

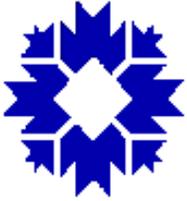
City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 13 December 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
13 December 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/84239976534?pwd=c280Z2JicnhYSnZnaWhMcXExVk5UQT09>

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES:
 - A. March 1, 2023 – Regular Session
- IV. REPORTS *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - C. Council Committees
 - a. Special Committee on Council Processes – Report on Board and Commission Reform
 - D. Public*
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS
 - A. Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 08 December 2023

- B. Appropriation Ordinance 23-08 - To Specially Appropriate from the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Vehicle Replacement Fund, Solid Waste Fund and Fleet Maintenance Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement Fund)

- C. Resolution 23-23 – A Resolution Authorizing the Sale of Real Property - Re: 220 E. Third Street

VII. LEGISLATION FOR FIRST READINGS

None

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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Posted: 08 December 2023



**City of Bloomington
Office of the Common Council**

Minutes for Approval

01 March 2023

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 01, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 01, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Sue Sgambelluri, Ron Smith, Stephen Volan
Councilmembers present via Zoom: none
Councilmembers absent: Susan Sandberg, Jim Sims

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda, noting that the Transportation Demand Manager position report would be given on March 29, 2023.

AGENDA SUMMATION
[6:30pm]

There were no minutes for approval.

APPROVAL OF
MINUTES [6:33pm]

Rosenbarger and Sgambelluri noted their next constituent meetings.

REPORTS [6:33pm]
• COUNCIL MEMBERS

Deputy Mayor Mary Catherine Carmichael, reported on the 501c3, City of Bloomington Capital Improvements, Inc. (CBCI). She said Mick Renneissen, Sarah Bauerle Danzman, John West, and Valerie Peña would be the first four community members appointed to the CBCI. Council would appoint a fifth member. She noted the upcoming meeting for the CBCI.

• The MAYOR AND
CITY OFFICES
[6:35pm]

Piedmont-Smith thanked Carmichael and asked about the funding sources.

Council questions:

Carmichael said it was the Redevelopment Commission (RDC) and the city, and council would approve funding through appropriations.

Piedmont-Smith asked if the RDC received most of their funding from the Tax Increment Financing (TIF).

Carmichael confirmed that was correct.

Volan asked about council's authority on TIF funding and if it was correct that there was some funding for the CBCI that council would not approve.

Carmichael stated that was correct.

Piedmont-Smith understood that the council had to approve expenditures over \$5 million for the RDC.

Carmichael said that was correct.

Flaherty reported on the Special Committee on Council Processes (SCCP) and the motion to remove Greg Alexander from the Traffic Commission (TC). SCCP met three times in February, assisted by Council Attorney/Administrator Stephen Lucas and Deputy Council Attorney/Administrator Ash Kulak. He highlighted key points from the SCCP report, including the application of legal guidance and recommendations. He discussed due process, withdrawal of the motion to remove, procedural considerations, written notice to Alexander, clarification on the cause for removal, and free speech protections under the First Amendment. He said that none of the statements made by Alexander amounted to obscenity, fighting words, or true threats, as legally defined. Additionally, clarification from councilmembers was needed on the rationale to remove Alexander on two main components; intimidation and harassment of members of the public, and bias or a lack of fairness relating to Alexander's work on the TC. Flaherty referenced city code, which defined the duties of the TC members, and stated that a councilmember making a motion to remove must clarify how Alexander's ability to perform his duties as a commissioner was diminished. He provided additional key points and clarified that Alexander was currently serving his term on the TC. Flaherty noted that council could codify additional cause for removal reasons.

• COUNCIL
COMMITTEES
[6:40pm]

Monroe County Commissioner Julie Thomas noted the Indiana Division of Mental Health and Addiction announcement for the application for funding to combat problems relating to opioids. The county, working with the Indiana Recovery Alliance (IRA), was working on a grant application for funding.

• PUBLIC [6:48pm]

Jim Shelton discussed the Court Appointed Special Advocates (CASA) program. He noted the recent successful adoption of a five year old girl by her grandparents. He noted the successes and joys of being a CASA and urged community members to volunteer. He mentioned the upcoming trainings.

Christopher Emge, Greater Bloomington Chamber of Commerce, discussed the election season, and upcoming events with candidates for city council.

Lucas read a comment from Sam Dove, submitted via Zoom chat, stating that he had submitted a report regarding a sidewalk issue on Sheridan Drive.

There were no appointments to boards and commissions.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[6:56pm]

Rollo moved and it was seconded that the motion to remove Mr. Alexander that he made on February 1, 2023 be withdrawn and that he be allowed to offer a revised motion in line with the Committee recommendations the council heard earlier that night. There was no objection to the request.

Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for cause under BMC 2.08.020. Specifically, Mr. Alexander:

"1. Posted the following comment on social media as a response to a member of the public expressing concern about a planned infrastructure project "punching" through certain streets in her neighborhood: "what are they punching through with? i would really like to know. it sounds like they are going to savagely penetrate your neighborhood and i want to know what they're going to use to do that?"

2. Posted the following comment on social media: "haters gonna hate and bloomington democrats gonna lick the shit out from between elm heights' neighbors ass cheeks".

3. Sent unsolicited hand-written letters directly to members of the public who had appeared at Council meetings, which led to complaints and concerns from those members of the public.

Serving on the Traffic Commission entails several duties, including carrying on educational activities and receiving complaints having to do with traffic matters.

These duties involve engaging with the public, and several members of the public have described to this Council their concerns about being targeted, bullied, or intimidated by Mr. Alexander. His actions and comments and the resulting public complaints this Council has received have compromised his ability and fitness to engage with the public and carry out his duties. While these comments were not made in a public meeting, his response to a resident's concern about a city project was offensive and used a reference to sexual violence to ridicule the concern. His comment about one of Bloomington's neighborhoods demonstrates bias. Bullying behavior and bias could discourage and has discouraged residents from voicing traffic concerns and from interacting with the Traffic Commission or the city.

To be clear, I do not make this motion because of Mr. Alexander's substantive criticisms of the city, the Council, or myself. Rather, I make this motion out of concern about Mr. Alexander's fitness to carry out the duties of his appointment to the Traffic Commission.

In making this motion, I also ask that the Council make no formal decision tonight, but instead give Mr. Alexander an opportunity to provide any written comments he would like offer the Council in response to this particular motion.”

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (cont'd)

Volan asked what social media was used to make the statements.

Rollo believed it was Twitter.

Volan noted the handwritten letter and asked if it was objectionable.

Rollo explained that it was in the context of the other types of engagement with advocates for neighborhood projects.

Volan asked if it was accurate that since Alexander was familiar with social media, his choice of sending a handwritten letter warranted an indictment.

Rollo clarified that Alexander objected to a neighborhood project and a resident felt harassed and targeted by him. He noted the resident's statement at a previous council meeting.

Volan asked if it was one letter or multiple.

Rollo said there were two letters to two residents.

Volan asked for further clarification on how the complaints demonstrated Alexander as being unfit to carry out his duties. He asked how the allegation of being bullied, harassed, and targeted rose to the level of unprotected speech.

Rollo stated that Alexander had targeted and engaged with specific residents, who felt harassed, and were not willing to participate in council meetings. He said that the educational role of the TC members was hampered by Alexander's bullying and intimidation.

Volan stated that the SCCP and legal guidance noted that the language in the motion, including the references to Alexander's statements, did not rise to the legal definitions of unprotected speech. He said it was the descriptions of residents' allegations of harassment and intimidation. Volan asked if Rollo was alleging that Alexander's actions rose to legal levels of conduct that represented for-cause removal.

Piedmont-Smith asked what the effect of the motion was, because at the end of the motion, there was a request that council take no action that evening.

Lucas clarified that council could follow the SCCP's recommendation of providing written notice to Alexander. He recommended a separate motion to postpone, if council wished to consider it the following week.

Volan asked if there was an existing process addressing due process for the removal of a board member or commissioner.

Rollo stated that it was a novel situation and believed there was cause. He noted previous removals for absenteeism.

Lucas confirmed that council had a process which required action in a public meeting, relating to absenteeism, and suggested that be the minimum process that council follow. Written notification should be sent to Alexander allowing a response from him as well. He noted other items that council consider.

Volan asked if it was accurate that the process was ad hoc, and reactionary, to a situation that had not come up in the past. He asked what an ideal next step was if a process was not codified.

Lucas referenced city code and reiterated that removal of commissioners was not limited to absenteeism and again recommended written notice.

Rosenbarger asked about the timeline for the written notification and for clarification of the language in the motion. She spoke of procedural due process, and if Alexander had been given notice.

Lucas stated that he had reached out to Alexander after the motion was made on February 01 and invited him to submit written comments. Alexander had shared the comments from social media to clear up any question that they were his comments. He had not been notified of the new motion that evening but council could provide that in writing to him.

Rosenbarger referenced the specific recommendations on due process which needed to be narrow, specific, and sufficiently clear so that the public

Council discussion:

and Alexander understood the exact conduct, et cetera, that led to the removal. She asked for clarification and if the motion for removal was due to comments or because of how he made residents feel.

Rollo clarified that his motion specifically described the cause for removal. Councilmembers had also received the social media posts via email, and there was testimony from residents at a previous council meeting.

Rosenbarger again asked if the proposal for removal was because of Alexander's statements or how he made residents feel.

Rollo said he was attempting to demonstrate that Alexander was unfit to serve as a commissioner because of his aggressive language, which inhibited his role in providing education to the community on traffic issues.

Flaherty appreciated the updated motion, and explained that SCCP had reviewed a case, *Waller v City of Madison*. The trial court applied a standard to behaviors that occurred outside of a board meeting. The court found there was not a cause for removal because there was no evidentiary record demonstrating the appointee's ability to fulfill their duties. That was why SCCP added the recommendation of demonstrating with evidence how Alexander was unable to fulfill his duties. The reasons were speculative, and in regards to future interactions. He asked if there was evidence from TC meetings about how Alexander had performed his duties as a commissioner.

Rollo stated that he did not know about TC meetings and noted that some residents did not attend TC meetings because of Alexander.

Volan said that boards and commissions were advisory and did not primarily have an education role. He asked for clarification.

Lucas read the Bloomington Municipal Code (BMC) 2.12.070 regarding the TC's duties.

Volan said the education role was one of many.

Rollo confirmed that was correct.

Smith asked if someone did not like Elm Heights, and were asked to rule on traffic issues relating to that neighborhood, if they would have an unbiased view in a commission context.

Rollo said it was bias towards particular neighborhoods, but bias not in the motion. He noted that advocates were biased in favor of their neighborhoods. He believed the case was strong regarding Alexander's inability to fulfill his duties. It was clear that he could not engage with the public in his role as a commissioner on TC, and that he had compromised and forfeited that role.

Volan asked for how many residents had expressed difficulty with Alexander.

Rollo stated that several residents had spoken about it in council meetings. There was evidence beyond the motion that councilmembers could refer to regarding the negative impact Alexander had on the public's interaction with the TC.

Piedmont-Smith said that she agreed with one of the three reasons given that Alexander could not perform his duties on the TC, and she found it difficult to vote for the motion. The motion relied on the concern over future behavior. The argument of a bias was stronger but it still had to result in an inability to carry out duties. Bias against the Elm Heights neighborhood was likely to impede the duties of a commissioner on TC.

Volan said the revised motion was not specific enough. He acknowledged that Rollo had noted some additional supporting information. Volan believed there were better ways to handle reactionary motions. There was an unprecedented situation that did not allow due process. He provided suggestions for future situations, discussed language in the motion, and was pleased that SCCP existed so the matter could be referred to it. He explained that the case was an ideal example of why council processes needed to be established. Volan stated that the residents that complained did not speak for all residents of the Elm

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (*cont'd*)

Council discussion:

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (*cont'd*)

Council discussion:

Heights neighborhood. He did not agree with the motion nor Alexander's comments. He talked about what council's focus on the issue should be. He encouraged SCCP to continue drafting processes to include due process and provided his recommendation for council actions.

Smith commented on the disturbing nature of the situation and said council should be able to protect people in the community and not worry about the specific offenses not in code. He reiterated that Lucas had advised about for-cause removals from a commission, like if the behavior was egregious and the individual was not able to perform their duties. If someone made comments like Alexander's and was biased against a neighborhood, it should not matter that it had not happened before, and council reaction was necessary. Council-appointed commissioners represented council and the city and there should be a process for removal if needed. He favored removing Alexander due to his comments and his bias.

Flaherty noted that bias was not being alleged, as Rollo clarified, and was not part of the motion. He spoke about protected political speech, regardless of how crude it was. Most of what was cited was political arguments about social equity, resources, and the prioritization of city resources. With regard to obscenity, there was not a process that could be applied uniformly. None of the statements Alexander made rose to the legal threshold for obscenity or threats, and if they had, they would be unprotected speech. He discussed options for postponing, and not sending the issue back to SCCP after written notification. Additional steps would be taken to define processes on for-cause removal, and more. He provided reasons why a new process could not be applied to a situation with actions that occurred prior to the process. He described guidance from case law.

Piedmont-Smith said that but was referenced in the three items listed. She asked if bias was part of the motion and asked for clarification.

Flaherty clarified that Rollo said he was not alleging bias. However, he reviewed the motion and bias was in fact included.

Rollo stated that Alexander had demonstrated bias and that could be part of the motion.

Volan discussed bias, even from councilmembers, who favored their districts. He believed that the motion was not specific enough. He questioned Smith's statement on Alexander's comments as being egregious. He commented on council's role in establishing rules and discouraged council from further consideration of the motion. He did not wish to postpone the matter.

Piedmont-Smith stated that she could not support the motion as written because it was not specific enough. There was not a connection between the alleged behavior and a finding that the behavior resulted in an inability to carry out the commissioner's duties. She noted there could be a motion on for-cause removal that she could support but not the current motion.

Rollo asked what might be needed since several councilmembers found the motion lacking specifics. He asked for guidance on withdrawing or amending his motion.

Lucas listed the actions council could take on the motion on the table.

Volan stated that Alexander had responded in writing to the previous motion, and asked if SCCP had taken that content into account.

Flaherty said that while Alexander had made general responses, the committee believed it was best for him to respond to the more specific charge.

Volan questioned the process, the potential number of motions and withdrawals, and the need to establish ways to handle situations like the one discussed that evening. He urged council to err on the side of innocence.

Rollo stated that Alexander was not being charged with a crime. Serving on a board or commission was a privilege and Alexander had abused it.

Volan reiterated that was an opinion and arbitrary and asked if the behavior had met a threshold that was defined.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (cont'd)

Flaherty agreed that there could potentially be an endless number of motions attempting to get the specifics right. SCCP should not be drafting a motion.

Council discussion:

Volan clarified that he did not indicate that SCCP should be drafting the motion, but should be considering an ordinance.

Sgambelluri thanked council for the discussion and noted the difficult decision. Processes mattered, and council could not be arbitrary but did need to be timely since the TC was still meeting. The new motion was clearer but did not adequately cover all statements made by Alexander. She supported withdrawing the current motion for a new motion with more detail.

Rollo moved and it was seconded to withdraw his motion. There was brief council discussion. There was no objection to the request.

Withdrawal of motion
[7:58pm]

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[7:59pm]

Rollo moved and it was seconded that Resolution 23-05 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 23-05 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2023 [7:59pm]

Rollo moved and it was seconded that Resolution 23-05 be adopted.

John Zody, Director of Housing and Neighborhood Development (HAND) department highlighted key points on the recommendations for the distribution of the Community Development Block Grant (CDBG) funds. He said that HAND received notification of the allocations the previous day and that there was less funding than the previous year by about \$20,000. That notification was one to two months earlier than normal. He described how the allocations would be adjusted accordingly as well as the timeline.

Piedmont-Smith asked what the dollar amount was from Housing and Urban Development (HUD).

Council questions:

Zody said it was \$855,868. He described the distribution from HUD and how that was calculated based on a formula.

Piedmont-Smith asked if the funds were less because of the undercount from the previous census in the city.

Zody stated that was possible, because population was one of the factors. The formula was based on community needs, poverty, housing, overcrowding, and more.

Rollo asked to display the list of the allocations in the legislation.

Lucas displayed the list and Zody described the recommendations including the physical improvements programs and social services programs.

Rollo asked if there were projects not being funded, and if HAND had considered other funding like the Jack Hopkins Social Services Fund (JHSSF).

Zody explained that the allocations fluctuated year to year, and that there were projects that were not funded. There were also caps, such as a max of 15% for the social services programs. He described additional funding like pandemic and recovery programs, and said that there were gaps in funding.

Piedmont-Smith asked what bike pods at Crestmont were.

Rosenbarger said it was covered storage areas where one could lock bikes.

There was no public comment.

Public comment:

Piedmont-Smith thanked everyone for their work on the allocations and noted it was difficult when there was not enough funding.

Council comment:

The motion to adopt Resolution 23-05 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-05 [8:13pm]

Rollo moved and it was seconded that Ordinance 23-03 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-03 - To Amend Title 15 of the Bloomington Municipal Code Entitled Vehicles And Traffic" - Re: Amending Section 15.12.010 to remove seven stop intersections, to add six stop intersections, and to delete one 4-way stop intersection; Section 15.12.020 to add one yield intersection; Section 15.32.030 to delete angle parking on Fourth Street between College Avenue and Gentry Street; Section 15.32.080 to add no parking spaces on Duncan Drive, Nineteenth Street, and Strong Drive and to remove no parking spaces on Grant Street and Nineteenth Street; and Section 15.32.090 to add limited parking zones to Eighth Street [8:14pm]

Rollo moved and it was seconded that Ordinance 23-03 be adopted.

Amir Farshchi, Long Range Planner in the Planning and Transportation (PT) department described the updates on a map that was displayed. He explained the changes based on need, staff recommendations, traffic calming updates, and housekeeping items for Title 15. He noted staff that were present to answer questions including Raye Ann Cox, Parking Enforcement Supervisor; Neil Kopper, Senior Project Engineer; Scott Oldham, Captain of the Bloomington Police Department (BPD); Alex Pratt, Assistant City Attorney; and Ryan Robling, Planning Services Manager.

Piedmont-Smith asked about the time limit for the limited parking zone on 8th Street and Walnut Avenue. She asked for further clarification.

Council questions:

Oldham stated that BPD's request, due to it being a high entertainment district with problems of people gathering, fighting, and causing general concerns. He said there were injuries that had been sustained from fights in that area, even to police officers.

There were no public comments.

Public comment:

Volan praised the work of Farshchi. Farshchi had announced he was leaving the city for a job in Virginia. He would be missed at the city and had been a steady presence in PT and on the Parking Commission (PC).

Council comment:

Farshchi said it had been a pleasure to work at the city, with staff and PC, and with council.

The motion to adopt Ordinance 23-03 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-03 [8:23pm]

Rollo moved and it was seconded that Resolution 23-04 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Resolution 23-04 – A Resolution Authorizing the 2023 Expanded Outdoor Dining Program in the Downtown Corridor [8:24pm]

Rollo moved and it was seconded that Resolution 23-04 be adopted.

Chaz Mottinger, Special Projects Manager in the Economic and Sustainable Development (ESD) department, provided answers to council questions from the previous Regular Session. In regards to the Trinity Church, De de la Rosa, Assistant Director for Small Business Development in ESD, had met with the Reverend to view the building. Staff learned that Engineering had put forth a plan to increase American with Disabilities Act (ADA) parking spaces near the Kirkwood Avenue downtown area and one would be on Grant Street near the church, by April 1st. She described additional remedies for the church including the completion of construction that had been done on Grant Street, and more. She provided additional information on the businesses that supported, or not, the parklets on the Kirkwood street closures. She thanked Talisha Coppock, Downtown Bloomington, Inc. (DBI) for putting together the data for council and summarized it. She discussed concerns with the 500 block of East Kirkwood Avenue and impacts to the Bicycle Garage as well as preferences of Lennie's restaurant. The alley behind the Bicycle Garage was sometimes blocked by delivery drivers, such as Door Dash. She noted that Lennie's strongly stated they would only participate in the outdoor dining program if the street was fully closed, and would not do a parklet. Mottinger spoke about the costs for bollards, and the orange jersey barriers, including construction, parts, water to fill the barriers, and overtime pay for staff. She thanked Michael Large, Special Projects/Operations Manager in Public Works, for that data. She thanked Michelle Wahl, Director of Parking Services, for the parking information. She discussed shared streets and the difficulties the city faced without doing a full redesign of Kirkwood Avenue. A comprehensive, conceptual design, and construction, of Kirkwood would be required. She also discussed how staff would measure impact and successes from the street closures including revenue, surveys, and more, and noted ideas for the beautification of the parklets.

De de la Rosa, Small Business Development in ESD, discussed parking data in the downtown areas and summarized parking revenue from Parkmobile, garages, and IPS meters. This also included 2014-2022, pre-Covid-19, and the state of emergency years.

Mottinger concluded that staff recommended the same closures, and parklets, for consistency and community vibrancy, with some additional requirements for ADA compliance and for beautification.

Volan presented additional information on parking revenue data, including specifics on certain areas in the city. He noted several factors that impacted areas with high revenue from parking, such as street closures, construction, and more. The area known as university village was analyzed because they bordered the areas where there were street closures.

Piedmont-Smith asked for clarification on data pertaining to parking revenue.

Council questions:

Volan explained that there had been meters and paid parking areas, which made the revenue numbers not match. He had attempted to verify parking trends with the analysis on the revenue data.

There was additional clarification on the revenue data per year.

Rollo asked if the additional ADA parking space would allow access to Trinity Church via the alley to the east. He asked if it was blocked and if emergency vehicles could use it.

Resolution 23-04
(cont'd)

Mottinger said that the primary issue of accessibility for the church was resolved by completion of construction work on Grant Street, as well as the added ADA parking spot.

De la Rosa described the church's issue with accessibility. She explained that the ramp near the alley was not up to code and was not the true accessible entrance for the church. The accessible entrance was located on Grant Street. The plan to add the ADA space on Grant Street appeared to resolve the issues.

Rollo said his main concern was the accessibility for fire trucks in the alley.

Mottinger stated that she had spoken with Fire Chief Jason Moore and the current street closure was satisfactory for fire protection.

Rollo stated that did not reassure him.

Smith asked about the possibility of not closing the 500 block of East Kirkwood Avenue between Indiana Avenue and Dunn Street, by Lennie's and the Bicycle Garage.

Mottinger described a draft amendment that was included in the packet that removed that block.

Lucas stated that there were two draft amendments, included in the packet, and neither had a sponsor at the time.

Mottinger said that staff recommended not changing the closures in order to have data for comparison.

Volan asked for clarification on the cost of bollards.

Mottinger explained that a whole intersection cost about \$150,000.

Volan asked about the current cost for bollards on the closed streets.

Mottinger said that there were currently five at \$42,000 each.

Volan asked if it was \$84,000 per block.

Mottinger confirmed that was correct, but only for construction, and each bollard was \$1,300 and labor varied from \$185-650 per hour depending on when the bollards were installed.

Volan asked about the costs for orange jersey barriers at parklets.

Mottinger said they were \$260 each, and took fifty-four hours and two workers to install them at about \$2,100. Additionally there was a cost of about \$4,000-6,000 for the initial filling up with water, as well as maintenance for things like leaks.

Volan asked about the shared street cost.

Mottinger said that a study had not been done so a cost could not be estimated.

Volan asked why staff did not believe that having jersey barriers was safe.

Mottinger said that a true shared street needed to be redesigned with a focus on pedestrian safety.

De la Rosa added that the current closures allowed for an emergency vehicle to travel through the center of the road between parklets.

Mottinger said that currently, Kirkwood also had sidewalks and curbs, which made it not a true shared street because there were different levels and would not be accessible to people in wheelchairs, for example. A true shared street had only one level and was pedestrian-focused.

Rollo asked for further information regarding the Bicycle Garage and staff's efforts to mitigate street closure impacts.

Mottinger stated that their main concern was with the alley behind the building getting clogged with food delivery vehicles. Staff had discussed their concerns and the only real option was to remove that block from the closure.

Rollo asked if the alley behind the building would remain open.

Mottinger said that it would.

Flaherty asked for clarification on the blocking of the alley because the alley was twenty-four feet wide, and was more like a street. He was surprised that it got blocked since it was more than two cars wide.

Mottinger confirmed that was correct, and said that staff had not been able to assess the situation. That was why staff recommended keeping the closures as they were in Resolution 23-04 to inform data.

Resolution 23-04
(cont'd)

Flaherty said that staff could mitigate the concerns with the alley in the near future, for the Bicycle Garage, because of its width.

Mottinger agreed.

Piedmont-Smith asked about feedback from QR codes on tables at restaurants participating in the closures. She asked how feedback would be received from those who were prevented from going downtown due to the closures. She asked if staff had talked to the Council on Community Accessibility.

Mottinger said that forthcoming feedback would better inform data because it would include non-pandemic years. Parking data would also allow staff to analyze attendance to the downtown. She reiterated that having two years' worth of data would provide better information on street closure impacts. Staff had talked with Michael Shermis, Special Projects Coordinator in the Community and Family Resources (CFR) department. Staff also believed the plan to increase ADA parking spaces, as well as a design for a shared street, was progress. Staff would work with businesses to ensure compliance.

Piedmont-Smith asked about feedback from those who could perhaps drive to the downtown but were cumbered by the distance from the ADA parking space to businesses.

Mottinger said that the goal was to strategically locate additional ADA parking spaces. The Engineering department had conducted a study on where to place the spaces. She said that feedback would also be targeted, in person input, and more, and staff would work with boards and commissions for receiving feedback.

Sgambelluri thanked staff for their work and appreciated the focus on measuring successes. She asked about Rockport Analytics' capability and methodology.

Mottinger stated that Rockport Analytics used cell phone data.

De la Rosa said that general data was collected regarding movement and flow of people in the downtown area. No personal data was collected.

Volan said that construction projects closed streets for extended periods of time and asked how that was different from closing one lane on Kirkwood.

De la Rosa clarified that closing one lane on Kirkwood effectively removed the ability for emergency vehicles to go in between parklets for emergencies.

Mottinger said the jersey barriers were too heavy and the bollards were used because they were easier to remove in emergencies. Jersey barriers were expensive and the city was not budgeted to buy more. Also, in construction zones, community members were not sitting down to eat at a restaurant or cross the street. There was additional discussion on the shared street option.

Mike Klinge, owner of the Orbit Room, spoke about his experience with the parklet program and the success of being ADA compliant. He said it was highly successful and gave reasons why.

Public comment:

Galen Cassady, from the Uptown Café, appreciated the discussion. He was particularly interested in the data that would analyze making the street closure permanent. He spoke in favor of outdoor dining and its benefits like a sense of community. He would like to participate in the feedback.

Mike Carmin spoke against parklets and street closures because it benefitted some businesses over other businesses. He commented on the lack of parking due to the closures and said it affected his business.

Pauly Tarricone thanked staff for their work, and appreciated the discussion. He gave reasons in support of the street closures and parklets. He discussed

how to make Bloomington’s downtown thrive even more. He spoke about the need for bold decisions to combat climate crisis.

Resolution 23-04
(cont’d)

Renee Miller commented on the need to reach out to other business owners on Kirkwood. She talked about paratransit for those who could not walk, even for short distances.

Bob Costello, President of the Kirkwood Community Association, discussed construction in the downtown area that affected the parking data. He disagreed that some businesses were favored over others, and said that the closures benefitted the entire community. He commented on revenue and safety with the closures.

Sue Aquila, owner of Bloomington Bagel Company and Dunn Park Apartments, stated that the alley behind the Bicycle Garage was never entirely blocked, and she was impressed with conscientious delivery trucks and workers to not block the alley. She said businesses were still recovering from the pandemic.

Volan moved and it was seconded to adopt Amendment 01 to Resolution 23-04. He presented reasons for a robust discussion on Amendment 01.

Amendment 01 to Resolution 23-04

Amendment 01 Synopsis: This amendment modifies language in the resolution and program guidelines attached as Exhibit A to the resolution to reduce the eligible blocks of West Kirkwood Avenue for use of the Extended Outdoor Dining Program as those between South Walnut Street and South Dunn Street. The block of West Kirkwood Avenue from South Dunn Street to South Indiana Avenue shall not be included in the Program.

Smith had discussed the street closure with Lennie’s and the Bicycle Garage. Lennie’s was ambivalent about the closure, and that when he went to speak with the Bicycle Garage, it took him a half hour to find parking. It was ideal to not close the street there, and to have the city work on a shared street design.

Rollo asked if any restaurants other than Lennie’s used the closed street.

Council questions:

Mottinger said no and reiterated that Lennie’s would not do a parklet and preferred the street closure. Staff wanted feedback from all businesses near the closure. She discussed pedestrian-safe street closures as well as a sense of community vibrancy it provided. The benefits were not limited to economic revenues for businesses.

Bob Costello noted the increase in cost of supplies for restaurants. He said that it was important to drill down on the Food and Beverage Tax revenue because it included fast food restaurants.

Public comment:

Talisha Coppock stated that other businesses, like Urban Outfitters and Underground Printing were supportive of the closure. Noodles & Company, and Potbelly, were not in favor of the closure but were not adamant about it.

Pauly Tarricone agreed that Amendment 01 created a lack of continuity and spoke in favor of closing the street.

Bob Holahan, owner of the Bicycle Garage, and the only property owner other than Indiana University (IU) on the block, said that the street closures resulted in less flow of traffic, and cars brought people downtown. Blocking the street did not help his business and the alley in the back was sometimes blocked.

Rollo asked staff if Lennie’s were to want a parklet, then the city would facilitate that.

Council comment:

Mottinger said that was correct. They could apply like any other business.

