

RESOLUTION 76-18

To Define the Relationship Between the
Common Council and the Utilities Service Board

WHEREAS the Common Council by Indiana Code 8-1-2-100, is to exercise approval powers over actions of the Utilities Service Board, and

WHEREAS the Council passed Ordinance 76-18 on March 4, 1976, which states that the areas of approval that the Council wishes to review are to be specified by resolution

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

SECTION 1. 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 2. 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 3. 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.

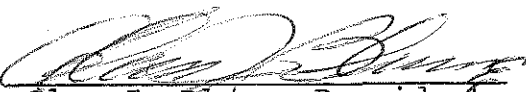
SECTION 4. Service contracts between \$5,000 and \$100,000 and construction contracts over \$5,000 shall remain on file in the Common Council Office for fifteen [15] days after passage by the Utilities Service Board. If no action is taken on the contracts within that time, the contract shall be considered 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 5. 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 6. Major extensions of service into new areas shall be coordinated with the City Engineer and the Planning Department.

SECTION 7. In case of emergency, as declared by the Utilities Service Board under I.C. 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 8. This resolution shall be brought up for review no later than one year after its passage.


Clem J. Blume, President
Bloomington Common Council

SIGNED and APPROVED by me upon the 25 day of May, 1976, at the hour of 4 o'clock, p.m.


FRANCIS X. McCLOSKEY, MAYOR
City of Bloomington

SYNOPSIS

Resolution 76-18

To Define the Powers of the Common Council
Over the Utilities Service Board

Under state law and city ordinance, the Common Council is to exercise approval powers over those Utility Service Board (USB) actions that the Council specifies by resolution. This resolution sets out those areas and mechanisms for the exercise of the approval powers.

Land options agreements of the USB are to be made with councilmembers present. Contracts of the USB with outside agencies are to be filed in the Council Office; more important contracts require affirmative council approval, less important contracts are approved if the council takes no action on them. Long range capital improvements continue to be approved by the council through the mechanisms of budget, appropriation ordinance, the annual report, requests for rate changes, and bond ordinances. Finally, major extensions of service into new areas are to be coordinated between the USB, the Plan Commission and the City Engineer.

76-18

COMMITTEE Utilities/Public Facilities
 LEGISLATIVE NUMBER Resolution 76-18
 SUBJECT MATTER USB/Council relationship
 ORIGIN USB/Council
 DATE OF MEETING May 13, 1976
 READING Second

RECOMMENDATION: DO PASS NO RECOMMENDATION AT THIS TIME
 TENTATIVE DO PASS; SUBJECT TO CONDITIONS BELOW
 MINORITY REPORT FILED NONE

COMMITTEE DISCUSSION

There was no disagreement between the Board and the Council Members present at this meeting and the lack of opposition by any member of the USB was expressed by Mr. Schmiel.

SIGNATURES OF COMMITTEE MEMBERS
[Signature] Chairperson
[Signature]
[Signature]

Interdepartmental Memo

TO: Councilmembers SUBJ: Resolution 76-18, Third Draft
 FROM: Council Office *⁵¹ DATE: 6 May 1976

As promised, the third draft of the Resolution defining the relationship between the Council and the USB is attached. The changes that have been made since the first draft are underlined.

As things now stand, this draft will be discussed at the Utilities/Public Facilities Committee meeting to be held at 7:30 p.m. on Thursday, May 13, in the Common Council Chambers. This office will notify you if that time is changed.