

ORDINANCE No. 73-13

An Ordinance Creating and Establishing a Utility Service Board for the City of Bloomington, Indiana

WHEREAS, at the last general election held in the City of Bloomington, Indiana, on the 7th day of November, 1972, a majority of the legal voters of said City voted in favor of creating and establishing a Utility Service Board, and

WHEREAS, the results of said voting have been canvassed and certified to the Common Council of said City by the Clerk of the Monroe Circuit Court,

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

Section 1. 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. 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.

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.

Section 2. Powers and Duties. The Board shall have general supervision over the Utilities owned by the City of Bloomington, but said general 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 Council informed of Utilities activities, and shall provide whatever information is requested and make reports as required.

Each year by the first council meeting in November, the Board shall submit a budget detailing the projected incomes and expenditures of the Utilities for the ensuing year. The budget 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.

The Board shall select a utility manager who shall have executive charge of the City owned Utilities. Such manager may be removed by such Board for cause, at anytime, after notice and a hearing. In the appointment of a manager the Board shall make the selection on the basis of fitness to manage, taking into account his executive ability and knowledge of the Utility industry.

The Board shall fix the number and the compensation of all employees, including the manager, such compensation to be submitted to the Common Council each year prior to the first day of August. The Council shall enact such compensation in Salary Ordinance form by regular procedure with the provision that the Council may lower any salary, but may not raise any salary. No person shall be paid a salary from Utilities funds except as enacted in a Salary Ordinance.

The Board shall adopt rules and regulations governing the appointment of all employees, making proper classifications, such rules to determine the eligibility of applicants. All rules regulating employment shall be consistent with all existing city-wide personnel policy, including equal employment and affirmative action practices and consistent with duly

negotiated union agreements. The manager shall have the right to discharge employees at will, but shall be required to state the cause.

Section 3. Membership, Appointments. The Board shall be composed of five (5) members, all of whom shall be residents of the City of Bloomington, not more than a simple majority of whom shall be of the same political party. The Mayor shall appoint three (3) members of the Board, and the Common Council shall appoint two (2) 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; and, one (1) for a term of three (3) years. The Council shall initially appoint members as follows: One (1) for a term of three (3) years, and, One (1) 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.

Section 4. Salary. The members of the Board shall be paid a salary, to be budgeted from Utilities funds, of Two Thousand (\$2,000.00) Dollars per year. The members of the Board shall be reimbursed for expenses properly incurred in connection with their duties pursuant to this Ordinance.

Section 5. Removal. Members of the Board shall be subject to dismissal for cause after notice and right to public hearing before the Mayor and the Common Council, the right to public hearing to be exercised within thirty days after notice. Such dismissal for cause shall be by the Mayor in the case of mayoral appointments and by 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 6. The members of said Board are authorized to select a chairman and any other officers deemed necessary to properly carry out the functions of said Board. Also, the members may adopt and prescribe rules to conduct their meetings and business coming before them.

Section 7. In respect to the operation and management of the water and sewage systems. the Utilities Service Board shall have all the powers and perform all the duties heretofore provided for by the Board of Public Works of said City, all as provided for by Burns Indiana Statutes §54-613 (12782).

8-42-100

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval and application according to the laws of the State of Indiana.

Passed by the Common Council of the City of Bloomington, Indiana, this 29 day of March, 1973.

Charlotte T. Zeitlow

Charlotte T. Zeitlow, Council President

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington,
Indiana, on the 3 day of April, 1973, at the
hour of 4 o'clock P.m.

Grace E. Johnson
Grace E. Johnson, City Clerk

This ordinance approved and signed by me on
the 3 day of April, 1973, at the
hour of 4 o'clock P.m.

Francis X. McCloskey
Francis X. McCloskey, Mayor

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk
INTRODUCED BY:

REFERRED TO COUNCIL COMMITTEE:

APPROVED AS TO LEGALITY:
