

ORDINANCE 14-26

TO AMEND TITLE TWO OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"ADMINISTRATION AND PERSONNEL"

(Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)

WHEREAS, the Office of the City Clerk works in concert with the Office of the Mayor to coordinate and facilitate appointments to the City's two dozen boards, commissions, and councils; and

WHEREAS, the Office of City Clerk has found over the years that the expiration date for many appointments to the City's boards, commissions, and councils do not coincide with the scheme of staggered terms set forth in the Bloomington Municipal Code (BMC); and

WHEREAS, Section 2.08.020 (2) of the BMC, entitled "Terms," established staggered, two-year terms ending on January 31st for the City's boards, commissions, and councils, unless state Code or city ordinance specify otherwise; and

WHEREAS, that provision was part of the repeal and re-enactment of many sections of Title 2 in 1983 and, after the establishment of additional boards, commissions and councils, and hundreds of resignations, vacancies, appointments and re-appointments over the last three decades, the reconstruction of that history in order to correct those terms cannot be done without great time, effort, and uncertainty; and

WHEREAS, in order to return to staggered terms and after consultation with the Office of the Mayor, the Office of City Clerk prepared a Proposed Board and Commission Term Expiration Dates (Proposal), which was presented to, and approved by, the Council Rules Committee; and

WHEREAS, the Proposal lists the: board, commission, or council; length of appointments; legislative authority; numbered "seats" for each appointing authority; and,

WHEREAS, along with the goal of reinstating staggered terms, the proposed expiration dates were also assigned with the goal of not reducing the term of any appointment and not allowing a term of any appointment to exceed four years; and

WHEREAS, in addition the Office of City Clerk identified one local commission which does not expire on January 31st in conformance with all other local commissions; and

WHEREAS, along with the foregoing changes, the ordinance also addresses housekeeping issues arising from a review of 2.08.020 (General Provisions) that:

- o revise the first sentence to rephrase the general exception for statutes and ordinances that specify a different manner for exercising powers via boards, commissions, and councils and removes a redundant reference to this exception in BMC 2.08.020(8) (Parliamentary Procedure);
- o remove an out-of-date reference to "areas-intended-for-annexation" in BMC 2.08.020(3) (Residential Requirements); and,
- o authorize boards, commissions, and councils to appoint a non-member to serve as secretary;

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

SECTION 1. BMC 2.08.020 entitled "General Provisions," shall be amended by deleting the phrase "the statutory" and replacing it with the phrase "and the city's" and deleting the word "provided" and replacing it with "specified" as they appear in the first sentence, so that the sentence shall read:

For the executive branch and the city's boards, commissions and councils, the following general provisions apply unless otherwise specified by statute or ordinance.

SECTION 2. BMC Section 2.08.020, part (2), entitled "Term," shall be deleted and replaced with the following:

- (2) Terms. The terms for all boards, commissions, and councils established under this title shall, after having been established in a staggered manner, be for a period of two years and expire on January 31st. For all such boards, commissions, and councils in effect on December 1, 2014, the terms shall be as set forth in the Proposed Board and Commission Term Expiration Dates, which is hereby adopted and incorporated by reference into the code. In compliance with IC 36-1-5-4, two copies of the Proposal shall be on file in the office of City Clerk for public inspection. For all boards, commissions, and councils established after December 1, 2014, the manner for achieving staggered terms shall be set forth in the enabling legislation and shall spread the expiration dates as evenly as is practicable between the appointing authorities and over all of the appointments.

SECTION 3. BMC Section 2.08.020, part (3), entitled "Residential Requirement," shall be amended by deleting the phrase "and those residents of the areas intended for annexation as defined by the city planning department," as it appears in the first paragraph, and by deleting the phrase "and its area intended for annexation" as it appears in the second paragraph, so that the part shall read as follows:

- (3) Residential Requirement. All appointments to city boards, commissions and councils shall be made from residents of the city except those positions that are directed otherwise by state law or city ordinance. If a city employee is appointed to a city board, commission or council by virtue of the employment position, the residency requirement may be waived.

