ORDINANCE 83-6

AN ORDINANCE ESTABLISHING THE EXECUTIVE AND ADMINISTRATIVE ORGANIZATION OF THE CITY OF BLOOMINGTON

WHEREAS, the Indiana General Assembly has recodified and revised the laws governing City Government, and

WHEREAS, the new City Government law requires the reestablishment of departments and agencies that are necessary to perform efficiently the functions of City Government,

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

SECTION I. The following chapters and sections of the Bloomington Municipal Code shall be repealed: Chapter 2.00 Section 2.02.040 of Chapter 2.02 entitled "Boards and Commissions", Chapter 2.08 entitled "Board of Public Works", Chapter 2.09 entitled "Department of Public Works", Chapter 2.12 entitled "Board of Public Safety", Chapter 2.32 entitled "Department of Redevelopment", Chapter 2.36 entitled "Board of Parks and Recreation", Chapter 2.48 entitled "Police Department", Chapter 2.60 entitled "Human Rights Commission", Chapter 2.64 entitled "Personnel Policy", Chapter 2.72 entitled "Environmental Quality and Conservation Commission", Chapter 2.77 entitled "Telecommunications Council", Chapter 2.79 entitled "Bloomington Economic Development Commission", Chapter 2.80 entitled "Department of Personnel", Chapter 2.81 entitled "Commission on the Status of Women", Chapter 2.85 entitled "Fleet Maintenance", Chapter 2.90 entitled "Human Resources Department", Chapter 2.91 entitled "Bloomington Community Arts Commission", Chapter 6.08 entitled "Cemeteries and Burials", Chapter 7.04 entitled "Animal Control Commission", Sections 7.08.010, 7.08.020, 7.08.030, 7.08.050 of Chapter 7.08 entitled "Animal Control Officer and Staff", Chapter 15.44 entitled "Traffic Commission", Chapter 16.08 entitled "Board of Housing Quality Appeals", Sections 17.12.010 through 17.12.040 of Chapter 17.12 entitled "License Requirements and Boards", Section 18.06 entitled "Board of Trustees & Firemen's Pension Fund", Sections 2.09.04.00, 20.09.04.01, 20.09.04.02 of Chapter 20.09 entitled "Historic Buildings and Structures", Sections 20.19.01.00, 20.19.02.00 and 20.19.06.00 of Chapter 20.19 entitled "Board of Zoning Appeals", and all other ordinances in parts of ordinance in conflict with this Act: Chapter 2.16 entitled "Police Collective Bargaining" and Chapter 2.18 entitled "Firefighters Collective Bargaining" shall be renumbered Chapter 2.32 and 2.34 respectively. Sections 2.78 shall be amended and renumbered Chapter 2.24 "Utilities" pursuant to Section V of this Ordinance. Chapters 2.02, 2.04, 2.44, 2.52, 2.56, and 2.76 of Title 2 of the Bloomington Municipal Code remain unchanged, so that Chapters of Title 2 of the Bloomington Municipal Code shall read as follows:

Chapters

2.02.000	Boards & Commissions
2.04.000	Common Council
2.08.000	Executive Branch
2.09.000	Board of Public Works Establishment
2.10.000	Department of Public Works Establishment
2.11.000	Department of Public Works Divisions
2.12.000	Boards, Commissions and Councils Establishment
2.13.000	Plan Commission
2.14.000	Planning Department Establishment
2.15.000	Board of Zoning Appeals
2.16.000	Historical Preservation Study Commission
2.17.000	Board of Public Safety
2.18.000	Bloomington Redevelopment Commission Establishment
2.19.000	Department of Redevelopment Establishment
2.20.000	Board of Parks and Recreation Establishment
2.21.000	Department of Law
2.22.000	Personnel Department
2.23.000	Human Resources Department
2.24.000	Utilities
2.25.000	Reserved
2.26.000	Controller's Department
2.27.000	Reserved
2.28.000	Reserved
2.29.000	Reserved
2.30.000	Statutory Boards and Commissions
2.31.000	Reserved
2.32.000	Police Collective Pargaining
2.33.000	Reserved
2.34.000	Firefighters Collective Bargaining
2.44.000	Airports
2.52.000	Property Sales
2.56.000	Miscellaneous Provisions
2.76.000	Bloomington Public Transportation Corporation

SECTION II. The following chapters and sections of the Bloomington Municipal Code shall be reenacted to read as follows:

CHAPTER 2.08
EXECUTIVE BRANCH

Sections:

2.08.010 Mayor
2.08.020 General Provisions

2.08 Executive Branch

2.08.010 Mayor. The Mayor is the Chief Executive and head of the Executive Branch. He or she shall faithfully perform the duties and responsibilities contained in IC 36-4-5 and other statutes of the State of Indiana. Departments, Boards, Commissions and Councils of the Executive Branch are established in subsequent provisions of this ordinance.

2.08.020 General Provisions. For the Executive Branch, the Statutory Boards, Commissions and Councils the following general provisions apply unless otherwise provided by statute or ordinance.

2.08.020(1) Appointments. All Department Heads shall be appointed by the Mayor, subject to commission or board approval when required by this title, and serve at the pleasure of the Mayor. Department Heads shall appoint deputies and other employees within their departments with the approval of the Mayor.

(2) Terms. Membership on all boards, commissions and councils established under ordinances repealed by this ordinance terminate on the effective date of this ordinance. Initially members shall be appointed for staggered terms unless specified otherwise by statute. If the appointing authority is authorized to make one appointment, the appointee's term shall expire on January 31, 1984; two appointments, the second appointee's term shall expire on January 31, 1985; three appointments, the third appointee's term shall expire on January 31, 1984; four appointments, the fourth appointee's term shall expire on January 31, 1985; five appointments, the fifth appointee's term shall expire on January 31, 1984. Any additional appointment shall alternate in a similar manner. Thereafter, all terms shall be for two years, expiring on the thirty-first day of January.

(3) Residential Requirement. All appointments to city boards, commissions and councils shall be made from residents of the city and its two-mile fringe as defined by the city plan department, except those positions on boards, commissions and councils that are directed otherwise by state law or city ordinance.

In the event a member of a board, commission, or council no longer resides in the city and its two-mile fringe, the member shall immediately resign and notify the appropriate appointing official or body.

(4) Removal for Cause. Except for appointees who serve at the pleasure of the Mayor, a member of a board, commission or council may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly scheduled meetings of the board, commission, or council or four regularly scheduled meetings in any twelve month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal.

(5) Vacancies by Death, Resignation; Failure to Appoint. In the event that a vacancy occurs in the membership of a board, commission, or council through resignation or death, the appointing authority shall appoint a person to fill the unexpired term of the resigned or deceased member. If a member's term has expired, but the appointing authority has failed to act, the appointment of the member whose term has expired carries over until the appointing authority reappoints or appoints a successor.

(6) Majority Vote. Majority vote means a majority of the members of a board, commission or council who are present and voting.

(7) Quorum. Unless otherwise specified, a majority of the members serving on a board, commission or council, excepting the non-voting ex officio members, constitute a quorum for purpose of conducting the official business of the board, commission or council.

(8) Parliamentary Procedure. Meetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order, except where a different procedure is required by state law, this ordinance, or other ordinances of the city.

(9) Officers. Each board, commission and council shall elect a chairperson, secretary, treasurer, and such other officers as may be necessary.

(10) Duties of the Secretary. The secretary of each board, commission or council shall keep for every meeting written minutes in which the results of any vote are recorded and, when appropriate, specific findings of facts and conclusions are set forth.

(11) Special Meetings. A special meeting of a board, commission or council may be called by the chairperson, the Mayor, or by a majority of the members then serving on the board, commission or council requesting such meeting in writing. Upon receiving such request, the Chairperson shall thereafter call a special meeting to be held within twenty days.

(12) Office Space and Staff. Provision of office space and staff to boards, commissions and councils shall be at the discretion of the Mayor, subject to Common Council appropriation approval.

(13) Budget. All departments, divisions of departments, boards, commissions and councils shall prepare and submit annual budgets in accordance with the forms, timetables, and procedures promulgated by the Mayor.

CHAPTER 2.09
BOARD OF PUBLIC WORKS

Sections:

2.09.000 Establishment
2.09.010 Appointments
2.09.020 Terms
2.09.030 Duties

2.09.000 Establishment. There is hereby established a Board of Public Works within the Executive Branch. Such Board shall be the Chief Administrative Body of the City. Each member shall receive for his services compensation in an amount to be fixed by the Mayor.

2.09.010 Appointments. The Board shall consist of three members appointed by the Mayor. Appointees shall have been voters of the city for at least one year immediately preceeding the appointment.

2.09.020 Terms. Members serve at the pleasure of the Mayor.

2.09.030 Duties. The Board shall be the chief administrative body of the City and shall have control of the day to day operation of the Department of Public Works,and shall have the authority to allow and approve claims.

CHAPTER 2.10
DEPARTMENT OF PUBLIC WORKS

Sections:

2.10.000 Establishment
2.10.010 Appointment of Director
2.10.020 Duties

2.10.000 Establishment. The Department of Public Works is hereby established as the General Administrative Department for the following divisions, boards, commissions and councils: Cemetery, Engineering, Sanitation, Street, Fleet Maintenance; Housing Quality Appeals, Electrical Examination and Regulation Board, Telecommunications, Traffic, Environmental, Community Arts, Animal Control, and all physical facilities with the exception of property managed by the Utility Service Board or the Parks and Recreation Board.

2.10.010 Appointment of Director. The Head of the Department of Public Works shall be the Director of Public Works to be appointed by the Mayor with the approval of the Board of Public Works and serve at the pleasure of the Mayor.

2.10.020(1) Duties. The Director is subject to any rules promulgated by the Mayor and the Board of Public Works which do not conflict with state law.

(2) The Director shall have the full powers and authority as other Department Heads and shall assume administrative responsibility for the divisions, boards, commissions, councils and physical facilities as enumerated above.