Rollo said that the data could still be analyzed, block by block, and not closing the 500 block of East Kirkwood would not hurt the data.

Mottinger said that consistency also included community members' expectation of street closures and could confuse traffic patterns.

Amendment 01 to
Resolution 23-04
(cont'd)

Rosenbarger asked for clarification on Lennie's participation in the outdoor dining program.

Mottinger clarified that Lennie's would participate in outdoor dining only if the street was closed, and would not have a parklet.

Piedmont-Smith noted that City of Bloomington Utilities (CBU) planned to do work in the alley behind the Bicycle Garage in 2024, and she could not imagine blocking access during that time.

Mottinger agreed and staff would have a different recommendation the following year.

Rollo said it was compelling to vote for Amendment 01 and gave reasons in support. He noted that Lennie's was the only restaurant on the block that participated in the outdoor dining program.

Smith said he had hoped to have more data. He said that the Bicycle Garage had their business obstructed.

Flaherty stated that he was not considering Amendment 01 and Resolution 23-04, as restaurants versus other businesses, but rather as the use of public space. He said it was important to consider goals for the city as outlined in adopted plans like the Comprehensive Plan, Transportation Plan, and Climate Action Plan, which all called for focusing on pedestrian, bicycle, and transit uses above cars. Since there was not consensus, not everyone would be satisfied. There was not a place in the city better suited for closures than Kirkwood. It was ideal to have connectivity of multiple blocks of non-car spaces. He commented on plans for a shared street on all of Kirkwood. He commented on staff's efforts in working with businesses on concerns. He would vote against Amendment 01 and for Resolution 23-04.

Rosenbarger planned to vote against Amendment 01.

Sgambelluri would not support Amendment 01 and understood that 2023 would provide an opportunity to gather data on the street closure program.

Smith said that data was used to decide trends and one more year of data would not be enough to help inform decisions. He supported Amendment 01.

Volan spoke about access on a right of way, resident-only reserved parking program that was eliminated because it was supposed to be shared areas. The street closures turned a right of way into a market place. He questioned how to regulate it including the fees that restaurants paid for the outdoor dining program. He said it was important to revisit fees for parking across the city too. He would abstain on Amendment 01.

Piedmont-Smith appreciated the discussion, and agreed that there was not a consensus on the street closures. In the absence of consensus, it was important to use the adopted city plans to guide decision making. She would vote against Amendment 01.

Rollo believed that a permanent street closure of Kirkwood was never part of the plan. It had been advertised as a temporary program to address the public health emergency impact. Closures favored one business over another. He would vote in favor of Amendment 01.

Flaherty said that when roads were open to cars and traffic, then they were effectively closed to everyone else. City streets were overwhelmingly

dedicated solely to cars, with some streets not even having sidewalks. The status quo excludes many users.

Amendment 01 to Resolution 23-04 (cont'd)

Rollo clarified that he meant shared streets should be the goal.

The motion to adopt Amendment 01 to Resolution 23-04 received a roll call vote of Ayes: 2 (Rollo, Smith), Nays: 4 (Flaherty, Piedmont-Smith, Rosenbarger, Sgambelluri), Abstain: 1 (Volan). FAILED

Vote to adopt Amendment 01 to Resolution 23-04 [10:39pm]

Volan stated that data was useful and agreed that it had been difficult to get sufficient data. Current data showed that there was not a catastrophic effect from the street closures. He believed that there was an opportunity to work together to determine the best program to keep the downtown thriving. He commented on parking fees in the downtown area.

Council discussion:

Flaherty praised staff and the business associations for their work. He also praised the Orbit Room for building a ramp in order to be fully ADA compliant. He noted that businesses were not investing in beautifying the parklets because of the uncertainty with the continuation of the program.

Sgambelluri thanked staff, and council, and said she supported the closures on Kirkwood. She was less supportive of parklets as they currently were with the orange barriers. She looked forward to forthcoming data.

The motion to adopt Resolution 23-04 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-04 [10:47pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [10:47pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [10:47pm]

Lucas reviewed the upcoming council schedule and reports.

COUNCIL SCHEDULE [10:48pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [10:49pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

REPORT ON BOARD AND COMMISSION REFORM

Special Committee on Council Processes

I. Executive Summary

This report outlines recommendations of the Bloomington Common Council's Special Committee on Council Processes following a comprehensive review of the [City of Bloomington Organizational Assessment – Boards and Commissions \(Organizational Assessment\)](#). The Committee requests that the Council accept this report and implement the Committee's proposed reforms in 2024.

The Committee's most significant recommendation is to establish a designated position within the Office of the City Clerk to oversee the City's board and commission system. The Committee recommends that the development of this position and its duties be led by the City Clerk in consultation with the City Council (likely through the Committee) and the Office of the Mayor. Implementing this recommendation will likely require new funding or resources for the Office of the City Clerk, and the Committee recommends that the Clerk incorporate this proposal into the office's 2025 budget proposal.

The Committee generally supports the Organizational Assessment's recommendations in the categories of training and onboarding, communication and transparency, and strategic focus. Most of these recommendations should be coordinated and overseen by the new designated position in the Office of the City Clerk with assistance from the City Council, the Office of the Mayor, the Legal Department, the ITS Department, and staff liaisons and their departmental directors.

The Committee does not make a final recommendation on the Organizational Assessment's proposal to combine and eliminate several boards and commissions. The Committee believes that any proposed implementation of these changes should be led by the incoming Mayoral Administration in collaboration with the City Council and other relevant stakeholders.

II. Committee Recommendations from the Organizational Assessment of Boards and Commissions

In January 2022, the Novak Consulting Group delivered a report to Mayor John Hamilton, which was prepared based on a scope of work developed by the Mayor's Administration. The City Council established the Special Committee on Council Processes (Committee) in 2023. The Committee identified several areas of priority: board and commission reform; updates to Title 2 (including board and commission changes) and council processes; improvements to public engagement; and operationalizing equity in the legislative process. While acknowledging these priorities are synergistic, the Committee decided to prioritize board and commission reform in 2023.

The full Organizational Assessment is attached to this report, and it provided the framework for the Committee's task of assessing the state of the City's boards and commissions and potential reforms. The stated purpose of the Organizational Assessment was "to review potential areas of overlap among

various boards and commissions and to recommend an overall structure that maximizes the value of the boards and commissions to the City and to the community as a whole.” Neither the City Council nor the City Clerk were involved in defining the Novak Consulting Group’s scope of work, even though both are intimately involved with the City’s board and commission system.

While the Committee found the Organizational Assessment a helpful guide for assessing some challenges with the City’s board and commission system, it defined its own priorities to guide its review, including:

- Improved public policy and governance
- Diversity, equity, and inclusion in governance and policymaking
- Community empowerment
- Education of residents and commissioners, including how to affect public policymaking
- Governmental collaboration, including between different branches of City government, among boards & commissions, and across governmental units (e.g., City-County)
- Administrative and fiscal efficiency
- Consistency and formalization of board and commission processes
- Positive experiences for staff liaisons, board members, and commissioners

The Organizational Assessment provided ten formal recommendations organized into four categories:

Table 1 – Recommendations from the Organizational Assessment

Number	Recommendation
Board and Commission Structure	
1	Merge the Commission on Sustainability and the Environmental Commission.
2	Merge the Parking Commission, Traffic Commission, and Bicycle and Pedestrian Safety Commission.
3	Consolidate park, recreation and urban forestry related commissions under the Board of Park Commissioners.
Strategic Focus of Boards and Commissions	
4	Evaluate the business case for any potential new board or commission before its creation.
5	Require a brief annual report to the Mayor and City Council from each board and commission to ensure the work aligns with the City goals.
Communication and Transparency	
6	Require all boards and commissions to record audio or video of their meetings and to post meeting materials to the City website in a timely manner.
7	Establish a formal, transparent application process for boards and commissions that includes regular communication with applicants.
Training and Onboarding	
8	Develop a formal onboarding program for new board and commission members.
9	Define the role of staff liaisons to boards and commissions and develop a formal onboarding program.
10	Assign oversight of the board and commission process to a designated position.

The Committee reviewed and assessed the ten recommendations in consultation with Clerk Nicole Bolden, the Mayor's Office, and multiple City staff. It also heard feedback from members of the public who attended Committee meetings. As the Committee progressed in its work, it concluded that recommendation 10, to assign oversight of the board and commission process to a designated person, was the most critical recommendation in the Organizational Assessment. Since many of the other proposed recommendations would benefit from such a position, the Committee presents its conclusions and recommendations regarding the Organizational Assessment's recommendations in reverse order.

The Committee also developed an outline, entitled Scope of Work, to help structure thoughts and discussion points throughout its various meetings, primarily related to: oversight of the board and commission system; onboarding, training, and ongoing support needs for both staff liaisons and commissioners; and anticipated updates to Bloomington Municipal Code. The Scope of Work outline is attached to this report.

A. Training and Onboarding

This section of the Organizational Assessment focused on improved efficacy of boards and commissions through education and process improvement. The Committee supports and recommends implementation of the three recommendations contained in this section. While some steps have already been taken to improve onboarding and training of staff liaisons (Recommendation 9) and onboarding of board and commissioner appointees (Recommendation 8), both should ultimately be coordinated and overseen by designated staff in the Office of the City Clerk in consultation with the Mayor and City Council.

Recommendation 10: Assign oversight of the board and commission process to a designated position.

The Committee strongly agrees with the need for a designated position to oversee and administer the City's boards and commissions, as well as the desirability for the position to reside in the City Clerk's Office. Clerk Bolden is receptive to this approach if appropriately resourced. Whether this will ultimately require a new full-time employee, an updated job description for an existing position, or duties distributed across multiple positions in the Clerk's Office is not yet known. For the purposes of this report, the Committee uses the term Deputy Clerk for Boards and Commissions (or Deputy Clerk) to refer to the proposed position.

The Committee recommends that the Clerk lead implementation of Recommendation 10, in consultation with the City Council and Mayoral Administration, ideally within the first half of 2024 so that new or updated role(s) and any needed resources are included in the proposed 2025 City budget. The Committee identified that many of the inconsistencies observed across board and commission practices could be addressed if a designated position was responsible for oversight and accountability. Additionally, central administration of the application and appointment process, onboarding, training, and reporting (broadly reflected in Recommendations 5 – 9) should improve consistency and overall quality of the City's board and commission system.

Recommendation 9: Define the role of staff liaisons to boards and commissions and develop a formal onboarding program.

The Committee generally agrees with this recommendation and believes the Deputy Clerk should oversee its implementation. Staff liaison roles are not currently well defined or cataloged, and practices vary widely. As noted, department directors are well positioned to help define roles and responsibilities of staff liaisons (e.g., whether the correct staff member is in the role of liaison, whether the workload is appropriate, etc.). However, the new Deputy Clerk should coordinate and document this assessment from department directors and seek to increase consistency of staff liaison responsibilities.

Training materials should be developed in consultation with relevant City staff; for instance, the City Legal Department should lead training related to the Open Door Law and other legal requirements. Some of the more detailed suggestions contained in the Organizational Assessment may vary based on future assessment by the Deputy Clerk (e.g., the most suitable person to update the OnBoard system). The Deputy Clerk should document the staff liaison training process and make training materials available for review and feedback from the City Council and Mayor.

The City Legal Department has recently developed some and is continuing to develop more training materials for staff liaisons, which should be utilized in 2024 and ultimately incorporated into the onboarding program administered by the Deputy Clerk.

Recommendation 8: Develop a formal onboarding program for new board and commission members.

The Committee generally agrees with this recommendation and believes the Deputy Clerk should lead and oversee its implementation. As noted in the Organizational Assessment, there is currently no formal onboarding process for board members and commissioners. For all generally applicable provisions (e.g., a primer on Robert's Rules of Order; requirements of the Open Door Law, including with respect to any formal working groups or committees; any relevant code of conduct or related guidance for acting as a representative of City government; etc.), a uniform training and set of materials should be developed. The general training should be delivered several times throughout the year, possibly quarterly, for all new commissioners.

Each board or commission's staff liaison should be responsible for developing onboarding materials and guidance specific to their board or commission. Some staff liaisons have already done so, but the practice should be uniform, and these materials should be overseen and cataloged by the Deputy Clerk to ensure accountability and for review by the City Council and/or Mayor. The Organizational Assessment contains additional guidance for both general and commission-specific onboarding materials.

B. Communication and Transparency

This section of the Organizational Assessment recommends changes to improve public engagement through boards and commissions, both for those appointed and for the public. The Committee supports and recommends implementation of these recommendations as outlined below.

Recommendation 7: Establish a formal, transparent application process for boards and commissions that includes regular communication with applicants.

The Committee generally agrees with this recommendation and believes the Deputy Clerk should lead and oversee its implementation. Most of the Organizational Assessment's recommendation involves improving consistency, transparency, and equity of the whole application process. It also recommends strategies for managing frequent or long-standing vacancies and for recruiting applicants. New outreach strategies, including with the help of current board members and commissioners, staff liaisons, and community groups, could help improve diversity and inclusion of the City's boards and commissions.

To address the very heavy workload caused by almost all appointments happening on the same time cycle, the Organizational Assessment recommends staggering appointments on a quarterly basis across (and not within) boards and commissions. The Committee believes this would greatly assist the City Council, Office of the Mayor, and the City Clerk's Office. It would also lead to steadier workflows for the new Deputy Clerk position. Mayoral appointments should be coordinated directly with the Deputy Clerk to address challenges that occur when the interviews, appointments, and re-appointments by the Mayor's Office and the City Council are not coordinated.

Automating some of these recommendations could vastly improve consistency and efficiency, which may require new functionality from the Onboard system. In developing recommended changes, the Deputy Clerk should work with the Mayor's Office, City Council, and ITS department to assess options, including augmenting the Onboard system in-house or utilizing third-party software solutions.

Recommendation 6: Require all boards and commissions to record audio or video of their meetings and to post meeting materials to the City website in a timely manner.

The Committee agrees with the goals of this recommendation but believes deeper assessment will be required to assess feasibility and desirability of all details included in the recommendation. The Committee recommends that the Deputy Clerk lead a deeper assessment regarding this proposal in collaboration with the Mayor's Office, City Council, and ITS.

The Committee agrees with the recommendation of standardizing communications and transparency requirements, and it believes the Deputy Clerk should ensure accountability and consistency across boards and commissions with a goal of improving public engagement. Practices to further explore may include the timing and format for posting agenda, meeting materials, meeting minutes, and any audio or video recordings. The Deputy Clerk's assessment should include whether or how to change or augment

the City's current practice of contracting with Community Access Television Services (CATS) for video recordings.

One member of the public suggested making meeting transcripts available. However, the City Clerk expressed reservations about requiring any board or commission to follow more stringent requirements than the City Council, further noting that Robert's Rules favors a record of what was done at a meeting over direct transcripts or narrative-style meeting minutes. The training and onboarding recommendations (8 and 9) can help to achieve consistency, as current practices vary widely.

C. Strategic Focus of Boards and Commissions

This section of the Organizational Assessment recommends changes to ensure that boards and commissions are monitored and evaluated to maximize their value and carefully steward limited City resources. The Committee partially supports and recommends implementation of these recommendations as outlined below.

Recommendation 5: Require a brief annual report to the Mayor and City Council to ensure the work aligns with the City goals.

The Committee generally agrees with this recommendation, though annual reports are likely not needed in all cases. Many boards and commissions currently have annual reporting requirements listed in Bloomington Municipal Code (BMC), but the Committee generally agreed that a more intentional and comprehensive approach is needed. The Deputy Clerk should ensure consistency and accountability in reporting.

The Committee reviewed the list of boards and commissions from the Organizational Assessment, identifying current reporting requirements and recommending new reporting requirements. The Committee also noted that even without reporting requirements, some commissions (e.g., the Arts Commission) have nevertheless reported at their own initiative.

Depending on the nature of the commission's work, the Committee identified two potential categories of reports: an Activities report and a Trends report. The former is well suited to most advisory commissions created by BMC (e.g., the Bicycle and Pedestrian Safety Commission). The latter is typically better suited to statutory boards like the Board of Zoning Appeals, where a summary of activities would provide little value but the identification of trends—which might lead to policy changes or updates to BMC—could have significant value.

Finally, the City Council may not have the authority (or sole authority) to require a report in all cases (e.g., with volunteer bodies like the Council for Community Accessibility or for interlocal bodies like the Dispatch Policy Board). The Committee recommends that annual reports should be the responsibility of the board or commission itself, led by its chair, and not the staff liaison.

The Committee's review of boards and commissions and recommendations for reporting requirements are attached to this report. Implementation will require an update to BMC and collaboration with Council staff or the Deputy Clerk to help communicate and administer new or updated reporting requirements. The Committee developed a draft template for reporting (attached), which would provide a simple and consistent approach and help facilitate compliance with reporting requirements. The Committee agreed this would serve as a "floor" for reporting and that boards or commissions would be welcome to submit additional materials. (NB: this draft is illustrative and not yet in a final form for adoption, which would come through changes to BMC.)

Recommendation 4: Evaluate the business case for any potential new board or commission before its creation.

The Committee does not agree with the narrow frame of this recommendation. Through extensive discussion, including input from numerous members of the public, the Committee noted that a "business case" analysis is reductive and inappropriate given that boards and commissions are governmental bodies with a public purpose. The Committee is generally supportive of utilizing criteria to assess the use case of a new board or commission, which could include questions identified in the Organizational Assessment. The Mayor's Office was more supportive of this recommendation, noting concerns about balancing staff support time against other duties.

This recommendation did not include how to assess or evolve the working processes of existing commissions, and the Committee believes establishing a process to do so would be helpful. Staff liaisons and their departmental directors are well positioned to propose and make recommendations for such updates, and the Committee would welcome a systematic approach to this from the Mayor's Office. As a first step, the Committee directed Council staff to contact boards and commissions created by BMC to ask whether they recommend updating the code language defining their purpose, scope, and membership to reflect current practices or evolving priorities. This question could also be included in the annual reporting template recommended above.

D. Board and Commission Structure

This section of the Organizational Assessment recommends the consolidation or elimination of several boards and commissions. While the Committee discussed the merits of these recommendations, it ultimately decided that any such changes were premature given recommendations five through ten in the Organizational Assessment. Brief summaries of the Committee's views are included for the three recommendations in this section.

Recommendation 3: Consolidate park, recreation and urban forestry related commissions under the Board of Park Commissioners.

The Committee did not take a final position on this recommendation. The commissions contained in this recommendation are mostly within the Mayor's Administration and do not have Council appointments. The exceptions are the Tree Commission and the Council ex-officio seat on the Environmental Resources

Advisory Council. The Organizational Assessment recommends that their duties be administered by City staff and the Board of Parks Commissioners or otherwise shifted to non-governmental advocacy groups. The Committee recommends that any proposed changes be coordinated with the relevant boards and commissions, and in the case of the Tree Commission, also coordinated with the City Council.

Recommendation 2: Merge the Parking Commission, Traffic Commission, and Bicycle and Pedestrian Safety Commission.

The Committee did not take a final position on this recommendation. Noting the interrelated nature of these commissions' purviews, the Organizational Assessment recommended these commissions be combined into a single Transportation Commission. This change could address potentially conflicting policy guidance from multiple transportation-related commissions, as well as reduce staff workload of taking the same policy proposal to multiple commissions for feedback. The Committee would evaluate any future proposal from the Mayoral Administration to implement this recommendation, and such proposal should be developed in consultation with the existing commissions, City Council, and Office of the City Clerk.

Recommendation 1: Merge the Commission on Sustainability and the Environmental Commission.

The Committee did not take a final position on this recommendation. The Committee noted that the Organizational Assessment misapprehended the concept of sustainability, reducing it to an environmental and natural resources focus and thus concluding that the Environmental Commission and Commission on Sustainability (BCOS) share the same basic goal. However, while environmental sustainability is a part of the notion of sustainability, so too are economic and social issues, which this recommendation does not address. A current BCOS commissioner also noted that the United Nations Sustainable Development Goals (SDGs), which have been adopted as a guiding framework by BCOS, include 17 focus areas, only a few of which are environmentally focused. The Committee would evaluate any future proposal from the Mayoral Administration to implement this recommendation, and such proposal should be developed in consultation with the existing commissions, City Council, and Office of the City Clerk.

III. Conclusion and Next Steps

The Committee requests that the City Council adopt this report to help guide board and commission reform efforts in 2024 and beyond. While 2024 will see five new councilmembers and a new mayor, the Committee hopes that the endorsement of this report by the current Council, which has decades of collective experience working with the City's boards and commission, will serve as meaningful guidance.

The Committee recommends that it continue meeting to advance these reforms on behalf of the City Council in 2024, including coordinating with the new Mayoral Administration, developing proposed changes to BMC Title 2, and supporting the City Clerk in the development of the proposed Deputy Clerk for Boards and Commissions position.

Report on Board and Commission Reform
Approved by the Special Committee on Council Processes
December 8, 2023

Note: Your signature below indicates approval of this Report.

Matt Flaherty (Chair), At-Large Representative

Sue Sgambelluri, District II Representative

Isabel Piedmont-Smith, District V Representative

Steve Volan, District VI Representative



Boards and Commissions Annual Report Form

Date:

Board/Commission Name:

Chair:

Chair Phone and E-Mail:

Current Members:

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-
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-
-
-
-
-
-
-

Staff Liaison and Title:

Purpose Statement:

What is the overarching mission of this Board/Commission? (75 words or less)

Major Activities:

Please summarize major projects/efforts/actions undertaken during the previous 12 months. (500 words or less)

-
-
-
-
-

Future Plans:

Please summarize major projects/efforts planned for the next 12 months. (500 words or less)

-
-
-
-
-

Optional - Additional Comments:

Please summarize any particular successes, challenges, or opportunities encountered by the Board/Commission in its work. (500 words or less)

Novak Report: Recommendation #5 - Require a brief annual report to the Mayor and City Council to ensure the work aligns with the City goals.

Committee recommendation:
 The Committee recommends that an annual written report from the following boards/commissions be either required or requested, depending on the nature of the particular board and the Council's role in relation to it. The nature of the report (a summary of activities, a description of trends, etc.) would be determined at a later date.
 Boards with existing reporting requirements are noted.

Board/Commission	Notes
Animal Control Commission	

Bicycle and Pedestrian Safety Commission	
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Bloomington Arts Commission	
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Bloomington Digital Underground Advisory Committee	The Committee on Council Processes hoped to further consider details on the formation and functioning of this board, but leaned toward requiring a report at this time. Res 03-28 sets forth policies governing the BDU. Those policies state that the BPW manages the city's fiber optic assets. The policies also create an advisory committee to provide advice and recommendations on the usage, price, and management of the city's fiber optic assets.
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Bloomington/Monroe County Human Rights Commission	
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Board of Park Commissioners	
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Board of Public Safety	
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Board of Public Works	
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Board of Zoning Appeals	
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City of Bloomington Capital Improvement (CBCI)	Bylaws provide: In addition to any other required reporting, the corporation shall report annually on its activities to the Council in connection with budget approval, and a copy of its report shall be provided to the public via the corporation's website. The corporation's report shall itemize any complaints about its process and address any concerns raised regarding compliance with provisions of these bylaws protecting the transparency of the corporation's meetings and records. The corporation's financial accounts shall be audited annually by a qualified and independent auditor selected by the board of directors. Audit results shall be reported at a public session of the Council and provided to the public via the corporation's website.
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Commission on Aging	BMC 2.23.090(g) - Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of December of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organization or its purpose also shall be addressed in this report.
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Commission on Hispanic and Latino Affairs	BMC 2.23.080(6) - Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of February of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organizations or its purpose shall also be addressed in this report.
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Commission on Sustainability	BMC 2.12.100(8)(D) (Powers and Duties) - To provide, in cooperation with other city boards and commissions, an annual "sustainability assessment" based on said indicators. The assessment shall be included in an annual report and provided to the common council, mayor and the public;
Commission on the Status of Black Males	BMC 2.23.070(6) - Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of February of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organization or its purpose shall also be addressed in this report.
Commission on the Status of Children & Youth	BMC 2.23.050(5)(f) - (Duties) To report in writing on its activities to the common council and the mayor annually.
Commission on the Status of Women	Consider an annual reporting requirement as opposed to quarterly. BMC 2.23.060(5)(d) (Powers and Authority) - To report in writing on its activities to the common council and the mayor quarterly
Community Advisory on Public Safety Commission	BMC 2.12.120(i)(2)(F) - Provide an annual report of its activities to the common council, mayor and the public.
Council for Community Accessibility	Requesting a report, rather than requiring one, may be more appropriate for this group.
Dispatch Policy Board	Requesting a report, rather than requiring one, may be more appropriate for this group. It may also be appropriate to discuss a reporting element in the context of future updates to the
Dr. Martin Luther King Jr. Birthday Commission	
Economic Development Commission	IC 36-7-12-36 Commissions; annual reports Sec. 36. (a) Each commission shall file a report, within thirty (30) days after its initial meeting and on each subsequent January 31, with the fiscal body that it serves. (b) A report under subsection (a) must contain: (1) information on the operations, activities, and financial expenditures of the commission during the preceding calendar year; and (2) any other information required by the fiscal body that the commission serves.
Environmental Commission	
Historic Preservation Commission	
Housing Authority Board	IC 36-7-18-36 Reports Sec. 36. At least once a year, a housing authority shall file with the clerk of the fiscal body a report of its activities for the preceding year, and shall make recommendations for any additional legislation or other action it considers necessary to carry out the purposes of this chapter. The authority shall make a copy of this report available for inspection by the public at the office of the authority.
Housing Quality Appeals Board	

Monroe County Domestic Violence Coalition	Requesting a report, rather than requiring one, may be more appropriate for this group. It is open to membership for service providers, representatives from local communities of faith, and other organizations concerned with the elimination of domestic violence in the community. Mission: The Monroe County Domestic Violence Coalition is committed to improving the response to domestic violence issues through communication and coordination of services. Major projects of the Task Force include an annual Domestic Violence Awareness Conference held in November and the implementation and monitoring of an audit of our community's response to domestic violence.
Parking Commission	BMC 2.12.110(e) - Submitting an annual report of its activities and programs to the mayor and council by October of each year;
Redevelopment Commission	IC 36-7-14-13 Annual reports; contents; subject to laws of general nature Sec. 13. (a) Not later than April 15 of each year, the redevelopment commissioners or their designees shall file with the unit's executive and fiscal body a report setting out their activities during the preceding calendar year.
Traffic Commission	
Urban Enterprise Association	



Committee on Council Processes

Scope of Work – DRAFT

1.0 Oversight Roles

Goal: Designate specific roles (existing or new) within the Administration and in the Office of the Clerk that will provide overall coordination for all recruiting, onboarding, and administrative activities associated with boards and commissions. Develop position descriptions accordingly.

1.1 Office of the City Clerk

- Maintain lists of B&C members in Onboard
- Coordinate selection process for Council appointments
- Facilitate applications via Onboard
- Communicate with Administration and Council about vacancies and appointments
- Coordinate general training for B&C members (onboarding and ongoing)
- House template for bylaws on website
- Facilitate communication between B&Cs (upon request)
- Facilitate communication between B&Cs and the Administration and Council Office (including annual reporting)
- Ensure consistency and accountability in administration of B&Cs (e.g., posting agendas, meeting materials, minutes, video recordings (if any), and other materials in a consistent manner)

1.2 City Administration

Director of Public Engagement in OOTM

- Coordinate selection process for mayoral appointments
- Hold annual recognition event for B&C members

2.0 Onboarding Process/Resources + Ongoing Support for Board/Commission Members

Goal: Plan and oversee the development of onboarding/training resources (print materials, webinars, and/or video modules) for new members. Identify needed resources for ongoing support.

2.1 Orientation/Training Modules (Print/Video)

2.1.1 Welcome / Overview of City Administrative structure and roles of Administration and Council

- 2.1.2 Board & Commission Processes/Roberts Rules of Order/General bylaws
- 2.1.3 Code of conduct for B&C members
- 2.1.4 Open Door Law
- 2.1.5 Working With Your Staff Liaison
- 2.1.6 Working with other B&Cs
- 2.1.7 What tools B&Cs have to advance their mission (e.g., resolutions, draft ordinances for consideration, comment at public meetings, etc.)
- 2.1.8 Annual reporting (new, consistent process to be developed)
- 2.1.9 Setting agendas, meeting notices, and other timing issues

2.2 Ongoing Support

- 2.2.1 Teambuilding (for B&C chairs, optional)
- 2.2.2 Training in gathering public input (running a town hall meeting, crafting a Google form, etc.)
- 2.2.3 Annual recognition event

3.0 Onboarding Process/Resources + Ongoing Support for Staff Liaisons

Goal: Plan and oversee the development of onboarding/training resources (print materials, webinars, and/or video modules) for staff liaisons. Identify needed resources for ongoing support.

3.1 Orientation/Training Modules (Print/Video)

- 3.1.1 Liaison Roles and Responsibilities
- 3.1.2 Board/Commission Processes/Roberts Rules of Order
- 3.1.3 Open Door Law (including application to formal committees or subgroups of B&Cs) and Access to Public Records Act
- 3.1.4 Working across boards and commissions/Collaborations
- 3.1.5 Your duties vs. what the City Clerk’s B&C coordinator can do for you

3.2 Ongoing Support

3.2.1 Annual staff liaison meeting to discuss best practices and share learning experiences

4.0 Changes to Bloomington Municipal Code

Goal: Identify and initiate changes to BMC to clarify and streamline the functioning of boards and commissions.