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

SECTION 4. BMC Section 2.08.020, part (8), entitled "Parliamentary Procedure." shall be amended by deleting the phrase "except where a different procedure is required by state law, this ordinance, or other ordinances of the city" as it appears at the end of that provision, so that part (8) shall read as follows:

- (8) Parliamentary Procedure. Meetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order.

SECTION 5. BMC Section 2.08.020, part (9), entitled "Officers." shall be amended by adding the following sentence at the end of that provision:

Such entity may appoint a non-member to serve as secretary.

SECTION 6. BMC 2.23.090, part (d), regarding the terms of appointments to the Commission on Aging, shall be deleted and replaced with the following:


- (d) Terms. The terms of the appointments shall be in accordance with BMC 2.08.020(2).

SECTION 7. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th

day of December, 2014.

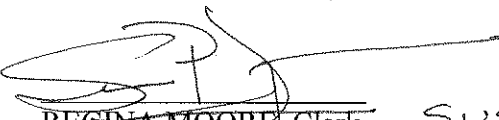

DARRYL NEHER, President
Bloomington Common Council

ATTEST:


REGINA MOORE, Clerk
City of Bloomington

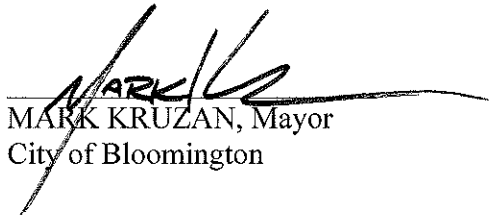
SUSAN P. WANZER
DEPUTY CLERK

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10th
day of DECEMBER, 2014.


REGINA MOORE, Clerk
City of Bloomington

SUSAN P. WANZER
DEPUTY CLERK

SIGNED and APPROVED by me upon this 3rd day of DECEMBER, 2014.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward changes to the City's boards, commissions, and councils at the request of the Office of City Clerk after consultation with the Office of the Mayor and a positive recommendation of the Council Rules Committee. It also makes other minor housekeeping changes that arose after a staff review of the affected provisions. The changes proposed by the City Clerk conform the misalignment of expiration dates to the requirement of staggered terms (BMC 2.08.020[2]) and conform the expiration date of the Commission on Aging to those for other local commissions (January 31st). Given the long history of resignations, vacancies, appointments, and re-appointments, the reinstatement of staggered terms is accomplished by the adoption of a Proposed Board and Commission Term Expiration Dates which is incorporated by reference into the BMC.

The housekeeping changes proposed by staff affect Section 2.08.020 (General Provisions). These changes revise the first sentence to rephrase the general exception for statutes and ordinances that specify a different manner for exercising powers regarding boards, commissions, and councils and remove a redundant reference to this exception in BMC 2.08.020(8) (Parliamentary Procedure). These changes also remove an out-of-date reference to "areas-intended-for-annexation" in BMC 2.08.020(3) (Residential Requirements) and authorize boards, commissions, and councils to appoint a non-member to serve as secretary.

Proposed Board and Commission New Term Expiration Dates
TABLE 1.2 – Adding Seat Numbers and Adjustment of Term Expiration Dates

