29pm]

Kelly Clark, in her capacity as co-founder of the Bloomington Mask Drive, noted that although they were no longer accepting direct requests for masks, they had recruited a network of partners around the city to help them to distribute free, handmade, fabric masks made by volunteers. In her capacity as a member of the Bicycle and Pedestrian Safety Commission, Clark read a statement she drafted in response to two pedestrian deaths in the last year, emphasizing the need for safe streets, sidewalks, and public transportation.

Sandberg moved and it was seconded to appoint Amy Oakley to seat C-2, and Pedro Ramirez to advisory seat C-5, on the Commission on Hispanic and Latino Affairs. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There was no legislation for second reading.

Piedmont-Smith moved and it was seconded that Ordinance 20-13 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded that Ordinance 20-14 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no public comment.

Piedmont-Smith moved and it was seconded to read an Encomium for Dan Sherman. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan read the Encomium.

Piedmont-Smith moved and it was seconded to adopt the Encomium for Dan Sherman.

Sherman spoke about his 30 years serving as the Council Attorney. He thanked his colleagues and staff members that worked with him during his tenure.

All councilmembers spoke and thanked Sherman for his assistance with their jobs and recognized the impact he has had on the city.

The motion to adopt the Encomium for Dan Sherman was approved by voice vote.

Sims moved and it was seconded to cancel the Council Work Session scheduled for Friday, July 31. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith reminded Volan that the legislation introduced for first reading was not referred to committees. Volan referred Ordinance 20-13 to the Land Use Committee and Ordinance 20-14 to the Transportation Committee. He suggested on August 5, 2020, the Land Use Committee meet at 5:15pm, the Committee as a Whole meet at 6:30pm, and the Transportation Committee meet at 8:30pm.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:40pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS

LEGISLATION FOR FIRST READING [7:41pm]

Ordinance -20-13 To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for the Thomson PUD to Add 8.46 Acres - Re: 700 W. Guy Avenue (Habitat for Humanity, Petitioner)

Ordinance -20-14 An Ordinance to Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Reflecting A Proposed Redesign Of Seventh Street As The "7-Line"

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE [7:44pm]

Vote to adopt Encomium for Dan Sherman. (8:02pm)

Vote to cancel Council Work Session (8:03pm)

Piedmont-Smith moved and it was seconded that the Council suspend the rules to allow the committee meeting on August 5, 2020 to begin at 5:15pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to suspend the rules and set meeting times for committee meetings earlier than 6:00pm. (8:07pm)

Stephen Lucas, Deputy Council Attorney, had two reminders about recently scheduled meetings for the Public Safety Local Income Tax Committee. The meetings were scheduled for August 4, 2020 at 8:00am and August 6, 2020 at 6:30pm.

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [8:12pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2021.

APPROVE:

ATTEST:

Jim Sims, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-19 - Authorizing the Allocation of the Jack Hopkins Social Services – Recover Forward Funding Cycle Funds for the Year 2021 and Related Matters

Synopsis

This resolution brings forward the recommendations of the 2021 Jack Hopkins Social Services Funding Program Committee. The principal task of the Committee is to recommend funding for local social services agency proposals that best meet Program criteria and best meet the needs of the community. This resolution allocates a total of \$511,000 to 32 different agency programs. The resolution also: approves the funding agreements with these agencies, accepts the report of the Committee, and authorizes the Chair of the Committee to resolve any questions regarding the interpretation of the agreements.

Relevant Materials

- Resolution 21-19
- May 2021 Report from the Jack Hopkins Social Services Funding Committee
 - 2021 Solicitation Letter
 - 2021 Application
 - Elaboration of Criteria
 - Committee Recommended Allocations
 - 2021 Funding Agreement Template

Summary

This is the 29th year of the Jack Hopkins Social Services Funding Program, named after former Councilmember, Jack Hopkins. The Jack Hopkins Social Services Funding Program Committee is a standing committee of the Common Council pursuant to BMC 2.04.210 with the principal task of making funding recommendations to the Common Council regarding the use of discretionary grant funding for social service agencies.

Each year, the demand for funds exceeds supply, and each year, the Committee works hard to develop a fair and responsive process, one sensitive to local need, and one intended to foster responsible fiscal stewardship. This year, the Committee had \$511,000 in funds to distribute.

Resolution 21-19 implements the recommendations of the 2021 Jack Hopkins Social Services Committee. Specifically, the legislation:

- Allocates \$511,000 in grant funds to 32 agency programs;
- Approves the Funding Agreements with these agencies;
- Delegates questions regarding the interpretation of the Agreements to the Chair of the Committee (Susan Sandberg); and
- Approves the Report of the Jack Hopkins Social Services Committee.

Contact

Susan Sandberg, sandbers@bloomington.in.gov, (812) 349-3409

Stephen Lucas, lucass@bloomington.in.gov, (812) 349-3409

RESOLUTION 21-19

AUTHORIZING THE ALLOCATION OF THE JACK HOPKINS SOCIAL SERVICES PROGRAM FUNDS FOR THE YEAR 2021 AND RELATED MATTERS

- WHEREAS, the Common Council established the Social Services Funding Committee (Committee) in 1993 to make recommendations to the entire Common Council and Mayor regarding the allocation of discretionary social services funds and, in 2002, named the program in the honor of Jack Hopkins, who was instrumental as a Council member in the establishment of this funding program; and
- WHEREAS, pursuant to Resolution 02-16, as amended by Resolution 13-07, Resolution 16-06, and Resolution 20-09, the Committee serves as a standing committee of the Council with four members from the Council assigned by the President of the Council and with three City residents (appointed by the Committee Chair) with experience in social services; and
- WHEREAS, this year the Committee includes Council members Susan Sandberg (Chair), Ron Smith, Sue Sgambelluri, and Kate Rosenbarger along with City residents Tim Mayer, Mark Fraley, and Lauren McCalister; and
- WHEREAS, this year, the Committee has \$511,000 in budgeted funds to distribute; and
- WHEREAS, the Committee held an Organizational Meeting on March 2, 2021 to establish the program procedures for the year; and
- WHEREAS, at that time, the Committee affirmed its policies which set forth and elaborated upon the following criteria for making recommendations:
1. The program should address a previously identified priority for social services funds (as indicated in the *Service Community Assessment of Needs (SCAN)*, the City of Bloomington Housing and Neighborhood Development Department's *Consolidated Plan*, or any other community-wide survey of social service needs); and
 2. The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, makes a significant contribution to the program; and
 3. This investment in the program should lead to broad and long lasting benefits to the community; and
- WHEREAS, this affirmation included a 2012 change that allowed agencies to submit a second application as part of a collaborative project with one or more other agencies; and
- WHEREAS, this affirmation also included a change in 2016 that allowed agencies to submit requests for operational funding that did not meet one of the long-standing exceptions to the "one time funding requirement:" pilot projects, bridge funding, and collaborative projects; and
- WHEREAS, by the extended deadline at 5:00 p.m. on May 5, 2021 (an original deadline was established for May 2, 2021 but was extended due to it falling on a City of Bloomington Holiday), the Committee received 33 timely applications seeking approximately \$561,861.86 in funding; and
- WHEREAS, on April 20, 2021 the Committee met to discuss the applications, and, submitted written questions to agencies seeking additional information where needed; and
- WHEREAS, on April 29, 2021, select applicants gave presentations to the Committee electronically via Zoom; and
- WHEREAS, after receiving agency responses to the Committee's written questions and hearing the presentations, the members of the Committee evaluated proposals and assigned each proposal a recommended allocation; and
- WHEREAS, on May 11, 2021, the Committee met for a pre-allocation meeting and adopted a preliminary recommendation to fund 32 applications and these recommendations were adopted by the Committee at its Allocation Hearing on May 18, 2021; and
- WHEREAS, all the foregoing meetings were open to the public to attend, observe and record what transpired, and a period of public comment was offered before a vote on the recommendations was taken; and
- WHEREAS, funding agreements have or will be executed by the 32 agencies recommended to receive

funds, and those agencies understand and agree to abide by the terms of those agreements;
and

WHEREAS, the staff of the HAND department will arrange for the disbursement of the grant funds pursuant to the funding agreements, which will be interpreted by the Chair of the Committee; and

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

SECTION 1. The Common Council now allocates Five Hundred Eleven Thousand Dollars (\$511,000.00) set aside for the Jack Hopkins Social Services Funding program to the following agencies for the following amounts and in accordance with the funding agreements approved in Section 2.

SECTION 2. The Council approves the funding agreements for these allocations, copies of which are kept in the Council Office and HAND department files, and directs the Office of the Controller to issue checks in the ordinary course of business to the agency once the staff of the Housing and Neighborhood Development Department submit a copy of the signed agreement and the appropriate purchase orders.

	<u>Agency</u>	<u>Grant</u>	<u>Purpose</u>
1.	All Options Pregnancy Resource Center	\$3,940.00	Mobile diaper distribution program.
2.	Amethyst House	\$21,800.00	Upgrade Women's Residential facility and paint the Women's House.
3.	Beacon Inc.	\$25,000.00	Rent and utility support for up to 200 households.
4.	Big Brothers Big Sisters of South Central Indiana	\$20,000.00	Operational Support.
5.	Bloomington Community Bike Project	\$6,800.00	Free Bikes program, a tow behind trailer and bike shop equipment.
6.	Bloomington Meals on Wheels	\$5,673.00	Website redevelopment.
7.	Bloomington Pets Alive Inc.	\$12,500.00	Expand High-volume spay/neuter program and Wellness Clinic.
8.	Bloomington St. Vincent de Paul serving Monroe County	\$30,000.00	Rental and deposit assistance.
9.	Boys & Girls Clubs of Bloomington	\$24,000.00	Continuing Operations post Covid-19.
10.	Catholic Charities Bloomington	\$17,800.00	Hire a therapist to serve adolescents and young adults.
11.	City Church for All Nations Outreach	\$6,649.42	Purchase a used moving truck.
12.	Community Justice and Mediation Center	\$27,424.00	Housing and Eviction Prevention Program (HEPP).
13.	Community Kitchen of Monroe County, Inc.	\$5,400.00	Produce Cooler Replacement.
14.	Courage to Change Sober Living	\$3,036.00	Drug Testing Kits for Residents.
15.	Habitat for Humanity of Monroe County	\$9,473.00	Purchase a riding mower, chipper/mulcher, and chainsaw.
16.	HealthNet Inc.	\$12,300.00	Public Awareness Campaign.
17.	Hoosier Hills Food Bank	\$35,000.00	Covid Food Purchasing Project 2021.
18.	Hotels for Hope Inc.	\$21,500.00	To continue housing families experiencing homelessness.
19.	Indiana Recovery Alliance	\$17,000.00	Development Director salary support.
20.	Life Designs	\$28,676.26	Pilot a Day Services Program.
21.	Middle Way House	\$10,000.00	Replacement Work Truck.
22.	Monroe County United Ministries	\$22,000.00	Upgrade building exterior.
23.	Mother Hubbard's Cupboard	\$11,325.03	Office and pantry furniture.
24.	My Sister's Closet of Monroe County	\$22,400.00	Supplement the salary of an Assistant Store Manager.
25.	New Hope for Families	\$35,000.00	Purchase appliances and furnishings for new shelter.
26.	New Leaf New Life	\$12,000.00	Reentry Case Management and Direct Services Supplies.
27.	Pro Bono Indiana, dba District 10 Pro Bono Project	\$8,206.00	Housing and Eviction Prevention Project (HEPP)

	<u>Agency</u>	<u>Grant</u>	<u>Purpose</u>
28.	Refugee Support Network	\$8,000.00	Clients' rent, utilities, transportation, and medical expenses.
29.	South Central Community Action Program	\$2,944.22	Making Healthy Choices videos and gardening kits.
30.	Tandem Community Birth Center and Postpartum House	\$30,000.00	Birth Center Facilities launch.
31.	The Persisterhood Workshop, Inc.	\$2,943.07	Purchase professional equipment.
32.	The Project School	\$12,210.00	Installing a laundry room in a classroom building.

SECTION 3. The Council authorizes the Chair of the Jack Hopkins Social Services Funding Committee to resolve any questions regarding the implementation of the 2021 funding agreements.

SECTION 4. The Council also approves the 2021 Report of this Standing Committee of the Common Council.

PASSED 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 resolution brings forward the recommendations of the 2021 Jack Hopkins Social Services Funding Program Committee. The principal task of the Committee is to recommend funding for local social services agency proposals that best meet Program criteria and best meet the needs of the community. This resolution allocates a total of \$511,000 to 32 different agency programs. The resolution also: approves the funding agreements with these agencies; accepts the report of the Committee; and authorizes the Chair of the Committee to resolve any questions regarding the interpretation of the agreements.

City of Bloomington Common Council Jack Hopkins Social Services Committee

REPORT AND RECOMMENDATION ON:

RESOLUTION 21-19 - Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2021 and Related Matters

Prologue: *The following description of the 2021 Jack Hopkins Social Services Program, along with the supporting documentation attached hereto, constitutes the Report of the 2021 Jack Hopkins Social Services Committee pursuant to Bloomington Municipal Code 2.04.230. The Report of the Committee is advisory in nature.*

This is the 29th year of the Jack Hopkins Social Services Funding Program, named after former Councilmember Jack Hopkins. Since its inception in 1993 through 2020 the City has expended approximately \$5 million under this program to serve the needs of our community's most vulnerable residents. Indeed, since the inception of this program, funding has increased dramatically: from \$90,000 in 1990 to \$511,000 available in 2021. Each year, the demand for funds exceeds supply, and each year, the Committee works hard to develop a fair and responsive process, one sensitive to local need, and one intended to foster responsible fiscal stewardship.

Res 21-19 implements the recommendations of the 2021 Jack Hopkins Committee. The legislation:

- Allocates \$511,000 in grant funds to 32 agency programs.
- Approves the *Funding Agreements* with these agencies;
- Delegates questions regarding the interpretation of the *Funding Agreements* to the Chair of the Committee (Councilmember Sandberg);
- Approves the *Report* of the Hopkins Committee (which includes this summary and the attached supporting documentation).

Committee Members

The Committee is a Standing Committee of the Council, pursuant to BMC 2.04.210. The 2021 Committee included four Council members and three members of the public with experience in social services. The non-Council members are appointed by the Committee Chair:

- Susan Sandberg (Chair)
- Sue Sgambelluri
- Kate Rosenbarger
- Ron Smith
- Tim Mayer
- Mark Fraley
- Lauren McCalister

HAND Staff

While Council staff coordinates the program prior to Council action, John Zody and Cody Toothman of HAND provide critical insight and assistance throughout the process. Once Council approves the recommended allocations, Mr. Toothman executes reimbursement of funds to agencies, monitors the grants, and otherwise advises agencies post-award.

The 2021 Hopkins Process

The following is a brief summary of the 2021 Hopkins process:

- **Organizational Meeting – 2 March 2021**

The Committee met to establish policies and procedures for the 2021 program. At this meeting the Committee:

- Heard a report of last year's grants from the HAND department;
- Voted to continue the practice of accepting requests for operational funding that do not fit within one of the long-standing exceptions to the "one time funding" rule: pilot projects, bridge funding, and collaborative projects. and should have a well-developed plan for future funding;
- Adopted the elaboration of criteria for evaluating and awarding grants;
- Approved the solicitation materials as amended; and
- Established a schedule for 2021.

- **Request for Applications Issued – 05 March 2021**

The Council Office sent a solicitation letter directly to social services agencies, posted the letter and application on the Committee's website, and issued a press release announcing the availability of the application.

- **Technical Assistance Meeting – 18 March 2021***

A voluntary Technical Assistance meeting was held via Zoom on 18 March in order to explain the program to, and answer questions from, agency representatives. Approximately 20 individuals attended the meeting. Agencies were encouraged to email the Council office with remaining questions.

- **Deadline for Applications – moved from 2 April 2021 to 5 April 2021, 4:00pm**

The deadline for applications was extended to 5 April due to the original deadline falling on a City of Bloomington holiday. Agencies were informed of the extension on 25 March 2021. A total of 35 timely applications were submitted to the Council Office by the deadline requesting a total of \$648,196.86.

- **Distribution of Packet of Applications – 17 April 2021**

The Council Office distributed summaries and application materials to committee members and staff.

- **Initial Review of Applications by the Committee – 20 April 2021***

The Committee met electronically via Zoom for an initial review of the 35 applications. The Committee first announced any conflicts of interests before reviewing the applications. During its initial review, the Committee removed two applications from further consideration and developed questions to be answered by remaining agencies, which were shared with the agencies via email. One agency chose to withdraw its application after submittal.

- **Agency Presentations – 29 April 2021**

Due to the COVID-19 public health emergency, agency presentations were held electronically via Zoom this year. 32 agencies presented, with each agency having an opportunity to speak for up to five minutes. Agencies were then able to answer any remaining questions posed by committee members.

- **Individual Committee Member Recommendations – 6 May 2021**
Committee members submitted individual recommended allocations and comments to the Council Office. The Council Office averaged allocations and returned those averages, along with compiled comments, to the Committee in interest of its next meeting.
- **Pre-Allocation Meeting – 11 May 2021***
The Committee met electronically via Zoom and made preliminary recommendations for funding amounts to be considered at its Allocation hearing.
- **Allocation Hearing – 18 May 2021***
The Committee met electronically via Zoom and recommended funding 32 agency applications for a total of \$511,000. The Committee offered an opportunity for public comment before voting on its recommendations at this meeting.
- **De-Briefing Meeting – 27 May 2021***
The Committee met electronically via Zoom to review the 2021 program – what worked well and what warrants change in 2022. The Committee recommended two changes for 2022*:
 1. That the Committee should accept requests for operational funding and that the Elaboration of Criteria be modified to reflect the change; and
 2. That the Elaboration of Criteria should be modified to reflect that paid time off and bonuses shall not be considered eligible for Jack Hopkins Social Services Funding.
- **Council Action – 16 June 2021**
The Common Council will consider the *Resolution* approving recommendations and taking related actions regarding the program.
- **Technical Assistance Meeting for Grantees - Tuesday, 22 June 2021, 9:30am*** – The HAND department has scheduled a Technical Assistance meeting to inform funded agencies how to obtain reimbursements under the grant.

Criteria and Other Program Policies

Former Council member Jack Hopkins established three criteria for this program in 1993. The Committee has elaborated upon the criteria over the years by providing a policy statement, which was sent out with the funding solicitation as well as placed on the Jack Hopkins web page. Those criteria are briefly stated below:

- 1) The program should address a previously-identified priority for social services funding (as indicated in the *Service Community Assessment of Needs [SCAN]*, the City of Bloomington Housing and Neighborhood Development Department's *Consolidated Plan* or any other community-wide survey of social service needs);
- 2) The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, makes a significant contribution to the program; and
- 3) This investment in the program should lead to broad and long-lasting benefits to the

community.

