

RESOLUTION 77-26

To Approve the Provisions of Resolution 76-18, Dealing with the Relationship Between the Common Council & the Utilities Service Board

WHEREAS, Ordinance 76-18 requires the Common Council to specify by resolution the areas over which it will exercise its approval power over the Utilities Service Board; and

WHEREAS, Resolution 76-18 defines the areas over which the Common Council has approval power over the Utilities Service Board and requires that it be brought up for review within one year of its passage; and

WHEREAS, the provisions of Resolution 76-18 have functioned satisfactorily for the past year and should therefore continue to serve as an agreement between the Common Council and the Utilities Service Board for the indefinite future;

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

SECTION I. Land option agreements and offers to purchase easements shall be made by the Utilities Service Board in executive session after the Common Council has been given at least forty-eight (48) hours notice of the session. The Common Council President, or Chairman of the Council's committee dealing with utilities, shall designate a member of the Council to attend the executive session, but any Councilmember may attend who desires to do so. The Utilities Service Board may make land option agreements and offers to purchase easements after the Council has been notified regardless of whether a Councilmember attends the session.

SECTION II. All proposed drafts of contracts, and final contracts with outside agencies except for those routinely consumed materials, shall be filed in the Common Council Office as they are received by the Utilities Service Board.

SECTION III. Service contracts over \$100,000, grant applications, land purchase agreements, and engagement of new consulting and law firms shall require an affirmative vote of a majority of the Common Council before they become effective. Consideration of these items shall be a part of the Council agenda within thirty (30) days of passage by the Utilities Service Board.

SECTION IV. Service contracts between ~~\$5,000~~ and \$100,000 and construction contracts over \$5,000 shall remain on file in the Common Council Office for fifteen (15) days after passage by the Utilities Service Board. If no action is taken on the contracts within that time, the contract shall be considered approved. On request of three (3) Councilmembers, the contract shall be brought up for approval or denial at the next Council meeting at which it can be made an agenda item. If no action is taken during that Council meeting, the contract will be considered approved.

SECTION V. Long-range capital improvements shall be approved by the Common Council through the mechanisms of the budget, appropriation ordinances, the annual report, requests for rate changes, and bond ordinances.

SECTION VI. Major extensions of service into new areas shall be coordinated with the City Engineer and the Planning Department.

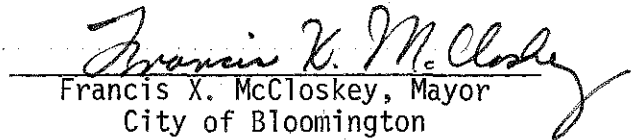
SECTION VII. In case of emergency, as declared by the Utilities Service Board under IC 5-16-1-1, the procedures for review by the Council set out in sections three and four of this resolution will not be required.

SECTION VII. This Resolution 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 October, 1977.

  
Thomas O Middleton, President  
Bloomington Common Council

SIGNED and APPROVED by me upon this 21<sup>st</sup> day of October, 1977.

  
Francis X. McCloskey, Mayor  
City of Bloomington

SYNOPSIS

Resolution 77-26

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Ordinance 76-18 established the general areas of approval by the Common Council of actions by the Utilities Service Board, and allowed the Council by resolution to state the particular areas in which it was interested. Resolution 76-18 defines these areas in detail, but required that it be brought up for review no later than one year after its passage. Because there have been no problems with Resolution 76-18, this resolution serves to extend that agreement for an indefinite period of time.

COMMITTEE REPORT SHEET

LEGISLATIVE #: Appropriation Ordinance/Ordinance/Resolution 77-26

TITLE: To Approve Provisions of Res. 76-18 re: USB/Council Relationship

COMMITTEE: Community Development Public Facilities X

SUBMITTED BY: Council Office

DATE OF MEETING: 10.10.77

\*\*\*\*\*

RECOMMENDATION: Do Pass  Tentative Do Pass \_\_\_\_\_ Table \_\_\_\_\_  
Do Not Pass \_\_\_\_\_ Remand to \_\_\_\_\_

\*\*\*\*\*

COMMITTEE DISCUSSION/REASON FOR RECOMMENDATION:

VOTE of AYES: 5, NAYS: 0,  
FOR DO PASS RECOMMENDATION

JACK MARTIN COMMENTED THAT THE  
RESOLUTION HAS WORKED WELL  
DURING THE PAST YEAR -

\*\*\*\*\*

SIGNATURES OF COMMITTEE MEMBERS:

[Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]

