AGENDA/ ADDENDUM

November 23, 2020

KOKOMO COMMON COUNCIL

CITY OF KOKOMO, INDIANA

PUBLIC INFORMATIONAL MEETING AT 5:30 P.M. IN THE LOUKS CONFERENCE ROOM LOATED ON THE FIRST FLOOR. COUNCIL MEETING IMMEDIATELY FOLLOWING AT 6:00P.M. IN THE COUNCIL CHAMBERS CITY HALL 100 S UNION ST.

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting minutes held November 09th, 2020

COMMUNICATIONS:

COMMITTEE REPORTS:

Ordinance #6973  An Ordinance amending Ordinance #6852 for certain fees pertaining to the City’s wastewater and storm-water utility.

(second reading) Miklik

Ordinance #6974 Case P13-Z-20 a petition of Devona Beard Anderson, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone from R4 (urban residential) to OC (office commercial) for property described as Garden Place lot 50x100 x200 E SD lot 50 & E PT lot 51 containing 0.458 acres, more or less, City of Kokomo, Center Township, Howard County, IN. at 1613 N Delphos St.

(first reading) Sanders
Ordinance #6975  Case P11-Z-20 is the petition of Doug Stellhorn, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from PR (parks & recreation) to C1 (small to medium scale general commercial) for property described as part of the southeast quarter of section 3, township 23 north, range east, center township, Howard County, Indiana, located at 3116 West Boulevard Kokomo In. 46902

(first reading) Sanders

Ordinance #6976 Whereas, it has been determined that it is now necessary to appropriate money in accordance with the General Fund.

(first reading) Miklik

Ordinance #6977  An Ordinance of the Kokomo Common Council concerning certain actions and proceedings with respect to the financing of certain KHA RAD I apartments.

(first reading) Miklik

Resolution #2752  Whereas, it has been determined that it is now necessary to transfer funds (General Fund)

(Miklik)

Resolution #2753  Resolution to provide for reimbursement to Public Health and Public Safety payroll costs with CARES ACT funding.

(Miklik)

Resolution #2754  Resolution of Kokomo Economic Development Commission approving and authorizing certain actions and proceedings with respect to certain proposed multifamily housing revenue bonds for the KHA RAD I Apartments.
The Common Council of the City of Kokomo, Indiana met Monday November 09th, 2020

At 6:00 p.m. in the Council Chamber for the purpose of a Public Hearing on Ordinance #6969.


Absent: None

President Rudolph called for any comments from the audience, hearing none the Public Hearing was adjourned.

COUNCIL MEETING MINUTES

NOVEMBER 09TH, 2020

The Common Council of the City of Kokomo, Indiana met Monday November 09th, 2020 at 6:00 p.m. in the City Hall Council Chambers.

The meeting was called to order by President Rudolph.

President Rudolph states, those who wish to stand may stand, or you may remain seated.

Councilwoman Sanders introduced Pastor Talon Paul of Maple Grove Community Church.

Pledge:

Present: Rudolph, Grecu, Acord, Collins, R. Stewart, T. Stewart, McKibben, Sanders, Miklik

Absent: None

The minutes of the Council Meeting October 26, 2020 were declared approved as presented.

There were no Communications at this regular meeting.

There were no Committee Reports given at this regular meeting.

Ordinance #6969

An Ordinance (amended) Whereas, it has been determined that is now necessary to appropriate money in accordance with the General Fund.

Ordinance #6969 was read by the Clerk by title only. Councilman Miklik moved for passage seconded by Councilman Sanders.
Vote for passage follows;

Aye: All
Nay: None

Ordinance #6973

An Ordinance amending Ordinance #6852

For certain fees pertaining to the City’s wastewater and storm-water utility. Was read by the Clerk by title only. Councilman Miklik moved for passage on first reading, seconded by Councilman R. Stewart.

Vote for passage on first reading follows:

Aye: All
Nay: None

ATTEST: PRESIDENT:

_________________ __________________________

City Clerk
ORDINANCE NO. 6973

AN ORDINANCE AMENDING ORDINANCE #6852 FOR CERTAIN FEES PERTAINING TO THE CITY’S WASTEWATER AND STORMWATER UTILITY

WHEREAS, Indiana Code 8-1.5-3-3 provides that the Kokomo Common Council may confer the control of any and all of its municipally owned utilities on the municipal works board; and

WHEREAS, the City has enacted a schedule of storm water user fees for the costs of collecting and treating storm water pursuant to IC 36-9-23-25 which authorizes the Kokomo Common Council to approve any changes to the schedule of fees; and

WHEREAS, the Kokomo Common Council inadvertently omitted a user fee for the Kokomo Public schools when it passed Ordinance #6852 and must update the fee schedule to reflect the appropriate user fee; and

WHEREAS, the Kokomo Common Council finds that due notice and the appropriate public hearing have been given and conducted in accordance with IC 36-9-23.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO THAT PURSUANT TO THE ORDINANCE, CHAPTER 55, SECTION 105 (E) OF THE KOKOMO CODE OF ORDINANCES SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION I

§55.105 STORM WATER FEES

This section establishes monthly fees for the use of, and services provided for, the City’s Storm Water Utility. Such fees shall be based upon the meter size serving each user according to the following schedule.

<table>
<thead>
<tr>
<th>Meter Size:</th>
<th>Monthly fee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(E) 2&quot; meter</td>
<td></td>
</tr>
<tr>
<td>1) Kokomo Public Schools</td>
<td>$24.37</td>
</tr>
<tr>
<td>2) All other users</td>
<td>$46.20</td>
</tr>
</tbody>
</table>

*This fee shall be effective beginning January 1, 2017 and thereafter.*
SECTION II

This Ordinance shall be in full force and effect from and after its passage, signature by the Members of the Common Council of the City, and publication as provided by law.

Ordinance #6973

PASSED AND ADOPTED by the Common Council of the City of KOKOMO, Howard County, Indiana, this ___ day of November, 2020.

COMMON COUNCIL

[Signature]
Presiding Officer

ATTEST:

[Signature]
Diane Howard, City Clerk

Presented by me to the Mayor of Kokomo, Indiana, this 10th day of November, 2020 at the hour of 6:00 o’clock A.M.

[Signature]
Diane Howard, City Clerk

This Ordinance approved and signed by me this 10th day of November, 2020 at the hour of 6:00 o’clock A.M.

[Signature]
Tyler Moore, Mayor
November 12, 2020

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P13-Z-20
Rezone from R4 (Urban Residential) to OC (Office Commercial)
1613 N Delphos St.

Ordinance No. 6974

Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, November 10, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P11-Z-20 is the petition of Devona Beard Anderson, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from R4 (Urban Residential) to OC (Office Commercial) for property described as Garden Place Lot 50 x 100 x 200 E SD Lot 50 & E PT Lot 51 containing 0.458 acres, more or less, City of Kokomo, Center Township, Howard County, Indiana, at 1613 N Delphos St.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6974
Case:P13 - Z - 20

STATE OF INDIANA  )
CITY OF KOKOMO ) SS:
COUNTY OF HOWARD )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 10th day of November, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this _______ day of __________, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 12th day of November, 2020.

Dianne Trobaugh
Notary Public

My commission expires:

January 27, 2028.

This instrument was prepared by Jessica Goldman, Secretary, City Plan Commission, Kokomo.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended, with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from **R4 (Medium Density Urban Residential) to OC (Office Commercial)** for property described: Garden Place Lot 50 100x 200 E SD Lot 50 & E PT Lot 51, containing .458 acres, more or less, Center Township, Howard County, Indiana, at 1613 N. Delphos St..

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

PASSED by the Kokomo Common Council this _____ day of ________________, 2020.

Attest:

______________________________________________________________
Lynn Rudolph, Sr., President,
Kokomo Common Council

Diane Howard, City Clerk

PRESENTED by me to the Mayor this _____ day of ________________, 2020.

______________________________________________________________
Diane Howard, City Clerk

APPROVED by me this _____ day of ________________, 2020.

______________________________________________________________
Tyler Moore, Mayor
City of Kokomo, Indiana

Diane Howard, City Clerk

This instrument was approved by Janice Goldman, City Plan Commission, Secretary.
Devona Anderson is requesting a change in zone classification for the property listed above in order to use as a "Medical/Consultation Office and Treatment".

The adjoining property uses and zoning(s) are:

North: R4 (Urban Residential)
South: R4 (Urban Residential)
East: R4 (Urban Residential)
West: R4 (Urban Residential)

According to the City of Kokomo Zoning Ordinance, "OC" (Office Commercial) is considered an "appropriate adjacent district" within the area specified.

According to the City of Kokomo Comprehensive Plan "Future Land Use Map", this property is located in an area proposed for "Medium Density Residential" which is single-family housing of varying types between 3 to 6 dwellings per unit per acre. Typical medium density housing would be: single family detached, duplexes, triplexes, condominiums, townhomes and cluster housing.

