



12 February 2016

**City of Bloomington  
Office of the Common Council**

Indiana Senate  
Indiana State House  
200 W. Washington St  
Indianapolis, IN 46204-2786

Dear Senators:

As President of the Bloomington City Council, I write regarding HB 1053. Among other changes, HB 1053 amends Indiana's Home Rule statute to prohibit a local government from regulating, prohibiting, or attaching a fee to disposable auxiliary containers. My opposition to this proposal is rooted in the fundamental spirit of Home Rule: that areas of regulation that are local in nature should be resolved at the level closest to the people. The needs and the character of Indiana communities are diverse. Home Rule affords local units of government the ability to respond to unique local concerns in context-sensitive ways that reflect local circumstances and local ethos.

Indiana lawmakers have long-recognized the value of local autonomy. For over thirty years, the Indiana Code has provided that the Home Rule policy of the State is "to grant units all the powers that they need for the effective operation of government as to local affairs"<sup>1</sup> and that "any doubt as to the existence of a power of a unit shall be resolved in favor of its existence."<sup>2</sup> Just as it is frequently pointed out that States are laboratories of democracy, so too retaining the ability of local government to address local challenges fosters innovation, citizen participation, self-reliance, and responsiveness.

To be sure, powers granted to local units are not – and should not be – limitless. Matters such as open meetings, open records, and the protection of Indiana's natural resources should not be left up to each community to decide; instead, these protections should be made available to all Indiana citizens. Indeed, Indiana's Home Rule law enumerates powers that are specifically withheld from local units such as the power to levy a tax, to prescribe penalties for conduct constituting a crime, and to impose duties on other political subdivisions. No doubt, these are matters that transcend local boundaries and are of statewide concern demanding statewide uniformity.

When it comes to single-use auxiliary containers, it is not difficult to point up the potential local effects. Such containers may contribute to local litter and clog local storm drains and sewers. However, just how to address these local concerns – be it through law change or education – should be a decision left up to local communities after a robust community conversation with citizens, businesses, and other stakeholders. As with any process that is intensely democratic, such local decision making is messy: the issue is complex and we may

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<sup>1</sup> I.C. § 36-1-3-2

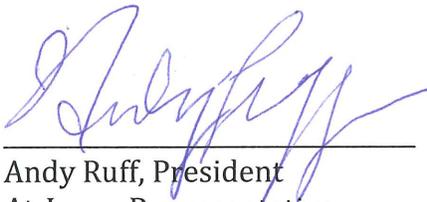
<sup>2</sup> I.C. § 36-1-3-3

not all agree on how to address the problem. However, in the end the decision is one in which all residents have had a chance to participate and one in which we've tried to find common ground. Non-linear as the process may be, it is a key component in how we - and many other Indiana cities and towns - "make community."

As local officials charged with protecting the health, welfare, and safety of our community, the City Council looks to our State lawmakers as partners in the governance of the same people. While State lawmakers address those matters that are of statewide concern, we take care of the issues that are close to home. Local government should not be competing with the State legislature or special interest groups that seek to limit their authority. For these reasons, I respectfully request that you reject HB 1053.

Thank you for your consideration and for your work on behalf of all Indiana residents.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Andy Ruff", is written over a horizontal line. The signature is fluid and cursive.

Andy Ruff, President  
At-Large Representative