4.1 Updates to Board and Commission Duties

4.1.1 Update code for non-statutory boards and commissions in consultation with the board and commissions (already initiated)

4.1.2 Develop requirement of an annual report from most or all B&Cs in a consistent manner

4.1.3 Updates to actions that constitute removal for cause

4.2 Updates to Board and Commission Administrative Processes

CITY OF

Bloomington

Organizational Assessment – Boards and Commissions

Project Report / January 2022



A PART OF
 RAFTELIS

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July 28, 2022

Honorable Mayor John Hamilton
City of Bloomington
410 N. Morton Street
Bloomington, IN 47404

Subject: Organizational Assessment of Boards and Commission

Dear Mayor Hamilton:

We are pleased to provide this assessment and review of the City of Bloomington's appointed Boards and Commissions. This purpose of this review was to assess the scope, structure, and resource needs of the City of Bloomington's boards and commissions, and to identify opportunities to enhance their effectiveness and value to the City and community. The recommendations in this report were intended to build upon the boards and commissions' many existing contributions and to enhance the City's community-focused approach to decision-making and operations.

The recommendations in this report will not require any additional staff positions but will require staff time to implement. Our recommendations will enhance the structure of boards and commissions by consolidating those bodies with overlapping purposes and scopes of work; ensuring that proposals for new boards or commissions are thoroughly considered; providing consistency and transparency in communication with applicants and residents; providing training on roles and responsibilities to board and commission members as well as to the City's staff liaisons providing support to them; and by assigning oversight of the entire boards and commission application process and OnBoard™ software to a single City department.

Thank you for the opportunity to work with the City of Bloomington. We are confident that the recommendations in this report will provide a framework to maximize the valuable role of the City's Boards and Commissions and ensure they operate as effectively as possible.

Sincerely,



Michelle Ferguson

Vice President - Organizational Assessment

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Executive Summary

The City of Bloomington, Indiana, is committed to engaging with its residents and ensuring that decisions are made with a robust exchange of ideas from individuals with diverse backgrounds, experiences, and areas of expertise. The City employs a number of tools to connect with residents, but one of its most prominent is its use of boards and commissions. These boards and commissions, which are generally composed of resident volunteers appointed by either the City Council or the Mayor, advise elected officials and provide policy recommendations on a diverse range of matters from conservation to parking to social justice.

These boards and commissions provide valuable perspectives that enhance City initiatives and officials' decision-making. However, as with all City initiatives, the use of boards and commissions represents a cost. The entities are a significant time commitment for volunteer participants, who generally attend one night meeting per month and assist with whatever research or initiatives in which the board or commission is engaging. They also represent an investment of staff time; each board or commission is supported by a designated staff liaison.

There can also be challenges integrating the work of boards and commissions with the broader strategic direction of the City. Members operate independently from the City and may be unaware of larger City goals or initiatives or of the initiatives of other boards or commissions. This may mean that the boards and commissions are not engaging in the work that would be most beneficial to the City overall, or that their work might overlap or conflict with the work of other entities. Members of the boards and commissions also function as informal representatives of the City, which creates the risk that their actions or messaging may not align with City values.

Boards and commissions serve an important role in the community. For these reasons, it is important to carefully evaluate the structure, purpose, and practices of boards and commissions to maximize their benefit to the community. While it is important to provide opportunities for community engagement to the decision-making process, it is also important to ensure that limited City staff capacity is not diverted from delivering other priority City programs and services.

One strategy to maximize their benefit is to address current areas of overlap in what boards and commissions focus upon. Some of the City's boards and commissions are closely related to one another, which creates complications. This report addresses overlap between the Parking Commission, Traffic Commission, and Bicycle and Pedestrian Safety Commission, as well as overlap between the Environmental Commission and the Sustainability Commission. In both cases the decisions of one group impact the others and the same proposal is often brought to multiple groups for their review. The same staff also often support multiple groups, limiting their capacity for other work. Restructuring these entities into a single environmental group and a single transportation group would reduce overlap and allow the groups' members to consider environmental or traffic issues more holistically.

This report also recommends strategies to increase the transparency of City boards and commissions. Currently, different boards and commissions have different levels of communication with the public. For example, some post video recordings of their meetings and others do not. Some post meeting agendas and minutes in a timely manner while others do not keep their publicly available meeting materials up to date. These discrepancies can create confusion for the public and be a barrier to public contributions to these forums. Additionally, current board and commission members report a lack of transparency in the application process, which can potentially deter individuals from participating. The City can mitigate these issues by establishing communication standards for all boards and commissions as well as taking steps to increase the transparency of the application process, such as communicating regularly with candidates on the status of their application.

Another opportunity is to clarify the roles of both board and commission members and their City staff liaisons, and to equip members and liaisons with the resources they need to be successful. There is currently no formal onboarding process for board or commission members, and no formal training for staff liaisons. This results in a lack of clarity among both groups surrounding their obligations to the community and to each other as well as the regulations they are expected to follow. Creating formal training programs to clarify and educate members and liaisons on these roles will help equip both staff and volunteers with the skills and confidence to operate the boards and commissions as effectively as possible.

The following report provides more details on these recommendations, as listed in the table below.

Table 1: List of Report Recommendations

Number	Recommendation
Board and Commission Structure	
1	Merge the Commission on Sustainability and the Environmental Commission.
2	Merge the Parking Commission, Traffic Commission, and Bicycle and Pedestrian Safety Commission.
3	Consolidate park, recreation and urban forestry related commissions under the Board of Park Commissioners.
Strategic Focus of Boards and Commissions	
4	Evaluate the business case for any potential new board or commission before its creation.
5	Require a brief annual report to the Mayor and City Council from each board and commission to ensure the work aligns with the City goals.
Communication and Transparency	
6	Require all boards and commissions to record audio or video of their meetings and to post meeting materials to the City website in a timely manner.
7	Establish a formal, transparent application process for boards and commissions that includes regular communication with applicants.
Training and Onboarding	
8	Develop a formal onboarding program for new board and commission members.
9	Define the role of staff liaisons to boards and commissions and develop a formal onboarding program.
10	Assign oversight of the board and commission process to a designated position.

Introduction

Background and Methodology

In 2020, the City of Bloomington retained the services of The Novak Consulting Group, a part of Raftelis, to conduct an assessment of the City of Bloomington’s boards and commissions. The purpose of this study was to review potential areas of overlap among various boards and commissions and to recommend an overall structure that maximizes the value of the boards and commissions to the City and to the community as a whole.

To accomplish these tasks, the project team interviewed and conducted focus groups with Chairs of 18 boards and commissions and 24 City staff liaisons in order to understand their thoughts on the efficacy of the current structure and on the workload for both staff and board and commission members. All board and commission Chairs had the opportunity to provide input. Interviews were conducted by email, over phone, or by video, due to the impacts of the COVID-19 pandemic. Additionally, the project team reviewed and analyzed documents and materials provided by City staff, such as board and commission agendas and minutes, and the City charter.

The team also reviewed the structure and scope of boards and commissions benchmark cities. Benchmarks were chosen because they are communities in Indiana and have a population size between approximately 50,000 and 250,000. Specific benchmarks are listed in the table below.

Table 2: Benchmark Cities in Indiana

City	Population ¹
City of Bloomington	85,755
City of Fishers	95,310
City of Fort Wayne	270,402
City of Lawrence	49,462
City of South Bend	102,026

About Boards and Commissions

The membership, role, and authority of the City of Bloomington’s boards and commissions can vary significantly. Some are required under state law (“statutory”), while others are formed by the City in response to unmet needs.

Some entities have the power to make decisions or to help direct City operations. The Board of Parks Commissioners, for example, has jurisdiction over all City parks and makes decisions on the acquisition, use, and maintenance of parkland.

Other entities are purely advisory in nature. The City’s Bicycle and Pedestrian Safety Commission, for example, provides reports and recommendations on walkability and bikability to the Mayor and City Council but have no authority to enact any recommended policies or initiatives.

Although the scope and powers of boards and commissions vary, at their most basic level, they are volunteer bodies

¹ Source: United States Census 2019 Population Estimates Program

consisting of City residents appointed by the City’s elected officials. These entities provide an opportunity for the elected officials to engage with residents and to be exposed to a broad range of ideas and opinions. Many board and commission participants also have experience or technical expertise in the body’s area of focus, and elected officials benefit from this expertise when making policy decisions.

Boards and commissions are also directly supported by City staff. Each commission is assigned a staff liaison who is tasked with providing a wide range of support functions to board and commission volunteers. For example, they are tasked with managing the agenda and meeting minute documentation and publication processes, coordinating board and commission research, and serving as the link between volunteers and the broader City government. These duties require a significant commitment of staff time; however, the amount of staff time dedicated to these functions varies by board and commission. The following summarizes the current distribution of boards and commissions as well as estimates of staff time requirements associated with each.

Bloomington’s Boards and Commissions

As of June 2021, the City of Bloomington has nearly 50 boards and commissions, listed in the table below by topic. The table also notes which entities are required by Indiana State statute to maintain current City operations.

Table 3: City of Bloomington Boards and Commissions

Topic Area	Board/Commission	Required by Indiana Statute?
Culture and Society	Bloomington Arts Commission	No
	Commission on Aging	No
	Commission on Hispanic and Latino Affairs	No
	Commission on the Status of Black Males	No
	Commission on the Status of Children & Youth	No
	Commission on the Status of Women	No
	Human Rights Commission	No
	Jack Hopkins Social Services Funding Committee	No
	Martin Luther King Jr. Birthday Commission	No
Monroe County Domestic Violence Coalition	No	
Development Services	Board of Zoning Appeals	Yes
	Plan Commission	Yes
	Historic Preservation Commission	Yes
	Hearing Officer	No
	Metropolitan Planning Organization (MPO) Citizens Advisory Committee	No
	MPO Policy Committee	No
	MPO Technical Advisory Committee	No
Plat Committee	No	
Economic Development	Economic Development Commission	Yes
	BIDAC (Bloomington Industrial Development Advisory Commission)	Yes

Topic Area	Board/Commission	Required by Indiana Statute?
	Redevelopment Commission	Yes
	Urban Enterprise Association	Yes
	CDBG (Community Development Block Grants) Funding Citizens Advisory Committee	No
	Farmers' Market Advisory Council	No
Environment	Commission on Sustainability	No
	Environmental Commission	No
Government	Citizens Redistricting Advisory Commission	No
Housing	Housing Authority Board	No
	Housing Quality Appeals Board	No
Information Technology	Bloomington Digital Underground Advisory Committee	No
Parks and Recreation	Board of Park Commissioners	Yes
	Banneker Advisory Council	No
	Cascades Golf Course Advisory Council	No
	Environmental Resources Advisory Council	No
	Tree Commission	No
Public Works	Board of Public Works	Yes
	Animal Control Commission	No
	Bicycle and Pedestrian Safety Commission	No
	Council for Community Accessibility	No
	Parking Commission	No
	Traffic Commission	No
Safety	Board of Public Safety	Yes
	Firefighters Pension Board	Yes
	Police Pension Board	Yes
	Public Safety Local Income Tax Committee of the Monroe County Local Income Tax Council	Yes
	Community Advisory on Public Safety Commission	No
	Dispatch Policy Board	No
Transportation	Public Transportation Corporation Board of Directors	Yes
Utilities	Utilities Service Board	No

A total of 14 of the City of Bloomington's boards and commissions are required by statute in order to maintain the City's current operations. For example, the City's Urban Enterprise Association is required by Indiana statute in order for the City to operate its Bloomington Urban Enterprise Zone, where residents and businesses receive tax incentives and grants to spur economic development. Indiana statute has specific requirements for this Association,

and if it were to be abolished, the City would no longer be able to operate its Enterprise Zone.² Because the scope and structure of these 14 entities are prescribed by statute, this report does not recommend any organizational changes. The report also does not recommend changes to any of the six county or regional entities to which the City belongs, such as the Dispatch Policy Board shared between the City of Bloomington and Monroe County. The scope and purpose of the remaining 32³ non-statutory local entities are described in the sections below.

CULTURAL BOARDS AND COMMISSIONS

The City maintains 10 boards and commissions intended to help address social or cultural issues in the community. All are voluntary. One, the Monroe County Domestic Violence Coalition, is a County-wide initiative. The local entities are listed in the table below, along with their purpose. In addition, an estimate of staff liaison time for each board and commission is included as Appendix A.

Table 4: Cultural Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
Bloomington Arts Commission	Cultivates community participation in the arts through grants, advocacy, and other programs	Administers grants for the arts
Commission on Aging	Raises awareness of issues surrounding aging and cultivates programming for seniors	Advisory
Commission on Hispanic and Latino Affairs	Researches issues impacting the Hispanic and Latino community and works to identify solutions	Advisory
Commission on the Status of Black Males	Researches issues impacting Black males and works to identify solutions	Advisory
Commission on the Status of Children & Youth	Makes recommendations for systems and initiatives that support children and youth	Advisory
Commission on the Status of Women	Researches issues impacting women and works to identify solutions	Advisory
Human Rights Commission	Enforces the Bloomington Human Rights Ordinance	Investigates claims of employment, housing, or educational discrimination
Jack Hopkins Social Services Funding Committee	Provides funding to social service agencies to help City residents in need	Administers grant funding
Martin Luther King Jr. Birthday Commission	Commemorates the life of Dr. Martin Luther King, Jr. through events and programming	Sponsors events and programming

The staff capacity required to support these entities varies significantly, from one to two hours per week for the Human Rights Commission to up to 40 hours per week for the Bloomington Arts Commission depending upon time of year or upcoming events. On average, staff spend approximately 14 hours per week supporting each of the boards and commissions in this category. This includes staff liaison time, agenda preparation coordination time from support personnel, and dedicated research projects resulting from board and commission initiatives.

Five of the entities are advisory, meaning that they make recommendations to City staff and officials on policy matters but have no formal decision-making authority. They generally have other roles as well, such as to advocate for issues in the community, but they have no direct control over funding, policy, or operations.

The other four entities do have some decision-making authority: the Bloomington Arts Commission awards grants to support arts in the community, the Human Rights Commission investigates reports of discrimination, the Jack

² Indiana Code § 5-28-15-13

³ One entity, the Public Safety Local Income Tax Committee of the Monroe County Local Income Tax Council is both regional and statutory.

Hopkins Social Services Funding Committee administers grant funds to social service agencies, and the Martin Luther King Jr. Birthday Commission sponsors events and other initiatives.

PLANNING AND DEVELOPMENT BOARDS AND COMMISSIONS

Five boards and commissions assist the City in enforcing its planning and zoning ordinances; three of them, the Plan Commission, Board of Zoning Appeals, and Historic Preservation Commission, are required by State statute. Additionally, the City participates in three committees that support the region’s Metropolitan Planning Organization (MPO): the MPO Citizens Advisory Committee, Policy Committee, and Technical Advisory Committee. The other voluntary local entities assisting the City with planning, zoning, and development issues are listed in the table below.

Table 5: Planning and Development Services Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
Hearing Officer	Makes the final decision on certain variances and conditional use purposes	Decision-making authority
Plat Committee	Makes the final decision on preliminary and final subdivision requests	Decision-making authority

Both the Hearing Officer and Plat Committee require similar levels of support. Staff estimate they spend two to three hours per week, on average, on responsibilities associated with each body. Both have some level of decision-making authority, with the Hearing Officer making final decisions on certain variances and conditional use permits and the Plat Committee making the final decision on subdivision requests.

ECONOMIC DEVELOPMENT AND HOUSING BOARDS AND COMMISSIONS

Four boards and commissions are required by State statute in order for the City to carry out its economic development initiatives: the Bloomington Industrial Development Advisory Commission, the Economic Development Commission, the Redevelopment Commission, and the Urban Enterprise Association. Additionally, the City voluntarily operates four boards and commissions related to economic development and housing, as listed in the table below.

Table 6: Economic Development and Housing Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
CDBG Funding Citizens Advisory Committee	Recommends Community Development Block Grant (CDBG) funding for community projects	Advisory
Farmers’ Market Advisory Council	Advises the Board of Parks Commissioners on policy relating to the Farmers’ Market	Advisory
Housing Authority Board	Governs a public-corporate entity managing low-income housing programs	Manages low-income housing programs
Housing Quality Appeals Board	Hears appeals to decisions made as part of the Residential Rental Unit and Lodging Establishment Inspection Program	Decision-making authority

An estimate of staff time was only available for one of the four bodies: staff estimate that supporting the Housing Appeals Board requires approximately nine to 10 hours of work per week. Two of the bodies, the CDBG Funding Citizens Advisory Committee and the Farmers’ Market Advisory Council are purely advisory and have no policy or operational authority. Of the remaining, the Housing Authority Board is responsible for administering the City’s low-income housing programs and the Housing Quality Appeals Board hears and makes decisions on appeals to decisions made as part of the City’s rental inspection program.

ENVIRONMENTAL AND PARKS AND RECREATION BOARDS AND COMMISSIONS

The City is statutorily required to operate a Board of Park Commissioners tasked with overseeing City parks. Additionally, the City voluntarily operates six boards and commissions related to parks, recreation, and the environment, as listed in the table below.

Table 7: Environmental and Parks and Recreation Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
Banneker Advisory Council	Provides community feedback on management of the Banneker Community Center	Advisory
Cascades Golf Course Advisory Council	Provides community feedback on management of the Cascades Golf Course	Advisory
Commission on Sustainability	Researches and promotes sustainability initiatives to promote environmental health, economic development, and social equity	Advisory
Environmental Commission	Advises the City on how its actions may impact the environment and researches environmental topics	Advisory
Environmental Resources Advisory Council	Advises the Board of Park Commissioners on operations of City natural areas	Advisory
Tree Commission	Advises the City Landscaper and Board of Parks Commissioners on urban forestry and develops recommended forestry policies	Advisory

The time required to support these bodies varies significantly, from one to two hours per week for the Tree Commission and Commission on Sustainability to as many as 22 hours per week for the Environmental Commission. All six of these entities are advisory in nature.

PUBLIC WORKS BOARDS AND COMMISSIONS

The Board of Public Works, which is required by State statute, is responsible for overseeing operations of the City of Bloomington’s Public Works Department. Additionally, the City voluntarily operates five boards and commissions related to Public Works, as listed in the table below.

Table 8: Public Works Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
Animal Control Commission	Establishes policies for humane animal control, reviews actions of the senior animal control officer, and recommends ordinances to the City	Establishment of standards for animal treatment
Bicycle and Pedestrian Safety Commission	Researches and develops bicycle and pedestrian safety programs and advises the City on these issues	Advisory
Council for Community Accessibility	Advocates for the interests of people with disabilities	Advisory
Parking Commission	Researches parking issues and advises the City on administration and enforcement of parking regulations	Advisory
Traffic Commission	Researches and educates the public on traffic matters and advises the City on ways to improve traffic conditions	Advisory

The time commitment to support these commissions ranges from one to two hours per week for the Bicycle and Pedestrian Safety Commission to as many as 20 hours per week for the Animal Control Commission. On average, staff spend approximately 11 hours per week supporting each entity.

All of the voluntary Public Works boards and commissions are advisory in nature, with the exception of the Animal Control Commission. The Animal Control Commission has the authority to set standards for animal treatment in the City as well as to review the decisions and actions of the City’s senior animal control officer.

OTHER BOARDS AND COMMISSIONS

Other statutorily required boards and commissions operated by the City include the Public Transportation Corporation Board of Directors and three public safety entities: the Board of Public Safety, the Firefighters Pension Board, and the Police Pension Board. The City also participates in two regional public safety groups: the Dispatch Policy Board and the Public Safety Local Income Tax Committee. Finally, the City voluntarily operates four other boards and commissions, as listed in the table below.

Table 9: Other Boards and Commissions Not Required by Statute

Entity	Purpose	Authority
Bloomington Digital Underground Advisory Committee	Advises the City on management of the Bloomington Digital Underground fiberoptic cable system	Advisory
Citizen's Redistricting Advisory Commission	Recommends new boundaries to divide the City of Bloomington into six council districts	Advisory
Community Advisory on Public Safety Commission	Researches the community's perceptions and preferences on public safety issues and researches alternatives to traditional policing	Advisory
Utilities Service Board	Oversees the Utilities Department	Management of Department operations

Three of these entities are advisory in nature. The fourth, the Utilities Service Board, is responsible for managing day-to-day operations for the City's Utilities Department and requires two to three hours per week of staff support.

ADMINISTRATION OF BOARDS AND COMMISSIONS

Responsibility for the boards and commissions process is shared across City departments in an informal manner. The City utilizes OnBoard™ software for the board and commission application and agenda process, including processing applications, maintaining membership records, and storing agendas, minutes, and other documents.

When interested in serving on a board or commission, residents submit an application and resumé online through the OnBoard system. Applications are routed for review to the correct appointing authority (Mayor or City Council) for consideration. Once appointed, the applicant is notified by the City. The OnBoard system is the location of contact information used by the City should a member need to be contacted.

Once members are appointed and notified, the City employee staff liaisons who provide support to each board or commission are expected to maintain and update the data in the OnBoard system for their board/commission, including member contact information. Staff liaisons prepare agendas and upload them to OnBoard and the City's website. Staff liaisons serve as the primary City contact for board and commission members after appointment.

Analysis and Recommendations

The City's boards and commissions play an important civic role in the City of Bloomington. They provide a structure and framework for active residents to engage with the policy development process and provide a pathway for the City to capitalize on the diverse skill sets and civic commitment of City residents. Though these are important characteristics, there is still a need to ensure that the focus and attention of boards and commissions is well organized and coordinated and that staff capacity exists to support their mission and focus. While each of the City's advisory bodies serves an important purpose, there are opportunities to consolidate some boards and commissions to create more coordinated and strategic policy focus and ensure that its staff time is applied efficiently and effectively.

Boards and Commissions Structure

Currently, there are a number of existing boards and commissions that have overlapping or shared focus areas. For example, the Bicycle and Pedestrian Safety Commission, Parking Commission, and Traffic Commission all relate to transportation issues, and the Environmental Commission and the Commission on Sustainability are focused on elements of environmental stewardship and sustainability.

This overlap creates several issues. One concern is the narrowness of scope of some of these overlapping bodies. This prevents board and commission members from considering the broader impacts of a particular recommendation or proposal. For example, the Traffic Commission may recommend a proposed street project because it will reduce traffic delays in a particular area, without considering that the proposal would also reduce available parking in the area and impact the neighborhood's walkability. This type of situation also raises the possibility of conflicting opinions or direction on a topic from multiple boards and commissions.

Overlap also impacts staff time. In cases where several boards and commissions have similar scope, the same staff are sometimes tasked with supporting multiple boards and commissions, which limits their capacity to complete other work. Some proposals must be reviewed by multiple boards and commissions. Presenting the same proposal to multiple groups creates additional work for staff, because, for each of these reviews, staff must prepare a separate agenda item and presentation. Additionally, multiple reviews increase the time it takes for a proposal to be adopted.

Overlapping scopes may also impact the ability of the City to find dedicated participants to serve on each board and commission. Serving on these bodies is a time commitment and there is a limited pool of residents within the City with the capacity to serve who also have an interest in the board or commission's particular scope. The more boards and commissions on a single topic, like the environment, the greater the need for people with both an interest in environmental issues and a willingness to serve. The City may not be able to find enough individuals able to meet that need for multiple boards and commissions, which could impact the number of vacancies on City boards and commissions.

Finally, overlapping boards and commissions may create an obstacle to public participation. For example, if an individual wishes to make a comment on an environmental issue, it may not be clear whether the comment should be directed to the Commission on Sustainability or the Environmental Commission. This lack of clarity can create confusion and deter the community from becoming involved.

The City can address these concerns by regularly reviewing the scopes of individual boards and commissions, identifying areas of overlap, and addressing these areas by merging similar entities or by further differentiating their scopes. The following recommendations identify three opportunities to merge existing boards and commissions while also improving the board and commission management and appointment process.

Recommendation 1: Merge the Commission on Sustainability and the Environmental Commission.

The purpose of the Environmental Commission, per City Code, is “to achieve and maintain such levels of environmental quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and conveniences of the people, promote the economic and social development of Bloomington and facilitate the enjoyment of the natural attractions of the City of Bloomington.”⁴

The purpose of the Commission on Sustainability, per City Code is “to promote sustainable socio-environmental-economic well-being of Bloomington and all its inhabitants” by reducing use of nonrenewable natural resources and waste production while also improving liability.⁵

These two entities share the same essential goal: to improve quality of life for Bloomington residents by protecting the environment and natural resources. This can result in overlap between the scopes of work in the two commissions. For example, the Environmental Commission’s Environmental Action Plan contains several Objectives related to sustainability, including:⁶

- Promote informed energy retrofit and consumption decision-making.
- Build a renewable energy portfolio in Bloomington.
- Reduce the amount of waste going to the landfill by 15 percent.

This level of overlap is a concern, as previously discussed in the Introduction section of this report. Overlapping scopes creates the possibility for conflicting direction and could potentially deter the public from participating. Additionally, dividing environmental management responsibilities across two commissions may not be the most appropriate structure for developing effective environmental strategy. Sustainability is a subset of a broader commitment by the City of Bloomington to protect and enhance the natural environment. Sustainability is an important aspect of that commitment, but should be part of a holistic environmental strategy. The two groups do work together on some projects, but not consistently. By dividing responsibility for sustainability and for other environmental management functions among two different groups, the City may be missing out on opportunities to develop more comprehensive environmental strategies.

To address this overlap and allow for the development of more comprehensive environmental strategies, the City should amend its charter to merge the Commission on Sustainability into the Environmental Commission. This change will help consolidate responsibility and leadership on environmental issues into one area and create a natural point of contact on environmental issues for staff, the Mayor, the Council, and members of the public. To begin, the City can simply combine the two groups (resulting in a large group) so as not to remove current members or lose any technical expertise or specific representations but can move to a smaller size (as outlined in the Charter revision) over time through attrition of the members as terms expire.

⁴ City of Bloomington Municipal Code § 2.12.050

⁵ City of Bloomington Municipal Code § 2.12.100

⁶ Environmental Commission. “Bloomington Environmental Action Plan.” p. 11.

https://bloomington.in.gov/sites/default/files/2017-05/Bloomington_Environmental_Action_Plan.pdf

Recommendation 2: Merge the Parking Commission, Traffic Commission, and Bicycle and Pedestrian Safety Commission.

The purpose of the Parking Commission, per City Code, is to “make recommendations on parking policy” and “To coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.”⁷

The purpose of the Traffic Commission, per City Code, is to “coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.”⁸

Finally, the purpose of the Bicycle and Pedestrian Safety Commission, per City Code, is to “promote and encourage bicycling, walking and running in a safe and efficient manner in the City of Bloomington for the purpose of health, recreation and transportation.”⁹

While these scopes do not overlap as significantly as the Environmental and Sustainability Commissions do, each of these areas have the potential to impact the other. There is limited land and transportation infrastructure available in Bloomington, and it is up to the City to decide how to use it most effectively; more lanes in a road to reduce traffic, for example, may eliminate parking spaces, or narrow the sidewalks and reduce walkability. For this reason, proposals for changes to infrastructure or transportation policy must often be presented to multiple bodies for review and recommendation. For example, as of March 2021, the City Council is considering a proposed ordinance that would increase the number of intersections in the City where right turns at red lights are restricted.¹⁰ The question of whether or not to allow turns at red lights impacts both traffic and pedestrian safety, and so in January 2021 the same proposed ordinance was reviewed by the Bicycle and Pedestrian Safety Commission on January 11¹¹ and then by the Traffic Commission two weeks later.¹² In both cases, staff were required to prepare memos and presentations to the Commissions and to attend the Commissions to answer questions. Re-submitting the same proposal to multiple groups increases approval time and reduces staff capacity for other work.

Having three Commissions with narrow scopes also limits their ability to consider issues comprehensively. The City wants to reduce traffic, ensure adequate parking, and promote walking and biking, but these goals must be balanced against each other to identify the optimal transportation structure for the City. The Traffic, Parking, and Bicycle and Pedestrian Safety Commissions each focus on a single area and thus do not have the capacity to consider this balance.

There also may not be enough City residents with both the time to attend Commission meetings and an interest in transportation issues to populate all three Commissions effectively. As of March 2021, three of the nine Parking Commission seats are vacant, three of the nine Traffic Commission seats are vacant, and two of the nine Bicycle and

⁷ City of Bloomington Municipal Code § 2.12.110

⁸ City of Bloomington Municipal Code § 2.12.070

⁹ City of Bloomington Municipal Code § 2.12.080

¹⁰ City of Bloomington. “Common Council Legislative Packet.” March 17, 2021. p. 235.

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=8547

¹¹ City of Bloomington. “Bicycle and Pedestrian Safety Commission Agenda.” January 11, 2021.

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=8113

¹² City of Bloomington. “Traffic Commission Agenda.” January 27, 2021.

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=8200

Pedestrian Safety Commission seats are vacant. This level of vacancy is a concern because it limits the capacity of the commissions for research and deliberation as well as limits the range of ideas and backgrounds among members. It also creates the risk of being unable to reach quorum at meetings. In both the Parking and Traffic Commissions, a quorum is not met if just two of the current members do not attend.

These vacancies may not be directly caused by the existence of the three commissions, but the issue could be mitigated by merging the three commissions into a single Transportation Commission addressing traffic, parking, and bicycle and pedestrian safety. Instead of filling seats on three commissions, the City would only have to fill seats on one, creating less risk of vacancies. Again, the City could begin with combining membership of all three commissions to form a single larger commission and move to a smaller size through attrition over time.

A Transportation Commission could address issues comprehensively, increasing the value of its recommendations and making it easier for the public to attend one meeting to address all aspects of transportation-related agenda items. A single commission would also reduce staff time spent supporting the current commissions and preparing presentations for multiple commissions on the same issue.

Recommendation 3: Consolidate park, recreation and urban forestry related commissions under the Board of Park Commissioners.