On Criteria: Continued Allowance for Operational Funds

As originally envisioned, Hopkins funds were intended to be a “one-time investment.” This one-time funding rule was intended to encourage innovation, address changing community needs, and to discourage dependency of an agency on Hopkins funding for its on-going operational needs. Over time, the Committee has established exceptions to the “one time funding” rule. Those exceptions allow for requests for operating funds for a pilot project, to bridge the gap left by a loss of another funding source, and for collaborative projects. For the last several years, the Committee has received increasing feedback from agencies calling for a broader allowance for operational requests. Agencies have opined that in the current economic climate, operational funds are the hardest to come by and that such funds are critical for non-profits’ continued provision of essential services. In response, in 2016 the Committee voted to accept applications for operational funds that do not fit one of the aforementioned exceptions. The Committee agreed to continue this practice again this year and included the following proviso in its solicitation material:

Continued Allowance for General Operational Funds

Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is again accepting applications for operational funds that *do not* meet one of the exceptions to the one-time funding rule. However, know that preference will still be given to initiatives that are one-time investments.

Enhanced Reporting on Efficacy of Operational Funds

Over time, the Committee has worked to build in more meaningful reporting requirements for grantees, such that it might be better positioned to assess the efficacy of a program or agency in future years. This is especially true for operational funds, as the Committee has agreed to continue with the broad operational allowance for 3-4 years before evaluating the change. For that reason, this year’s Committee continued the enhanced reporting requirement requiring those who receive operational funds to report back to the Committee at two points: once when the agency submits its final claim in early December (a requirement made of all grantees); and again by 30 March 2022 to provide an update on the project’s outcome indicators. Operational costs are those that are recurring and include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other like ongoing budget items.

The 2021 Report of the Jack Hopkins Social Services Funding Committee is signed by the following majority of its membership:

Council Members

Date

/s/ Susan Sandberg
Susan Sandberg (Chair)
Council Member, At-Large

June 8, 2021

/s/ Ron Smith
Ron Smith
Council Member, District III

June 8, 2021

/s/ Sue Sgambelluri
Sue Sgambelluri
Council Member, District II

June 8, 2021

/s/ Kate Rosenbarger
Kate Rosenbarger
Council Member, District I

June 8, 2021

Residents With Experience in Social Services

/s/ Tim Mayer
Tim Mayer

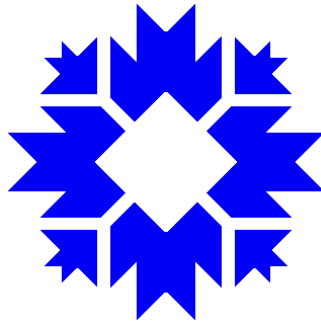
June 8, 2021

/s/ Mark Fraley
Mark Fraley

June 8, 2021

/s/ Lauren McCalister
Lauren McCalister

June 8, 2021



City of Bloomington Common Council

Jack Hopkins Social Services Funding Committee

March 5, 2021

Dear Social Services Agency:

The City of Bloomington Common Council's Jack Hopkins Social Services Committee invites social services agencies serving the needs of City of Bloomington residents to apply for 2021 grant funding. This year, the Committee has \$511,000 (plus possible reverted funds) to distribute. Each year, the Mayor and City Council have increased funding for the Jack Hopkins initiative. This year's significant increase over past years is due to the City's ongoing Recover Forward initiative, designed to bolster Bloomington's nonprofit sector during the COVID-19 pandemic. Indeed, since 1993, the Jack Hopkins Committee has granted approximately \$5 million to social service agencies who serve our community's most vulnerable residents.

As funding for the Jack Hopkins program has steadily increased over the years, so too has our responsibility to be good stewards of this fund – a fund enabled by City of Bloomington taxpayer dollars. As stewards of these dollars, we strive to fund projects that have the potential for lasting change -- projects that will improve the human condition of Bloomington residents in the long run. Please be advised that, depending on the strength of the applicant pool, the Committee may not distribute all of its available funding.

Proposal Must Meet the Following Criteria:

- 1) Address a Previously-Identified Priority for Social Services Funding.
The need should be documented in the [Service Community Assessment of Needs \(SCAN\)](#), City of Bloomington, Housing and Neighborhood Development Department's [Consolidated Plan](#), or any other community-wide survey of social service needs. High funding priorities include emergency services (food, shelter or healthcare) or other support services to City residents who are: low-moderate income, under 18-years old, elderly, affected with a disability, or are otherwise disadvantaged.

2) Function as a One-Time Investment

Hopkins grants are intended to be a one-time investment. This restriction is meant to encourage innovative projects and to allow the funds to address changing community circumstances. While the Committee may provide operational funding for pilot projects, bridge efforts, and collaborative initiatives, an agency should not expect to receive or rely on the Hopkins fund for on-going costs (e.g., personnel) from year to year.

Continued Allowance for General Operational Funds

Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is again accepting applications for operational funds that *do not* meet one of the exceptions to the one-time funding rule. Know further that this new allowance is specific to the 2021 funding cycle; the Committee may not offer this allowance in 2022.

- Due to the challenges faced by community organizations from the COVID-19 pandemic, the Committee, for the 2021 funding cycle only, will accept applications from agencies two years in a row for the same operational expense.
- As always, any request for operational funds must be accompanied by a well-developed plan for future funding.

3) Leverage Matching Funds or Other Fiscal Mechanisms

Other fiscal mechanisms might include things like number of volunteers or volunteer hours devoted to the proposed project, working in partnership with another agency, and/or other in-kind donations.

4) Make a Broad and Long-Lasting Contribution to Our Community

As articulated by Jack Hopkins, the co-founder of this program: “[P]riority should be given to projects or programs where investments now will have a positive, long-term spillover effect (such as reduced susceptibility to...diseases, decreased absences from school, reducing lost time from work, [alleviating the effects of poverty]...etc.)” Historically, this criterion has excluded funding for events or celebrations.

Collaboration – Two Applications Allowed

The Committee continues to accept applications for collaborative projects that address community-wide social problems and more efficiently meet the needs of social service agencies and agency clients. Note that if you are submitting a collaborative application, you may submit two applications – an individual application on behalf of your agency and another as part of your collaborative proposal. If submitting an application for a collaborative project, applicants must include a Memorandum of Understanding (MOU).

Elaboration of Criteria

Over time, the Committee has refined each criterion. A detailed explanation of criteria is provided in the Committee's *Elaboration of Criteria*, posted on the Committee's webpage <https://bloomington.in.gov/council/jack-hopkins>. Agencies are strongly encouraged to review this document.

Other Requirements

In addition to satisfying the Jack Hopkins criteria, to be eligible for funding an application must meet the following requirements:

- Hopkins funds are intended to be put to work in the community as soon as possible. For that reason, agencies must submit final claims no later than December 8, 2021.
- The program for which funding is sought ***must primarily benefit City residents***.
- The application must request a minimum of \$1,000.
- The applicant must be a 501(c)(3), or be sponsored by one. In the event the applicant is sponsored by a 501(c)(3), the sponsoring agency must provide a letter acknowledging its fiscal relationship to the applicant. All new applicants are required to submit 501(c)(3) documentation.
- One application per agency, unless participating in a collaborative project.
- Any agency receiving Jack Hopkins funds must participate in the federal [E-Verify](#) program.

Living Wage Requirements

Some not-for-profit agencies receiving Jack Hopkins Funds are subject to the City's Living Wage Ordinance, *Bloomington Municipal Code §2.28*. For 2021, the Living Wage is \$13.29 an hour, of which \$1.99 may be in form of health insurance to the covered employee.

An agency is subject to the Living Wage Ordinance, **only if all three** of the following are true:

1. The agency has at least 15 employees; and
2. The agency receives \$25,000 or more in assistance from the City in the same calendar year;
and
3. At least \$25,000 of the funds received are for the operation of a social services program, not for physical improvements.

An agency who meets all three criteria is not obligated to pay the full amount of the living wage in the first two years they received assistance from the City; instead they are subject to a phase-in requirement. Please visit [Living Wage FAQs for Non-Profits](#) to learn more.

How to Apply

To be eligible for consideration, your agency **must** submit the following. Applications that are missing any of the required information will be eliminated from further consideration.

- ✓ **COMPLETED [APPLICATION FORM](#)** An electronic, fillable PDF is available [HERE](#) on the Jack Hopkins website. (Return as a PDF)
- ✓ **PROJECT BUDGET DETAILING THE USE OF HOPKINS FUNDS** (Please Note: this is a detailed accounting of how Jack Hopkins dollars would be spent on the project proposed in the application, not the budget for the organization)
- ✓ **[APPLICATION SUMMARY](#)** (Return as a Word Document)
- ✓ **A YEAR-END FINANCIAL STATEMENT** including fund balances, total revenue and expenditures
- ✓ **SIGNED, WRITTEN ESTIMATES** if seeking funding for capital improvements
- ✓ **A MEMORANDUM OF UNDERSTANDING** signed by all agencies participating in an application for a Collaborative Project
- ✓ **501(c)(3) DOCUMENTATION FOR ANY FIRST-TIME HOPKINS APPLICANT**
Agencies who have previously applied from Jack Hopkins funding do not need to provide this documentation.

APPLICATION DEADLINE

MONDAY, 05 APRIL 2021 at 4:00 PM

Applications must be received no later than 4:00pm

council@bloomington.in.gov with the subject: [agency name] - 2021 JHSSF Application

While electronic submissions are strongly encouraged, applicants may also deliver or mail their applications to the Council Office: Suite 110, 401 N. Morton

NO LATE APPLICATIONS ACCEPTED

Helpful Hints

- Consult the [Application Checklist](#)
- Attend the Technical Assistance Meeting
While attendance at the Technical Assistance Meeting is not required, it is strongly encouraged for new applicants and for those agencies whose applications have not been successful in the past. Bring your questions.
- Read the [Elaboration of Criteria](#) as Posted on the [Committee's webpage](#).
This document provides further explanation of the Committee's funding criteria. Agencies whose proposals are not successful sometimes fail because the proposal runs afoul of a rule in this document.
- Keep your Application Clear and Concise.
Remember, in some years, Committee members have had as many as 50 applications to review.
- Applications Should Be Self-Explanatory and Self-Contained
(i.e., no need for staff follow up; **no** addenda accepted after the deadline)
- Review an Example of a [Well-Written Application](#)
as posted on the Committee's webpage.
- Peruse Other Successful Applications
as posted on the [Committee's webpage](#).

About the Jack Hopkins Committee

The Committee is composed of four members of the Bloomington Common Council and three City residents with experience in social services. Councilmembers serving are: Susan Sandberg (Chair), Kate Rosenbarger, Sue Sgambelluri, and Ron Smith. The citizen appointments are: Tim Mayer, Mark Fraley, and Lauren McCalister.

2021 Jack Hopkins Social Services Funding Schedule

Technical Application Assistance Meeting (attendance optional)	Thursday, 18 March 2021 at 4:00 pm (Online Via Zoom)
APPLICATION DEADLINE	MONDAY, 05 APRIL 2021 at 4:00 PM
Invited Agencies Present Applications <i>Failure to attend this meeting may be grounds for disqualification of your application.</i> <u>Note:</u> This year, agencies will make their presentations in reverse alphabetical order.	Thursday, 29 April 2021 at 5:30 pm
Committee Recommends Allocation of Funds	Tuesday, 18 May 2021 at 6:00 pm
Agencies Sign Funding Agreements	Early June 2021
Common Council Acts on Committee Recommendations	Wednesday, 16 June 2021 at 6:30 pm
HAND Technical Assistance Meeting for Grantees on Claims & Reimbursements	Tuesday, 22 June 2021 at 9:00 am

Per Executive Orders issued by the Governor, meetings will be conducted electronically until further notice. Zoom links or meeting locations will be posted to the [Jack Hopkins website](#) in the week before a scheduled meeting.

Help with Applications

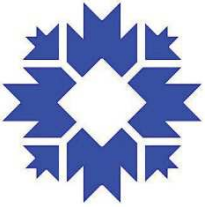
The application process is designed to be simple. However, if you have any questions, please don't hesitate to give us a call. You can email the Council Office at council@bloomington.in.gov or Cody Toothman in the Housing and Neighborhood Development Department at cody.toothman@bloomington.in.gov.

Thank you for all you do to make our community a better place!

Sincerely,

/s/ Susan Sandberg

Susan Sandberg, Chair
2021 Jack Hopkins Social Services Committee
City of Bloomington Common Council



**CITY OF BLOOMINGTON, COMMON COUNCIL
JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE
2021 GRANT APPLICATION**

APPLICATION CHECKLIST

All applicants for 2021 Jack Hopkins funding must submit the following:

- ✓ **COMPLETED APPLICATION FORM** (return as a PDF)
- ✓ **COMPLETED APPLICATION SUMMARY** (return as a Word Document)
- ✓ **PROJECT BUDGET DETAILING THE USE OF JACK HOPKINS FUND** (Please Note: this is a detailed accounting of how Jack Hopkins dollars would be spent on the project proposed in the application, not an organization budget)
- ✓ **A YEAR-END FINANCIAL STATEMENT** fund balances, total revenue, expenditures
- ✓ **SIGNED, WRITTEN ESTIMATES** if seeking funding for capital improvements
- ✓ **501(c)(3) DOCUMENTATION** for any first-time applicant.
- ✓ **A MEMORANDUM OF UNDERSTANDING** signed by all agencies participating in an application for a Collaborative Project

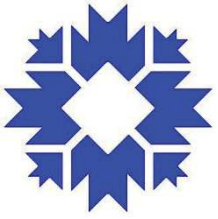
ALL APPLICATIONS MUST BE RECEIVED BY

MONDAY, 05 APRIL 2021 at 4:00 PM.

Send to: council@bloomington.in.gov

with subject line “[agency name] - 2021 JHSSF App”

Incomplete or late applications will not be accepted.



**CITY OF BLOOMINGTON, COMMON COUNCIL
JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE
2021 GRANT APPLICATION**

CONTACT INFORMATION

Lead Agency Name: _____

Address:

Phone: _____

E-Mail: _____

Website: _____

President of Board of Directors: _____

Name of Executive Director: _____

Phone: _____

E-Mail: _____

Name of Grant Writer: _____

Phone: _____

E-Mail: _____

AGENCY INFORMATION

Is the Lead Agency a 501(c)(3)?

Yes

No

Number of Employees:

Full-Time	Part-Time	Volunteers

MISSION STATEMENT *(150 words or less)*

Note to faith-based applicants: If your organization is a faith-based agency, please provide the mission statement of your proposed project, not your agency. Please further note: 1) Hopkins funds may never be used for inherently religious activity; 2) Any religious activity must be separate in time or place from Hopkins-funded activity; 3) Religious instruction cannot be a condition for the receipt of services; and 4) Any Hopkins program must be open to all without a faith test.

PROJECT INFORMATION

Name of the project to be funded:

Total cost of project: _____

Requested amount of Jack Hopkins funding: _____

Number of City residents to be served by this project in 2021: _____

Number of clients to be served by this project in 2021: _____

PROJECT SYNOPSIS *(200 words or less)*

Describe the project to be funded. Begin your synopsis with the amount you are requesting and a concrete description of your proposed project. *Example - "We are requesting \$7,000 for an energy-efficient freezer to expand our emergency food service program."*

COLLABORATIVE PROJECTS

Is this a collaborative project?

Yes

No

If yes, list the name(s) of agency partner(s)

How do your missions, operations and services complement each other?

What is the existing relationship between agencies?

How will communication and coordination change as a result of the project?

Explain any challenges and steps you plan to take to address those challenges.

For collaborative projects, please attach a signed Memorandum of Understanding to this application.

PROJECT LOCATION

Address where the project will be housed (if different than agency address):

Do you own or have site control of the property at which the project is to take place?

Yes No N/A

If you are seeking funds for capital improvements to real estate and if you do not own the property at which the project will take place, please explain your long-term interest in the property. For example, how long has the project been housed at the site? Do you have a contract/option to purchase? If you rent, how long have you rented this property and what is the length of the lease? Be prepared to provide a copy of your deed, purchase agreement, or lease agreement upon the Committee's request.

Is the property zoned for your intended use? Yes No N/A

If "no," please explain:

If permits, variances, or other forms of approval are required for your project, please indicate whether the approval has been received. If it has not been received, please indicate the entity from which the permitting or approval is sought and the length of time it takes to secure the permit or approval. *Note: Funds will not be disbursed until all requisite variances or approvals are obtained.*

PROJECT COSTS

Is this request for operational funds? *(e.g., salaries, rent, vouchers, etc),*

Yes No

If “yes,” indicate the nature of the operational request:

Pilot Bridge Collaborative
 None of the above – General request for operational funds

Other Expected Project Funds: *(Indicate source, amount, and whether confirmed or pending):*

Describe when you plan to submit your claims for reimbursement and what steps precede a complete draw down of funds:

If completion of your project depends on other anticipated funding, please describe when those funds are expected to be received:

FISCAL LEVERAGING *(100 words or less)*

Describe how your project will leverage other resources (e.g., other funds, in-kind contributions, or volunteers.)

FUNDING PRIORITIES – RANKED

If the Committee is unable to meet your full request, will you be able to proceed with partial funding? (Due to limited funds, the Committee may recommend partial funding for a program)

Yes No

If “yes”, provide an itemized list of program elements, ranked by priority:

	Item	Cost
Priority #1		
Priority #2		
Priority #3		
Priority #4		
Priority #5		
Priority #6		
Priority #7		
Total Requested		

JACK HOPKINS FUNDING CRITERIA

NEED *(200 words or less)*

Explain how your project addresses a previously-identified priority for social services funding as documented in the [Service Community Assessment of Needs](#), the City of Bloomington, Housing and Neighborhood Development Department's [2015-2019 Consolidated Plan](#), or any other community-wide survey of social service needs.

ONE-TIME INVESTMENT *(100 words or less)*

Jack Hopkins Funds are intended to be a one-time investment. Explain how your project fits this criterion. If you are requesting operational funds (e.g., salaries, rent, vouchers, etc), please explain how your project satisfies an exception to the one-time funding rule (pilot, bridge, or collaborative). If you are requesting operational funds that do not satisfy one of the aforementioned exceptions, but your request is being made pursuant to the 2021 allowance for operational funds, please make that clear. If you are requesting operational funding, you must detail your plan for future funding.

