

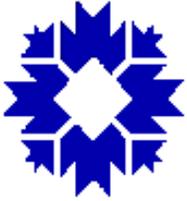
City of Bloomington Common Council

Legislative Packet

Containing legislative materials related to:

Wednesday, 5 March 2025

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
Wednesday | 6:30 PM
05 March 2025

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

<https://bloomington.zoom.us/j/88644413002?pwd=BwtbP5S87QpfULs2rPyLCOFekJCSvD.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **APPROVAL OF MINUTES**
 - December 4, 2024 – Regular Session
 - December 10, 2024 – Special Session
 - December 11, 2024 – Regular Session
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - a. Report from Dr. Martin Luther King Jr. Birthday Celebrations Commission
 - b. Report from Bloomington / Monroe County Human Rights Commission
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - A. Memo from Clerk Bolden
6. **LEGISLATION FOR FIRST READINGS**

None.
7. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 2025-03 – Resolution of the Common Council of the City of Bloomington, Indiana, Regarding Acceptance of a Transfer of Property from the Monroe County Capital Improvement Board, the Execution of a Lease Relating to the Financing of the Monroe Convention Center Expansion Project, and Pledging Certain Revenues to the Payment of Lease Rentals Due Under Such Lease

(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 up to three minutes.

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: February 28, 2025

- B. Appropriation Ordinance 2025-02 – To Additionally Appropriate from the Opioid Settlement Funds for the Downtown Outreach Grant Program
- C. Ordinance 2025-08 – Ordinance Re-Establishing Cumulative Capital Development Fund
- D. Resolution 2025-04 – To Dissolve One Standing Committee and Establish One Standing Committee of the Common Council

8. **ADDITIONAL PUBLIC COMMENT** * *A maximum of twenty-five minutes is set aside for this section.*

9. **COUNCIL SCHEDULE**

10. **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 up to three minutes.

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Posted: February 28, 2025



**City of Bloomington
Office of the City Clerk**

Minutes for Approval

04 December May 2024 | 10 December 2024
11 December 2024

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 04, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 04, 2024

Councilmembers present: Isak Nti Asare, Isabel Piedmont-Smith, Dave Rollo, Andrew “Andy” Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: Matt Flaherty, Kate Rosenbarger (offline at 8:19pm, online at 8:21pm)
Councilmembers absent: Courtney Daily

ROLL CALL [6:32pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:33pm]

Stosberg moved and Ruff seconded to cancel the Committee of the Whole meeting scheduled immediately following the Regular Session. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to cancel Committee of the Whole [6:37pm]

Piedmont-Smith noted the Special Session on Tuesday, December 10, 2024 to discuss Ordinance 2024-26 and a second reading on December 11, 2024 where a vote would be taken.

Stosberg moved and Ruff seconded to approve minutes for August 07, 2024 and November 13, 2024. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:39pm]

August 07, 2024 (Regular Session)
November 13, 2024 (Consensus Building Activity)

Asare spoke about the opening of the Forge, a new tech incubator in the Trades District to help start-ups and more.

REPORTS

- COUNCIL MEMBERS [6:39pm]

Stosberg mentioned her upcoming constituent meeting that would be rescheduled.

Piedmont-Smith reported on AccessAble USA which drafted user guides for people with disabilities for public spaces. It had been active in the United Kingdom for a long time. She thought it ideal for Bloomington to be the first city to partner with AccessAble USA. There would be photos of doorways, elevators, types of carpeting, and more. Leslie Davis, Chair for Council on Community Accessibility (CCA), was the Vice President of United States Operations for AccessAble USA. She hoped to partner with Indiana University, Monroe County Community School Corporation, and more for funding. She also had toured Ivy Tech’s semiconductor facility on the westside of town.

Holly Warren, Assistant Director for the Arts in the Economic and Sustainable Development (ESD) department, and staff liaison for the Bloomington Arts Commission (BAC), introduced the BAC report.

- The MAYOR AND CITY OFFICES [6:47pm]

Gerard Pannekoek, Chair of BAC, described BAC’s work including staff. The arts brought a high return on investment. He discussed grant cycles, projects, operations, and artistic advancement. He summarized the 2024 grant recipients. He noted the new, free professional development workshops to artists on grant writing. There were quarterly artist parties in order to build community.

Warren thanked Chaz Mottinger for her work with the events that Pannekoek described. She talked about public art around the city and programs like 1% for the Arts which required that 1% of

construction funding be for public art. She described other planned public art at Switchyard Park, Hopewell, Fire Station 3, and the Convention Center. There were partnerships with organizations like Duke Energy. Warren briefly commented on the Miller Showers Park art and Near West Side Neighborhood murals.

- The MAYOR AND CITY OFFICES (cont'd)

Council discussion:

Ruff asked for clarification about the quality of grant applications having increased.

Pannekoek said it was both the applications and the end projects. There was a better understanding of what types of projects would be funded which resulted in better quality of art, too.

Rollo asked if performing arts were included.

Warren said yes, and balance and equity was sought.

Zulich spoke about the Ad Hoc Salary Committee's process in drafting Ordinance 2024-26. It was difficult to serve on council and have a full time job, so it was important to raise council's salary. Doing so would allow an individual to serve on council and have another part time job equaling a livable salary for one person. She appreciated the community's feedback. She noted the incoming president who would put tariffs in place, raising costs for many people. The committee had five guiding principles and identified ten strategies for increasing salaries for city elected officials. The committee opted to use the midpoint strategy.

- COUNCIL COMMITTEES [7:02pm]

Darel Ruble spoke about his great experience with Rebecca Davis in the Housing and Neighborhood Development (HAND) department.

- PUBLIC [7:08pm]

John DeCastro lived above The Tap, a bar on the square, where there was constant booming music until the early hours of the morning. He had spoken to the employees, police, and more with no result.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:10pm]

Ruff moved and Stosberg seconded to remove Jenna Buckner from the Community Advisory on Public Safety (CAPS) Commission due to non-attendance. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to remove [7:12pm]

Zulich moved and Rollo seconded to appoint Claudia Lara to seat C-4 on the Commission on Hispanic and Latino Affairs. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to appoint [7:14pm]

LEGISLATION FOR FIRST READING [7:15pm]

Stosberg moved and Ruff seconded that Ordinance 2024-26 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Ordinance 2024-26 – To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2025 [7:15pm]

Piedmont-Smith noted the legislation would be discussed at a Special Session the following Tuesday, December 10, 2024.

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-09 be introduced and read by title and synopsis only.

Appropriation Ordinance 2024-09 – To Specially Appropriate from the General Fund, Economic Development Lit Fund, Parks and

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). McDowell read the legislation by title and synopsis.

Piedmont-Smith stated the legislation would move to a second reading at the regular session on December 11, 2024.

Stosberg moved and Ruff seconded that Ordinance 2024-25 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). McDowell read the legislation by title and synopsis.

Stosberg moved and Ruff seconded that Ordinance 2024-27 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Stosberg moved and Ruff seconded that Resolution 2024-26 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Stosberg moved and Ruff seconded that Resolution 2024-26 be adopted.

Virgil Sauder, Director of Animal Care and Control, described the reimbursement rate for 2025, totaling \$456,281.10. He explained the formula and how the rate was determined. There was an increase in expenses for shelter operations due to rising costs. He appreciated Monroe County and Ellettsville for understanding that need. The agreement would allow Animal Care and Control to continue consistent and compassionate care for all stray and unwanted animals in the county, as well as providing support for lost and found animals in the area.

Asare asked if there were substantial changes to the funding formula due to things like inflation.

Sauder said the difference was in the percentage rates which provided a good estimate, but adjusting the shelter operation rate might be necessary for things like medical reasons.

Recreation General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund and Alternative Transportation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, Parks & Recreation General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, and Alternative Transportation Fund) [7:16pm]

Ordinance 2024-25 – An Ordinance to Amend Ordinance 23-25 That Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2024 [7:18pm]

Ordinance 2024-27 – To Amend title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: The Establishment of the Advisory Transportation Commission [7:20pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:21pm]

Resolution 2024-26 – To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2025 [7:21pm]

Council questions:

Rollo noted the city was reimbursed for boarding and adoption costs. He asked about the process for a call for something like animal abuse in Ellettsville.

Sauder said the county would respond, based on an agreement with Ellettsville and the county. The city's role was to take the call and forward it to the appropriate agency.

Rollo asked if the shelter received animals from outside the county and if there was adequate compensation.

Sauder said yes, about 12-13% of animal intakes were from outside the county. That percentage had been steady for about six years. The fee was fair but could be increased. The risk was that the animal would just be dumped in the county and not at the shelter.

Rollo asked what the euthanasia rate was.

Sauder stated that the euthanasia rate fluctuated between 4-6% every year. He explained that was a very low percentage given that staff dealt with animals hit by cars and aggressive animals that should not be released into the community.

Piedmont-Smith asked what the "joint board" referenced in the legislation was.

Aleksandrina Pratt, Assistant City Attorney, said that was new due to a statute requiring it.

Piedmont-Smith asked if the board would convene as needed.

Pratt said yes.

Piedmont-Smith asked for clarification of the financials.

Sauder said the controller sent out an invoice twice per year, to Monroe County and Ellettsville.

There were no public comments.

Resolution 2024-26 (cont'd)

Council questions:

Public comment:

Rollo thanked Sauder and staff for their work, which was sometimes difficult. He would support the legislation.

Council comments:

Piedmont-Smith expressed gratitude to Animal Care and Control staff.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-26 [7:33pm]

Stosberg moved and Ruff seconded that Resolution 2024-27 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Resolution 2024-27 – Approval of Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana – Re: Building Code Authority [7:34pm]

Stosberg moved and Ruff seconded that Resolution 2024-27 be adopted.

Margie Rice, Corporation Counsel, briefly summarized the interlocal agreement and its history. The building interlocal worked well for builders though there were issues like differing software at the city and county. There would be quarterly meetings to discuss how to make improvements. Interlocal agreements were efficient.

David Hittle, Director of Planning and Transportation, stated that the interlocal agreement was for two years instead of one, and that it worked well.

Stosberg asked about any fiscal impact.

Council questions:

Hittle stated that the permit applicant paid a fee to the county and to the city.

Stosberg asked if there were cost savings for the applicant by having an interlocal.

Hittle said most likely not. It was easier for an applicant to only have one building department to go to.

Resolution 2024-27 (cont'd)

Council questions:

Asare asked about improving the interlocal agreement and process.

Hittle stated there was language that compelled the city and county to use the process efficiently. There were discussions on having the different systems work well together and described some improvements.

Asare asked about setting benchmarks within the interlocal.

Hittle said the interlocal was not the problem. But internally there would be benchmarks to positively impact the process.

Ruff asked if staff inspected land-disturbing activities, like erosion at site developments.

Hittle said yes, but had changed since City of Bloomington Utilities (CBU) took over Title 13 and stormwater. Planning staff verified that the site was developed consistent with design plans.

Asare asked how staff could obtain feedback from applicants.

Hittle said currently, one could not apply for a permit online but there would be a public portal soon. There was not a shortage of feedback from applicants. The goal was to make it as efficient as possible.

Asare asked how council could assist in the process.

Hittle appreciated the question and would follow up.

Flaherty asked for clarification on Hittle's statement on internal benchmarks.

Hittle clarified he meant the city's portion, not one particular department. There was a lot of back and forth between departments when reviewing the applications. Interfacing between departments could be improved.

Flaherty asked if staff turnover was a problem with processing permits.

Hittle said yes, and that it could take up to three years to fully know the complexities with permit applications. It was difficult to retain staff for three years.

Flaherty asked if more competitive compensation would help remedy that problem.

Hittle said yes.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in favor of the interlocal agreement.

Public comment:

Joe Davis said the city was getting a better deal with the interlocal. He gave reasons like fees and more.

Piedmont-Smith asked for clarification regarding the fees.

Rice said county staff believed the interlocal was symbiotic and not burdensome. As a former county attorney, she had never heard that the interlocal was unfair to the county.

Piedmont-Smith asked if the county collected fees too.

Rice confirmed that was correct.

Council comments:

Stosberg asked if the county was interested in making the interlocal a five-year agreement.

Rice said yes but the city declined since it was beyond the current mayor's term.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-27 [8:01pm]

Resolution 2024-20 – To Amend the City of Bloomington’s Transportation Plan in Order to Incorporate the Safe Streets and Roads for All (SS4A) Safety Action Plan [8:02pm]

Ruff moved and Rollo seconded to postpone Resolution 2024-20 to the Regular Session on January 22, 2025.

Motion to postpone

Asare asked if there was a funding deadline.

Council discussion:

Ruff had spoken with staff and understood that postponing into January 2025 would be fine.

Ryan Robling, Planning Services Manager, said there was a concern because the notice of funding opportunity had not been known. Now, it appeared that it would likely open in March. Staff was comfortable with January if that was what council wanted.

Asare asked Ruff about the reasoning for postponing.

Ruff said that the SS4A steering committee was interim and the Advisory Transportation Commission (ATC) had not yet been formed. It was important for the ATC to weigh in and Ruff believed more time was needed to consider the SS4A plan.

Rollo said the ATC would most likely be formed the following week and if more time was available, he felt it would be ideal to have the ATC review transportation related policies.

Piedmont-Smith noted that the ATC would not be fully appointed prior to the January 22, 2025 meeting. While she did not believe it was bad to allow more time for processing the plan, she hesitated waiting for the ATC since the SS4A plan had already gone through a steering committee process.

Stosberg asked if the commissions that would potentially roll into the ATC had reviewed the plan.

Piedmont-Smith acknowledged Lisa Lehner, Council Attorney, who said that postponement could not extend beyond the next council meeting.

Piedmont-Smith agreed and noted it was due to being the end of a calendar year.

Robling responded yes to Stosberg and said the plan was presented to the Traffic Commission and the Bicycle and Pedestrian Safety Commission. Two commissioners from each commission were on the steering committee.

There was brief discussion on postponement, and actions council could take that evening.

Robling added that if the legislation was postponed, the required Plan Commission process might be triggered.

Stosberg noted when the Plan Commission would next meet which was too close to grant funding deadlines.

Rollo asked if the Plan Commission could adopt the amendments passed by council.

Piedmont-Smith clarified that the issue was that the legislation could not be postponed past the current council session. If the

legislation was postponed indefinitely, then the Plan Commission would have to bring forth a different resolution to council.

Robling confirmed that was correct. If the Plan Commission adopted the proposed amendments, the legislation would still have to go before the commission in January.

Ruff withdrew the motion to postpone Resolution 2024-20.

Stosberg moved and Ruff seconded that Resolution 2024-20 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 1 (Rollo), Abstain: 0. McDowell read the legislation by title and synopsis.

Piedmont-Smith passed the gavel to Ruff.

Piedmont-Smith moved and Stosberg seconded to adopt Amendment 02 to Resolution 2024-20. She presented the amendment.

Amendment 02 Synopsis: This amendment is proposed by Cm. Piedmont-Smith. Part of it comes forward at the request of Planning and Transportation and Engineering staff. This includes a revised version of the SS4A Safety Action Plan and its appendices that corrects typos, updates graphics, includes additional citations, incorporates updated engineering standards, and improves clarity. Additionally, this amendment removes one image from page 9 of Appendix C: Proven Safety Countermeasures that was not compliant with current City standards for crosswalks. In the section proposed by Cm. Piedmont-Smith, this amendment also provides clarifying language to the "Additional Information" section of three Action Items and the "Performance Measures & Annual Reporting" section. While substantive, the changes do not alter the proposed Action Items themselves but instead aim to clarify what accomplishing each Action Item entails. The revisions to the "Performance Measures & Annual Reporting" section add language specifying that some reported performance measures will include countermeasures expected to have the greatest impact on safety, drawn from those listed in Appendix C.

Ruff asked for staff's input.

Robling explained the typos and said other updates were made for clarity.

There were no public comments.

There were no council comments.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Ruff passed the gavel to Piedmont-Smith.

Stosberg moved and Ruff seconded that Resolution 2024-20 as amended be adopted.

Stosberg asked about the plan to develop safe routes to schools and if there had been collaboration with the school district.

Robling said yes, staff was working with the school district already.

Stosberg asked about easements and maintenance of routes.