Land Use Goals:
1. Encourage orderly and responsible development to promote health, safety and quality of life of residents in the City of Kokomo, while maintaining Kokomo as a leading community for affordable housing.

Relevant Land Use Objectives are:
1. Encourage adequate land for residential, commercial, industrial, institutional and recreational uses.
2. Designate specific districts in the community suitable for residential, commercial, industrial, institutional and recreational uses.
The goal of the City of Kokomo Comprehensive Plan Transportation Map, is to enhance connections throughout the city for improved safety, function and efficiency for all modes of transportation including vehicular, bicycle and pedestrian networks.

According to the Transportation Map, "N Delphos" is defined as a "Local Street", which is a street designated primarily to provide access to abutting properties and discourage through traffic. The traffic count for this area of North Delphos is 3,508 (the East block of Ohio is the closest count).

The requested zoning change is compatible with the existing adjoining districts. Therefore, the staff desires the Plan Commission forward a favorable recommendation to the Kokomo Common Council.
November 12, 2020

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P11-Z-20

Rezone from PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial)
3116 W Boulevard

Ordinance No. 6975
Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, November 10, 2020 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P11-Z-20 is the petition of Doug Stellhorn, requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from PR (Parks & Recreation) to C1 (Small to Medium Scale General Commercial) for property described as Part of the Southeast Quarter of Section 3, Township 23 North, Range East, Center Township, Howard County, Indiana, described as follows: Beginning at the southeast corner of said quarter marked by a 5/8 inch diameter rebar; thence N 00 degrees 22' 00" E 1313.27 feet along the west line of said quarter; thence N 89' 10" 11" E 1227.23 feet to the northwest right-of-way of Cera Railroad marked by a 5/8 inch diameter rear with orange cap stamped “FIRM 0047”; thence S 37" 08' 25" W 1663.98 feet along said right-of-way to the south line of said quarter marked by a mag nail with aluminum washer stamped “FIRM0047”; thence S 88" 51" 54" W 230.90 feet along said line to the point of beginning, containing 21.96 acres more or less, subject to the highway right-of-way, at 3116 West Boulevard.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully Submitted,

Michael Besser, President
Kokomo City Plan Commission
Certification
Ordinance No.: 6975
Case:Pll - Z - 20

STATE OF INDIANA 
CITY OF KOKOMO 
COUNTY OF HOWARD

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 5:00 p.m. on the 10th day of November, 2020, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this 12th day of November, 2020.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 12th day of November, 2020.

Dianne Trobaugh
Notary Public
A resident of Howard County

My commission expires: January 27, 2028.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended, with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from **PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial)** for property described: Part of the Southeast Quarter of Section 3, Township 23 North, Range East, Center Township, Howard County, Indiana, described as follows:

Beginning at the southeast corner of said quarter marked by a 5/8 inch diameter rebar; thence N 00' 22' 00" E 1313.27 feet along the west line of said quarter; thence N 89' 10' 11" E 1227.23 feet to the northwest right-of-way of Cera Railroad marked by a 5/8 inch diameter rear with orange cap stamped "FIRM 0047"; thence S 37' 08' 25" W 1663.98 feet along said right-of-way to the south line of said quarter marked by a mag nail with aluminum washer stamped "FIRM0047"; thence S 88' 51' 54" W 230.90 feet along said line to the point of beginning, subject to the highway right-of-way, containing 21.96 acres, more or less, Center Township, Howard County, Indiana, at 3116 West Boulevard.

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

PASSED by the Kokomo Common Council this _____ day of ________________, 2020.

Attest:

______________________________________________________________
Lynn Rudolph, Sr., President,
Kokomo Common Council

PRESENTED by me to the Mayor this____day of______________________, 2020.

______________________________________________________________
Diane Howard, City Clerk
Staff Report
Case P11-Z-20
PR (Parks and Recreation) to C1 (Small to Medium Scale General Commercial)
34-09-03-451-001.000-002
3116 W Boulevard

Douglas B Stellhorn is requesting a change in zone classification for the property listed above, in order to be used as a “Travel Trailer/RV Dealership”.

The adjoining property uses and zoning(s) are:
North: C2 Medium to Large Scale General Commercial
South: R1 Very Low Density Residential & R3 Medium Density Residential
East: R3 Medium Density Residential
West: PR Parks and Recreation & R3 Medium Density Residential

According to the City of Kokomo Zoning Ordinance, “C1” (Small to Medium Scale General Commercial) is considered an “appropriate adjacent district”. However, in order to open a business such as this in a “C1” zone, the petitioner will also go before the Board of Zoning Appeals seeking a Special Exception.
According to the City of Kokomo Comprehensive Plan “Future Land Use Map”, this property is located in an area proposed for “Parks and Recreation” which are public and private parks used for passive and active recreation. Also, low impact commercial recreation facilities.

Land Use Goals:
1. Encourage orderly and responsible development to promote health, safety and quality of life of residents in the City of Kokomo, while maintaining Kokomo as a leading community for affordable housing.

Relevant Land Use Objectives are:
1. Encourage adequate land for residential, commercial, industrial, institutional and recreational uses.
2. Designate specific districts in the community suitable for residential, commercial, industrial, institutional and recreational uses.

The goal of the City of Kokomo Comprehensive Plan Transportation Map, is to enhance connections throughout the city for improved safety, function and efficiency for all modes of transportation including vehicular, bicycle and pedestrian networks.

According to the Transportation Map, “W. Boulevard” is defined as a “Major Collector”, which is a street designed to facilitate the collection of traffic from local streets. Also, it provides circulation within neighborhood areas and convenient ways to reach arterial streets. The traffic count for this area of West Boulevard is recorded as being 6,431 (Dixon to Park).

The requested zoning change is compatible with the existing adjoining districts. Therefore, the staff desires the Plan Commission forward a favorable recommendation to the Kokomo Common Council contingent upon the passing of the Special Exception.

Kokomo City Plan Commission
Staff Report prepared by Rhonda Hill 9/28/2020, reviewed by Greg Sheline
Ordinance #6976

WHEREAS, it has been determined that it is now necessary to appropriate money in accordance with the General fund, therefore:

SECTION I

Be it ordained by the Common Council of the City of Kokomo, County of Howard, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the General fund for the purposes specified, subject to the laws governing the same:

<table>
<thead>
<tr>
<th>GENERAL Fund</th>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>General fund IFA CARE grant-Grants &amp; Allowances 101-1901-413-400-3096</td>
<td>$950,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>Reimburse EDIT fund for the Stronger forgivable loan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General fund IFA CARE grant-Other Contractual 101-1901-413-400-3015</td>
<td>$150,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>For Other Contractual cost related to COVID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General fund IFA CARE grant-Other Equipment 101-1901-413-400-3015</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>For Other Equipment cost related to COVID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$1,200,000</td>
<td>$1,200,000</td>
</tr>
</tbody>
</table>

SECTION II

That the Common Council of the City of Kokomo, Indiana will conduct a public hearing on December 14, 2020 at 6:00P.M. in the Council Chambers City Hall to hear all citizens on said additional appropriation. Following the hearing the aforementioned Council will meet at City Hall Council Chambers on December 14, 2020 at 6:00P.M. to adopt the ordinance. Taxpayers appearing at the hearing shall have a right to be heard thereon.

SECTION III

This Ordinance shall remain in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.
Ordinance #6976

SECTION IV

PASSED by the Common Council of the City of Kokomo, Indiana, this __th day of December, 2020

AYE

__________________________________

__________________________________

__________________________________

__________________________________

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__________________________________

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__________________________________

NAY

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__________________________________

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__________________________________

__________________________________

__________________________________

ATTEST:

__________________________________

CITY CLERK

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this __th day of December, 2020.

__________________________________

CITY CLERK

APPROVED by me as Mayor of the City of Kokomo, Indiana, this __th day of December, 2020

__________________________________

TYLER MOORE, MAYOR

CITY OF KOKOMO, INDIANA

ATTEST:
NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Kokomo, Howard County, Indiana that the Common Council of the City of Kokomo at their regular meeting place at Kokomo City Hall, 100 South Union, Kokomo Indiana, at 6:00 PM on December 14, 2020 will consider the following additional appropriations for the current budget year.

<table>
<thead>
<tr>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL Fund</strong></td>
<td></td>
</tr>
<tr>
<td>General fund IFA CARE grant-Grants &amp; Allowances</td>
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<td></td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$1,200,000</td>
</tr>
</tbody>
</table>

Preceding the meeting the City Council of the City of Kokomo will conduct a public hearing about the proposed additional appropriations. That Public hearing will take place at 6:00 PM, December 14, 2020 in the City Council chambers at Kokomo City Hall, 100 South Union, Kokomo Indiana.

Taxpayers appearing at either meeting shall have the right to be heard.