LONG-TERM BENEFITS (200 words or less)

How will your project have broad and long-lasting benefits for our community?

OUTCOME INDICATORS (100 words or less)

Describe the outcome indicators to be used to measure the success of your project.

The ultimate outcome of a project (e.g., reduced hunger, homelessness or addiction rates) are often not readily observable within the Jack Hopkins funding period. For that reason, we are asking agencies to provide us with outcome indicators. In contrast to program activities (what you bought or did with grant funds) and the long-term impacts of a program (the lasting social change effected by your initiative), the data we seek are the short-term, preferably quantitative indicators used to measure the change your program has created during the period of your funding agreement. *Example: an agency providing a service might cite to the number of persons with new or improved access to a service.*

OTHER COMMENTS *(500 words or less)*

Use this space to provide other information you think the Committee would find useful. Any additional comments should supplement, not restate, information provided in the foregoing.



Jack Hopkins Social Services Funding Program

Elaboration of Criteria for Evaluating and Awarding Grants

(Updated February 2021)

In 1993 Jack Hopkins wrote a letter outlining a set of criteria for the use of these social services funds. Those criteria have since served as the basis for allocating the funds. The following is an elaboration of those criteria. These interpretations have been approved by the Jack Hopkins Social Services Committee.

Program Focus

The program should address a previously-identified priority for social services funds (as indicated in the Service Community Assessment of Needs (SCAN), the City of Bloomington Housing and Neighborhood Development Department's 2015-2019 Consolidated Plan or any other community-wide survey of social service needs.)

Priorities

The Common Council prioritizes programs that provide food, housing, healthcare, or other services to city residents who are of low or moderate income, under 18-years of age, elderly, affected with a disability, or otherwise disadvantaged.

- I. City Residency - Programs must primarily serve City residents. Individual programs have occasionally been located outside of the City but, in that case, funds have never been used for capital projects (e.g. construction, renovation, or improvement of buildings).
- II. Low Income - Programs primarily serving low-income populations are given a high priority.
- III. Emergency Services – Programs primarily providing emergency services (e.g. food, housing, and medical services) will be given a high priority.

Scope of Funding

The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, make a significant contribution to the program.

One-Time Investment

This restriction is intended to encourage innovative projects and to allow the funds to address changing circumstances. To make funds available for those purposes, this restriction discourages agencies from relying on these funds from year to year and from using these funds to cover on-going (or operational) costs, particularly those relating to personnel.

About Operational Expenses

These costs are recurring rather than non-recurring costs. Recurring cost typically include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other ongoing budget items. Non-recurring costs typically include outlays for capital improvements and equipment. Ongoing or operational costs are not generally considered a “one time investment.”

Exceptions

Operational Expenses may be eligible for funding in any one of the following three circumstances:

- I. When an agency is proposing start-up funds or a pilot project and demonstrates a well-developed plan for funding in future years which is independent of this funding source.
- II. When an agency demonstrates that an existing program has suffered a significant loss of funding and requires “bridge” funds in order to continue for the current year
- III. When agencies seek funds as part of a Collaborative Project (see below)

Renovation versus Maintenance

Costs associated with the renovation of a facility are an appropriate use of these funds, while the costs associated with the maintenance of a facility are considered part of the operational costs of the program and, when eligible, will be given low priority. When distinguishing between these two kinds of outlays, the Committee will consider such factors as whether this use of funds were the result of unforeseen circumstance or will result in an expansion of services.

Conferences and Travel

Costs associated with travel or attending a conference will generally be considered as an operating cost which, when eligible, will be given low priority.

Computer Equipment

Generally the costs associated with the purchase, installation, and maintenance of personal computers and related equipment will be considered an operational cost and, when eligible,

be given low priority. However, the costs associated with system-wide improvements for information and communication technologies, or for specialized equipment may be considered a one-time investment.

Scholarships and Vouchers

Scholarships and vouchers allowing persons to participate in a program are generally considered as an operational cost.

Fiscal Leveraging

In the words of Jack Hopkins, who originally proposed these criteria, investments “should be leveraged wherever possible by matching funds from other sources.” Agencies may demonstrate such leveraging by using matching funds, working in partnership with other agencies, or through other means.

Applications from City Agencies and Other Property Tax Based Entities

Over the years the Council has not funded applications submitted by city departments. This is based on the theory that the departments have other, more appropriate avenues for requesting funds and should not compete against other agencies, which do not have the benefit of city resources at their disposal. Except on rare occasions, the Council has not directly or indirectly funded agencies that have the power to levy property taxes or whose primary revenues derive from property taxes.

Program Goal

This investment in the program should lead to broad and long lasting benefits to the community. Again, in the words of Jack Hopkins, “priority should be given to projects or programs where investments now will have a positive, long-term spillover effect (such as reduced susceptibility to ...diseases, decreased absences from school, reducing lost time (from work) .., etc.)

Collaborative Projects

The Committee encourage social service agencies to collaborate in order to solve common problems and better address local social service needs. To serve these ends, the Committee will allow agencies to submit an application for funding as a Collaborative Project in addition to submitting a standard application.

Collaborative Project Applicants

Applicants pursuing such funding should:

- I. Declare that they are seeking funds as a Collaborative Project and describe the project
- II. Describe each agency’s mission, operations, and services, and how they do or will complement one another
- III. Describe the existing relationships between the agencies and how the level of communication and coordination will change as a result of the project

- IV. Identify challenges to the collaboration and set forth steps that address the greatest challenges to its success
- V. Address the following standard criteria and explain how the collaborative project will:
 - Serve a previously-recognized community need
 - Achieve fiscal leveraging or efficiencies
 - Provide a broad and long lasting benefits to the community
- VI. Complete a Memorandum of Understanding signed by authorized representatives of collaborating agencies and detailing the allocation of duties between them

Other Policies

Agency Acting as Fiscal Agent Must have 501(c) (3) Status

The agency that acts as the fiscal agent for the grant must be incorporated as a 501(c)(3) corporation. This policy is intended to assure that grant funds go to organizations:

- I. With boards who are legally accountable for implementing the funding agreements
- II. With the capability of raising matching funds which is an indicator of the long-term viability of the agency.

Given its mission, the presence of a board, and its general viability, an exception has historically been made for the Bloomington Housing Authority.

Funding of Events and Celebrations Discouraged

Historically the Council has not funded applications that promote or implement events or celebrations. This policy is based upon the conclusion that these occasions do not engender the broad and long-lasting effects required above.

One Application per Agency – Exception for Collaborative Projects

Except as noted below, each agency is limited to one application. This policy is intended to:

- I. Spread funds among more agencies
- II. Assure the suitability and quality of applications by having the agency focus and risk their efforts on one application at a time
- III. Lower the administrative burden by reducing the number of applications of marginal value.

As noted above, an exception to this rule applies to agencies that submit an application as a Collaborative Project. Those agencies may also submit one other application that addresses the standard criteria.

Improvements to Real Property not Owned by the Applicant Agency is Discouraged

Applicants are advised that the Committee typically does not grant funds to agencies for capital improvements to real property not owned by the agency. Applications for construction, renovation, or improvements to a building not owned by the applicant agency will be given a low priority.

\$1,000 Minimum Dollar Amount for Request

This is a competitive funding program involving many hours on the part of staff and the committee members deliberating upon and monitoring proposals. The \$1,000 minimum amount was chosen as a good balance between the work expended and the benefits gained from awarding these small grants.

Funding Agreement – Reimbursement of Funds

Agencies that are granted funds will be expected to enter into a funding agreement with the City of Bloomington. The Housing and Neighborhood Development (HAND) Department has been monitoring funding agreements since 2001. In order to be consistent with the practices it employs in monitoring CDBG and other funding programs, the funding agreements provide for a reimbursement of funds. Rather than receiving the funds before performing the work, agencies either perform the work and seek reimbursement, or enter into the obligation and submit a request for the city to pay for it.

Expenditure Before the End of the Year

In order to avoid having the City unnecessarily encumber funds, agencies should plan to expend and verify these grants before December of the year the grant is awarded, unless specifically approved in the funding agreement or granted an extension by the Director of HAND. Please note that funds encumbered from one calendar year to the next cannot be reimbursed by use of the City's credit cards.

Proportionality of Funding Request Relative to Clients Served

In making funding decisions, the Committee may consider the amount of funding requested relative to the number of clients that would be served by a given project.

2021 JACK HOPKINS SOCIAL SERVICES COMMITTEE RECOMMENDED ALLOCATIONS

AGENCY	ALLOCATION
All-Options Pregnancy Resource Center - Mobile diaper distribution program	\$3,940.00
Amethyst House - Upgrade Women's Residential facility and paint the Women's House.	\$21,800.00
Beacon Inc. - Rent and utility support for up to 200 households	\$25,000.00
Big Brothers Big Sisters of South Central Indiana - Operational Support	\$20,000.00
Bloomington Community Bike Project - Free Bikes program, a tow behind trailer, shop equipment	\$6,800.00
Bloomington Meals on Wheels - Website redevelopment	\$5,673.00
Bloomington Pets Alive Inc. - Expand high-volume spay/neuter program and Wellness Clinic	\$12,500.00
Bloomington St. Vincent de Paul serving Monroe County - Rental and deposit assistance	\$30,000.00
Boys & Girls Clubs of Bloomington - Continuing Operations post Covid-19	\$24,000.00
Catholic Charities Bloomington - Hire a therapist to serve adolescents and young adults	\$17,800.00
City Church For All Nations Outreach - Purchase a used moving truck	\$6,649.42
Community Justice and Mediation Center - Housing & Eviction Prevention Project (HEPP)	\$27,424.00
Community Kitchen of Monroe County, Inc. - Produce Cooler Replacement	\$5,400.00
Courage to Change Sober Living - Drug Testing Kits for Residents	\$3,036.00
Habitat for Humanity of Monroe County - Purchase a riding mower, chipper/mulcher, and chainsaw	\$9,473.00
HealthNet Inc. - Public Awareness Campaign	\$12,300.00
Hoosier Hills Food Bank - Covid Food Purchasing Project 2021	\$35,000.00
Hotels for Hope Inc. - To continue housing families experiencing homelessness	\$21,500.00
Indiana Recovery Alliance - Development Director salary support	\$17,000.00
LIFEDesigns Inc. - Pilot a Day Services program	\$28,676.26
Middle Way House - Replacement Work Truck	\$10,000.00
Monroe County United Ministries - Upgrade building exterior	\$22,000.00
Mothers Hubbard's Cupboard - Office and pantry furniture	\$11,325.03
My Sister's Closet of Monroe County - Supplement the salary of an Assistant Store Manager	\$22,400.00
New Hope for Families - Purchase appliances and furnishings for new shelter	\$35,000.00
New Leaf, New Life - Reentry Case Management & Direct Service Supplies	\$12,000.00
Pro Bono Indiana, dba District 10 Pro Bono Project - Housing and Eviction Prevention Project (HEPP)	\$8,206.00
Refugee Support Network - Clients' rent, utilities, transportation, and medical expenses	\$8,000.00
South Central Community Action Program - Making Healthy Choices videos and gardening kits	\$2,944.22
Tandem Community Birth Center and Postpartum House, Inc. - Birth Center Facilities Launch	\$30,000.00
The Persisterhood Workshop, Inc. - Purchase professional equipment	\$2,943.07
The Project School - Installing a laundry room in a classroom building	\$12,210.00
TOTAL	\$511,000.00

FUNDING AGREEMENT
CITY OF BLOOMINGTON - JACK HOPKINS
SOCIAL SERVICES PROGRAM

«Organization»

This Agreement entered into in June 2021 by and between the City of Bloomington, Indiana, hereinafter referred to as the "City," and «Organization», hereinafter referred to as the "Agency," provides for the following:

Whereas, the Jack Hopkins Social Services Program Funding Committee (Committee) reviewed Agency applications, considered additional information provided by agencies in response to Committee questions, and made funding recommendations to the Common Council;

Whereas, the Common Council adopted Resolution 21-19, which provided funding to this Agency in the amount and for the purposes set forth in Sections I and III of this Agreement;

Whereas, the resolution also delegated the duty of interpreting the Funding Agreement for the City to the Chair of the Committee; and

Whereas, in interpreting the Agreement, the Chair may consider the purposes of the program, the application and comments by Agency representatives, and statements made by decision-makers during deliberations.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. USE OF FUNDS

These funds are intended to serve vulnerable City residents. Agency agrees to use Agreement funds as follows:

«Project_Description»

II. TIME OF PERFORMANCE

The last claim for expenses under this Agreement must be filed no later than December 8, 2021. Requests for extensions must be submitted to the City's Housing and Neighborhood Development Director no later than November 19, 2021. Such requests must be submitted in writing. The Director may extend the deadline no later than March 25, 2022.

III. PAYMENT PROCEDURES

It is expressly agreed and understood that the total amount to be paid by the City under this Agreement shall not exceed \$«**Received**». Claims for the payment of eligible expenses shall be made against the items specified in Section I, Use of Funds.

The Agency will submit to the City a claim voucher pursuant to City's claim procedures and deadlines for the expenditures corresponding to the agreed upon use of funds outlined above. Along with the claim voucher, the Agency will submit documentation satisfactory to the City, at the City's sole discretion, showing the Agency's expenditures.

IV. ADMINISTRATIVE REQUIREMENTS

A. Accounting Procedures

The Agency agrees to use generally accepted accounting procedures and to provide for:

- (1) Accurate, current, and complete disclosure of the financial component of its activities;
- (2) Records which identify adequately the source and application of funds for City supported activities;
- (3) Effective control over and accountability for all funds, property, and other assets;
- (4) Adequate safeguarding of all such assets and assurance that they are used solely for authorized purposes;
- (5) The City to conduct monitoring activities as it deems reasonably necessary to insure compliance with this Agreement; and
- (6) Return of the funds received under this Agreement that the City determines were not expended in compliance with its terms.

B. Access to Records

The Agency agrees that it will give the City, through any authorized representative, access to, and the right to examine, all records, books, papers or documents related to the funding provided by this Agreement, for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

C. Retention of Records

The Agency agrees that it will retain financial records, supporting documents, statistical records, and all other records pertinent to the funding provided to the Agency for a period of three years from the termination of this Agreement pursuant to Section VII or VIII.

D. Reporting Requirement

The Agency agrees to provide a report describing the Agency's use of Jack Hopkins Social Services funds. The report shall include, but not be limited to: 1) the amount the agency was awarded; 2) a general description of the project; 3) results of the project as measured by the project's outcome indicators; 4) population served by the program; 5) community benefits of the project; 6) a digital photograph depicting the Hopkins-funded project (if possible) and 7) copies of any written material for the project giving the Jack Hopkins Social Services Funding Committee credit as required by V(G) below. Please report the results of your project clearly, concisely and honestly. Please report both successes and challenges. The report shall not exceed 500 words and shall be submitted in Word format. The report shall be sent to the Housing and Neighborhood Development department no later than the date of Agency's last claim submission. Unless otherwise provided pursuant to Section II, no report shall be submitted any later than December 8, 2021.

Agencies who receive operational funding under this Agreement shall submit two reports: one due by December 8, 2021 as described above, and another providing an update on the project's outcome indicators, due March 29, 2022. Operational costs are those that are recurring and include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other like ongoing budget items.

V. GENERAL CONDITIONS

A. General Compliance

Agency agrees to comply with all applicable federal, State, and local laws, regulations, and policies governing the funds provided under this contract.

B. Independent Contractor

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Agency shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. None of the benefits provided by an employer to an employee, including but not limited to minimum wage and overtime compensation, workers' compensation insurance and unemployment insurance, shall be available from or through the City to the Agency.

C. Hold Harmless

The Agency shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of a subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Nondiscrimination (for agencies receiving grants in excess of \$10,000)

Agencies receiving grants in excess of Ten Thousand Dollars (\$10,000) shall be subject to Section 2.21.000 et seq. of the Bloomington Municipal Code. Unless specific exemptions apply, the Agency will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, sex, disability, sexual orientation or gender identity. The Agency will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.

E. Living Wage Requirements

(1) This agreement is subject to the City of Bloomington Living Wage Ordinance, Chapter 2.28 of the Bloomington Municipal Code and any implementing regulations. The Living Wage Ordinance requires among other things, that unless specific exemptions apply, all beneficiaries of City subsidies, as defined, shall provide payment of a minimum level of compensation to employees which may include the cost of health benefits. Such rate shall be adjusted annually pursuant to the terms of the Bloomington Living Wage Ordinance.

(2) Under the provisions of the Bloomington Living Wage Ordinance, the City shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies as set forth therein, for violations of the Ordinance.

F. Compliance with IC 22-5-1.7 – E-Verify Program

Agency shall sign a sworn affidavit, attached as Exhibit A, affirming that the Agency has enrolled and is participating in the E-Verify Program and affirming that the Agency does not knowingly employ an unauthorized alien. Agency must provide documentation to the City that Agency has enrolled and is participating in the E-Verify program.

G. Jack Hopkins Social Services Funding Committee Recognition

The Agency agrees to provide a credit line for the City of Bloomington Common Council Jack Hopkins Social Services Funding Committee in all written materials about the program and program activities funded pursuant to this Agreement.

VI. NOTICES

Communication and details concerning this Agreement shall be directed to the following representatives:

City: Cody Toothman, Program Manager Housing and Neighborhood Development City of Bloomington P.O. Box 100 Bloomington, IN 47402 Tel: (812) 349-3512 Fax: (812) 349-3582 E-mail: cody.toothman@bloomington.in.gov	Agency: «Director_of_Agency» «Organization» «Mailing_Address» «City_State_Zip_Code» Tel: «Office_Phone» E-mail: «Agency_Email»
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VII. TERMINATION OF AGREEMENT

The Agency agrees that this Agreement is subject to the availability of funds and that if funds become unavailable for the performance of this Agreement, the City may terminate the Agreement. If funds become unavailable, the City shall promptly notify the Agency in writing of the termination and the effective date thereof.

It is further agreed that the City may terminate this Agreement in whole or in part if it determines that the Agency has failed to comply with the Agreement or with other conditions imposed by applicable laws, rules and regulations. The City shall promptly notify the Agency in writing of the determination and the reasons for the determination, together with the effective date. The Agency agrees that if the City terminates the Agreement for cause it will refund to the City that portion of the funds that the City determines was not expended in compliance with the Agreement. The Agency shall be responsible for paying any costs incurred by the City to collect the refund, including court costs and reasonable attorneys' fees.