Robling said that each school would have its own plan and would be determined during the safety action plan level. He gave examples.

Resolution 2024-20 (cont'd)

Council discussion:

Withdrawal of motion

Resolution 2024-20

Amendment 02 to Resolution 2024-20

Council questions:

Public comment:

Council comments:

Vote to adopt Amendment 02 to Resolution 2024-20 [8:23pm]

Resolution 2024-20 as amended

Council questions:

Rollo asked what council's role was with the plans and road modifications. He asked for clarification on chicanes.

Robling said council was the fiduciary body. Plans would be reviewed by the Engineering department and the ATC. He said chicanes were an alteration to sidewalks, like a bump-out, with the goal of reducing traffic speeds.

Rollo said things like chicanes used to go before council, but they did not any longer. He asked when, and why, that was changed.

Andrew Cibor, City Engineer, said there was a change to Title 15 regarding traffic-calming devices. He gave additional details. The plan called for the proposed changes go to the ATC.

Piedmont-Smith asked about public, equitable engagement and the demographics of those involved in forming the SS4A plan. She asked about plans for future implementation of traffic safety measures.

Robling said the SS4A plan called for public engagement and community-centric designs. There would be public outreach, with demographic questions to equitably reach community members. Other projects would be done on a smaller scale to what was done with the SS4A.

Piedmont-Smith asked how staff would use the data collected from the public, regarding decision-making.

Robling said staff would assess the data at each stage. There was an equity framework flow chart that would inform next steps.

Rollo referenced B Square Bulletin's mapping of crashes with deer. There were one thousand four hundred and sixty seven crashes, from 2007-2020, with cars and deer. He asked for staff's opinion.

Robling said that council could amend the Unified Development Ordinance (UDO). The SS4A plan focused on fatal and serious crashes, but crashes with deer would be included in the dashboard.

Asare asked if staff would adjust the SS4A plan if there was not grant funding.

Robling said ideally, staff would opt for the Vision Zero plan, which had more impacts like housing affordability, et cetera.

Piedmont-Smith asked if, with the incoming president, there was a chance for funding to be cut.

Robling did not know, but believed the program was funded through 2026, regardless of any change in the administration.

There was no public comment.

Ruff believed the ATC would have a more comprehensive view on proposals. He expressed concern with unforeseen consequences of adapting the SS4A plan into the Transportation Plan. He had not had enough time to consider it. He planned to bring amendments to the ATC to include council in street changes. He was inclined to vote no on the legislation.

Stosberg had ample time to review the plan and had confidence in the public processes of the projects in general. She understood the wanting of certain items to go before council, but believed the best way to do that was to codify those items, and not block a plan like SS4A. There was a high number of crashes with deer, but slowing down traffic in general would lessen crashes. She would support the legislation.

Rollo was more comfortable with changes to streets going before council. He noted the many good proposals in the SS4A plan and

Resolution 2024-20 as amended
(cont'd)

Council questions:

Public comment:

Council comments:

would likely support it. Then he would propose changes to code to include council in street modifications.

Resolution 2024-20 (cont'd)

Council comments:

Piedmont-Smith believed the SS4A plan was good. There had been too many serious and fatal crashes on city streets. She welcomed the plan, and Vision Zero, which would hopefully be implemented by 2035. She concurred with public speaker Greg Alexander that city roads needed to be engineered to be safer. She appreciated the appendices for clarity, as well as the equity piece which highlighted a history of inequities in the built environment. She noted things like redlining and the need to engage residents of underserved communities. She gave examples from the plan. She acknowledged the legislation was slightly rushed and could have used more time, but she did not want the city to miss grant deadlines. She noted the need for clarity with drafting plans and working with consultants.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-20 as amended [8:56pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, discussed financial priorities with public safety infrastructure and gave examples.

ADDITIONAL PUBLIC COMMENT [8:57pm]

Joe Davis, former candidate for County Council, commented on abandoned vehicle notices on his two cars. He expressed disdain for the process noting that his cars were registered and not abandoned.

Piedmont-Smith reviewed the proposed Annual Council Legislative Schedule for 2025.

COUNCIL SCHEDULE [9:03pm]

Stosberg asked if there were only two meetings in December since local code required recess after the second Wednesday.

Council discussion:

Piedmont-Smith believed there had been three but was not sure.

Rosenbarger spoke about the budget hearing process. She asked for confirmation that the budget was due on November 01.

Piedmont-Smith confirmed that was correct.

Rosenbarger urged that the budget not be pushed back at all.

Piedmont-Smith stated that she had sent the proposed schedule to the Deputy Mayor Gretchen Knapp and Jessica McClellan, Controller, and they had not expressed any concern. She noted there were two typos in the footnotes of the document.

Rollo moved and Ruff seconded to adopt the Annual Council Legislative Schedule for 2025.

Asare said the budget overlapped with the beginning of Indiana University's semester.

Stosberg asked if committee meetings could become Special Sessions.

Piedmont-Smith said yes, with appropriate notice.

Lehner concurred.

Stosberg asked about the meetings in August.

Piedmont-Smith noted that the Office of the City Clerk was not available on the second week, so there was only one regular session in August and budget hearings.

Rosenbarger asked about the September meetings.

Piedmont-Smith stated the additional September meeting was due to Yom Kippur.

Rosenbarger highlighted the importance of council having enough time with the administration's budget, which had been a problem during her five years on council. It had always been approve or forego the new budget and retain the current budgeted amounts.

Piedmont-Smith said that changes to the schedule could be made at a later date, too.

Stosberg pointed out that code required that the first and third Wednesdays be regular sessions, but one date in October was a committee meeting.

Flaherty clarified that code allowed council, by majority vote, to dispense with any regular session or to change the day and hour of any meeting but must meet at least once per month. He added that the annual schedule was noticed as a whole but could be changed.

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Ruff out of the room)

Vote to adopt schedule [9:20pm]

Piedmont-Smith mentioned upcoming council meetings.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [9:20pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, December 10, 2024 at 7:30pm, Council President Isabel Piedmont-Smith presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 10, 2024

Councilmembers present: Courtney Daily (arrived at 7:57pm), Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: Isak Nti Asare

ROLL CALL [7:30pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [7:31pm]

Stosberg moved and Ruff seconded to structure the discussion. The motion was approved by voice vote.

Vote to structure discussion
[7:35pm]

DISCUSSION OF ORDINANCE
2024-26 [7:35pm]

Stosberg commenced the discussion by providing a brief history of the city's elected officials' salaries and statutory authority that allowed council to fix elected officials' salaries. She noted the Ad Hoc Salary committee's context and purpose, and that the committee had opted to begin with a blank slate, not replicating past practice or have specific salaries in mind. The committee consulted with Crowe LLP who was engaged with the administration regarding civil city salaries. She explained potential options for Crowe and the committee and described the process the committee had undertaken, facilitated by Crowe. Clerk Nicole Bolden, Sharr Pechac, Director of Human Resources, and Taylor Brown, Legislative Affairs Specialist, Office of the Mayor, and Sam Roll, Council's O'Neill Fellow had all attended the committee meetings. The committee developed a set of guiding principles, established a basis of salary setting, identified relevant information and data, and set an annual process for fixing elected official salaries moving forward.

Ordinance 2024-26 - TO FIX THE SALARIES OF ALL ELECTED CITY OFFICIALS FOR THE CITY OF BLOOMINGTON FOR THE YEAR 2025

Zulich presented the guiding principles including accessibility of public service, equitable pay, quality community service, informed decisions, and transparent and documented processes. She gave details on each guiding principle.

Stosberg described the development on the basis of salary setting. She discussed several approaches like setting the mayor's salary, then setting council and clerk salaries as a percentage of the mayor's or perhaps benchmarking to other Indiana second class cities.

Rosenbarger said the approaches that most aligned with the guiding principles was setting the mayor's salary, or the clerk's salary, and basing the others on that salary. The approaches that aligned the least were to set salaries based on what was paid the previous year or benchmarking to other Indiana second class cities. She explained anchoring bias which was a cognitive bias that caused one to heavily rely on the first piece of information on a topic. That risked skewing a decision and not having an objective analysis based on a set of principles. She explained the recommended basis of salary setting, and the elected official compensation framework.

Flaherty explained that the committee started with a sequenced process, first identifying what outcomes and values were being sought. The committee considered information relevant to enable

the council to make informed decisions. These items included the Civil City pay ranges, city budget constraints and capacity, consultation with Bloomington's elected officials, anonymously sourced input from councilmembers on hours required to meet expectations. The mayor and clerk provided comments to the committee. Additionally, the committee considered elected official salaries for Monroe County and other Indiana second class cities as well as the Bloomington Area Median Income (AMI) and cost of living. He provided details on each data point. The committee recommended an annual process and Flaherty briefly described the timeline. He spoke about applying the framework to develop salary recommendations based on the five guiding principles. He explained the recommended salaries for the mayor, clerk, and council with detailed rationale from the committee. The mayor would have a midpoint grade fourteen, with a salary of \$151,410. The clerk would have a midpoint grade of thirteen, with a salary of \$129,780. Councilmembers would have a salary of \$45,423, a percentage of the mayor's salary. He said the councilmember survey included time preparing for meetings, hours in noticed meetings, constituent and community services, and legislative and policy development, review, and refinement. Some examples included reading packet materials, working with staff, individual research, regular and special sessions, responding to emails, attending neighborhood meetings, review of city plans to better understand policy implementation, and more.

Rosenbarger said Ordinance 2024-26 was part of salary increases citywide, starting with a salary study initiated by the former mayor, John Hamilton, and ending in Mayor Thomson's term. The city aimed to be an employer of choice, striving to provide a competitive total compensation package. The city valued reasonably higher salaries for leadership positions, especially those with widespread impact on the community. The committee attempted to correct historic inequities with a more significant adjustment. However, the committee opted to phase in the increase.

Shannon Madden, Crowe LLC, said Crowe's goal was to facilitate the committee meetings and to develop a structured process; not to make recommendations. She stated that committee members had presented the process well that evening. They had prioritized the values-driven framework based on the guiding principles. There had been a lot of critical thinking and analysis throughout the process. Consultants from Crowe provided a summary memorandum of the process which was included in the packet materials.

Rosenbarger presented alternatives and encouraged those with proposed changes to the salary ordinance to engage with the Elected Official Compensation Framework. Some considerations included analyzing the guiding principles, the basis of salary setting, and the application of both. If councilmembers disagreed with those items, she asked what they recommended be added or removed.

Piedmont-Smith noted the structure of debate.

Rollo said the recommended salaries were shocking but recognized the committee's good work with developing a framework. He had only seen the salary when the packet was distributed. He asked if the committee had looked at other cities in Indiana.

Council discussion:

Stosberg had not liked the final compensation amounts and the committee had considered ways to adjust the pay. She believed the salary ordinance needed to go before the full council for debate.

Ordinance 2024-26 (cont'd)

Council discussion:

Historically, Indiana clerks and council were underpaid and she expressed concern about the community backlash. She reiterated that state code authorized council as the only body to fix elected officials' salaries so it was not surprising that pay around the state was low. Surveying other council's duties would have yielded interesting information but there had not been time to conduct a study. It was uncomfortable to discuss salaries but it was necessary and the service council provided was valuable.

Flaherty clarified that if the basis of benchmarking was the tool to be used, then the committee would have researched other cities' council's duties. Much of that research had already been done. Councilmembers had researched meeting structures, and Clerk Bolden had researched meeting frequency. It was clear that Bloomington had a much more active council with a higher expectation of community engagement and collaboration in producing policy and legislation. There were significant differences that warranted a different approach than simple comparisons. The position of clerk was historically and commonly held by women and was systemically undervalued. There was academic research highlighting that councils were often underpaid because they had to set their own salary. There was not an incentive for increasing pay which led to systemic depression of council salaries. That was not the case for mayors. He spoke about benchmarking and different ways to approach it.

Piedmont-Smith asked for clarification between accessibility of public service and quality community service.

Zulich responded that accessibility referred to whether or not anyone could hold the position while quality referred to attracting good people.

Rosenbarger added that accessibility externally referred to the qualification of the job while quality internally referred to working with staff, engaging with the community, and more.

Stosberg said that quality community service was the overall goal for all elected officials. She discussed intrinsic and extrinsic motivations for those serving in public office. Paying elected officials well, improved quality community service and addressed inequities.

Rosenbarger noted that many people chose not to serve because of the low pay. The purpose was to entice qualified candidates to run for office.

Daily asked why make the increases to elected officials' salaries that year. She said pushback from the public included raising salaries for the next council.

Flaherty reiterated that council had never fixed its own salary so the inequity had just continued over the years. And unless there were to be nine new councilmembers, then there would be councilmembers voting on their own salary regardless. The proposal was part of the citywide effort to make city salaries competitive; to correct years' of inequity. There were people in senior leadership receiving a \$30,000 increase to their salary. Increasing salary for future council had also not occurred for city council, though it had statutory requirements to do so.

Zulich commented on staff turnover during the budget process which related to retention.

Stosberg asked if not now, when. At some point, council needed to address the inequity in its compensation.

Rollo spoke about council's role in public service and acknowledged different socioeconomic statuses. He believed that taking major

Ordinance 2024-26 (cont'd)

action at the time appeared to the public as self-serving. He referenced the B Square Beacon that listed elected officials' salaries. He commented on the clerk's salary. He believed council was underpaid in comparison to other cities in Indiana and said the former administration had only done COLA increases even with high inflation. A modest increase in pay was justifiable but anything larger should be for the next council and clerk. He said the mayor's pay was fine, the clerk's salary could increase a bit, and council's should increase.

Council discussion:

Stosberg asked what a modest number would be.

Rollo referenced other cities like Carmel and Fishers, which had salaries around \$20,000+. He recognized that Bloomington's council was more active and the high cost of living of the city. Around \$26,000 was reasonable, give or take a thousand dollars.

Piedmont-Smith asked if Rollo focused on comparisons to other cities and the cost of living in a city.

Rollo said yes. The clerk in Carmel, made approximately \$129,000 but was also clerk for the municipal court. He noted that the mayor and the clerk had benefitted by adding employees. Council had not.

Rosenbarger spoke about public service, and the value in public good, but said it was elitist and exclusionary to pay those in public service less; it went against the guiding principles such as equity. She reiterated that working in public service simply for the good of the public was not in the framework or guiding principles identified by the committee. Employees of Cook, Indiana University, or even city staff were not asked why they were paid so much. Perhaps individuals could donate a portion of their salary for the greater good instead of making a fair market wage. She urged council to use the framework.

Clerk Bolden noted the passing of Monroe County Councilor Cheryl Munson and expressed deep sympathy to her family. It was a significant loss to the community. She clarified that the mayors of Carmel, Hammond, Fishers, Fort Wayne, Noblesville, Gary, and Lafayette all made over \$140,000. Bringing Bloomington's mayoral salary to \$141,000, she would be the eighth or ninth highest paid mayor in Indiana. The increase to the clerk's salary would be large, depending on the final number. Bolden explained that Bloomington's Office of the City Clerk had adjudication duties. No city clerk in second class cities, in the state of Indiana, had controller duties; only clerk-treasurers in third class cities and towns did. The Office of the City Clerk had only recently been back to the staffing levels of Bolden's predecessor. Clerk staff had decreased while at the same time, work load increased with council meetings nearly doubling. It was a misrepresentation to say that staff had been added. Council had requested and approved an additional staff member for the clerk's office to cover additional duties.

Flaherty thanked Rollo for commenting, and believed benchmarking was important to Rollo. The committee had defined things like equitable pay according to levels of responsibility, and relative to other Bloomington elected officials and departmental leadership. He noted that perhaps Rollo defined equity through population. It was important to know what councilmembers thought about salary changes. Flaherty thought it best to phase in increases and gave examples. He cautioned only using benchmarking to other cities. Currently, there were department heads' salaries increasing from \$117,000 to \$151,000. That information was relative to the consideration of increases for elected officials. He hoped council

was able to attain an outcome that the majority or the full council could support.

Ordinance 2024-26 (cont'd)

Council discussion:

There was brief discussion on potential amendments to Ordinance 2024-26.

