

Passed 10-3-74
Vetoed 10-11-74
Veto overridden
11-4-74
Veto message attached

ORDINANCE NO. 74-72

AN ORDINANCE AMENDING BLOOMINGTON MUNICIPAL
CODE CHAPTER 2.78, ENTITLED, "UTILITIES SERVICE BOARD."

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF BLOOMINGTON, INDIANA:

SECTION 1. Bloomington Municipal Code Section 2.78.010
is hereby amended by adding;

"Section 2.78.010 Creation, Title, Objectives. There
is hereby created and established the Bloomington
Utilities Service Board. This Board shall be a
policymaking Board as prescribed under Indiana Acts
8-1-2-100. It is the object of this legislation to
provide for the efficient operation of the City owned
utilities and also for the coordination of city
~~owned~~ utilities operations with all governmental
activities of the City of Bloomington. Though
empowered to set policy for the Utilities Department,
The Board is to do so in a manner consistent with
general city policies as established through
ordinances and resolutions."

In accomplishing this objective, it is the intent of
this council that the Utilities Service Board shall
serve in an advisory capacity to presently established
Boards, Commissions, and City officials concerning
Utilities matters, but it is likewise the intent of
this council that the Utilities Service Board shall
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.

The Utilities Service Board is charged with the
responsibility of maintaining communications with,
but not limited to, the following specific bodies:
The Bloomington City Plan Commission, the Bloomington
Redevelopment Commission, and the Bloomington Board of
Public Works. When city Boards and Commissions
also have jurisdiction over matters under consideration
by the Utilities Service Board, the Board shall
comply with the established procedures of those
Boards and Commissions for review of pending proposals
before taking any final action.

In order to fully coordinate long range planning for
the City of Bloomington, proposals which directly or
indirectly affect the planning goals or objectives for
the city shall be promptly submitted to the City
Plan Commission for its consideration and recommendation
before the Board takes any final action. In addition
any action taken by the Board which is within the
jurisdiction of the City Plan Commission as defined
by State law must be submitted to the Commission in
accordance with the procedures outlined in Title 53,
Chapter 7 of the Indiana Code. Any proposals under
consideration by the Board which are related to long
promptly to the County Plan Commission for its
consideration and recommendation.

SECTION 2. Bloomington Municipal Code Section 2.78.020
(b) is hereby amended to read as follows:

"(b) Budget. Each year the Board shall submit to
the Common Council a budget and salary ordinance

for the Utilities Department at the same time that the city budget and salary ordinance are presented to the Common Council. Submission at this time shall be for the purpose of comparing the city budget and salary ordinance with those proposed by the Utilities Board for the Utilities Department. The budget presented by the Board shall detail the projected incomes and expenditures of the Utilities Department for the ensuing year as well as the amount of utilities funds available for city positions which are in part funded by the Utilities Department. The budget shall be presented in the form required by state law as well as in the form which is followed by other city departments in order to facilitate correlation of the two budgets. The budget shall be presented for first reading by the first Council meeting in November. It shall be enacted in ordinance form by regular procedure as set out in Indiana Code 18-1-3-6, with the provision that the Council may lower, but not raise any item in the proposed budget. In no case shall Utilities funds be expended except in compliance with the budget Ordinance."

SECTION 3. Bloomington Municipal Code Section 2.78.020 (a) is hereby amended to read as follows:

"(a) In General. The Board shall have general supervision over the Utilities owned by the City of Bloomington, but said supervision shall not interfere with the detailed supervision of the Utility Manager, who is to be held responsible to such Board for the business and technical operation of the Utilities. The Utility Manager shall keep the Board, Mayor and Common Council informed of Utilities activities and operations and shall provide whatever information is requested and make reports as required. The Board and Utilities Manager shall meet with the Council or its liason committee at least six times yearly. The Council is also empowered to determine the need for any additions or extensions to the physical plant including but not limited to new service lines. Specifically the Council has the power to approve the location and nature of such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed including but not limited to review ana approval of land acquisition agreements, grant applications and contracts with outside agencies which are related to expansions of the facilities. In accord with the Ultimate responsibility of the Common Council for land use and community growth policy decisions, the construction and location and planning of all major service lines, the location and planning of all major capital improvements, as well as decisions made by the Board which affect long range planning for the city, must be subject to the approval of the Common Council. The Common Council shall specify to the Board through ordinance, resolution or directive the types of decisions which the Council wants to review within these general guidelines."