## CITY OF BLOOMINGTON

RESOL. 77-4

## Interdepartmental Memo

TO: COUNCIL MEMBERS SUBJ: USB RESOLUTION  
FROM: COUNCIL OFFICE DATE: 8/17/79

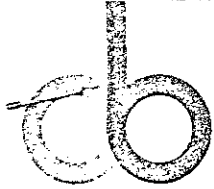
Resolution 77-26 (attached) deals with the relationship between the Common Council and the Utilities Service Board and it specifies those areas of Utilities operations that are to be submitted to the Council for its approval. While this agreement seemed to work fairly well in the past, some problems with it have arisen recently, and Tomi Allison and Stu McClure are interested in changing it to make it more workable. The Utilities Department has been confused about what to send to the Council Office, the Council Office has not always been sure into which classification some of the things sent over fall, and there would be a great deal of paperwork if the Resolution were being followed literally. For these reasons, Tomi is proposing that it be amended to cover a set, specific area that is outside the scope of the internal operations of the Utilities Department and does not cover routinely consumed materials; it would instead cover "major" decisions of the Department that have policy implications for the civil city or involve a certain minimum amount of money.

The new procedure would involve something along the lines of a two-step process in which those areas covered by the resolution would first be submitted to the Council Office during their "proposed" stage so that interested Councilmembers can attend the USB meetings and participate before the decision is made. The Utilities Department is now using "appropriation request" forms and it would be easiest if these were the things that were forwarded to the Council Office; we would then send copies of them to each Councilmember. After the USB had acted on the proposal, they would send a copy of the purchase order (Stu is using these now instead of contracts) to the Council Office, and the Council would have a set period of time, such as two weeks, to react to it. If during that time some Councilmembers (the current resolution requires the agreement of three) would like to see it go before the Council in the form of a formal vote on a resolution, they can request it and it would go before the Council. If the Utilities Department doesn't hear anything from the Council during the two-week period, they can go ahead and finalize the agreement.

The more serious problem is defining those few areas over which the Council would have oversight of Utilities matters, but they would be those that involve a large amount of money or could affect the civil city. A number of the areas now covered by the resolution will still be covered, but some of these, such as all offers to purchase easements and all proposed drafts of contracts, seem to be a little too intrusive into Utilities' internal affairs, and there was some debate over whether something as important as the proposed computer facilities contract was covered by the resolution.

Work will begin soon on coming up with a sensible alternative to the resolution, but in the meantime we would appreciate your comments and suggestions on this. Our goal is to arrive at an agreement that is easily understood by both the Council and the Utilities Department and does not unduly interfere into the internal affairs of the Utilities but gives the Council a final say-so in important areas that can affect the rest of the city.

xc: Stu McClure and USB  
Attachment: Resolution 77-26



city of bloomington

box 103, municipal building, bloomington, indiana 47401

office of the common council  
(812) 339-2261 x229

August 2, 1979.

Thomas O Middleton  
Councilmember at Large

Patricia M Kinter  
Councilmember at Large

Tomilea Allison  
Councilmember at Large

Jack A Morrison  
First District

Alfred E. Towell  
Second District

Howard E. Young  
Third District

Cleo J. Stame  
Fourth District

Ray W. Olson  
Fifth District

John F. Richardson  
Sixth District

To Stu McClure and the Utilities Service Board:

A number of Councilmembers and I have been very concerned about the recent failures of the Utilities Department to comply with various city policies and regulations. While some of these were more serious than others and it is too late to rectify matters in some areas, I would like to point out these requirements so that we can have your full compliance in the future.

Under Section 2.78.010 of the Bloomington Municipal Code, which was enacted in 1973 to create the Utilities Service Board, it is specifically stated that the object of the legislation was "to provide for the efficient operation of the city-owned utilities and also for the coordination of the city-owned utilities operations with all governmental activities of the City of Bloomington." The board is empowered to set policy for the Department "in a manner consistent with general city policies as established through ordinances and resolutions," and it is to "seek the advice and counsel of all presently established Boards, Commissions, and City officials concerning their respective activities and insofar as is possible coordinate the Utilities operations with all governmental activities of the City." We feel that the spirit of these sections has not been followed, particularly in the recent acquisition of the computer facilities by the Utilities Department.

Section 2.78.020(a) of the Code requires that the Council specify by resolution the areas over which it will exercise its approval power granted by state law in IC 8-1-2-100, and the result of this is Resolution 77-26 (attached). As you can see, various agreements, offers to purchase, drafts of contracts, grant applications, and service contracts are to be submitted to the Council as the Board receives or approves them, and this has not been very closely observed in the past. The contract with Burroughs Corporation that was approved by the Board on June 18 was not submitted to the Council Office until August 1 and while the question of a joint venture between the Civil City and Utilities has since been worked out, it was the understanding of several Councilmembers that eventually the Council as a whole would formally consider the contract after the computer committee had examined the

question. We hope that in the future either closer attention will be paid to the requirements of Resolution 77-26, or the Board will suggest revisions to it if it finds that the requirements cannot be met.