Daily said she and Zulich were drafting an amendment which used the framework. The mayor's salary would remain as proposed in the legislation, at \$151,000 due to the mayor's actual work hours being sixty per week. Council's salary would be \$30,282. She gave reasons in support of the proposal which had phased-in increases, with a final vote in 2027 for 2028. There would be incremental \$1,500 increases per year, and in year three it would be \$3,000.

Zulich added there would be phased-in salary increases for the mayor and clerk. Using the framework, the mayor's salary would start at \$142,490.67 and the clerk's salary would start \$101,260. She provided reasons in support of the compromise.

Piedmont-Smith asked how the percentages were calculated and if it was based on council working twelve hours, part-time.

Zulich said yes and the first third of the increase would be in 2025, with additional phasing in the following years.

There was discussion on how the calculation was made.

Stosberg expressed concern that the mayor's hours were calculated to be sixty, given the extensive work of labor to establish a forty hour work week. The committee had opted to use twelve hours for council as the bare minimum. She noted a councilmember had said the work week was twenty six hours. If the proposed amendment used sixty hours for the mayor, Stosberg preferred to use, at least, the average of sixteen and two thirds for council.

Flaherty appreciated the discussion and proposal. He reiterated that the goal was not based on a dollar figure, because every year there was a COLA increase and grades changed. It was important to restructure the discussion to say, for example, midpoint grade thirteen, rather than focus on a specific dollar amount. Phasing in increases included an advancing target. Regarding hours worked, the committee had considered that the mayor likely worked more than forty hours per week, especially in emergencies. He explained how the committee had arrived at 30%. Setting a percentage basis was sound and was Bloomington-specific, given the nature of its council. He believed 20% was too low, but could possibly support 25%. He spoke about other senior leadership positions and things like tenure pay.

Rosenbarger thanked Daily and Zulich and asked for clarification on the phasing-in of increases. It was best to use percentages than dollar amounts since compensation could not be fixed past 2025.

Piedmont-Smith noted that the proposed amendments were in draft form still.

Zulich confirmed that it was the current salary plus the first third of the increase proposed by Ordinance 2024-26. Beyond 2025 was an expression of intent.

Rosenbarger asked for the rationale for mayor and clerk salaries.

There was additional discussion on the forthcoming rationale.

Stosberg said that the proposal set a final number and worked backwards, but that in three years, the midpoint grade fourteen would be different. She asked if Ruff had anything to add.

Ruff stated that he was listening to the discussion and did not have anything to add.

Ordinance 2024-26 (cont'd)

Council discussion:

Flaherty was working on an amendment with Rosenbarger that started council salary as a percentage of the mayor's salary. He believed 20% was far too low. He reiterated that the committee had identified 30% as ideal, after considering the duties of the mayor and other senior leaders. Currently, council pay was around 16% of the mayor's. He spoke about options for phasing in increases, for the mayor and clerk. He believed the clerk was a department head. He acknowledged that council had added responsibilities to the clerk's office, such as oversight of boards and commissions.

Stosberg preferred Flaherty's phasing in plan, as it was closer to the original proposal. She gave examples and explained why.

Piedmont-Smith asked about phasing in the clerk's salary.

Flaherty said it would be steps one, two, or three of grade point twelve, though he believed it should really be grade thirteen. The amendment was a draft, and an effort to compromise.

Piedmont-Smith believed that the clerk was a department head and should be graded at thirteen. She asked for feedback.

Rosenbarger agreed that the clerk, and council attorney, were department heads and should be compensated accordingly. Bloomington's council met more than any other second class city, and included the clerk too. Additionally, there were minutes to draft and legislation to process, and more.

Stosberg had considered the city's change to a fourteen grade point range. She had requested the rubric with the list of considerations from Human Resources (HR) as well as loose definitions of grades. For department heads, the grades were thirteen and fourteen, and for division heads, the grades were eleven and twelve. Public Works had been provided as an example of the differences. She had a proposed amendment, which placed the clerk at midpoint for grade eleven which was higher than entry point for grade twelve. She added as a reminder that council could not lower pay for elected officials once fixed so she preferred to start more conservatively.

Jeff Richardson believed council was a diverse representation of workers and spoke about perception. The original proposal was perceived to be self-serving as well as unintended consequences.

Public comment:

There was discussion on extending public comment per speaker.

Ruff moved and Zulich seconded to give five minutes of public comment per speaker, with comment to end at 10:15pm.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to extend public comment time limit per speaker [9:36pm]

Jeff Richardson continued his public comment and discussed working over forty hours per week.

Colleen Williamson, Assistant Administrator/Legal Research Assistant, read a comment submitted via Zoom chat by Sam Dove in regards to firefighter salaries.

Renee Miller praised Cheryl Munson and noted her passing. She supported the salary increase for the clerk, but for council, it should not be a higher increase than Fishers.

Ordinance 2024-26 (cont'd)

Public comment:

Steve Volan wished that Cheryl Munson rest in peace. He said anchoring bias was used when he was on council, with just a COLA. Charlotte Zietlow had written in her book, that a typical council meeting before 1971 lasted five minutes, with ordinances voted on after only reading the title. He urged council not to have reactionary politics, especially from social media. He commented on the committee's work, council's work hours, health insurance, and more. He urged council to increase its salary to \$32,000, the city's living wage ordinance amount. He said council could form a resident committee to do the Ad Hoc Salary committee's work. There was anchoring bias in comparable second class Indiana cities. He said the new paradigm carefully constructed by the Ad Hoc Salary committee, and its recommendations, were reasonably recommended.

Eric Spoonmore, President and Chief Executive Officer of the Greater Bloomington Chamber of Commerce, recognized the passing of Cheryl Munson. He thanked board members and commissioners who volunteered their time with no pay or healthcare. He spoke about businesses unable to pay their part-time employees' healthcare and pension. He appreciated the committee's work and Zulich and Daily for their amendment.

Valerie Merriam acknowledged Cheryl Munson's passing. She spoke about the perception of the recommended increase in salaries for elected officials and expressed disdain. She noted high cost of property taxes, and potential tariffs under the new president. She urged council to go slowly with any increases. She wished that council even had Republicans; having only one party was horrible.

Williamson read a comment submitted via Zoom chat by Bloomington Resident regarding council's increase in salary being greater than some full-time city employees. They urged council put the question on the ballot for a vote.

Stosberg presented an alternative proposal and while she supported the committee's framework, her proposal used a different basis for salary studies. It focused on pay equity and the wage gap and how COLA increases widened the wage gap. She discussed inflation, buying-power of dollars in 2000 and 2024, and said that the adjusted council salary should be \$29,586. She spoke about Monroe County's approach to closing the wage gap. She acknowledged that her methodology assumed that the wage gap in 2000 was ideal, and that was a flawed assumption. She explained how the proposal related to the guiding principles and noted it was not a repeatable process; a committee would have to restart the work the following year, preferably earlier in the year. She highlighted the gender bias between clerk and mayor since clerks in Indiana were positions primarily held by women. Because of those historic inequities, it was not ideal to use the wage gap to compare salaries of mayor and clerk. She shared sample salaries for mayor and council and gave reasons in support, and noted that the clerk could be similar to a division head, grade eleven.

Council comments:

Piedmont-Smith thanked Stosberg for her presentation. She noted that in 2000, councilmembers were making 15% of the mayor's salary which was not sufficient.

Stosberg added that the current council was making only 15% of the mayor's salary. In the sample salaries she shared, one was at 26% and the other was 21%.

Rollo asked Stosberg if she was proposing to set the mayor's salary and if so, what it would be.

Ordinance 2024-26 (cont'd)

Stosberg had attempted to adhere to the committee's framework; by setting the mayor's salary first, then setting council's salary as a percentage of the mayor's. She explained how she arrived at potential salaries as a step towards correcting the wage gap.

Council comments:

Flaherty said it was an interesting analysis and appreciated Stosberg's input. He did not find it compelling as a salary basis due to anchoring and the arbitrariness of picking 2000 as the ideal wage gap. It departed from the values-based framework. It was relevant to inform how salaries were affected over time.

Piedmont-Smith said putting the clerk at a midpoint grade eleven was too low and explained why. She would compromise with a midpoint grade twelve, given the responsibilities of a city clerk. She noted that the Mayor Thomson had made it clear that she would not sign any salary ordinance that was greater than a COLA increase for elected officials, so none of the proposals discussed that evening would be approved by the mayor. If the mayor vetoed the salary ordinance, then council would have to meet later in December, possibly on the 30th. Piedmont-Smith would follow up with councilmembers for their availability.

Stosberg commented on the elected officials' salaries and noted the mayor had the greatest increase. It was abhorrent that the mayor would veto any ordinance that would increase equity and pay amongst elected officials.

Rollo appreciated council's discussion that evening but was concerned about perception. He expressed trepidation on raising council's salaries. He believed comparing Bloomington to the other cities was defensible. He commented on the clerk's salary and his hesitation on raising it. If there was compelling information that the clerk, an elected official, was like a department head, then it needed to be presented.

Rosenbarger asked to review the committee's recommendation.

Flaherty said it would be useful because it showed how using a percentage of the mayor's salary, for council's salary, would move in tandem with moving paygrades.

Rosenbarger appreciated the committee's recommendation and the intent pertaining to increases. Council's part-time role averaged out to 43% of a full-time job. She said there was a good work-life balance at the city, including compensatory time off. She noted that Fishers council only met once per month; so comparing to other cities was not ideal. Some members of the public did not believe council spent a lot of time on council work and she questioned that assumption. She supported salary increases generally because Bloomington had such a high cost of living and ways to address that included increasing salaries. It was not appropriate to argue that since one was not paid well, others should also not be. She supported having a living wage and uplifting individuals.

Piedmont-Smith encouraged council to work collaboratively on potential amendments to avoid duplicate proposals.

Stosberg stated that the committee's recommendation addressed the wage gap concern she had.

Ruff referenced former councilmember Steve Volan’s comments, the proposals discussed that evening, the committee’s recommendation, and council comments. He did not believe the discussion on elected officials’ salaries was self-serving. It was not greedy to serve as an elected official and being properly compensated for it, it was still community service.

Ordinance 2024-26 (cont’d)

Council comments:

Piedmont-Smith asked staff about timing for potential amendments.

Lehner said it best to not to duplicate work and to allow council staff the time to review, compile, and distribute amendments.

Flaherty noted the legal perspective where local code required amendments to be written and displayed prior to adoption, even during a meeting. He gave examples.

There was additional discussion on amendments and process.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [10:33pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 11, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 11, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Piedmont-Smith noted the passing of Cheryl Munson, former Monroe County Councilor, and her experience knowing and working with Ms. Munson. She noted her upcoming constituent meeting.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Stosberg reported on the Plan Commission and its petition which contained an amendment that would be presented to council. She spoke about her upcoming constituent meeting.

Rollo lamented Cheryl Munson's passing and praised her patience, intellect, and good humor. He noted the passing of Donald Byrd, founding member of Braver Angels, later known as Better Angels, which addressed political divides. He noted his and Ruff's upcoming constituent meeting.

Ruff recognized Cheryl Munson's service in the community. He spoke about his work with Ms. Munson over the last thirty years. He thanked Piedmont-Smith (President) and Stosberg (Parliamentarian) for their work. He appreciated Stosberg stepping up when he was not available for his duties as Vice President.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:43pm]

There were no reports from council committees.

- COUNCIL COMMITTEES [6:43pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about constituent meetings, transit service outside of the city, and praised Cheryl Munson for her work in the community.

- PUBLIC [6:43pm]

Chuck Livingston spoke about the 7-Line, traffic, and bicycle counts.

Khari Mkola, also known as Adrian Thomas, nephew of Troy Thomas, said it was difficult to see city police vehicles since they were painted black in the front and back. He discussed issues with the Bloomington Housing Authority.

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:56pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [6:56pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:57pm]

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-09
– To Specially Appropriate from the General Fund, Economic Development Lit Fund, Parks and Recreation General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund and Alternative Transportation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Economic Development LIT Fund, 2 Parks & Recreation General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, and Alternative Transportation Fund) [6:57pm]

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-09 be adopted.

Jessica McClellan, Controller, presented the legislation which was a request to transfer funds with no net effect. She gave more details.

Flaherty asked for clarification on alternatives to the process.

Council questions:

McClellan said additional appropriations or a transfer within the department, could be requested. She highlighted that the request did not include an additional appropriation.

Asare asked about the timing of transfers to other departments.

McClellan clarified that departments were in constant contact with the controller’s office regarding expenses and needs.

Asare asked how end of year transfers related to the budget process.

McClellan said an analysis would be done to see if there could be better budgeting of funds.

Stosberg asked if departments had enough time to expend the funds.

McClellan confirmed yes and gave examples.

Asare asked about American Rescue Plan Act (ARPA) funds.

McClellan said the final \$7.5 million had to be obligated that year.

Adrian Thomas commented on budgets, transfers, and his understanding of the process.

Public comments:

Stosberg said it was pretty standard to have end of year transfers. She thanked McClellan and department heads for their efforts.

Council comments:

Zulich thanked McClellan and others for effectively balancing the transfers.

The motion to adopt Appropriation Ordinance 2024-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 2024-09 [7:08pm]

Stosberg moved and Ruff seconded that Ordinance 2024-25 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-25 – An Ordinance to Amend Ordinance 23-25 That Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County,

Stosberg moved and Ruff seconded that Ordinance 2024-25 be adopted.

Sharr Pechac, Director, Human Resources (HR), presented the legislation. The request was to provide a one-time payment of \$500 to all American Federation of State, County and Municipal Employees (AFSCME) employees in 2024.

Indiana for the Year 2024
[7:09pm]

Stosberg asked if AFSCME salaries were the only ones not in the salary study.

Council questions:

Pechac confirmed that was correct. The salaries for AFSCME employees would take priority in the following year.

Piedmont-Smith asked when the contract would be renegotiated.

Pechac said it would be in December 2026.

Deputy Mayor Gretchen Knapp said that if the salary study was done in 2025, then the negotiation process would be reopened to adjust 2025 salaries.

Pechac said the goal was to prioritize the salary study. The request was to give a bonus as a good faith effort and appreciation of AFSCME employees' work.

Asare asked if the \$97,000 impact was budgeted.

Pechac stated it was a portion of the budgeted amount for the salary study.

Piedmont-Smith asked what the total amount was for the bonuses.

Pechac said it was \$96,000.

There were no public comments.

Public comments:

Stosberg and Piedmont-Smith appreciated the request for bonuses.

Council comments:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-25
[7:16pm]

Stosberg moved and Ruff seconded that Ordinance 2024-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-26 – To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2025 [7:17pm]

Flaherty summarized the process and framework the Ad Hoc Salary committee undertook. There were materials on the process in the packet, and there had been a full presentation the previous evening.

Flaherty moved and Ruff seconded to adopt Amendment 01 to Ordinance 2024-26. Flaherty presented the amendment, detailed the process, and highlighted the structured, methodical, and thoughtful way, aided by consultant experts in city government, in which the recommendations were determined. The amendment addressed the issue of councilmembers and clerk being underpaid, gradually.

Amendment 01 to Ordinance 2024-26

Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty and Cm. Rosenbarger and would change the proposed salaries in Ordinance 2024-26 to the following levels for 2025:

- Mayor’s salary: \$139,411, which is a 1% increase over the mayor’s 2024 salary.
- Clerk’s salary: \$92,873, which is half way between the Clerk’s 2024 salary and the Grade 12, Step 1 compensation level. This is an increase of \$5,873 compared to the 2024 salary.

- Council Member’s salary: \$26,488, which is 19% of the Mayor’s salary. This is an increase of \$5,335 compared to a Council Member’s 2024 salary.

Amendment 01 to Ordinance 2024-26 (cont’d)

Combined, the 2025 salaries proposed in this amendment have a fiscal impact of \$60,526 (i.e., the fiscal impact beyond 2024 fiscal requirements for elected official salaries). These changes are part of a proposed four-year, phased increase of elected official salaries. The intent is to increase salaries in a way that balances (1) alignment with the Elected Official Compensation Framework and principles of accessibility, equity, and quality community service; and (2) more gradual changes from the current (2024) salaries for elected officials. These changes come in the context of a broader, citywide update of compensation levels in order to improve the quality of local government and achieve more competitive and equitable pay. The proposed phase-in schedule would be subject to the passage of a corresponding salary ordinance for elected officials each year. Ordinance 2024-26 would only fix 2025 elected official salaries.