		Term Expirations			Notes
		Current		Proposed	
Animal Control Commission – 2 year term					BMC 2.12.010
M-1	Dr. Sarah Nickel	1.31.16		1.31.16	
M-2	Susie Reavick	1.31.16		1.31.16	
M-3	Kathy Cochard	1.31.16		1.31.17	
C-1	Shirley Davies	1.31.16		1.31.16	
C-2	Sarah Delone	1.31.15		1.31.17	
MCC	Valerie Pena	1.31.16		1.31.17	
Bicycle and Pedestrian Commission – 2 year term					BMC 2.12.080
M-1	Jaclyn Ray	1.31.16		1.31.16	
M-2	Sylvia Johnson	1.31.16		1.31.16	
M-3	Nick Metzger	1.31.16		1.31.17	
M-4	Mitch Rice	1.31.15		1.31.15	
C-1	Paul Tory Ash	1.31.15		1.31.15	
C-2	Mark Stosberg	1.31.15		1.31.15	
C-3	Jim Rosenbarger	1.31.16		1.31.16	
Bloomington Digital Underground – 2 year term					Res 3-28
C-1	Mike Allen	1.31.16		1.31.17	**BDU is governed by resolution, not BMC (res 3-28). Only a 2 year term length is stated. It is not a board or commission, but an advisory committee . Is it subject to BMC requirements for Boards and Commissions?
C-2	Chris Kurtz	1.31.16		1.31.16	
BPW-1	Dennis Cromwell	1.31.16		1.31.17	
BPW-2	Mike Trotzke	1.31.16		1.31.17	
BPW-3	Mark McMath	1.31.16		1.31.16	
BPW-4	Matt Davy	1.31.16		1.31.16	
BPW-5	Michelle Cole	1.31.16		1.31.16	
Bloomington Human Rights Commission – 2 year term					BMC 2.21.010
C-1	William Morris	1.31.16		1.31.17	
C-2	Valeri Haughton	1.31.14		1.31.16	
C-3	Rev. Byron C. Bangert	1.31.16		1.31.16	
M-1	Birk Billingsley	1.31.16		1.31.16	
M-2	Beth Applegate	1.31.15		1.31.16	
M-3	Carloyn Calloway-Thomas	1.31.15		1.31.15	
M-4	Michael Molenda	1.31.15		1.31.15	
Board of Housing Quality Appeals – 2 year term					BMC 2.19
C-1	vacant	1.31.15		1.31.15	
C-2	Ryan Strauser	1.31.16		1.31.16	
C-3	Susie Hamilton	1.31.15		1.31.15	
M-1	Nikki Gastineau	1.31.15		1.31.16	
M-2	Megan Binder	1.31.15		1.31.16	
M-3	Elizabeth Gallman	1.31.15		1.31.15	
M-4	Kris Floyd	1.31.15		1.31.15	

Commission on Hispanic and Latino Affairs – 2 year term					BMC 2.23.080
C-1	Giancarlo Huapaya	1.31.16		1.31.16	
C-2	vacant	1.31.15		1.31.15	
C-3	Carlos Bakota	1.31.15		1.31.15	
M-1	Ruben Marte	1.31.16		1.31.16	
M-2	Gracia Valliant	1.31.16		1.31.16	
M-3	Israel Fernando Herrera	1.31.16		1.31.17	
M-4	Sandra Rodriguez	1.31.15		1.31.15	
Commission on the Status of Women – 2 year term					BMC 2.23.060
C-1	vacant	1.31.16		1.31.17	
C-2	Beth Kirk	1.31.16		1.31.16	
C-3	Jacqueline Fernetie	1.31.16		1.31.16	
C-4	Cathi Crabtree	1.31.15		1.31.15	
M-1	Alexa Lopez	1.31.15		1.31.15	
M-2	Toby Strout	1.31.15		1.31.15	
M-3	Debby Herbenick	1.31.16		1.31.16	
M-4	Dobra Vance	1.31.16		1.31.16	
M-5	vacant	1.31.16		1.31.16	
MLK Birthday Commission – 2 year term					BMC 2.12.090
M-1	Lily Kleinlein	1.31.16		1.31.17	
M-2	David F. Hummons	1.31.16		1.31.16	
M-3	Nicole Griffin	1.31.16		1.31.16	
C-1	Aurea Young	1.31.15		1.31.16	
C-2	Eruce Ervin	1.31.15		1.31.16	
C-3	Barbara Fuqua	1.31.15		1.31.15	
NAACP	William Vance	1.31.15		1.31.15	
Environmental Commission – 2 year term					BMC 2.12.050
C-1	Andrew Carty	1.31.16		1.31.17	
C-2		1.31.16		1.31.15	
C-3	Carrie Albright	1.31.16		1.31.16	
C-4	Sean Gorman	1.31.16		1.31.16	
C-5		1.31.16		1.31.15	
C-6	Dedaimia Whitney	1.31.16		1.31.16	
M-1	Michael Litwin	1.31.15		1.31.15	
M-2	Kriste J. Lindberg	1.31.15		1.31.15	
M-3	Diane Jung	1.31.16		1.31.17	
M-4	Chaim Julian	1.31.16		1.31.16	
M-5		1.31.16		1.31.16	
M-6	Deborah Myerson	1.31.16		1.31.16	
Telecommunications Council – 2 year term					BMC 2.12.060
M-1	vacant	1.31.11		1.31.15	responsible to Board of Public Works in reviewing and evaluating the performance of city franchise agreements. Board of Public Works shall furnish Telecommunications Council with rules and regulations for administration of the Council
M-2	vacant	1.31.16		1.31.16	
C-1	Chris Mosley	1.31.16		1.31.17	
C-2	Keith Dinga	1.31.16		1.31.16	
C-3	Eric Ost	1.31.14		1.31.14	

Tree Commission – 3 year term					BMC 2.20.150 Ord 08-05
M-1	Mia P. Williams	1.31.17		1.31.17	Serve at pleasure, remove any time
M-2	David Dilcher	1.31.17		1.31.18	
C-1	George Hegeman	1.31.16		1.31.16	
C-2	Tom Coleman	1.31.16		1.31.16	
Park Comm	Laurel Cornell	1.31.15		1.31.15	
BPW	Kerry Bridges	1.31.17		1.31.17	
EC	Diane Jung	1.31.15		1.31.15	
Commission on the Status of Children and Youth – 2 year term					BMC 2.23.050
C-1	Mary Balle	1.31.16		1.31.16	
C-2	Matthew Hanauer	1.31.16		1.31.16	
C-3	Kristy LeVert	1.31.15		1.31.15	
C-4	Dorthia Furness	1.31.15		1.31.15	
M-1	Denise Travers	1.31.15		1.31.15	
M-2	Michael Goodman	1.31.16		1.31.17	
M-3	Donna Bemens-Kinkaid	1.31.16		1.31.17	
M-4	YeVonne Jones	1.31.16		1.31.16	
M-5	Teresa Grossi	1.31.16		1.31.16	
Housing Trust Fund Advisory Board -- 2 year term, no more than 2 terms					Ords 95-75, 97-12, 00-21
M-1	Jason Banach	12.31.15		1.31.16	(IU)
M-2	Tim Mayer	12.31.15		1.31.16	(city government)
M-3	Sarah Rogers	12.31.15		1.31.15	(banking)
M-4	Vacancy	12.31.15		1.31.15	(for profit housing sector)
M-5	Vacancy	1.31.15		1.31.15	(low income)
C-1	Vacancy	1.31.14		1.31.16	(banking)
C-2	Vacancy	1.31.14		1.31.16	(low income)
C-3	Vacancy	1.31.15		1.31.15	(not for profit housing development)
C-4	Vacancy	1.31.15		1.31.15	(social services)
CF	John West			1.31.16	(community foundation)
CC	Iris Kiesling			1.31.15	(county commissioners)
Commission on Aging – 2 years					BMC 2.23.090 Ord 09-94
C-1	Julie Hill	12.31.15		1.31.16	Extend terms by one month to change expiration date to Jan 31.
C-2	Sophia Hauserman	12.31.15		1.31.16	
C-3	Jack Kahn	12.31.14		1.31.15	
C-4	Alice Oestrich	12.31.14		1.31.15	
M-1	Lauren Cowan	12.31.14		1.31.15	
M-2	Georgia Schaich	12.31.14		1.31.15	
M-3	James McClary	12.31.14		1.31.15	
M-4	Susan Snider Salmon	12.31.15		1.31.16	
M-5	Mary Boutain	12.31.15		1.31.16	