Passed 7-0
Rollo, Spechler
absent

ORDINANCE 13-05

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL"
– Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013

WHEREAS, the Council Rules Committee was convened in 2012 by then Council President Timothy Mayer and also continued into 2013 by current Council President Darryl Neher;

WHEREAS, among other matters, the Rules Committee reviewed the conduct of Council meetings and deliberations to make them more efficient and effective, and made recommendations to the full Council to make local code consistent with Council practice and changes in State law; and

WHEREAS, BMC 2.04.010 (Election of officers) and BMC 2.04.050 (Regular meetings) currently require the Council to meet on the first Monday in January (unless it falls on a legal holiday) to elect officers, as was formerly required by IC 36-4-6-7 and IC 35-4-6-8, and the Rules Committee recommends that these provisions be amended to give the Council the opportunity to hold the first meeting of the year by no later than the second Wednesday in January, which is consistent with State law, and also recommends, as a matter of practice, that the Council continue to use the adoption of the Annual Schedule in the fall of the preceding year as the means for scheduling that and other meetings of the Council for the ensuing year; and

WHEREAS, BMC 2.04.070 (Budget meetings), which requires the Council to fix the budget, tax rate and tax levy for the civil city for the ensuing year by the last Monday in August, no longer conforms with State Law and should be amended to conform Council practices with IC 6-1.1-17-1 et seq.; and

WHEREAS, Parts (c)(5) and (c)(6) of BMC 2.04.250 (Committee of the whole), regarding the recording of votes and the taking of memoranda for Committees of the whole, should be amended to comply with the relevant provision of the Indiana Open Door Law (I.C. 5-14-1.5-4); and

WHEREAS, BMC 2.04.255 (Committees – Scheduling) was inserted into the code with the adoption of Ord 12-10 and provided for the referral of legislation to Committees of the Whole and Standing Committees as well as set forth rules for scheduling those meetings; and

WHEREAS, In the absence of any active Standing Committees to consider pending legislation, the Council wishes to declare that the Motion to Introduce legislation at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner for considering the legislation; and

WHEREAS, BMC 2.04.270 (Ordinances and resolutions – Filing and copies) should be amended to allow the Council President to give the Council more time to consider certain ordinances and resolutions by announcing, at the time of their first reading, that certain ordinances and resolutions expected for consideration during that legislative cycle will be discussed at the next two rather than the next regularly scheduled Committees of the Whole; and

WHEREAS, BMC 2.04.270 (Ordinances and resolutions – Filing and copies) should also be amended to conform with the current practice regarding the manner and deadline for submitting legislation to the Council Office; and

WHEREAS, BMC 2.04.290 (Ordinances and resolutions – Fiscal impact statement required) requires the submittal of fiscal impact statements with certain pieces of legislation, but has not been practiced for decades and should be:

(a) amended by deleting part (e) which, in part, requires a super-majority of the Council to avoid deferring the legislation when someone asserts that the provision has not, in certain ways, been satisfied, and

(b) made workable by, if necessary, exercising the power set forth in part (f) to development rules to facilitate implementation of the provision; and

WHEREAS, BMC 2.04.320 (Ordinances and resolutions – Public inspection and publication) requires, in part, that legislation be *mailed* to the Monroe County Public Library (Library) *within* 24 hours after their consideration by the Council, but given the prevalent use of electronic documents and delivery of those documents prior to the 24-hour window stated in the ordinance, the Committee recommends that the provision be amended to require the City Clerk to *provide* copies of legislations *no later than* 24 hours after their introduction at the Council; and

WHEREAS, BMC 2.04.390 (Motions generally) should be amended to allow just one member of the Council or City Clerk to ask that any motion – without exception – be reduced to writing before being considered by the Council; and

WHEREAS, for the past few years, the Common Council has held meetings with the Administration, known as Staff/Council Internal Work Sessions, solely to discuss but take no other action on legislative matters and, while these meetings are conducted in conformance with the Open Door Law (IC 5-14-1.5-1 et seq.), in the event it continues to hold these meetings, the Council wishes to waive any local requirement that a quorum be present for these meetings to proceed;

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

SECTION 1. Bloomington Municipal Code 2.04.010 (Election of officers) shall be amended to read as follows while still preserving the historical citations:

2.04.010 Election of officers.

The council shall hold a meeting no later than the second Wednesday in January, subject to the exceptions noted in Section 2.04.050, to elect from its members a president, a vice president, and a parliamentarian. The length of term for these offices begins with the election in January and ends with the election the following January.