Piedmont-Smith noted that Ordinance 2024-26 only fixed salaries for 2025, and asked how Amendment 01 would be implemented over four years.

Council questions:

Flaherty clarified that Amendment 01 would not force future council’s votes on fixing salaries. The intent was to demonstrate that the sponsors were not arbitrarily choosing numbers. It was a values-based approach to addressing elected officials’ salaries.

Asare asked why the percentages would increase.

Flaherty said council pay would be calculated as a percentage of the mayor’s salary. The current percentage was 15% and the goal was to reach 25%. The committee believed tying council salaries to a percentage of the mayor’s salary was reasonable, instead of doing Cost of Living Adjustment (COLA) each year. He noted the civil city rubric that was used for determining how the council role related to the mayoral role; as branches of local government.

Rosenbarger added that Amendment 01 resulted from the discussion the previous evening. There were councilmembers that wanted a longer phase in approach, from three years to four. There were differing opinions of councilmembers. It was important to follow the framework that was put forth by the committee. She referenced the consultant’s, Crowe, appreciation of the committee’s work. At the previous meeting, Crowe said they were impressed with the result. She reiterated that the amendment was intentional but not binding for future years.

Asare asked if the 19% was chosen arbitrarily.

Flaherty said no; it was a step process to reach 25% overtime. It was a set of changes that attained more equitable pay for council, resulting in better government. The committee assessed the nature and role of the jobs using the point-factor rubric, talked about hours that were necessary and expected to provide quality service, relative to the mayor, which informed a decision and a number. It was not arbitrary, the percentages were based on a set of values and an analysis. The 19% was a slightly bigger jump in the first year than in subsequent years. Addressing the inequity better in the first year was reasonable.

Rosenbarger explained that it was easier to use whole numbers for the percentages when calculating a three-year phase to four.

Rollo asked about the possibility of a mayoral veto and the potential for additional council meetings that year, during some holidays.

Flaherty said Amendment 01 was very clear that salaries were only being set for 2025. The subsequent years were included as rationale. He could not speak for the mayor but reiterated that state code mandated that council set the salaries for elected officials.

Amendment 01 to Ordinance 2024-26 (cont'd)

Council questions:

Rollo asked if the sponsors had discussed the amendment with the mayor.

Flaherty said no, Amendment 01 was drafted that day, in response to the previous meeting's discussion. The mayor's Legislative Aide had attended every Ad Hoc Salary Committee meeting and the committee had invited the mayor's input on setting the mayoral salary.

Piedmont-Smith asked Knapp for the mayor's input on Amendment 01.

Knapp said the mayor had not seen Amendment 01 so did not know what the mayor would do.

Stosberg said Amendment 01 created an intent for future years and asked how that reconciled with the annual process of reviewing salaries by an Ad Hoc Salary committee.

Rosenbarger responded that it would be up to the new members of the committee to consider. Future years' numbers were nonbinding.

Stosberg asked if council should focus on the 2025 numbers.

Flaherty reiterated that it was a rationale to explain the numbers, and was not arbitrary. He was not comfortable voting on another amendment, that was based on what the mayor stated she wanted, without considering an alternative that used the framework determined by the committee.

Rollo asked if Amendment 01 was arbitrary since it did not come from the committee.

Flaherty clarified that the committee had recommended the mayor have a mid-grade point of thirteen and council pay be 30% of that. The committee believed that recommendation best reflected the values of accessibility, equity, and quality service. Amendment 01 was drafted as an effort to compromise amongst nine councilmembers. Based on discussions, it became clear that some councilmembers did not believe the clerk and council roles were deserving of the level of pay recommended by the committee. Amendment 01 was still based on the compensation and classification frame, the basis for salary setting. It was the application of the framework.

Rollo asked if consultation extended to the mayor.

Flaherty clarified again that he did not reach out to the mayor because it was council's responsibility to set elected officials' salaries. It was similar to the process the administration took when conducting the salary study, where council was not consulted and a salary ordinance was brought for a vote.

Asare asked how raising council pay made councilmembers better at doing their job.

Rosenbarger referenced a report from Stanford Law Review from 2018, regarding compensation for city councilmembers across the United States (US). She discussed three concerns of under-compensation including the limiting effect of making elected offices only open to those who could afford it, potential of decreasing effectiveness, accountability, and transparency in government, and increasing conflicts of interest and corruption. Pay affected who decided to serve. Low pay was not a barrier to those who had other sources of income, like the retired or independently wealthy. Low

pay had a disproportionate impact on already underrepresented groups, like minorities and women, and failed to attract highly qualified candidates. Low pay for city council reduced effectiveness because unless independently wealthy, councilmembers would have to maintain other employment, thus reducing time spent on city matters. She gave additional details.

Asare asked Rosenbarger and Flaherty if they would stop other sources of income in order to be more effective councilmembers.

Piedmont-Smith noted that might be an inappropriate question directed at individuals and not relevant to the amendment.

Asare said he was asking how raising council's pay would lead to more effective service.

Rosenbarger clarified that the amendment considered current and future councilmembers. The issue being addressed was about who was able to run and barriers from low pay. For example, a resident expressed to Rosenbarger that she would like to run for office, but as a single parent, could not afford to do so and also pay for childcare.

Ruff asked the sponsors of Amendment 01 if they agreed that higher pay would allow councilmembers to spend more time researching items for council's consideration.

Flaherty said councilmembers would likely spend more time on council duties. He provided examples. He noted that correcting unfair pay was reason enough. Addressing inequities for their own sake was important.

There was brief council discussion on considering the amendment.

Flaherty withdrew Amendment 01. Piedmont-Smith objected. Withdrawal failed.

Steve Volan commented on the low pay for council and expressed concern that the clerk was not graded higher, at thirteen. He noted statute forced council to set its salary but not whether or not the position was full-time or part-time. The salary was far too low when he served on council, but appreciated the health insurance. He noted that council did not receive retirement. The Ad Hoc Salary committee had established a scientific framework for evaluating a difficult problem and it was not arbitrary. Councilmembers should be adequately paid so as to not require outside income.

Joe Davis agreed that a living wage was appropriate for council. He said the council and mayor had different purviews and should not have salaries tied together.

Adrian Thomas spoke about living wages. He expressed concern that so much of taxpayer's went to the mayor. He believed that council bore the brunt of the public's concerns and should be adequately compensated. He understood the purpose of the legislation which gave value to councilmembers.

Renee Miller praised the late Cheryl Munson. She believed only a COLA was sufficient.

Christopher Emge did not like tying council's salary to the mayor's. The timing of the salary ordinance was not ideal since it was the first year of a term. Though, he did believe council's pay was low.

Abby Stemler, Professor of Business Law and Ethics, IU, stated that the current compensation model of council excluded many talented

Amendment 01 to Ordinance 2024-26 (cont'd)

Council questions:

Withdrawal of Amendment 01

Public comment:

members from serving. Providing an equitable wage for council broke down economic barriers for residents wanting to serve. Low pay inherently favored those with personal wealth or flexible job arrangements. It did not represent the community correctly.

Amendment 01 to Ordinance 2024-26 (cont'd)

Public comment:

Chaz Gillespie supported council and clerk receiving higher pay. Higher pay led to more people being interested in serving, which led to a greater diversity of class, age, education, and more.

Jeff Richardson wondered what the two amendments were.

There was discussion on tabling something for consideration and taking it from the table in the same meeting.

Council discussion:

Stosberg moved and Asare seconded to table Amendment 01 to Ordinance 2024-26. The motion was approved by a majority voice vote.

Vote to Table Amendment 01 to Ordinance 2024-26 [8:24pm]

Rollo moved and Ruff seconded that Amendment 02 to Ordinance 2024-26 be adopted. Rollo presented the amendment outlining the salary increases for 2025. He had consulted with Mayor Thomson who had set parameters that would be required for her signature on legislation.

Amendment 02 to Ordinance 2024-26

Amendment 02 Synopsis: This amendment is sponsored by Cms. Dave Rollo and Andy Ruff and would change the proposed salaries in Ordinance 2024-26 for 2025 as follows:

- Set the Mayor’s salary at \$138,031 adjusted in 2025 with a Cost of Living Adjustment (COLA).
- Set the Clerk’s salary at \$90K for 2025 without a COLA.
- Set the salary of Councilmembers at \$25K for 2025 without a COLA. The fiscal impact for the 2025 salaries proposed in this amendment is estimated to be \$45,972.92.

Council questions:

Stosberg noted the comparison of clerk, council, and mayoral salaries over time was inaccurately represented in the amendment materials because the Y axis salary ranges were different. That changed the perspective of the increase in salary over time. She asked if that had been considered by the sponsors.

Rollo acknowledged that the Y axis salary ranges were different but the historical data was accurate.

Asare asked how \$25K was determined for council salaries.

Rollo believed a flaw of the Ad Hoc Salary committee was to reference peer cities salaries. He had compared cities with similar populations to Bloomington, though Bloomington’s council likely did more work and had a higher cost of living. He believed \$25K was ideal for council and if anything, was on the conservative side.

Asare asked if there were limitations with comparisons with other cities. Or, if they increased salaries, so would Bloomington.

Rollo said yes, but highlighted there was a deadline. It was not the end of the discussion for elected officials’ salaries. He had consulted with the mayor and other councilmembers and his amendment was viable. He said the original proposal had damaged the perception as overreaching and self-serving.

Rosenbarger asked if Rollo had spoken with the mayor or mayoral staff. She asked about the timeline for 2025, and if Rollo would serve on the committee and work with consultants.

Rollo said he had corresponded with the mayor and spoken to Deputy Mayor Knapp. He acknowledged working with consultants was valuable. The previous administration had not kept up with cost of living increases during high inflation. He thought focusing on the lowest paid city employees was important. There was potential to engage with the administration as partners.

Amendment 02 to Ordinance 2024-26 (cont'd)

Public comment:

Greg Alexander recognized that many councilmembers attended city and county meetings, and engaged with staff. He gave examples of his displeasure with council's effectiveness, such as city plans not being implemented. Council was supposed to be a balance to the mayor, but in essence, the mayor was writing the salary ordinance. He believed the work the council did needed to be adequately compensated in order to be effective and provide value.

Joe Davis believed there should be a COLA increase for mayor, council, and clerk. Council was not equivalent to the mayor and legislation should be considered to give council more authority. He thought Amendment 02 was a good start. A committee reviewing salaries should include members of the public.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in favor of Amendment 02 and gave reasons in support.

Jami Scholl said the timing of the salary ordinance was off. She supported Amendment 02.

Steve Volan noted that pay was not done towards the end of term. Council had never done the kind of work that the Ad Hoc Salary committee had done, identifying principles for setting salaries. It had always been assumed the mayor set the salary. The current council was correcting that assumption. The committee had developed a framework, in public meetings over six months. Low pay restricted who could run for office, as well as suppressed oversight of the administration. Council and mayor were coequal branches of government. He gave additional reasons supporting council setting adequate salaries.

Stosberg moved and Asare seconded to table Amendment 02 to Ordinance 2024-06. The motion received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Ruff), Abstain: 0.

Vote to put Amendment 02 on the table [8:58pm]

Stosberg moved and Asare seconded that the council suspend the rules to allow each council member 3 minutes to comment on the proposed amendments or the ordinance as a whole. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to suspend the rules [9:02pm]

Flaherty did not have a preference on the amendments because there was not a large difference. He noted the extensive discussion on council's opinions, rationales, and the possible mayoral veto.

Consideration of Amendment 01 and Amendment 02 to Ordinance 2024-26

Zulich would support Amendment 02 and thanked councilmembers for their work on the ordinance. She thanked Clerk Bolden and Taylor Brown, Legislative Affairs Specialist, for having attended all of the committee meetings.

Council discussion:

Rollo clarified that Amendment 02 had not been authored by the mayor. There had been collaboration and he was confident that the legislation, with Amendment 02, would not be vetoed. He thanked the committee for their work and for setting parameters for future discussions.

Ruff recognized the committee's work which would be valuable for future consideration of elected officials' salaries. He believed it was not the right time for the ordinance as written.

Consideration of Amendment 01 and Amendment 02 to Ordinance 2024-26 (cont'd)

Daily appreciated the committee's extensive work and the sponsors of both amendments. She appreciated that Amendment 01 was a good response to council's concerns, though she did not support the proposed schedule of pay increases through 2028. She would support Amendment 02. She did not question the motives of each councilmember. She cautioned council to not lose the public's trust.

Council discussion:

Rosenbarger noted research showed that the most self-serving issue for city councils was to keep pay low so as to restrict who was able to run for office. It was interesting to see how individuals would rationalize the difference of the amendments because they were very similar. She highlighted that the mayor had suggested a salary for herself that was greater than the two other branches of government and stated that was the only way she would not veto. She had larger questions, such as what council wanted to be. Some councilmembers preferred to rubber-stamp items and avoid conflict or vetoes with the administration. She put in a disproportionate amount of work than some councilmembers.

Asare did not believe it was appropriate for council to consider raising their salary at the time. He had made suggestions on raising the clerk's salary. He spoke about his experience running for council and the pushback he'd received as well as the amount of time spent on council meetings, et cetera. He wished that council had other opportunities to discuss the framework the committee had developed. He appreciated there was a framework to initiate the discussion in coming years though he did not intend to run for council again.

Stosberg said the committee had determined the proposed salaries based on the position, not the current individuals in the position. There were equity flaws with only providing a standard COLA increase with the position at the top of the pay scale receiving a much larger increase than the bottom. That increased the wage gap significantly. For council, a COLA increase resulted in \$635 and for the mayor it would be over \$4000. She noted factors like inflation and a high cost of groceries, and more. She would support Amendment 01 since it was based on the framework.

Piedmont-Smith said that during the Committee of the Whole meeting on September 25, 2024, councilmembers, mayor, and clerk discussed how elected officials' salaries should be determined for 2025. Mayor Thomson suggested identifying guiding principles and working with an external consultant was ideal. Council had created the Ad Hoc Salary committee which identified guiding principles. The committee had worked with a consultant, Crowe. She was grateful to the committee for their work. Criticism of the outcome did not focus on the guiding principles created by the committee. She stated that current salaries were not a viable starting point. She discussed current pay and noted that she spent around twenty hours per week on council items. That was the amount of time needed to adequately serve the public. Serving on council was complex, using independent judgement, knowing consequence of errors, and having external work relationships. To make serving on council accessible to all socioeconomic groups, council needed to significantly increase the salary. She added that the salary of city clerks had been systematically undervalued for decades. The duties

of the clerk should be valued higher than Amendment 02. She supported Amendment 01 but would support Amendment 02 if Amendment 01 did not get a vote. She urged council to continue the work of the Ad Hoc Salary committee.

Consideration of Amendment 01 and Amendment 02 to Ordinance 2024-26 (*cont'd*)

Stosberg moved and Piedmont-Smith seconded to take Amendment 01 to Ordinance 2024-26 off the table. The motion received a roll call vote of Ayes: 7, Nays: 2 (Asare, Rosenbarger), Abstain: 0.

Vote to take Amendment 01 to Ordinance 2024-26 off the table [9:22pm]

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 2024-26 received a roll call vote of Ayes: 4 (Flaherty, Piedmont-Smith, Rosenbarger, Stosberg), Nays: 5 (Asare, Daily, Rollo, Ruff, Zulich), Abstain: 0. FAILED

Vote to adopt Amendment 01 to Ordinance 2024-26 [9:23pm]

Stosberg moved and Asare seconded to take Amendment 02 to Ordinance 2024-26 off the table. The motion was approved by a voice vote.

Vote to take Amendment 02 to Ordinance 2024-26 off the table [9:24pm]

There were no council comments.

Council comments:

The motion to adopt Amendment 02 to Ordinance 2024-26 received a roll call vote of Ayes: 8, Nays: 1 (Stosberg), Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 2024-26 [9:23pm]

There were no council questions.

Council questions:

Renee Miller appreciated Stosberg's example of the pay inequities.

Public comment:

Ruff said that for council to be an effective balance to the mayor, councilmembers needed to be informed on issues, which took time. The mayor had hundreds of specialized experts. Councilmembers could spend endless time on items for consideration but each individual councilmember had to determine the balance. It had been a difficult but useful discussion.

Council comments:

Asare said council and mayor were coequal branches of government with the purpose of giving value to residents. There was a system of checks and balances between branches but cautioned on a contrarian tone. He spoke about council processes, codification of process, and council's agency. He believed that meeting once per month was sufficient to give councilmembers time to become informed on matters before council. Council had a close relationship with residents and could bring their issues to the mayor.

Stosberg said salary discussions were never comfortable, nor was determining someone's value by their pay. She was disappointed the recommended framework had been so easily dismissed. She spoke about her experience with being undercompensated; as a high school teacher, environmental educator, and a stay at home parent. She expressed concern that the process had resulted in council undervaluing itself. There was a basic counterbalance in government, for council, which included the final approval of the \$150 million city budget. All of the elected officials' salary comprised less than 0.5% of the civil city budget. To believe that councilmembers should not be equitably paid was not good oversight for things like the city budget. She commented that it was easier to focus on smaller numbers.

Piedmont-Smith stated that collaboration with the mayor was important. She had regular meetings with the mayor, as council

president. The meeting that had been scheduled for the previous day, had been canceled, but Piedmont-Smith was able to speak to the mayor two days ago for a short period of time. She had asked Mayor Thomson to call her to discuss the ordinance prior to the meeting, but that had not occurred. She had made attempts to collaborate with Mayor Thomson and noted it had to be reciprocal. It would have been best to have the full council review the framework prior to the writing of the ordinance, but there had not been enough time. The framework was valuable and a great start but had been dismissed when a councilmember posted online about their outrage at the proposal. That had become the public conversation rather than the logical, rational framework for elected officials' salaries. She hoped that would not occur again, especially since it came close to assuming bad intentions by the committee.

Ruff clarified that he had meant to say checks and balances.

Flaherty appreciated Piedmont-Smith's comment noting the remarks from the mayor suggesting the course of action, which the committee had done. It had been a short timeframe. He suspected salary increases beyond COLA would not occur. If council was serious about analyzing elected officials' salaries in a logical, structured way that centered values and data, rather than just comparisons to other cities, then he urged council to do so in early 2025. It was clear that it would be a long undertaking that required the full council.

Rosenbarger supported salary increases due to Bloomington's high cost of living causing residents being pushed out of the city. Increasing housing and salaries were ways to address that. Council could influence city salaries, allowing people to live in Bloomington. She noted that councilmembers not on the Ad Hoc Salary committee had not attended the public meetings, nor had they reached out individually. Things like universal basic income would help people do things like run for office. She said that recently, council had not been debating the substance of an item but instead things like timing, mayoral vetoes, and more. Council was willing to collaborate with the administration and had been patient throughout the transition. It was unfortunate that the salary ordinances had been brought to council at the last minute, and that the administration had not allowed council to raise their staff's salaries. The administration had made it clear what ordinance would not be vetoed. She expressed concern about what had been happening with the council and mayor and noted that the previous administration had more collaboration with council. Delaying as well as creating a sense of urgency was not the best way to approach an issue. She added that she had only received three emails from residents and one person who told her in person that they hoped council received a significant salary increase.

Stosberg said her vote against Amendment 02 was a statement about wage gaps and inequities. She spoke about council having been underpaid for a long time. Closing the wage gap was important and if doing it all at once was not comfortable, then working towards closing the gap was necessary. The current gap was about \$6000 and there were still inequities in the elected officials' salaries.

The motion to adopt Ordinance 2024-26 as amended received a roll call vote of Ayes: 7, Nays: 1 (Asare), Abstain: 0. (Flaherty out of the room).

Ordinance 2024-26 as amended
(cont'd)

Council comments:

Vote to adopt Ordinance 2024-26
as amended [9:52pm]

Stosberg moved and Ruff seconded that Ordinance 2024-27 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-27 – To Amend title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel”
Re: The Establishment of the Advisory Transportation Commission [9:53pm]

Stosberg moved and Ruff seconded that Ordinance 2024-27 be adopted.

Ryan Robling, Planning Services Manager, Planning and Transportation (PT) department, presented the legislation including the purpose of the new Advisory Transportation Commission (ATC), membership requirements, powers and duties, and decision-making. The commission would be staffed by the engineering department except when the ATC was serving as a steering committee. It would then be staff by PT staff.

Flaherty moved and Ruff seconded that Amendment 02 to Ordinance 2024-27 be adopted. Flaherty presented the amendment and gave details in support.

Amendment 02 to Ordinance 2024-27

Amendment 02 Synopsis: This amendment, sponsored by Cm. Flaherty, would replace Ordinance 2024-27 in its entirety with an amended version of the ordinance that would make several changes, both typographical and substantive. Among the substantive changes, Ordinance 2024-27, as replaced by Amendment 02, would incorporate more of the currently existing Parking Commission’s purview into the new commission, giving it additional powers specific to parking and transportation policy review and recommendation. The amended ordinance would also change some of the types of residents given preference for appointment. Other language emphasizing climate change mitigation and the prioritization of non-automotive modes of transportation is also added via this amendment. Finally, this amendment would remove the word “Advisory” from the “Advisory Transportation Commission” so that the new commission will simply become the “Transportation Commission”.

Piedmont-Smith asked for staff’s feedback.

Council questions:

Robling said staff was in support of Amendment 02.

Ruff asked about the germaneness of Amendment 02.

Ash Kulak, Deputy Attorney/Administrator, said it had significant changes as well as typographical corrections. The changes were substantive.

Stosberg asked if the additional responsibilities gave staff pause.

Robling viewed Amendment 02 as clarifying language and would not affect staff. Instead of doing the work for three commissions, it would be done for one.

Flaherty clarified city code that addressed amendments to ordinances and what constituted germaneness. Adding substantive changes to the legislation via an amendment was germane.

Steve Volan, Chair of the Parking Commission (PC), said the commission had achieved the goal of a comprehensive parking policy and reports to council which had been very labor intensive. He noted hindrances to the PC like the former chair having to submit a Freedom of Information Act (FOIA) request to obtain parking data, and the mayor not making appointments. The PC never had a budget, and were not consulted on things like a parking

Public comments:

study request for proposal. The most significant reason for the legislation was to reduce bureaucracy. He said none of the three commissions had been invited to speak at the meeting. There was not a deadline for the legislation, unlike the salary ordinances.

Amendment 02 to Ordinance 2024-27 (cont'd)

Public comments:

Joe Davis commented on his experience with a neighbor's uReports about his cars which were not abandoned, but were being reported as such. He did not support combining the PC into the ATC.

Chris Sturbaum said it was important for commissions to report to council. He urged council not to create the ATC without any oversight by council.

Janis Sorby believed it was important for the committee to have oversight.

Wendy Bernstein agreed that there needed to be oversight and did not support the ATC.

Stosberg asked for clarity on how the public would interact with the commission or if removing the word "Advisory" changed things.

Council comments:

Robling said nothing in Amendment 02 would change how the public interacted with the commission.

Rollo asked if the commission would be advisory.

Robling said the ATC was based off the Plan Commission, which was also advisory. The commission would make recommendations.

Ruff said the Plan Commission had statutorily-defined duties. He expressed concern with removing the word "advisory."

Flaherty said the question of roles and duties was relevant. While the commission would be new, the duties that were giving people pause were already present in current commissions that were being consolidated. He acknowledged Chair Volan's concerns and noted that the three commissions had discussed the proposal. The PC had issues with resources, like staffing. Parking would be a focus with the new commission.

Piedmont-Smith asked Flaherty why it was important to remove the word "advisory."

Flaherty said because the commission should be called the Transportation Commission and not the ATC. He spoke about the statutory boards and commissions.

Stosberg read the purpose of the commission and highlighted that the commission shall provide recommendations and guidance to the mayor and Common Council. Changing the name did not change the purpose. Since staff was not concerned she would support Amendment 02.

Rollo agreed that Amendment 02 did not change the commission's advisory status.

Piedmont-Smith appreciated Flaherty bringing forth Amendment 02 and the added language to include the Parking Commission's duties.

The motion to adopt Amendment 02 to Ordinance 2024-27 received a roll call vote of Ayes: 8, Nays: 1(Ruff), Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 2024-27 [10:38pm]

Ruff moved and Rollo seconded to adopt Amendment 01 to Ordinance 2024-27. Ruff presented the amendment and gave reasons in support. Rollo added additional information.

Amendment 01 to Ordinance 2024-27

Amendment 01 Synopsis: This amendment, sponsored by Cm. Ruff, would recognize the role of the new Advisory Transportation Commission as an advisory body, replacing words like “oversight” and “determine” with “advisory” and “provide input”. The amendment also adds an additional requirement to the code section governing the Traffic Calming and Greenways Program (TCGP), in which the role of the Advisory Transportation Commission would be to review and make recommendations to the Common Council, rather than administer the Program along with the Department of Planning and Transportation. Further amendments to the TCGP guidelines would be necessary to accomplish the precise role of the Common Council in receiving and taking action upon such recommendations.

Robling said staff questioned the germaneness of Amendment 01 because it could not address all the things that would need to be changed in Title 15. Amendment 01 focused on giving council oversight over traffic-calming and greenway program. That was not relevant to Ordinance 2024-27. He gave additional details.

Andrew Cibor, City Engineer, pointed out that council had recently approved the Safe Streets and Roads 4 All (SS4A) action plan. A key component was establishing a public engagement process which would inform how to prioritize projects. He urged council to allow implementation of the plan first. Ordinance 2024-27 combined three commissions into one. Sometimes staff presented to all three, and then to council. The purpose of the legislation was to receive a variety of opinions, which might not always agree, in order to review projects comprehensively.

Piedmont-Smith asked if Amendment 01 would need to be updated to remove the word “Advisory.”

Kulak said Amendment 01 could be amended. There was brief discussion on changing the language in Amendment 01 based on Amendment 02.

Piedmont-Smith moved and Stosberg seconded to call a ten-minute recess. The motion was approved by a voice vote.

Recess

Piedmont-Smith reconvened the meeting.

Reconvening

Stosberg moved and Ruff seconded to replace Amendment 01 with Amendment 01 as amended. This amendment to the amendment aligns the language of the ordinance with changes made from Amendment 02 and retains the changes from the original Amendment 01 to Ordinance 2024-27. Stosberg explained the amendment to Amendment 01.

Amendment to Amendment 01 to Ordinance 2024-27

There were no council questions.

Council questions:

There was no public comment.

Public comments:

Ruff thanked Stosberg, Council Attorney/Administrator Lisa Lehner, and Kulak for their quick work on amending Amendment 01.

Council comments:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Amendment 01
[11:13pm]

Stosberg asked for clarification on Robling's reference to Title 15.

Robling responded that Amendment 01 should be a separate ordinance, and not an amendment. Staff was willing to explore the proposal, but it should not be an amendment to Title 2 legislation.

Amendment 01 as amended to
Ordinance 2024-27 (cont'd)

Council questions:

Ruff asked for council staff's feedback.

Kulak said that Robert's Rules of Order (RRO) stated that the Chair could determine if an item was germane, or could call the question for the full council to determine. Ordinance 2024-27 would amend Title 15 so Amendment 01 could too. The traffic-calming and greenways program guidelines would not be changed by Amendment 01. They gave additional details.

Ruff said Amendment 01 indicated that there would need to be further amendments to accomplish the goals.

Kulak clarified that Amendment 01 added that the new commission would make recommendations to the full council.

Flaherty said the sponsors' goal was to change the traffic-calming and greenways program, but Amendment 01 did not accomplish that. A separate ordinance designed to change how the program functioned would be needed, and had been done the previous year but had failed 4-5. He asked if it was correct that Amendment 01 was nonsensical because it would not change the program.

Robling confirmed that was correct.

Ruff said Ordinance 2024-27 changed Title 15 which was what Amendment 01 intended to do.

Kulak said a future ordinance would be needed to change the guidelines because Amendment 01 did not do so.

There was additional discussion on actions council could take.

Stosberg asked if council had to pass the legislation that evening or if it could be considered in January.

Robling said if the Transportation Commission was not established that evening, it would not be problematic.

Margie Rice, Corporation Counsel, concurred that the intent of Amendment 01 was substantive enough to require a longer conversation and legislation, possibly.

Rollo asked if the traffic-calming and greenways program would have to be revised since it referenced the Bicycle and Pedestrian Safety commission.

Rice said most likely yes.

Rollo asked why legislation on the traffic-calming and greenways program was not brought to council with Ordinance 2024-27.

Rice discussed roles of council, commissions, mayors and more and said further discussion was needed.

Rollo asked what the next steps were for amending Title 15.

Kulak explained how amendments and Ordinance 2024-27 revised Title 15.

Piedmont-Smith asked if it was correct that only if Amendment 01 passed, would Title 15 need to be amended.

Robling confirmed that was correct.

Ruff moved and Rollo seconded to withdraw Amendment 01 to Ordinance 2024-27.

Motion to withdraw Amendment 01 to Ordinance 2024-27

Stosberg moved and Zulich seconded that Ordinance 2024-27 as amended be postponed indefinitely.

Motion to postpone Ordinance 2024-27 as amended

Flaherty said it seemed that the primary question pertained to the traffic-calming and greenways program and not Ordinance 2024-27's goal of establishing the Transportation Commission. He preferred voting on Ordinance 2024-27 that evening.

Motion to postpone Ordinance 2024-27 as amended (*cont'd*)

Council discussion:

Rosenbarger concurred with Flaherty.

Rollo stated that he would invoke the midnight rule which would result in a postponement.

Stosberg noted that staff said that postponing the legislation would not harm the commission, and that it was late and there were still two more amendments.

The motion to postpone Ordinance 2024-27 as amended indefinitely received a roll call vote of Ayes: 5 (Daily, Rollo, Ruff, Stosberg, Zulich), Nays: 4 (Asare, Flaherty, Piedmont-Smith, Rosenbarger), Abstain: 0.

Vote to postpone Ordinance 2024-27 as amended [11:45pm]

Greg Alexander commented that evening was the second time in the recent weeks that the item he was interested in was not discussed.

ADDITIONAL PUBLIC COMMENT [11:45pm]

Wendy Bernstein said that it was important for council to receive feedback by the public and not have city departments make decisions.

COUNCIL SCHEDULE [11:46pm]

Chris Sturbaum expressed disdain for having to wait so long for the public to make comments.

Joe Davis concurred with Bernstein and Sturbaum.

Piedmont-Smith acknowledged it was the last meeting of 2024. She thanked councilmembers for their service and for entrusting her with presidency. She thanked council staff. She wished everyone happy holidays. She thanked Clerk Bolden and deputy clerks. She adjourned the meeting.

