

**APPROPRIATION ORDINANCE 23-02
EXHIBIT C**

RESOLUTION 23-01

OF THE CITY OF BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

**TO DECLARE THE THOMSON AND DOWNTOWN COMMUNITY REVITALIZATION
ENHANCEMENT DISTRICTS TERMINATED AND THE PURPOSES OF THE INDUSTRIAL
DEVELOPMENT FUND ACCOMPLISHED, AND TO DISSOLVE THE BLOOMINGTON
INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION**

WHEREAS, in 1997 the Common Council of the City of Bloomington (“Council”), acting under the authority of Indiana Code 36-7-13, passed Ordinance 97-22 which created the Bloomington Industrial Development Fund (“IDF”) and the Bloomington Industrial Development Advisory Commission (“Commission”); and

WHEREAS, Council created the IDF to enhance the City of Bloomington’s (“City”) ability to pursue opportunities for economic and industrial development and high-quality employment in or serving the City, and to minimize the negative effects of the 1998 closure of the Thomson Consumer Electronics, Inc. Bloomington plant, and created the Commission to make recommendations to the Council for expenditures from the IDF; and

WHEREAS, a Community Revitalization Enhancement District (“CRED district”) is a tax allocation area in which the portion of the County Option Income Tax (COIT) and Indiana retail, use and income taxes generated within the district and exceeding a set base amount, is deposited by the State of Indiana into the municipality’s IDF for use by the unit in support of economic development and revitalization; and

WHEREAS, pursuant to their authorities under the Bloomington Municipal Code and Indiana Code 36-7-13, the Commission, Council and Mayor took a series of actions between 1998 and 2004 which resulted in the creation and State Budget Agency approval of two CRED districts covering the Thomson site (“the Thomson CRED district”) and the Downtown area (“the Downtown CRED district”), as shown in Exhibits A and B which are attached and incorporated into this Resolution; and

WHEREAS, the actions taken to establish the CRED districts included:

- Council passage of Resolution 99-15, authorizing the Mayor to apply to the Commission to designate a CRED district containing the former Thomson site

- Commission passage of Resolution 99-01, approving the Mayor's application, making necessary statutory findings, and designating the Thomson CRED district
- Council passage of Resolution 03-26, authorizing the Mayor to apply to the Commission to designate a CRED district containing the downtown commercial area reflected in Exhibit A to Resolution 03-26
- Commission approval of Resolution 03-04, approving the Mayor's application, making necessary statutory findings, and designating the Downtown CRED district
- Council approval of Resolution 04-11, ratifying the statutory findings in Council Resolution 03-26 and modifying the boundaries of the original map of the Downtown CRED district in response to recommendations from the State Budget Agency
- Commission approval of Resolution 04-01, reaffirming the statutory findings of Resolution 03-04 and designating the Downtown CRED district with the revised boundaries approved by Council
- Commission submission of the required materials to the State Budget Committee for review and recommendation to the State Budget Agency, resulting in State Budget Agency approval of the Thomson and Downtown CRED districts on September 1, 1999 and June 24, 2004 respectively
- Commission Resolutions 15-01 and 15-02, extending the terms of the Thomson and Downtown CRED districts to reflect changes in state law providing for districts to terminate no later than 15 years after *first allocation of tax increment to the district* instead rather than 15 years after *designation*, and corresponding recommendations of the State Budget Agency
- Commission submission to the Indiana Department of Revenue by certified mail of required statutory information; and

WHEREAS, pursuant to Indiana Code 36-7-13-15(c), the State's annual allocation to the Thomson CRED district was capped at \$1,000,000.00, and the state's annual allocation to the Downtown CRED district was capped at \$750,000.00; and

WHEREAS, as of December 31, 2022, the State had allocated a total of \$22,048,066.55 to the IDF, comprising \$11,494,330.55 for the Thomson CRED District and \$10,553,736 for the Downtown CRED District; and

WHEREAS, pursuant to their authorities under state and local code, the Commission and Administration recommended and Council approved the use of IDF funds for (and such IDF funds were expended for) the following economic development and revitalization projects, which created or retained hundreds of jobs in Bloomington:

- Indiana Enterprise Center (IEC) development including the demolition of Building One (\$1.95 million; BIDAC Resolution 03-03, Council Resolutions 01-11, 03-24, 04-14)