The City of Bloomington, like all cities in Indiana, is required to operate a Board of Park Commissioners consisting of four board members appointed by the Mayor. According to State statute, the Board of Park Commissioners approves budget revenues and expenditures, passes bond issues, acquires and improves property, adopts new programs, establishes management policy and regulations, and provides a public venue for community debate and input regarding park and recreation resources in the community. This commission has authority within that context. However, the City has also established a number of additional related boards that fall under the general rubric of parks and natural spaces.

The Environmental Resources Advisory Council advises the Board of Park Commissioners on the environmental impact of park operations within the City's natural areas. The Tree Commission advises the City Landscaper and Board of Parks Commissioners on urban forestry and develops recommended forestry policies. The Cascades Golf Course Advisory Council provides community feedback regarding the management of the Cascades golf course. The Banneker Advisory Council provides feedback regarding management of the Banneker Community Center.

Each of these advisory councils provides feedback regarding a specialized subset of general park, recreation, and natural resource management. In highly specialized focus areas such as urban forestry and sensitive environmental areas management, policy and operations are primarily driven by subject matter experts among City staff. As such, the role and responsibilities of Tree Commission and Environmental Resources Advisory Council can be effectively subsumed with the Board of Park Commissioners while still ensuring that adequate attention is paid to these important areas.

The Banneker Advisory Council and Cascades Golf Course Advisory Council are primarily special interest citizen advocacy groups. These advocacy groups can continue; however, they should be eliminated as City supported commissions and management/advocacy of these groups taken over as grass roots advocacy organizations. Oversight and management of these areas will continue under the purview of City staff and the Board of Park Commissioners.

Strategic Focus of Boards and Commissions

Boards and commissions are valuable tools for local governments, but they also represent a significant investment of time and resources, particularly time spent by City staff. Each of the City’s boards and commissions requires City staff support to operate. The type and level of support varies depending on the purpose and authority of the commission, but commonly includes staff support in writing agendas and minutes, advising the body on legal and other policy matters, and carrying out research and projects at the board or commission’s direction. Staff time is a valuable resource for a City, and the more boards and commissions that exist, the greater the time spent supporting them.

In some cases, the project team was able to obtain estimates from City of Bloomington staff about the time commitment involved in supporting each board and commission. Based on this feedback, the average board or commission requires approximately 10 hours per week in staff support, with statutory entities requiring slightly more staff time and county or regional entities requiring somewhat less, as illustrated in the following table.

Table 10: Average Board and Commission Staff Support

Board/Commission Type	Number of Entities	Average Estimated Staff Time per Week	Estimated Total Time per Week Required to Support All Entities	Number of Staff Positions Required to Support All Entities
Statutory	13	12 hours	152 hours	3.8
Regional	6	4 hours	26 hours	0.6
Local, Voluntary	30	10 hours	312 hours	7.8
Grand Total	49	10 hours	490 hours	12.2

Overall, the City devotes the labor equivalent of approximately 12 staff positions to supporting its boards and commissions. This represents a significant investment; if each position costs the City an average of \$65,000 per year for salary and benefits, the City is dedicating more than \$500,000 per year to its voluntary commissions alone. Additionally, the time that employees are spending supporting these bodies limits their capacity for other City work.

It is appropriate for staff to support board and commission operations. However, it is also important to note the investment that each board and commission requires and ensure that staff time and City resources are being used as effectively as possible to meet the City’s overall needs. For this reason, it is vital for the Mayor and Council to carefully monitor the work produced by boards and commissions and to carefully consider the business case before creating a new board or commission, as discussed in the recommendations below.

Recommendation 4: Evaluate the business case for any potential new board or commission before its creation.

Under the current framework for establishing new boards or commissions, the City Council and Mayor broadly discuss the advantages and disadvantages to forming any entity before action is taken, but there is no formal process in place for evaluating whether the entity will bring net positive value for the City and how the new entity will integrate with the existing structure and focus of boards and commissions. The Council and Mayor have ultimate authority over what bodies are created but establishing specific criteria for consideration will help ensure that all issues are considered before a new board or commission is enacted. Specifically, when the City is considering a proposal for a new board or commission it should evaluate the following:

- **Is the proposed board/commission required by State statute?** If the answer to this question is yes, then the entity must be created.

- **What is the specific purpose and scope of the proposed board/commission? How will it support City goals?** This question should be carefully defined to ensure that the board or commission would add value and that its scope is clear.
- **Is the scope of the proposed board/commission part of or closely aligned with the scope of an existing entity?** If the answer is yes, the topic should be handled by the existing entity, unless a clear case can be made for why a second board or commission is necessary.
- **What staff position or positions will be supporting the proposed board or commission? What is the estimated staff time that supporting the new board or commission will require? Is this achievable with the employees' existing capacity?** The City should carefully consider the staff commitment created by the proposed new board or commission and evaluate whether this commitment is achievable.
- **What other potential methods does the City have for getting feedback from the community on this topic? Is the creation of a board/commission the most appropriate option for receiving input?** One of the primary roles of a board or commission is to gather input from the community, but other community engagement options may exist that may provide a broader range of feedback. For example, a limited-term task force with a finite duration may be sufficient, or a Citywide or targeted survey may be sufficient to get input on a topic.

When a new board or commission is proposed, either by elected officials or staff, staff from the Clerk's Office should work with the office of the requesting official and the department(s) that would support the proposed board or commission to develop a written memo addressing each of these questions. Based on the results of the memo, the Council and Mayor should carefully evaluate the appropriate next steps.

Recommendation 5: Require a brief annual report to the Mayor and City Council to ensure the work aligns with the City goals.

The process through which boards and commissions update the Mayor and City Council on their activities is not consistent. Some entities, like the Parking Commission, are required by City ordinance to prepare an annual report to the Mayor and Council.¹³ In other cases such a report is not required, but the board or commission still voluntarily presents an annual report to the elected officials. Finally, some boards and commissions have no regular reporting schedule.

Boards and commissions generally serve at the behest of the Mayor and Council and were created to provide public input and research on City actions and initiatives. They also represent a significant investment of staff time and resources. For these reasons it is vital that the Mayor and Council understand how the boards and commissions are spending their time and have an opportunity to evaluate whether these activities effectively align with the board or commission's scope and with the City's goals. It also is a means to acknowledge and respond to the work being done by these volunteer members. Because some entities currently do not submit reports, the Mayor and Council do not have an opportunity to comprehensively review board and commission activities.

The Mayor and Council should amend the City Code to require every active board and commission to prepare a brief, summarized annual report of its activities. The reports should all be due at the same time to facilitate a comprehensive review of the entities' activities as a whole. The report should be concise, both to facilitate the Mayor and Council's review and to limit the staff time spent to prepare them. Some boards and commissions already prepare an annual report; in some cases, this is apparently a considerable effort. While it is important for a report to be done, the report itself should not require significant time and effort of members or City staff. It should convey basic information on the work being done and the future plans of the board or commission in order to inform City Council.

¹³ City of Bloomington Municipal Code § 2.12.110

All reports should follow a standardized template to ensure that the appropriate information is being provided. At a minimum, the template report should include:

- A concise summary of the board or commission’s top activities from the previous year, including initiatives, accomplishments, and policy recommendations.
- A brief explanation on how these activities align with City goals.
- A concise summary of the board or commission’s plans for the upcoming year.

The Mayor and Council should review the reports to ensure that the boards and commissions remain an effective use of City resources, and that the board and commission activities align with City goals and with each other. These annual reviews should also be an opportunity to identify areas of potential overlap between entities and consider whether any restructuring is warranted.

Communication and Transparency

One of the primary purposes of boards and commissions is as a tool for engaging with the public. Community members who serve on boards and commissions have the opportunity to provide input on topics of importance to them, and the City gains the benefit of their opinions, expertise, and experience.

However, this form of engagement has limitations. Membership on boards and commissions is generally confined to individuals who are engaged enough to hear about board or commission openings and to seek out the application. It is also limited to those who have the available time and transportation to attend in-person meetings,¹⁴ often monthly and often at night, as well as to review meeting materials and complete other associated work. This practice excludes many individuals who may want to provide input on a topic but are either unaware of the board or commission’s existence or do not have the ability to attend meetings. Meetings are generally open to the public, so these individuals would have the opportunity to comment, but this requires them to keep track of meeting times and to have the availability and transportation to attend.

Boards and commissions still serve an important role for public engagement, but it is vital for the City to implement strategies to maximize the transparency of boards and commissions to make it as easy as possible for those who wish to participate. This includes ensuring that the public has access to timely information about the boards and commissions, that information on board and commission openings is widely disseminated, and that the application process is transparent, as discussed in the following recommendations.

Recommendation 6: Require all boards and commissions to record audio or video of their meetings and to post meeting materials to the City website in a timely manner.

Communications practices among boards and commissions vary. Some, like the Bloomington Human Rights Commission, maintain active social media pages, while others do not. Some, like the Bloomington Arts Commission, record video of their meetings, others do not. There is also no standard for when meeting materials are posted on the City’s website, and different boards and commissions’ practices vary significantly.

The City of Bloomington’s large number of boards and commissions are evidence of its commitment to public engagement, but the current board and commission communication practices limit the public’s ability to interact with these groups. If meeting agendas are not posted before meetings take place, a community member has no way of knowing what will be discussed, and therefore no way of knowing if the entity will be discussing a topic of interest to them. If no video or audio is recorded, members of the public have no way to understand the details of what is

¹⁴ Meetings have become virtual during the COVID-19 pandemic, but the previous practice was to meet in person.

being discussed without attending meetings in person, which may not be feasible for some. Without recorded video or audio, staff liaisons have no detailed record of the meeting to refer back to if questions arise about a previous meetings' discussions.

Members should not determine the communication mechanisms used; this should be a matter of City policy. The City should address these concerns by standardizing communications and transparency requirements for its boards and commissions. The City passed an ordinance in February 2021 requiring all boards and commissions to post the entity's scope, purpose, membership duties, and other information online, which is an important step ensuring transparency.¹⁵ The City should also adopt other regulations to maximize public engagement, including:

- Requiring boards and commissions to record audio or video of meetings and to post the recordings on the City website.
- Requiring boards and commissions to post an agenda for an upcoming meeting at least three business days before the meeting.
- Requiring boards and commissions to post preliminary minutes from a meeting within three weeks after the meeting.

Adopting these changes will help the public better understand the work that these boards and commissions do and allow for greater public participation. They will also help the City demonstrate its commitment to transparency and engagement and ensure that the boards and commissions are as valuable a tool as possible to enhance the well-being of the community.

Recommendation 7: Establish a formal, transparent application process for boards and commissions that includes regular communication with applicants.

The current process for filling board or commission vacancies, per City Code,¹⁶ is as follows:

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 2.01.010 about the board or commission [name, purpose, current membership and terms, eligibility requirements, members' duties, time commitment, compensation]. The announcement shall also include a statement on how to apply for the vacant position(s).

The announcement shall be sent to the mayor's office in the case of a mayoral appointment and to the common council office in the case of a council appointment. Upon receiving the announcement, those offices shall edit them as necessary. They shall then be sent, together with a statement on how to apply for the position, to the local media.

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.

¹⁵ City of Bloomington. Ordinance 21-03. February 17, 2021.

https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=5582

¹⁶ City of Bloomington Municipal Code § 2.02

Historically, when a position became vacant or would soon become vacant, the board or commission and its staff liaison would be responsible for preparing this summary and submitting it to the appointing authority, which could be the Mayor or Council, for review and approval. However, in February 2021 the City Code was amended to require this information to be posted on the City website at all times.¹⁷

After the appointing authority receives the summary for a vacant position, they are responsible for sending an announcement to local media outlets with information on the position as well as directions on how to apply. City code requires the announcement to be made at least one month before the expiration of an appointment, or immediately upon an unexpected vacancy.¹⁸

Residents can apply for appointments via an online form through the City's OnBoard software that asks for details on why the resident is interested in the appointment and any qualifications they have to serve.¹⁹ However, the specific process for reviewing candidates is not defined, and the Mayor and City Council could choose to waive this application for a specific candidate. The appointing authority also chooses the level of engagement they have with a candidate. This means that the evaluation process varies; some members report applying and interviewing for their appointment while others report being offered the position without a formal application or interview process. The appointing authority is not allowed to make an appointment until at least 15 days after the vacancy announcement's release, unless the Mayor declares the need for an emergency appointment.²⁰ A process map illustrating the current application process is available as Appendix B.

There are several challenges associated with the current process. One is the strategy for advertising vacant positions. Currently, the City is only required to distribute information about the vacancy to local media sources. The information is also posted on the board and commissions page of the City website. This generally limits the individuals who will see it to those who are already engaged in local news or City government. While attracting engaged individuals is important, they may not accurately represent the scope of voices or backgrounds that would allow a board or commission to be most effective. One of the roles of a board or commission is to serve as the public's voice, but if it only represents a subset of that public, its efficacy is limited. Some City staff state that they mitigate this issue by marketing vacancies on their boards or commissions to specific individuals who they feel would bring an important perspective. This commitment to diverse voices is admirable, but it may not capture the true range of opinions and experiences that exist in a community. This practice also contributes to a perception, mentioned by many board and commission members interviewed for this review, that an individual has to "know someone" in order to be appointed.

A second concern is that there is currently no formal process to communicate with candidates about the status of their application. Candidates receive no regular updates about their application, and no information about the next steps in the process. Some individuals spoken with reported waiting many months without hearing anything before being contacted about moving forward. This process creates confusion and frustration, reflects poorly upon the City, and may dissuade individuals from applying for or participating in other government functions.

A third concern is that there is no formal process in place to manage long-standing vacancies. Vacancy information is sent to the media once, and then the appointment is kept open until however long it takes to be filled. The City does not currently track vacancy lengths, but members of boards and commissions report instances of vacancies being open for many months. It is generally the Mayor or City Council's prerogative on whether to move forward with a

¹⁷ City of Bloomington. Ordinance 21-03. February 17, 2021.

https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=5582

¹⁸ City of Bloomington Municipal Code § 2.02.020

¹⁹ City of Bloomington. "Apply." <https://bloomington.in.gov/onboard/applicants/apply>

²⁰ City of Bloomington Municipal Code § 2.02.030

board or commission appointment, but long-standing vacancies limit the capacity of a board or commission to do work, restrict the range of ideas and opinions among members, and increase the risk that a meeting will not be able to reach quorum.

Finally, a fourth concern is that the majority of reappointments across all boards and commissions occur at the start of the calendar year. This results in a significant workload for staff across the City, but particularly for the City Clerk, Office of the Mayor, and City Council as they work to receive, review, and process numerous applications and bring new members onboard. The end of the calendar year also coincides with the holiday season when staff often take time out of the office, further limiting their capacity to process board and commission applications and to evaluate candidates.

The City can address these issues through some changes to the application process to ensure that it is as transparent and equitable as possible. One important step is to carefully consider how best to get the most effective membership on a particular board or commission with individuals representing a diverse range of backgrounds and opinions. One way to do this is to expand the locations where vacancies are posted beyond local media to include relevant City social media pages community centers, or neighborhood associations to expand the audience who may see them and wish to apply. Additionally, each vacancy should be treated as an opportunity to evaluate the current membership, identify gaps in their experience or background, and develop a strategy for targeting individuals who may fill those gaps. This may mean reaching out to specific organizations for assistance in filling the vacancy, posting the vacancy on targeted social media pages, or other strategies. For example, if there is a vacancy in a specific board or commission, and the bulk of the current members are retirees, one goal may be to increase the diversity of ages on the board or commission. A strategy for reaching that goal may be to reach out to the local university about posting the vacancy on its job boards to attract participation from students. The City may also consider term limits in some cases to ensure that turnover brings new ideas and perspectives.

The City should also set up automated processes in OnBoard, the system currently used to accept board and commission applications, to automatically notify candidates via email when their application is received, and to provide regular updates about the application review process. The initial message should confirm to candidates that the City has received their application and should provide some details on next steps. It should also identify a specific contact whom the applicant can call with any questions. Additionally, the system should be automated to send follow-ups to candidates, both at regular intervals and when there has been any change in their application status. This change will increase transparency of the process and reassure candidates that their application is being considered.

The City can address the issue of long-standing vacancies by tracking the number of days a seat has been vacant and regularly reporting these vacancies to the Mayor and Council. The City should also establish a process of re-evaluating vacant positions every three months and considering strategies to move forward with filling the position. The vacancy information should be re-sent to local media and re-posted on social media, for example, and the City should also consider if there are any additional avenues to help publicize the vacancy and find a suitable candidate. In some cases, it might also be an opportunity to evaluate the qualifications and time commitment expectations for the position and to consider whether a more fundamental change to the entity's membership is required. This will help ensure that longstanding vacancies are not forgotten in favor of newer issues and increase the likelihood of suitable members of the community finding the vacancy and applying.

Finally, to mitigate impacts on staff for the filling of vacancies and reappointments, the City should consider staggering the appointment times so that the majority of member terms do not occur at the start of the year, as is the case now. By dividing up the boards and commissions and appointing them on a quarterly basis, the reappointment process is more manageable.

In summary, the City should modify its application process to:

- Define specific backgrounds, skill sets, and/or interest of members that it wishes to attract and develop a communications plan to specifically target individuals in that group (while ensuring that the vacancy application process is open to all who are interested).
- Automate messages to applicants on the status of their application.
- Track and regularly re-evaluate longstanding vacancies to develop strategies to fill them in a timely manner.
- Stagger the appointment process throughout the year.

Appendix C to this report is a process map illustrating these proposed changes. New steps are highlighted in blue.

Training and Onboarding

Previous sections of this report offer recommendations on how to improve the City's board and commission system, but it is important to note that the ultimate efficacy of a board or commission depends on members having the knowledge and support they need in order to serve in their roles effectively. Members should have a comprehensive understanding of their role and how they benefit the City and community as a whole. Staff liaisons who support the members should have the knowledge required to effectively support and guide members and ensure that they have what they need to fulfil the mandate that the Mayor and City Council has set for them. The two recommendations in this section help ensure that both members and staff liaisons are equipped with the tools they need to serve the community as effectively as possible.

Recommendation 8: Develop a formal onboarding program for new board and commission members.

There is currently no formal onboarding process for new members of boards and commissions. The level and nature of onboarding varies from entity to entity. Some members report receiving written materials, such as bylaws, while others report no written materials and a process of slowly learning over time.

There are a number of expectations on board and commission members for how they will conduct themselves as a member of the body. Some of these expectations are specific to the entity itself, such as the role that a member will play and for the time commitment they are expected to give. Other expectations are more universal. City code requires all boards and commissions to follow Roberts Rules of Order during meetings, for example.²¹ Additionally, it requires members to make a commitment to regularly attend board and commission meetings. If a member fails to attend three consecutive meetings or four meetings within a 12-month period, they will be removed from their seat.²² The State of Indiana also imposes public access mandates on certain boards and commissions with authority to take official action on behalf of the governing body,²³ and it is important for all members to understand their transparency and public access obligations under the law.

Additionally, members of boards and commissions function, in some aspects, as representatives of the City government. This affiliation can be an important tool for local governments, as members of boards and commissions can spread accurate information about government programs and advocate for government initiatives within their communities. However, the affiliation also creates risk. If a member of a board or commission says or does something offensive while acting as a representative of that board or commission, many in the community will likely associate that offensive action or opinion with the City itself.

²¹ City of Bloomington Municipal Code § 2.08.020

²² Ibid.

²³ Indiana Code § 5.141-1.5

Such a situation happened in June 2020, when the Bloomington Farmers' Market Advisory Council released a statement during the Black Lives Matter protest that many found to be racially insensitive. The statement was released on the Advisory Council's Facebook page, which bears a logo specifically identifying the Council as being part of "City of Bloomington Parks and Recreation."²⁴ The Office of the Mayor replied to the post, writing that the statement "was not edited or endorsed by the City of Bloomington or the Parks Department."²⁵ However, several commenters expressed skepticism with this statement, with one writing, "What am I missing? Says it right there on the post: City of Bloomington, Parks and [R]ecreation."²⁶ This example illustrates how many see boards and commissions as an extension of the City government and highlights the importance of careful attention to messaging.

It is important that members of boards and commissions have a comprehensive understanding of the rules and expectations associated with their roles. If not, the City risks violations of open meeting laws, or of members disseminating inconsistent, inaccurate, or offensive messaging while acting as City representatives. The current practice of informal onboarding is not the most effective tool for delivering this understanding, because the informal training may not cover all of the topics that a board or commission member needs to know. Several members of boards and commissions interviewed for this report, for example, reported receiving no formal training on open meeting laws.

Formal onboarding training offered by the City would mitigate this issue by ensuring that every member of boards and commissions receives clear, consistent, comprehensive training on the City's expectations. The training should include an overview of the City's boards and commissions system, including which entities exist and how they relate to City government and each other. The training also should include expectations for attendance and participation, as well as on conduct and decorum among meeting members. Additionally, all members should be trained on Roberts Rules of Order, on open meeting laws, and on the City's expectations for meeting transparency and public participation.

The City should also establish specific protocols for how members of boards and commissions should communicate with the public and train members on these protocols. Examples include guidance on when a member can and cannot represent themselves as a member of their board or commission and when and how a board or commission can make use of City branding. The City may also consider additional protocols, like requiring social media posts made on board or commission pages to be first approved by City staff or requiring board or commission social media pages to include a disclaimer that the statements are those of a volunteer body and do not necessarily reflect City policy.

This training should be offered by the City and should be conducted periodically throughout the year. All members of boards and commissions should be required to participate in the training, preferably within three months of their initial appointment. This will help ensure that all members are equipped with the tools they need to serve the City effectively.

This Citywide training should also be supplemented with additional onboarding by the staff liaison for the board or commission itself. Each entity should maintain a shared electronic drive or folder with resource information for new and existing members. Information in the drive or folder should include:

- The board or commission's scope, purpose, and authority, e.g., statutory or advisory

²⁴ Farmers' Market Advisory Council. "Statement from the Broadening Inclusion Group." Facebook. June 5, 2020. <https://www.facebook.com/130635957114110/photos/a.176762475834791/1573728929471465/>

²⁵ Bloomington Office of the Mayor. "Statement from the Broadening Inclusion Group." Facebook. June 5, 2020. <https://www.facebook.com/130635957114110/photos/a.176762475834791/1573728929471465/>

²⁶ Swedran, Cara. Bloomington Office of the Mayor. "Statement from the Broadening Inclusion Group." Facebook. June 5, 2020. <https://www.facebook.com/130635957114110/photos/a.176762475834791/1573728929471465/>

- The role and responsibilities of individual members
- The board or commission’s bylaws
- Information on recent and/or ongoing initiatives
- The meeting structure, including the process for preparing and submitting agenda items
- A glossary of commonly used terms and acronyms
- The roles and responsibilities of staff liaisons, including their names, titles, and contact information
- Any other relevant information specific to the board or commission

It should be the responsibility of staff liaisons to maintain these drives or folders, to provide access to members, and to answer any questions members might have.

Recommendation 9: Define the role of staff liaisons to boards and commissions and develop a formal onboarding program.

There is also no formal training process for liaisons, who generally reported being trained by their predecessor or learning on the job., Staff liaisons are City staff members assigned to chair meetings and assist members in undertaking their work. The role of staff liaison to a board or commission is often informal and generally only a portion of a position’s duties. In some cases, the role is assigned depending on which position or positions have capacity, rather than what is structurally appropriate. There are no formal expectations for the level of support that a staff liaison is expected to give the board or commission or guidelines as to how that support should be prioritized in relation to the liaison’s other work. In some cases, like for the three MPO advisory committees, staff liaisons expressed the belief that assignments from the board or commission take top priority and that there is little or no opportunity to push back if other work creates limited capacity.

Board and commissions members interviewed for this report had almost universally positive feedback about the City staff liaisons they work with, reporting that City staff are dedicated, knowledgeable, and provide the support that the boards and commissions need. However, staff, for their part, reported feeling at times unsure or unprepared about the role they are supposed to play. Some expressed, for example, a lack of knowledge of open meeting laws and how those laws applied to the boards and commissions they support.

This situation creates several challenges. One of the principal roles of a staff liaison should be to ensure that the board or commission is following the law, City ordinances, and its own bylaws. If, however, a liaison is not adequately trained on these regulations, they may not be able to appropriately advise and direct the board or commission in these areas, creating the risk of legal complications or other issues. Furthermore, if liaisons lack clarity on how to balance assignments from boards and commissions with their other work, they may not be working in the way best aligned with their role or with their value to the City.

In order to address these concerns, the first step is to define the role of staff liaisons. The type and extent of the work will vary from liaison to liaison—the role of supporting a decision-making body like the Plan Commission, for example, is more time-intensive than supporting an advisory body like the Tree Commission—but all liaisons should share similar duties. All liaisons should be responsible for developing and maintaining board and commission records, such as meeting agendas and minutes. All liaisons should be responsible for keeping the web page for the board and commission up to date, including posting meeting agendas and minutes in a timely manner and updating membership information as needed. All liaisons should be responsible for ensuring that the appointing authority is notified about an upcoming or unexpected vacancy as soon as possible, and for working with the board or commission to develop a plan to fill that vacancy. All liaisons should be responsible for advising and guiding the Board to ensure that State laws, City ordinances, and board or commission bylaws are followed.

After the City has defined these responsibilities for all liaisons, individual department directors should review the liaison positions within their own department. They should verify that the appropriate position is serving as liaison, as well as evaluate the workload produced by supporting each board or commission and consider whether this workload is appropriate, given the position's other duties. Additionally, they should provide specific guidance for liaisons on how to respond to board or commission requests for assistance and how to balance this assistance with the position's other duties.

After the liaisons' roles and work priorities are clarified, the next step should be for the City Clerk's Office to create a training program for staff liaisons that should be provided periodically to both onboard new liaisons and refresh existing liaisons on their responsibilities and obligations. The training should cover:

- Clarification of the role of liaisons in relation to their boards and commissions
- Standardized formats for agendas and meeting minutes
- Training on the laws and ordinances impacting boards and commission members
- Training on expectations for filling a vacancy
- Training on communication standards for boards and commissions
- Training on use of the OnBoard system

Additionally, each liaison should maintain a library of materials related to the specific board or commission that can be provided to the individual's successor in the role. No liaison should begin work without receiving files and information from the prior staff liaison. Ideally, this information would be kept in a shared drive in the appropriate department.

Recommendation 10: Assign oversight of the board and commission process to a designated position.

There is no specific department or position assigned for oversight of the board and commission system. Per the City Code, boards and commissions and their staff liaisons are responsible for keeping their information up-to-date, and the Mayor and Council are responsible for posting vacancy information and for appointing individuals to fill vacant seats. However, there is no specific position responsible for oversight or for management of the OnBoard software system used to track vacancies, applications, and other board and commission information.

This is a concern because, without a designated individual to ensure that the system is operational, it becomes easy for things to be missed. Board and commission members expressed frustration with the lack of communication during the application process, as discussed in Recommendation 7, and also with the sometimes-longstanding vacancies. Staff in the Office of the Mayor noted that contact information for board and commission members has not been kept updated and thus, when sending notices or information, many are returned in the mail, resulting in additional staff work and delays in notifying the members.

In order for the board and commission system to be managed as effectively as possible, it is appropriate to assign a specific position that takes ownership of the process. This position should be responsible for ensuring that postings for vacant positions are routed to appropriate places, that boards, commissions, and officials adhere to the requirements in City code, that boards and commissions keep their websites up to date, and that applicants are communicated with in a timely manner. The position should also be responsible for maintaining the OnBoard software system, ensuring it is up to date, and addressing any issues that arise. Finally, the position should be responsible for scheduling onboarding training for new board and commission members, as discussed in Recommendation 8.

Creating this designated position will establish a single point of contact for staff and officials to address any issues, as well as for members of the public, including applicants, to address any questions. The most appropriate location for this position is within the City Clerk's Office. The Clerk's duties include maintaining City records²⁷ and maintaining records of board and commission membership and vacancies is an extension of that responsibility. Additionally, the Clerk's Office is already responsible, per City code, for managing any proposals to change term lengths or limits to boards or commissions.²⁸ Finally, the City Clerk is a neutral party, outside of the appointing authorities of the Mayor and City Council.

²⁷ City of Bloomington Municipal Code § 2.04.040

²⁸ City of Bloomington Municipal Code § 2.08.020

Conclusion

This purpose of this review was to assess the scope, structure, and resource needs of the City of Bloomington's boards and commissions, and to identify opportunities to enhance their effectiveness and value to the City and community. The recommendations in this report were intended to build upon the boards and commissions' many existing contributions and to enhance the City's community-focused approach to decision-making and operations. The City is to be commended to its commitment to community engagement. Members of the community are to be commended for the time and passion they have brought to their service on these entities, for the work being done, and for their commitment to make the City of Bloomington the best place possible to live, work, and play for individuals of all backgrounds.

The recommendations in this report will not require any additional staff positions or increased cost. In contrast, it recommends merging the Traffic, Parking, and Bicycle and Pedestrian Safety Commissions, as well as merging the Environment and Sustainability Commissions, and these changes may reduce the staff time spent supporting boards and commissions, freeing up some staff capacity to assist with other operational needs. Should the City Clerk be designated responsible for oversight of the boards and commissions process, staff capacity will need to be determined in that office.

This report provides a framework for the City to maximize the efficacy of its existing board and commissions as well as to evaluate the creation of potential new boards and commissions in the future. In order to be successful these recommendations will require planned, thoughtful implementation.