ADJOURNMENT [11:51pm]

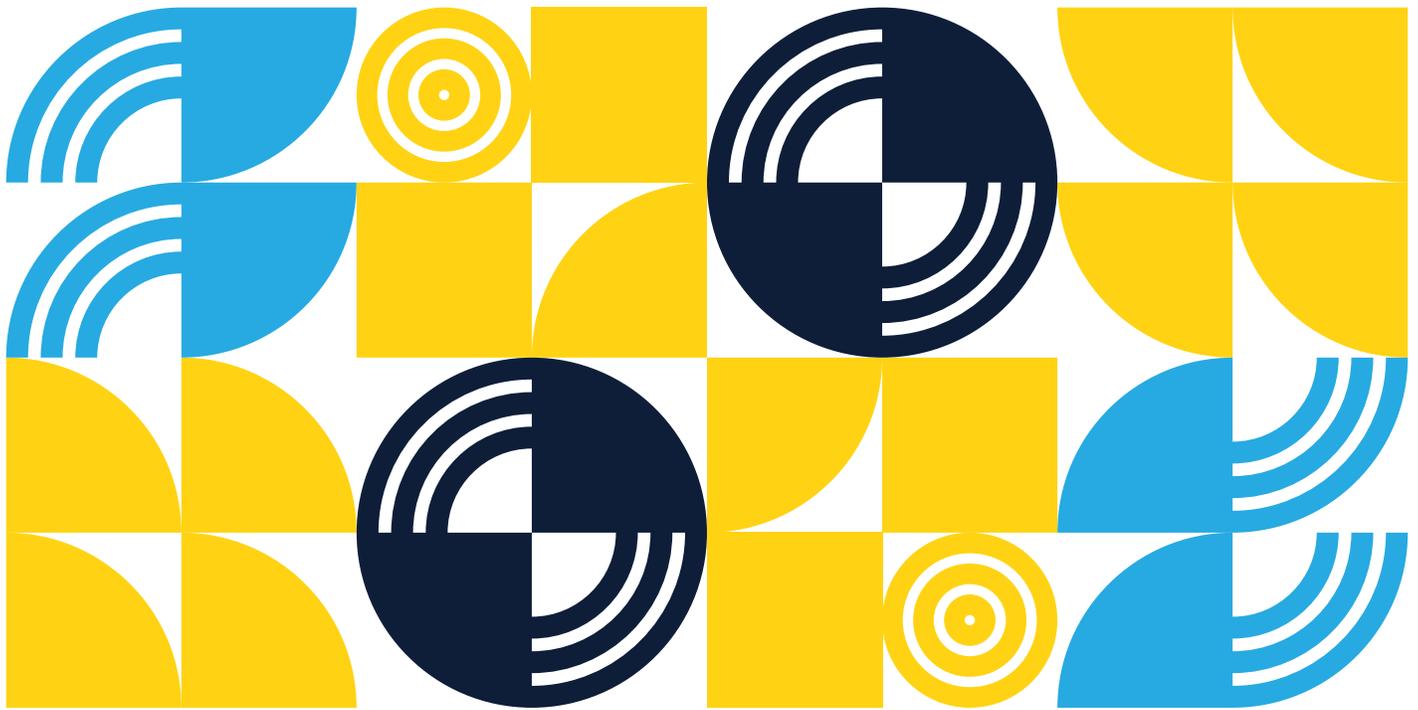
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2025.

APPROVE:

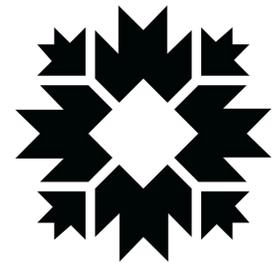
ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



City of Bloomington
Dr. Martin Luther King Jr.
Birthday Celebration
Commission



CITY OF BLOOMINGTON
Dr. Martin Luther King Jr.
Birthday Celebration
Commission

2024
Annual
Report

PREPARED BY :

Michelle Moss

Liaison, Dr. Martin Luther King Jr.
Birthday Celebration Commission

mlk@bloomington.in.gov

812-349-3433

CITY OF BLOOMINGTON

401 N Morton Street,
Suite 260

Bloomington, IN, 47403

BLOOMINGTON.IN.GOV/BOARDS/MLK

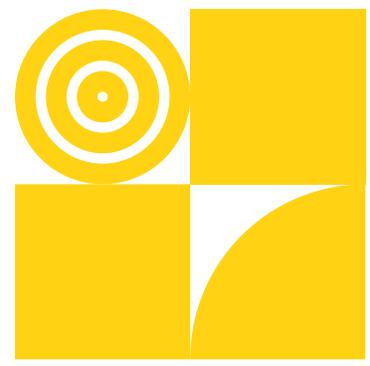


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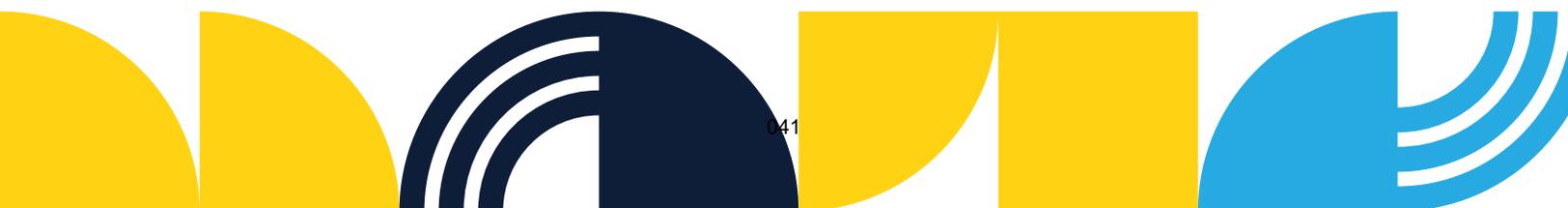
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City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Message from the Chair

Gloria L. Howell, Ph.D.

Director, Neal-Marshall Black Culture Center and Adjunct Faculty at Indiana University

The MLK Commission has consistently amplified the mission and values of Dr. King in our local community. Our work is impactful and touches audiences that are diverse in regard to age, race/ethnicity, and gender. Some highlights include: hosting a signature celebration in commemoration of Dr. King's birthday featuring a dynamic keynote speaker - Jesse Hagopian and performances from the African American Choral Ensemble and students from Fairview Elementary; supporting cultural events and activities such as the city Juneteenth celebration where Commissioners volunteered; and keeping the community informed of various activities they can participate in to honor Dr. King's memory.



One of the most beautiful aspects of our work is how we successfully connect town and gown. In a quintessential college town like Bloomington that is very transient, this aspect is important to underscore. It is evident in the makeup of our Commission itself which features IU staff and students, community leaders in civic and faith organizations, retirees, and affiliates associated with Ivy Tech Community College. We intentionally cast a wide net in the ways that we market events, seek support, etc. This results in our community coming together in multiple and meaningful ways. I envision this collaborative nature to continue to grow in the future. Our commission is also very creative and likes to think outside the box with programming, particularly our signature annual celebration. We promote the arts, education, and community. I foresee the celebration only getting bigger and better in the years to come.

Having served on the MLK Commission for several years, I am very proud of the work we do in this community. We are a small but mighty group and diverse in terms of our backgrounds, occupations, etc. But we all share a love and admiration for the mission and values associated with Dr. King and are passionate about sharing those messages with others in hopes of preserving his legacy and making our community better.

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Commission Purpose

2024 Annual Report

The Dr. Martin Luther King Jr. Birthday Celebration Commission is dedicated to honoring the legacy of Dr. Martin Luther King Jr. through activities that celebrate his birthday and promote diversity, inclusivity, and racial equity within the community. The Commission organizes and supports programs that commemorate the annual federal holiday, including the Dr. Martin Luther King Jr. Birthday Celebration, the Dr. Martin Luther King Jr. Legacy Award, volunteer service initiatives such as "A Day ON! Not a Day Off," and the "40 Days of Peace." Additionally, the Commission collaborates with various partners to present events throughout the year that advance justice, racial harmony, and equal opportunity.

Statutory Authority: BMC 2.12

While there are no specific eligibility requirements for membership, preference for appointments shall be given to individuals affiliated with local religious organizations, the Bloomington Human Rights Commission, Monroe County Government, local school corporations, and the National Association for the Advancement of Colored People (NAACP).

Powers and Duties:

The Commission's primary responsibility is to promote and honor Dr. Martin Luther King Jr.'s birthday and his enduring legacy in the community. The Commission focuses on fostering diversity, advancing racial equity, and advocating for justice for historically marginalized communities. It may appoint volunteers and associates who are committed to these goals. The Commission is required to report its activities and progress to the Mayor and City Council on an annual basis.



City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Organizational Overview

2024 Annual Report

- Chair
- Vice Chair
- Secretary



Aniah Fountain, Indiana University Student
 Appointed By: Common Council
 Term Expires: 2026-01-31



Gloria L. Howell, Ph.D., Director, Neal-Marshall Black Culture Center and Adjunct Faculty, Indiana University
 Appointed By: Mayor
 Term Expires: 2026-01-31



Lily Kleinlein, Yoga and Fitness Instructor, Personal Trainer, Limestone Fitness and Adjunct Faculty, IU School of Public Health
 Appointed By: Mayor
 Term Expires: 2025-01-31



Julie Roberts, Retired
 Appointed By: NAACP
 Term Expires: 2025-01-31



James Sanders, Manager, Missile Energy Systems Branch at Naval Surface Warfare Center, Crane Division
 Appointed By: Common Council
 Term Expires: 2026-01-31



Angel Thornsbery, Residence Life Coordinator, IU Bloomington Residence Life
 Appointed By: Mayor
 Term Expires: 2026-01-31



Latonya Wilson, IU Bloomington PhD Student and Academic Instructor
 Appointed By: Common Council
 Term Expires: 2025-01-31

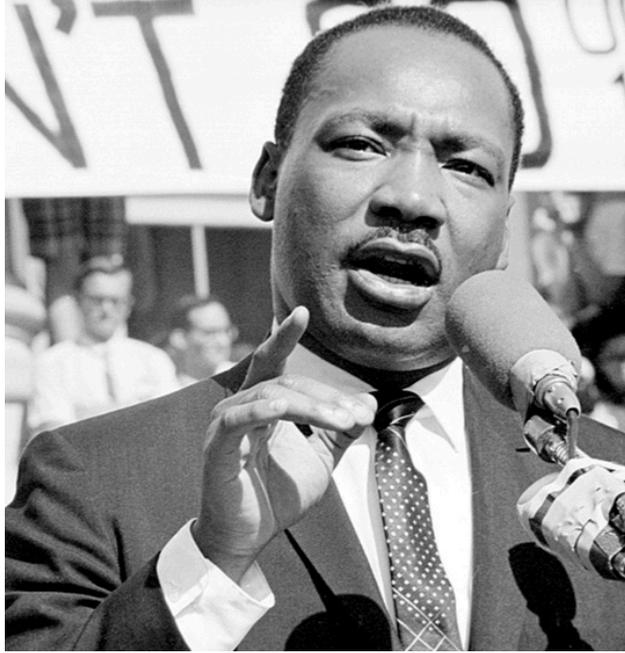
City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Organizational Overview

2024 Annual Report

Dr. Martin Luther King Jr. Birthday Celebration Commission Staff



Michelle Moss

Dr. Martin Luther King Jr. Birthday Celebration Commission Liaison
City of Bloomington Volunteer Network Coordinator
Community and Family Resources Department

Naree Redwine

Indiana University Service Learning Program, Advocate for Community Engagement (ACE)
City of Bloomington Volunteer Network
Community and Family Resources Department

“As a new member on the commission, I have been warmly welcomed, immediately included, and patiently brought up-to-date. For me, the highlights of the year have been enjoying the robust creativity of the members in discussions and discovering new musical artists, filmmakers, entrepreneurs, and academic experts as we crafted the programming for Bloomington's annual Martin Luther King Jr.'s Birthday Celebration.

Our greatest challenges have been making sure those talented artists are respectfully remunerated for their efforts while staying within our budget and graciously resolving miscommunication initiated by the City Council concerning the mission of our devoted task force. And I would be remiss if I did not mention how impressed I have been by the level of staff support we receive from Michelle Moss. She is an excellent, detail-oriented communicator who never let's us miss a single deadline.

Thank you, Michelle, and fellow Commissioners, for the opportunity to join you in your outstanding public service and camaraderie.”

- Julie Roberts, Dr. Martin Luther King Jr. Birthday Celebration Commissioner

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Key Achievements and Impact

2024 Annual Report

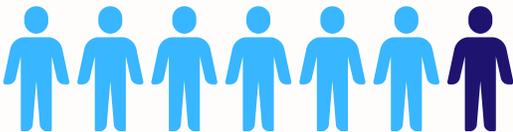
Engagement at City Events

- The commission participated in **three major City events**: Juneteenth, Black & Brown, and La Fiesta del Otoño, fostering community connections and raising awareness of the commission's work.



Full Commission Representation

- The commission successfully filled all open seats for the majority of 2024, providing space for fresh perspectives and diverse voices. This enriched our monthly meetings, creating an environment of vibrant discussion and renewed energy, strengthening the commission's work and outreach.



“I believe that the Commission has done a wonderful job this year recentering our focus and really deciding what is important in the MLK Birthday Celebration. One of the major key highlights in my eyes was the selection of our 2025 keynote speaker and how he incorporates multimedia into storytelling. The MLK Commission has opened my eyes to the greater Bloomington Community and has helped me become more aware of the rich city that I am a part of.”

-Angel Thornsby, Dr. Martin Luther King Jr. Birthday Celebration Commissioner

Successful 2024 Dr. Martin Luther King Jr. Birthday Celebration

- The 2024 MLK Birthday Celebration saw over **300 attendees**, demonstrating the event's continued impact and resonance within the community.

Collaborative Participation from Local Organizations

- More than **eight organizations, nonprofits, and community schools** came together to participate in the 2024 MLK Birthday Celebration, underscoring the importance of collaborative community involvement.



City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Program and Project Highlights

2024 Annual Report

The theme of the 2024 Dr. Martin Luther King Jr. Birthday Celebration, "Unlocking Freedom: The Transformative and Liberating Power of Education," centered on the critical role education plays in empowering individuals and communities. The event featured Jesse Hagopian, an award-winning educator and prominent advocate for educational equity, the Black Lives Matter at School movement, social justice unionism, and addressing the school-to-prison pipeline. Despite one of the coldest nights of the year, over 300 community members, including families, Indiana University students, and local residents, attended the celebration. Feedback from attendees highlighted a sense of empowerment, with many expressing a desire to become more engaged in local community efforts.

The celebration also included performances by students from Fairview Elementary and Highland Park Elementary schools, as well as the Indiana University African American Choral Ensemble. Additional speakers and presenters represented key community organizations, including the Monroe County NAACP, Indiana University, the City of Bloomington, and Beacon.

TOP 4 HIGHLIGHTS

- The event featured a powerful keynote address that centered on the transformative role of education in shaping communities and fostering positive change.
- Performances were presented by students from two local public elementary schools and the Indiana University African American Choral Ensemble, showcasing the talents and creativity of the community.
- The celebration highlighted contributions from eight local community organizations and partners, including speakers and presenters who shared valuable insights and resources.
- Sarah McCue was honored with the Legacy Award for her outstanding contributions to the community, particularly through her dedicated work with the Community Kitchen, which has had a profound impact on addressing hunger in Monroe County.



A key highlight of the celebration was the presentation of the Legacy Award, which honors individuals who have made significant contributions to race relations, justice, and human rights. The 2024 Legacy Award was presented to Sarah McCue in recognition of her outstanding service to the community through her work with the Community Kitchen. The Community Kitchen's efforts to combat hunger in Monroe County and the surrounding areas through direct service, education,

and advocacy were celebrated. They provide warm, nutritious meals to those in need, and support initiatives such as Feed our Future, the Summer Food Service Program, Backpack Buddies, and Senior Links.

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Strategic Goals and Initiatives

2024 Annual Report

Expanded Community Engagement Through Tabling at Local Events

- Committed to actively participating in key local events and programs to increase visibility and engage with a broader community audience.

Creating Engaging Activities for Children at Community Events

- Developing fun and educational activities to engage children and families during tabling events, ensuring accessibility and inclusivity for all ages.

2025 Remembrance Day Collaboration and Programming

- Focusing on the creation of a collaborative program for Remembrance Day in 2025, aimed at honoring Dr. King's legacy and expanding community involvement.

Maintaining Full Commission Representation

- Ensuring all commission seats remain filled to continue fostering diverse perspectives, dynamic discussions, and effective decision-making.

Building a Comprehensive Photo Archive for Commission Activities

- Working toward a more organized and accessible archive of photos from events, programs, and activities to better track engagement and promote future initiatives.

Revitalizing the "One Community" Curriculum

- Revisiting the "One Community" Curriculum to provide educational programming for children, with a focus on civil rights, equality, and community-building through partnerships with local libraries and faith communities.

Development of a Community Choir for the 2026 MLK Celebration

- Continuing the efforts to establish a Community Choir to perform at the 2026 MLK Birthday Celebration, fostering unity and expanding collaboration with local faith groups and music ensembles.