CHAPTER 2.11
DEPARTMENT OF PUBLIC WORKS

Sections:

2.11.000 Divisions
2.11.010 Engineering Department
2.11.020 Sanitation Department
2.11.030 Street Department
2.11.040 Fleet Maintenance Department
2.11.050 Animal Control Department
2.11.060 Rose Hill Cemetery Department

2.11.000 Divisions. The following departments are hereby created, together with their corresponding duties, as divisions of the Department of Public Works of the Executive Branch.

2.11.010 Engineering Department. The Engineering Department shall be administered by the City Engineer who is appointed by and serves at the pleasure of the Mayor. The Department is responsible for all engineering activities of the City and the enforcement of all building, electrical, plumbing, construction and housing codes applicable in the City of Bloomington.

2.11.020 Sanitation Department. The Sanitation Department shall be administered by a Director of Sanitation who is appointed by the Director of Public Works. The Department shall be responsible for the collection of refuse within the City.

2.11.030 Street Department. The Street Department shall be administered by the Superintendent of Streets who is appointed by the Director of Public Works. The Department shall be responsible for the maintenance and care of the public ways within the City of Bloomington.

2.11.040 Fleet Maintenance Department. The Fleet Maintenance Department shall be administered by the Director of Fleet Maintenance who is appointed by the Director of Public Works. The Department shall be responsible for the orderly maintenance, acquisition and disposal of all vehicles owned by the City of Bloomington, its department, agencies, boards, commissions and councils.

2.11.050 Animal Control Department. The Animal Control Department shall be administered by the Senior Animal Control Officer who is appointed by the Director of Public Works.

(1) Powers and Duties. The Department shall enforce all the Ordinances and, where applicable and appropriate, state statutes dealing with animal control in the City of Bloomington. To this end the officers of the Department shall have all powers ordinary and necessary to carry out their duties. These shall include but not be limited to the power to issue a notice of ordinance violation and the power to enter private real property in fresh pursuit of an animal to enforce this chapter.

(2) Limitations. In performing their duties, the animal control officers shall, however, be specifically prohibited from: entering a dwelling unit unless officer obtains either the permission of the owner or a court ordered warrant in which case the officer must be accompanied by a uniformed law enforcement officer; carrying firearms; or making arrests of human beings.

2.11.060(1) Rose Hill Cemetery Department. The Rose Hill Cemetery Department shall be administered by the Sexton who is appointed by the Director of Public Works. The Department shall administer the city cemeteries at 930 W. Fourth Street and 1100 West Seventh Street according to rules and regulations established by the Board of Public Works.

(2) Procedures.

(a) Prepayment. All grave space fees and interment fees shall be paid to the Sexton prior to the time the body is interred.

(b) Proof of Ownership. It shall be the duty of the person requesting a burial permit in the cemetery to provide proof of ownership and location of the cemetery lot in which such person intends to make the interment to the satisfaction of the Sexton.

(3) Fees.

(a) Grave Space. Fees for purchase of grave spaces shall be as follows:

(1) For each adult grave space in Rosehill Cemetery the fee shall be two hundred twenty five dollars.

(2) For each adult grave space in United Presbyterian Cemetery the fee shall be one hundred seventy dollars.

(3) Welfare Grave Spaces: For each welfare grave space the fee shall be one hundred dollars.

(b) Mausoleum Entombment. Fees for entombment shall be as follows:

(1) Rosehill Cemetery mausoleum entombment shall be one hundred and fifty dollars.

(2) For entombment of ashes the fee shall be fifty dollars.

(c) Interment: Fees for interment, which is defined as the opening and closing of the grave, shall be as follows:

(1) The fee for interment of ashes shall be fifty dollars.

(2) The fee for interment of the remains of infants shall be thirty-five dollars.

(3) The fee for interment of the remains of children shall be one hundred dollars.

(4) The fee for the interment of the remains of adults shall be one hundred and ninety dollars.

(5) The fee for the interment of welfare burials shall be one hundred and fifty dollars.

(4) Cemetery Fund. All money paid into the city for the purchase of lots in the cemetery, and all money received from any source from the cemetery shall be placed in a fund to be known as the cemetery fund. This fund shall be used to defray expenses of the cemetery alone, and at the end of the year all money remaining in the fund, if any, shall revert to the general fund of the city.

CHAPTER 2.12
BOARDS, COMMISSIONS AND COUNCILS

Sections:

2.12.000 Establishment
2.12.010 Animal Control Commission
2.12.020 Bloomington Community Arts Commission
2.12.030 Board of Housing Quality Appeals
2.12.040 Electrical Examination and Registration Board
2.12.050 Environmental Quality and Conservation Commission
2.12.060 Telecommunications Council
2.12.070 Traffic Commission

2.12.000 Establishment. The following boards, commissions and councils are hereby created under the jurisdiction of the Board of Public Works. The Director of Public Works shall oversee and administer these units.

2.12.010 Animal Control Commission. The Commission shall be composed of six members.

(1) Appointments. Three members shall be appointed by the Mayor, two by the Common Council, and one by and representative of the Monroe County Board of Commissioners.

(2) Qualifications. One of the Mayor's appointees shall be a qualified veterinarian and one shall be a member of the Monroe County Humane Association. One Council appointee shall be selected from the membership of People's Animal Lover s Society.

(3) Meeting. Regular meetings shall be held once every month as called by the Chairperson.

(4) Powers and Duties. The Commission's powers and duties include, but are not limited to the following:

(a) Formulate, adopt, and implement policies, principles, and standards for humane treatment and control of all animals in the city;

(b) Review the decisions and actions of the Senior Animal Control Officer in any matter related to the enforcement of this chapter, if a written request for a hearing is received from the complaining animal owner within ten days after that action is taken;

(c) Make recommendations to the Mayor of the City as to necessary ordinances concerning the care, treatment and control of animals.

2.12.020 Bloomington Community Arts Commission.

(1) Appointments. The Bloomington Community Arts Commission shall consist of seven members. Two shall be appointed by the Mayor, two by the Common Council, two by the Bloomington Area Arts Council from its membership, and one by the Greater Bloomington Chamber of Commerce.

(2) Purposes and Duties. The purpose and duties of the Bloomington Community Arts Commission shall be to stimulate and encourage an appreciation of and participation in the fine arts by citizens of all ages in Bloomington and the surrounding area: to sponsor and develop artistic activities and educational programs, and in all other feasible ways foster an environment conducive to enjoyment of the fine arts; to cooperate with various bodies, groups and individuals interested in achieving the same ends in the area of the fine arts; and to administer the operation of any civic properties in Bloomington assigned for the fine arts.

2.12.030 Board of Housing Quality Appeals.

(1) Purpose. The purpose of this board is to hear the appeal of any owner or person who is aggrieved by a ruling or decision of the enforcing officer or any administration official, in any matter relative to the interpretation or enforcement of any of the provisions of the housing code of the city. The Board is authorized to make investigations relative to the complaint and may overrule the decisions of any administrative officer including the housing code officer.

(2) Appointments. The Board shall be composed of seven members, four appointed by the Mayor and three appointed by the council.

(3) Qualifications. Members shall be residents of the City. Members may be, but are not required to be, persons who are elected, appointed, or otherwise employed by the City, but such members shall not constitute a majority of the Board. Preference shall be given for appointments to the Board to persons with education and experience in the area of building and housing.

(4) Rules of Procedure. The Housing Quality Appeals Board shall establish its own rules of operating procedure which may be amended from time to time by a majority of the membership.

(5) Powers and Duties. The powers and duties of the Board of Housing Quality Appeals shall be to:

(a) Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of any regulation or restrictions set forth in the housing code;

(b) Permit and authorize exceptions in particular situations specified in the housing code;

(c) Hear and decide special exceptions to the terms of the housing code upon which the board is required to act under this section.

(d) In exercising its powers, the Housing Quality Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done on the premises, and to that end shall have all the powers of the officer or board from which the appeal is taken.

(6) Jurisdiction. The jurisdiction of the Board shall extend to appeals from the decisions of any administrative officer charged with the enforcement of the municipal housing code within the City.

(7) Jurisdiction Granting Exceptions - Requirements. In the matter of granting exceptions, the board shall not assume jurisdiction unless it first finds in each individual case that the following conditions are present:

(a) That the value of the area about the property to which the exception is to apply will not be adversely affected;

(b) That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

(8) Petitions. A person may petition the Board to appeal any decision of an administrative official or enforcing officer by submitting a written petition to the Board, accompanied by a filing fee of twenty dollars.

(9) Board Action on Petition. Within thirty days after the filing, the Board shall investigate the petition and set a date for a public hearing to be held within thirty days thereof. Notice of the public hearing shall be advertised at least ten days beforehand according to provisions in IC 5-3-1. The cost of advertising shall be borne by the petitioner. Notice of the hearing shall be served at least ten days before the hearing date on the petitioner, the person having possession of the premises and the owner of the premises, if the owner is not in possession.

(10) Board Decision. Three concurring votes are required for a Board determination. No member shall vote on any question in which result the member is immediately and particularly interested. When the Board has decided any question, any member voting on the prevailing side may move a reconsideration of the vote thereon before adjournment of the session of the Board at which the vote is taken. Concurrence of a majority shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is lost, it shall not again be entertained. Except in those matters irrevocable by nature or circumstance and except insomuch as contractual or vested rights may have been established pursuant thereto, a decision of the Board once made may be rescinded only by a subsequent decision.

Not more than ten days after such hearing the Board shall make its findings, reasons for the decision, decision and recommendations in writing to the housing code enforcement officer.

(11) Notice of Decision. A copy of the Board's written findings, determination, reasons for the decision, and recommendation shall be mailed to the person having possession of the premises, the owner of the premises, if the owner is not in possession, and the petitioner, if a different party. In addition, the Board shall make a detailed report of all its proceedings, setting forth its reasons, the vote of each member participating and the absence or abstention from voting of a member. Such record shall be open to public inspection in the offices of the Board and the enforcement officer.