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

VIII. TERM OF AGREEMENT

Unless terminated as provided in Section VII herein, this Agreement shall terminate upon the City's determination that the provisions of this Agreement regarding use of the Agreement funds have been met by the Agency.

CITY OF BLOOMINGTON, INDIANA

«Organization»

By: _____
Jim Sims
President, Common Council

By: _____
«Pres_BoD»
President, Board of Directors

Date

Date

By: _____
John Zody, Director
Housing and Neighborhood Development

By: _____
«Director_of_Agency»
Executive Director

Date

Date

By: _____
John Hamilton, Mayor

Date



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-21 – To Confirm Resolution 21-20 Designating an Economic Revitalization Area, Approving the Statement of Benefits, and Authorizing an Abatement Period for Real Property Improvements Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner)

Synopsis

This resolution confirms Resolution 21-20, which designated two parcels located at 1730 South Walnut Street as an Economic Revitalization Area (“ERA”) for Real America LLC (“Petitioner”). This designation was recommended by the Economic Development Commission on May 12, 2021, and will enable the proposed affordable housing redevelopment project to be eligible for tax abatement. The resolution affirms the approval of the Petitioner’s Statement of Benefits, and it authorizes a ten-year period of abatement for real property improvements and sets the abatement schedule.

Relevant Materials

- Resolution 21-21
 - Resolution 21-20 and associated materials are available in the [Legislative Packet](#) and [Addendum](#) for the June 2, 2020 Regular Session.
- Petitioner’s Application for Tax Abatement
 - Letter from Petitioner
 - Statement of Benefits
 - Site Plan, Elevation Renderings, & Floor Plans

Summary

Resolution 21-21 would confirm Resolution 21-20, which was adopted by the Council on June 2, 2021 and signed by the Mayor on June 3, 2021. Resolution 21-20 designated property along South Walnut Street as an Economic Revitalization Area (“ERA”). After making such a designation and providing notice of the same, the Council is required to hold a public hearing before further determining whether the qualifications for an economic revitalization area have been met and confirming, modifying and confirming, or rescinding the initial resolution. Resolution 21-20 (often referred to as the declaratory resolution) designated the ERA, approved a statement of benefits, and authorized a period of tax abatement for real property improvements at the request of Real American LLC/Retreat at Switchyard LP. The development of the property involves the construction of 64 residential units, 75% of which will be devoted to households with low to moderate-incomes for a period of 99 years. The resolution grants a 10-year abatement according to the deduction schedule set out in the resolution. Please note that the public comment on this agenda item serves as the legally-advertised public hearing on this legislation



As a reminder, an ERA is defined as an area within the city that has “become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property.”¹

State law provides that the Council may not designate the area as an ERA unless it finds:

- the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature;
- the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
- the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
- any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation
- the totality of benefits is sufficient to justify the deduction.²

In designating the area an ERA, the Council may also impose certain limits, including limits on the time period during which the area shall be designated as an ERA, limits on the type and amount of deductions that will be allowed, and reasonable conditions related to the purpose of the state statute or to the City’s general tax abatement standards. The City’s tax abatement program general standards (available online here:

<https://bloomington.in.gov/business/tax-abatement>) were last updated in March 2021 via [Resolution 21-06](#).

[Resolution 21-21](#) confirms a ten-year period of abatement and the deduction schedule set by [Resolution 21-20](#). It also confirms certain other reasonable conditions related to the rehabilitation or redevelopment of the property.

Contact

Jane Kupersmith, Assistant Director of Small Business Development, 812-349-3418, jane.kupersmith@bloomington.in.gov

¹ IC 6-1.1-12.1-1(1)

² IC 6-1.1-12.1-3(b)

RESOLUTION 21-21

TO CONFIRM RESOLUTION 21-20 DESIGNATING AN ECONOMIC REVITALIZATION AREA, APPROVING THE STATEMENT OF BENEFITS, AND AUTHORIZING AN ABATEMENT PERIOD FOR REAL PROPERTY IMPROVEMENTS

**Re: Property at 1730 S. Walnut Street (Retreat at Switchyard)
(Real America LLC/Retreat at Switchyard, LP, Petitioner)**

- WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* specifies that the Common Council may designate an “Economic Revitalization Area” (“ERA”); and
- WHEREAS, the Common Council of the City of Bloomington updated and adopted Tax Abatement General Standards in Resolution 21-06 that established the standards to be used in finding an area to be an ERA; and
- WHEREAS, Real America LLC and its successor Retreat at Switchyard, LP (collectively “Petitioner”), have submitted an application in which it seeks to have an area located at 1730 S. Walnut Street, Bloomington, Indiana, (“Property”) and including the following descriptions as recorded in the Monroe County Recorder’s Office, designated as an ERA:
- Parcel Numbers: 53-08-09-208-002.000-009
 53-08-09-208-003.000-009
- Legal Descriptions: 015-50425-00 AUTO PARK LOT A (.60A)
 015-50415-01 AUTO PARK LOT B; (.92A); and
- WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* provides for the designation of ERA within which property taxes may be abated on improvements to real estate; and
- WHEREAS, Petitioner has also applied for a tax abatement and submitted its Statement of Benefits form on the real estate improvements associated with its proposed affordable housing project located at the Property indicated above; and
- WHEREAS, according to its application, Petitioner has proposed investing \$11.8 million to construct an affordable housing development, which would include 64 units in a five-story building with dedicated first-floor retail space (“Project”); and
- WHEREAS, Petitioner has been awarded a 9% Low Income Housing Tax Credit by the State of Indiana for the Project; and
- WHEREAS, of the 64 total housing units in the Project, 48 units (75% of the total units) would be reserved for low to moderate-income residents for a period of 99 years, which represents more than 20% of the total available units for the purposes of Indiana Code § 6-1.1-12.1-3, and the remaining 16 units would be available for lease at the market rate; and
- WHEREAS, the affordable units in the Project would be managed by Retreat at Switchyard, LP; and
- WHEREAS, rent for the affordable units will be in accordance with the U.S. Department of Housing and Urban Development’s housing cost burden guidelines, which stipulate that the cost of housing and non-telecommunication utilities shall not exceed 30% of a resident’s gross income; and
- WHEREAS, Petitioner is also partnering with Stone Belt and will set aside 10 units as housing along with additional service areas within the Project for Stone Belt’s clients; and
- WHEREAS, according to Petitioner’s Statement of Benefits, this Project would create two new full-time, permanent jobs with an estimated total annual payroll of \$80,000.00, with the lower starting full-time wage of \$35,000.00 per year; and

WHEREAS, as required by Indiana Code, Bloomington Municipal Code, and a Memorandum of Understanding to be executed between the Petitioner and the City pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with its Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and

WHEREAS, the Project is located in the Thomson-Walnut-Winslow Allocation Area within the Consolidated Tax Increment Financing (“Consolidated TIF”) district, and Indiana Code § 6-1.1-12.1-2(k) provides that when a property is designated as an ERA for tax abatement purposes and is also located in a TIF allocation area, the Common Council must approve the Statement of Benefits by resolution; and

WHEREAS, the Common Council of the City of Bloomington—in Ordinance 97-06—gave the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, on May 12, 2021, the Economic Development Commission determined that the application falls within the statutory qualifications in Indiana Code § 6.1.1-12.1-1 *et seq.* and recommended designation of the Property as an ERA and approval of Petitioner’s Statement of Benefits and abatement application in Commission Resolution 21-02 and Resolution 21-03; and

WHEREAS, the Common Council has investigated the area, reviewed the Application and Statement of Benefits, and finds the following:

- a. the estimate of the value of the Project is reasonable;
- b. the estimate of the number of individuals who will be employed can be reasonably expected to result from the Project as proposed;
- c. the estimate of the annual salaries of these individuals who will be employed can be reasonably expected to result from the Project as proposed;
- d. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- e. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the Common Council has further found that the Project will not negatively impact the ability of the Consolidated TIF (Thomson-Walnut-Winslow Allocation Area) to meet its debt obligations; and

WHEREAS, the Common Council adopted Resolution 21-20 on June 2, 2021, which designated the Property as an Economic Revitalization Area, approved the Statement of Benefits, and authorized a ten-year tax abatement period for the real property improvements; and

WHEREAS, the City Clerk published notice of the passage of Resolution 21-20, which requested that persons having objections or remonstrances to the designation, the Statement of Benefits, and findings of fact appear before the Common Council at its meeting on June 16, 2021; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to the ERA designation.

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

SECTION 1. Pursuant to Indiana Code § 6-1.1-12.1-1, *et seq.*, the Common Council affirms its determinations made in Resolution 21-20 that the Property located at 1730 South Walnut Street, composed of the two parcels identified above, which is within the Thomson-Walnut-Winslow Allocation Area within the Consolidated Tax Increment Financing Area, is an Economic Revitalization Area as set forth in Indiana Code § 6-1.1-12.1-1, *et seq.*

SECTION 2. This designation shall expire no later than December 31, 2035, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

SECTION 3. The Common Council affirms its approval of the Petitioner's Statement of Benefits for its real estate improvements, and the Common Council reaffirms that the proposed capital investment will create affordable housing units within the City.

SECTION 4. The Common Council affirms its findings that the totality of the benefits of the project entitle the Petitioner or its successor(s) to a deduction from the assessed value of the real property improvements for a period of ten (10) years.

SECTION 5. The Common Council further finds and determines the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of real property taxes for the Project as provided in Indiana Code § 6-1.1-12.1-1, *et seq.*, for a period of ten (10) years with the following deduction schedule:

Year 1	100%
Year 2	95%
Year 3	80%
Year 4	65%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	10%
Year 10	5%

SECTION 6. In granting this designation and deductions the Common Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$11.6 million for real estate improvements;
- b. the land and improvements shall be developed and used in a manner that complies with local code;
- c. the Project shall be completed before or within twelve months of the completion date as listed on the application;
- d. the Affordable Units shall be maintained for at least ninety-nine (99) years; and
- e. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

SECTION 7. The Common Council affirms its incorporation of the provisions of Indiana Code § 6-1.1-12.1-12 into Resolution 21-20, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

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 resolution confirms Resolution 21-20, which designated two parcels located at 1730 South Walnut Street as an Economic Revitalization Area (“ERA”) for Real America LLC (“Petitioner”). This designation was recommended by the Economic Development Commission on May 12, 2021, and will enable the proposed affordable housing redevelopment project to be eligible for tax abatement. The resolution affirms the approval of the Petitioner’s Statement of Benefits, and it authorizes a ten-year period of abatement for real property improvements and sets the abatement schedule.



Application for Designation as an Economic Revitalization Area (ERA): Real Property Tax Abatement

City of Bloomington, Indiana
Department of Economic and Sustainable Development
401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100
812.349.3418

INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 (economicvitality@bloomington.in.gov).

Section 1 – Applicant Information	
Name of Company for which ERA Designation is being requested Retreat at the Switchyard, LP & Switchyard MR, LLC	
Primary Contact Information (for questions concerning this application and the Project)	
Name Jeff Ryan	Job Title Vice President of Development
Phone (317) 607-2753 ext.	Email Jeff@RealAmericaLLC.com
Address 8250 Dean Road (street and/or PO, city, ZIP) Indianapolis, IN 46240	
Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)	
Name Ken Humphrey	Job Title Controller
Phone (317) 680-2425 ext.	Email KHumphrey@RealAmericaLLC.com
Address 8250 Dean Road (street and/or PO, city, ZIP) Indianapolis, IN 46240	

Section 2 – Real Property Location and Description		
Monroe County Tax Parcel ID Number(s) 53-08-09-208-003.000-009	Township Perry	
Street Address 1730 S. Walnut		ZIP 47401-
Current Zoning MC Mixed-Use Corridor	Current Use(s) of Property Vacant gentlemen's club	
Estimated Market Value of Property \$580,800 assessed value		
Property or Building(s) Listed as Historic on the City of Bloomington Historical Survey ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, check one:	<input type="checkbox"/> Outstanding <input type="checkbox"/> Notable <input type="checkbox"/> Contributing	Age of Building(s), if applicable 34 years
Describe any other national or local historical significance or designation, if applicable N/A		
Please list all owners of the property. Redevelopment Commission of the City of Bloomington		

Attach additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.

Section 3 – Criteria for Economic Revitalization Area (“ERA”) or Economic Development Target Area (“EDTA”) Designation

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.

The site is a deteriorating, vacant gentlemen's club with environmental concerns including various PAHs, arsenic, mercury, and naphthalene.

Section 4 – Company Profile

Does your company currently operate at this location? Yes No

If yes, how long has your company been at this location?

Will this property be your company’s headquarters location? Yes No

If no, where is/will be your company’s HQ? **Indianapolis**

Company is a: LLC LLP LP Corporation S. Corporation Nonprofit Corporation
 Mutual Benefit Corporation Other-Please describe:

Provide a brief description of your company history, products and services.

The parent company of the ownership entities is RealAmerica. RealAmerica was started 26 years ago to develop, design, construct, and manage affordable housing in Indiana. We have since expanded our product types with a continued focus on affordable housing. Please see attached brochure for more information about RealAmerica.

Please list all persons and/or entities with ownership interests in the company. **Ronda Shrewsbury Weybright and Michael Surak. A to-be-determined investment limited partner will be brought in to purchase the tax credits.**

Current/Retained Jobs and Wages (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees		Median part-time hourly wage
Number of full-time employees	_____	Average part-time hourly wage
TOTAL current employees (permanent jobs)		Median full-time hourly wage
		Average full-time hourly wage
What is the lowest hourly wage in the company? (inc. PT, FT, other)		
What is the median hourly wage in the company (inc. PT, FT, other)		TOTAL Annual Payroll (current/retained)

New Jobs and Wages As Result of the Proposed Project (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees		Lowest starting part-time wage	
Number of full-time employees	<u>2</u>	Lowest starting full-time wage	\$35,000.00
TOTAL NEW employees (new permanent jobs)	<u>2</u>	TOTAL NEW Annual Payroll (new jobs only)	\$80,000.00

Describe your company’s benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **We offer health, life, dental, vision, 401(f) with match, and paid time off. The per hour value is approximately \$2.60.**

Market for Goods and Services; Local Sourcing

To the extent possible, please estimate the relative percentages of your company’s reach (via your products or services) into following markets: _____ Inside Monroe County, Indiana
 _____ Outside Monroe County, but inside Indiana
 _____ Outside of Indiana
 _____ Outside of the United States
 100%

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

1. **Bynum Fanyo & Associates, Inc., Bloomington, IN**
- 2.
3. **additional vendors will be selected during the construction bidding process**
- 4.
- 5.

Section 5 – Proposed Improvements (the “Project”)

Describe all real estate improvements for which tax abatement on the property is being sought.

Retreat @ the Switchyard will be a mixed-use, mixed-income building with 48 affordable apartments, 16 market rate apartments and 3,000 square feet of commercial space

Estimated Total Project Cost (Capital Improvements only) **\$11,812,618.00**

Estimated Construction Start Date (month-year) **August 2021**

Estimated Completion Date (month-year) **December 2022**

Has Bloomington Planning approval been obtained for the Project? Yes No
If yes, Case Number:

Will the Project require any City expenditures (for public infrastructure, etc.)? Yes No
If yes, please describe

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

64 apartments will be leased out to residents and the commercial space will be leased out to a retailer. Ten of the apartments will be set aside for developmentally or intellectually disabled clients of Stone Belt.

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

If Retreat @ the Switchyard does not move forward, we would need to reduce the number of people in our construction company and return rental housing tax credits to the State. We would not be able to hire the local construction workers or the permanent employees we plan to hire for the site. Because the tax credits that were awarded to create the affordable housing are only for this site we would not be able to change locations for the development.

Attach renderings, site plans, drawings, etc., of the Project.

Section 6 – City of Bloomington Evaluative Criteria

Describe how the Project will make a significant positive contribution to the community’s overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See “General Standards” for explanations and examples.

Quality of Life, Environmental Stewardship, and/or Sustainability

Retreat @ the Switchyard will be designed and constructed to meet the Silver level National Green Building Standard and include dual flush toilets to conserve water

Affordable Housing

Retreat @ the Switchyard will create 48 affordable apartments at rents levels from 30% area median income to 80% of area median income. Ten apartments will be set aside for clients of Stone Belt.

Community Service

Community Character

If applicable, describe any further (not yet described above) beneficial *and detrimental* impact to the community’s economic, social or environmental wellbeing, resulting from the Project.

Attach any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.

Section 7 – Certification:

The undersigned hereby certify the following:

[Initials]

JR

■ The statements in the foregoing application for tax abatement are true and complete.

JR

■ The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.

JR

■ The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.

JR

■ I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.

JR

■ I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.

JR

■ I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.

JR

■ I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)

SIGNATURE (Print Name Below)

TITLE

DATE

X

Jeffrey A. Ryan

Vice President of Development

4-30-21

X

Printed Name



8250 Dean Road
Indianapolis, IN 46240
O: 317.815.5929
F: 317.815.5930
RealAmericaLLC.com

May 5, 2021

Mr. John Zody
Director, Housing and Neighborhood Development Department
City of Bloomington, IN
401 N. Morton
Bloomington, IN 47404

RE: Retreat @ the Switchyard
Property Tax Abatement

Dear Mr. Zody,

Please find attached the Statement of Benefits for Retreat @ the Switchyard as our application for property tax abatement.

Our development is the new construction of a five-story building on the site of the former Night Moves club. While primarily apartments for low- and moderate-income residents, we will also feature market rate apartments and ground floor commercial space. We are partnering with Stone Belt and have set aside 10 apartments to have appropriate housing and service areas for their clients within the building also. This application for tax abatement is only for the 48 affordable apartments and related common space.

During construction we expect to employ approximately 80-100 construction works. The total payroll during construction is expected to be approximately \$4,000,000. Once we are operational, we will employ two, new on-site employees, a manager and a maintenance tech. We expect to pay them a total of \$80,000 annually plus benefits. Only the two permanent positions are included on the attached Statement of Benefits.

We look forward to continuing to work with you and the City of Bloomington to create this important housing.