City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

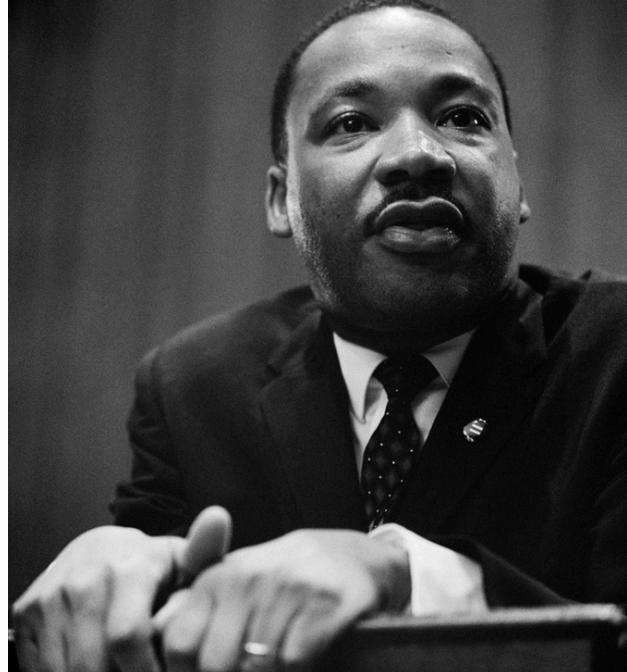
Community and Stakeholder Engagement

2024 Annual Report

Community involvement and stakeholder engagement have been at the heart of the Commission's success. These efforts not only promote awareness but also create opportunities for individuals to connect with the values and legacy of Dr. King. The Commission's ongoing commitment to inclusivity ensures that people from all backgrounds have a platform to participate, share their voices, and contribute to the collective effort of honoring Dr. King's vision.

“Highlights from 2024 included a vibrant MLK Day Celebration and keynote address in January. Support and collaboration with other commissions and community organizations, including Juneteenth celebrations. I've been a part of this commission for more than 10 years. I'm thrilled to be part of a thriving and ever-evolving community and have been pleased to see the commission continually work to improve our impact and offerings to the community. “

- Lily Kleinlein, Dr. Martin Luther King Jr. Birthday Celebration Commissioner



Volunteer Spotlight

The Commission would like to shine a spotlight on the invaluable contributions of volunteers Debra Vance and Dan Enslow. Both have consistently dedicated their time and expertise to attending MLK Commission meetings, where they play a pivotal role in shaping the planning and discussions for key events such as the annual MLK Birthday Celebration, Remembrance Day activities, and other important initiatives. Their ongoing commitment and involvement are truly appreciated and essential to the success of the Commission's work in the community.

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

2024 Financial Review - Income

2024 Annual Report

Community Support and Program Funding

2024 Supporters (\$250+) -

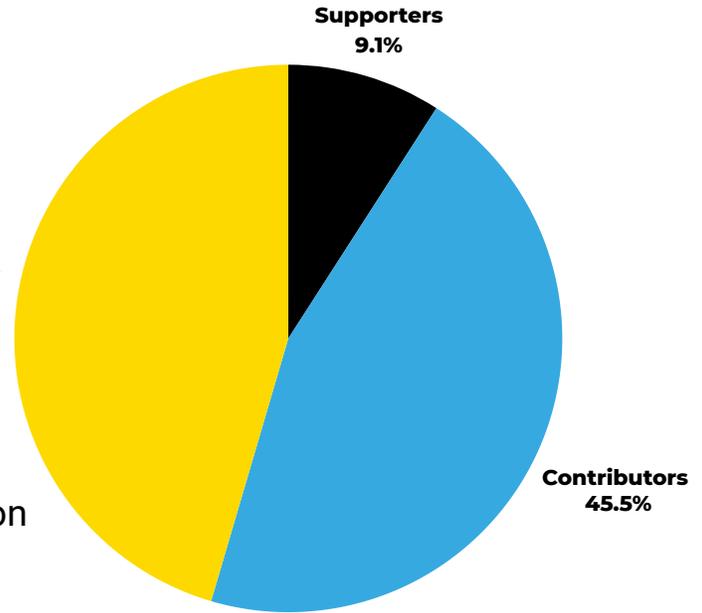
- Day & Deremiah-Frye Funeral Home

2024 Contributors (\$500) -

- Old National Bank
- Bloomington Montessori School
- Monroe County Branch NAACP
- Boston Scientific Corporation
- Spiritual Assembly of the Bahai's of Bloomington

2024 Major Underwriters (\$1,000+) -

- Marcus Debro and Family
- Community and Family Resources Department
- Indiana University Office of the Vice President for Diversity, Equity, and Inclusion
- Cook Group, Incorporated,
- Ivy Tech Community College



\$7,800.00 in Sponsorships

These partners are integral to the continued success of the event, and we extend our deepest appreciation for their support in helping to cover event expenses and strengthen our community's commitment to Dr. King's legacy.

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

2024 Financial Review - Expenditures

2024 Annual Report

\$4,660.42	Keynote Speaker
\$900.00	Indiana University African American Choral Ensemble
\$850.00	Facility Rental
\$401.60	Engraving & Stamp Center
\$375.00	Popkorn with a Twist refreshments
\$209.73	Safeguard Business Program Printing
\$108.00	Hilton Garden Inn, accommodations for Keynote Speaker
\$60.00	The Award Center
\$54.00	Speaker Meal Reimbursement
\$23.94	Program Refreshments
\$6.00	Parking-Reimbursement

$$\begin{array}{rcc} \mathbf{\$7,800.00} & \mathbf{-} & \mathbf{\$7,647.94} & \mathbf{=} & \mathbf{\$152.06} \\ \mathbf{Income} & & \mathbf{Expenditures} & & \mathbf{Remaining} \\ \mathbf{Total} & & \mathbf{Total} & & \mathbf{Balance} \end{array}$$

Remaining Balance and Future Allocation

Funds remaining after covering event expenses have been allocated to offset the rising costs for speaker fees, accommodations, and air travel for the 2025 Birthday Celebration. Additional increased expenses from 2023 to 2024 also included performer fees. In response to these rising costs, the Commission is focused on securing additional sponsorships for 2025. These funds will support not only the 2025 Celebration but also help sustain important initiatives, including Remembrance Day programming, the development of the Community Choir, and the "One Community" Curriculum. This proactive fundraising effort will ensure continued growth and support for these vital community programs.

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

Call to Action

2024 Annual Report

Get Involved in Honoring Dr. King's Legacy



The Dr. Martin Luther King Jr. Birthday Celebration Commission is dedicated to celebrating Dr. King's legacy and promoting diversity, justice, and equality in our community. Through initiatives like the annual MLK Birthday Celebration, the Dr. Martin Luther King Jr. Legacy Award, "A Day ON! Not a Day Off," and "40 Days of Peace," the Commission fosters a spirit of service, unity, and positive change.

We invite you to join us in these meaningful efforts by participating in our events, supporting our programs, or volunteering your time. Together, we can continue to advance Dr. King's vision of a more just and inclusive society.

You're Invited to

- Attend our Monthly Meetings in person or virtually
- Sign up for the MLK newsletter
- Volunteer

City of Bloomington

Dr. Martin Luther King Jr. Birthday Celebration Commission

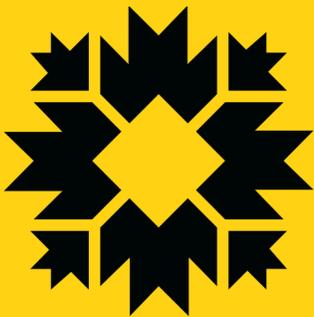
Contact Us

2024 Annual Report

Thankyou

Join the Dr. Martin Luther King Jr. Birthday Celebration Commission for our monthly meetings, held every fourth Wednesday from 6:00 – 7:00 PM in the Kelly Conference Room (Room #155) at City Hall.

We look forward to your participation and contributions!



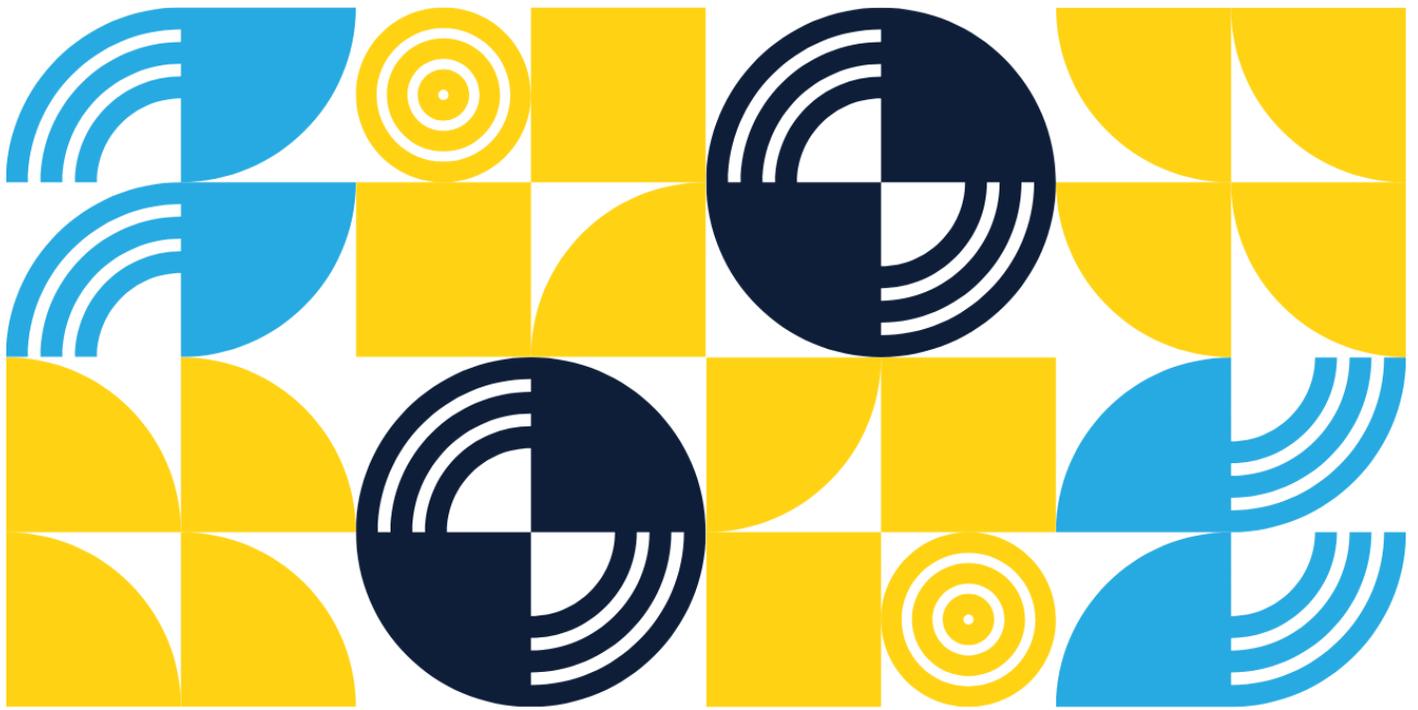
CITY OF BLOOMINGTON
Dr. Martin Luther King Jr.
Birthday Celebration
Commission

Website: bloomington.in.gov/mlk

Email: mlk@bloomington.in.gov

Number: 812-349-3433

Facebook: www.facebook.com/cobmlk



City of Bloomington Bloomington/Monroe County Human Rights Commission



Bloomington/Monroe County
Human Rights Commission

PREPARED BY :

Michael Shermis

Liaison, Bloomington/Monroe County
Human Rights Commission

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Annabelle Vosmeier

Administrative Assistant

annabelle.vosmeier@bloomington.in.gov

CITY OF BLOOMINGTON

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BLOOMINGTON.IN.GOV/BHRC

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MESSAGE FROM THE CHAIR

The Bloomington/Monroe County Human Rights Commission (BMCHRC) is a seven-member volunteer commission within the City of Bloomington tasked with investigating allegations of discrimination within Bloomington, Indiana, and unincorporated areas of Monroe County. This commission exists to support you if you experience discrimination in employment, housing, public accommodations, or education. We are honored to serve our community and to present the following annual report for 2024.

Twelve cases were investigated in 2024: five cases from 2023 were closed and seven new cases were opened. Investigating commissioners worked with complainants and respondents to find the truth and reach fair conclusions. These cases are always complex and rarely have clear answers. However, we were able to win substantial monetary settlements for two individuals who had alleged employment discrimination based on their disability and on their race. In other cases, we were able to reach compromises and support complainants to better understand their situations. Descriptions of each case are available in **2024 Investigations** (page 10).

In 2024, we actively embraced our role as advocates. Following an incident of hate speech by a guest at an April 2024 Bloomington City Council meeting, I delivered a statement on behalf of the BMCHRC opposing all forms of hate in our community and publicizing our role as investigators of discrimination. We appeared at several tabling events, such as the Black Market, MCCSC's International Student Welcome, the ADA Anniversary Celebration, and PrideFest. We proposed and supported the passage of Bloomington's Safe Haven Resolution for Transgender Healthcare. More information on some of these activities is found in **Community Engagement** (page 23).

Finally, we look forward to continuing our work in 2025 and to advocating for those in our community who are most vulnerable to discrimination, particularly communities of color, the LGBTQ+ community, the immigrant community, and the Muslim and Jewish communities. Our **Strategic Goals** for the next year are found later in this report (page 22).

As I said when I spoke at City Council and at PrideFest about the Safe Haven Resolution for Transgender Healthcare, Bloomington has a long history of being on the right side of history. In 2025, just as in 1975, the Human Rights Commission will fight to guarantee civil rights for everyone in our community.

Respectfully submitted,



Ryne Shadday, Chair

COMMISSION PURPOSE

The mission of the Bloomington/Monroe County Human Rights Commission (BMCHRC) is to enforce the Bloomington/Monroe County Human Rights Ordinance in a fair and timely manner, to educate community members about their rights and responsibilities under various civil rights laws and to advocate for changes in policies and law. The BMCHRC is also responsible for issuing reports and taking appropriate action on bias incidents and hate crimes in our community.

The BMCHRC is established under Bloomington Municipal Code 2.23.100. It is composed of seven volunteer commissioners who investigate allegations of discrimination and civil rights violations and oversee the work of the Commission. The City of Bloomington supports the Commission with a staff liaison, an administrative assistant, and an assistant city attorney.

Commissioners serve two-year terms. Three commissioners are appointed by the Mayor, two by the City Council, and two by the Monroe County Commission. Bloomington's Human Rights Commission has existed since the 1970s and has conducted over 700 formal investigations.

The Bloomington/Monroe County Human Rights Ordinance forbids discrimination on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran, in employment, housing, public accommodations, and education, within the City of Bloomington and unincorporated areas of Monroe County. The activities of the BMCHRC are focused on enforcing this ordinance and combating discrimination in our community.

COMMISSION OVERVIEW

The seven commissioners of the BMCHRC attend monthly meetings, share information at local events, and investigate allegations of discrimination in a fair, thorough, and unbiased way. Current commissioners are (below, standing, from left to right) **Ryne Shadday**, **Amy Jackson**, **Stephen Coover**, **Autumn Crisovan**, and (seated, from left to right) **Sharon Baker**, **Emma Williams**, and **Lilliana Young**.