SECTION 4. Bloomington Municipal Code Section 2.78.020 (e) is hereby amended by adding thereto the following language:

"Employees so discharged, after exhausting the appeal process, may petition the Board for a ruling on the manager's decision to terminate the employment. Upon petition in writing the Board shall hear statements from both the petitioner and the manager within sixty (60) days. The board's function shall be to review the stated cause of dismissal and, if the Board so desires, to recommend reinstatement of the dismissed employee; however, the Board's ruling is not binding upon the manager, whose final decision is conclusive, The Board shall provide

both the petitioner and the manager with a full written description of the Board's ruling and the basis for that ruling."

SECTION 5. Bloomington Municipal Code Section 2.78.030 is amended to read as follows:

"Membership-Appointments. The Board shall be composed of seven (7) members, of whom no fewer than five (5) shall be residents of the City of Bloomington, and of whom no more than a simple majority shall be of the same political party. All members of the Board, whether or not city residents, shall be users of one or more services provided by the municipal utilities under the control of the Utilities Service Board. The Mayor shall appoint four (4) members of the Board and the Common Council shall appoint three (3) members. The Mayor shall initially appoint members as follows: One (1) for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; and one (1) for a term of four (4) years. The Council shall initially appoint members as follows: One (1) for a term of two (2) years; one (1) for a term of three (3) years; and one for a term of four (4) years. Thereafter all appointments shall be for a term of four (4) years. If a vacancy or vacancies should occur due to resignation or otherwise the Mayor or Council, as appropriate, shall appoint a substitute member to complete the term of the vacant appointment. The initial terms shall expire on the first day of January of the first, second, third, or fourth year, respectively, following their appointment. In addition, the Mayor may serve as an ex-officio member without a vote or may appoint one member from his/her staff to serve as an ex-officio member without a vote. The Common Council may also appoint one member from the membership of the Council or its staff to serve as an ex-officio member without a vote. One member of the Board may serve as ex-officio member to the Regional Waste District Board. Ex-officio members without a vote may be appointed to the Board by the Regional Waste District Board or other relevant boards and commissions as may be decided by the Board."

SECTION 6. Bloomington Municipal Code Section 2.78.040 is amended by adding thereto the following language:

"No member of the Board who is an elected or salaried official of the City otherwise, shall receive the above mentioned salary."

SECTION 7. Bloomington Municipal Code Chapter 2.78.050 is amended to read as follows:

"2.78.050 Removal. Members of the Board shall be subject to dismissal for cause after being given notice and informed of the right to have a public hearing before the Mayor, a member of the Common Council to be selected by the Council, and a third independent person to be agreed upon by the Mayor and the council. The right to public hearing is to be exercised within thirth days after receipt of official notification of dismissal. Such dismissal for cause shall be by the Mayor in the case of mayoral appointments and by a two thirds vote of the council in the case of council appointments. Members shall also be subject to dismissal for excessive absenteeism. Absenteeism shall be deemed excessive when a Board member, without reasonable cause is absent from three consecutive regularly scheduled Board meetings.

SECTION 8. Bloomington Municipal Code Section 2.78.060 is amended to read as follows:

"Chairperson - Rules - Meetings - Records of Meetings - Official Action. The members of said Board are authorized to select a chairperson and any other officers deemed necessary to properly carry out the functions of said Board. The Board shall adopt and prescribe rules for the purpose of conducting their meetings. Minutes shall be kept of all meetings and shall be available to the public. Upon any vote of the Board, each Board member shall on demand briefly delineate the reasoning underlying that members vote. All such disclosures of reasons shall be incorporated in the minutes of the Board. All official business shall be conducted only at official meetings of the Board. Published notice of all meetings shall be given at least forty-eight (48) hours prior to the meeting; provided however, in the case of an emergency situation requiring immediate consideration and action, meetings may be held without published notice upon call by a member and waiver of notice by a majority of members of the Board. In such an emergency situation a public explanation of any action taken by the Board as well as the factors creating the emergency shall be provided as soon as it is reasonably feasible to do so. A majority of the members shall constitute a quorum. No action of the members shall constitute a quorum. No action of the Board is official, however, unless authorized by a majority of the entire membership."

SECTION 9. Bloomington Municipal Code Chapter 2.78 is amended by adding thereto Section 2.78.080 which shall read as follows.