Weston Reed
City Controller, City of Kokomo
ORDINANCE NO. 6977

AN ORDINANCE OF THE KOKOMO COMMON COUNCIL
CONCERNING CERTAIN ACTIONS AND PROCEEDINGS
WITH RESPECT TO THE FINANCING OF CERTAIN
KHA RAD I APARTMENTS

AN ORDINANCE authorizing the City of Kokomo, Indiana, to issue one or more series of its City of Kokomo, Indiana Multifamily Housing Revenue Bonds, Series 2021 (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) in the maximum aggregate principal amount not to exceed Twenty-Three Million Dollars ($23,000,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Kokomo, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, improvement, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment and provision of affordable housing in or near the City; and

WHEREAS, a representative of KHA RAD I, LP, an Indiana limited partnership (the “Borrower”), has advised the Kokomo Economic Development Commission (the “Commission”) and the City that it proposes that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt Multifamily Housing Revenue Bonds, Series 2021 (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the “Bonds”), in an aggregate principal amount not to exceed Twenty-Three Million Dollars ($23,000,000) and lend proceeds of the Bonds to the Borrower to pay incidental expenses incurred on account of the issuance of the Bonds and to provide a portion of the funds for the acquisition, design, construction, renovation, improvement and/or equipping of the existing multifamily housing facilities located in the City consisting of 1) the Pine Valley Apartments located at West Center Road, 100 West Pine Valley Court, containing 100 residential rental units in 21 buildings; 2) the Civic Center Tower located at 200 E. Taylor, containing 106 residential units in 1 building; 3) the Terrace Towers located at 605 South Bell Street, containing 105 residential rental units in 1 building; and 4) the Dunbar Court Townhouses located at 705 East Havens Street, 709 East Havens Street, 717 East Havens Street, 721 East Havens Street, 904 North Purdum Street, 906 North Purdum, 908 North Purdum, 910 North Purdum, 803 North Jay Street, 805 North Jay Street, 807 North Jay Street, 809 North Jay Street, 811 North Jay Street, 813 North Jay Street, 815 North Jay Street, 817 North Jay Street, 819 North Jay Street, 821 North Jay Street, 823 North Jay Street, 825 North Jay Street, 901 North Jay Street, 903 North Jay Street, 905 North Jay Street and 907 North Jay Street, containing 24 residential rental units in 8 buildings, together with functionally related and subordinate facilities.
such as recreational facilities and parking areas (the “Development”) to be owned by Borrower; and

WHEREAS, the Commission has rendered a report (the “EDC Report”) concerning the proposed financing of the Development for the Borrower and the Plan Commission has been given the opportunity to comment thereon; and

WHEREAS, pursuant to Indiana Code 36-7-12-24, as amended, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Treas. Reg. 5f.103-2, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance all or a portion of the Development, and on November 23, 2020, the Commission held the Public Hearing for the purpose of receiving evidence and testimony on the Development and matters related to the proposed financing thereof and heard all persons interested in the proceedings and considered written remonstrances and objections, if any; and

WHEREAS, following such Public Hearing, the Commission adopted a resolution (the “EDC Resolution”) making findings that the financing of the Development complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, will provide affordable housing, and that the Development will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about the City; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the costs of the Development by issuing the Bonds; and

WHEREAS, the Act provides that such revenue bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue a series of Bonds (the “Series A Bonds”) consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Series A Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Indenture”), by and between the City and The Huntington National Bank (the “Trustee”), in order to obtain a portion of the funds necessary to provide for the financing of a portion of the costs of the Development in accordance with the terms of a Financing Agreement (as defined in the Act), to be dated as of the first day of the month in which the Series A Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Series A Loan Agreement”), by and between the City and the Borrower with respect to the Series A Bonds and the Development; and

WHEREAS, the City intends to issue a series of Bonds (the “Series B Bonds”) consistent with the terms of this Ordinance and pursuant to a Bond Purchase and Loan Agreement, to be dated the first day of the month in which the Series B Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Series B Bond Purchase and Loan Agreement”), by and among the City, the Borrower and Merchants Bank of Indiana (or an affiliate thereof) (the “Series B Bond Purchaser”), in order to obtain a portion of the funds necessary to provide for the financing of a portion of the costs of the Development in accordance with its terms,
to be dated as of the first day of the month in which the Series B Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve); and

WHEREAS, pursuant to the Series A Loan Agreement and Series B Bond Purchase and Loan Agreement, the Borrower will make representations, warranties and commitments with respect to the Development and the use of the proceeds of the Bonds to be provided to the Borrower in accordance with the terms thereof; and