Sincerely,

Jeffrey A. Ryan
Vice President of Development



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

20 23 PAY 20 24

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer Retreat at the Switchyard, LP		
Address of taxpayer (number and street, city, state, and ZIP code) 8250 Dean Road, Indianapolis, IN 46240		
Name of contact person Jeff Ryan	Telephone number (317) 607-2753	E-mail address Jeff@RealAmericaLLC.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of Bloomington		Resolution number
Location of property 1730 S. Walnut Street, Bloomington, IN 47401	County Monroe	DLGF taxing district number 009
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) 48 affordable apartments and related common space at Retreat @ the Switchyard		Estimated start date (month, day, year) August 1, 2021
		Estimated completion date (month, day, year) December 1, 2022

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
0.00	\$0.00	0.00	\$0.00	2.00	\$80,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	1.00	0.00
Plus estimated values of proposed project	9,777,112.00	1,440,000.00
Less values of any property being replaced		
Net estimated values upon completion of project	9,777,112.00	1,440,000.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) <u>0.00</u>	Estimated hazardous waste converted (pounds) <u>0.00</u>
--	--

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Date signed (month, day, year) 5/5/21
Printed name of authorized representative Ronda Shrewsbury Weybright	Title President of General Partner

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 10 calendar years* (*see below*). The date this designation expires is no later than December 31, 2035. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ N/A.
- D. Other limitations or conditions (*specify*) Please see Council Res 21-20 & 21-21, application, and M.O.A for further information
- E. Number of years allowed:

<input checked="" type="checkbox"/> Year 1	<input checked="" type="checkbox"/> Year 2	<input checked="" type="checkbox"/> Year 3	<input checked="" type="checkbox"/> Year 4	<input checked="" type="checkbox"/> Year 5 (* see below)
<input checked="" type="checkbox"/> Year 6	<input checked="" type="checkbox"/> Year 7	<input checked="" type="checkbox"/> Year 8	<input checked="" type="checkbox"/> Year 9	<input checked="" type="checkbox"/> Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>) Printed name of authorized member of designating body Jim Sims, President	Telephone number (812) 349-3409	Date signed (<i>month, day, year</i>) 6/3/2021
Attested by (<i>signature and title of attester</i>) Printed name of attester Nicole Bolden, City Clerk		

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

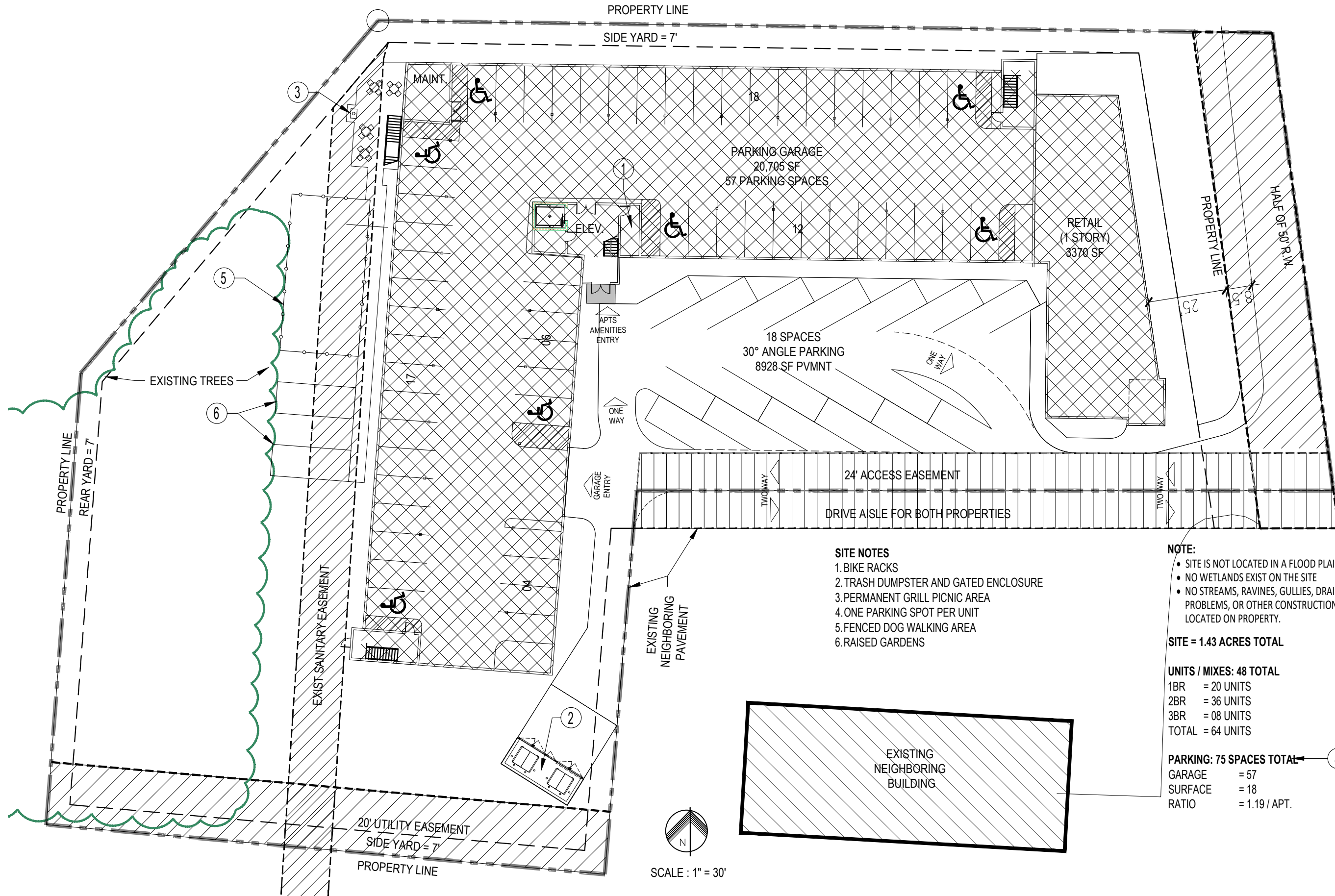
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



- SITE NOTES**
1. BIKE RACKS
 2. TRASH DUMPSTER AND GATED ENCLOSURE
 3. PERMANENT GRILL PICNIC AREA
 4. ONE PARKING SPOT PER UNIT
 5. FENCED DOG WALKING AREA
 6. RAISED GARDENS

- NOTE:**
- SITE IS NOT LOCATED IN A FLOOD PLAIN
 - NO WETLANDS EXIST ON THE SITE
 - NO STREAMS, RAVINES, GULLIES, DRAINAGE PROBLEMS, OR OTHER CONSTRUCTION DETERRENTS LOCATED ON PROPERTY.

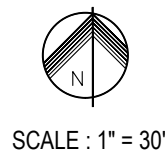
SITE = 1.43 ACRES TOTAL

UNITS / MIXES: 48 TOTAL

- 1BR = 20 UNITS
- 2BR = 36 UNITS
- 3BR = 08 UNITS
- TOTAL = 64 UNITS

PARKING: 75 SPACES TOTAL

- GARAGE = 57
- SURFACE = 18
- RATIO = 1.19 / APT.



RETREAT @ THE SWITCHYARD

1730 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

09.06.2020

2020 LIHTC SUBMITTAL
A011 - SITE PLAN / FIRST FLR
SEPTEMBER 10, 2020



① NORTH PERSPECTIVE
NO SCALE



② NORTH ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)

1. MEMBRANE ROOFING
2. STONE VENEER
3. VINYL WINDOWS - SEE WINDOW SCHEDULE
4. METAL SIDING
5. FIBER CEMENT HORIZONTAL LAP SIDING
6. STAMPED CONCRETE WALL
7. FIBER CEMENT TRIM AS SHOWN
8. STOREFRONT WINDOW SYSTEM



RETREAT @ THE SWITCHYARD

1730 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

2020 LIHTC SUBMITTAL

A212 - ELEVATIONS: NORTH

SEPTEMBER 10, 2020



① EAST PERSPECTIVE
NO SCALE



② EAST ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)	
1.	MEMBRANE ROOFING
2.	STONE VENEER
3.	VINYL WINDOWS - SEE WINDOW SCHEDULE
4.	METAL SIDING
5.	FIBER CEMENT HORIZONTAL LAP SIDING
6.	STAMPED CONCRETE WALL
7.	FIBER CEMENT TRIM AS SHOWN
8.	STOREFRONT WINDOW SYSTEM



① WEST PERSPECTIVE
NO SCALE



② WEST ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)	
1.	MEMBRANE ROOFING
2.	STONE VENEER
3.	VINYL WINDOWS - SEE WINDOW SCHEDULE
4.	METAL SIDING
5.	FIBER CEMENT HORIZONTAL LAP SIDING
6.	STAMPED CONCRETE WALL
7.	FIBER CEMENT TRIM AS SHOWN
8.	STOREFRONT WINDOW SYSTEM



① SOUTH PERSPECTIVE
NO SCALE



② SOUTH ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)

1. MEMBRANE ROOFING
2. STONE VENEER
3. VINYL WINDOWS - SEE WINDOW SCHEDULE
4. METAL SIDING
5. FIBER CEMENT HORIZONTAL LAP SIDING
6. STAMPED CONCRETE WALL
7. FIBER CEMENT TRIM AS SHOWN
8. STOREFRONT WINDOW SYSTEM

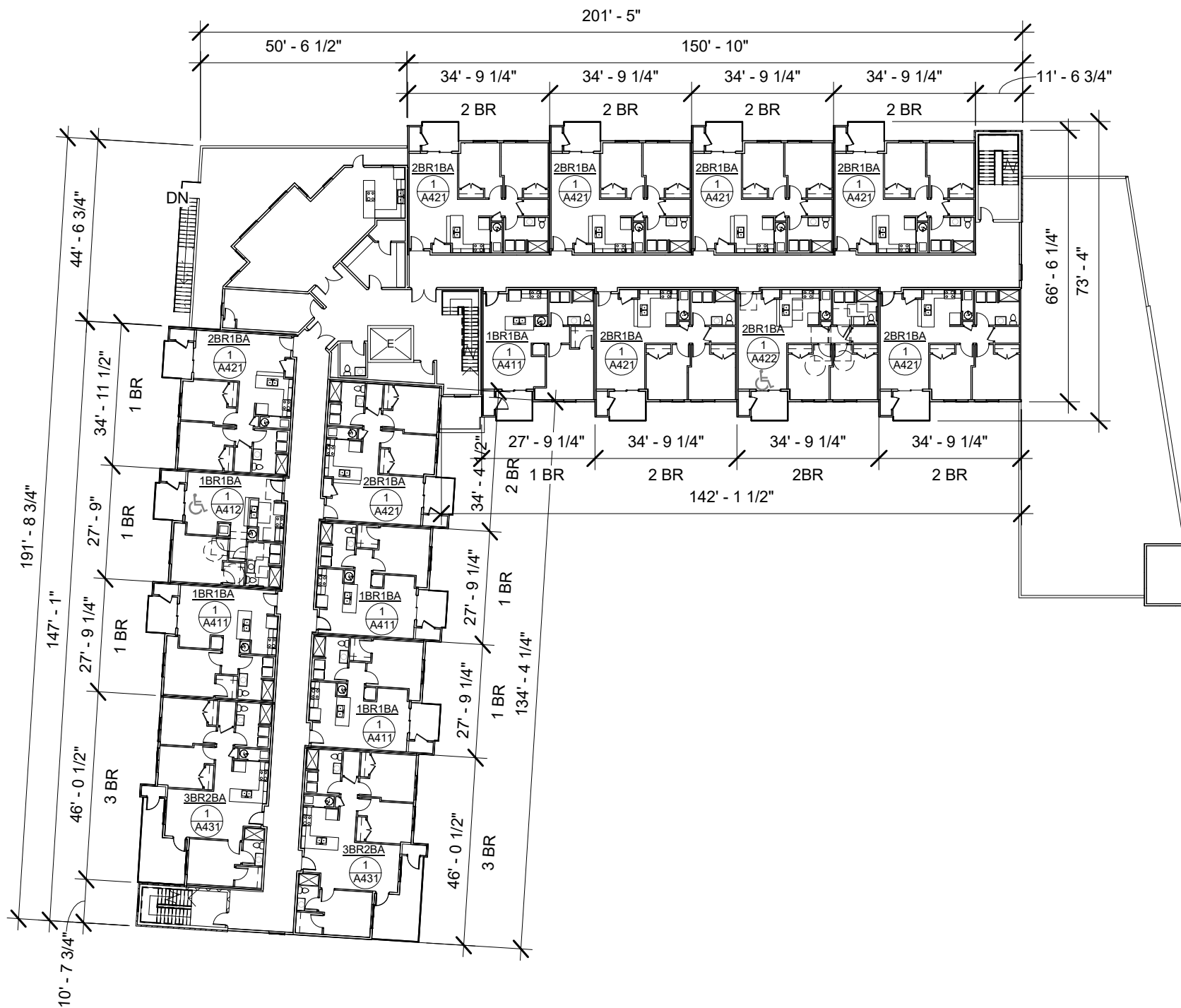


RETREAT @ THE SWITCHYARD

1730 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

2020 LIHTC SUBMITTAL
A214 - ELEVATIONS: SOUTH

SEPTEMBER 10, 2020



1 SECOND FLOOR
1" = 30'-0"

2ND FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (1 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHER WISE

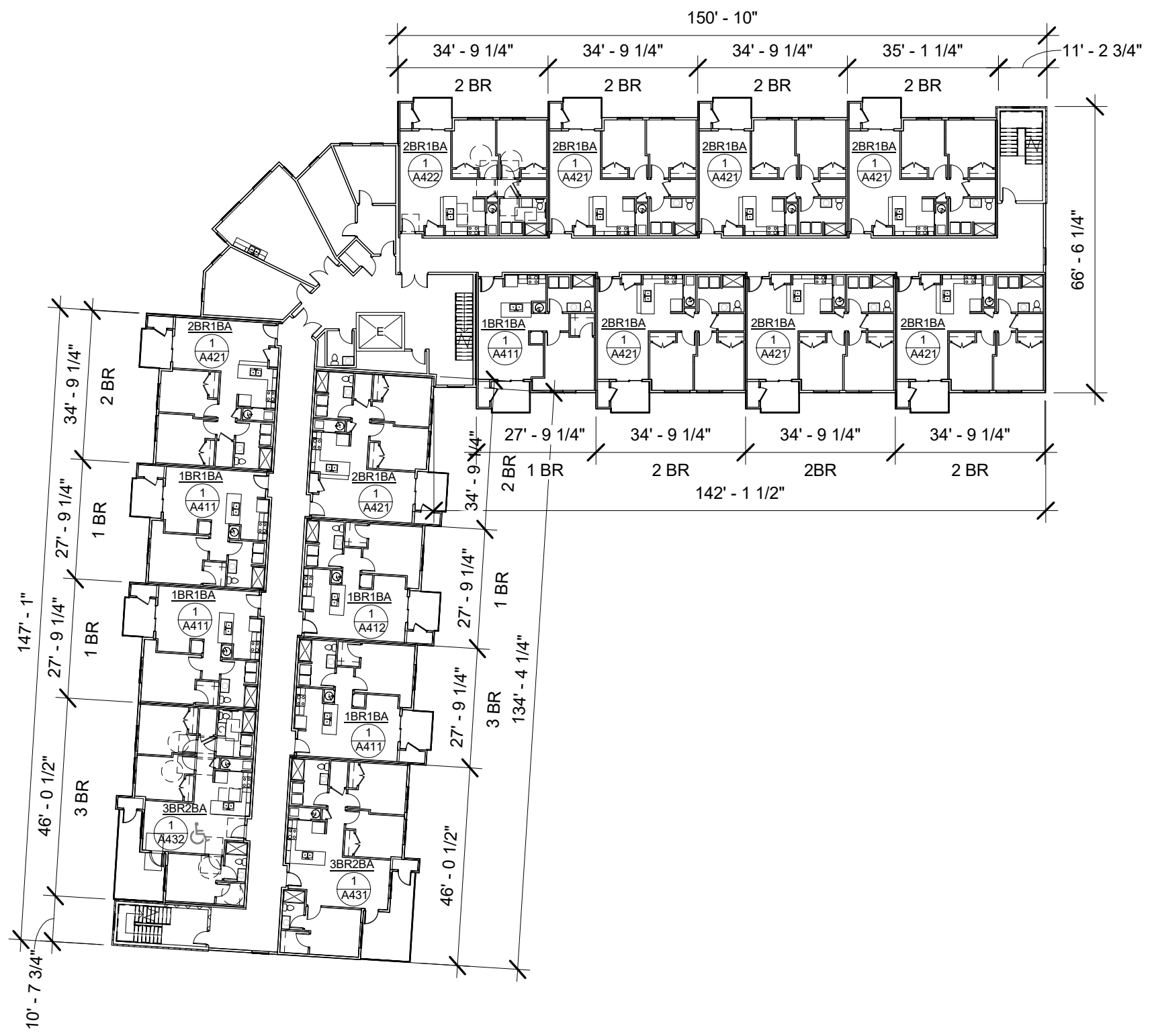
RETREAT AT SWITCHYARD
BLOOMINGTON
 1730 SOUTH WALNUT STREET
 BLOOMINGTON, INDIANA 47401



2020 LIHTC SUBMITTAL
A112 - SECOND FLOOR PLAN

09/10/20

1 THIRD FLOOR
1" = 30'-0"



3RD FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (1 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHER WISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