"Every member of the Board shall be under the affirmative duty to publicly disclose any personal interest they may have in a matter prior to participation in the hearing or decision of such Board on the matter in question. Provided however, that the existence of a personal interest other than direct or indirect financial interest, shall not prevent a member from participating in the hearing or decision of a matter unless a majority of the voting members of the Board feels the member should not participate and further provided that the failure to disclose personal interests, as provided above shall not invalidate the vote of the members failing to disclose any personal interest, nor shall such failure invalidate any decision of the Board as a whole. The willful failure to disclose personal interest shall, however, be cause for removal from the Board. It is the expressed intent of the City that this section be supplementary and complimentary to the provisions set out in Indiana Code 18-1-2-4 (Burns Ind. Stat. Ann. 48-1247)."

SECTION 10; Severability. If any section, sentence, or provision of this chapter, 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 chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 11. That this ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 3rd day of October, 1974.

James S. Ackerman
James S. Ackerman, Council President

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington
Indiana, upon the 11th day of October, 1974 at the hour of
1 o'clock p.m.

Grace E. Johnson
Grace E. Johnson, City clerk

This ordinance approved and signed by me upon the
 day of , 1974 at the hour of o'clock .m.

Francis X. McCloskey, Mayor

File: Common Council
(14) Ordinances 1974

TO: Common Council
FROM: Mayor Francis X. McCloskey
In Re: Ordinance 74-72, An Ordinance amending Bloomington
Municipal Code, Chapter 2.78, entitled: "Utilities
Service Board".
Date: 10/21/74

Dear Councilpersons:

I feel that we have made considerable progress in resolving the semantic difficulties which we have encountered in attempting to strike a balance between the interests of overall growth policy and the concerns for operation of the municipally-owned utilities. It is my intent that the attached message and proposed amendments to Chapter 2.78 of the Bloomington Municipal Code be viewed as a further contribution to this important dialogue.

The proper avenue for addressing the councilmanic concerns in utilities policy is that of the master planning process. Therefore, I have prepared substantive amendments to Ordinance 74-72, Sections One and Three, which, if adopted by the council, will allow councilmanic and planning commission input into the utilities implementation process, while reserving in the Utilities Service Board the statutorily vested powers of operation and general supervision. With these amendments I believe we can achieve the critical balance we have sought.

I would like to take the opportunity to commend the council for its diligence in pursuing an equitable and environmentally sound utilities policy and to offer my continued cooperation in shaping the decision-making apparatus of the City of Bloomington so as to derive the greatest good for the greatest number of citizens.

Sincerely,



FRANCIS X. McCLOSKEY
Mayor, City of Bloomington

VETO MESSAGE

ORDINANCE 74-72

An Ordinance amending Bloomington Municipal Code Code 2.78, Entitled: "Utilities Service Board".

This message shall constitute a veto of Ordinance 74-72 passed by the Common Council on October 3, 1974, Notice of which I received on October 11, 1974. In accordance with IC 1974 18-1-6-2. Ind. Ann. Stat. § 48-1502 (1974 Supp.)

NO OBJECTION TO SECTIONS 2,4,5,6,8, and 9.

There are no objections, either legal or as matters of policy, which I would raise concerning five of the nine substantive provisions of the proposed ordinance. Those sections with which I have no issue are sections two, four, five, six, and nine of Ordinance 74-72. Indeed, it is my feeling that these sections are appropriate and should be enacted.

However, the remaining sections of the ordinance raise serious questions of law, which require me as Mayor to exercise my power of veto in order to preserve the results of 1972 Utilities Referendum, mandating a Utilities Service Board with the full powers granted such body under the laws of the State of Indiana. This message will detail my objections to the various sections, which have caused the veto, and attached hereto as Appendix A. are my suggestions for remedying the legal difficulties presented by Ordinance 74-72.