WHEREAS, no member of the Common Council of the City (the "Council") has any pecuniary interest in the Series A Loan Agreement or the Series B Bond Purchase and Loan Agreement or any employment or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, there has previously been submitted to the Commission for its approval the forms of the Bonds, the Indenture, the Series A Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants among the City, the Trustee and the Borrower (the "Series A Regulatory Agreement"), the Series B Bond Purchase and Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants among the City, the Series B Bond Purchaser and the Borrower (the "Series B Regulatory Agreement"), the Interlocal Cooperation Agreement between the Indiana Housing and Community Development Authority ("IHICDA") and the City (the "Bond Volume Interlocal Cooperation Agreement") and the Bond Purchase Agreement among The Sturges Company, as the underwriter of the Series A Bonds, the Borrower and the City (the "Series A Bond Purchase Agreement") (collectively, the "Financing Documents"), and a form of this proposed Ordinance, which were incorporated by reference in the EDC Resolution adopted on November 23, 2020, which EDC Resolution has been transmitted hereto; and

WHEREAS, certain costs of the Bonds or costs related to the Development are expected to be paid prior to the issuance of the Bonds (collectively, the "Expenditures"), and such Expenditures are expected to be reimbursed with proceeds of the Bonds received by the City upon the issuance of the Bonds; and

WHEREAS, the Council has previously, by way of its Special Resolution No. 2748, declared its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, based upon the EDC Report and EDC Resolution, the Council hereby finds and determines that the funding approved by the Commission for a portion of the Development will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Development, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of revenue bonds in an aggregate combined principal amount not to exceed Twenty-Three Million Dollars ($23,000,000):
BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF KOKOMO, INDIANA:

SECTION 1. After considering the evidence presented in the EDC Report and EDC
Resolution, it is hereby found, determined, ratified and confirmed that the financing of the
economic development facilities referred to in the Financing Documents consisting of the
Development, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the
Borrower to finance all or a portion of the Development, will: (i) promote a substantial likelihood
of diversification of industry, the creation or retention of business opportunities and the creation
or retention of opportunities for gainful employment within the jurisdiction of the City and the
 provision of quality, affordable, multifamily rental housing within the jurisdiction of the Issuer;
(ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii)
comply with the purposes and provisions of the Act and it is in the public interest that the City take
such lawful action as determined to be necessary or desirable to encourage the diversification of
industry, the creation or retention of business opportunities, and the creation or retention of
opportunities for gainful employment and providing affordable multifamily housing within the
jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar
facilities already constructed or operating in or near the City.

SECTION 2. The forms of the Financing Documents presented herewith are hereby
approved, with any and all such changes as may be deemed necessary, desirable or appropriate by
the Mayor and the Clerk of the Council (the “Clerk”) and all such documents shall be kept on file
by the Clerk of the City or the Controller of the City (the “Controller”). In compliance with Indiana
Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk
for public inspection.

SECTION 3. The City is authorized to issue the Bonds in one or more series, any series
of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate
principal amount not to exceed Twenty-Three Million Dollars ($23,000,000), with a maximum
term not to exceed forty (40) years from the date of the issuance of any series of the Bonds and
with a maximum interest rate not to exceed ten percent (10.0%) per annum, for the purpose of
procuring funds to pay all or a portion of the costs of the Development by making all or a portion
of the proceeds of the Bonds available as set forth in the Financing Documents and paying
incidental expenses incurred on account of the issuance of the Bonds. The Bonds shall be payable
as to principal and interest upon such terms and conditions as otherwise provided in the Financing
Documents and this Ordinance. The Bonds may be subject to mandatory tender or optional
redemption at one or more times prior to maturity. The Bonds shall never constitute a general
obligation of, moral obligation of, an indebtedness of, or charge against the general credit of the
City or a pledge of the full faith or credit of the City within the purview of any constitutional or
statutory limitation or provision.

SECTION 4. The Mayor and the Controller are authorized and directed to sell the
Bonds to the purchaser or purchasers thereof at a price not less than 98% of the aggregate principal
amount thereof plus accrued interest, if any. One or more bond purchase agreements, each in form
and substance acceptable to the Mayor and the Clerk (collectively, the “Purchase Agreements”),
are hereby authorized and approved, and the Mayor and the Clerk are hereby authorized and
directed to execute and deliver the Purchase Agreements in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance, with such to be conclusively evidenced by their execution thereof.

