Withdrawn

ORDINANCE 11-21

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL" –
Re: Amending Chapter 2.04 Entitled "Common Council" to Remove Requirement that Legislation be Referred to the Committee of the Whole

WHEREAS, a legislative cycle based on a single committee-of-the-whole meeting often means less than seven calendar days between Committee of the Whole and Second Reading, often giving members insufficient time to deliberate, gather more information, or prepare motions or amendments based on Committee of the Whole testimony; and

WHEREAS, the Council's workload is increasing, its meetings are running long, and members are invoking "the 10:30 rule" (BMC 2.04.420(b)) with increasing frequency; and

WHEREAS, the committee of the whole is an alternative to the original solution provided in the BMC, to use standing committees to consider issues before the Council; and

WHEREAS, according to BMC 2.04.230(b), standing committees may report back by the second Regular Session as a matter of course, giving them the option to continue deliberating without undue pressure to expedite legislation, and making the default expectation of all comers that Council will typically rule within four weeks instead of two; and

WHEREAS, issues taken up by a committee of the whole are heard at unpredictable times, and can be many hours after the scheduled start of the meeting, making it difficult for administration staff, petitioners and the public to attend; and

WHEREAS, any given issue brought before Council will interest some members more than others, and not every issue needs the full attention of every member throughout the legislative process, and focusing fewer council members per issue before Second Reading makes for a more efficient use of total hours devoted by Council members to public meetings; and

WHEREAS, according to BMC 2.04.210, no member is precluded from attending a standing committee hearing; and

WHEREAS, according to BMC 2.04.230(d), the recommendations of a standing committee have no force and do not bind the Council any more than a decision by the committee of the whole does; and

WHEREAS, these rules for the establishment of standing committees have been enumerated in BMC 2.04 Article III for at least three decades;

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

SECTION 1. Section 2.04.250(a) of the Bloomington Municipal Code shall be amended by deleting the word "shall" as it appears in the first sentence and replacing it with the word "may" so that the first sentence now reads as follows:

> With the exceptions noted in this section, the council may resolve itself into a committee of the whole on the second and fourth Wednesday of each month at seven thirty p.m. local time to consider ordinances, resolutions, or other matters with the freedom of committee procedures."

SECTION 2. Section 2.04.210 of the Bloomington Municipal Code shall be amended by deleting the first use of the word "may" as it appears in the third sentence and replacing it with the word "shall" so that the third sentence now reads as follows:

> Legislation and questions before the council shall be referred for investigation and report to the standing committees and the committees may investigate other areas within their jurisdiction.

SECTION 3. 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.

SETION 4. 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 _____, 2011.

_____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2011.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is co-sponsored by Councilmembers Volan, Piedmont-Smith, Rollo and Wisler. It swaps two words of Bloomington municipal code. It changes from a requirement to an option ("shall" to "may") that legislation before the City Council be referred to a committee of the whole, and changes from an option to a requirement ("may to "shall") that legislation be referred to one or more of a slate of standing committees. The Council would thus refer any pending legislation to a standing committee, while still being able to refer to committee of the whole for big issues such as the annual city budget.

Making this change will help Council manage its growing workload more effectively, while in a manner more time-efficient for individual Council members, City employees, petitioners, and members of the public. The use of standing committees, as defined by long-extant code, will lengthen the default legislative cycle without compromising efficiency when desired, will shorten meetings, will not reduce Council member privilege, and will allow Council members to focus on their areas of expertise and interest to their constituents.