SECTION ONE

- A. The language of Section One is imprecise in several instances: Specifically the statement contained in paragraph four of Ordinance 74-72, Section 1; which reads as follows: "proposals which directly or indirectly affect the planning goals or objectives for the City" is too broad, and fails to direct the Board as to what may be required of them in seeking review of project proposals before various City

County decision-makers. Utilities policy has a broad effect upon planning goals for the City but two important points should be made in this respect: 1) Utilities policies should not be reviewed in an Ad Hoc fashion, as might be the case without specific guidelines as to the nature and scope of review being conducted by the various decision-makers to whom the Utilities Service Board, under the terms of this ordinance, be responsible. A better solution to the problem of coordination is that the Utilities Service Board activity be reviewed on a regular basis, annually and bi-monthly, as to the effects of utility implementation policy of the Utilities Service Board upon the viability of the City's overall land use and growth policies; and 2) The context of review should prescribe the level of detail to be required of the Utilities Service Board in presenting proposals, and should allow the Utilities Service Board freedom to "operate" the municipally-owned utilities within the guidelines provided by other decision-makers. Those suggestions contained herein as proposed amendments to Ordinance 74-72 set out, in sufficient detail, the procedural and substantive standards necessary to provide comprehensive review of Utilities Service Board activities as those activities effect planning and growth goals of the city of Bloomington while retaining the independent operation of municipally-owned utilities by the Utilities Service Board.

B. The citation of Title 53 of the Indiana Code contained in Paragraph 4 of Section One is erroneous, in that no such Title of the Code exists. This is an apparent attempt to cite the provisions of IC 1974, 18-7-5-1 et. seq.; Ind. Ann. Stat. 1974, § 53-701 et. seq. which deals with the power of the City through device of master planning to determine the future growth policies of the City and its environs. As cited in the suggested amendments to the Ordinance 74-72 contained herein, specific and correct reference is made to sections of Indiana Law relevant to the coordination of master planning and utilities development.

SECTION THREE

It is my opinion and that of the City Attorney that provisions of Section Three, conferring upon the Common Council powers, for which the Council cites no supporting authority, are illegal and contrary to the provisions of IC 1974, 8-1-2-100; Ind. Ann. Stat. §54-613 (1974 Supp.) the statute which sets out the procedures for referendum and establishment of an independent Utilities Service Board, as well as being contrary to the provisions of division of power contained in IC 1974, 18-1-1.5-25; Ind. Ann. Stat. § 48-1475 (1974 Supp.)

Although the Council has omitted reference to IC 1974, 8-1-2-101, Ind. Ann. Stat. § 54-614 (1974 Supp.), it is clear that the Council is relying in whole or in part upon those provisions. Lines 13-21 of Ordinance 74-72 quote portions of the aforementioned statute, but this statute confers absolutely no power upon the Common Council as regarding "municipally owned utilities" for this statute governs the procedures for the approval of extensions et.al. of "public utilities" governed by the Public Service Commission as to rates, and by local communities as to zoning, etc. An example of the exercise of such power can be found at Bloomington Municipal Code 20.07.07.00 (B) (1) Land Use Regulations Institutional, Communication, Transmission. Bootstrapping arguments which rely upon extraneous statutes cannot confer upon the Common Council any powers not given that Council under the provisions of the IC 1974, 8-1-2-100, Ind. Ann. Stat. § 54-613 (1974 Supp.) The "Referendum Statute" which clearly states that the Utilities Service Board shall "operate" the "municipally-owned" utilities.

Further, the Council is expressly prohibited from conducting executive functions IC 1974 18-1-1.5-27, Ind. Ann. Stat. § 48-1477 (1974 Supp.) (See: Opinion of City Attorney, Attached as Appendix B) and Executive powers are the powers which the Council, by language. But not necessarily by intent, is seeking to obtain through Ordinance 74-72. To sign such an ordinance would be violation of the basic power and duty provisions of Indiana governing the conduct of Mayors

SECTION THREE, CON'T.

"to cause the ordinances of the City and the laws of the state to be executed and enforced," IC 1974, 18-1-6.1(1); Ind. Ann. Stat. § 48-1502 (1974 Supp.)

The formulation by which the Council has sought to reorder the functioning of the Utilities Service Board does not have a foundation in law, however, certain goals of the Council in passing the proposed Ordinance 74-72 are laudable and should be pursued in the proper context with clear and precise language. The suggested Section Three, contained herein as an appendix, attempts to set up procedural and substantive guidelines, which will allow the councilmatic concerns over important environmental and fiscal matters to be addressed to project proposals while retaining in the Utilities Service Board the unfettered operational and supervisory duties of utilities management.

SECTION SEVEN

Should be deleted in toto, in that the removal of "public officials" is governed by IC 1974, IC 5-8-1-21 to 35, Ind. Ann. Stat. § 49-821 to 836 (1974 Supp.) granting the power of removal of such officials "for cause" to the courts of general jurisdictions in an action for impeachment. The fact that the courts have jurisdiction in this instance requires the council, under the provisions of IC 1974 18-1-1.5.18, Ind. Ann. Stat § 48-1468 (1974 Supp.)