SECTION 5. The Mayor and the Clerk are authorized and directed to execute the Financing Documents, and the Mayor, the Controller, the Clerk and any other officer of the City are authorized and directed to execute such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Mayor, the Clerk, the Controller and any other officer of the City are authorized to arrange for the delivery of the Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and the Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor or the Clerk without further approval of this Council or the Commission if such changes do not affect terms set forth in Section 27(a)(1) through and including (a)(10) of the Act.

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the provisions of Sections 5 and 13 of this Ordinance, if necessary or desirable, a Preliminary Official Statement of the City relating to the Series A Bonds (the “Preliminary Official Statement”), in a form acceptable to the Mayor, is hereby (a) authorized and approved, together with such changes in form and substance as may be deemed necessary or appropriate by the Mayor pursuant to Sections 5 and 13 of this Ordinance, (b) authorized and approved, as the same may be appropriately confirmed, modified and amended pursuant hereto, for distribution as the Preliminary Official Statement of the City, (c) authorized to be deemed and determined by the Mayor on behalf of the City, as of its date, to constitute the “final” official statement of the City with respect to the Series A Bonds to be offered thereby, subject to completion as permitted by and otherwise pursuant to the provisions of Rule 15c2-12 of the Securities and Exchange Commission (the “SEC Rule”), and (d) authorized and approved, consistent with the provisions of any Purchase Agreement and the SEC Rule, to be placed into final form and distributed and delivered to purchasers and potential purchasers of the Series A Bonds offered thereby as the final official statement of the City, as of the date thereof, with respect to the Series A Bonds (the “Official Statement”).

SECTION 8. Subject to the obligations of the Borrower set forth in the respective Financing Documents and/or the certificates or agreements of such Borrower to be executed upon the issuance of the Bonds, if any of the Bonds are issued on a tax-exempt basis for purposes of
federal income taxation, the City will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute “arbitrage bonds” under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Documents, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance, sale and delivery of the Bonds.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 13. The Mayor, the Controller, the Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions.
described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

SECTION 14. This Council hereby re-affirms its official intent, to the extent permitted by law, to issue the Bonds in one or more series or issues, not to exceed the maximum aggregate principal amount authorized herein, and to reimburse costs of the Development consisting of the Expenditures from proceeds of the sale of the Bonds.

SECTION 15. This Council finds and determines that the amount of tax credits to be allocated to the Development under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Development and its viability as a qualified housing project throughout the credit period for the Development. In making the foregoing determination, this Council has relied upon representations of the Borrower. The foregoing determination shall not be construed to be a representation or warranty by this Council as to the feasibility or viability of the Development. In reliance upon the representations of the Borrower, it is hereby found and determined that the Development satisfies the requirements for the allocation of a housing credit dollar amount under the Indiana Housing and Community Development Authority’s qualified allocation plan.

SECTION 16. This resolution shall be in full force and effect immediately upon passage by this Common Council and signing by the President of this Common Council and by the Mayor.

(Signature page to follow)
COMMON COUNCIL OF THE CITY OF
KOKOMO, INDIANA

Presiding Officer

(SEAL)

ATTEST:

_________________
Diane Howard, City Clerk
City of Kokomo, Indiana

Presented by me to the Mayor of the City of Kokomo, Indiana this ___ day of
______________________, 2020, at ____ o’clock __.M.

_________________
Diane Howard, City Clerk
City of Kokomo, Indiana

Approved and signed by me, Tyler Moore, Mayor of the City of Kokomo, Indiana this
____ day of __________________, 2020 at ____ o’clock __.M.

_________________
Tyler Moore, Mayor
City of Kokomo, Indiana

ATTEST:

_________________
Diane Howard, City Clerk
City of Kokomo, Indiana
I, Diane Howard, City Clerk of the Common Council, Kokomo, Howard County, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of ORDINANCE NO. R-____-20, an ORDINANCE, passed by the Common Council on the ___ day of __________, 2020, by a vote of ____ YEAS and ____ NAYS, which was signed by the Mayor on the ___ day of __________, 2020, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Kokomo, Indiana, this ___ day of ________, 2020.

(SEAL)

______________________________
Diane Howard, City Clerk, Common Council
**Resolution #2752**

WHEREAS, it has been determined that it is now necessary to transfer funds.

**SECTION I**

Be it resolved by the Common Council of the City of Kokomo, County of Howard, Indiana, that the following balance be and hereby transferred for the purposes herein specified, subject to the laws governing the same.