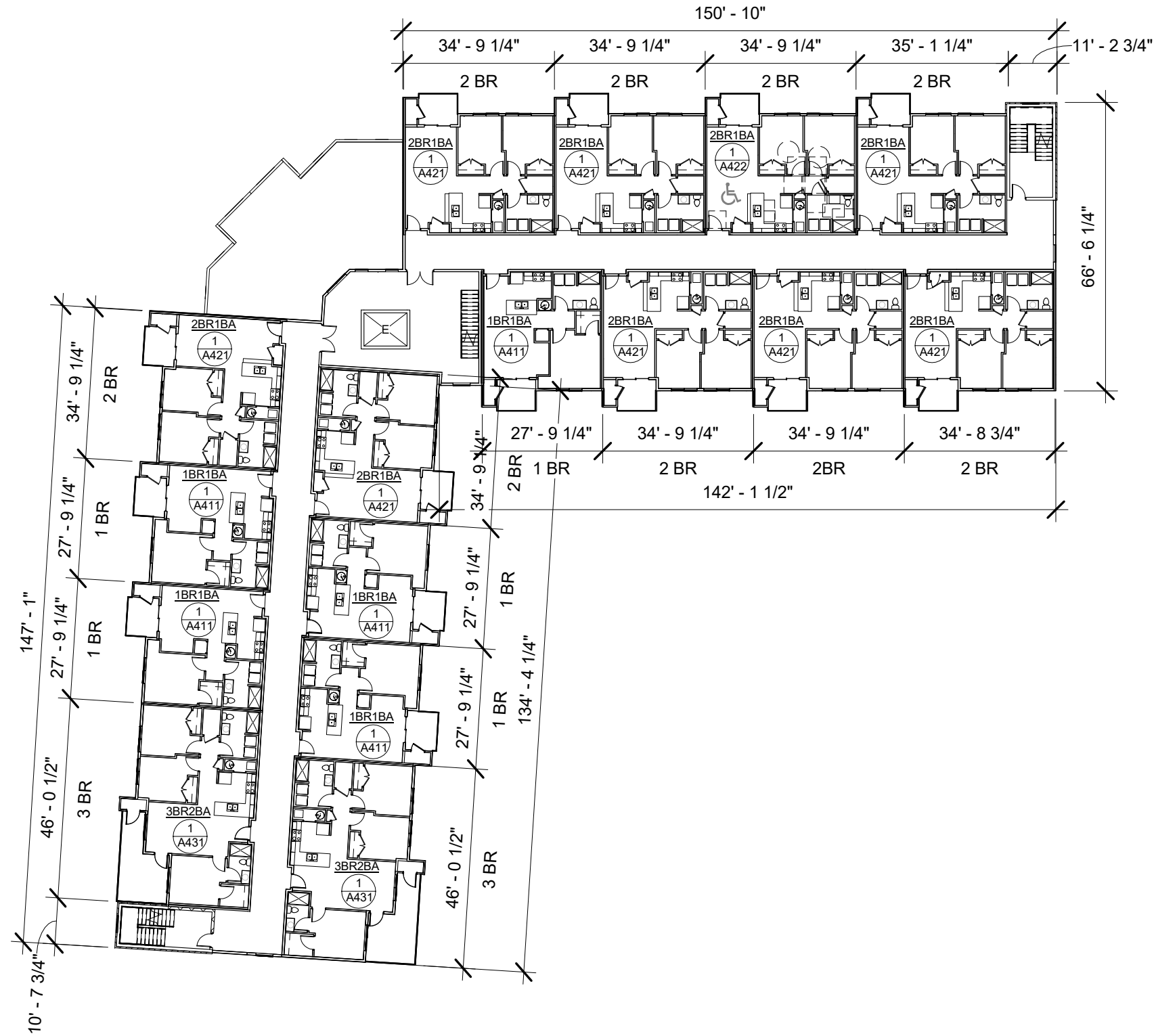


1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

**2020 LIHTC SUBMITTAL
A113 - THIRD FLOOR PLAN**

09/10/20

① FOURTH FLOOR
1" = 30'-0"



4TH FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

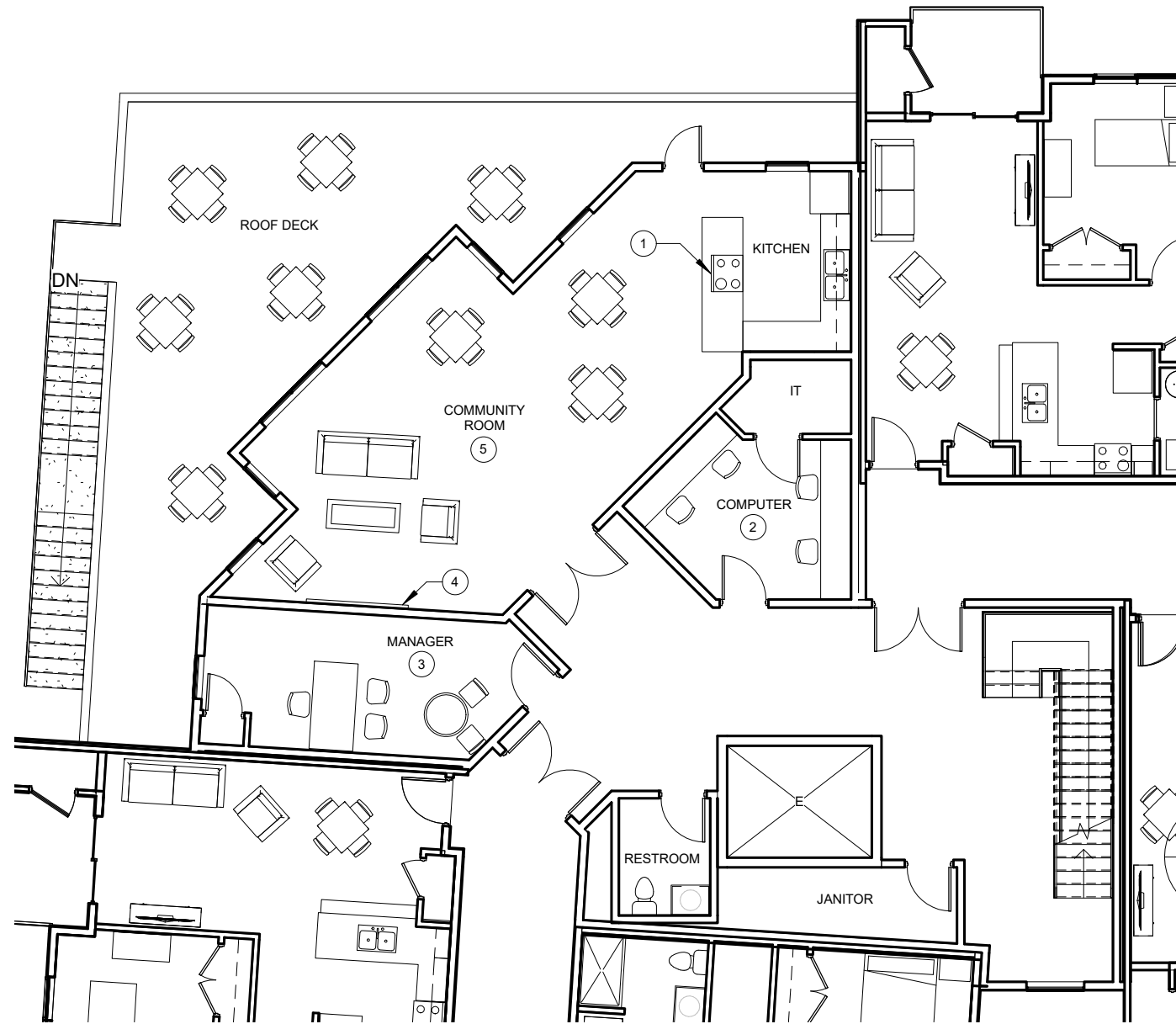
**RETREAT AT SWITCHYARD
BLOOMINGTON**

1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

**2020 LIHTC SUBMITTAL
A114 - FOURTH FLOOR PLAN**

09/10/20





① SECOND FLOOR - COMMUNITY SPACE
1" = 10'-0"

COMMUNITY SPACE NOTES	
1.	ISLAND WITH A STOVE FOR DEMONSTRATIONS/ TEACHING
2.	HIGH SPEED INTERNET THROUGHOUT
3.	FULL TIME MANAGER ON-SITE
4.	COMMUNITY ROOM TV (LARGE SCREEN)
5.	COMFORT CONDITIONED COMMON AREAS

**RETREAT AT SWITCHYARD
BLOOMINGTON**

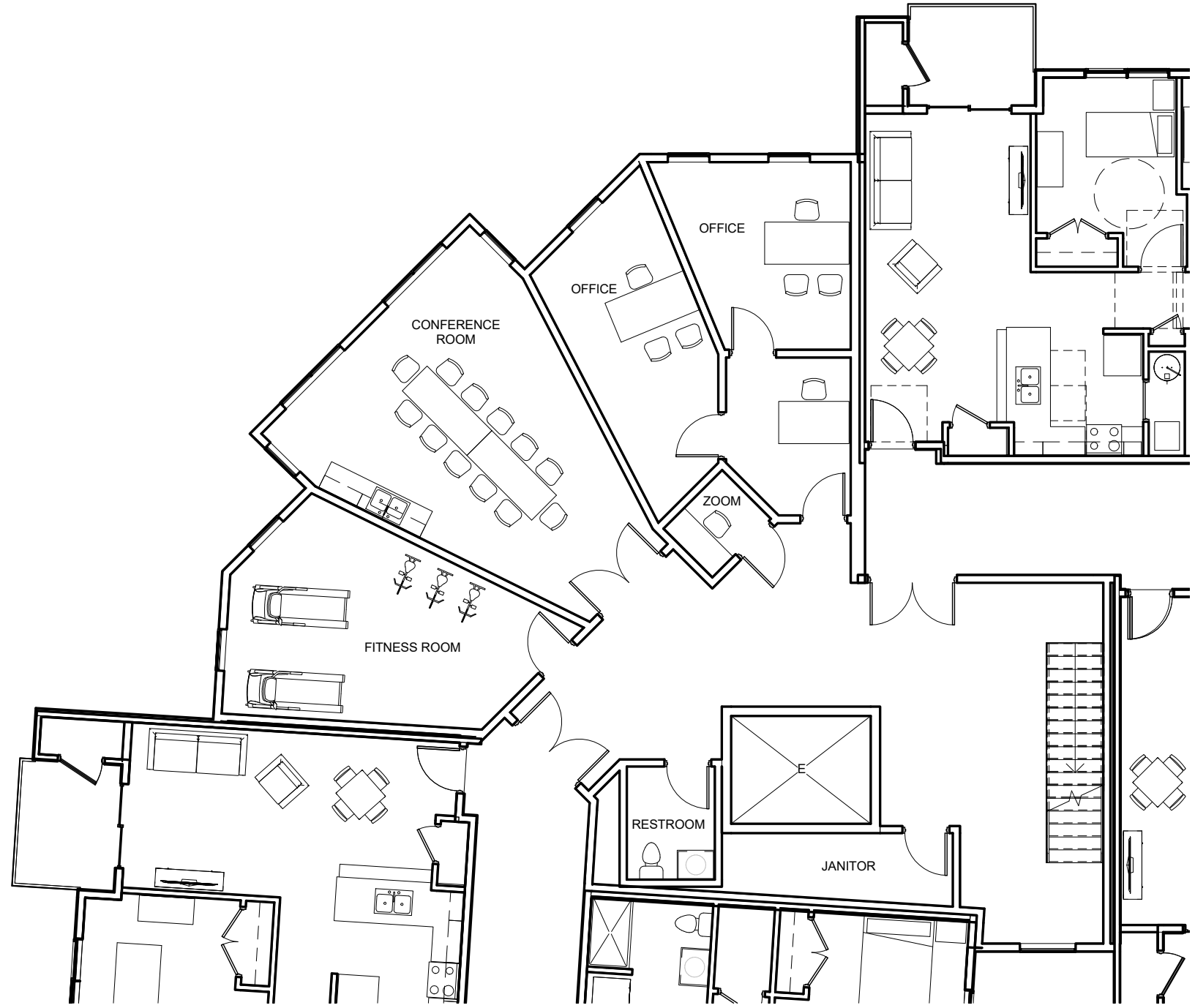
2020 LIHTC SUBMITTAL

A121 - SECOND FLOOR - COMMUNITY SPACE

09/17/20



1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401



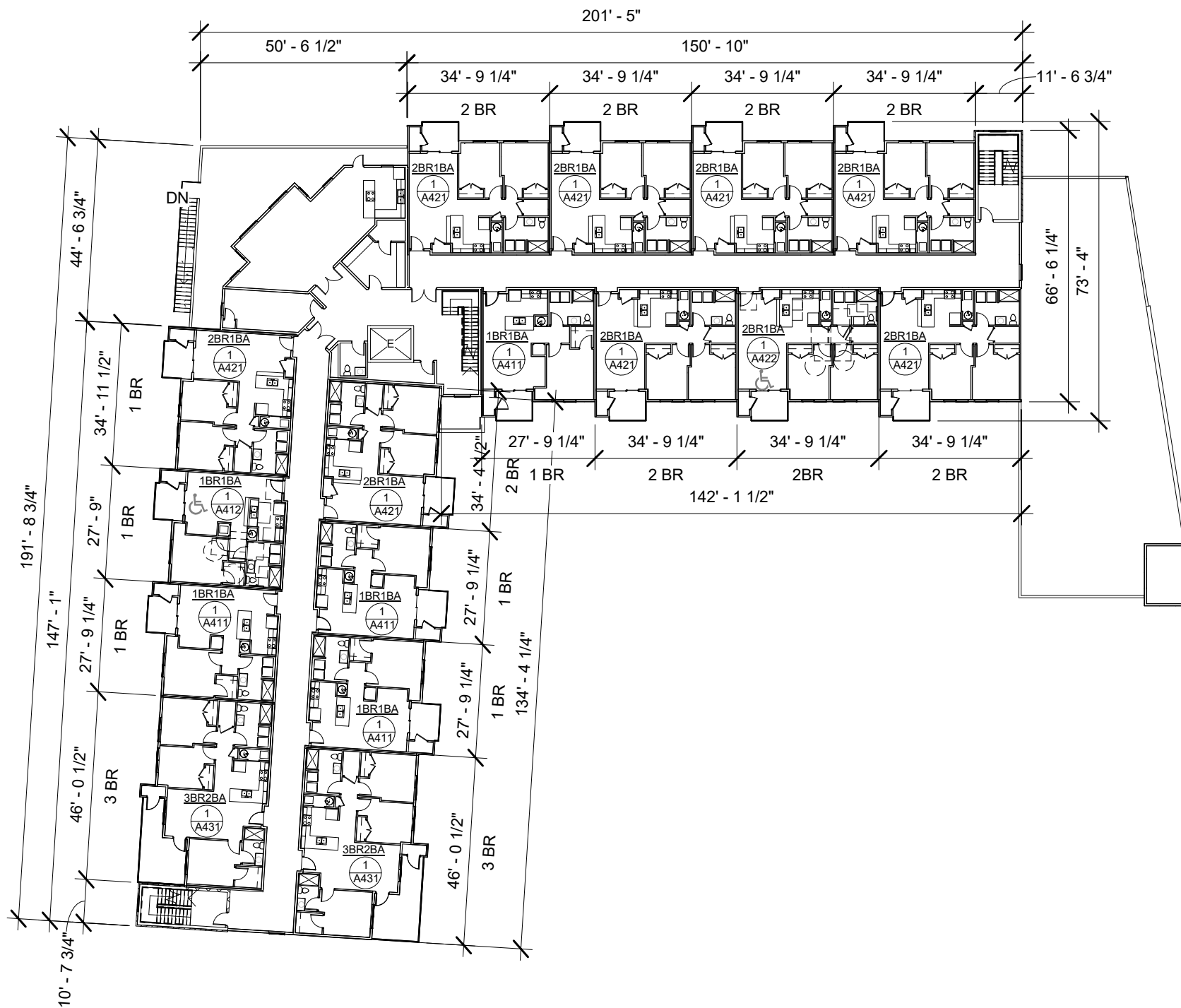
① THIRD FLOOR - COMMUNITY SPACE
1" = 10'-0"

**RETREAT AT SWITCHYARD
BLOOMINGTON**

**2020 LIHTC SUBMITTAL
A122 - THIRD FLOOR - COMMUNITY SPACE**



1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401



1 SECOND FLOOR
1" = 30'-0"

2ND FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (1 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHER WISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

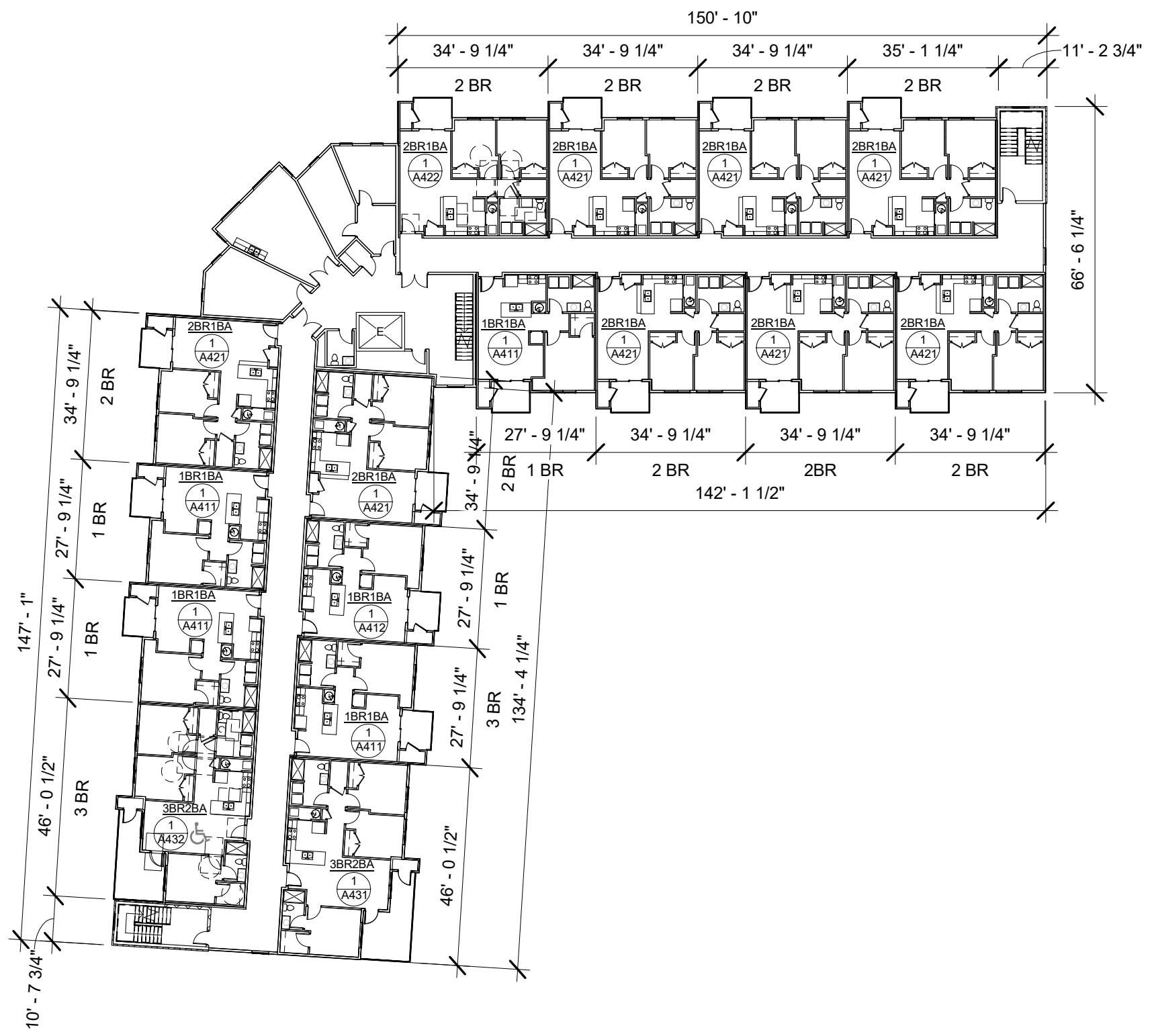


1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

**2020 LIHTC SUBMITTAL
A112 - SECOND FLOOR PLAN**

09/10/20

1 THIRD FLOOR
1" = 30'-0"



3RD FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
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ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