Judicial power. - " A city shall not have or exercise any judicial power under authority of this chapter, nor shall any city have power to regulate judicial administration or procedure. The judicial power shall be exercised exclusively by such courts as shall be established under the Constitution or by-laws enacted pursuant thereto, subject to such limitations, standards and procedures as may be provided by law or court rules."

SECTION SEVEN, CON'T.

restrain from operating in this field.

The Common Council does possess the power to remove "elected officers" and "employees" under the provisions of IC 1974, 18-5-21-1, Ind. Ann. Stat.

(1974 Supp.), however, the removal of members of independent boards and commissions is not an allowable exercise of this power. The Council must defer to the courts and the law, in this matter.

SECTION EIGHT

The problems caused by Section Eight are not matters of law, but a serious matter of policy and functional decision-making reminiscent of the dispute arising out of the judicial interpretation of Section 19 of the Advising Plan Commission enabling legislation. See IC 1974, 18-7-5-19, Ind. Ann. Stat. § 53-719 (1974 Supp.) The requirement that no action of the Board be official unless authorized by a majority of the entire membership severely restricts the decision-making power of a seven member board which must regularly meet to dispense such business as claim signing and payment of employees. In a practical world provision must be made for travel of individuals who serve the community but who must also meet personal and professional commitments at times which may conflict with Board meetings. Further, in that Section Seven allowing removal of Board members for non-attendance cannot be included in the revised Utilities Service Board ordinance. Because of the pre-emptive of State law, one can foresee the possibility of non-attendance being used by a Board member to prevent or delay decision-making by the Board. Section Eight should be revised to eliminate the last sentence.

An opinion of the City Attorney, focusing on the narrow issue of the legality of Section 3, Lines 13-21, of Ordinance 74-72.

CITY OF BLOOMINGTON

P O BOX 100. MUNICIPAL BLDG., BLOOMINGTON, INDIANA 47401

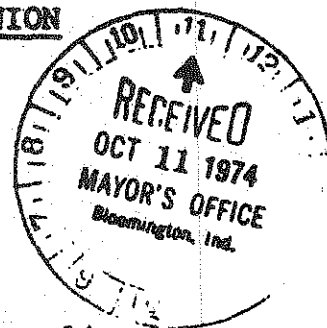
Office of the
City Attorney

Phone 812/339-2261

October 11, 1974

OPINION

Honorable Francis X. McCloskey
Mayor, City of Bloomington
Municipal Building
Bloomington, Indiana 47401



Dear Mayor McCloskey:

You have asked my opinion regarding the legality of Ordinance 74-72, entitled, "An Ordinance Amending Bloomington Municipal Code, Chapter 2.78, entitled, "Utilities Service Board, passed by the Common Council on October 3, 1974.

As of this date, I have been unable to obtain an official copy of the ordinance, that is, one which reads as passed with all amendments, signed by the Council President and attested to by the City Clerk. As you know, there were many amendments proposed to the ordinance, both oral and written, some of which passed. I am therefore writing this opinion based on a document supplied by the Council Office which I assume accurately reflects what was actually passed.

illegal. In my opinion, certain provisions of Section 3 are Specifically I am referring to the language that reads:

"Specifically the Council has the power to approve the location and nature of such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed including but not limited to review and approval of land acquisition agreements, grant applications and contracts with outside agencies which are related to expansions of the facilities. In accord with the ultimate responsibility of the Common Council for land use and community growth policy decisions, the construction and location and planning of all major service lines, the location and planning of all major capital improvements as well as decisions made by the Board which affect long range planning for the city must be subject to the approval of the Common Council. The Common Council shall specify to the Board through ordinance, resolution or directive the types of decisions which the Council wants to review within these general guidelines."

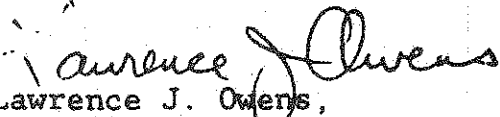
Indiana's Cultural, Educational and Recreational Center

October 11, 1974

The Common Council by State law performs, of course, all legislative functions of City government. See IC 18-1-1.5-26. In its legislative role the Council does set policy for the City owned utilities just as it does for other City Departments. Some examples of the legislative function would be passage of general ordinances, as for example, setting rates; review of the annual budget; and approval or disapproval of bond issues. In performing these functions the Council obviously effects such issues as whether the Utility will expand or not, what the quality and quantity of services will be, and how much the services will cost the public.