(12) Appeal from Board Decision. Any person jointly or severally aggrieved by a decision of the Board may proceed in any court of competent jurisdiction.

2.12.040 Electrical Examination and Registration Board.

(1) Purpose. The Board shall be responsible for the examination, registration and licensing of electrical contractors in this jurisdiction.

(2) Appointment. The Board shall consist of the City Engineer and four other members appointed by the Mayor.

(3) Qualifications. One member shall be an electrical contractor; one, an architect; one, a professional engineer; and one, a citizen who is not directly involved in electrical contracting. Residency requirement of §2.08.020(3) may be waived in the appointment of the professional engineer.

(4) Compensation. The City Engineer shall serve without compensation. The appointive members shall receive five dollars for each session in which examinations or hearings are conducted.

(5) Duties. In addition to holding examinations, registering and licensing applicants, the Board shall keep a record of all applicants for registration and record its proceedings, whether each applicant was registered or rejected, and the date of such action by the Board.

2.12.050 Environmental Quality and Conservation Commission.

(1) Purpose. It is declared to be the public policy of the City of Bloomington and the purpose of this section to achieve and maintain such levels of environmental quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of Bloomington and facilitate the enjoyment of the natural attractions of the City of Bloomington.

(2) Definitions. As used in this ordinance unless the context clearly requires otherwise:

(a) "Environment" means the sum total of the physical, chemical and biological factors affecting the populace of the City of Bloomington and the surrounding community.

(b) "Pollution" means the presence in the environment of one or more contaminants, or noise, in such quantities, characteristics or duration as is or tends to be injurious to human health or welfare, or property, or would interfere with the enjoyment of life or property.

(c) "Commission" means the Bloomington Environmental Quality and Conservation Commission, as created in this ordinance.

(d) "Person" means any individual, partnership, co-partnership, firm, company, public or private corporation, association, trust, estate, or any agency, board, department or bureau of the City or any other legal entity.

(e) "Bloomington" means the City of Bloomington, its corporate limits, and any areas within its legal purview.

(3) Appointments. The Commission shall consist of twelve members, six appointed by the Mayor and six appointed by the Common Council.

(4) Qualifications. Preference for appointments shall be given to persons with expertise in one or more areas of physical sciences, biological sciences, engineering, business, sanitation, public health, conservation, and recreation.

(5) Meetings. The Commission shall meet a minimum of once each month.

(6) Powers and Duties. The Commission shall have the following powers and duties:

(a) To adopt administrative rules and regulations for the conduct of its business.

(b) To hold hearings relating to any aspect of or matter in the administration of this ordinance and in cases of non-compliance request the City Attorney to take legal action.

(c) To retain, employ, provide for, and compensate, within appropriations available thereof, such consultants, assistants, deputies, clerks, technical and other employees, on a full or part-time basis as may be necessary to carry out the provisions of this ordinance and prescribe the times at which they shall be appointed, the duration of their appointments and their powers and duties.

(d) To secure necessary scientific, technical, administrative and operational services including laboratory facilities, by contract or otherwise with any educational institution, experiment station, or any board, department, or other agency of any subdivision or state or the Federal Government.

(e) To determine by means of field studies and sampling the degree of pollution in Bloomington.

(f) To encourage and conduct studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement and control in Bloomington, and make recommendations to the appropriate public and private bodies with respect thereto.

(g) To classify contaminant sources, which in the Commission's judgment may cause or contribute to pollution.

(h) To prepare and develop a comprehensive plan or plans for the prevention, abatement and control of pollution in Bloomington.

(i) To encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter.

(j) To collect and disseminate information and conduct educational and training programs relating to pollution and environmental quality and conservation.

(k) To advise, consult, contract and cooperate with other agencies of the State and the City of Bloomington, other local governments, industries, other states, interstate or interlocal agencies, and the Federal government, and with interested persons or groups.

(l) To apply for, accept, receive and administer grants or other funds or gifts from public or private agencies including the State and Federal governments for the purpose of carrying out any of the provisions or purposes of this chapter. Such funds received by the Commission pursuant to this subdivision shall be deposited in accordance with the administrative regulations of the Commission. The Commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this subdivision.

(m) To make appropriate inquiry into and give constructive consideration to the operations and policies of all departments and governmental branches of the City of Bloomington concerning their adherence to a committment for environmental quality and the conservation of natural resources.

(n) To prepare reports and recommendations to the Mayor, Common Council, Board of Public Works, and the Planning Commission as needed.

2.12.060 Telecommunications Council.

(1) Purpose. The Telecommunications Council shall be responsible to the Board of Public Works in reviewing and evaluating the performance of city franchise agreements.

(2) Appointments. The council shall consist of five members, two of whom shall be appointed by the Mayor and three by the Common Council.

(3) Powers and Responsibilities. The powers and responsibilities of this council shall be as follows:

(a) To evaluate the quality of subscriber service by cable television companies;

(b) To evaluate whether the company is operating in satisfaction of the terms of the cable television franchise and the applicable state and federal rules and regulations;

(c) To study the communication needs of the Bloomington community and explore ways of using cable television to meet those needs;

(d) To assist members of the public and non-profit organizations in the use of cable television, including, to the extent ot the council's ability, programming advice, production advice and assistance, and cable-casting arrangements.

(e) To seek out and retain the services of other persons, organizations and companies for purposes of satisfying the responsibilities laid upon the council by this ordinance;

(f) To report at least once a year to the Mayor, the Common Council, and the Board of Public Works, in writing on the Council's activities and expenditures, such report to include the evaluations provided for in subsection (b) and (c) of this section, and such report further being made available to the public upon request:

(g) To pursue the preceding responsibilities in the best public interest of the citizens of Bloomington.

(4) Procedure. The Board of Public Works shall furnish the Telecommunications Council with rules and regulations for the administration of the telecommunications council.

It is the object of this ordinance that the Telecommunications Council will be supported from the receipt of cable television franchise fees, subject to the approval of the Mayor and Common Council.

2.12.070 Traffic Commission.

(1) Purpose - Duties. It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

(2) Appointments. The commission shall consist of the following nine members: a designee of the traffic engineer, a designee of the city street superintendent, a designee of the Chief of Police and six additional members, representatives of the current councilmanic districts who shall be appointed by the Common Council. Initially, appointees from councilmanic districts 1, 2, and 3 shall serve a one year term. The appointee from district 4; from district 5; and from district 6, two years. Thereafter all terms shall be for two years.

(3) Qualifications. Each council appointee shall be a resident of the councilmanic district which he/she represents.

(4) Meetings. Meetings will be held monthly.

(5) Procedure. The Commission shall establish its own rules of operating procedure which may be amended from time to time by a majority vote.

CHAPTER 2.13
PLAN COMMISSION

Sections:

2.13.000 Establishment
2.13.010 Appointment and Qualifications
2.13.020 Terms

2.13.000 Establishment. There is hereby established a Bloomington Plan Commission in the Executive Department.

2.13.010 Appointment and Qualifications. The Commission shall consist of twelve members who by statute shall be appointed in the following manner:

(1) One member appointed by and from the membership of the Common Council.

(2) One member appointed by and from the membership of the Parks and Recreation Board.

(3) One member appointed by the Board of Public Works from its membership or as its designated representative.

(4) Two Monroe County citizens who reside outside the City of Bloomington limits and are from opposite political parties appointed by the Judge of the Monroe Circuit Court.

(5) One non-voting member appointed by and representing the Monroe County Plan Commission.

(6) The City Engineer.

(7) Five citizens, no more than three of whom may be of the same political party, appointed by the Mayor.

2.13.020 Terms. The judicial and mayoral appointees shall serve four year terms. Those terms of the mayoral appointees shall initially be staggered with one citizen appointed for two years ending the first Monday in January of 1985, two for three years, ending the first Monday in January of 1986, and two for four years, ending the first Monday in January of 1987. The initial terms of the judicial appointments shall be for one year and four years, terminating on the first Monday in January of the second and fifth year.

Members appointed from the membership of the Parks and Recreation Board, Board of Public Works, County Plan Commission and the Common Council shall serve a term co-extensive with their terms on the appointing body or until that body appoints another at its first regular meeting of the year. An appointee not serving on a body, but appointed as its representative shall serve a four year term.

CHAPTER 2.14
PLANNING DEPARTMENT

Sections:

2.14.000 Establishment
2.14.010 Appointment of Director

2.14.000 Establishment. The Planning Department is established under the City Plan Commission.

2.14.010 Appointment of Director. The Planning Department shall be administered by a Director who shall be appointed by the Mayor with the approval of the Plan Commission and shall serve at the pleasure of the Mayor.

CHAPTER 2.15
BOARD OF ZONING APPEALS

Sections:

2.15.000 Establishment
2.15.010 Appointments
2.15.020 Qualifications
2.15.030 Terms
2.15.040 Procedure - Meetings - Oaths - Attendance
2.15.050 Power and Duties

2.15.000 Establishment. There is hereby created the Board of Zoning Appeals to hear and determine or review determinations made by the Plan Commission, Plan Department, and Engineering Department and requests for special exceptions and variances.

2.15.010 Appointments. The Board shall consist of six members as determined by statute. Five shall be appointed by the Mayor and one by the Judge of the Monroe Circuit Court.

2.15.020 Qualifications. Two of the Mayor's appointees shall be members of the Bloomington Plan Commission and all of his appointees must be city residents.

2.15.030 Terms. Initially the terms shall be staggered with one appointee serving a one year term, one a two year term, one a three year term and two a four year term each ending on the first Monday in January. The judicial appointee's term shall be for four years. Thereafter all members shall be appointed for four year terms.

2.15.040 Procedure - Meetings - Oaths - Attendance. Meetings of the board shall be held on call of the chairman and at such times as the board may determine. The board shall hear all petitions addressed to it in public meeting. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

Regulations and standards for the Board's decisions are detailed in Bloomington Municipal Code Chapter 20.19.

2.15.050 Powers and Duties. The powers and duties of the Board of Zoning Appeals shall be:

(1) To hear and determine or review determinations made by an administrative official or board charged with the enforcement of any regulations or restrictions set forth in Title 20.00.