- Renovation of IEC space by Cook Pharmica for expansion of its manufacturing facilities; corresponding water main construction and connections; and corresponding physical improvements to the Hillside and Rogers intersection, the Rogers and Patterson intersection, and the Cook Pharmica entrance on Patterson Drive, and stream rehabilitation improvements for improved water flow adjacent to the plant (approximately \$4.77 million; BIDAC Resolutions 05-05, 08-01, 08-02, 15-03, Council Resolutions 05-03, 08-11, 08-12, 15-08)
- Renovation in the Fountain Square Mall for the relocation and expansion of Envisage Technologies, Inc., and repayment and foregoing of certain increment generated by Envisage (approximately \$736,500); BIDAC Resolutions 09-01, 09-02, 17-01, Council Resolutions 09-14, 09-15, 17-03)
- Infrastructure improvements in the Northwest portion of the IEC for a new Best Beers Inc. warehouse, including construction of a water main, streetscape and stormwater improvements to Allen Street, and demolition of existing buildings, electric poles, light poles, lines and asphalt pavement on the property (\$100,000; BIDAC Resolution 02-01, Council Resolution 02-37)
- Renovation of the Chase Bank building and corresponding technology improvements and business systems relocation, to bring Cigital operations in Bloomington (\$32,000; BIDAC Resolution 12-01 and Council Resolution 12-02)

WHEREAS, as of December 31, 2022 the balance of the IDF (reflecting State increment allocations, interest income, and certain other items) is \$17,269,342.40, comprising \$6,421,546.80 and \$10,847,795.63 respectively for the Thomson and Downtown CRED districts; and

WHEREAS, the City may receive a residual payment from the State in connection with any final reconciliation of the IDF; and

WHEREAS, pursuant to Indiana Code 36-7-13-12.1(d), the Thomson and Downtown CRED districts must terminate not later than fifteen (15) years after the income tax incremental amount or gross retail incremental amount is first allocated to the district; and

WHEREAS, both CRED districts were designated for the maximum lifespan allowed by Indiana Code 36-7-13-12.1(d), meaning that each would statutorily expire at the end of the State's fiscal year that is fifteen (15) years after the first allocation of incremental tax funds to that district; and

WHEREAS, more than fifteen (15) years have passed since the State of Indiana first allocated tax increment to the Thomson and Downtown CRED districts, and therefore both have statutorily expired; and

WHEREAS, pursuant to Indiana Code 36-7-13-19, when the Commission determines that the purposes for which a CRED district was established have been accomplished

and all bonds or other obligations issued in connection with the district have been fully paid, the Commission shall adopt a resolution terminating the district and send a certified copy of the resolution by certified mail to the Indiana Department of Revenue; and

WHEREAS, as indicated above, CRED district funds were used during the statutory lifetime of the CRED districts to support various economic development and revitalization projects and corresponding job creation and retention; and

WHEREAS, any and all bonds and other obligations issued in connection with the Thomson and Downtown CRED districts have been fully paid; and

WHEREAS, pursuant to Indiana Code 36-7-13-9, when the purposes for which the IDF was established have been accomplished and all CRED districts designated by the unit have been terminated under Indiana Code 36-7-13-19, the balance remaining in the IDF shall be transferred to the general fund of the unit; and

WHEREAS, upon transfer to the City's General Fund, the former IDF funds may continue to be appropriated by the Council for use in supporting economic development and revitalization projects, in the former CRED districts and other appropriate locations in the City; and

WHEREAS, upon termination of the CRED districts and transfer of the IDF balance to the City's General Fund, the Commission may dissolve, since its purpose – to make recommendations for the expenditure of IDF funds – shall have been fulfilled;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. With the expenditures of IDF funds during the Thomson and Downtown CRED districts' statutory lifespans to support various economic and industrial development, revitalization and corresponding job creation and retention in those districts, the full payment of all bonds and other obligations issued in connection with those CRED districts, and the statutory expiration of the CRED districts, the purposes of those CRED districts and the IDF have been accomplished, and the Thomson and Downtown CRED districts are hereby declared terminated.

SECTION 2. With the termination of the Thomson and Downtown CRED districts and the accomplishment of the purposes for which the IDF was established, the balance remaining in the IDF as of December 31, 2022, together with any residual amounts that may hereafter be received from the State in connection with any final reconciliation of the IDF, shall be transferred to the City's General Fund in accordance with state law.

SECTION 3. With the termination of the Thomson and Downtown CRED districts and transfer of the IDF balance to the General Fund, no work remains for the Commission and it shall be dissolved and cease to operate, effective as of the date of signature below.

Approved this _____ day of _____, 2023.

BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

Commissioner	Yea	Nay	Abstain/Absent
Bruce Calloway			
Beth Cate			
Roger Kent			
Robert King			
Cindy Kinnarney			
Joyce Poling			

Vote Total: Yea _____ Nay _____