<table>
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<tr>
<th>TRANSFERRED FROM:</th>
<th>TRANSFERRED TO:</th>
<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>GENERAL FUND</td>
<td>GENERAL FUND</td>
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<tr>
<td>Police-Wages</td>
<td>HR-Wages &amp; Benefits</td>
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<tr>
<td>1010-2100-421-400-1011</td>
<td>1010-1500-415-400-1011 to 1035</td>
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<table>
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<tr>
<th>PARK &amp; RECREATION FUND</th>
<th>PARK &amp; RECREATION FUND</th>
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<tr>
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<td>2040-5001-452-400-1011 to 1035</td>
<td>2040-5002-452-400-4044</td>
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<tr>
<td>Park-Building &amp; Grounds Materials</td>
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<td>Park-Gasoline &amp; Other Fuels</td>
<td>Recreation-Other Equipment</td>
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<td>2040-5002-452-400-4044</td>
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<tr>
<td>Recreation-Wages &amp; Benefits</td>
<td>Recreation-Other Equipment</td>
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<td>2040-5002-452-400-4044</td>
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<td>Park-Other Contractual</td>
<td>Recreation-Other Contractual</td>
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<td>Park-Building</td>
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Resolution #2752

<table>
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<tr>
<th>Park-Impr Excluding Building</th>
<th>Recreation-Other Contractual</th>
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</thead>
<tbody>
<tr>
<td>2040-5001-452-400-4031</td>
<td>2040-5002-452-400-3015</td>
</tr>
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<td>Recreation-Buildings &amp; Grounds</td>
<td>Recreation-Other Contractual</td>
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<td>$75,000</td>
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<tr>
<td></td>
<td>$20,000</td>
</tr>
</tbody>
</table>

SECTION II

Be it further resolved that any sum remaining unused out of this Resolution shall remain in the fund from which the transfer was made to.

SECTION III

This Resolution shall remain in full force and effect from and after its passage, signature by the Mayor, and publication as provided by law.

SECTION IV

PASSED by the Common Council of the City of Kokomo, Indiana, this _____ day of November, 2020

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By: ________________________________

Presiding Officer

ATTEST:

______________________________

CITY CLERK
Resolution #2752

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this ___ day of November, 2020

__________________________
CITY CLERK

APPROVED by me as Mayor of the City of Kokomo, Indiana, this ____ day of November, 2020

__________________________
TYLER MOORE, MAYOR
CITY OF KOKOMO, INDIANA

ATTEST:

__________________________
CITY CLERK
RESOLUTION No. 2753

Resolution to Provide for Reimbursement of Public Health and Public Safety Payroll Costs with CARES Act Funding

WHEREAS, the Common Council of City of Kokomo is seeking reimbursement of public health and public safety payroll costs as allowed through federal CARES Act funding, which has been received by City of Kokomo from the Indiana Finance Authority; and

WHEREAS, there has been designated by City of Kokomo a CARES Act grant fund (Fund #1510) through which such reimbursements are receipted; and

WHEREAS, the payroll expenditure activity for public health and public safety payroll costs shall be captured in the CARES Act grant fund by transferring the expenditures from the fund from which the expenditures were originally made; and

WHEREAS, in light of the Governor’s public health emergency, an alternative process is being implemented to transfer all or a portion, as determined appropriate by the governing body of City of Kokomo, of the reimbursed federal CARES Act monies that are specific to public health and/or public safety payroll costs into the general fund; and

WHEREAS, the process contemplated herein is intended to allow for maximum usage of these funds.

NOW THEREFORE BE IT RESOLVED, that the Common Council of City of Kokomo hereby establishes the following process in order to utilize CARES Act funding to properly pay public health and public safety payroll costs:

The CARES Act reimbursement for public health and public safety payroll shall be receipted into City of Kokomo CARES Act fund number #1510; and

Thereafter a claim shall be created against the CARES Act fund for the amount, up to the payroll reimbursement amount, that the City of Kokomo determines shall be receipted into the general fund. This claim must be supported by the public health and/or public safety payroll costs that have been expensed from the general fund or other appropriate funds and clearly documented in the records of City of Kokomo and

The money claimed shall be receipted into the general fund.

After the payroll reimbursement amount has been receipted into the general fund, the normal appropriation procedures shall apply to the expenditure of the reimbursement amount.
RESOLUTION No. 2753

DULY ADOPTED by the Board/Council/Governing Body of [unit name] at its regular meeting held on the _____ day of November, 2020, at which meeting a quorum was present.

__________________________  __________________________
AYE                                      NAY

__________________________  __________________________

__________________________  __________________________

__________________________  __________________________

__________________________  __________________________

__________________________  __________________________

__________________________  __________________________

__________________________  __________________________

ATTEST:

__________________________
City Clerk