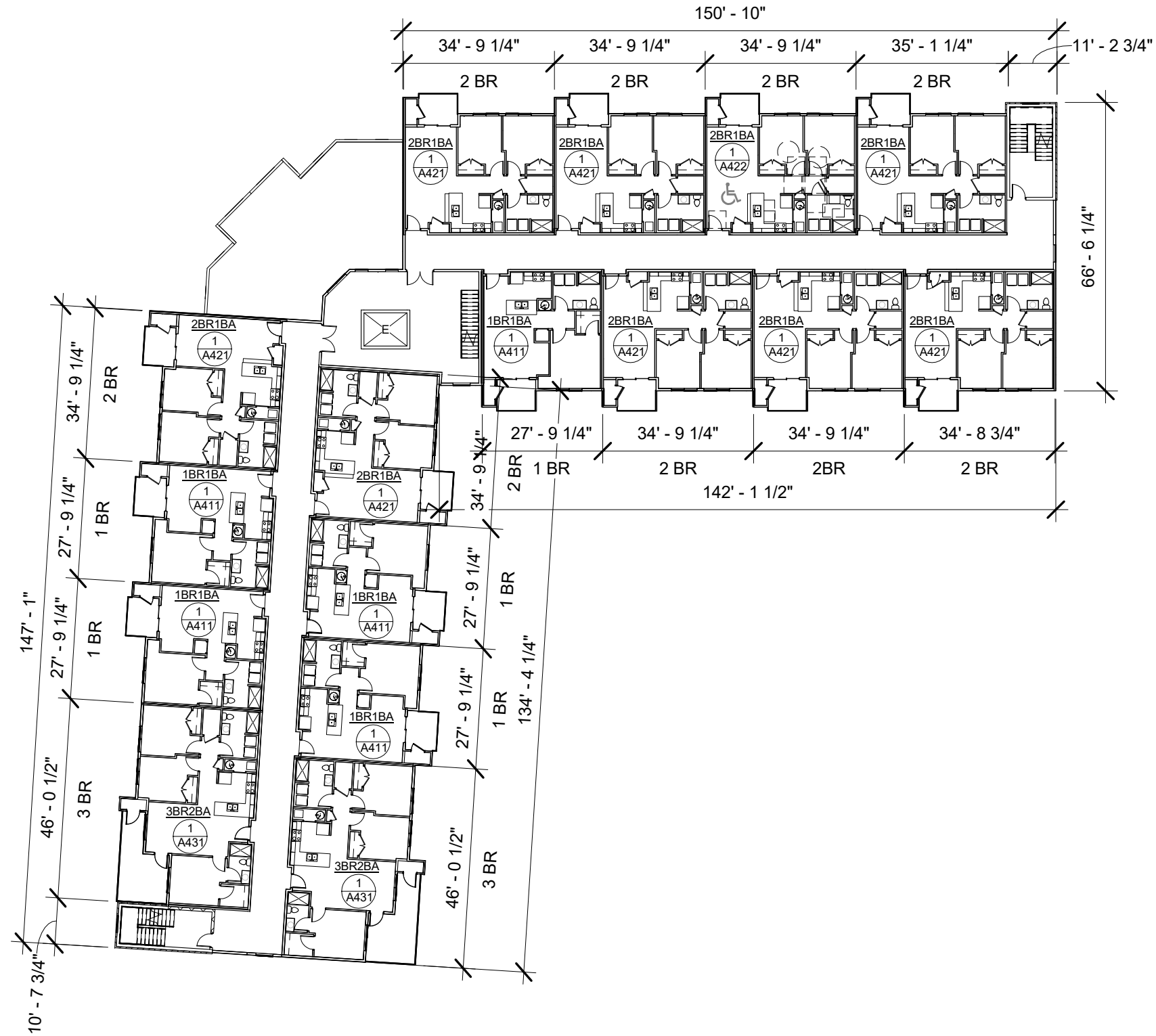


1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

**2020 LIHTC SUBMITTAL
A113 - THIRD FLOOR PLAN**

09/10/20

① FOURTH FLOOR
1" = 30'-0"



4TH FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401



**2020 LIHTC SUBMITTAL
A114 - FOURTH FLOOR PLAN**

09/10/20



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-22 – Resolution Proposing Opt Out of Opioids Settlements Pursuant to Indiana Code § 4-6-15-2

Synopsis

By adopting Resolution 21-22, the City exercises its option to opt out of a statewide settlements allocation process established by the Indiana Attorney General and codified at IC 4-6-15, et seq. The Administration does not believe the proposed Indiana settlement process is in the best interests of the City as it pursues its claims against opioid defendants in the national opioid multi-district litigation consolidated in the US District Court for the Northern District of Ohio. This opt out is permitted under IC 4-6-15-2.

Relevant Materials

- Resolution 21-22
- Exhibit A to Res 21-22 – Notice to Attorney General
- Memo from Corporation Counsel, Philippa Guthrie

Summary

Resolution 21-22 exercises the City's option, under a recently-enacted state statute (Indiana Code 4-6-16), to opt out of a state-run settlement process for ongoing litigation against opioid manufacturers and distributors. Under IC 4-6-15-2, a political subdivision that filed certain opioid litigation on or before January 1, 2021 may opt out of the Indiana settlement process, which must be done by June 30, 2021. This Indiana settlement process, including how settlement funds would be distributed, is described in the memo provided by Corporation Counsel Philippa Guthrie. Opting out of the settlement process would allow the City to pursue its own claims against the opioid defendants. It would also mean that the city would have no claim to any state or political subdivision funds paid according to the settlement authorized or approved by the attorney general.

To opt out of the Indiana settlement process, the City must provide certain information to the attorney general, which is contained in Exhibit A, provided herein, along with a certified copy of Resolution 21-22. If the city takes no action by June 30, 2021, it will be considered a party to any settlement in opioid litigation by the attorney general with an opioid defendant and would be bound by the terms of such a settlement. If the City opts out of the settlement, it will have the option to opt back in through adoption of a subsequent resolution. However, if the City wishes to opt back in to the settlement (after opting out), it must do so within 60 days of opting out.

Contact

Philippa Guthrie, Corporation Counsel, 812-349-3426, guthriep@bloomington.in.gov
Outside legal counsel – Irwin B. Levin, Cohen & Malad, LLP, 317-636-6481,
ilevin@cohenandmalad.com

RESOLUTION 21-22

RESOLUTION PROPOSING OPT OUT OF OPIOIDS SETTLEMENTS PURSUANT TO INDIANA CODE § 4-6-15-2

- WHEREAS, on February 9, 2018, the City of Bloomington (“City”), through its attorneys, Cohen and Malad, filed a complaint in the U.S. District Court for the Southern District of Indiana against various manufacturers and wholesale distributors of opioids, alleging significant harm to the City and its residents from the actions of the defendants in flooding the market with opioids; and
- WHEREAS, in February 2018, the City’s lawsuit was consolidated with other similar government actions across the country in the US District Court for the Northern District of Ohio as a “multidistrict litigation” action (“Opioids MDL”); and
- WHEREAS, the Opioids MDL continues to work its way through the litigation process, with, among other things, hearings, addition of new defendants, discovery, and ongoing attempts at settlement; and
- WHEREAS, in anticipation of an eventual global settlement, some states that had filed opioid lawsuits began working with their political subdivisions, such as counties and cities that had also filed opioid lawsuits, to reach agreement on a state-wide plan for allocating national settlement funds that would otherwise be awarded to the units individually; and
- WHEREAS, in April of 2021, information was circulated that there was a potential national settlement nearing agreement of plaintiffs’ claims with some or all of the Opioid MDL defendants, yet, to date, there are no final, written agreements to resolve opioid claims on a global basis, and no preliminary memorandum of understanding or term sheet has been disclosed; and
- WHEREAS, in the final days of the 2021 legislative session, legislation was inserted into the annual budget bill as a new chapter, IC 4-6-15-1 *et seq.*, mandating a process for allocation of opioid settlement funds that would otherwise be awarded individually to political subdivisions in Indiana who had filed opioid lawsuits (“Opioids Settlements”); and
- WHEREAS, IC 4-6-15-1 *et seq.* was adopted with virtually no participation or agreement of local government plaintiffs; and
- WHEREAS, IC 4-6-15-1 *et seq.* would significantly reduce the discretion of the City and all Indiana Opioid MDL plaintiffs with regard to their lawsuits, and possibly reduce their damage awards, and further, lacks crucial details about the allocation process and about other issues; and
- WHEREAS, IC 4-6-15-2 provides Indiana political subdivisions that filed opioid lawsuits on or before January 1, 2021 with the ability to “opt out” of the Opioids Settlements proposed in IC 4-6-15-1 *et seq.* by June 30, 2021, and the ability to opt back in within sixty (60) days after opting out;

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

SECTION 1. The City of Bloomington, having considered whether to elect to opt out of the Opioids Settlements as permitted under Indiana Code 4-6-15-2, hereby exercises its election to opt out of the Opioids Settlements, and orders its duly authorized agent to submit a certified copy of this Resolution to the Indiana Attorney General by June 30, 2021.

SECTION 2. BE IT FURTHER RESOLVED that by adopting this Resolution, the City of Bloomington elects to continue pursuing its individual case against opioid defendants as part of the Opioids MDL.

SECTION 3. BE IT FURTHER RESOLVED that the City of Bloomington will continue to monitor developments with the Opioids MDL and may recommend opting back in to the Opioids Settlements within sixty (60) days after opting out.

SECTION 4. This resolution 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.

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

By adopting Resolution 21-22, the City exercises its option to opt out of a statewide settlements allocation process established by the Indiana Attorney General and codified at IC 4-6-15, *et seq.* The Administration does not believe the proposed Indiana settlement process is in the best interests of the City as it pursues its claims against opioid defendants in the national opioid multi-district litigation consolidated in the US District Court for the Northern District of Ohio. This opt out is permitted under IC 4-6-15-2.

EXHIBIT A

**NOTICE OF ELECTION TO OPT OUT OF OPIOIDS SETTLEMENTS
UNDER INDIANA CODE 4-6-15-2**

The City of Bloomington, hereby submits notice to the Indiana Attorney General that it elects to opt out of the opioids settlement pursuant to Indiana Code 4-6-15-2(b). The City of Bloomington submits the following information required by Indiana Code 4-6-15-2(c):

- (1) The name of the political subdivision electing to opt out is The City of Bloomington, IN;
- (2) The contact information for an individual at this political subdivision who can provide information regarding the decision to opt-out is: Philippa M. Guthrie, Corporation Counsel, 401 N Morton St., Suite 220, Bloomington, IN 47404. Because this political subdivision is represented by counsel in this matter, the political subdivision requests that all communications relating to this decision to opt out be directed to its counsel as follows:

Irwin B. Levin
Cohen & Malad, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
317.636.6481 (office)

ilevin@cohenandmalad.com

- (3) A certified copy of the resolution adopted by this political subdivision evidencing its election to opt out of the opioids settlement pursuant to Indiana Code 4-6-15-2(c) is attached hereto as Exhibit A.

Dated this ____ day of _____, 2021.

City of Bloomington, IN

By: _____
Jim Sims, President, Common Council

By: _____
John Hamilton, Mayor

**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

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

**FROM: Philippa Guthrie, Corporation Counsel
Michael Rouker, City Attorney**

CC: Stephen Lucas, Council Administrator/Attorney

**RE: Resolution Proposing Opt Out of Opioids Settlements
pursuant to Indiana Code § 4-6-15-2**

DATE: June 16, 2021

On February 9, 2018, the City of Bloomington (“City”), through its attorneys, Cohen and Malad LLP, filed a complaint in the U.S. District Court for the Southern District of Indiana against various manufacturers and wholesale distributors of opioids, alleging significant harm to the City and its residents from the actions of the defendants in flooding the market with opioids. Other states and local government units across the country have filed similar lawsuits, and in February 2018, all of these local government actions from across the country were consolidated in the US District Court for the Northern District of Ohio as a “multidistrict litigation” action (“Opioids MDL”).

During the course of the Opioids MDL, there have been ongoing negotiations between lawyers for plaintiffs and lawyers for various individual defendants to potentially resolve claims brought by state and local governments. Recently, information began circulating that there was a potential global settlement nearing agreement for all plaintiffs and several major defendants. To date, there are no final, written agreements to resolve opioid claims on a global basis, and no preliminary memorandum of understanding or term sheet has been disclosed.

Meanwhile, in anticipation of an eventual global settlement of some type, some states had begun to negotiate agreements with their local government units on plans for allocation of any settlement funds within their states. Indiana did not take such an approach. Instead, legislation was introduced late in the legislative session in the annual budget bill (HB 1001). The statute was enacted as IC 4-6-15 with virtually no participation from Indiana local government units. From the City’s perspective, this new statute is problematic for reasons that include the following:

- Local governments may not participate in all settlements.
- The State will control 85% of all opioids settlement funds as follows:

- **70% to the Family and Social Services Administration (“FSSA”).**
 - 50% of the 70% goes from FSSA to the State.
 - The other 50% would go to FSSA for allocation on a regional basis. There is no description of any regional structure or how this allocation process would work--the FSSA may adopt rules under IC 4-22-2 to define the regions and the process.
 - **15% to the State.**
 - **15% to Local Governments based solely on population.**
 - Population of a county is defined as the aggregate population for all unincorporated areas of the county.
 - The Attorney General distributes these funds.
- No new opioids cases can be initiated by Local Governments.

City staff believes that the proposed plan sketched out by this statute would be detrimental to the City’s interests. It removes most of the City’s discretion over its lawsuit and could significantly affect the amount of damages the City might be awarded in a settlement. The statute is lacking in crucial details about how funds would be allocated, and it gives the State nearly complete control over both how those details will be fleshed out in FSSA regulations and the settlement funds themselves. If the process by which this statute was drafted and adopted is any indication, the City has no illusions that the State would consult it or any other Indiana Opioids MDL plaintiffs on how to develop a fair and rational plan for allocating settlement funds in Indiana.

IC 4-6-15-2 permits local government units to “opt out” of the statute if they do so by June 30th. They may opt back in by the earlier of 60 days after the adoption of an opt-out resolution or September 30, 2021, whichever occurs first. The City asks that the Common Council adopt Resolution 21-22 officially allowing the City to opt out of the statute. Exhibit A to the resolution is the notice that we will be required by the statute to send the Indiana Attorney General.



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-23 - Recognizing the 52nd Anniversary of the Stonewall Riots and the June Celebration of Pride Month

Synopsis

This resolution is sponsored by Councilmember Sgambelluri and Councilmember Flaherty. It recognizes the substantial contributions of members of the LGBTQ+ community in our community and beyond. Further, it remembers the 1969 protests at the Stonewall Inn as a significant moment in the struggle for equality for the LGBTQ+ community, and it reaffirms the City of Bloomington's commitment to supporting the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority individuals.

Relevant Materials

- [Resolution 21-23](#)

Summary

[Resolution 21-23](#) arises out of a request by the Indiana Stonewall Democrats to communities to sponsor resolutions or proclamations during the month of June acknowledging the contributions of members of the LGBTQ+ community.

[Resolution 21-23](#) reaffirms the City of Bloomington's commitment to supporting the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, and other sexual and gender minority individuals in Bloomington. It states that the city supports efforts to ensure the equal treatment of all people in the City, regardless of sexual orientation and gender identity. Finally, [Resolution 21-23](#) encourages the celebration of June as "LGBTQ+ Pride Month."

A similar item of legislation was recently considered by the Indianapolis City-County Council, which you can read [here](#).

Contact

Councilmember Sue Sgambelluri, sue.sgambelluri@bloomington.in.gov, (812) 349-3409

Councilmember Matt Flaherty, matt.flaherty@bloomington.in.gov, (812) 349-3409

RESOLUTION 21-23

RECOGNIZING THE 52ND ANNIVERSARY OF THE STONEWALL RIOTS AND THE JUNE CELEBRATION OF PRIDE MONTH

- WHEREAS, LGBTQ+ residents of Bloomington, Indiana have made and continue to make vital contributions to the city and the state through their roles in education, law, health care, business, government, public safety, science, research, economic development, architecture, fashion, sports, the arts, technology, literature, social justice, and numerous other fields; and
- WHEREAS, LGBTQ+ residents in the United States serve and have served honorably and with bravery in the United States Army, Navy, Air Force, Marines, and Coast Guard; and
- WHEREAS, LGBTQ+ individuals throughout the United States have served with distinction in a range of elected leadership positions in Federal, State, and local government including member of Congress, governor, mayor, city council member, county council member, clerk, and other roles; and
- WHEREAS, the LGBTQ+ community has faced discrimination, inequality and violence in the United States; and
- WHEREAS, throughout much of this nation's history, same-sex relationships were criminalized in many states, and many LGBTQ+ individuals were compelled to hide their LGBTQ+ identities and to live in secrecy and fear; and
- WHEREAS, According to the Human Rights Campaign (HRC) 2020 State Equality Index, 27 states have no explicit ban on discrimination based on sexual orientation and gender identity in housing; and 29 states have no express prohibition on Public Accommodations discrimination based on sexual orientation and gender identity; and
- WHEREAS According to the Gay, Lesbian and Straight Education Network (GLSEN) there are 30 states without laws prohibiting discrimination against students based on sexual orientation and gender identity; and
- WHEREAS, LGBTQ+ people in Indiana face disparities in employment, healthcare, education, housing, and many other areas central to the pursuit of happiness in the United States; and
- WHEREAS, the demonstrators who protested a law enforcement raid of the Stonewall Inn, an LGBTQ+ club in New York City, on June 28, 1969, 52 years ago this month, were pioneers in the LGBTQ+ movement for equality; and
- WHEREAS, on June 26, 2015, the Supreme Court of the United States ruled in *Obergefell v. Hodges*, 135 S. Ct. 2584, that same-sex couples have a constitutional right to marry and acknowledged that “[n]o union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family”; and
- WHEREAS, the United States Supreme Court in *Bostock v. Clayton County, GA*, 140 S. Ct. 1731 (2020) held that discrimination on the basis of gender identity or sexual orientation is a form of sex discrimination, and thus prohibited by Title VII of the City Rights Act of 1964; and
- WHEREAS, despite being marginalized throughout this nation's history, LGBTQ+ people in Bloomington, Indiana and across the country continue to celebrate their identities, love, and contributions to the United States in various expressions; and
- WHEREAS, LGBTQ+ people in Bloomington and across Indiana have fought for equal treatment, dignity, and respect; and
- WHEREAS, LGBTQ+ people in Bloomington have achieved significant milestones, ensuring that future generations of LGBTQ+ people in the City will enjoy a more equal and just society; and

WHEREAS, the inclusion of LGBTQ+ people in Bloomington continues to expand, and LGBTQ+ people in Bloomington remain determined to pursue equality, respect, and inclusion for all individuals regardless of sexual orientation and gender identity;

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

SECTION 1. The City of Bloomington supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority individuals (referred to in this resolving clause as “LGBTQ+”) people in Bloomington and around the world;

SECTION 2. The City of Bloomington supports efforts to ensure the equal treatment of all people in the City, regardless of sexual orientation and gender identity;

SECTION 3. The City of Bloomington encourages the celebration of June as “LGBTQ+ Pride Month” in order to provide a lasting opportunity for all people in Bloomington to learn about the discrimination and inequality experienced by the LGBTQ+ community, and to celebrate the contributions of the LGBTQ+ community throughout the history of the City.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

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 resolution is sponsored by Councilmember Sgambelluri and Councilmember Flaherty. It recognizes the substantial contributions of members of the LGBTQ+ community in our community and beyond. Further, it remembers the 1969 protests at the Stonewall Inn as a significant moment in the struggle for equality for the LGBTQ+ community, and it reaffirms the City of Bloomington's commitment to supporting the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority individuals.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-30 - To Amend Title 16 of the Bloomington Municipal Code Entitled “Residential Rental Unit and Lodging Establishment Inspection Program”

Synopsis

The Ordinance amends Title 16, “Residential Rental Unit and Lodging Establishment Inspection Program” by requiring annual submittal of an occupancy affidavit for certain types of residential rental units and providing notices of violation to be deemed properly served if transmitted by email to the Owner email address registered with HAND on the form described in Section 16.03.020.