APPENDIX A:

Estimated Staff Commitment for Each Board and Commission

Topic Area	Board/Commission	Purpose	Estimated Staff Time Commitment per Week (Hours)
Culture and Society	Bloomington Arts Commission	Cultivates community participation in the arts through grants, advocacy, and other programs	25
	Commission on Aging	Raises awareness of issues surrounding aging and cultivates programming for seniors	20
	Commission on Hispanic and Latino Affairs	Researches issues impacting the Hispanic and Latino community and works to identify solutions	23
	Commission on the Status of Black Males	Researches issues impacting Black males and works to identify solutions	11
	Commission on the Status of Children & Youth	Makes recommendations for systems and initiatives that support children and youth	11
	Commission on the Status of Women	Researches issues impacting women and works to identify solutions	20
	Human Rights Commission	Enforces the Bloomington Human Rights Ordinance	1
	Jack Hopkins Social Services Funding Committee	Provides funding to social service agencies to help City residents in need	Not Available
	Martin Luther King Jr. Birthday Commission	Commemorates the life of Dr. Martin Luther King, Jr. through events and programming	2
	Monroe County Domestic Violence Coalition	Advises the City and County on initiatives to improve domestic violence response	Not Available
Development Services	Board of Zoning Appeals	Makes the final decision on variance and conditional use requests	3
	Plan Commission	Makes policy decisions on land use and development and advises the Common Council on the City's development plans and ordinances	6
	Historic Preservation Commission	Educates the community on historic preservation and makes decisions on proposed changes to historic buildings	9
	Hearing Officer	Makes the final decision on certain variances and conditional use purposes	3
	Metropolitan Planning Organization Citizens Advisory Committee	Advises the Bloomington-Monroe County Metropolitan Planning Organization (BMCMPPO) on matters impacting the community	4
	MPO Policy Committee	Advises BMCMPPO on policies, plans, and programs	4
	MPO Technical Advisory Committee	Provides technical advice to BMCMPPO on projects and programs	4
	Plat Committee	Makes the final decision on preliminary and final subdivision requests	3
Economic Development	Economic Development Commission	Uses tools like tax abatements and economic development revenue bonds to stimulate development and redevelopment	8
	BIDAC (Bloomington Industrial Development Advisory Commission)	Oversees the City of Bloomington's two Community Redevelopment Economic Districts	Not Available
	Redevelopment Commission	Oversees the City of Bloomington's Department of Housing and Neighborhood Development	15
	Urban Enterprise Association	Oversees the Bloomington Urban Enterprise Zone	32
	CDBG Funding Citizens Advisory Committee	Recommends Community Development Block Grant (CDBG) funding for community projects	Not Available
	Farmers' Market Advisory Council	Advises the Board of Parks Commissioners on policy relating to the Farmers' Market	Not Available
Environment	Commission on Sustainability	Researches and promotes sustainability initiatives to promote environmental health, economic development, and social equity	2
	Environmental Commission	Advises the City on how its actions may impact the environment and researches environmental topics	22

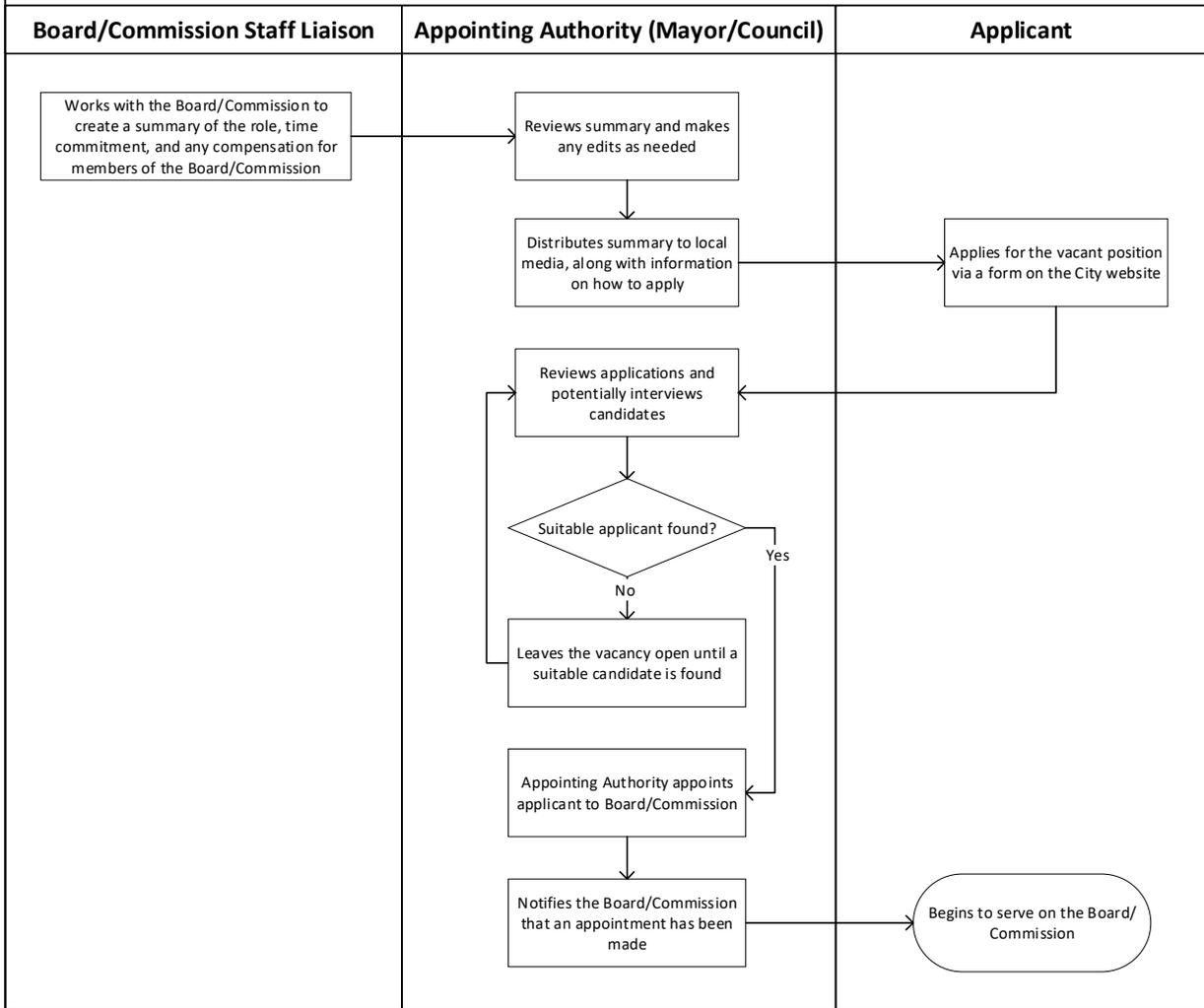
Topic Area	Board/Commission	Purpose	Estimated Staff Time Commitment per Week (Hours)
Government	Citizens Redistricting Advisory Commission	Recommends new boundaries to divide the City of Bloomington into six council districts	Not Available
Housing	Housing Authority Board	Governs a public-corporate entity managing low-income housing programs	Not Available
	Housing Quality Appeals Board	Hears appeals to decisions made as part of the Residential Rental Unit and Lodging Establishment Inspection Program	9
Information Technology	Bloomington Digital Underground Advisory Committee	Advises the City on management of the Bloomington Digital Underground fiberoptic cable system	Not Available
Parks and Recreation	Board of Park Commissioners	Sets park policy and oversees the City of Bloomington Parks and Recreation Department	15
	Banneker Advisory Council	Provides community feedback on management of the Banneker Community Center	Not Available
	Cascades Golf Course Advisory Council	Provides community feedback on management of the Cascades Golf Course	Not Available
	Environmental Resources Advisory Council	Advises the Board of Park Commissioners on operations of City natural areas	Not Available
	Tree Commission	Advises the City Landscaper and Board of Parks Commissioners on urban forestry and develops recommended forestry policies	2
Public Works	Board of Public Works	Oversees the Bloomington Public Works Department	20
	Animal Control Commission	Establishes policies for humane animal control, reviews actions of the senior animal control officer, and recommends ordinances to the City	18
	Bicycle and Pedestrian Safety Commission	Researches and develops bicycle and pedestrian safety programs and advises the City on these issues	2
	Council for Community Accessibility	Advocates for the interests of people with disabilities	25
	Parking Commission	Researches parking issues and advises the City on administration and enforcement of parking regulations	4
	Traffic Commission	Researches and educates the public on traffic matters and advises the City on ways to improve traffic conditions	5
Safety	Board of Public Safety	Oversees the Bloomington Police and Fire Departments	7
	Firefighters Pension Board	Oversees the Firefighters Pension Fund	Not Available
	Police Pension Board	Oversees the Police Pension Fund	4
	Public Safety Local Income Tax Committee of the Monroe County Local Income Tax Council	Adopts local incomes takes rates for public safety services in Monroe County	Not Available
	Community Advisory on Public Safety Commission	Researches the community's perceptions and preferences on public safety issues and researches alternatives to traditional policing	Not Available
	Dispatch Policy Board	Oversees the City's emergency dispatch function	4
Transportation	Public Transportation Corporation Board of Directors	Manages the Bloomington Transit System	Not Available
Utilities	Utilities Service Board	Oversees the Utilities Department	3

APPENDIX B:

Current Application and Onboarding Process

City of Bloomington Boards and Commissions: Current Application and Onboarding Process

Summary must be released to the media at least one month before a vacancy, if vacancy is planned

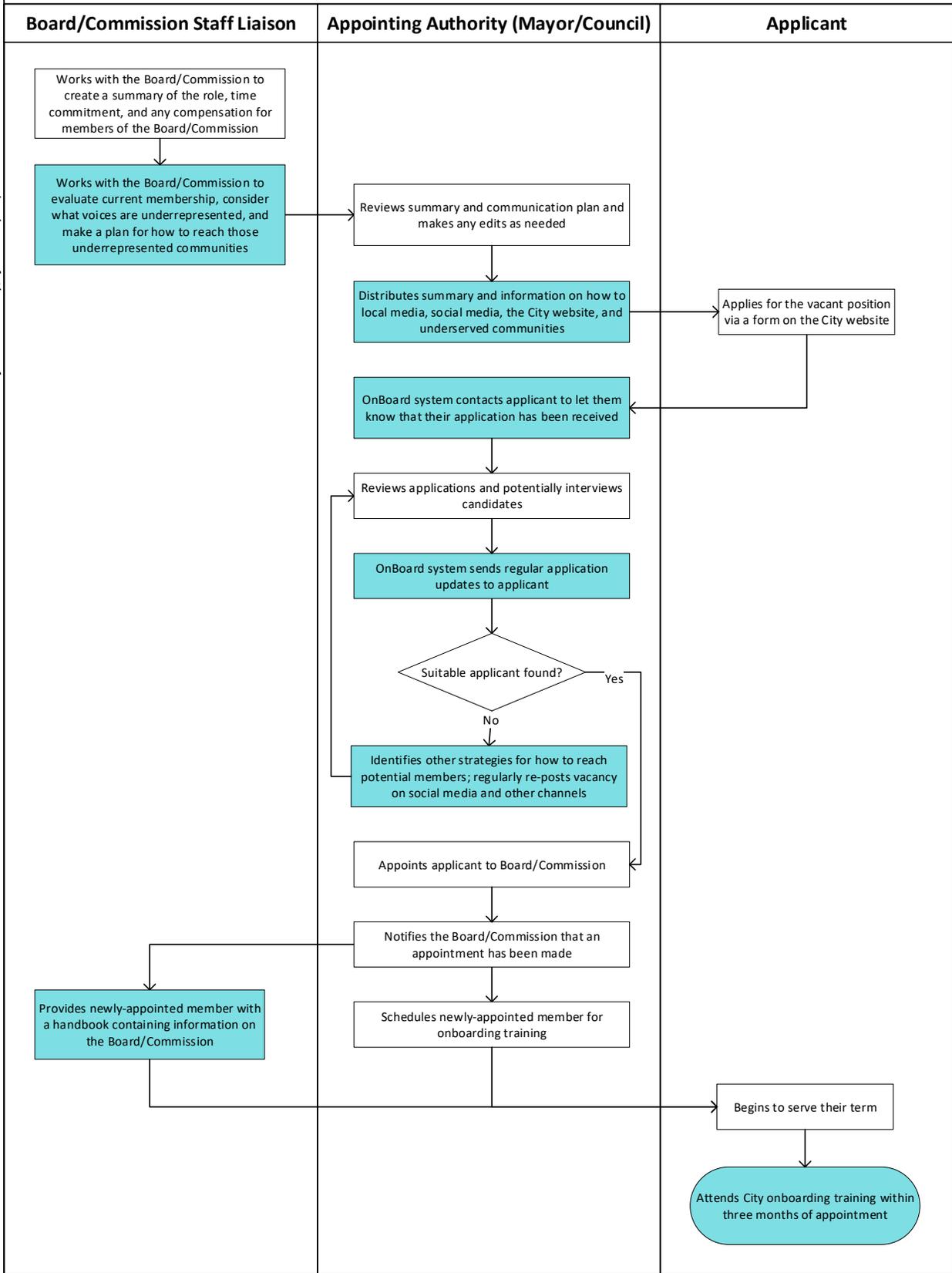


Applicant cannot be selected until at least 15 days after the vacancy was sent to the media

APPENDIX C:

Proposed Application and Onboarding Process

City of Bloomington Boards and Commissions: Proposed Application and Onboarding Process



Summary must be released to the media at least one month before a vacancy, if vacancy is planned

Applicant cannot be selected until at least 15 days after the vacancy was sent to the media



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Ordinance 23-31 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding Section 2.23.240 - Closed Captioning in Places of Public Accommodation

Synopsis

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

Relevant Materials

- Ordinance 23-31
- Memo to the Council from Cm. Volan, District 6, Sponsor
- Closed Captions Quick Guide – prepared by the Indiana Association of the Deaf and the Hearing Loss Association of America

Summary

Ordinance 23-31 would amend [Chapter 2.23](#) ("Community and Family Resources Department") of the Bloomington Municipal Code ("BMC") to add a new Section 2.23.240, entitled "Closed Captioning in Places of Public Accommodation". This ordinance is sponsored by Cm. Volan and has been developed in coordination with several individuals, including the city's Special Projects Coordinator Michael Shermis and Holly Elkins, working with the Indiana Association of the Deaf.

The Bloomington/Monroe County Human Rights Commission considered this proposal at its meeting on November 20, 2023 and recommended passage of the ordinance. Likewise, the Council for Community Accessibility considered the ordinance at a meeting on November 27, 2023 and recommended adoption.

The proposed regulation would require places of public accommodation within the City of Bloomington to enable closed captioning on capable televisions that are in use in public places during regular business hours. Bloomington Municipal Code already defines public accommodation for purposes of the human rights ordinance as any establishment which offers its services, facilities, or goods to the general public.



Ordinance 23-31 provides certain exceptions to the general requirement, as follows:

- a television that is turned off does not need to be turned on to comply with the ordinance;
- a place of public accommodation is not required to provide a television;
- a place of public accommodation is not required to upgrade or replace a television that is incapable of displaying closed captions; and
- if two or more televisions are displaying the same channel or program, then only one of every five televisions must have closed captioning enabled (or two of every ten televisions, etc., with consideration for spacing out those televisions).

Enforcement of this requirement would be handled through a complaint process handled by the Bloomington/Monroe County Human Rights Commission (“Commission”). The Commission has an established enforcement procedure that allows it, among other powers, to investigate complaints, to make probable cause determinations (in coordination with the Legal Department), to schedule public hearings, to reach consent agreements with relevant parties, and to issue temporary or permanent orders.

More information about the Commission, its membership, and its processes is available online at <https://bloomington.in.gov/boards/human-rights>.

Several cities and states across the United States have enacted similar requirements, including [Boston, MA](#); [Salt Lake City, UT](#); [Rochester, NY](#); [Ann Arbor, MI](#); [Toledo, OH](#); [Portland, OR](#); and [San Francisco, CA](#). States with similar regulations include [Washington](#) and [Maryland](#). An Indiana House Bill ([H.B. 1390](#)) that would have added similar requirements to state law was offered in 2023 but did not make it out of committee.

The ordinance’s impact would include a possible increase in workload for the Commission and the city staff that support the Commission. The amount of additional work would depend, among other things, on the number of complaints submitted to the city. If existing staff capacity is insufficient to implement the ordinance, the administration could request additional resources, which would depend on future legislative action.

Contact

Councilmember Steve Volan, volans@bloomington.in.gov, 812-349-3409

Common Council Office, council@bloomington.in.gov, 812-349-3409

ORDINANCE 23-31

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"ADMINISTRATION AND PERSONNEL"
- Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding
Section 2.23.240 - Closed Captioning in Places of Public Accommodation**

WHEREAS, pursuant to its home rule power, the City of Bloomington may promote the quality of life, health, safety, and welfare of its citizens; and

WHEREAS, Bloomington Municipal Code 2.23.110 states that it is the public policy of the City of Bloomington to provide all citizens equal opportunity to access public accommodations; and

WHEREAS, the City of Bloomington's Comprehensive Plan was adopted on March 20, 2018 and provides a long-range vision for the community; and

WHEREAS, the Comprehensive Plan includes the following:

Goal 1.1 Inclusivity (p.28): Prioritize programs and strategies that support inclusive recreational and cultural activities.

Policy 1.1.2: Continue and enhance programs that embrace Bloomington's diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.

Goal 2.3 Resilient Public Spaces (p.39): Ensure public spaces are of high quality, engaging, and active.

Policy 2.3.2: Ensure public spaces are accessible to all ages and abilities and serve to connect all generations.

Policy 2.3.3: Ensure public spaces and facilities are well-maintained and frequently updated and that these spaces and facilities are responsive to cultural and technological changes.

WHEREAS, the lack of communication access to the audio content on television programming in public places presents a barrier for individuals with certain disabilities; and

WHEREAS, television's audible content has not been accessible to some individuals, including persons who are deaf, hard of hearing, have hearing loss, have developmental disabilities, have sensory disabilities, are non-native English speakers, and others; and

WHEREAS, when businesses enable the "closed captions" function on their televisions, a transcript of the program's audio content is shown scrolling across a portion of the screen; and

WHEREAS, visible captions would reduce or eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on television programming in all of Bloomington's public places; and

WHEREAS, visible captions would also increase access to information for the general public, because televisions are often located in crowded and noisy commercial spaces where everybody may have difficulty hearing;

WHEREAS, the Bloomington/Monroe County Human Rights Commission and the Council for Community Accessibility considered this ordinance at meetings on November 20, 2023 and November 27, 2023, respectively, and recommend its passage;

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

SECTION 1. Bloomington Municipal Code Chapter 2.23 entitled “Community and Family Resources Department” shall be amended by inserting Section 2.23.240, entitled “Closed Captioning in Places of Public Accommodation”, with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.23.240 - Closed Captioning in Places of Public Accommodation.

- (a) Purpose and Applicability. The purpose of this Section is to expand access to closed captioning in places of public accommodation within the corporate boundaries of the City of Bloomington.
- (b) Definitions. When used in this section, the following terms shall have the following meanings:
 - (1) “Closed captioning” means a transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.
 - (2) “Closed captioning television receiver” (CCTR) means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.
 - (3) “Place of public accommodation” has the meaning set forth at Bloomington Municipal Code 2.23.120(23) for the term “public accommodation”.
 - (4) “Regular hours” means the hours of any day in which a place of public accommodation is generally open to members of the general public.
 - (5) “Responsible Person” means an owner, employee, manager, or agent with the authority to control a closed captioning television receiver in a place of public accommodation.
- (c) Activation of Closed Captioning.
 - (1) A responsible person at a place of public accommodation in the City of Bloomington must activate and leave activated closed captioning on any closed captioning television receivers in use in any part of the place of public accommodation that is open to the general public at all times during regular business hours.
 - (2) Exceptions. A responsible person is not required to:
 - (A) power on a CCTR that is powered off;
 - (B) provide a CCTR in a place of public accommodation;
 - (C) upgrade or replace a receiver of television programming that is incapable of displaying closed captioning; or
 - (D) activate closed captioning on more than one of every five CCTRs displaying the identical channel or program, more than two of every ten CCTRs, and so on. If two or more CCTRs under this rule have closed captioning activated, they shall not be adjacent to each other.
- (d) Enforcement.
 - (1) An individual may allege a violation of Section 2.23.240 by filing a complaint with the Bloomington/Monroe County Human Rights Commission (“Human Rights Commission”).
 - (2) The Human Rights Commission shall have the authority to investigate complaints brought before it and to issue appropriate orders pursuant to Bloomington Municipal Code 2.23.

(e) Other Applicable Laws. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

SECTION 2. If any section, sentence or 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 3. This ordinance shall be in full force and effect beginning on January 1, 2025.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, 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 _____ day of _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

To: Council

From: Steve Volan, Councilmember, District VI

Date: December 1, 2023

Re: Ordinance 23-31: closed captioning in public accommodations

This ordinance adds Section 2.23.240 to Bloomington Municipal Code to require that any establishments that display television programming in their places of business for the benefit of customers, clients or patients should have closed captioning active on those TVs whenever they are open to the public.

"Places of public accommodation"

BMC 2.23.120 (23) defines a "public accommodation" as "any establishment which offers its services, facilities, or goods to the general public." The most likely place people are likely to think of as a place of public accommodation where this ordinance would apply is a bar or restaurant with TVs showing sporting events, news channels or entertainment programming. But places with televisions in their lobbies, sales floors or waiting rooms also count as public accommodations, like big-box stores with TVs for sale; banks; hotels; entertainment centers like cinemas, bowling alleys or pool halls; hospitals, medical offices, and barber and beauty shops. In short, any place that provides TV programming as a service to their patrons, patients or clients should be turning on the closed captioning feature as a matter of course. (Thanks to the permanent establishment of hybrid meetings through Zoom software, the Common Council already complies with the letter and spirit of this ordinance.)

Specifics

The ordinance would require those places of public accommodation with TVs to turn on captioning during their operating hours, whether those be "normal business hours" from 9 to 5 weekdays, whenever waiting rooms or sales floors are open, or 24 hours a day in the case of some medical facilities. Captioning would not need to be on before or after hours if only employees are present. Enforcement would be handled in the same way as any potential Human Rights violation: in response to a complaint, and addressed through the city's adjudication process for such complaints.

While captioning may seem to the casual observer like a requirement too trivial to be deserving of an ordinance, it's significant to those with hearing loss. It removes a barrier, relieves an obligation to request accommodation to be treated equally in public, and relieves the indignity of having to reveal, explain or justify the need for accommodation. And it serves everyone who is temporarily unable to hear TVs in crowded and noisy public environments.

There are also reasonable exceptions to this requirement. An establishment does not need to power a TV on if it is off, or replace, upgrade or modify a TV that does not have captioning ability. In places with a wall of TVs like a bar or big-box store, only one TV in five must have captioning on. These exceptions underscore the very modest obligation the city is placing on public place providers -- once they press a certain button sequence, they can forget about it.

Origin of the ordinance

On the heels of working with Michael Shermis, the city's Human Rights Director, on Res. 23-11, earlier this year to enshrine Accessible Transportation and Mobility Principles into the city's Transportation Plan, he brought to my attention the Indiana Association of the Deaf's interest in a closed-captioning ordinance. They have for several years been lobbying for a statewide requirement at the General Assembly without success, and have turned instead toward trying to get local communities to pass ordinances to require closed-captioning.

A very informative August meeting occurred during which I and Christopher Emge of the Chamber of Commerce met with Mike Chin and Stephanie Thorpe of the civil rights office in Seattle where they passed a captioning ordinance, to learn more about their outreach to Seattle-area businesses and other entities to inform them of their ordinance's requirements.

The ordinance before you has been endorsed by the Council for Community Accessibility and the Bloomington/Monroe County Human Rights Commission. I've been working with Holly Elkins, the IAD's Legislative Chair who lives in Bloomington, and Mr. Shermis to get the fine points right. The original draft of the ordinance contemplated a two-year phase-in and education period for local establishments, but the IAD and CCA both recommended a start date of January 1, 2025, which I now also endorse.

I want to thank them and everyone else who has contributed to the discussion for their efforts. This particularly includes Stephen Lucas and Ash Kulak from Council staff, who have done excellent work to research and prepare the language for this final ordinance I'm sponsoring. They've made my final term in office a very satisfying experience, and I'll miss working with them.

#

In conclusion, I encourage your support of Ordinance 23-31. It's a reasonable and modest change to city code that has broad support. It also furthers our Comprehensive Plan's goals of inclusivity and resilience in our public spaces by making them more accessible. It would be a positive and constructive final ordinance for this Council to approve.

#



CLOSED CAPTIONS QUICK GUIDE

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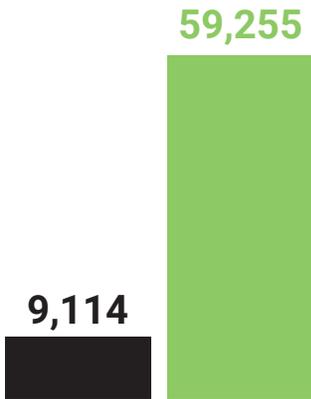


Indiana Association of the Deaf
www.iadhoosiers.org

Hearing Loss Association of America
www.hlaa-indianapolis.org
080



EMERGENT LEARNERS



550%
Students:
 Indiana's English learner (EL) population growth between 1999 and 2018.



24%
 EL STUDENTS ARE IMMIGRANTS
K-12 SCHOOLS

-The Teacher Educator: Volume 53, 2018. Issue 3: Immigration and Teacher Education



52,000+

DISABLED VETERANS

Indiana Dept. of Veterans Affairs



1,428,132

DISABLED ADULTS

Centers for Disease and Control (CDC)



960,000+

SENIOR CITIZENS

-AARP Indiana

500,000+ DEAF, DEAFBLIND, HARD OF HEARING

-2010 Census

2021 TV Viewership: Nielsen Ratings



5,574,000



5,484,000



4,077,000



3,683,000



1,618,000



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 1, 2023

Re: Appropriation Ordinance 23-08 - To Specially Appropriate from the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Vehicle Replacement Fund, Solid Waste Fund and Fleet Maintenance Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement Fund)

Synopsis

This ordinance appropriates various transfers of funds within the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Cumulative Capital Development Fund, Solid Waste Fund and the Fleet Maintenance Fund. It also appropriates additional funds from the General Fund, Rental Inspection Fund and Vehicle Replacement Fund.

Relevant Materials

- Appropriation Ordinance 23-08
- Staff Memo from Cheryl Gilliland, Director of Auditing and Financial Systems
- Notice to Taxpayers

Summary

Appropriation Ordinance 23-08 would authorize transfers between major budget classifications for most of the city's departments across eight different funds. It would also authorize additional appropriations totaling \$460,000 by approving expenditures of \$280,000 in the Housing and Neighborhood Development Department out of the Rental Inspection Program Fund and \$180,000 in the Controller's Office out of the Vehicle Replacement Fund.

This is a proposal often referred to as the end-of-year appropriation ordinance. For several years, the Council has considered appropriation requests during at least three occasions in a given year. The first occasion has generally been a "reversion" appropriation ordinance, where some of the funds reverted at the end of the previous year are appropriated for departmental and city-wide purposes for the current year.

The second occasion includes the "budget" ordinances, which estimate the tax rates and revenues and propose expenditures for the following year. There were three budget appropriation ordinances proposed and adopted by the Council earlier this year.



The last occasion has been the “end-of-year” appropriation ordinance, which shifts, increases, or decreases appropriations to address budgetary needs for the latter part of the current year.

In the past, end-of-year appropriation ordinances have proposed transfers: 1) within departments who wish to move monies between major budget classifications, and 2) from departments with an anticipated budget surplus to those departments that anticipate shortages. This year, the legislation also includes requests for additional appropriations in the amount of \$460,000 across two different funds – Rental Inspection Program Fund and Vehicle Replacement Fund). Please consult the supporting memorandum from Cheryl Gilliland for details on the nature and rationale of each transfer or additional appropriation.

[Indiana Code 36-4-7-8](#) provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the City’s tax levy that was set as part of the annual budgeting process. The additional appropriations requested by [Appropriation Ordinance 23-08](#) should not result in such an increase to the City’s tax levy.

Indiana Code 36-4-7-8 also permits the legislative body, by ordinance, to decrease any appropriation. Recall that currently, within certain bounds, departments may transfer monies within a classification without Council authorization, but any transfer between classifications requires Council authorization. Budget Classifications are as follows: 1 (Personnel Services), 2 (Supplies), 3 (Services and Charges), and 4 (Capital).

[Indiana Code 6-1.1-17-3](#) requires a public hearing to be held before additional appropriations can be made, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for this appropriation ordinance is set for the Regular Session on December 13, 2023.

In order to provide historical context, the table below lists the last ten end-of-year appropriation ordinances along with the grand total additional appropriations out of the General Fund and out of all funds combined.