SECTION 2. Parts (c) and (d) of Bloomington Municipal Code 2.04.050 (Regular meetings) shall be amended to read as follows:

2.04.050 Regular Meetings

(c) In accordance with Indiana Code 36-4-6-7, in the year following its election the Council shall hold its first regular meeting at 7:30 p.m. one evening no later than the second Wednesday in January to elect officers. Should the council president of the previous year still be a member of the council, he or she shall preside over the election of new officers. If the President of the previous year is no longer on the council, the majority party shall designate a councilmember to preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.

(d) In accordance with Indiana Code 36-4-6-8, in years subsequent to the year immediately following its election, the council shall meet at 7:30 p.m. one evening no later than the second Wednesday in January to elect officers. The council president of the previous year shall preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.

SECTION 3. Bloomington Municipal Code 2.04.070 (Budget meetings) shall be amended to read as follows while still preserving the historical citations:

2.04.070 Budget meetings.

The Council shall perform its duties in regard to fixing the budget, tax rate, and tax levy in accordance with IC 6-1.1-17-1 et seq.

SECTION 4. Parts (c) (5) and (c) ((6) of Bloomington Municipal Code 2.04.250 (Committee of the whole) shall be amended by:

First, deleting part (c) (5);
Second, renumbering (c) (6) as (c) (5); and
Third, amending the newly relettered part (c) (5) to read as follows:

(c)(5) The clerk shall keep a memorandum of proceedings and recommendations in a manner consistent with I.C. 5-14-1.5-4.

SECTION 5. Bloomington Municipal Code 2.04.270 (Ordinances and resolutions – Filing and copies) shall be amended to read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.04.270 Ordinances and resolutions—Filing, copies and agendas.

Each ordinance or resolution submitted to the council shall be in an editable, electronic form, accompanied by any relevant documents, and filed with the Council Office at least ten days before the meeting at which the legislation is to be introduced. That time frame may be extended by a vote of the Council or at the request of the president. The president shall approve the agendas for committees of the whole, regular sessions and special sessions called by the president or voted upon by the council and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled Regular Session.
(Ord. 83-15 § 1 (part), 1983).

SECTION 6. Part (e) of BMC 2.04.290 (Ordinances and resolutions – Fiscal impact statement required) shall be amended by striking part (e) and re-lettering part (f) accordingly.

SECTION 7. Part (a) of BMC 2.04.320 (Ordinances and resolutions – Public inspection and publication) shall be amended to read as follows:

(a) For purpose of public inspection, the city clerk shall provide copies of ordinances and resolutions to the Monroe County Public Library no later than twenty-four hours after the legislation has been introduced at the council.

SECTION 8. Part (c) of BMC 2.04.390 (Motions generally) shall be amended to read as follows:

(c) A motion shall be reduced to writing upon request of any member or City Clerk.

SECTION 9. The Common Council hereby waives any local requirement that Staff/Council Internal Work Sessions be conducted only upon the presence of a quorum of its members.

SECTION 10. In the absence of any active Standing Committees established to consider pending legislation, the Council declares that the Motion to Introduce legislation made at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner of considering the legislation.

SECTION 11. 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 12. 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 by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of MARCH, 2013.

DARRYL NEHER, 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 7th day of MARCH, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of MARCH, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward recommendations of the 2012-2013 Council Rules Committee to amend BMC Chapter 2.04 (Common Council) to conform it to State law as well as with current local or best practices. These changes include amending BMC provisions regarding:

- "Election of officers" and "Regular Meeting" to take advantage of a change in State law which allows the Council to hold its first meeting of the year later than the first Monday in January;
- "Budget meetings" to remove an outdated deadline for action on the City budget and to tie Council budgetary duties to State law;
- "Committee of the whole" to conform the requirements regarding the recording of votes and the taking of memoranda with State law;
- "Ordinances and resolutions – Filing and copies" to authorize the Council President to extend consideration of certain legislation by referring, at first reading, upcoming legislation to the next two regularly scheduled Committees of the Whole and also to reflect existing practices regarding the manner and timing for submittal of legislation to the Council;
- "Ordinances and resolutions – Fiscal impact statement required" to make the provision more workable;
- "Ordinances and resolutions – Public inspection and publication" to require the Clerk to *provide* rather than *mail* legislation to the Monroe County Public Library and allow for that to be done *no later than* instead of *within* 24 hours of their introduction at the Council; and
- "Motions generally" to allow just one member of the Council or the City Clerk to request that any motion be reduced in writing before it may be considered by the Council.

In addition, the ordinance also takes the following measures regarding Council procedures. First, it waives any local requirement that Staff/Council Internal Work Sessions be conducted only upon the presence of a quorum of its members. Second, it declares that, in the absence of any active Standing Committees established to consider pending legislation, the Motion to Introduce legislation made at a regular or special meeting of the Council generally serves as a motion to refer it to the next regularly scheduled Committee of the Whole.

Signed copies to:

legal
controller
MCPL
dept heads.

CA/CA
Clerk (2)
BMC (2)