Relevant Materials

- [Ordinance 21-30](#)
- Memo from staff
- Occupancy Affidavit Form
- Housing Committee Report
- Amendments 01 & 02 (adopted by the Council on June 2)
- Additional amendments may be forthcoming

Summary

[Ordinance 21-30](#) proposes to amend three sections of Title 16 (“Residential Rental Unit and Lodging Establishment Inspection Program”) of the Bloomington Municipal Code (“BMC”), accessible online here: [BMC Title 16](#)

Section 1 creates a new section at 16.03.025 setting forth conditions for submitting occupancy affidavits to HAND.

Section II amends the table to include a penalty for (a) failure to timely submit an occupancy or; (b) for the submission of an incorrect occupancy affidavit.

Section III deletes the owner option of a designation for service of notice by email and replaces it with a provision that deems notice of violation as properly served if a copy is, “Sent by mail to the email address designated by the Owner on the registration form provided under Section 16.03.020.”

On May 26, 2021, the Council’s Housing Committee met to discuss this item. The ordinance received a do-pass recommendation of 4-0 from the Committee.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

At its June 2, 2021 Regular Session, the Council deliberated on the ordinance. It adopted two amendments (contained herein) before postponing further consideration of the ordinance to the June 16 Regular Session. This postponement has allowed HAND staff to hold additional conversations with affected stakeholders. As a result of these conversations, HAND staff may request that the Council consider additional amendments to the ordinance, which will be made available once prepared.

Contact

John Zody, HAND Director, (812) 349-3582, john.zody@bloomington.in.gov

Daniel Dixon, Assistant City Attorney, (812) 349-3426, daniel.dixon@bloomington.in.gov

ORDINANCE 21-30

**TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “RESIDENTIAL RENTAL UNIT AND LODGING
ESTABLISHMENT INSPECTION PROGRAM”**

WHEREAS, the City of Bloomington has a demonstrated problem enforcing over-occupancy in residential rental units; and

WHEREAS, over-occupancy in residential rental units presents dangers to the health and safety of the people living in and around said units; and

WHEREAS, creating and requiring completion of occupancy affidavits for residential rental units will provide necessary support to the City of Bloomington Housing and Neighborhood Development (“HAND”) and Planning and Transportation Departments in enforcing occupancy limits in residential rental units; and

WHEREAS, the HAND Department should be responsible for maintaining an occupancy affidavit as part of its residential rental unit safety inspection program under Title 16 of the Bloomington Municipal Code (“BMC”); and

WHEREAS, given the predominant use of electronic mail communication and the existing requirement for property owners and managers to provide and maintain a valid e-mail address with the HAND Department, Title 16 of the BMC should be updated to permit the HAND Department to serve notices of violation of BMC Title 16 to property owners and managers via the e-mail address provided to HAND on the residential rental property registration form.

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

SECTION I. Chapter 16.03 of the BMC shall be amended by creating a new Section at 16.03.025 setting forth conditions for submitting occupancy affidavits to HAND as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

- (a) No owner of a residential rental unit containing up to four dwelling units per building shall let for occupancy or let any such dwelling unit without first submitting a fully executed occupancy affidavit for said dwelling unit to the HAND department on the form so provided by the HAND department.
- (b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant and identify the familial relationships, if any, among the occupants. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after diligent inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
- (c) For each dwelling unit, the owner or agent shall submit an updated occupancy affidavit and each tenant shall sign the same, as set forth above, not less than once per calendar year during the month of September, and also within 15 calendar days from the date of any change in the occupancy in the dwelling unit. If there is no change in occupancy since the previously filed occupancy affidavit, the owner may indicate "no change in occupants" in space provided on the form for the occupants' names and need not include occupant signatures.
- (d) For residential rental properties containing more than four dwelling units, the requirement to submit a fully executed occupancy affidavit to the HAND department is waived unless a complaint is made about occupancy concerning the residential rental unit.

- (e) Any residential rental unit that is subject to this section but has received from the Board of Housing Quality Appeals a variance from having to obtain an occupancy permit under this Title must still fully comply with this section of this Title.

SECTION II. Section 16.10.030(b) of the BMC is amended to add the following penalty as the last row of the table:

Failure to timely submit and/or submission of an incorrect occupancy affidavit.	Flat fine not to exceed \$500.00.
---	-----------------------------------

SECTION III. Section 16.10.040(c)(4) shall be amended by deleting the language “If the owner so designates on his registration form as being appropriate, sent by email.” and replacing it with “Sent by email to the email address designated by the Owner on the registration form provided under Section 16.03.020.” so that Section 16.10.040(c) reads as follows:

- (c) The notice shall be deemed properly served if a copy thereof is:
 - (1) Delivered personally;
 - (2) Sent by certified or first-class mail addressed to the last known address of the responsible party;
 - (3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or
 - (4) Sent by email to the email address designated by the Owner on the registration form provided under Section 16.03.020.

SECTION IV. 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 of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City 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 amends Title 16 “Residential Rental Unit and Lodging Establishment Inspection Program” by requiring annual submittal of an occupancy affidavit for certain types of residential rental units and providing for notices of violation to be deemed properly served if transmitted by email to the Owner email address registered with HAND on the form described in BMC Section 16.03.020.



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Daniel Dixon, Assistant City Attorney
RE: Ordinance 21-30 – Amendment to Title 16 related to occupancy affidavits and service of Notices of Violation
DATE: May 10, 2021

The Housing and Neighborhood Development Department (“HAND”), along with staff from the Planning and Transportation Department (“Planning”) have experienced significant difficulty for many years in enforcing occupancy limits in residential rental units throughout the City. The problem in enforcement of occupancy limits primarily arises in smaller residential rental units. These smaller units are typically in residential neighborhoods with stricter zoning limits on the number of occupants who do not share a familial relationship.

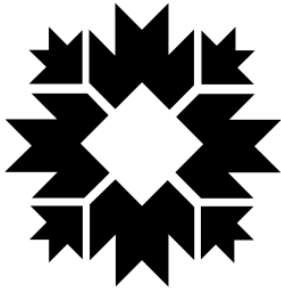
HAND staff is typically the first to identify a suspected occupancy violation during routine inspections under Title 16. Unfortunately, without any ability to confirm the identity and familial relationship of the tenants, HAND and Planning are unable to determine whether or not there is actually any violation of a unit’s occupancy limit. As a result, Planning cannot issue or enforce notices of violation for over occupancy and the problem continues to grow.

While the Planning and Transportation Department has responsibility for issuing notices of violation and enforcing occupancy limits, over occupancy in residential rental units also presents life-safety issues for tenants. Additionally, over occupancy in residential rental units is usually first discovered by or reported to HAND staff. Requiring an occupancy affidavit as part of the residential rental unit inspection and registration requirements of Title 16 would further the goals of Title 16. HAND staff would also be able to provide the affidavit to Planning to assist planning in enforcing the occupancy limit for the residential rental unit.

A Title 16 update is necessary to reflect the requirement of an Occupancy Affidavit, to be developed and maintained by HAND, wherein the property owner or manager and tenants attest to the maximum occupancy of the property. The Affidavit must be signed by the property owner or manager and all tenants. This document is necessary to demonstrate a mutual understanding of the maximum occupancy and to provide the City of Bloomington the ability to enforce over-occupancy violations. The update also provides for a fine to be issued by HAND for failure to provide an occupancy affidavit or providing a false affidavit. A draft copy of an occupancy affidavit is attached to this memo.

The second objective of the Title 16 Amendment is to permit notices of violation for Title 16 to be sent to property owners and managers through the email address they register with hand as part of the residential rental unit registration process. This amendment would increase the

efficiency of the administration of Title 16 by reducing lag time from mail. The amendment will also save HAND significant amounts of money in printing, paper, and postage costs. The current version of Title 16 permits property owners to opt-in to email service for notices of violation. The update removes the opt-in option. Providing and maintaining a valid email contact address is already required under BMC 16.03.020(b)(4) and (c).



**CITY OF BLOOMINGTON
RENTAL PROPERTY OCCUPANCY AFFIDAVIT**

**Housing & Neighborhood Development
P.O. Box 100
Bloomington, IN 47401
Phone: (812) 349-3420 Fax: (812) 349-3582
Email: hand@bloomington.in.gov**

As required by Section 16.03.025 of the Bloomington Municipal Code.

Address of Residential Rental Unit (include apt. number): _____

I have made personal and diligent inquiry into the names and familial relationships of all tenants occupying this residential rental unit and I make this affidavit based upon my personal knowledge. The names of each and every occupant residing in this residential rental unit and their familial relationships, if any, to one another (if no relationship, state none) are as follows:

Name:	Familial Relationship to other Tenants:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For each familial relationship stated above, please provide (in the space provided below) the names, addresses, telephone numbers, email addresses and the relationships of the persons through whom the familial relationship exists (Example: For sibling relationships, please state the names, addresses, telephone numbers and email addresses of their parents).

The lease for this residential rental unit is from _____ to _____.

Initial one of the following:

_____ I am the owner of this residential rental unit.

_____ I am the agent of this residential rental unit.

As set forth in 16.03.025, the owner or agent of a residential rental unit consisting of not more than 4 dwelling units per building shall submit an updated occupancy affidavit for each dwelling unit, and each tenant occupying the dwelling unit shall sign the same, not less than annually and upon any change in occupants. If there is no change in occupancy since the previously filed occupancy affidavit, the owner may indicate "no change in occupants" in space provided on the form for the occupants' names and need not include occupant signatures.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____ Signature: _____ Printed: _____
Owner/Agent Owner/Agent

ALL TENANTS OF THIS RESIDENTIAL RENTAL UNIT ARE REQUIRED TO, AND SHALL, COMPLETE PAGE THREE (3) OF THIS OCCUPANCY AFFIDAVIT (UNLESS UNDER THE AGE OF 18 YEARS OR NO CHANGE IN OCCUPANTS SINCE MOST RECENT RENTAL PROPERTY OCCUPANCY AFFIDAVIT).

Tenant Confirmation: I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a Level 6 felony. A person who commits a Level 6 felony shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 ½) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Owner/Agent Verification of Refusal to Sign: I certify under penalties for perjury that I have demanded that the tenants sign this occupancy affidavit and the following tenants have refused to do so:

Name (please print legibly):



Housing Committee City of Bloomington Common Council

Report on Referral of:

Ordinance 21-30 - To Amend Title 16 of the Bloomington Municipal Code Entitled
“Residential Rental Unit and Lodging Establishment Inspection Program”

Referral and Deliberations:

Date	Entity	Action
05/19/2021	Common Council Regular Session	Introduction and referral to Housing Committee
05/26/2021	Council Housing Committee Meeting	Presentation, discussion, public comment, do pass recommendation (4-0)
06/02/2021	Common Council Regular Session	<i>Pending</i>

Summary and Recommendations

The Housing Committee met on Wednesday, May 26, 2021 for approximately one hour to discuss Ordinance 21-30. John Zody, Director of Housing and Neighborhood Development (HAND), gave the staff presentation and responded to questions from committee members. Brent Pierce, Assistant Director of HAND, and Daniel Dixon, Assistant City Attorney, also presented and answered questions.

Zody provided an overview of the ordinance. He explained that the proposed occupancy affidavit requirement would better allow HAND staff to enforce occupancy limits in residential units. There was discussion on how the proposed affidavit would overlap with the City’s existing rental inspection program and how over-occupancy complaints were addressed and documented. Pierce explained the affidavit requirement would ensure that both the property owner and the tenants would be aware of applicable occupancy limits. Zody noted that over-occupancy could be documented in different ways and that the proposed affidavit would further assist the city if enforcement was necessary. Zody said that another purpose for the affidavit was to assist the city with data tracking for the properties subject to the requirement.



City of Bloomington Indiana

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Committee members expressed support for the ordinance, but voiced concern about the ordinance's second whereas clause and whether it accurately reflected the purpose of the ordinance. Committee member Piedmont-Smith also suggested that the affidavit should be required annually from tenants, regardless of whether there was some change in occupancy since the previously-filed occupancy affidavit.

There was no public comment on the proposal. Committee members were in favor of the project. The committee recommended do-pass by a vote of 4-0.

/s/Kate Rosenbarger
Kate Rosenbarger, Chair

06/01/2021
Date

/s/Matt Flaherty
Matt Flaherty

06/01/2021
Date

/s/Isabel Piedmont-Smith
Isabel Piedmont-Smith

06/01/2021
Date

/s/Jim Sims
Jim Sims

06/01/2021
Date

***** Amendment Form *****

Ordinance #: 21-30
Amendment #: Am 01
Submitted By: Cms. Rosenbarger, Piedmont-Smith, Sims, Flaherty
Date: June 2, 2021
Proposed Amendment:

1. Ord 21-30 shall be amended by removing the second Whereas clause as follows:

~~WHEREAS, over-occupancy in residential rental units presents dangers to the health and safety of the people living in and around said units; and.~~

Synopsis

This amendment is sponsored by Cms. Rosenbarger, Piedmont-Smith, Sims, and Flaherty. While it is true that over-occupancy may present certain health and safety dangers, this Whereas clause raises the problematic comparison with owner-occupied units and pre-existing rental units with higher occupancy where unsafe conditions and negative impacts on neighbors due to a high number of occupants may also be an issue.

Committee Recommendation: N/A
Regular Session Action (06/02/2021): 9-0

*** Amendment Form ***

Ordinance #: 21-30
Amendment #: Am 02
Submitted By: Cm. Piedmont-Smith, Cm. Sims
Date: June 2, 2021
Proposed Amendment:

1. Ord 21-30, Section 1 shall be amended by revising the proposed 16.03.025(c) by deleting the last sentence, as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

(c) For each dwelling unit, the owner or agent shall submit an updated occupancy affidavit and each tenant shall sign the same, as set forth above, not less than once per calendar year during the month of September, and also within 15 calendar days from the date of any change in the occupancy in the dwelling unit. ~~If there is no change in occupancy since the previously filed occupancy affidavit, the owner may indicate "no change in occupants" in space provided on the form for the occupants' names and need not include occupant signatures.~~

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith. If this amendment is adopted, the tenants affected by Ordinance 21-30 would have to sign a new affidavit of occupancy each year, regardless of whether they signed such an affidavit for the same unit in the previous year. The intent is to remind the tenants, as well as the property owner/agent, about the occupancy rules on an annual basis.

Committee Recommendation: N/A
Regular Session Action (06/02/2021): 5-4 (Rollo, Rosenbarger, Flaherty, Sandberg)



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”).



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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.

Ordinance 21-25 received a do pass recommendation from the Committee of the Whole with a vote of 7-0. Councilmembers Volan and Rosenbarger were not present.

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.



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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
- Amendment 01
- 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 in 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 \$13,089.00. 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.



City of Bloomington Indiana

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Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

There is one amendment for Ordinance 21-28, which changes the job grade for Digital Brand Manager in the Office of the Mayor from grade 7 to grade 8.

Ordinance 20-28 and Amendment 01 received a do pass recommendations from the Committee of the Whole with a vote of 7-0. Councilmembers Volan and Rosenbarger were not present.

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.

***** Amendment Form *****

Ordinance #: 21-28
Amendment #: Am 01
Submitted By: Cm. Sims and Cm. Sgambelluri
Date: June 8, 2021
Proposed Amendment:

1. Ord 21-28 shall be amended by changing the job grade for Digital Brand Manager in the Office of the Mayor from “7” to “8”.

Synopsis

This amendment revises the proposed job grade for Digital Brand Manager in the Office of the Mayor.

Committee of the Whole

Recommendation (June 9, 2021): 7-0 (Rosenbarger, Volan absent)

Regular Session Action (June 16, 2021): Pending



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 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 8) due to the position's changing duties which have increased in scope and complexity. The approximate fiscal impact is \$5,997.

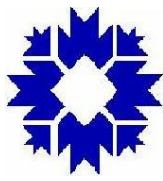
The Utilities MS4 Coordinator's grade increased from a 7 to an 8 after review. After losing two employees to higher paying comparable, public-sector jobs, the job description was revised to include missing information that increased the pay grade. This represents an approximate fiscal impact of \$4,350.

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.

On June 8th, the new grade for Digital Brand Manager in the Office of the Mayor was changed from 7 to 8 to reflect the correct grade. The approximate fiscal impact was also corrected to adjust for the grade error.



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.

Ordinance 21-29 received a do pass recommendation from the Committee of the Whole with a vote of 7-0. Councilmembers Volan and Rosenbarger were not present.

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.

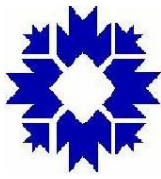
NICOLE BOLDEN, Clerk
City of Bloomington

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!