Year & Appropriation Ordinance	General Fund Grand Total Additional Appropriation	All Funds Grand Total Additional Appropriation
2022 – App Ord 22-05	\$0	\$828,000
2021 – App Ord 21-05	\$281,940	\$2,241,274
2020 – App Ord 20-07	\$871,400	\$1,630,400
2019 – App Ord 19-08	\$0	\$430,000
2018 – App Ord 18-06	\$0	\$497,030
2017 – App Ord 17-06	\$0	\$750,800
2016 – App Ord 16-07	\$40,600	\$525,600
2015 – App Ord 15-06	\$0	\$632,640
2014 – App Ord 14-06	\$0	\$282,551
2013 – App Ord 13-04	\$0	\$264,813



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Contacts

Jeffrey Underwood, Controller, 812-349-3412, underwoj@bloomington.in.gov

Jeff McMillian, Deputy Controller, 812-349-3412, mcmilij@bloomington.in.gov

Cheryl Gilliland, Director of Auditing & Financial Systems, 812-349-3412,

cheryl.gilliland@bloomington.in.gov

APPROPRIATION ORDINANCE 23-08

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, ECONOMIC DEVELOPMENT LIT FUND, PARKS AND RECREATION GENERAL FUND, THE RENTAL INSPECTION PROGRAM FUND, LOCAL ROAD AND STREET FUND, PARKING FACILITIES FUND, CUMULATIVE CAPITAL DEVELOPMENT FUND, VEHICLE REPLACEMENT FUND, SOLID WASTE FUND AND FLEET MAINTENANCE FUND EXPENDITURES NOT OTHERWISE APPROPRIATED
(Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Cumulative Capital Development Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the Rental Inspection Program Fund and Vehicle Replacement Fund)**

- WHEREAS, various Departments within the General Fund desire to transfer Classifications – 1, 2, 3 & 4 amounts for Personnel Services, Supplies, Services and Charges, and Capital Replacement not included in the adopted budgets and to increase their budgets; and
- WHEREAS, the Human Resources Department desires to transfer funds from Classification – 1 Personnel Services to Classification – 2 Supplies and to Classification – 3 Services and Charges in the Economic Development LIT Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Parks and Recreation Department desires to transfer funds in the Parks and Recreation General Fund budget from Classification – 3 Services and Charges to Classification – 4 Capital for expenditures not included in the adopted budget; and
- WHEREAS, the Housing & Neighborhood Development (HAND) Department desires to increase its budget in Classification – 3 Services and Charges in its Rental Inspection Program Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Street Division desires to transfer funds from Classification – 3 Services and Charges to Classification – 2 Supplies in the Local Road and Street Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Parking Services Division desires to transfer funds from Classification – 3 Services and Charges to Classification – 1 Personnel Services in the Parking Facilities Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in its Cumulative Capital Development Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Office of the Controller desires to increase its budget in Classification – 4 Capital in its Vehicle Replacement Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Sanitation Division desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in its budget for the Solid Waste Fund for expenditures not included in the adopted budget; and
- WHEREAS, the Public Works – Fleet Division desires to transfer funds from Classification – 2 Supplies to Classification – 3 Services and Charges in its budget for the Fleet Maintenance Fund for expenditures not included in the adopted budget; and
- WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and
- WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund (F101)	
General Fund – Animal Care & Control	
Classification – 3 Services and Charges	13,840
Classification – 4 Capital	95,000
	108,840
Total General Fund – AC&C	
	108,840
General Fund – Public Works Administration	
Classification – 2 Supplies	9,000
Classification – 3 Services and Charges	546,000
Classification – 4 Capital	(30,000)
	525,000
Total General Fund – PWA	
	525,000
General Fund – Clerk	
Classification – 1 Personnel Services	(10,000)
Classification – 2 Supplies	2,000
Classification – 3 Services and Charges	8,000
	-
Total General Fund – Clerk	
	-
General Fund – Economic and Sustainable Development	
Classification – 1 Personnel Services	(58,000)
Classification – 3 Services and Charges	60,690
	2,690
Total General Fund – ESD	
	2,690
General Fund – Common Council	
Classification – 1 Personnel Services	2,500
Classification – 3 Services and Charges	(2,500)
	-
Total General Fund – Common Council	
	-
General Fund – Office of the Controller	
Classification – 3 Services and Charges	(80,955)
	(80,955)
Total General Fund – Office of the Controller	
	(80,955)

General Fund – Engineering

Classification – 1 Personnel Services	(30,000)
Classification – 2 Supplies	15,000
Classification – 3 Services and Charges	<u>15,000</u>
Total General Fund – Engineering	<u>-</u>

General Fund – Fire

Classification – 1 Personnel Services	70,000
Classification – 2 Supplies	(14,000)
Classification – 3 Services and Charges	<u>(165,000)</u>
Total General Fund – Fire	<u>(109,000)</u>

General Fund –CFRD

Classification – 1 Personnel Services	<u>(30,000)</u>
Total General Fund – CFRD	<u>(30,000)</u>

General Fund – Legal

Classification – 1 Personnel Services	(20,000)
Classification – 3 Services and Charges	<u>90,000</u>
Total General Fund – Legal	<u>70,000</u>

General Fund – Office of the Mayor

Classification – 1 Personnel Services	34,050
Classification – 2 Supplies	(12,460)
Classification – 3 Services and Charges	<u>6,890</u>
Total General Fund – OOTM	<u>28,480</u>

General Fund – Human Resources

Classification – 1 Personnel Services	(459,000)
Classification – 2 Supplies	-
Classification – 3 Services and Charges	<u>924,931</u>
Total General Fund – HR	<u>465,931</u>

General Fund – Planning and Transportation

Classification – 1 Personnel Services	(43,906)
Classification – 2 Supplies	(5,000)
Classification – 3 Services and Charges	<u>(100,500)</u>
Total General Fund – P&T	<u>(149,406)</u>

General Fund – Police

Classification – 1 Personnel Services	(870,000)
Classification – 3 Services and Charges	<u>60,000</u>
Total General Fund – Police	<u>(810,000)</u>

General Fund – HAND

Classification – 1 Personnel Services	<u>58,420</u>
Total General Fund – HAND	<u>58,420</u>

General Fund – Facilities Maintenance

Classification – 3 Services and Charges	45,000
Classification – 4 Capital	<u>(45,000)</u>
Total General Fund – Facilities Maint.	<u>-</u>

General Fund – Information &
Technology Services

Classification – 1 Personnel Services	(50,000)
Classification – 3 Services and Charges	(20,000)
Classification – 4 Capital	<u>(10,000)</u>
Total General Fund – ITS	<u>(80,000)</u>

Grand Total General Fund (F101)

-

**Economic Development LIT Fund -
Human Resources Department**

Classification – 1 Personnel Services	(180,000)
Classification – 2 Supplies	20,000
Classification – 3 Services and Charges	<u>160,000</u>
Total Economic Development LIT – Human Resources	<u>-</u>

**Grand Total Economic Development
Fund (F153)**

-

**Parks & Recreation General Fund –
Parks & Rec**

Classification – 3 Services and Charges	(50,000)
Classification – 4 Capital	<u>50,000</u>
Total Parks & Rec General Fund- Parks	<u>-</u>

**Grand Total Parks & Recreation
General Fund (F200)**

-

**Rental Inspection Program Fund –
HAND**

Classification – 3 Services and Charges	280,000
	<hr/>
Total Rental Inspection Program Fund – HAND	280,000
	<hr/>

**Grand Total Rental Inspection
Program Fund (F411)**

280,000

**Local Road and Street Fund –
Public Works Street Division**

Classification – 2 Supplies	20,000
Classification – 3 Services and Charges	(20,000)
	<hr/>
Total Local Road and Street – PW Street	-
	<hr/>

**Grand Total Local Road and Street
Fund (F450)**

-

**Parking Facilities Fund – Public
Works Parking Services Division**

Classification – 1 Personnel Services	2,500
Classification – 3 Services and Charges	(2,500)
	<hr/>
Total Parking Facilities – PW Parking Services	-
	<hr/>

**Grand Total Parking Facilities Fund
(F452)**

-

**Cumulative Capital Development
Fund – Public Works**

Classification – 2 Supplies	(300,000)
Classification – 3 Services and Charges	300,000
	<hr/>
Total Cumulative Capital Devlp – Public Works	-
	<hr/>

**Grand Total Cumulative Capital
Development Fund (F601)**

-

Vehicle Replacement Fund

Classification – 4 Capital	180,000
	<hr/>
Total Vehicle Replacement	180,000
	<hr/>

**Grand Total Vehicle Replacement
Fund (F610)**

180,000

**Solid Waste Fund – Public Works
Sanitation Division**

Classification – 2 Supplies	(25,000)
Classification – 3 Services and Charges	25,000
	<hr/>
Total Solid Waste – PW Sanitation	-
	<hr/>

**Grand Total Solid Waste Fund
(F730)**

-

**Fleet Maintenance – Public Works
Fleet Division**

	Classification – 2 Supplies	(85,000)
	Classification – 3 Services and Charges	85,000
	Total Fleet Maintenance Fund – PW Fleet Division	-
Grand Total Fleet Maintenance Fund (F802)		-
Grand Total All Funds		460,000

SECTION 2. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer’s having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUSAN SGAMBELLURI, 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 _____ day of _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates various transfers of funds within the General Fund, Economic Development LIT Fund, Parks and Recreation General Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Cumulative Capital Development Fund, Solid Waste Fund and the Fleet Maintenance Fund. It also appropriates additional funds from the General Fund, Rental Inspection Fund and Vehicle Replacement Fund.



**JOHN HAMILTON
MAYOR**

**JEFFREY H. UNDERWOOD
CONTROLLER**

CITY OF BLOOMINGTON

CONTROLLER'S OFFICE

401 N Morton St
Post Office Box 100
Bloomington IN 47402

p 812.349.3416
f 812.349.3456
controller@bloomington.in.gov

Memorandum

To: Council Members
From: Jeffrey Underwood, Controller, Jeff McMillian, and Cheryl Gilliland
Date: November 30, 2023
Re: Appropriation Ordinance 23-08

Appropriation Ordinance 23-08 is our comprehensive 2023 year-end appropriation. The total additional appropriation is \$460,000. In addition, there are appropriations that are simple transfers between departments that have zero net impact on the total budget.

1. **General Fund – Various.** The majority of this ordinance transfers appropriations between departments and categories in order to cover changes between the initial budget prepared, and actual operational results. For 2023, the net effect on the actual appropriation from the General Fund is zero. There will be no impact on the fund balance or tax rates.
 - a. **Animal Care & Control** – the **Public Works Department** is requesting an additional appropriation of \$13,840 in Classification 3 – Services to cover donations received through MCHA for care of Carolina dogs and \$95,000 in Classification 4 – Capital to cover the cost of the Monroe County Humane Society lease buyout (building ownership). This request will come from other General Fund departmental funding releases.
 - b. **Public Works Administration** – the **Public Works Department** is requesting \$30,000 transfer from Classification 4 – Capital to Classification 3 – Services to help cover 2023 municipal election costs. In addition, the department is requesting an appropriation of \$9,000 in Classification 2 – Supplies to cover DPW winter weather clothing allowance and an appropriation of \$546,000 in Classification 3 – Services to fully cover the 2023 municipal election costs. These funds will come from the release of funds from other General Fund departments. The savings in Classification 4 is due from lower than anticipated capital and land acquisition costs. This request will come from other General Fund departmental funding releases.
 - c. **Clerk** – the **Clerk Department** is requesting a transfer of \$10,000 from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of \$2,000 and Classification 3 – Services in the amount of \$8,000. Funds transferred to Classification 2 will cover the purchase of headphones, tablets, and other peripherals and the transfer to Classification 3 will cover unbudgeted education programming fees and travel related to education. There is no fiscal impact due to this request.
 - d. **ESD** – the **Economic and Sustainable Development Department** is requesting a transfer of \$58,000 from Classification 1 – Personnel

Services to Classification 3 – Services. In addition, the department is requesting an additional appropriation of \$60,690 for Classification 3 – Services to cover the cost of unbudgeted parking corral cost which is being covered by scooter permit and users fees. The surplus from Classification 1 is the result of personnel changes. This additional appropriation request will come from the release of funds from other General Fund departments.

- e. **Council** – the **Common Council Department** is requesting the transfer of \$2,500 from Classification 3 – Services which is due to budgeting slightly higher than actually needed in 2023 to Classification 1 – Personnel Services to cover higher than anticipated personnel expenditures. There is no fiscal impact due to this request.
- f. **Controller** – the **Department of the Controller** is requesting the release of \$80,955 from Classification 3 – Services which is due to lower than anticipated dues, subscriptions, postage, and project management expenditures. The savings will fund other General Fund departments.
- g. **Engineering** – the **Engineering Department** is requesting a transfer of \$30,000 from Classification 1 – Personnel Services to Classification 2 – Supplies in the amount of \$15,000 and to Classification 3 – Services in the amount of \$15,000. The savings will come from significant turnover/vacancies over 2023. The transfers will cover new employee supplies in Classification 2 and modification of workstations to accommodate new employees in Classification 3. There is no fiscal impact due to this request.
- h. **Fire** – the **Fire Department** is requesting a transfer of \$70,000 from Classification 3 – Services to Classification 1 – Personnel Services to cover the cost associated with hiring bonuses, corrections to overtime payments due to bonuses for all shift firefighters, and the issuance of Kelly day buyback payments. In addition, the department is requesting to release \$14,000 in Classification 2 and \$95,000 in Classification 3. The savings will come from utilizing needed furniture from the acquired Shower's West and reduced maintenance expense when workstations were updated. The savings will fund other General Fund departments.
- i. **CFRD** – the **CFRD Department** is requesting the release of \$30,000 from Classification 1 – Personnel Services. The savings comes from a shift in staffing. The savings will fund other General Fund departments.
- j. **Legal** – the **Legal Department** is requesting a \$20,000 transfer from Classification 1 – Personnel Services to Classification 3 – Services to cover excess outside Special Legal Services due primarily to annexation litigation, extensive consulting by department heads with ARPA counsel, and Classification 1 savings comes from the departure of two attorneys. An additional appropriation request in the amount of \$70,000 is being requested to fully cover Classification 3 – Services shortfall. This request will come from the release of funds from other General Fund departments.
- k. **Mayor** – the **Office of the Mayor** is requesting a \$12,460 transfer from Classification 2 – Supplies to Classification 1 to cover the expense of employee turnover related expenditures, plus the department is requesting an increase of \$21,590 in Classification 1 to fully cover the need and an increase of \$6,890 to Classification 3 – Services to cover higher than anticipated dues, subscriptions and Mayor's promo of business categories. This request will come from other General Fund departmental funding releases.

4. **Rental Inspection Program – HAND** In 2012 the state legislature created new rules regarding rental inspection programs. This requires the City to deposit receipts from the program in a designated fund. As of September 30, that fund has collected approximately \$280,000 for the last year. Although the revenue is now accounted for in the new fund, expenses for the program are still appropriated in the general fund. As such, an invoice will be created to reimburse the general fund from the rental inspection program fund. There is no fiscal impact to this fund as this is simply a transfer of revenues collected in this fund to the General Fund where the expenses for the program are budgeted and paid. This has a positive fiscal impact of \$280,000 to the General Fund.
5. **Local Road and Street Fund – the Public Works Department, Street Division**, is requesting a transfer of \$20,000 from Classification 3 – Services to Classification 2 – Supplies to cover the cost of traffic signal detection equipment repairs. The savings in Classification 3 comes from minimal outside services used in 2023. There is no fiscal impact due to this request.
6. **Parking Facilities Fund – the Public Works Department, Parking Services Division**, is requesting transfer of \$2,500 from Classification 3 – Services to Classification 1 – Personnel Services to cover higher than anticipated personnel costs. The surplus comes from the department experiencing lower than expected contract service projects. There is no fiscal impact due to this request.
7. **Cumulative Capital Development Fund – the Public Works Department**, is requesting a transfer of \$300,000 from Classification 2 – Supplies to Classification 3 – Services to cover the cost associated with the milling machine purchase and the savings in Classification 2 comes from lower than anticipated de-icing salt usage (dome is currently full). There is no fiscal impact due to this request.
8. **Vehicle Replacement Fund – the Office of the Controller**, is requesting an appropriation of \$180,000 in Classification 4 – Capital to cover the purchase of a replacement sanitation truck, which includes the proceeds from the sale of an old sanitation truck. The new sanitation truck is expected to lower the overall maintenance expenditures and will allow the crew to maneuver better through the City streets. There is no fiscal impact due to the sale of the old truck.
9. **Solid Waste Fund – Sanitation – the Public Works Department, Sanitation Division**, is requesting a \$25,000 transfer of funds from Classification 2 – Supplies to Classification 3 – Services to cover the end of year landfill and recycling processing. The savings will come from lower than anticipated fuel and oil costs. There is no fiscal impact due to this request.
10. **Fleet Maintenance Fund – the Public Works Department, Fleet Division**, is requesting a transfer of \$85,000 from Classification 2 – Supplies to Classification 3 – Services to cover the higher than anticipated outside service repairs and work on engines and transmission, lift repairs, plus the installation of a welding hood. The savings was created with few parts being ordered during 2023. There is no fiscal impact due to this request.

Thank you for your consideration of this request. As always, we are happy to answer questions related to this request.

City of Bloomington, Indiana
 Notice to Taxpayers of
 Additional Appropriations

Notice is hereby given to the taxpayers of Bloomington, Monroe County, Indiana that the Bloomington Common Council will consider the following additional appropriation in excess of the budget for the current year at a meeting to be held in the Council Chambers (Room #115) of City Hall, 401 N. Morton Street (which can also be accessed virtually at: <https://bloomington.zoom.us/j/84239976534?pwd=c280Z2JicnhYSnZnaWhMcXExVk5UQT09> , at 6:30 p.m. on December 13, 2023.

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings and for meeting materials.

Fund Amount:	Dept. Amount:	From:
\$0		General Fund 101
	\$108,840	Animal Care & Control
	\$0	Clerk
	\$0	Common Council
	(\$30,000)	Community & Family Resources
	(\$80,955)	Controller
	\$58,420	Housing and Neighborhood Dept.
	\$2,690	Economic and Sustainable Dev
	\$0	Facilities
	(\$109,000)	Fire
	\$70,000	Legal
	\$28,480	Office of the Mayor
	\$525,000	Public Works Admin
	\$0	Engineering
	(\$80,000)	Information Technology Service
	\$465,931	Human Resources
	(\$149,406)	Planning and Transportation
	(\$810,000)	Police
\$0		Economic Development LIT Fund 153
	\$0	Human Resources
\$0		Parks & Recreation General Fund 200
\$280,000		Rental Inspection Fund 411
\$0		Local Road and Street Fund 450
\$0		Parking Facilities Fund 452
\$0		Cumulative Capital Development Fund 601
\$180,000		Vehicle Replacement Fund 610
\$0		Solid Waste Fund 730
\$0		Fleet Maintenance Fund 802

Taxpayers appearing at the meeting live or virtually will have a right to be heard. The Additional Appropriations as finally made will be referred to the Department of Local Government Finance. The Department will make a written determinations as to the sufficiency of funds to support the appropriations made within 15 days of receipt of a Certified Copy of the action taken.

095

Dated: November 29, 2023,

Jeffrey Underwood, City of Bloomington Controller



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: December 8, 2023

Re: Resolution 23-23 - A Resolution Authorizing the Sale of Real Property - Re: 220 E. Third Street

Synopsis

This resolution approves the sale of the real estate located at 220 E. Third Street in accordance with the procedures set forth Indiana Code 36-1-11.

Relevant Materials

- Resolution 23-23
 - Exhibit A – Offer from GMS-Pavillion Properties, LLC (Steve Hoffman)
- Staff Memo to the Board of Public Works
- Deed dated January 3, 1923
- Additional offers received by the City
 - Aptitude Development
 - UP Campus Student Living

Summary

Resolution 23-23 authorizes the City to sell property at 220 E. Third Street to GMS-Pavillion Properties, LLC (Steve Hoffman). This property is currently in use by the City as the Police Headquarters.

Last December 2022, the Common Council passed [Ordinance 22-30](#), which authorized the City to issue \$29.5 million in bonds to finance the costs of acquiring or renovating certain public safety facilities. In January of 2023, the proceeds of the bonds were then appropriated through passage of [Appropriation Ordinance 23-01](#), which also approved the purchase of a portion of the Showers Building complex for \$8.75M. This portion of the Showers complex was purchased for the purpose of relocating the City's Police and Fire Departments to be adjacent to the current City Hall.

The administration has expressed a desire to sell the current Police Headquarters so that the proceeds from the sale might help finance the public safety capital improvement projects contemplated in Exhibit A to [Ordinance 23-30](#). The administration has also noted that increased economic activation brought about by potential new development in the area would be a public benefit.



Indiana Code 36-1-11 requires the Common Council, as fiscal body of the City, to authorize the sale of land to the public when the value of the land exceeds \$50,000. The statute also requires that the City obtain two appraisals, post notice of the terms of sale, and either seek bids or conduct a public auction.

The City obtained two appraisals earlier this year, which determined that the value of the property to be sold was \$3,200,000 and \$4,400,000, respectively. The City has received three bids to purchase the property as follows (taken from the staff memo):

1. From Aptitude Development based in Elmwood Park, NJ
 - a. Purchase Price: \$4,850,000
 - b. Due Diligence Period: 120 days
 - c. Contingency: Closing will occur 30 days after “final, non-appealable approval for the development of student housing of at least 475 bedrooms.”
 - d. Holdover: During approval period prior to closing with an option to extend maximum of six (6) months upon written notice.

2. From UP Campus Student Living based in Chicago, IL
 - a. Purchase Price: \$3,200,000 (\$100,000 earnest money)
 - b. Due Diligence Period: 45 days
 - c. Contingency: Title commitment, satisfactory due diligence
 - d. Holdover: 1 year at 10% of closing price (including all closing costs) and with 2% annual increase if beyond one year.

3. From GMS-Pavillion Properties, LLC (Steve Hoffman) based in Bloomington, IN
 - a. Purchase Price: \$4,400,000 (\$40,000 earnest money)
 - b. Due Diligence Period: 60 days
 - c. Contingency: Title commitment, satisfactory due diligence
 - d. Holdover: 2 years at \$420,000 per year. Option to terminate with 6 months notice after first year (i.e. minimum lease back of 18 months). Lease may extend beyond two years for 60-day periods at \$35,000/month.

The Board of Public Works conducted a meeting on December 8, 2023 to review the above offers and to make a recommendation to the City. After asking questions and hearing information about these three offers, the Board passed a motion to make no recommendation on the sale of the property.

One of the questions raised at the meeting dealt with a restriction contained in the original 1923 deed to the City on the use of the property. Beth Cate, Corporation Counsel, expressed an opinion that the City was able to proceed with a sale of the property notwithstanding the language in the deed.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

The deed reads (in part):

It is agreed by and between the parties hereto that the principal consideration for the deed is that the above and foregoing described real estate shall be used exclusively for a Free Public Park, for the use of the Citizens of Bloomington, Indiana; and that the same shall be named and maintained under the name of The Waldron, Hill and Buskirk Park. And it is further provided that should the Grantee herein, or any other body that shall hereafter assume their duties, fail to maintain said Park as above described and for the use and purpose mentioned, the said real estate herein described shall revert to the Grantors herein, their Administrators, Executors, heirs and assigns.

Indiana law limits how long certain future property interests are valid, and the Council Office agrees that the City likely has the ability to proceed with a sale despite the restriction contained in the deed. This is not meant as an opinion about whether or not a sale is advisable.

Beyond the materials contained in this packet, the Council Office has also asked for additional information, much of which was requested by councilmembers during a Work Session held on December 4. Any additional materials or information the administration is able to share will be distributed to members and the public before the December 13 Council meeting.

Contact

Larry Allen, Deputy Mayor, allenl@bloomington.in.gov, (812) 349-3406

Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, (812) 349-3426

RESOLUTION 23-23

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY - Re: 220 E. Third Street

WHEREAS, the Common Council of the City of Bloomington, Indiana (the “Common Council”) adopted Ordinance 22-30 (the “Bond Ordinance”) authorizing the issuance of the City of Bloomington, Indiana General Revenue Annual Appropriation Bonds of 2022 (the “Bonds”) in an aggregate principal amount not to exceed \$29,500,000, to pay all or a portion of the costs of capital projects to provide improved public safety facilities for the City of Bloomington’s (the “City”) police and fire departments, including the purchase and renovation of Showers West located at 320 W. 8th Street for a new police department and fire administration headquarters; and

WHEREAS, as part of the total of funding for the projects, the administration indicated its intent to use proceeds from the sale of the current police headquarters located at 220 E. Third Street (the “Real Estate”) to pay for the renovation of Showers West; and

WHEREAS, the Real Estate includes the following parcels:

- 53-05-33-300-018.001-005
- 53-05-33-300-021.000-005
- 53-08-04-200-038.000-009
- 53-08-04-206-001.000-009

WHEREAS, the City obtained two appraisals of the Real Estate pursuant to Indiana Code § 36-1-11-4, which found the value of the property to be \$3,200,000 and \$4,400,000 respectively for an average of \$3,800,000; and

WHEREAS, on September 26, 2023, the Board of Public Works authorized the publishing of notice of the terms and conditions of sale of the Real Estate pursuant Indiana Code §§ 36-1-11-4 and 5-3-1; and

WHEREAS, the period of sale began on October 25, 2023, and ended on December 12, 2023; the minimum bid established for the sale of the Real Estate was \$3,200,000; and

WHEREAS, under Indiana Code § 36-1-11-4(f), the City may sell the property to the highest and best bidder; and

WHEREAS, the City received three offers for the purchase of the Real Estate; and

WHEREAS, at the direction of the executive, the Board of Public Works held a properly noticed public hearing for the sale of the real estate on December 8, 2023; and

WHEREAS, the Board of Public Works forwarded this matter to the Executive and Common Council without a recommendation; and

WHEREAS, the City recommends the offer attached to this Resolution as Exhibit A; and

WHEREAS, the Common Council now finds that all conditions precedent to the sale of the Real Estate have been complied with in accordance with Indiana law; and

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

SECTION 1. Approval of Sale of Real Property. Pursuant to Indiana Code 36-1-11, the Council hereby approves and authorizes the City to sell the Real Property as described above in accordance with the terms of the offer, attached to this Resolution as Exhibit A.

SECTION 2. Other Actions. The Common Council directs the City to enter into a conveyance agreement for the sale of the Real Property as authorized above. City staff shall report to Council the outcome of the sale within 15 days of the closing of the sale or termination of the agreement, whichever shall occur.

SECTION 3. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the sale of the real estate located at 220 E. Third Street in accordance with the procedures set forth Indiana Code 36-1-11.

Listing Broker (Co.) Griffin Realty Holdings LLC () By Griffin Team ()
office code individual code

Selling Broker (Co.) Griffin Realty Holdings LLC () By Don Griffin/Tim Ballard ()
office code individual code



PURCHASE AGREEMENT
COMMERCIAL-INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

DATE: October 9, 2023

1 A. PARTIES: City of Bloomington ("Seller")
2
3 agrees to sell and convey to GMS-Pavillion Properties LLC, Member, Steve Hoffman and/or assignees
4 ("Buyer")

5 and Buyer agrees to buy from Seller the following property for the consideration and subject to the following:

6 B. PROPERTY: The property is commonly known as _____
7 210-220 E 3rd St, Bloomington, IN 47401
8 in Bloomington Township, Monroe County, Bloomington Indiana, 47401
9 including all buildings and permanent improvements and fixtures attached owned by Seller; all privileges, easements and
10 appurtenances pertaining thereto including any right, title and interest of Seller in and to adjacent streets, alleys, rights-of-way,
11 leases, rents, security deposits, licenses and permits with respect to the property, trade name, and warranties or guarantees
12 relating to the property being sold, and any personal property specified herein; all of the above referred to as the "Property," the
13 legal description of which is (attached as Exhibit "A") (described as follows): 013-68250-00 DON OWENS PT LOT 1,
14 015-90390-00 DON OWENS PT LOT 1, 015-90390-02 DON OWENS PT LOT 2, 013-68250-02 DON OWENS PT LOT 2
15 ; subject to exact determination by survey pursuant to Paragraph J.

16 The following items of personal property are INCLUDED in the sale: None

17 All other personal property and the following additional items are EXCLUDED from the sale: _____

20 C. PRICE: The purchase price shall be Four Million Dollars
21 (\$ 4,000,000.00) U.S. Dollars, payable (In cash at closing) (In accordance with the terms and conditions in this
22 Agreement).

23 D. EARNEST MONEY: Buyer submits \$ 40,000.00 U.S. Dollars as Earnest Money to be held by Griffin Realty
24 Holdings LLC as Escrow Agent within 7 days of execution and
25 receipt of this Agreement by both parties. If Buyer fails for any reason to timely submit Earnest Money, Seller may
26 terminate this Agreement upon notice to Buyer prior to Escrow Agent's receipt of the Earnest Money. The Earnest Money
27 shall be applied to the purchase price at closing unless returned to Buyer, released to Seller, or otherwise disbursed in
28 accordance with this Agreement. The Escrow Agent is not a party to this Agreement and does not assume or have any liability for
29 performance or non-performance of any party. Before the Escrow Agent has any obligation to disburse the Earnest Money in the
30 event of dispute, Escrow Agent has the right to require from all parties a written release of liability of the Escrow Agent,
31 termination of the Agreement and authorization or court order to disburse the Earnest Money. If the Escrow Agent is the Listing
32 Broker ("Broker") described above, Broker shall be absolved from any responsibility to make payment to the Seller or Buyer
33 unless the parties enter into a Mutual Release or a Court issues an Order for payment, except as permitted in 876 IAC 8-2-2
34 (release of earnest money). Upon notification that Buyer or Seller intends not to perform, Broker holding the earnest money may
35 release the Earnest Money as provided in this Agreement. If no provision is made in this Agreement, Broker may send to Buyer
36 and Seller notice of the disbursement by certified mail of the intended payee of the Earnest Money. If neither Buyer nor Seller
37 enters into a mutual release or initiates litigation within sixty (60) days of the mailing date of the certified letter, Broker may
38 release the Earnest Money to the party identified in the certified letter. Buyer and Seller agree to hold the Broker harmless from
39 any liability, including attorney's fees and costs, for good faith disbursement of Earnest Money in accordance with this Agreement
40 and licensing regulations.