The state law on Utilities Service Boards is located in IC 8-1-2-100, and states that the Board is to submit the Utilities budget at the time fixed by the City Council. This the Council did in Section 2.78.020(b) of the Code, which specifies that the budget and salary ordinance be submitted at the same time the City budget and salary ordinance are presented to the Council; this is for comparison purposes. The section also states that the Utilities budget be presented for first reading by the first Council meeting in November, and because there does not seem to be a justification for submitting the salary ordinance and budget in July while they are not passed until November, I am proposing that this section of the Code be amended to clarify that both the budget and salary ordinance be submitted when the Civil City's budget and salary ordinance are. Obviously, the requirement may not always be possible to follow because of extraneous circumstances, such as impending rate increases, but a greater effort must be made to meet the deadlines set by city ordinance. According to our latest conversation with Stu McClure, the Utilities budget will not be submitted to the Council until late September, and while there may be a few areas that are still up in the air, such as the franchise fee or interdepartmental funding agreement, it does not seem that the requirement of the ordinance has been taken very seriously.

Section 2.78.020(d) of the Code specifies that the Utilities salary ordinance is to be submitted to the Council prior to the first day of August. We expect to receive this soon, but I would like to emphasize the requirement and ask that in the future it be submitted to the Council by the deadline set by ordinance, which under my proposed amendment, would be the same date that the Civil City salary ordinance is presented.

I hope this clarifies some of the requirements imposed on the Utilities Department in various areas and that if there are any problems with them, you will bring them to our attention. I look forward to your cooperation and increased efforts at coordinating your activities with those of the Civil City.

Sincerely,

*Tomilea Allison*

Tomilea Allison, President  
Bloomington Common Council

TA/nmc  
Attachment

POUCH ORDER SENT TO COUNCIL 1ST WEEK IN JULY.

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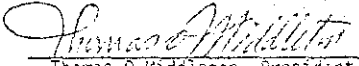
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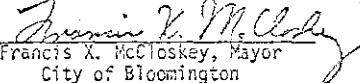
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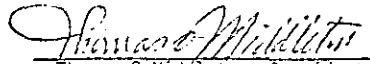
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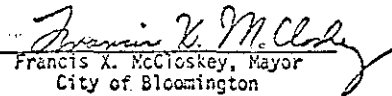
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CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Tomilea Allison, President  
Bloomington Common Council

SUBJ: Utilities Service Board and Council  
Relationships

FROM: L.S. McClure, Director of Utilities

DATE: August 16, 1979

On August 2 you wrote to us concerning some problems which had developed between the Utilities Service Board and the Council. Yesterday we met and discussed them, and this letter merely summarizes the writer's understanding.

1) Council approval per Ordinance 77-26.

Section I concerns land option agreements and easements which as far as I am concerned have more or less been followed. However, as we discussed, we may constantly be getting small easements and would assume that the Council does not want to review these.

Section II. Proposed drafts of contracts and final contracts shall be filed in the Common Council office.... We both felt that the Utilities' recent form called an Appropriation Request would fulfill this requirement. Copies of two recent ones are attached. We will make sure that a copy of the Appropriation Request goes to the Council as soon as it is prepared as often as possible prior to the Utilities Service Board meeting so that Council members are knowledgeable about projects that may concern their area or in which they may have an interest.

Section III. Service contracts over \$100,000, grant applications, land purchase agreements.... We will forward to the Council the same Appropriation Request and other necessary data and formally request approval by the Council. Again, on this particular one we may use consultants or law firms for rather minor projects such as an opinion. Unless the Council desires otherwise, we won't bother them with these.

Section IV. Service contracts between \$5,000 and \$100,000 and construction contracts.... Again, we will furnish a copy of the specific Appropriation Request so that all Council members can be informed. By using this procedure the fifteen-day waiting period will almost automatically occur before the purchase order is released.

Sections V, VI and VII are self-explanatory and probably do not need any discussion.

What we are proposing is that the Appropriation Request be a major communications vehicle between the Board and the Council. We will forward these as soon as they are prepared. Naturally we will follow the requirements of Section III closely (over \$100,000 contract bids) for an affirmative vote by the Common Council. I might mention that we are using purchase orders instead of contracts so that they can be more easily controlled.

2) Annual Budget. As I mentioned to you, last year our Annual Budget was delayed until just about the beginning of December. I therefore assumed that it was not required by the Council until some time in December. It has some natural advantages

August 16, 1979

for us if the budget is later. As I discussed with you, higher revenues come from summer billings and our expenses are heaviest in the summer. However, if the Council desires the budgets in July we will naturally live by that request.

3) Salary Ordinance. We regret that we were about a week late in presenting the Salary Ordinance. I completely understand the need of clearing these at the same time as the civic city and will have them ready in July next year.

I believe that completes the questions you raised in your letter. If it would help to improve our communications, the writer would be glad to periodically present a report such as a quarterly one which could keep you more informed on what we are doing. I believe I am going to be presenting the Salary Ordinance to you on August 28 and perhaps further discussion could develop at that time.

Sincerely,

L. Stuart McClure  
Director of Utilities

LSM:jw

Encs.