

ORDINANCE 79-84

To Adopt a "Sunset" Law for City Boards and Commissions

WHEREAS, a mechanism is needed for the responsible legislative evaluation of all boards and commissions created by the city of Bloomington so that unnecessary ones may be discontinued and others restructured to provide efficient and effective government services; and

WHEREAS, "sunset" legislation has proven to be an effective tool to achieve accountability and economy in government agencies and to deter unnecessary growth in government; and

WHEREAS, the Bloomington Common Council find that by establishing a system for the termination, continuation, or restructuring of city boards and commissions, it will be in a better position to evaluate the need for the continued existence of these bodies;

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

SECTION I. Chapter 2.00 of the Bloomington Municipal Code, entitled "Sunset Law for Boards and Commissions" shall be enacted to read as follows:

CHAPTER 2.00

SUNSET LAW FOR BOARDS AND COMMISSIONS

Sections:

- 2.00.010 Termination dates
- 2.00.020 Council review committee
- 2.00.030 Reports filed
- 2.00.040 Committee finding
- 2.00.050 Council vote on recommendation
- 2.00.060 Effect of termination
- 2.00.070 Severability

2.00.010 Termination dates. The following boards and commissions and the duties, powers, and functions adhering to them shall terminate on the given dates:

- (1) On October 1, 1980, the Affirmative Action Advisory Board, the Human Resources Commission, the Human Rights Commission, and the Commission on the Status of Women shall terminate.
- (2) On October 1, 1981, the Animal Control Commission, Board of Barber Examiners, the Parking Permit Review Board, the Telecommunications Council, and the Traffic Commission shall terminate.
- (3) On October 1, 1982, the Board of Housing Quality Appeals, the Economic Development Commission, the Electrical Board, the Environmental Quality and Control Commission, and the Historic District and Buildings Study Committee shall terminate.

2.00.020 Council review committee. (a) There shall be established a council review committee which is charged with the duties of reviewing and evaluating each board and commission enumerated in section 2.00.010 and of presenting a report of its recommendations to the president of the common council. The members and presiding officer of the committee shall be appointed each year by the president of the council, and the committee shall include at least three members of the council. The council president may in addition appoint to the committee members of the public and the boards and commissions being reviewed. All members of the committee shall be approved by a majority vote of the Council.

(b) Committee review shall begin one year prior to the termination date set for the board or commission and shall conclude with a written report to the common council by April 1 immediately following the review. The report shall contain the committee's findings and a recommendation for continuation, consolidation, or termination of the board or commission being reviewed.

(c) The review committee shall hold public hearings and receive testimony from the public and all interested parties.

2.00.030 Reports filed. (a) The chairperson of the board or commission being reviewed shall provide the review committee a report containing the following information:

- (1) A statement of the board or commission's powers, duties, and functions, and the authority under which it operates;
- (2) A statement of the number and types of persons it serves and a summary of its performance and accomplishments;
- (3) A statement of the budgetary costs incurred, the number and cost of personnel employed by it, and the sources of its funding for the last completed fiscal year;
- (4) A summary of its budget and program for the current fiscal year and its budget projections for the next succeeding year, if it were to continue in existence;
- (5) A statement on any powers, duties, or functions which are being performed and duplicated by another program or entity and any recommendations on elimination of this situation;
- (6) An analysis of the services and performance it estimates will be achieved if it were to continue in existence; and
- (7) Any other information that the committee feels is necessary to assist it in carrying out its duties.

(b) The board or commission shall bear the burden of demonstrating a public need sufficient to justify its continued existence.

2.00.040 Committee finding. The review committee shall consider the following factors in making its finding on the need for continuation of a board or commission:

- (a) The goals and objectives of the board or commission and the problem or need it was created to address;
- (b) The degree to which the original objectives have been achieved and the extent to which operation has been efficient and responsive to public needs;
- (c) The performance and accomplishments in the last fiscal year and the budgetary costs incurred;
- (d) The extent to which another program or entity can better or more economically meet the need;
- (e) The effects of alteration or termination; and
- (f) Any other relevant criteria that the review committee feels is necessary to assist it in carrying out its duties.

2.00.050 Council vote on recommendation. Continuation of any board or commission shall require a majority vote of the members of the common council.

2.00.060 Effect of termination. Any board or commission that is terminated shall have six months to cease its affairs, during which time termination shall not reduce or otherwise limit the powers or authority of the board or commission. At the time set for termination, the board or commission and its personnel positions shall be abolished, all unexpended funds shall revert to the general fund, and any legislation creating the board or commission and any regulations promulgated by it shall be repealed. The termination shall not cause the dismissal of any claim of a citizen against the city which is subject to administrative hearing or litigation.

2.00.070 Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this chapter are declared to be severable.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this            day of            , 1979.

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Tomilea Allison, President  
Bloomington Common Council

ATTEST:

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Nora M. Connors, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this            day of            , 1979.

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Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this            day of            , 1979.

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Francis X. McCloskey, Mayor  
City of Bloomington

SYNOPSIS

This ordinance, sponsored by Councilmember Richardson, would adopt a "sunset" law for all boards and commissions created by the city that can be terminated by the Council. Under the ordinance, each board and commission will be automatically terminated on a specific date unless it is found by the Council to meet certain criteria, at which point it can be continued by a majority vote of the Council. Reports are to be filed by the chairperson of the board or commission being reviewed, and the initial review process is undertaken by a Council review committee, which makes recommendations to the full Council.

WITHDRAWN  
See 79-88

I HEREBY MOVE THAT  ORDINANCE  APPROPRIATION  
ORDINANCE # 79-84, ENTITLED To Adopt a  
"Sunset" Law for City Boards  
and Commissions  
BE INTRODUCED AND READ FOR FOR FIRST READING BY TITLE  
ONLY AT THE COUNCIL MEETING HELD ON Oct 4, 1979

John F. Richardson  
(Signature)

WITHDRAWN