41 E. ADDITIONAL PROVISIONS: Included in this Agreement are the following addenda: (Place an "X" on the appropriate line or
42 lines)
43 Financing Addendum Feasibility Study Addendum
44 Leased Property Addendum Exchange Addendum
45 Zoning/Governmental Approval Addendum Representations & Warranties of Seller Addendum
46 Alternative Dispute Resolution Addendum Lead-Based Paint Disclosure Addendum
47 Addendum to Purchase Agreement

48 F. CLOSING: The closing of the sale shall take place at (the Title Company) (TBD
49 _____) on or before December 22, 2023 or within 30 days after
50 the end of both the Inspection Period and any of the periods described in any of the above referenced Addenda which are part of
51 this Agreement, whichever is later, (the "Closing Date") or this Agreement shall terminate unless the Closing Date is changed in
52 writing by Seller and Buyer, or otherwise extended pursuant to this Agreement.

53 G. POSSESSION: The possession of the Property shall be delivered to Buyer, subject to the rights of tenants in possession, if any, in
54 its present condition, ordinary wear and tear excepted, on the Closing Date. Seller shall maintain the Property, including

55 fixtures, equipment and any included personal property in its present condition until possession is delivered to Buyer.

56 H. REAL ESTATE TAXES: (Check paragraph 1, 2, or 3 below)

- 57 1. Current Year (Lien Basis in Arrears) Indiana Customary Proration: The taxes assessed for the current year, due and
- 58 payable in the year following closing, shall be prorated between Seller and Buyer on a calendar year basis as of the day
- 59 immediately prior to the Closing Date. All taxes assessed for any prior calendar year and remaining unpaid shall also be paid
- 60 by Seller.
- 61 2. Prior Year (Cash Basis) Proration When Taxes Are Paid: The taxes assessed for the year prior to closing, due and
- 62 payable during the year of closing, shall be prorated between Seller and Buyer on a calendar year basis as of the day
- 63 immediately prior to the Closing Date. Buyer shall be responsible for all taxes assessed for the current year due and payable
- 64 in the year following closing.
- 65 3. Installment Basis: Buyer will assume and pay all taxes on the Property beginning with the tax installment due and
- 66 payable on _____, _____, and all taxes due thereafter. Seller shall pay all taxes for the Property
- 67 due and payable before such tax installment not assumed by Buyer.

68 For Purposes of 1, 2, and 3 above:

- 69 (A) If the tax rate or assessment for taxes assessed or payable in the year of closing has not been determined as of the
- 70 Closing date, the assessment or rate shall be assumed to be the same as the most recent assessment or rate.
- 71 (B) Taxes which are Seller's responsibility and not yet due as of the Closing Date, shall be credited against the purchase
- 72 price or cash portion thereof payable by Buyer at closing, and Seller shall have no further liability for such taxes.
- 73 (C) All taxes due and payable on or prior to the Closing Date and shall be paid at or before closing and charged at closing to
- 74 the responsible party.
- 75 (D) Buyer shall have the right to assume control and responsibility of all real estate tax appeals, and any rebates, refunds or
- 76 credits shall be prorated between Seller and Buyer as of the Closing Date.

77 (NOTE: The succeeding year's tax bill for recently constructed buildings or following reassessment periods may

78 greatly exceed the last tax bill available to the closing agent.)

79 I. INSURANCE AND RISK OF LOSS: Seller shall maintain replacement cost (if available) or actual cash value "all risk"

80 insurance on the Property through the Closing Date. Seller's insurance shall be canceled as of the Closing Date and Buyer

81 shall provide its own insurance thereafter. Risk of loss by damage or destruction to the Property prior to the closing shall be

82 borne by Seller. In the event any damage or destruction is not fully repaired prior to closing, Buyer, at its option, may either

83 terminate this Agreement or elect to close the transaction, in which event Seller's right to all insurance proceeds not yet

84 applied to repair of the damage or destruction shall be assigned in writing by Seller to Buyer at closing. Seller shall reimburse

85 Buyer at closing for any insurance deductible.

86 J. CONDITIONS TO CLOSING: Buyer's obligations under this Agreement are conditioned upon satisfaction of each of the

87 following items which are for the Buyer's benefit and may be waived by Buyer at Buyer's sole discretion within 60 days from

88 the last date between Seller and Buyer of this Agreement or any counter-offers (the "Inspection Period").

89 1. Title Commitment: A commitment for title insurance (the "Commitment") issued by a reputable title insurance company

90 selected or approved by Buyer (the "Title Company") showing marketable title in Seller's name shall be ordered by

91 (Seller) (Buyer) promptly upon acceptance of this Agreement and shall be delivered to Buyer within 30 days

92 after _____ acceptance. At Buyer's request, legible copies of all recorded instruments

93 affecting the Property or recited as exceptions in the Commitment shall also be delivered.

94 2. Survey: A survey shall be ordered promptly upon acceptance of this Agreement and shall be furnished at (Seller's)

95 (Buyer's) expense within _____ days after _____. It shall be prepared by a

96 licensed Indiana surveyor selected or approved by Buyer, shall comply with requirements for ALTA Surveys, including

97 optional requirements from Table A, shall reflect whether the Property is located in a designated flood zone area and shall be

98 certified to Buyer, the Title Company and Buyer's lender.

99 3. Title and Survey Approval: if Buyer has an objection to items disclosed in the Commitment or the survey, Buyer shall

100 make written objections to Seller within 15 days after receipt of both the Commitment and survey. Upon the

101 expiration of such period, any item not objected to by Buyer or subsequently approved by Buyer in writing shall be

102 deemed a permitted exception ("Permitted Exception"). If Buyer makes objections, Seller shall have thirty (30) days from

103 the date the objections are made to cure the same, and the Closing Date shall be extended; if necessary. Seller agrees

104 to utilize its best efforts and reasonable diligence to cure any objections, but only to the extent necessary to convey

105 marketable title. If the objections are not satisfied within the time period, Buyer may either terminate this Agreement and

106 receive a refund of the Earnest Money or waive the unsatisfied objections and close the transaction.

107 4. Inspections: (Check paragraph (A) and/or (B) or paragraph (C) below) Unless Buyer waives inspections under

108 paragraph (C), Buyer shall have determined that the Property has no unacceptable, adverse environmental or physical

109 condition as provided below.

110 (A) Environmental Assessment: A Phase I environmental site assessment ("Phase I") on the Property shall be ordered

111 by (Seller) (Buyer) promptly upon acceptance of this Agreement at (Seller's) (Buyer's) expense from a

112 reputable, qualified engineer, acceptable to Buyer. The Phase I shall be conducted in accordance with current ASTM

113 standards unless otherwise agreed and may also include at Buyer's option the following matters:

- 114 (1) an investigation for the presence of asbestos, radon, lead or polychlorinated biphenyls (PCBs) on the Property;
- 115 and/or
- 116 (2) an investigation to determine if the Property is located in any regulated or protected area under the jurisdiction of
- 117 the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Indiana Department of
- 118 Environmental Management, the Indiana Department of Natural Resources, the U.S. Fish and Wildlife Service or
- 119 any other federal, state or local agency.

120 If Buyer does not make a written objection to any problem(s) revealed in the report within _____ days of

(office use only)

121 _____, the Property shall be deemed to be acceptable. If Buyer determines that the
 122 environmental condition is unsatisfactory, Seller shall have a reasonable period of time, not to exceed _____
 123 days, to remediate the condition to Buyer's satisfaction and the Closing Date shall be extended, if necessary. If
 124 Seller fails or refuses to remediate, Buyer may either terminate this Agreement and receive a refund of the Earnest
 125 Money or waive its objection and close the transaction.

126 (B) **Physical Inspections:** Promptly upon acceptance of this Agreement, all physical inspections shall be ordered at
 127 (Seller's) (Buyer's) expense. Inspections shall be made by qualified inspectors or contractors, selected or
 128 approved by Buyer, with written reports delivered to Seller and Buyer. Inspections may include but are not limited
 129 to the following: heating, cooling, electrical, plumbing, roof, walls, ceilings, floors, foundation, basement, crawl space,
 130 mold, water, storm and waste sewer, well/septic, geotechnical, other: any deemed necessary. If Buyer,
 131 in its reasonable discretion, believes that an inspection report reveals a major defect in or with the Property, Buyer
 132 shall report such defect in writing to Seller within 15 days of completed inspections. If Buyer does not
 133 make a written objection to any problem(s) revealed in the report(s) within such time period, the Property shall be
 134 deemed acceptable to Buyer. Seller shall have a reasonable period of time, not to exceed 30 days, to repair
 135 any such major defect to Buyer's reasonable satisfaction and the Closing Date shall be extended, if necessary. If
 136 Seller fails or refuses to repair, Buyer may either terminate this Agreement and receive a refund of the Earnest Money
 137 or waive its objection and close the transaction.

138 (C) **Waiver of Inspections:** BUYER HAS BEEN MADE AWARE THAT INDEPENDENT INSPECTION DISCLOSING THE CONDITION OF THE
 139 PROPERTY ARE AVAILABLE, AND BUYER HAS BEEN AFFORDED THE OPPORTUNITY TO REQUIRE SUCH INSPECTIONS AS A CONDITION
 140 OF THIS AGREEMENT. HOWEVER, BUYER WAIVES THE RIGHT TO OBTAIN INSPECTIONS AND RELIES UPON THE CONDITION OF THE
 141 PROPERTY BASED UPON BUYER'S OWN EXAMINATION AND RELEASES SELLER AND LISTING AND SELLING BROKER(S) FROM ANY
 142 AND ALL LIABILITY RELATING TO ANY PROBLEM, DEFECT OR DEFICIENCY AFFECTING THE PROPERTY, WHICH RELEASE SHALL
 143 SURVIVE THE CLOSING.

144 Buyer and its agents shall have the right to enter upon the Property upon reasonable advance notice and make all inspections
 145 provided for herein. Buyer shall restore any damage to the Property resulting from the entry of Buyer or its agents and shall
 146 indemnify, defend and hold harmless Seller as to any injury to persons or damage to their property resulting from the
 147 negligence of Buyer or its agents in conducting their activities on the Property.

148 **K. PRORATIONS AND SPECIAL ASSESSMENTS:** Interest on any debt assumed or taken subject to, any rents, all other
 149 income and ordinary operating expenses of the Property, including but not limited to, public utility charges, shall be prorated as
 150 of the day prior to the Closing Date. Any special assessments applicable to the Property for municipal improvements made to
 151 benefit the Property prior to the date of acceptance of this Agreement shall be paid by Seller at or before closing. At closing,
 152 Buyer will assume and agree to pay all special assessments for municipal improvements which are completed after
 153 acceptance of this Agreement.

154 **L. SALES EXPENSES:** All sales expenses are to be paid in cash prior to or at the closing as follows in addition to the other items
 155 described in this Agreement.

		(Check the applicable party who pays)	
ITEM		Seller	Buyer
158	1. Release of existing loans and recording releases	X	
159	2. Closing Fee	X	X
160	3. Preparation of Deed and Vendor's Affidavit	X	
161	4. New or assumed loan fees		X
162	5. Title search fee	X	
163	6. Title Policy Premium-Owner	X	
164	7. Title Policy Premium-Lender		X
165	8. Other Title Company Costs	X	X

167 **M. DEFAULT:** If Buyer breaches this Agreement, Seller may seek any remedy provided by law or equity, or terminate this
 168 Agreement and receive the Earnest Money as liquidated damages. If Seller breaches this Agreement, Buyer may terminate
 169 this Agreement and receive a refund of the Earnest Money, or Buyer may seek specific performance or any other remedy
 170 provided by law or equity. In the event of Seller default, Seller shall immediately be obligated to pay all brokerage
 171 commissions that would have been paid had this transaction closed. In the event of Buyer default, commissions may also be
 172 due and payable pursuant to the terms of the applicable brokerage agreements.

173 **N. DUTIES OF BUYER AND SELLER AT CLOSING:**

174 1. At the closing, Seller shall deliver to Buyer, at Seller's sole cost and expense, except as otherwise provided in this
 175 Agreement, the following:

176 (A) A duly executed and acknowledged Warranty Deed conveying marketable title in fee simple to all of
 177 the Property, free and clear of any and all liens, encumbrances, conditions, easements, assessments, reservations and
 178 restrictions, except Permitted Exception(s);

179 (B) A pro-forma Owner's Policy of Title Insurance or marked up title commitment (the "Title Policy") issued by the Title
 180 Company in the amount of the purchase price, dated as of closing, insuring Buyer's fee simple title to the Property to be
 181 marketable subject only to the Permitted Exception(s), and deleting the standard printed exceptions contained in the usual
 182 form of the Title Policy;

183 (C) An executed Vendor's Affidavit in form acceptable to the Title Company;

184 (D) A Bill of Sale, duly executed by Seller, containing warranties of title, conveying title, free and clear of all liens, to any
 185 personal property specified in Paragraph B;

186 (E) An assignment, duly executed by Seller, of leases, prepaid rents, security deposits, and trade name, and to the extent
 _____ (office use only)

- 187 assignable, licenses and permits, warranties or guarantees, and to the extent agreed to be assumed by Buyer, all service,
- 188 maintenance, management or other contracts relating to the ownership or operation of the Property. Such assignment
- 189 shall include an indemnity from Seller in favor of Buyer with respect to all claims and obligations arising under such leases
- 190 and contracts prior to the Closing Date. If Buyer does not agree to assume any such contract, then Seller shall deliver
- 191 evidence of termination of such contract at closing and shall indemnify Buyer as to all claims and obligations thereunder;
- 192 (F) A current rent roll duly certified by Seller and any security or tenant deposits, if applicable;
- 193 (G) Evidence of its capacity and authority for the closing of this transaction;
- 194 (H) Certification establishing that no federal income tax is required to be withheld under the Foreign Investment and Real
- 195 Property Tax Act, or consent to withhold tax from the proceeds of sale as required, unless it is established that the
- 196 transaction is exempt;
- 197 (I) All other executed documents necessary to close this transaction.
- 198 2. At the closing, Buyer shall perform, at Buyer's sole cost and expense, except as otherwise provided in this
- 199 Agreement, the following:
- 200 (A) Pay the cash portion of the purchase price in the form of a cashier's check (if the Purchase Price is under \$10,000) or other immediately
- 201 available funds. If purchase price is \$10,000 or more, the funds shall be wired unconditionally to closing agent's escrow account;
- 202 (B) Execute any note(s) and mortgage(s) and cause the funds to be made available to the closing agent for disbursement;
- 203 (C) Provide evidence of its capacity and authority for the closing of this transaction;
- 204 (D) Provide to Buyer's lender any title policy as required by the holder(s) of the mortgage(s);
- 205 (E) An assumption agreement by Buyer (which may be included in Seller's assignment pursuant to Paragraph N.1(E) above) with respect to
- 206 leases assigned to Buyer and contracts, if any, which Buyer has agreed to assume. Such assumption agreement shall include an indemnity from
- 207 Buyer in favor of Seller as to claims and obligations arising under such leases and contracts assumed by Buyer from and after the Closing
- 208 Date;
- 209 (F) Execute all other documents necessary to close this transaction.
- 210 O. CONDEMNATION: Seller shall promptly notify Buyer in writing of the commencement of any condemnation proceedings against any portion of
- 211 the Property. If such condemnation proceedings are commenced, Buyer, at its option, may (1) terminate this Agreement by written notice to Seller within
- 212 seven (7) days after Buyer is advised of the commencement of condemnation proceedings, or (2) appear and defend in any condemnation
- 213 proceedings, and any award shall, at Buyer's election, (a) become the property of Seller and reduce the purchase price by the same amount or (b) shall
- 214 become the property of Buyer and the purchase price shall not be reduced.
- 215 P. MISCELLANEOUS:
- 216 1. Any notice required or permitted to be delivered shall be deemed received when personally delivered or when confirmed as received by
- 217 facsimile (with a copy sent by United States mail), express courier or United States mail (postage prepaid, certified and return receipt requested)
- 218 addressed to Seller or Buyer or their designee at the address set forth below the signature of each party.
- 219 2. This Agreement shall be construed in accordance with the laws of the State of Indiana.
- 220 3. Time is of the essence. Time periods specified in this Agreement and any addenda are calendar days and shall expire at 11:59 p.m. of the
- 221 date stated unless the parties agree otherwise in writing.
- 222 4. This Agreement is binding upon and for the benefit of the parties' respective heirs, administrators, executors, legal representatives,
- 223 successors, and assigns. No assignment of this Agreement shall release a party from liability for its obligations hereunder.
- 224 5. If any provision contained in this Agreement is held invalid, illegal, or unenforceable in any respect, the invalidity, illegality,
- 225 or unenforceability shall not affect any other provision.
- 226 6. This Agreement constitutes the entire agreement of the parties and cannot be changed except by their written consent.
- 227 7. By signing below, the parties to this transaction acknowledge receipt of a copy of this Agreement and give their permission
- 228 to a Multiple Listing Service or other advertising media, if any, to publish information regarding this transaction.
- 229 8. Broker(s) may refer Buyer or Seller to other professionals, service providers or product vendors, including lenders, loan
- 230 brokers, title insurers, escrow companies, inspectors, surveyors, engineers, consultants, environmental inspectors and
- 231 contractors. Broker(s) has no responsibility for the performance of any service provider and/or inspector. Buyer and
- 232 Seller are free to select providers/inspectors other than those referred or recommended to them by Broker(s).
- 233 9. Buyer discloses to Seller that Buyer is licensed and holds License # RB14030829. Seller discloses to
- 234 Buyer that Seller is licensed and holds License # N/A.
- 235 10. Where the word "Broker" appears, it shall mean "Licensee" as provided in I.C. 25-34.1-10-6.8.
- 236 11. Any party who is the prevailing party against any other party in any legal or equitable proceeding relating to
- 237 this Agreement shall be entitled to recover court costs and reasonable attorney fees from the non-prevailing party.
- 238 12. The parties agree that this Agreement may be transmitted between them electronically or digitally. The parties intend that
- 239 electronically or digitally transmitted signatures constitute original signatures and are binding on the parties. The original
- 240 document shall be promptly executed and/or delivered. This Agreement may be executed simultaneously or in two or
- 241 more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same
- 242 instrument.
- 243 13. Each person executing this Agreement on behalf of a party represents and warrants that he or she has been authorized by all
- 244 necessary action to execute and deliver this Agreement on behalf of such party.

(office use only)

245 Q. **FURTHER CONDITIONS (List any additional provisions): 1. All terms associated with this offer shall transfer to city of**
 246 **Bloomington documentation as needed 2. Leaseback terms shall be as follows: 2 year lease at \$420,000/year NNN plus**
 247 **utilities for building and all parking lots (\$35,000/month) with 60 day options for renewal of terms once initial 2 year**
 248 **term ends.**
 249 _____
 250 _____
 251 _____
 252 _____
 253 _____
 254 _____
 255 _____
 256 _____
 257 _____
 258 _____
 259 _____
 260 _____
 261 _____
 262 _____
 263 _____
 264 _____

265 R. **CONSULT YOUR ADVISORS:** Buyer and Seller acknowledge they have been advised that, prior to signing this document,
 266 they should seek the advice of an attorney for the legal or tax consequences of this document and the transaction to which it
 267 relates. In any real estate transaction, it is recommended that you consult with a professional, such as a civil engineer,
 268 environmental engineer, or other person, with experience in evaluating the condition of the property, including the possible
 269 presence of asbestos, hazardous and/or toxic materials and underground storage tanks.

270 S. **CONFIRMATION OF AGENCY RELATIONSHIPS:** Buyer and Seller acknowledge that each has received agency office policy
 271 disclosures, had agency explained and now confirm their agency relationships. Buyer and Seller further acknowledge that
 272 they understand and accept agency relationships involved in this transaction.

273 T. **TERMINATION OF OFFER:** Unless accepted by Seller and delivered to Buyer by _____ 5 _____ (A.M.) (P.M.)
 274 (Noon), the 28th 3.1 day of October Nov 30, 2023, this Purchase Agreement
 275 shall be null and void and all parties shall be released of any and all liability or obligations.
 276 _____

277  10/09/2023 12:49:25 PM EDT
 278 BUYER'S SIGNATURE _____ DATE _____ BUYER'S SIGNATURE _____ DATE _____
 279 GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or assignees
 280 PRINTED _____ PRINTED _____
 281 _____
 282 (AREA CODE) TELEPHONE NUMBER/FAX NUMBER _____ (AREA CODE) TELEPHONE NUMBER/FAX NUMBER _____
 283 _____
 284 BUYER'S ADDRESS FOR NOTICE PURPOSES _____

ACCEPTANCE OF PURCHASE AGREEMENT

287 **SELLER'S RESPONSE: (Check appropriate paragraph number):**
 288 11-1-23 @ 9 p.m.
 289 On _____, at _____ A.M. P.M. Noon
 290 _____

- 291 1. The above offer is Accepted.
- 292 _____
- 293 2. The above offer is Rejected.
- 294 _____
- 295 3. The above offer is Countered. See Counter Offer. Seller should sign both the Purchase Agreement and the Counter Offer.

296 City of Bloomington by Larry Allen
 297 SELLER'S SIGNATURE _____ DATE _____ SELLER'S SIGNATURE _____ DATE _____
 298 _____
 299 PRINTED _____ PRINTED _____
 300 _____
 301 (AREA CODE) TELEPHONE NUMBER/FAX NUMBER _____ (AREA CODE) TELEPHONE NUMBER/FAX NUMBER _____
 302 _____
 303 SELLER'S ADDRESS FOR NOTICE PURPOSES _____



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FINANCING ADDENDUM COMMERCIAL - INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

1 Date: October 9, 2023

3 This Addendum is attached to and made a part of the Purchase Agreement dated October 9, 2023, on the
4 Property commonly known as 210-220 E 3rd St in
5 Monroe County, Bloomington, Indiana 47401.

7 Buyer's performance under the Purchase Agreement is conditioned upon Buyer's ability to obtain financing as described below:
8 *(Check the applicable paragraph(s) below)*

10 **A. THIRD PARTY FINANCING:** Buyer shall obtain a written loan commitment from a third party in an amount not less than
11 \$ TBD U.S. Dollars payable over a term not less than 20 years with an interest rate not to exceed
12 (% per annum) (current market rate). Provided that Buyer makes every reasonable effort to obtain a loan
13 commitment, if a loan commitment has not been obtained within N/A days from the date of acceptance, the
14 Purchase Agreement shall terminate. In the event a loan commitment is obtained but not funded without fault of Buyer, the
15 Purchase Agreement shall be null and void and all deposits returned to Buyer less the expenses of title work, survey and
16 attorney fees, all not to exceed \$ N/A U.S. Dollars, incurred by Seller to the date of cancellation of this transaction.

17 **B. SELLER FINANCING:**

- 18 1. **Principal Amount:** Seller shall provide financing in the principal sum of \$ U.S. Dollars.
- 19 2. **Type of Financing:** The form of the transaction shall be: *(Check the applicable paragraph letter below)*
- 20 (a) **Installment Sale Contract:** The parties shall execute an installment sale contract at closing. Forfeiture provisions
21 are to be released by Seller when Buyer has paid more than \$ U.S. Dollars or
22 % of the purchase price. The installment sale contract shall not be recorded. At closing, the parties
23 shall sign a suitable
24 memorandum of the installment sale contract in recordable form.
- 25 (b) **Note and Mortgage:** At closing, Buyer shall execute a promissory note to Seller secured by a mortgage of the
26 Property.
- 27 3. **Interest Rate:**
- 28 4. **Payment Schedule:** *[Check Paragraph Letter (a), (b) or (c)]*
- 29 (a) In full on the day of , with accrued interest being due and payable
- 30
- 31 (b) In (monthly) (annual) (other:) installments of \$
32 U.S. Dollars (including interest) (plus interest) each, beginning on the day of
33 , and continuing regularly until the day of ,
34 when the entire amount of principal and interest remaining unpaid shall be due and payable.
- 35 (c) Interest only in (monthly) (annual) (other:) installments of \$
36 U.S. Dollars each, beginning on the day of , and continuing
37 regularly until the day of , and thereafter in (monthly)
38 (annual) (other:) installments of \$ U.S. Dollars, (including
39 interest) (plus interest) beginning on the day of ,
40 continuing until the day of , when the entire amount of
41 principal and interest remaining unpaid shall be due and payable.
- 42 5. **Final Maturity Date:**
- 43 6. **Personal Liability:** *[Check paragraph letter (a) or (b)]*
- 44 (a) The note or contract shall provide for no personal liability in the event of a default. The Seller may look only to the
45 security provided by the mortgage or contract to enforce the payment of the indebtedness. The only exceptions shall be
46 for non-payment of real estate taxes, assessments or insurance, misapplication of rents, environmental liabilities caused
47 by Buyer, Buyer's fraud, and waste of the Property.
- 48 (b) The note or contract shall provide for personal liability in the event of a default, and a separate personal guaranty of
49 payment and performance shall be given at closing by:
- 50 7. **Due on Sale:** The mortgage or contract shall provide that if all or any part of the Property or an interest therein is sold or
51 transferred by Buyer without Seller's prior written consent, the Seller may, at its option, declare all the sums secured by
52 the mortgage or contract to be immediately due and payable.
- 53 8. **Property Taxes and Insurance:** Buyer shall pay the Property taxes and insurance in addition to principal and interest
- 54 9. **Prepayment Premium:** *[Check paragraph letter (a) or (b)]*
- 55 (a) Prepayment premium as follows:

(office use only)

- 56 (b) The note or contract may be prepaid in whole or in part at any time without premium. Any prepayments are to be
- 57 applied toward the payment of the installments of principal last maturing, but interest shall immediately cease upon
- 58 amount of principal prepaid.
- 59 10. **Subordination:** The lien securing payment of the note or contract will be inferior to any lien securing any loan assumed,
- 60 taken subject to or given in connection with third party financing.
- 61 11. **Credit Approval:** Within _____ days of acceptance of the Purchase Agreement, Buyer shall furnish to Seller
- 62 financial information in detail reasonably satisfactory to Seller. Buyer authorizes Seller to engage the services of a
- 63 reputable credit reporting agency for this purpose at Buyer's expense, and Seller shall notify the Buyer within
- 64 _____ days of receipt of the financial information and the credit report of the approval or disapproval of Buyer's
- 65 credit.
- 66 12. **Documents:** All documents evidencing the Seller financing shall be prepared in commercially reasonable and customary
- 67 forms by (Seller's) (Buyer's) attorney at (Seller's) (Buyer's) expense. This Addendum is not intended to
- 68 include all terms and conditions that should be included in the form(s) of installment sale contract, promissory note,
- 69 mortgage, personal guaranty or other financing documents to be executed at closing.

70 C. OTHER FINANCING TERMS: _____

71 _____

72 _____

73 _____

74 _____

75 _____

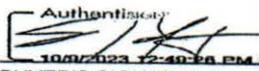
76 _____

77 _____

78 _____

79 _____

81 _____

82 

83 10/09/2023 12:49:26 PM EDT

10/09/2023

Authentisign

City of Bloomington by Larry Allen

10/09/2023 10:00 PM EDT

84 BUYER'S SIGNATURE

DATE

84 SELLER'S SIGNATURE

DATE

85 GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or assignees

86 PRINTED

PRINTED

87 _____

88 BUYER'S SIGNATURE

DATE

SELLER'S SIGNATURE

DATE

89 PRINTED

PRINTED



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**FEASIBILITY STUDY ADDENDUM
COMMERCIAL - INDUSTRIAL REAL ESTATE**

For use only by members of the Indiana Association of REALTORS®

1 Date: October 9, 2023

2
3 This Addendum is attached to and made a part of the Purchase Agreement dated October 9, 2023, on the
4 Property commonly known as _____ in
5 Monroe County, Bloomington, Indiana 47401.

6
7 Buyer's performance under the Purchase Agreement is conditioned upon the following which is for the Buyer's benefit and may
8 be waived by the Buyer, at the Buyer's sole discretion:
9

10 Buyer shall have 45 days from the date of acceptance to conduct such engineering, market
11 or other feasibility studies of the Property as Buyer may deem necessary. Buyer or its agents or contractors shall have the right
12 to enter upon the Property reasonable advance notice and conduct all analysis, sampling, data collection or other tests and
13 inspections in connection with engineering, market or other feasibility studies. If Buyer determines in its sole judgment that the
14 Property is not suitable for any reason for Buyer's intended uses and purposes, then Buyer may, on written notice to Seller on or
15 before 45 days from the date of acceptance either terminate the Purchase Agreement and
16 receive a refund of the Earnest Money or waive the unsatisfied objections and close the transaction. If the written notice is not
17 given to Seller within this period, this condition and any and all objections with respect to the feasibility study shall be deemed to
18 have been waived by the Buyer. Buyer shall restore any damage to the Property resulting from the entry of Buyer, its agents or
19 contractors, and shall indemnify, defend and hold harmless Seller as to any injury to persons or damage to their property
20 resulting from the negligence of Buyer, its agents or contractors in conducting their activities on the Property. Buyer (shall)
21 (shall not) provide the Seller with a copy of the results of any tests and inspections made by the Buyer.

22
23 
24 10/9/2023 12:49:28 PM EDT 10/09/2023
25 BUYER'S SIGNATURE DATE

23 
24 10/9/2023 1:10:07 PM EDT
25 SELLER'S SIGNATURE DATE

26 GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or assignees
27 PRINTED

26 _____
27 PRINTED

28 _____
29 BUYER'S SIGNATURE DATE

28 _____
29 SELLER'S SIGNATURE DATE

30 _____
31 PRINTED

30 _____
31 PRINTED



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**REPRESENTATIONS AND WARRANTIES OF SELLER ADDENDUM
COMMERCIAL - INDUSTRIAL REAL ESTATE**

For use only by members of the Indiana Association of REALTORS®

1 Date: October 9, 2023

2
3 This Addendum is attached to and made a part of the Purchase Agreement dated October 9, 2023, on the
4 Property commonly known as _____ in
5 Monroe County, Bloomington, Indiana, 47401.