(2) To permit and authorize exceptions in particular situations specified in Title 20.00;

(3) To hear and decide special exceptions to the terms of Title 20.00 upon which the board is required to act under Title 20.00;

(4) To authorize upon appeal in certain cases such variances from the terms of Title 20.00 as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship, and so that the spirit of the title shall be preserved and substantial justice done, but, in no cause shall the board have the power to grant a change in use.

CHAPTER 2.16
HISTORICAL PRESERVATION STUDY COMMISSION

Sections:

2.16.000 Establishment
2.16.010 Purpose
2.16.020 Appointments
2.16.030 Qualifications
2.16.040 Procedures

2.16.000 Establishment. There is hereby established the Historical Preservation Study Committee in the Plan Department.

2.16.010 Purpose. The committee shall have the following purposes:

(1) Making investigations of historic buildings, structures and districts for historic designation status;

(2) Promulgating standards for local historic significance;

(3) Disseminating information to the general public about the historic resources available in Bloomington; and

(4) Maintaining and making additions to Bloomington's historic structures survey.

2.16.020 Appointments. The Committee shall consist of seven persons, four of whom shall be appointed by the Mayor, and three of whom shall be appointed by the council.

2.16.030 Qualifications. Whenever possible one of the members shall be an architect or other technically qualified person.

2.16.040 Procedures. The Committee may adopt operating rules and regulations in the absence of and not inconsistent with those provided by the plan commission and the provision of Title 20.00 and this title. The committee may accept money gifts and expend them in a manner not inconsistent with the purposes of the committee or state law regarding expenditures of public funds.

CHAPTER 2.17
BOARD OF PUBLIC SAFETY

Sections:

2.17.000 Establishment
2.17.010 Appointments
2.17.020 Compensation
2.17.030 Powers and Duties
2.17.040 Police Department - Establishment
2.17.050 Fire Department - Establishment

2.17.000 Establishment. There is hereby created a separate board in the Executive Department to be known as the Board of Public Safety.

2.17.010 Appointments. The Board shall consist of three members who shall be appointed by the Mayor to serve for four year terms at the Mayor's pleasure. Members shall have been voters of the City for at least one year immediately preceeding the appointment.

2.17.020 Compensation. Each member of such board shall receive for services compensation in an amount to be fixed by the Mayor, subject to the approval of the Common Council. No such member who holds any other remunerative position with the City shall be entitled to receive additional compensation for services performed as a member of such board.

2.17.030 Powers and Duties. The Board of Public Safety shall have control and oversee the Police and Fire Departments of the City pursuant to statute, and shall have the authority to allow and approve claims.

2.17.040 Police Department - Establishment. There is hereby created, as part of the executive branch of government under the control and supervision of the Board of Public Safety, a Bloomington Police Department. Said Department shall be responsible for the public safety function of the City. The Police Department shall be administered by the Police Chief.

2.17.050 Fire Department - Establishment. There is hereby created, as part of the executive branch of government under the control and supervision of the Board of Public Safety, a Bloomington Fire Department. Said Department shall be responsible for the fire protection of the City of Bloomington. The Fire Department shall be administered by the Fire Chief.

CHAPTER 2.18
BLOOMINGTON REDEVELOPMENT COMMISSION

Sections:

2.18.000 Establishment
2.18.010 Appointments
2.18.020 Qualifications
2.18.030 Terms
2.18.040 Meetings
2.18.050 Rules and Bylaws
2.18.060 Majority Vote

2.18.000 Establishment. There is hereby created a Bloomington Redevelopment Commission, which shall control the Department of Redevelopment. The Redevelopment Commission shall have all the powers and authorities set for such commissions in IC 36-7-14, Redevelopment of Blighted Areas, and shall bear such duties and responsibilities as are therein set out. The Redevelopment Commission shall follow such rules and procedures as are now set out in IC 36-7-14, or as shall be added by future amendments to the Indiana Code.

2.18.010 Appointments. The five members of the Redevelopment Commission shall be appointed three by the Mayor and two by the Common Council.

2.18.020 Qualifications. A redevelopment commissioner must be at least eighteen years of age and a resident of the City.

2.18.030 Terms.

(1) Each redevelopment commissioner shall serve for one year from the first day of January after his appointment and until his successor is appointed and has qualified, except that the original commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment.

(2) Redevelopment commissioners shall serve at the pleasure of the appointing authority, who may summarily remove its appointees from office at any time.

2.18.040 Meetings. The redevelopment commissioners shall hold a meeting for the purpose or organization not later than thirty days after they are appointed and, after that, on January 2 of each year.

2.18.050 Rules and Bylaws. The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property in their custody.

2.18.060 Majority Vote. Concurrence of three members of the Commission is necessary to authorize any action.

CHAPTER 2.19
DEPARTMENT OF REDEVELOPMENT

Sections:

2.19.000 Establishment
2.19.010 Appointment of Director

2.19.000 Establishment. There is hereby created a Department of Redevelopment which shall be responsible, pursuant to statute, for the redevelopment of blighted areas within the City. All of the territory within the corporate boundaries of Bloomington constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes.

2.19.010 Appointment of Director. The Department of Redevelopment shall be administered by the Director of Redevelopment who is appointed by the Mayor, with the approval of the Board, and who shall serve at the pleasure of the Mayor.

CHAPTER 2.20
BOARD OF PARKS AND RECREATION

Sections:

2.20.000 Establishment
2.20.010 Appointment
2.20.020 Qualifications
2.20.030 Terms
2.20.040 Meetings
2.20.050 Officers
2.20.060 Rules and Regulations
2.20.070 Majority Vote
2.20.080 Special Nonreverting Operating Fund
2.20.090 Capitol Fund
2.20.100 Gifts and Bequests
2.20.110 Committees
2.20.120 Department of Parks and Recreation Establishment
2.20.130 Appointment of Director

2.20.000 Establishment. There is hereby created a a Board of Parks and Recreation which shall exercise such powers and duties as are set forth in IC 36-10-3, Parks and Recreation Law.

2.20.010 Appointments. Initial appointments to the Board of Parks and Recreation shall be made within ninety days after the creation of the Department. The Mayor shall appoint four members to the Board of Parks and Recreation. One member of the Monroe County Community School Corporation Board of Directors shall be appointed by the school trustees to serve as an ex officio member of the Board of Parks and Recreation. The ex-officio member shall have all the rights of regular members, including the right to vote.

2.20.020 Qualifications.

(1) The four members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two members may be affiliated with the same political party. In making initial appointments the Mayor, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

(2) The ex officio member shall be a resident of the City.

(3) Neither a municipal executive nor a member of a municipal fiscal body may serve on the Board of Parks and Recreation.

2.20.030 Terms.

(1) Initial appointments to the Board of Parks and Recreation are as follows: (a) One member for a term of one year, (b) one member for a term of two years, (c) one member for a term of three years, and (d) one member for a term of four years. As a term expires, each new appointment is for a four year term. All terms expire on the first Monday in January.

(2) The term of the ex officio member shall be coextensive with the term of his office as a school trustee, unless the board of school trustees shall at its first regular meeting of the year appoint another to serve as its representative on the Park and Recreation Board.

2.20.040 Meetings. The Board of Parks and Recreation shall meet at least monthly.

2.20.050 Officers. At its first regular meeting each year the Board shall elect a president and a vice president. The vice-president may act as president during the absence or disability of the president. The Board may select a secretary either from within or outside its membership.

2.20.060 Rules and Bylaws. The Board shall adopt by-laws prescribing procedural rules for its meetings, and prescribing administrative procedures for the operation of the Park and Recreation Department.

2.20.070 Majority Vote. Action of the Board is not official unless it is authorized by at least three members present and acting.

2.20.080 Special Nonreverting Operating Fund. There is created, to be under the control of the Board of Parks and Recreation, a special nonreverting operating fund, as authorized by IC 36-10-5-2. Monies in the form of fees from various activities including concessions shall be deposited at least once each month with the City Controller who shall deposit such monies in this fund, but fees from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited in this fund. Expenditures may be made from this fund without appropriation, but monies from this fund shall be disbursed only on approved claims allowed and signed by the president and secretary of the Board. At the end of each year, the Controller shall, if directed by the Board, transfer all or a portion of any surplus monies in this fund to the parks and recreation general fund.

2.20.090 Capital Fund. There is created, to be under the control of the Board of Parks and Recreation, a special nonreverting capital fund for the purpose of acquiring land or making specific capital improvements. The Common Council may include, from year to year, in the annual budget of the Department of Parks and Recreation an item and appropriation for these specific purposes.

Monies placed in the nonreverting capital fund shall not be withdrawn except for the purposes for which the fund was created, unless the Common Council repeals this provision and abolishes the fund.

2.20.100 Gifts and Bequests. The Board may accept gifts, donations, and subsidies for park and recreation purposes. No gift or transfer of public property to the Board shall be made without its approval. Any gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the Board for purposes specified by the grantor. The City Controller shall draw warrants against such special nonreverting fund only upon vouchers signed by the president and secretary of the Board.

2.20.110 Committees. The Board may create an advisory council and special committees composed of citizens interested in the problems of parks and recreation. In selecting such advisory council or special committees, the Board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the board shall specify the terms of its members and the purposes for which created. Such advisory council or a special committee shall report to the Board only.

2.20.120 Department of Parks and Recreation - Establishment. There is hereby created a Department of Parks and Recreation which shall be responsible for all parks and recreation of the City of Bloomington, and which shall follow such rules and procedures as are now set out in IC 36-10-3, or as shall be added by future amendments to the Indiana Code.

2.20.130 Appointment of Director. The Department of Parks and Recreation shall be administered by the Director of Parks and Recreation who is appointed by the Mayor, with the approval of the Board of Parks and Recreation, and shall serve at the pleasure of the Mayor.

