

APPROPRIATION ORDINANCE 19-09

**TO SPECIALLY APPROPRIATE FROM THE FOOD AND BEVERAGE TAX FUND
EXPENDITURES RELATED TO THE CONVENTION CENTER EXPANSION AND
AUTHORIZE PERSONS DESIGNATED BY THE MAYOR TO RELAY COUNCIL REQUESTS
FOR RECOMMENDATIONS**

- WHEREAS, the Monroe County Convention Center (“Center”) building was built in 1923 for the Graham Motor Sales company and converted to a convention center in 1991; and
- WHEREAS, the Center was upgraded and remodeled, but not enlarged, in 2012, and its current size has limited its ability to accommodate many groups desiring to hold events in Bloomington; and
- WHEREAS, the County and City are collaborating on a project to expand the Center (the “Project”), and have agreed that the Project will be primarily funded through the use of certain county excise tax revenues provided for under Indiana Code § 6-9-41-0.3, et seq. (“Food and Beverage Tax”); and
- WHEREAS, the Food & Beverage Tax was passed by the County in 2017 and has been continually collected since February 1, 2018, with the proceeds for the City transferred by the County Auditor being deposited into the Food and Beverage Tax City Fund, Number 152 (the “Fund”), in accordance with Indiana Code § 6-9-41-12; and
- WHEREAS, the County and City entered into a Memorandum of Agreement dated October 12, 2018 regarding selection of an architect to oversee the Project, and the MOU allocated explicit responsibility to the City for “Contracting and the payment for appropriate expenses for the Architect;” and
- WHEREAS, the architect, bond counsel and financial adviser were chosen and have completed the first phase of the Project (“Phase I”), which involved conceptual and design work, a survey, appraisals and environmental work, legal and financial advice related to a bond issue, and such other related services as were identified during Phase I (“Phase I Costs”); and
- WHEREAS, Phase II of the Project is ready to begin and the City therefore desires to have funds appropriated from the Fund in a not-to-exceed amount to pay for the Phase II costs not included in the adopted budget; and
- WHEREAS, the City has estimated a not-to-exceed amount for this appropriation; and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Bloomington Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]... may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the advisory commission”; and
- WHEREAS, after having previously adopted motions to request recommendations on particular expenditures, on May 15, 2019, the Bloomington Common Council made a standing request of the Food and Beverage Tax Advisory Commission (Commission) to make recommendations on future expenditures as needs arise; and
- WHEREAS, these requests were relayed to the Commission on behalf of the Council by Mick Renneisen, Deputy Mayor; and
- WHEREAS, on January 22, 2019, the Commission established under Indiana Code § 6-9-41-16, met in public session and recommended the use of monies in the Fund for the Phase I Costs related to the Architect, and met in public session on April 23, 2019 and recommended the use of the Fund for the Phase I Costs related to the bond counsel and financial adviser; and on December 3, 2019 recommended the use of the Fund for Phase II Costs related to Architect’s design fees for the expanded center and a related parking garage.

WHEREAS, pursuant to Indiana Code § 6-9-41-16(b), the majority of the members of the Commission have issued their written approvals (Exhibits A, B, and C) of the expenditures authorized herein;

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

SECTION I. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the fund herein named and for the purposes herein specified, subject to the laws governing the same:

AMOUNT REQUESTED

Food and Beverage Tax Fund

Classification 3 – Services and Charges:

Architect and related fees and expenses \$ 6,000,000.00

Grand Total \$ 6,000,000.00

SECTION 2. By this ordinance, the Common Council as legislative body of the City, authorizes the Deputy Mayor or other designee of the Mayor to relay this standing request to the Food and Beverage Advisory Commission (Commission) and, under home rule powers and IC 36-1-4-16, ratifies action taken by the Deputy Mayor to relay these requests to the Commission in the past.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

DAVE ROLLO, 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 _____, 2019.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates funds from the Food and Beverage Tax Fund for expenditures related to the Convention Center expansion project, including expenditures for Phase II of the Project, which involves design work for the expansion of the Center and a Parking Garage, appraisals and environmental work related to the project, including a bond issue, and such other related services as may be identified. This ordinance also authorizes the Deputy Mayor or other designee of the Mayor to relay a request of the Council to the Food and Beverage Advisory Commission for written recommendation to expend funds.

Exhibit C

**To be provided after December 3, 2019 meeting of
Food and Beverage Tax Advisory Commission**