- 7 **A. REPRESENTATIONS AND WARRANTIES OF SELLER:** Seller represents and warrants to Buyer as follows:
- 8 1. There are no parties in possession of any portion of the Property as lessees, tenants at will, or otherwise except tenants
9 under the written leases which shall be or have been delivered to Buyer (pursuant to the Leased Property Addendum)
10 (within _____ days of acceptance of the Purchase Agreement);
 - 11 2. To the best of Seller's knowledge, there is no pending or threatened taking by way of condemnation, eminent domain or
12 similar proceedings or assessments for new municipal improvements against the Property. To the best of Seller's
13 knowledge, there is no action pending or threatened by any governmental body, adjacent landowners or other persons
14 which would in any way limit the existing use of the Property or diminish its value;
 - 15 3. Seller is the owner of fee simple title to the Property subject to exceptions set forth in the Commitment;
 - 16 4. Seller is not in default under any mortgage encumbering the Property;
 - 17 5. There will be no monetary liens, encumbrances or security interests against any of the Property which will not be satisfied
18 at or prior to closing;
 - 19 6. To the best of Seller's knowledge, there is no existing condition with respect to the Property or its operation which violates
20 any order, code, rule, statute, ordinance or regulation of any court or governmental authority;
 - 21 7. To the best of Seller's knowledge, no fact or condition exists which would result in the termination of the current access
22 from the Property to any presently existing public highway or road adjoining or encumbering the Property or to any existing
23 sewer, water or other utility facility serving the Property;
 - 24 8. Seller shall not further encumber, or allow the encumbrance of, the title to the Property or modify the terms or conditions
25 of any existing encumbrance without the written consent of Buyer;
 - 26 9. Seller has not received and has no knowledge of any notice from any insurance company requiring performance of work
27 or increasing the insurance premium due to an existing condition at the Property;
 - 28 10. Seller has all licenses, permits and approvals required by any code, rule, statute, ordinance or regulation of any
29 governmental authority for the existing use and operation of the Property;
 - 30 11. There is no attachment, execution, assignment for the benefit of creditors, or voluntary or involuntary proceeding in
31 bankruptcy or under any other debtor relief laws contemplated by, pending or threatened against Seller or the Property;
 - 32 12. The Property (has) (has not) been designated as a historic landmark and (is) (is not) located in a Historic District.
 - 33 13. Additional Representations and Warranties: _____

34
35 **B. SURVIVAL:** Unless waived, these representations and warranties shall be deemed affirmed as of the Closing Date and shall
36 survive the closing (indefinitely) (for a period of 5 (days) (years)). If, at or before
37 closing, any representation or warranty is discovered by Buyer to be untrue, and Buyer fails to object, the untrue
38 representation or warranty shall be deemed waived and shall not survive the closing. If Buyer objects to the untrue
39 representation or warranty, Buyer shall give written notice to Seller at or before closing, and Seller shall have a reasonable
40 period of time, not to exceed 30 days, to take corrective action so as to make the representation or warranty true,
41 and the Closing Date shall be extended, if necessary. If the Seller fails or refuses to so act, Buyer may either terminate this
42 Agreement and receive a refund of the Earnest Money or waive the untrue representation or warranty and close the
43 transaction.

44
45  10/08/2023
46 BUYER'S SIGNATURE DATE

44
45  11:08 PM EDT
46 SELLER'S SIGNATURE DATE

47 GMS-Pavillon Properties LLC, Member, Steve Hoffman and/or assignees
48 PRINTED

47
48 PRINTED

49
50 BUYER'S SIGNATURE DATE

49
50 SELLER'S SIGNATURE DATE

51
52 PRINTED

51
52 PRINTED



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COUNTER OFFER # 1

COMMERCIAL-INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

1 Date: November 1, 2023
2 The undersigned makes the following Counter Offer to the Purchase Agreement dated October 9, 2023,
3 concerning property commonly known as 220 E 3rd St.
4 in Bloomington Township, Monroe
5 County, Bloomington, Indiana between City of Bloomington by Larry Allen
6 as Seller and GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or
7 assignees as Buyer:

- 9 1. Purchase price to be \$5,000,000.
10 2. Leaseback shall be for one year upon closing with 60 day renewal options thereafter
11 3. Acceptance of final offer is subject to Bloomington Board of Public Works review and recommendation, and
12 Bloomington City Council approval
13
14
15
16
17
18
19

21 Except as modified by this Counter Offer, all other terms and conditions of the Purchase Agreement and all previous
22 Counter Offers remain the same.

24 This Counter Offer is void if not accepted in writing and delivered to on or before 5
25 (A.M.) (P.M.) (Noon) on November 15, 2023.

27 City of Bloomington by Larry Allen
28 (X) (SELLER) (BUYER) SIGNATURE DATE (SELLER) (BUYER) SIGNATURE DATE
30 City of Bloomington by Larry Allen
31 PRINTED PRINTED

34 ADDRESS FOR NOTICE PURPOSES

RESPONSE TO COUNTER OFFER # 1

39 The above Counter Offer # 1 is Accepted Countered Rejected at (A.M.) (P.M.)
40 (Noon) on . Receipt of a signed copy of this Counter Offer is acknowledged.

44 (SELLER) (BUYER) SIGNATURE DATE (SELLER) (BUYER) SIGNATURE DATE
47 PRINTED PRINTED

50 ADDRESS FOR NOTICE PURPOSES



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COUNTER OFFER # 2
COMMERCIAL-INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

1 Date: November 3, 2023
2 The undersigned makes the following Counter Offer to the Purchase Agreement dated October 9, 2023,
3 concerning property commonly known as 220 E 3rd St.
4 _____ in Bloomington Township, Monroe
5 County, Bloomington, Indiana between City of Bloomington by Larry Allen
6 _____ as Seller and GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or
7 assignees as Buyer: _____
8 _____

9 **1. Purchase price to be \$4,250,000**
10 **2. Leaseback period to be 2 years but tenant can cancel with 6 months notice after the first 12 months. Tenant can**
11 **renew at 60 day intervals after 2 year period.**
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____

21 **Except as modified by this Counter Offer, all other terms and conditions of the Purchase Agreement and all previous**
22 **Counter Offers remain the same.**

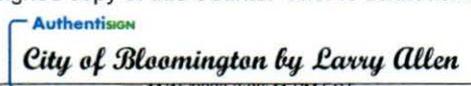
24 This Counter Offer is void if not accepted in writing and delivered to _____ on or before 5
25 (A.M.) (P.M.) (Noon) on November 8, 2023.

26 _____
27 
28 (SELLER) (BUYER) SIGNATURE _____ DATE _____ (SELLER) (BUYER) SIGNATURE _____ DATE _____

31 PRINTED _____ PRINTED _____
32 _____
33 _____
34 ADDRESS FOR NOTICE PURPOSES _____
35 _____

36 **RESPONSE TO COUNTER OFFER # 2**

39 The above Counter Offer # 2 is Accepted Countered Rejected at _____ (A.M.) (P.M.)
40 (Noon) on 11-15-23 @ 3 p.m., _____. Receipt of a signed copy of this Counter Offer is acknowledged.

41 _____
42 _____
43 
44 (SELLER) (BUYER) SIGNATURE _____ DATE _____ (SELLER) (BUYER) SIGNATURE _____ DATE _____

47 PRINTED _____ PRINTED _____
48 _____
49 _____
50 ADDRESS FOR NOTICE PURPOSES _____



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COUNTER OFFER # 3
COMMERCIAL-INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

1 Date: November 15, 2023
2 The undersigned makes the following Counter Offer to the Purchase Agreement dated October 9, 2023,
3 concerning property commonly known as 220 E 3rd St.
4 in Bloomington Township, Monroe
5 County, Bloomington, Indiana between City of Bloomington by Larry Allen
6 as Seller and GMS-Pavilion Properties LLC, Member, Steve Hoffman and/or
7 assignees as Buyer:

- 1. This response replaces the previous counter offer #3 extending seller response time to 5 p.m. on Nov. 15th
2. Purchase price to be four million four hundred thousand dollars (\$4,400,000)

21 Except as modified by this Counter Offer, all other terms and conditions of the Purchase Agreement and all previous
22 Counter Offers remain the same.

24 This Counter Offer is void if not accepted in writing and delivered to on or before 5
25 (A.M.) (X) (P.M.) (Noon) on November 21, 2023.

27 City of Bloomington by Larry Allen
28 (X) (SELLER) (BUYER) SIGNATURE DATE (SELLER) (BUYER) SIGNATURE DATE

30 City of Bloomington by Larry Allen
31 PRINTED PRINTED

34 ADDRESS FOR NOTICE PURPOSES

36 RESPONSE TO COUNTER OFFER # 3

39 The above Counter Offer # 3 is (X) Accepted () Countered () Rejected at 12:00 () (A.M.) (X) (P.M.)
40 () (Noon) on 11-16, 2023. Receipt of a signed copy of this Counter Offer is acknowledged.

44 () (SELLER) (X) (BUYER) SIGNATURE DATE (SELLER) (BUYER) SIGNATURE DATE
45 (Handwritten signature and date 11-16-23)

46 Steven Hoffman
47 PRINTED PRINTED

50 ADDRESS FOR NOTICE PURPOSES



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Memorandum

TO: Members of the City of Bloomington Board of Public Works

FROM: Beth Cate, Corporation Counsel
Jeff Underwood, City Controller

RE: Role and Function of BPW in December 8, 2023 Public Hearing on Offers to Purchase Police Building

DATE: December 7, 2023

In 2022, the Administration proposed to the Common Council of the City of Bloomington (“City Council”), and City Council approved, the issuance of bonds to provide the primary funding for several public safety capital projects for the Bloomington Police and Fire Departments. This fulfilled plans included in the Economic Development Local Income Tax increase that was passed in the Spring of 2022 to finance, among other things, needed public safety facility improvements. The improvements included purchasing and renovating the 64,000 square foot Showers West building to house public safety administration including a new police headquarters, rebuilding/renovation of Fire Stations 1 and 3, and building a new Fire training and storage facility.

City Council approved the bond issue in December 2022, via Ordinance 22-30; the bonds were sold on December 8, 2022, and produced net proceeds of \$27.1 million (about a million dollars more than conservative projections included in memos and presentations to City Council supporting the bond issuance). In January 2023 via Appropriation Ordinance 23-01, City Council appropriated the bond funds for the projects and approved the purchase of the 64,000 square feet Showers West for use as the new police headquarters and fire administration offices.

When the Administration presented the public safety bond issuance to City Council for approval, it included plans to sell the current police headquarters building located at 220 East Third Street (“Police Building”) and anticipated at least \$3 million in proceeds from the sale that would help pay for the needed public safety capital projects.

Since those actions in December 2022 and January 2023, a great deal of activity has occurred, and the public safety projects are currently underway. Construction has begun for downtown Fire Station #1. Construction bids are due for the Showers West renovation on December 11. Planning and design continue for Fire Station #3 and the Fire Logistics Training Facility.

Accordingly, the Administration has moved forward with plans for selling the Police Building. Because the appraised value of the Police Building exceeds \$50,000, state code requires that City Council as fiscal body approve the sale. Ind. Code 36-1-11-3(c).

In accordance with state code provisions governing the sale of the property, the Administration obtained two appraisals of the building, determined a minimum bid, published notice of the minimum bid amount and other terms of sale, designated the Board of Public Works (“BPW”) to conduct a noticed public

hearing on the disposal of the property and to make a recommendation to the Administration, and noticed the public hearing for December 8, 2023, at 3 p.m. Through an open Invitation to Quote, the Administration selected a broker to market the property widely and generate bids/offers to purchase. Ind. Code 36-1-11, *et seq.*

The BPW's role on December 8 is to hear and discuss the offers received for the Police Building, take public comment on the same, and offer a recommendation to the Administration regarding the disposal of the building. Ind. Code 36-1-11-3(b). The BPW may recommend that the Administration pursue one or more of the offers, or reject all offers. If the BPW cannot reach a recommendation, it may indicate that to the Administration. State code does not require BPW approval for a sale to occur; instead, the code requires City Council approval, as noted above, and the Administration will share the BPW's action with City Council.

Enclosed are the three offers submitted for purchase of the Police Building. They are as follows:

1. From Aptitude Development based in Elmwood Park, NJ
 - a. Purchase Price: \$4,850,000
 - b. Due Diligence Period: 120 days
 - c. Contingency: Closing will occur 30 days after "final, non-appealable approval for the development of student housing of at least 475 bedrooms."
 - d. Holdover: During approval period prior to closing with an option to extend maximum of six (6) months upon written notice.
2. UP Campus Student Living based in Chicago, IL
 - a. Purchase Price: \$3,200,000 (\$100,000 earnest money)
 - b. Due Diligence Period: 45 days
 - c. Contingency: Title commitment, satisfactory due diligence
 - d. Holdover: 1 year at 10% of closing price (including all closing costs) and with 2% annual increase if beyond one year.
3. GMS-Pavillion Properties, LLC (Steve Hoffman) based in Bloomington, IN
 - a. Purchase Price: \$4,400,000 (\$40,000 earnest money)
 - b. Due Diligence Period: 60 days
 - c. Contingency: Title commitment, satisfactory due diligence
 - d. Holdover: 2 years at \$420,000 per year. Option to terminate with 6 months notice after first year (i.e. minimum lease back of 18 months). Lease may extend beyond two years for 60-day periods at \$35,000/month.

City staff request a recommendation from the Board of Public Works on the best bid to take to City Council for Council's approval pursuant to Ind. Code 36-1-11-3.



November 10th, 2023

Re: 220 E 3rd St ~ 1.4030 (+/-) acres (+/-) 61,114.68 SF

Dear Donald:

Based on our recent discussions with you and due diligence regarding the property and land behind it at 220 E 3rd St Bloomington, IN 47401 (“Property”), Aptitude Development (“AD”) would like to express its written interest in acquiring a 100% fee interest in the Property. Aptitude is a rapidly growing student housing firm based in Elmwood Park, NJ with development interests around the country.

This Letter of Intent sets forth the primary business terms pursuant to which AD proposes to acquire the Property.

LETTER OF INTENT

Property: The land to be acquired is approximately 1.4030 Acres or 61,114.68SF at the corner of E 3rd St and Lincoln St.

Purchase Price: AD offers a Purchase Price of **\$4,850,000 or \$79.36 / SF**

Due Diligence: AD shall have one hundred and twenty (120) days following the execution and delivery of a purchase agreement to complete its inspections of the Property (“Due Diligence Period”), including but not limited to performing environmental tests, zoning review, lender/loan investigation and any other investigations AD deems necessary. AD and its agents, consultants and employees shall be granted, during normal business hours, access to the Property and the Property files maintained by seller or its managing agent (“Seller”) to complete its investigations. AD agrees to indemnify and hold Seller harmless from any liability, cost or expense (other than punitive or consequential damages) arising from AD or AD’s agents’ entry on the Property. The purchase agreement shall provide that during the Due Diligence Period, AD, in its sole and absolute discretion, may terminate the purchase agreement for any or no reason by giving written notice thereof to Seller in which case, the purchase agreement and escrow shall be terminated and the Down Payment (defined below) and any accrued interest earned thereon shall be promptly returned to AD. In such event, AD and Seller have no further obligations or liabilities to the other.

The Seller shall deliver to AD, within five business (5) days from the date this

letter of intent is executed by Seller, copies of real estate tax assessments and bills for the current year and prior 2 years (and all information regarding any tax certiorari pending challenges or settlements), copies of the applicable certificates of occupancy and permits, copies of all leases, and any studies and reports in Seller's possession or control including soils, engineering, environmental, (including reports on any storage tanks and asbestos surveys/reports), physical inspection, zoning and hydrological matters. Upon execution of the Purchase Agreement, AD will be authorized to commence application to Monroe County and other applicable agencies for the approval of the development plan. The property owner, shall as requested, join in an any application for such approval. AD agrees to submit an application in a timely manner.

Closing:

The closing of title to the Property shall occur thirty (30) days after final, non-appealable approval for the development of student housing of at least 475 bedrooms. The closing shall take place at the offices of AD's counsel or by escrow with the title company insuring purchaser's title (the "Closing").

Condition of Closing:

It is understood the Seller (Police Department) is the sole occupant of the Property and is in the process of construing a new building to relocate their offices. Upon AD receiving final, non-appealable approval for the development of student housing should Seller new office building is not completed, Seller may extend the closing date a maximum of six (6) months by providing written notice to AD no more than five (5) business days from AD approval.

Approval Period:

The "Approval Period" shall commence immediately after the expiration of the "Due Diligence Period". The "Approval Period" will expire after the project has received full site plan approval by all necessary municipalities but have a maximum duration of 12 Months. During the "Approval Period" AD and its agents, consultants and employees will diligently work to get their preferable project design approved by all municipalities. The property owner, shall as requested, join in any application for such approval.

Purchase Agreement:

The purchase agreement ("Purchase Agreement") shall contain such customary provisions as are typical in a commercial student housing transaction, including, without limitation, the proration of real estate taxes, rental payments, utilities, and the transfer of all security deposits and trade vendor contracts and deposits to a purchaser. Seller shall pay all state and/or county transfer taxes in connection with transfer of title to AD. Seller will cause fee simple title to the Property to be transferred unencumbered free of any and all liens. All escrow fees to be split 50/50 and Seller shall pay for all title and survey costs and transfer taxes. All pro-rations to be handled as customary in Monroe County.

Governing Law:

This Letter of Intent and any subsequent definitive agreements relating to the transactions contemplated hereby will be governed by and construed in accordance with the laws of the State of Indiana without giving effect to the principles of conflict of laws thereof.

Commissions:

Seller to pay Griffin Realty pursuant to a separate agreement.

Down Payment: At the time the Purchase Agreement is executed, AD shall deliver a Down Payment in the amount One Hundred Thousand (\$100,000) Dollars upon execution of a contract; the Down Payment shall be held in escrow by Buyers Title Company.

Exclusivity: Seller will negotiate in good faith and exclusively with AD with a goal of executing a binding purchase agreement within sixty (60) days after Seller executes this letter of intent. Seller shall not discuss the sale of the Property with any party other than AD and its agents and consultants during such sixty days and thereafter to the extent negotiations with AD have not been terminated.

Non- Binding Proposal: Other than the Exclusivity provision and the Due Diligence provision, neither party shall be bound, nor have any liability to the other with respect to this letter of intent and this letter of intent does not create any binding obligation on either party with respect to the proposed transaction, and it shall not be construed as a binding contract.

Counterparts: This Letter of Intent may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Letter of Intent and all of which, when taken together, will be deemed to constitute one and the same agreement.

If the foregoing is acceptable, please sign and deliver a copy of this letter by November 17, 2023

Aptitude Development LLC

DocuSigned by:


SCFA108171CS44A...
Brian Cohen, Real Estate & Acquisitions

Agreed and Accepted _____, 2023

Name:

Title:

December 4, 2023

City of Bloomington
PO Box 100
Bloomington, IN 47402

Sending Attn: Don Griffin (Griffin Realty)

RE: Letter of Intent to purchase **Bloomington Police Station**, located at 220 E. Third Street, Bloomington, IN 47402
(the
 "Property")

Mr. Griffin:

This non-binding letter of intent ("Letter") sets forth the principal terms and conditions pursuant to which **UP CAMPUS HOLDINGS, LLC** or its assignee ("**Buyer**") will acquire the Property from **City of Bloomington** (owner of record, collectively referred to herein as the "**Seller**") (the foregoing referred to as the "**Transaction**"). The Transaction will be consummated upon the following principal terms and conditions:

1. Description of Property:

- a. All land, buildings, FF&E, and equipment thereon along with all intangibles such as trade names and websites associated with the **Property** as depicted in **Exhibit A**.

2. Buyer and Seller(s):

- a. **Buyer: UP CAMPUS HOLDINGS, LLC**, a Delaware limited liability company or its assignee or nominee
- b. **Seller(s): City of Bloomington**

- 3. Purchase Price:** The Purchase Price for the Property shall be **\$3,200,000** paid at Closing and is conditioned on the terms and conditions herein. Real Estate taxes shall be prorated at 105% of the prior year taxes and such proration shall be final. Seller shall be responsible for paying transfer taxes and Buyer shall be responsible for paying local recordation fees as per local custom. All other recording stamps and taxes, and other pro-ratable items of revenue and expense shall be paid by and prorated in accordance with applicable laws and customs. The Purchase Price shall be payable in cash via wired funds at the Closing for the Property.

4. Review Period(s) & Deposit(s):

- a. **Review Period:** The Review Period will commence the later of execution of the Purchase and Sale Agreement or after Property Information has been provided to Buyer and expire **forty-five (45) business days** thereafter. Prior to expiration of the Review Period, Buyer may terminate the PSA at Buyer's sole discretion.

- b. **Earnest Money Deposit:** Within five (5) business days after the Effective Date of the PSA, Buyer will deliver to Escrow (defined below) an Earnest Money Deposit in the amount of **One Hundred Thousand Dollars (\$100,000)** (the “**Earnest Money Deposit**”), which shall be non-refundable at the end of the Review Period, except in the event of a failure of a condition to Close or a Seller default.
 - c. **Miscellaneous:** Buyer and its representatives and agents shall be allowed access to the Property owned by the Seller to conduct inspections. Buyer may terminate the Agreement for any reason during the Review Period (and neither party shall have any further rights or liabilities thereafter, except those expressly surviving such termination). If Buyer terminates the Agreement after the Review Period, all non-refundable deposits shall be forfeited to the Seller, except in the event of a failure of a condition to Close or a Seller default. The Deposit(s) shall be applied towards the Purchase Price for the Property.
5. **Terms & Conditions:** The transaction shall be subject to the following terms and conditions:
- a. **Information Review:** Within two (2) days executing a definitive agreement for the purchase of the Property, Seller shall provide Buyer all documentation listed in **Exhibit B “Property Information”** if in Seller’s possession or reasonably obtainable by Seller without any additional out-of-pocket expense, to assist Buyer in its review of the Property.
 - b. **Conditions of Purchase:** This Letter (and the Agreement, if executed) is conditioned, among other items, upon fulfillment of all the following conditions:
 - i. Contract of purchase and sale (the “**Agreement**” or the “**PSA**”) shall be prepared by the Buyer in a form satisfactory to Seller’s and Buyer’s counsel to be sent by Buyer to Seller. The Agreement shall contain the terms and conditions customary for transactions of this size and nature, as Buyer and Seller shall mutually agree.
 - ii. Buyer’s satisfaction with the Property Information and its own due diligence reviewed during the Review Period. Seller shall furnish Buyer with an updated ALTA Survey (issued after effective date of PSA) of the Property within five (5) days after receipt of current title commitments (the First Review Period shall be extended day-for-day for each day after seven (7) days after PSA execution that Seller does not deliver the ALTA Survey). The cost of the ALTA Survey with Table A items per Seller’s current loans shall be at Seller’s sole cost and expense; any further revisions to the Table A items shall be at Buyer’s sole cost and expense.
 - iii. Buyer’s satisfaction during the Review Period, in its sole discretion, with environmental, zoning/use, lease review, financial, and any other due diligence.
 - iv. Such other conditions customary for transactions of this property type, size and purchase amount.

- v. The Property is to be conveyed and sold subject to customary reps and warranties but otherwise on an “as is, where-is” basis subject to adjustments (decreases) to Purchase Price to reflect significant defects (or non-routine maintenance that has been deferred) identified in the property condition reports.
6. **Leaseback:** Upon closing, City of Bloomington Police Department will continue to operate their business at 220 E. Third Street, Bloomington, IN, leasing back the premises per the following terms:
 - i. **Term:** 1 year
 - ii. **Rent:** 10% of the closing price (including all closing costs) 2% annual increases
 - iii. **Premises:** Existing 22,820 SF building w/ 60+ parking spaces.
 - iv. **Expenses:** Tenant (City of Bloomington Police Department) would be responsible for all property related expenses such as Real Estate Taxes, Insurance, Utilities, and common area maintenance.
7. **Financing:** No mortgage or financing contingency. Property to be delivered by Seller free and clear of existing debt.
8. **Closing:** The Closing of the transaction shall take place within **sixty (60) calendar days** of the end of the Review Period. Closing shall take place at the escrow agent/title company (“**Escrow**”, to be mutually determined). Title to the Property shall be fee-simple and free of all liens, encumbrances, and other title objections and exceptions that Seller agreed to remove or provide insurance coverage for during the Review Period. Closing shall be subject to re-inspection of the Property by Buyer to ensure that no material change has occurred from the date of original Property inspection. Seller shall be responsible for the cost of an ALTA title insurance policy with extended coverage, or its equivalent in Indiana, covering the Property; however, Buyer shall be responsible for any other endorsements to such title insurance policy. Buyer and Seller agree to split (50%/50%) the cost of escrow. As long as Buyer/lender is diligently working towards closing, Buyer will have the option to extending Closing for an additional period of time.
9. **Exclusivity:** Seller agrees not to show, offer for sale, discuss, negotiate with and/or contract to sell or enter into a letter for sale of any portion of the Property or the Membership Interests to any other party during the period defined as forty-five (45) business days after the date this Letter is executed by both parties. Seller agrees to diligently negotiate and pursue the execution of the Agreement of sale and purchase in good faith.
10. **Expiration:** This proposal will expire **seven (7) calendar days from the first date above**, if not accepted in writing by the Parties. Once accepted in writing by the Parties, this Letter shall expire after twenty (20) business days if the Parties have not by then executed the Purchase and Sale Agreement contemplated herein. This Letter and the agreements in principle contained herein are not legally binding on the parties, except as noted otherwise herein, and are subject, among other things, to negotiations, execution, and delivery of a mutually satisfactory Agreement.

11. **1031 Exchange:** Seller and Buyer may complete an IRS 1031 Exchange at the closing of this Property upon the election of either party. Both parties agree to cooperate with each other and the facilitator regarding the 1031 Exchange at no cost, expense or liability to the cooperating party and both parties agree that neither party will incur any cost or liability associated with the exchange including attorney's fees for the other party. Each party will pay its own costs in connection with any 1031 exchange.

12. **Brokers:** Buyer has not engaged a broker for this transaction. Seller agrees to pay commissions due to Griffin Realty and any other Broker at the time of closing. Both Seller and Buyer shall represent and warrant in the PSA that no other brokers represent them in the proposed transaction and each party shall indemnify and defend the other party against any other brokerage or commission claims arising out of the sale of the Property.

13. **Assignment:** Neither party may assign or transfer the Agreement. Notwithstanding the foregoing Buyer may assign or otherwise transfer its interest in the Agreement to any affiliate of Buyer or any party in which Buyer or its direct or indirect owners participate.

14. **Confidentiality:** The parties agree that the monetary terms of this Letter are confidential, and that disclosure of the terms hereof could adversely affect the parties. Neither Seller nor Buyer will release or cause or permit to be released any press notices, or publicity (oral or written) or advertising promotion relating to, or otherwise announce or disclose or cause or permit to be announced or disclosed, in any manner whatsoever, the terms, conditions or substance of this Letter or the transactions contemplated by this Letter without first obtaining the written consent of the other party. The foregoing shall not preclude either party from discussing the substance or any relevant details of such transactions with any of its attorneys, accountants, professional consultants, lenders, partners, investors, or any prospective lender, partner or investor, as the case may be, or prevent either party from complying with laws, rules, regulations and court orders, including, without limitation, governmental regulatory, disclosure, tax and reporting requirements.

This Letter does not constitute a legally binding contract and the parties do not intend to be legally bound until a definitive agreement is duly executed by the parties except that the parties agree to be legally bound by the terms of Sections 8 (Exclusivity) and 13 (Confidentiality) of this Letter which terms shall survive the termination of this Letter or the abandonment of the transaction contemplated by this Letter. If this Letter is acceptable, please sign and return to me by the expiration date mentioned above.



Accepted and Agreed:

SELLER(S):

City of Bloomington
PO Box 100
Bloomington, IL 47402

By: _____

Name(s): _____

Date: _____

BUYER:

UP CAMPUS HOLDINGS, LLC, a Delaware limited liability company

By: _____

Name: Stephen G. Bus, Managing Partner

Date: _____

EXHIBIT "A" - PROPERTY DESCRIPTION

Address	Description	Parcel #'s
220 E. Third Street Bloomington, IN 47402	Bloomington Police Station Single Story Building w/ full basement, 60 parking spaces 1.4030 Acres	53-08-04-206-001.000-009 53-08-04-200-038.000-009 53-05-33-300-021.000-005 53-05-33-300-018.001-005



Lot Details

The Property

- 1.4030 Acre lot for development with over 60 parking spaces
- Zoned MD-DE (Mixed Use-Downtown Edges) that allows for Multi-Family, Lodging, and Retail amongst other uses
- Sale contains the following parcels
 - 53-08-04-206-001.000-009
 - 53-08-04-200-038.000-009
 - 53-05-33-300-021.000-005
 - 53-05-33-300-018.001-005

EXHIBIT "B"

PROPERTY INFORMATION

1. Copies of all service contracts and all agreements that will be binding on the Buyer after closing, if any.
2. Copies of all certificates of occupancy and other licenses and permits.
3. A copy of a current Owner's Title Insurance Policy for all Property.
4. Copies of all surveys, as-built plans, and specifications for the Property
5. Copies of all reports.
6. Copies of all insurance bills and policies.
7. Copies of all leases from the Property.
8. Copies of all easements if not reflected in vintage surveys, if any.
9. Insurance loss histories for last calendar years.
10. Copies of the real estate tax bills.
11. Summary of all pending and threatened litigation and claims, if any.
12. Capital expenses for last three (3) years.
13. Copies of all existing warranties, if any.
14. Copies of all warranties that are transferrable to Buyer.
15. Copies of any written correspondence within any government entity
16. All other documentation reasonably requested by the Buyer.