

ORDINANCE 21-03**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” –
Re: Chapter 2.02 (Boards and Commissions – revised) and
Chapter 2.04 (Common Council – revised)**

WHEREAS, portions of Title 2 of the Bloomington Municipal Code (“BMC”) have not been updated in decades, and a review of such has determined that Chapters 2.02 and 2.04 should be amended; and

WHEREAS, BMC Chapter 2.02, which details the process to be followed upon a board or commission vacancy, contains sections that have not been updated in over forty years and revisions to this process are needed to reflect changes in technology and availability of information; and

WHEREAS, since 2014, the Council has rescheduled its summer recess from August to allow the recess to begin in either June or July, and the practice of scheduling its summer recess as needed should be reflected in BMC 2.04.050; and

WHEREAS, the use of standing committees by the Common Council throughout 2020 has demonstrated that certain amendments should be made to BMC Sections 2.04.255 and 2.04.270; and

WHEREAS, as previously acknowledged in Ordinance 13-05, BMC Section 2.04.290 requires the submittal of fiscal impact statements with certain pieces of legislation, but had not been practiced for decades and such statements are not necessary; and

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

SECTION 1. Section 2.02.010 shall be deleted in its entirety and replaced with a new Section 2.02.010 entitled “Boards and Commissions - Public information required”, which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.010 – Boards and Commissions - Public information required.

Each city board or commission, or a city employee officially designated to facilitate the work of the board or commission, shall ensure that the following information about the board or commission is publicly available and accurately maintained on the city’s website:

- (1) The name of the board or commission;
- (2) The purpose or purview of the board or commission;
- (3) The current membership of the board or commission, including the term start and end dates for each seat;
- (4) Any requirements for eligibility;
- (5) The duties of the members on the board or commission;
- (6) An estimate of the time required to fulfill the duties; and
- (7) Compensation, if any is provided.

SECTION 2. Section 2.02.020 shall be deleted in its entirety and replaced with a new Section 2.02.020 entitled "Vacancy - Announcement", which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.020 – Vacancy-Announcement.

At least one month before the expiration of an appointment, and immediately on the vacancy's occurrence in the case of an unexpected vacancy, an announcement shall be sent to the local media that either includes or directs the public to the information required by 2.02.010 about the board or commission. The announcement shall also include a statement on how to apply for the vacant position(s).

SECTION 3. Section 2.02.030 shall be amended by changing the word "synopsis" to "announcement" in the first sentence, so that the section shall read:

No appointments shall be made sooner than fifteen days after submission of the announcement to the media, unless the mayor declares to the common council that an emergency situation exists on a board or commission due to the vacancy, and the mayor recommends and common council votes unanimously to make the appointment before the fifteen days have run.

SECTION 4. Section 2.04.050(e) shall be amended to read as follows:

(e) "The council may choose to schedule a summer recess, provided the council meets at least once a month. If such a recess is scheduled, no legislation shall be heard for first reading at the final regular session prior to the recess."

SECTION 5. Section 2.04.255 shall be amended to read as follows:

(a) When a committee is to consider legislation referred by the council, it shall convene its meeting on the second or fourth Wednesday of the month. The council may decide by majority vote to cancel any such committee meeting, or to meet at an alternative date and time.

(1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any council members may attend any meeting.

(2) Such committee meetings shall not begin before 5:30 p.m. or after 9:45 p.m.

(b) The president shall have the authority to refer legislation to the appropriate committee when the legislation is introduced for first reading, but such a referral may be changed by a motion approved by a majority of the council. The president shall have the authority to call and schedule committee meetings on second and fourth Wednesdays in anticipation of the introduction of legislation.

(c) A council committee shall not meet on legal holidays as enumerated in Indiana Code § 1-1-9-1, and shall not meet to hear legislation during the Council's official recess, on the Wednesday evening immediately before Thanksgiving Day, or on or between the fourth Wednesday in December and New Year's Eve.

SECTION 6. Section 2.04.270 shall be amended by revising the third sentence, so that the sentence shall read:

The president shall approve the agendas for regular sessions, special sessions called by the president or voted upon by the council, and committees convened to consider legislation referred to them, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel.

SECTION 7. Section 2.04.290, entitled "Ordinances and resolutions—Fiscal impact statement required," shall be deleted in its entirety and replaced with a new Section 2.04.290 entitled "Ordinances and resolutions – Fiscal impact statement required" to read as follows:

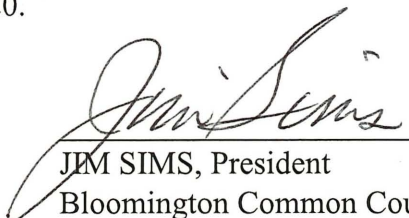
2.04.290 Ordinances and resolutions – Fiscal impact statement required.

All proposed legislation must be accompanied by a statement describing the impact of that legislation on the City's finances, including but not limited to revenues, expenditures, and any new debt obligations

SECTION 8. If any section, sentence, provision of this ordinance, 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


SECTION 9. This ordinance shall be in full force and effect from an after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 17th day of February, 2020.




JIM SIMS, President
Bloomington Common Council

ATTEST:



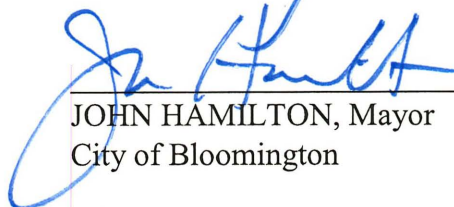
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18 day of February, 2020.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 24th day of February, 2020.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and would amend portions of Title 2 of the Bloomington Municipal Code entitled "Administration and Personnel." The ordinance makes the following changes:

- It requires that certain information about each city board or commission be maintained on the city's website and revises the process to be followed upon a board or commission vacancy.
- It revises BMC Section 2.04.050 ("Regular Meetings") to clarify that the Council may schedule its summer recess as needed.
- It revises BMC Section 2.04.255 ("Committees – Scheduling") to clarify council committee scheduling and the process of referring legislation to a council committee.
- It revises BMC Section 2.04.270 ("Ordinances and resolutions—Filing, copies and agendas") to specify that the Council President is authorized to approve the agendas for committee meetings convened to consider legislation referred to them.
- It deletes BMC Section 2.04.290 ("Ordinances and resolutions—Fiscal impact statement required").

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced for first reading at the December 9, 2020 Special Session. The revision added the third Whereas clause, inserted a new Section 4, amended Section 5 to clarify council committees shall not meet to hear legislation during any scheduled summer recess, and renumbered subsequent sections accordingly.

Also note: This ordinance was previously introduced and discussed under the former number Ordinance 20-33, but was renumbered as Ordinance 21-03 and revised with an updated signature block to reflect the new year and election of a new Council President on January 6, 2021.

Also note: At the February 17, 2021 Regular Session, the Council adopted two amendments to this ordinance, which did the following:

- *Am 01 - simplified the process of providing a fiscal impact statement (rather than eliminate the requirement for such statements) by requiring sponsors of legislation to provide a narrative that describes the expected fiscal impact;*
- *Am 02 - eliminated a provision requiring a motion for referral of legislation to a standing committee to be considered before a motion for referral of legislation to the Committee of the Whole.*

Distributed to : Clerk, Council Attorney, Mayor, Legal, ITS, Public Works, Planning & Transportation, Community and Family Resources, Department of Economic & Sustainable Development