CHAPTER 2.21
DEPARTMENT OF LAW

Sections:

2.21.000 Establishment - Appointment of Director
2.21.010 Human Rights Commission-Establishment
2.21.020 Public Policy and Purpose
2.21.030 Definitions
2.21.040 Appointments
2.21.050 Qualifications
2.21.060 Rules and Regulations
2.21.070 Powers and Duties
2.21.080 Educational Program
2.21.090 Relationship With Civil Rights Commission

2.21.000 Establishment - Appointment of Director. There is hereby created a Department of Law which shall be responsible for all legal matters pertaining to the City and its executive branch pursuant to statute. The Department of Law shall be directed by the City Attorney.

2.21.010 Human Rights Commission - Establishment. There is hereby created within the Department of Law a Human Rights Commission pursuant to the following section, to wit:

2.21.020 Public Policy and Purpose. It is the public policy of the City to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real proprty including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, or handicap, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, national origin, ancestry, or handicap is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, national origin, ancestry, or handicap is the purpose of this Section.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

It is hereby declared to be contrary to the public policy of the City and an unlawful practice to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, or handicap.

2.21.030 Definitions. As used in this Chapter unless the context clearly requires otherwise:

(1) "Acquisition of real property" means the sale, rental lease, sublease, construction or financing, including negotiations and other activities or procedures incident thereto, of:

(a) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters; or

(b) Any building, structure, or portion thereof, or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, or industrial or agricultural purposes; or

(c) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(2) "Affirmative Action" means those acts which the Commission deems necessary to assure compliance with the City Human Rights Ordinance.

(3) "Ancestry" refers to both the country from which a person's ancestors came and the citizenship of a person's ancestors.

(4) "Commission" means the Human Rights Commission hereinafter created.

(5) "Commission Attorney" means the City Attorney, or such assistants of the City Attorney as may be assigned to the Commission, or such other attorney as may be engaged by the Commission or voluntarily lend his services to the Commission.

(6) "Compensation" and "compensatory damages" mean actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits.

(7) "Complainant" means any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice or the commission attorney or a commissioner to the Bloomington Human Rights Commission charging that a discriminatory practice was committed against a person, other than himself, or a class of people in order to vindicate the public policy of the state as defined in Indiana Code 22-9-1-2, and the public policy of the City as defined in Section 2.21.020.

(8) "Complaint" means any written grievance filed by a complainant with the legal department. The original shall be signed and verified before a notary public or another person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished by the legal department without charge.

(9) "Consent Agreement" means a formal agreement entered into in lieu of adjudication.

(10) "Discriminatory practice" means the exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, or handicap; or a system which excludes persons from equal opportunities because of race, religion, color, sex, national origin, ancestry, or handicap or the promotion or assistance of segregation or separation in any manner on the basis of the above categories; provided, it shall not be a discriminatory practice for an employment agency to refer for employment any individual, or for a joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in such program on the basis of his religion, sex or national origin in those particular instances where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; further provided, that it shall not be discriminatory practice for a person to refuse to rent for occupancy as living quarters any space in owner occupied multiple dwelling structure on the basis of sex; provided, further, it shall not be a discriminatory practice for an employer to fail to employ or retain as an employee any person who because of a handicap is physically or otherwise unable to efficiently and safely perform, at the standards set by the employer, the duties required by that job; provided, further, it shall not be a discriminatory practice to fail to promote or transfer a handicapped person to another job or occupation after he or she is employed unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation; provided, further, it shall not be a discriminatory practice for an employer to fail to modify physical accommodations or administrative procedures to accommodate a handicapped person.

(11) "Educational Institution" includes all public and private schools and training centers, except that the term does not include any state agency as defined in subsection 24 of this section.

(12) "Employee" includes any person employed by another for wages or salary; provided, that it shall not include any individual employed by his parents, spouse or child.

(13) "Employer" includes any person employing six or more employees within the City, except that the term does not include not-for-profit corporation or association organized exclusively for fraternal or religious purposes; nor any school, educational or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution; nor any exclusively social club, corporation or association that is not organized for profit; nor the City or any department thereof; nor any state agency as defined in subsection 24 of this section.

(14) "Employment Agency" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(15) "Handicap or Handicapped" means the physical or mental condition of a person which constitutes a substantial disability. In reference to employment under this Section, handicap or handicapped also means the physical or mental condition of a person which constitutes a substantial disability unrelated to such person's ability to engage in a particular occupation. To be classified as handicapped, a person shall be certified as such pursuant to the procedures, rules and regulations issued by the Indiana Rehabilitation Service Board pursuant to IC 22-9-1-13(c).

(16) "Labor Organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for mutual aid or protection in relation to employment.

(17) "Lending Institution" means any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or part in making or guaranteeing loans secured by real estate or an interest therein.

(18) "National Origin" refers to both the country from which a person came and the citizenship of the person.

(19) "Owner-Occupied Multiple-Dwelling Structure" includes only structures in which the owner of the premises actually resides, containing not more than three separate dwelling units, apartments, rooms or portions of the building designed or intended for occupancy as living quarters.

(20) "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, any subdivisions of the state, and other organized groups of persons.

(21) "Public Accommodation" means any establishment which offers its services, facilities, or goods to the general public.

(22) "Respondent" means one or more persons against whom a complaint is filed under this chapter, and who the complainant alleges has committed or is committing a discriminatory practice.

(23) "Sex" as it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing; provided, that it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that is shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual for a labor organization to classify its membership or to classify or refer for employment any individual, or for any employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

(24) "State Agency" means every office, officer, board, commission, council, department, division, bureau, committee, fund, agency, and without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, every hospital, every penal institution and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the state of Indiana. "State agency" does not mean counties, county departments of public welfare, cities, towns, townships, school cities, school towns, school townships, school districts or other municipal corporations, political subdivisions, or units of local government.

2.21.040 Appointments. The seven members of the Human Rights Commisson shall be appointed four by the Mayor, three by the Common Council.

2.21.050 Qualifications. Members of the Human Rights Commission shall be representative of the community and shall be city residents.

2.21.060 Rules and Regulations. The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purpose of this chapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the Commission.

The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the legal department.

2.21.070 Powers and Duties. The Commission shall have the following powers and duties:

(1) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section.

(2) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, national origin, ancestry or handicap.

(3) To schedule complaints for public hearings upon a determination of probable cause by the legal department. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the Commission for review of the finding. Upon the receipt of the request for review, the chairperson or their designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final. Whenever a commissioner reviews a decision at the request of a complainant, such commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint. Complaints of discrimination shall be received and investigated by the legal department. To be acceptable to the legal department, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint; together with a statement as to the status or disposition of such other action; provided, that no complaint or charge of discrimination in employment on the basis of handicap shall be considered valid and acceptable to the legal department unless it is submitted by an individual who has been properly certified as a handicapped person as defined in subsection 15 of Section 2.71.030. No complaint shall be valid unless filed within ninety days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the legal department for purposes of measuring the ninety-day limitation, as long as the complaint is otherwise within the legal department's jurisdiction; provided further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the city legal department concerning any of the matters alleged in such complaint; provided, further, that the legal department shall have no jursidiction over the state or any of its agencies, or over the City or any of its departments. After a complaint is scheduled for a public hearing, the legal department shall make reasonable efforts to conciliate all issues raised during the investigation of the case.

(4) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because he filed a complaint or testified in any hearing before the Commission or in any way assisted in any matter under investigation.

(5) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(a) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order;

(b) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless continued by the commission at the request of the respondent. At such hearing the complainant shall show that a failure to continue the temporary order would damage his remedy. The Commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive said hearing without prejudice to his defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(c) The Commission may by rule provide for issuance of its temporary order by a majority of the Commission, and it may compel compliance with any such temporary order by bringing in any circuit or superior court for prohibitory or mandatory injunction upon showing that such person is subject to the court's jurisdiction, resides or transacts business within the county in which the proceeding is brought, and that such injunction is necessary to protect the complainant's rights under this chapter until his complaint is resolved through conciliation or public hearing.

(6) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (8) of this section. If the Commission determines that a party to the consent agreement is not complying with it, the Commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement, and the party is subject to the Commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

(7) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the circuit or superior court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the City; provided, however, that the payment of such penalty by a party shall not impair the Commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

(8) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the Commission shall give due consideration to

its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the Commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action including but not limited to hiring, reinstatement, and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity; provided, that this subsection shall not be construed to require any employer to modify physical accommodations or administrative procedures to accommodate a handicapped person.

If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the Commission.

If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, instatement to membership, reinstatement to membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant's being denied equal opportunity.

If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action including but not limited to a review and revision of school boundaries, revision of teaching aids, and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

If upon all the evidence, the Commission finds that a person has not engaged in any such unlawful practice or violation of this section, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such person.

Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the county circuit or superior courts. The scope of review shall be in accordance with the provisions set out in IC Chapter 4-22-1. If no proceeding to obtain judicial review is instituted within fifteen days from the receipt of notice by a person that such order has been made by the Commission, the Commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject to the commission's jurisdiction and resides and transacts business within the county in which the petition for enforcement is brought, or may request the city attorney, commission attorney, or attorney representing the complainant to seek enforcement.

Affirmative Action by City Contractors. All contractors doing business with the City, except those specifically exempted by regulations promulgated by the Human Rights Commission and approved by the common council shall take affirmative action to insure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry or handicap. Affirmative action shall include but not be limited to the issuance of a statement of policy regarding equal employment and its com-

munication to all personnel involved in recruitment, hiring, training, assignment, and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of race, religion, color, sex, national origin, ancestry or handicap; recruiting in the minority group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

Each such contractor shall submit to the Human Rights Commission a written proposal concerning the affirmative action it proposes to take, which proposal must be approved prior to its entering a contract with the City. Said proposal shall be limited to measures similar to those which the City is required to take in its affirmative action with regard to its own employees, as established by the Mayor's office and as specified by resolution of the Common Council.

All contracting agencies of the City or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to insure that the applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate in-equality based upon race, religion, color, sex, national origin, ancestry or handicap.

Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the City shall be entitled, at its option:

(a) To cancel, terminate, or suspend the contract in or in part;

(b) To declare the contractor or vendor ineligible for further city contracts

(c) To recover liquidated damages of a specified sum

2.21.080 Educational Program. In order to eliminate prejudice among the various groups in the City and to further goodwill among such groups, the Commission may prepare educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's race, religion, color, sex, national origin, ancestry, or handicap, its harmful effects, and its incompatibility with the principles of equality.

2.21.090 Relationship with Civil Rights Commission. The legal department may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights Law.

CHAPTER 2.22
PERSONNEL DEPARTMENT

Sections:

2.22.000 Establishment
2.22.010 Appointment of Director
2.22.020 Personnel Policies
2.22.030 Definitions

2.22.000 Establishment. There is hereby created a Department of Personnel which shall have responsibility for the establishment, administration, maintenance, and interpretation of a comprehensive personnel system applicable to all city departments, boards, commissions, and councils, including but not limited to, the Utility Department and Parks and Recreation Department. The Department shall promulgate rules and regulations for all aspects of personnel administration, shall administer the City's health and life insurance programs, and shall implement the City's equal employment and affirmative action program.

2.22.010 Appointment of Director. The Personnel Department shall be administered by the Director of Personnel, who shall, with the approval of the Mayor, establish job descriptions, classifications, and administrative regulations governing all aspects of personnel administration.

2.22.020 Personnel Policies. The administration of certain personnel matters shall be governed by the following policies:

(1) Mileage Allowance. In all instances where city employees use their own vehicles in city affairs and work, other than traveling from their home to their place of work and from their place of work to their home, such employee shall be entitled to an allowance in such amount as authorized and approved by the State Board of Accounts.

(2) Vacations. Employees who are not on probationary status and who have worked for the City for more than six months but less than five years shall be entitled to two work weeks vacation. Employees who have worked for the City for more than five years shall be entitled to two work weeks, plus one extra workday for each full year worked over five years, but in no instance shall the employee be entitled to more than four work weeks vacation. Vacation must be taken within the calendar year and will not accumulate from year to year except in extenuating circumstances. If an employee should resign and leave in good standing after giving proper notice, he/she shall be paid vacation leave accumulated within that year.

All Department Heads shall be entitled to a vacation period of twenty working days with pay. The vacation periods of Department Heads shall be arranged by and subject to the approval of the appropriate city board, and the Mayor.

(3) Sick Leave. Each employee shall be entitled to accumulate sick leave indefinitely. Employees shall receive one sick day for each month worked beginning on the date of employment. Such sick leave shall not become effective, however, until the employee leaves probationary status. Sick days shall accumulate only while the employee is on active paid status. Sick days are intended for use only when the employee is ill or injured. Employees will not be paid for accumulated sick days upon termination, resignation, leave of absence, or retirement. In order to be paid for more than two sick days in any given work week, the employee may be required to present a physician's statement that he/she was unable to work. The Personnel Department shall establish and administer policies governing abuse of sick leave.

(4) Modifications and Additions. Modifications and additions to Sub-Sections 2.22.020(1) through 2.22.020(3) may be adopted by the several city boards, namely the Board of Public Works, the Board of Public Safety, Board of Parks and Recreation, and the Utilities Service Board concerning employees under their jurisdiction and with the approval of the Mayor.

(5) County Residency. After June 1, 1978, any person who accepts permanent full-time or permanent part-time employment with the City must have her/his principal place or residence within the limits of the county.

Exceptions: (a) This Sub-section shall not apply to persons who have specialized skills or training if there is no suitable applicant for the position residing within the limits of the county, and the appropriate elected official or his designee approves. "Specialized skills or training" means advanced education or exceptional experience in a specific field of work that is necessary for employment in that field. The employment of such persons shall be reviewed by the Common Council on a quarterly basis during the employee's probationary period.

(b) This Sub-section shall not apply to members of the police and fire forces of the City, who are governed by the provisions of Indiana Code Section 36-8-4-2.

(c) This Sub-section shall not apply to those employees who are hired for programs or services that extend beyond the county line, or where federal or state regulations require that they be from a specific location.

(d) This Sub-section shall not apply to those persons who were non-resident employees of the City prior to June 1, 1978.

2.22.030 Definitions. As used in this Section, the following terms have the following meanings, unless otherwise designated:

(1) "Permanent full-time employee" includes all employees who are regularly scheduled to work a minimum of thirty-five hours per calendar week and whose term of employment is intended to exceed six consecutive months.

(2) "Permanent part-time employee" includes all employees who are regularly scheduled to work between twenty hours per calendar week and thirty-five hours per calendar week and whose term of employment is intended to exceed six consecutive months.

(3) "Temporary full-time employee" includes all employees who are regularly scheduled to work a minimum of thirty-five hours per calendar week and whose term of employment is intended to expire on or before the last day of the sixth consecutive month of employment.

(4) "Temporary part-time employee" includes all employees who are scheduled to work less than twenty hours per calendar week and all employees who are regularly scheduled to work between twenty hours per calendar week and thirty-five hours per calendar week and whose term of employment is intended to expire on or before the last day of the sixth consecutive month of employment.

(5) "Residency" means a factual place of abode or an actual home, in the sense of having no other abode or home.

CHAPTER 2.23
HUMAN RESOURCES DEPARTMENT

Sections:

2.23.000 Establishment - Appointment of Director
2.23.010 Scope and Duties
2.23.020 Human Resources Defined
2.23.030 Other Human Resources Activities
2.23.040 Human Resources Forum
2.23.050 Human Resources Commission-Establishment
2.23.060 Commission on the Status of Women-Establishment

2.23.000 Establishment - Appointment of Director.
There is hereby created and established a Human Resources Department within the administration of the corporate City of Bloomington. The Department shall be administered by the Director of Human Resources.

2.23.010 Scope and Duties. The scope and duties of the Human Resources Department shall include, but not be limited to, the following:

(1) Assessing the human resources functions available in the city and the county;

(2) Assessing methods of improving coordination and delivery of human resources services in the community;

(3) Developing a plan for coordinating human resources functions of the city;

(4) Developing grant application expertise and grant review capacity to be available for local agencies in the area of human resources, including information and technical assistance for federal, state and local monies which might be available and relevant; receiving and reviewing grants for federal, state and local technical and financial assistance; and recommending, where appropriate, that such grants be sought; such duties to be carried out in conjunction with the controller's office;

(5) Creating a communication and information center for human resources programs in the community, including the implementation and operation of an information and referral system;

(6) Coordinating citizens' recommendations for the use of governmental funds for human resources programs;

(7) Planning and developing contractual arrangements with the advice of the City Attorney, for the use of governmental funds by non-city agencies to insure the efficient delivery of human resources services;

(8) Provide direct supervision and staff assistance for the programs of the Commission on the Status of Women;

(9) Continuation, supervision or spin-off of all programs previously administered by the Bloomington-Monroe County Drug Commission or Alternative Program Commission;

(10) The development, implementation and operation of needed programs which help Bloomington citizens attain their maximum individual capacities for living and which improve the quality of life for citizens.

2.23.020 Human Resources Defined. The subject matter of human resources shall be construed to include any topic of social concern, including but not limited to, the following:

(1) Social impact of planning, housing development and economic development;

(2) Citizen participation in the decision making process;

(3) Consumer affairs:

(4) Child care;

(5) Drug abuse and mental health issues;

(6) Veteran's affairs;

(7) The status of women;

(8) Community employment and manpower;

(9) Handicapped and disabled citizen issues;

(10) Criminal justice planning;

(11) Youth issues;

(12) Senior citizen issues;

(13) Minority issues;

(14) Advocacy;

(15) Energy and utility issues;

(16) Artistic and cultural affairs;

(17) Information and referral;

(18) Provision of any human resource services or programs for the citizens of Bloomington for which there exists a demonstrable need and for which there is no other local source of adequate provision;

(19) Equal employment opportunity;

2.23.030 Other City Human Resources Activities. It shall be the responsibility of the Director of Human Resources to provide services to other city agencies formed to address the social concerns listed in the definition of human resources contained in this chapter. Those city agencies shall include: Bloomington Human Rights Commission, Commission on Status of Women, and the Office of Equal Employment Opportunity.

The Director of Human Resources shall exercise direct supervision over all staff working for the program of the Commission on the Status of Women.

2.23.040 Human Resources Forum. There is created a Human Resources Forum to be a public meeting of the citizenry of the City and other interested groups and individuals. The Forum shall consist of an agenda of discussion consisting of items concerning the community's need for human resources services and the ability of community agencies, both public and private, to meet those needs and items concerning the means through which human resources services may most effectively meet the needs of the community. The general citizenry of the community will be invited to discuss with public officials the needs for human resources and the various public service agencies of the community shall be invited to participate in the discussion as to the services presently being provided, future programming and the most effective means of financing and developing future programming, both public and private, to meet community needs through the utilization of both funded and voluntary efforts.

The Director of the Human Resources Department shall arrange to have the minutes of the Human Resources Forum prepared and to provide the copies of said minutes to the Common Council, Mayor, and any other private funding agencies or to any community service agency as shall request same and to provide copies of said minutes for public inspection during regular office hours of the Department.

2.23.050 Human Resources Commission - Establishment. There is hereby created a Human Resources Commission. The Commission may make advisory and planning input into all activities of the Department.

(1) Appointments. The Commission shall consist of nine members, five members to be appointed by the Mayor and four members to be appointed by the Common Council.

(2) Qualifications. It is recommended that the members include representatives of the following groups: low income community and social service providers.

(3) Procedure. The Commission may adopt operating rules and regulations, to effectuate the purposes of this section and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section. New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the commissioners present.

The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the Commission.

(4) Powers and Duties. The Commission shall be charged with putting into effect its program and proposals.

Any and all requests for financial support to human services programs and activities, from the City, shall come first to and be reviewed by this Commission. Upon completion of its review, the Commission will determine the source and type of funding most appropriate to the request, including but not limited to revenue sharing, community development block grant, matching, and grant monies. The commission will prepare a statement of recommendation for use by the Mayor and the Common Council in which will be included a recommendation that the program or activity be or not be financially supported by the City; the amount of financial support, if any, the program or activity should receive; alternative and future sources of financial support for the program or activity; and the basis of its recommendation. The Commission will review and comment on public service program elements of local community development plans and applications for block grant funding and will make recommendations to the Mayor and Common Council. It will communicate with the Redevelopment Commission when appropriate. The Commission may seek grant monies and other funds to support human services programs and activities.

The Commission may also designate subcommittees consisting of its members and other interested citizens to serve as advisory bodies to department programs.

2.23.060 Commission on the Status of Women - Establishment. There is hereby created within the Human Resources Department a Commission on the Status of Women. The purpose of this Commission is to assure that women and men have equal opportunity to function fully and optimally as citizens of the City of Bloomington, as equal participants in the economy, in politics and government, in education, in social development, in the system of justice, and in all other facets of life.

(1) Aims and Goals. It shall be the aim and goal of the Commission:

(a) To identify the needs of women in the City, available resources and services meeting the needs of women in the City, and gaps in existing services;

(b) To monitor and review federal, state and local policy for its impact on City women and to make recommendations regarding those policies to the Human Resources Department for appropriate action to assure women's equity;

(c) To stimulate and encourage legislation for the development of human resources of particular benefit to women in the City and the state;

(d) To issue publications, educational materials and results of research, legislative review and investigations in order to educate the entire community as to the aims and goals of this Commission;

(e) To establish and maintain a close working relationship with, and to support the efforts of, the Bloomington Human Rights Commission, and the Bloomington League of Women Voters;

(f) To maintain close liaison with other women's commissions throughout the state; state women's advocacy groups; and other local, state or federal programs that relate to the needs, problems and opportunities of women;

(g) To maintain close liaison with federal efforts in programs affecting women to insure appropriate City participation in such programs and to consolidate those federal programs for maximum efficient uses of federal efforts at the local level;

(h) To enter into contracts and accept grants for the administration of research projects, as may contribute to the strengthening and refinement of a coordinated program, upon approval of such contracts by the Mayor and, when appropriate, the Common Council;

(i) To assure a coordinated city-wide effort in achieving a comprehensive women's program to improve opportunities for women of the community.

(2) Appointments. The Bloomington Commission on the Status of Women shall be composed of seven members. Four members shall be appointed by the Mayor, and three members shall be appointed by the Common Council.

(3) Qualifications. The members of the Bloomington Commission on the Status of Women shall be representative of the diverse educational, employment, economic, business and community service elements of the community. Preference for appointments shall be given to persons with experience working for women's issues, knowledge of legislative and policy making processes, and direct knowledge and experience working with women's needs and community resources.

In order that the concerns of the total community be adequately represented on the Commission, Commission membership may include both women and men.

(4) Procedure - Rules and Regulations. The Commission may adopt substantive rules and regulations to effectuate the purposes of this section and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the Commission.

The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the Commission.

(5) Powers and Authority. The Commission shall have the power and authority to carry out the aims and goals as defined in this chapter, including but not limited to the following:

(a) To advise the Mayor, and where appropriate, the Common Council, on the hiring of personnel necessary to the implementation of this section; all such personnel shall be employees of the Human Resources Department and shall be subject to supervision and direction by the Director of Human Resources;

(b) To hold hearings and undertake any other activities which may be necessary, desirable, or proper to carry out the purposes of this section;

(c) To gather and distribute information and to issue such publications and educational information and the results of such investigations and research as in its judgment will further the purposes and intent of this section;

(d) To report in writing on its activities to the Common Council and the Mayor quarterly;

(e) To apply for any federal, state, local or private grants, appropriations or gifts upon approval of the Human Resources Department Director in order to carry out the purposes of this section;

(f) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission or other agency of the state, federal and local government to facilitate properly the execution of the powers and duties of this Commission;

(g) To enter into a working relationship with the City Human Rights Commission to perpetuate the mutual objectives set forth in this section and the Bloomington Human Rights Commission section;

(h) To propose other ordinances in order to carry out this section and to propose additions or amendments to this section as deemed necessary and appropriate to insure the effectiveness of this section; and

(i) To refer persons to the appropriate governmental unit or private organizations which can adequately deal with their problem.

(6) Education Program. The Commission may prepare educational programs in order to support and emphasize the purpose and intent of this section among the various groups and individuals in the City and to further goodwill among such groups and individuals; to publicize and encourage participation in this and other boards and commissions.

(7) Intragovernmental Cooperation. All boards, councils, commissions and departments of the government of the City of Bloomington are directed to give full cooperation to the City of Bloomington Commission on the Status of Women.

CHAPTER 2.26
CONTROLLER'S DEPARTMENT

Sections:

2.26.000 Establishment - Appointment of Director

2.26.000 Establishment - Appointment of Director.
There is hereby created a Controller's Department which shall have responsibility, pursuant to statute, for all fiscal affairs of the City. The Controller's Department shall be directed by the City Controller.

CHAPTER 2.30
STATUTORY BOARDS AND COMMISSIONS

Sections:

2.30.010 Economic Development Commission-Establishment
2.30.020 Appointments
2.30.030 Terms

Section III. Chapter 2.91 entitled "Economic Development Commission" shall be repealed and reenacted under Chapter 2.30 entitled "Statutory Boards and Commissions" as follows:

2.30.010 Economic Development Commission - Establishment. There is hereby created, pursuant to IC 36-7-12, the Bloomington Economic Development Commission, which shall have responsibility for the financing of economic development facilities and pollution control facilities within the City of Bloomington. The Economic Development Commission shall have all the powers and authorities set out for such commissions in IC 36-7-12 and shall bear such duties and responsibilities as are therein set out. The Bloomington Economic Development Commission shall follow such rules and procedures and observe such limitations as are now set out in IC 36-7-12, or as shall be added by future amendments to the Indiana Code.

2.30.020 Appointments. The Bloomington Economic Development Commission shall consist of five members appointed by the Mayor as follows: three of the members so appointed shall be selected by the Mayor; one shall be nominated by the Monroe County Council; and one shall be nominated by the Bloomington Common Council. The City Clerk shall promptly notify the officials required to make selections and nominations by this section. The officers required to make selections and nominations shall do so within fifteen days after receiving that notice. Each selectee and nominee shall be appointed by the Mayor within ten days after he/she receives the nominations. If the appointing authority fails to make a nomination within the time specified, the Mayor may select and appoint a person without a nomination.

2.30.030 Terms.

(1) The commissioners shall take office upon their appointment and their terms shall run the following number of years from February 1st, following such original appointment: two of the commissioners selected by the Mayor, three years; one of the commissioners selected by the Mayor, one year; the commissioner selected by the Common Council, two years; and the commissioner selected by the County Council, one year. Each succeeding term shall run for a period of four years.

Section IV. The following new sections shall be added to Chapter 2.30 entitled "Statutory Boards and Commissions" and numbered 2.30.040 and 2.30.050.

CHAPTER 2.30
STATUTORY BOARDS AND COMMISSIONS

Sections:

2.30.040 Police Pension Board of Trustees-Establishment
2.30.050 Firefighters Pension Board of Trustees-Establishment

2.30.040 Police Pension Board of Trustees - Establishment. There is hereby created a Police Pension Board of Trustees which shall have all the powers and authorities set for such boards in Indiana Code 36-8-6 (1925 Fund) and 36-8-8 (1977 Fund), and shall bear such duties and responsibilities as are therein set out. The provisions of IC 36-8-6 and IC 36-8-8, as amended, are of full force and effect for the City.

(1) Appointments. The Police Pension Board shall be composed of seven to nine trustees. The Mayor, City Controller, and Police Chief are ex officio members of the Board. A retired Bloomington police officer and three to five active Bloomington police officers shall be elected during a meeting of the members of the police department at the police station on the second Monday in February each year. The Police Pension Board of Trustees as constituted at the time of the effective date of this section shall continue as constituted and the terms of office of the members thereof are unchanged.

(2) Terms. The members of the Police Pension Board of Trustees shall serve three year terms.

(3) Compensation. The Secretary of the Board shall receive compensation for his/her services.

(4) Procedure - Officers. The Mayor shall serve as president of the Board, the City Controller shall serve as treasurer, and the secretary shall be elected by the Board.

(5) Bylaws. The Board shall make its own bylaws.

(6) Police Pension Fund. A police pension fund for the police department in the city is created and established.

(7) Disability Benefits. Every police officer disabled while actively engaged in duty as a police officer, and found by the Board of Trustees of the Police Pension Fund to be disabled, during such period as he is so disabled, shall be entitled to receive a disability benefit according to the applicable state statute. The Controller shall pay such disability benefit claims from the Police Pension Fund.

2.30.050 Firefighters' Pension Board of Trustees - Establishment. There is hereby created a Firefighters' Pension Board of Trustees which shall have all the powers and authorities set for such boards in IC 36-8-7 (1937 Fund) and IC 36-8-8 (1977 Fund), and shall bear such duties and responsibilities as are therein set out. The provisions of IC 36-8-7 and IC 36-8-8, as amended, are of full force and effect for the City.

(1) Appointments. The Firefighters' Pension Board shall be composed of seven trustees. The Mayor and Fire Chief are ex officio members of the Board. One retired member of the Fire Department shall be elected by the retired members to serve a two year term. Four active members of the Fire Department shall be elected by the active members to serve four year terms. The elections shall be held in the manner prescribed by statute.

The Firefighters' Pension Board of Trustees as constituted at the time of the effective date of this section shall continue as constituted and the terms of office of the members thereof are unchanged.

(2) Procedure - Officers. The Fire Chief shall serve as president of the Board and the secretary shall be elected according to statute.

(3) Bylaws. The Board shall adopt its own bylaws.

(4) Firefighters' Pension Fund. A Firefighters' Pension Fund for the fire department in the city is created and established.

SECTION V. Chapter 2.78 entitled "Utilities Service Board" shall be renumbered Chapter 2.24, entitled "Utilities", and amended to read as follows:

CHAPTER 2.24
UTILITIES

Sections:

2.24.000 Utilities Service Department Establishment
2.24.010 Appointment of Director
2.24.020 Utilities Service Board-Establishment
2.24.030 Appointments
2.24.040 Qualifications
2.24.050 Terms
2.24.060 Compensation
2.24.070 Meetings
2.24.080 Majority Vote
2.24.090 Powers and Duties
2.24.100 Budget
2.24.110 Employees Rules
2.24.120 Employees Compensation
2.24.130 Members - Personal Interest

2.24.000 Establishment. There is hereby created a Utilities Service Department. The Department shall be responsible, pursuant to statute, for the management of city owned utilities.

2.24.010 Appointment of Director. The Utilities Service Department shall be administered by the Utilities Director who shall be appointed by the Mayor, with the approval of the Utilities Service Board, and who shall serve at the pleasure of the Mayor.

2.24.020 Utilities Service Board - Establishment. There is hereby created in the Utilities Service Department the Bloomington Utilities Service Board pursuant to I.C. 8-1-2-100, now I.C. 8-1.5-3-3. The Board shall be a policy making board and have such powers and duties and shall follow such rules and procedures as are now set out in I.C. 8-1.5-2 and I.C. 8-1.5-3 or as shall be added by future amendments to the Indiana Code. Though empowered to set policy for the Utilities Department, the Board is to do so in a manner consistent with general city policies as established through ordinances and resolutions and with consultation and cooperation between the Board and the Director.

The Utilities Service Board shall serve in an advisory capacity to City Officials, Boards, Councils and Commissions concerning utilities matters. The Board shall seek their advice and counsel concerning their respective activities and insofar as is possible coordinate the Utilities operations with all governmental activities of the City.

The Utilities Service Board is charged with the responsibility of maintaining communications with, but not limited to, the Bloomington City Plan Commission, the Bloomington Redevelopment Commission, the Bloomington Board of Parks and Recreation and the Bloomington Board of Public Works. When City Boards, Commissions and Councils also have jurisdiction over matters under consideration by the Utilities Service Board, the Board shall comply with the established procedures of those bodies for review of pending proposals before taking final action.

Proposals which directly or indirectly affect the planning goals or objectives for the City shall be promptly submitted to the City Plan Commission for its consideration and recommendation before the Board takes any final action. Any action taken by the Board which is within the jurisdiction of the City Plan Commission as defined by state law must be submitted to the Commission in accordance with procedures outlined in the Indiana Code. Any proposals under consideration by the Board which are related to long range planning for Monroe County shall be submitted promptly to the County Plan Commission for its consideration and recommendation.

2.24.030 Appointments. The Utilities Service Board shall be composed of 7 members, of whom no fewer than 5 shall be residents of the City of Bloomington. The Mayor shall appoint four members of the Board and the Common Council shall appoint 3.

In addition, the Mayor may serve as an ex officio member without a vote or may appoint one member from his/her staff to serve as an ex officio member without a vote. The Common Council may also appoint one member from the membership of the Council or its staff to serve as ex officio member without a vote. One member of the Board or its designee may serve as ex officio member to the regional waste district board. Ex officio members without a vote may be appointed to the Board by the regional waste district board or other relevant boards and commissions as may be decided by the Board.

2.24.040 Qualifications. All members of the Utilities Service Board, whether or not City residents, shall be residents of the area served by the Board and users of one or more services provided by the municipal utilities under the control of the Utilities Service Board. No more than two thirds of the Board shall be of the same political party.

2.24.050 Terms. The Mayor shall initially appoint members as follows: One for a term of one year; one for a term of two years; one for a term of three years; and one for a term of four years. The Council shall initially appoint members as follows: One for a term of two years; one for a term of three years, and one for a term of four years. Thereafter all appointments shall be for a term of four years. The initial terms shall expire on the first day of January of the first, second, third, or fourth year, respectively, following their appointment.

2.24.060 Compensation. Members of the Board shall be paid a salary, to be budgeted from utilities funds, of two thousand, one hundred forty dollars per year. No member of the Board who is an elected or salaried official of the City shall receive the above mentioned salary. Members shall be reimbursed for expenses properly incurred in connection with their duties pursuant to this section.

2.24.070 Meetings. All official business shall be conducted only at official meetings of the Board, notice of which must be published according to state law. The Board shall adopt rules of the procedure for conducting their meetings. Upon any vote each Board member shall, on demand, briefly state the reasoning underlying the member's vote and these shall be incorporated into the minutes of the meeting.

2.24.080 Majority Vote. No action of the Board is official unless authorized by a majority of the entire membership.

2.24.090 Powers and Duties. The Utilities Service Board shall have general supervisory power over the utilities owned by the City as detailed in I.C. 8-1.5-3-4. The Board is in no way to interfere with the detailed supervision and administration of the utility by the Director, who is responsible to the Mayor. Furthermore, the Common Council is authorized to specify by resolution the areas involving utilities including rate determination which it must approve and the procedure by which approval will be executed.

2.24.100 Budget. Each year the Board with the advice of the Director shall submit to the Common Council a budget and salary ordinance for the Utilities Department at the same time that the city budget and salary ordinance are presented to the Common Council. Submission at this time shall be for the purpose of comparing the city budget and salary ordinance with those proposed by the Utilities Service Board for the Utilities Department. The budget presented by the Board shall detail the projected incomes and expenses of the Utilities Department including those covered by the current interlocal agreement entered into between the Utilities Service Department and the City of Bloomington. The budget shall be presented in the form required by state law as well as the form promulgated by the Mayor's office. The Common Council shall consider and pass the utilities budget in concert with the Civil City's budget.

2.24.110 Employees - Rules. The Board shall adopt rules and regulations with the approval of the Personnel Director, governing the appointments of all employees. All rules regulating employment shall be consistent with all city-wide personnel policy, including equal opportunity employment and affirmative action practices and consistent with duly negotiated union agreements.

2.24.120 Employees - Compensation. The Board shall fix the number and compensation of all employees, such compensation to be submitted to the Common Council each year at the same time the city salary ordinance is presented to the Council. The statutory deadline for passage of the city salary ordinance shall apply to the Utilities salary ordinance as well.

2.24.130 Members - Personal Interest. Every member of the Board shall be under the affirmative duty to disclose publicly any personal interest he/she may have in a matter prior to participation in the hearing or decision of such board on the matter in question. Provided, however, that the existence of a personal interest other than direct or indirect financial interest, shall not prevent a member from participating in the hearing or decision of a matter unless a majority of the voting members of the Board feels the member should not participate and further provided that the failure to disclose personal interests, as provided above, shall not invalidate the vote of the members failing to disclose any personal interests nor shall such failure invalidate any decision of the Board as a whole. The willful failure to disclose personal interest shall, however, be cause for removal from the Board. It is the expressed intent of the City that this section be supplementary and complimentary to the provisions set out in the Indiana Code.

SECTION VI. Section 20.19.01.00, entitled "Composition - Terms of Office", shall be repealed and reenacted to read as follows:

20.19.01.00. The Board of Zoning Appeals. The Board of Zoning Appeals referred to in this chapter is established in the BMC Chapter 2.15.

Section VII. Chapter 7.52, entitled "General Provisions", shall be amended to include the following section formerly numbered 7.08.040:

7.52.060. Interference with Animal Control Officer - Penalty. Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any animal control officer while that officer is engaged in the execution of any duties required of animal control officers under this title shall be fined not more than one thousand dollars.

SECTION VIII. Subsection (a) of Section 20.09.03.00, entitled "Procedure for the Establishment of Historical Preservation Zoning and Practices", shall be amended to read:

20.09.03.00 Procedure for the establishment of historical preservation zoning and practices. (a) The study committee established in section 2.16 shall receive for consideration or formulate on their own initiative, all requests for historic designation under the provision of this chapter. The committee shall investigate all applications and prepare a report addressing the historic, cultural and educational significance of the building, structure, feature, site and/or district proposed for designation. A public meeting shall be held by the study committee to discuss the investigative findings and formulate a recommendation of action or nonaction.

Section IX. Sections 17.12.050 through 17.12.170 shall be renumbered 17.12.010 through 17.12.140; Section 20.09.04.03 shall be renumbered Section 20.09.04.00; Chapter 2.16 entitled "Police Collective Bargaining" and Chapter 2.18 entitled "Firefighters Collective Bargaining" shall be renumbered Chapter 2.32 and 2.34 respectively.

Section IX. Ratification of Past Acts. Each ordinance and each amendment to it adopted under any prior statute and all actions taken under the authority of that ordinance are validated and continue into effect until the effective date of this ordinance.

Section X. Severability. If any sections, sentences or provisions 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 XI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of April, 1983.

Katherine Dilcher
Katherine Dilcher
President

ATTEST:

Patricia Williams
Patricia Williams
City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of April, 1983.

Patricia Williams
Patricia Williams
City Clerk

SIGNED and APPROVED by me upon this 21 day of April, 1983.

Tomilea Allison
Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

The new Home Rule statutes passed by the Legislature require every City to create City Departments by ordinance upon the recommendation of the Mayor. Even though Bloomington had, for the most part, already done this, the new law requires all reestablishment of the executive departments, boards, and commissions of the City of Bloomington. For the most part the ordinance simply restates the current law; however this ordinance does make the following specific changes:

1) The sizes of the following boards and commissions are reduced: Traffic Commission (11 to 9), Animal Control Commission (7 to 6), and the Commission on the Status of Women (12 to 5).

2) All commissions are required to use Roberts Rule of Order just as the Common Council does, uniform definitions are established and terms of commission members are standardized.

3) This Ordinance reflects the change in state law which allows the Mayor to appoint all Department Heads (including the Utilities Department, Parks and Recreation Director, Director of Public Works, Planning Director, Redevelopment Director) subject to the approval of any statutory board or commission established in the department.