The Common Council does not, however, perform executive functions. See IC 18-1-1.5-27. In my opinion, once money is appropriated for a particular purpose, whether out of revenue or bond proceeds, the specific determination of questions such as whether land tract A or land tract B will be acquired or whether contractor A or contractor B will be retained are executive or administrative functions. Any provision, therefore, whereby the Council is given the authority to review specific decisions of the Utility Services Control Board with regard to land acquisition, grant applications, and contracts is illegal as violative of IC 8-1-2-100 wherein the Utilities Board is given "general supervision over the Utility" and IC 18-1-1.5-27 wherein it is stated that executive or administrative functions shall not be performed by the Common Council.

Sincerely,


Lawrence J. Owens,
City Attorney

LJO:gv

APPENDIX A.

RECOMMENDED AMENDMENTS TO PROPOSED ORDINANCE 74-72, UNDERLINED PORTIONS INDICATE REVISED TEXT OR TEXTUAL CHANGES AND ADDITIONS.

SECTION 1.- Bloomington Municipal Code Section 2.78 is hereby amended by adding: Pursuant to the provisions of IC 1974, 18-7-5-1 et. seq. Ind. Ann. Stat. §53-701 et. seq. (1974 Supp.)the common Council and Plan Commission of the City of Bloomington are charged with the responsibility of establishing a Master Plan which includes: (1) The Comprehensive survey and study of existing conditions and the probable future growth of the City and its environs; (2.) long-range developmental program of Public Works; (3.) long range financial program of governmental expenditures for the purpose of assuring effecient and economic use of public funds, it shall be the duty of the Utilities Service Board and its agents to prepare maps, charts, and descriptive material presenting basic information, locations, extent and character of those services to be provided by those municipal utilities to the Plan Commission and Common Council for adoption as a part of the Master Plan for future growth within the Planning jurisdiction of the City of Bloomington as conferred by Ic 1974, 18-7-5-34. Ind. Ann. Stat. §53-734 (1974 Supp.) .

Such report for long-range planning shall be submitted and adopted in accordance with the provisions of IC 1974, 18-7-5-et.seq.; Ind. Ann. Stat. 1974, § 53-701 et. seq.; and those provisions and procedures as set out in Section 2.78.020.of the Bloomington Municipal Code.

SECTION THREE: Bloomington Municipal Code Section 2.78.020^(a) is hereby amended to read as follows:

The Common Council of the City of Bloomington retains three specific powers regarding the municipal utilities of the City of Bloomington:

(1.) The power to approve budgets as conferred by IC 1974, 18-1-3-6;

(2.) The Power to establish "rates and regulations"; including wage and hour rates, as conferred by IC 1974-18-1-3-6, and user service

charges as conferred by IC 1974 8-1-2-100; (3.) The establishment of

Master Plan for the future growth of the City and its environs as

conferred by IC1974,18-7-5-1 et seq., Ind. Ann. Stat §53-701 et. seq.

(1974 Supp.)

(b.) Master Planning Activity

Additions and extensions to the Municipal Utilities operated by the Utilities Service Board shall be governed by the City of Bloomington Master Plan. Said Master Plan shall be revised at least annually, and shall include the following:

(1.) Maps, charts, and descriptive material presenting basic information, location extent and character of municipal facilities.

(2.) A long range development program of Utilities facilities, including a yearly capital improvements implementation program and a longer range planning program for efficient and reasonable expansion of Municipal Utilities.

(3.) Long range financial program of utilities expenditures: including a yearly capital improvements implementation program and longer range planning program for the efficient and economic use of public funds.

It shall be the duty of the Utilities Service Board and its agents to prepare the long-range and developmental programs, and submit same in the form of reports, to the Common Council and Plan Commission for approval and inclusion as a part of the City of Bloomington Master Plan in accordance with the provisions of IC 1974, 18-7-5-1 et. seq. Ind. Ann. Stat. §53-701 et. seq. (1974 Supp.) The Common Council and Plan Commission shall establish guidelines and procedures for the review of the yearly plans, including the establishment of submission dates and time for review and revision of said programs in accordance with the rules and procedures of those respective bodies.