COMMISSIONERS

Sharon Baker
Stephen Coover
Autumn Crisovan (Secretary)
Amy Jackson
Ryne Shadday (Chair)
Emma Williams (Vice Chair)
Lilliana Young

TERM EXPIRES

January 2027
January 2026
January 2026
January 2027
January 2026
January 2025
January 2026

APPOINTED BY

Monroe County Commissioners
Monroe County Commissioners
Common Council
Mayor
Mayor
Common Council
Mayor

CITY STAFF

Michael Shermis	Human Rights Liaison
Annabelle Vosmeier	Administrative Assistant
Enedina Kassamanian	Assistant City Attorney

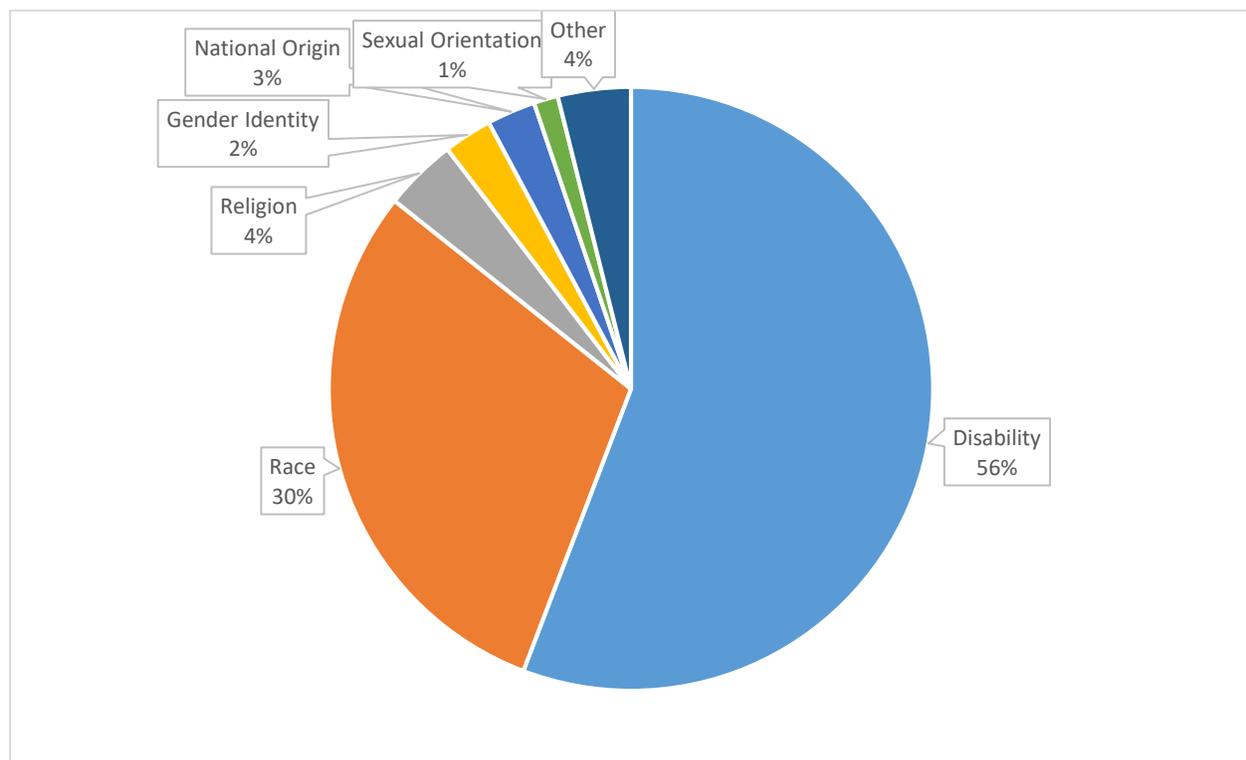
KEY STATISTICS AND IMPACT

In 2024, the Bloomington/Monroe County Human Rights Commission (BMCHRC) received 119 contacts, complaints, or incident reports. These inquiries, received via phone, email, or online form, included questions, requests for information, conflict reports, hate incident reports, and allegations of discrimination.

BMCHRC staff responded to each inquiry by answering questions, providing information and guidance, referring individuals to local services, discussing incidents, and opening formal investigations. Significantly more inquiries were received in 2024 than in 2023; however, fewer led to formal investigations.

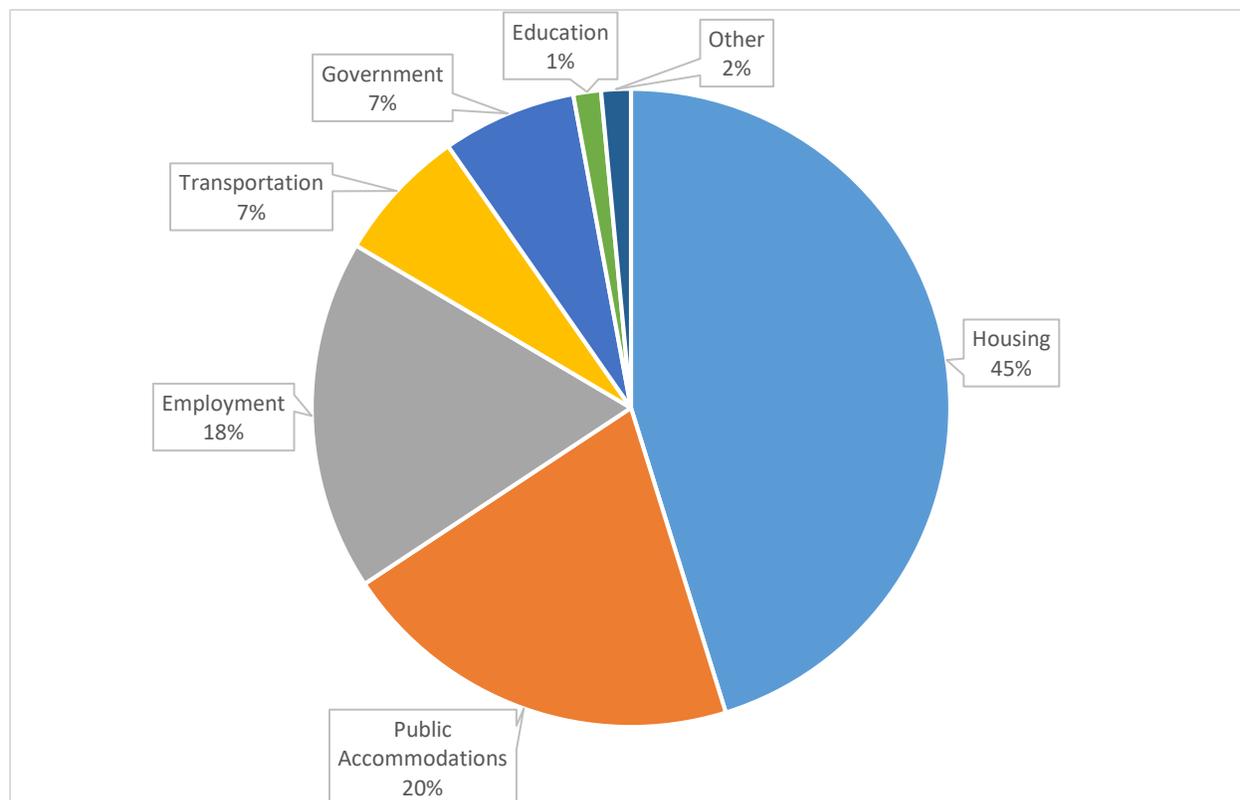
During the year, the Commission opened seven new investigations. Five 2023 cases and three 2024 cases were closed following investigation. Two of those cases culminated in the largest settlements in BMCHRC history.

Among complaints citing a protected class, most centered on disability (56%), followed by race (30%). Religion, sexual orientation, gender identity, national origin, and sex appeared in three or fewer complaints each. Disability and race were also the most common protected classes referred to in complaints in 2023.



The largest portion of complaints and inquiries citing a protected class referred to discrimination in housing (45%), followed by public accommodations (20%), and employment (18%). Five complaints

involved transportation, specifically Bloomington Transit, while another five referred to local or federal government, including the Bloomington Police Department and the Monroe County Courts. While we are unable to investigate such complaints, we guided complainants to appropriate resources and collaborated with Bloomington Transit to address concerns.



As in 2023, the majority (77.9%) of complaints and inquiries likely fell within our geographical jurisdiction of the City of Bloomington and unincorporated areas of Monroe County. Six complaints came from other counties, five came from Ellettsville, and one referred to Indiana University. Information about each of these inquiries, including additional context, is available in **2024 Inquiries** (page 12).

Seven inquiries received by the BMCHRC in 2024 became formal investigations and were assigned an investigating commissioner. These were cases that seemed to have a reasonable likelihood of possible discrimination and which were brought to the commission by complainants who were interested in presenting their story and going through the process.

Three investigations alleged discrimination on the basis of race (Black), two on the basis of disability (accommodation for a physical disability, accommodation for a mental health disability), one on the basis of sex (a man), and one on the basis of national origin (a Latin American country). Four investigations alleged discrimination in housing, two in employment, and one in public accommodations. Six investigations were within Bloomington city limits, while one was in Monroe County. More information about each investigation is available in **2024 Investigations** (page 10).

In 2024, the BMCHRC also worked to engage with the Bloomington and Monroe County community on issues of human rights and anti-discrimination. The Commission worked with the local transgender community to help pass the Bloomington City Council’s Safe Haven for Gender-Affirming Care Resolution in June, appeared at PrideFest in September, and supported the Transgender Day of Remembrance event in November. The Commission also worked to implement Bloomington’s closed captioning resolution, which requires local businesses to include closed captioning on their televisions for accessibility beginning on January 1, 2025. More information about these efforts is found in **Community Engagement** (page 23).

FINANCIAL INFORMATION

	Revenue	Expense
Consulting		\$125
Human Rights Awards		\$175
Art/Essay Contest Prizes and Reception		\$791
Indiana Consortium of State and Local Human Rights Organizations Annual Dues		\$100
Commissioner Name Badges		\$154
PrideFest Tabling Fee		\$175
Promotional Decals		\$100
Total Expenses		\$1,620
The total expenses of \$1,620 were covered by the General Fund (Community and Family Resources).	\$1,620	
Bloomington United Donation	\$2,502	
Final Balance	\$2,502	

2024 Donors

Bloomington United donated their remaining account balance to the Bloomington/Monroe County Human Rights Commission to be put to use in the community. We appreciate their generous contribution, which will support our mission and efforts in promoting diversity and combating hate and discrimination.

2024 INVESTIGATIONS

In 2024, five investigations opened in 2023 were brought to a close.

BMCHRC Docket #0703: A Black man alleged that his employment had been terminated unfairly by his employer due to racial discrimination. The employer responded with evidence showing that the man had acted in a hostile manner toward other employees during an altercation, representing a violation of the company's policies. Complaint filed in October 2023; complaint withdrawn automatically in February 2024 after complainant stopped communication. Investigated by Commissioner Jackson.

BMCHRC Docket #0704: A Black woman moved into an apartment using a housing voucher and found several maintenance problems within the unit. After less than a month, her lease was terminated, which she alleged was due to racial discrimination. The property manager for the unit demonstrated that they had addressed the maintenance issues and that they had terminated her lease due to the woman's threatening behavior toward them, which had prompted them to file a restraining order. Complaint filed in October 2023; no probable cause found in February 2024. Investigated by Commissioner Coover.

BMCHRC Docket #0705: A woman with a disability and mental health condition alleged employment discrimination in the way her company addressed her request for an accommodation. Complaint filed in December 2023; complainant withdrew following a substantial monetary settlement in July 2024. Investigated by Commissioner Radewan.

BMCHRC Docket #0706: A woman was unable to prepare for mandatory renovations within her apartment due to her disability. The renovations were not completed and the woman's lease was not renewed. She alleges that her landlord discriminated against her because of her disability. Complaint filed in December 2023; complainant withdrew in March 2024. Investigated by Commissioner Bangert prior to January 2024; taken over by Commissioner Gray.

BMCHRC Docket #0707: A man living in the United States on a visa entered a bar with his passport available as age verification. The visa stamped within the passport had expired, but he possessed an additional document extending the length of his stay. The bouncer questioned the validity of the documents and warned that he would not, in future, accept expired documentation, although the passport and visa accurately showed that the man was over the age of 21. Complaint filed in December 2023; complainant withdrew following the bar's agreement to clarify its policy in January 2024. Investigated by Commissioner Williams.

In 2024, seven new investigations were opened, of which four remain in progress.

BMCHRC Docket #0708: A man was barred from entering a local business after he interacted with several younger women cashiers. He alleged that the ban was based on sex discrimination and that his conversations with the cashiers would have been permissible from a woman customer. The business showed that he had caused significant discomfort and that their policy was to ban any customer, regardless of sex, who behaved inappropriately. Complaint filed in February 2024; no probable cause found in April 2024. Investigated by Commissioner Jackson.

BMCHRC Docket #0709: A couple, one of whom had a disability, alleged discrimination in housing when their landlord charged what they felt was an extortionate fee for an accessibility modification. The landlord agreed to accept the amount they had already paid and to waive the remainder of the cost. Complaint filed in March 2024; complainants withdrew in June 2024. Investigated by Commissioner Williams.

BMCHRC Docket #0710: A Black man in a management position alleged racial discrimination when he was suddenly terminated, showing a history of a hostile work environment and his actions being closely scrutinized by other management despite his position of authority within the company. Complaint filed in April 2024; complainant withdrew in August 2024 following the award of a significant monetary settlement. Investigated by Commissioner Coover.

BMCHRC Docket #0711: A Spanish-speaking couple from Latin America moved into a rental property and alleged that they were not given a lease to review and sign and that the property owner harassed them by strictly enforcing rules they had not been made aware of. The property owner denied the allegations but was unable to produce a signed lease or other evidence. Complaint filed in October 2024; investigation ongoing.

BMCHRC Docket #0712: A Black man alleged racial discrimination in employment when he lost his job based on a prior criminal conviction, arguing that a non-Black employee with a similar conviction had not lost their employment. Complaint filed in October 2024; investigation ongoing.

BMCHRC Docket #0713: A Black man alleged that his property manager enforced certain rules more stringently with him than with white neighbors and that he was excluded from routine maintenance. Complaint filed in November 2024; investigation ongoing.

BMCHRC Docket #0714: A student with a mental health disability requested to break her year-long lease as a disability accommodation when she was forced to withdraw from classes and leave Bloomington to seek treatment. Her mother filed a complaint of discrimination when the landlord did not grant the accommodation request. Complaint filed in December 2024; investigation ongoing.

2024 INQUIRIES

In 2024, the BMCHRC received 108 inquiries which did not become formal cases and which were not filed as hate incident reports, nearly double the 57 miscellaneous inquiries received by the BMCHRC in 2023. This significant increase cannot be attributed to any one factor and may also be influenced by a change in record-keeping. These inquiries are categorized and summarized below.

Disability Accessibility and Accommodations: BMCHRC staff provide information and advice on questions of disability discrimination, including disability accessibility and accommodations.

- Another office in the city referred someone who needed a transportation accommodation to a commission meeting. We referred them to BT Access.
- A caller representing an organization requested information about local organizations that serve people with disabilities. Provided caller with resources.
- An apartment complex employee requested information about avoiding discrimination allegations when not renewing the lease of a tenant who had a disability. The proposed nonrenewal was based on legitimate reasons not related to the disability.
- A caller requested information and advice about providing ASL interpreters and captioning at an upcoming event. Assisted her in finding resources; she later reported that the event successfully provided ASL interpretation.
- An individual reported out-of-order elevators in an apartment complex where tenants on upper floors use wheelchairs. There were other issues associated with the complex and HAND addressed the complaint.
- An anonymous caller reported that signs within the Indiana Memorial Union were too small to be read by a person with low vision. We referred them to the IU Office of Institutional Equity.
- A student with a disability had been promised an accessible first-floor apartment but had been moved to a second-floor unit when another resident with a disability was given the first-floor unit. Suggested she provide medical documentation of her disability to the property manager and agreed to serve as a resource in conversations with the property manager if necessary.
- A man in a wheelchair had questions about the accessibility of a new housing complex. Directed him to the property manager.
- A Bloomington park reported multiple complaints about a regular visitor walking his dog off-leash despite park signage and local leash laws. The visitor stated that the dog was a service dog and thus the rules were not applicable. Reviewed relevant ADA information and spoke to experts. Service animals are generally expected to be on a leash unless the person's disability does not allow them to use a leash or the animal must be off-leash for a certain amount of time to perform a task. However, the dog must remain in the person's control via other means at all times. If the individual is able to use a leash and the dog's current task does not require being off-leash, leash laws can generally be enforced.
- A man represented by Mobile Integrated Health Unit was experiencing accessibility barriers in his apartment. Working with MIHU to find resources to assist him.
- A wheelchair user reported that a private dumpster was blocking a curb ramp. Called the company to have it moved.

- A woman was appalled by an inaccessible restroom in a local restaurant when she ate there with a friend who has a disability. She questioned whether it was legal. Explained that the ADA has no enforcement mechanisms beyond private lawsuits. She decided to tell her friends not to visit the restaurant because of the lack of accessibility.

Emotional Support Animals: In 2024, the BMCHRC received an increasing number of inquiries about emotional support animals. In response, we created an informational brochure about the rights of those who have service animals or emotional support animals under fair housing laws.

- A woman asked about moving into an apartment with an emotional support animal. Provided her with information.
- A tenant encountered barriers in requesting a pet fee waived for an emotional support animal. Assisted him in requesting the reasonable accommodation.
- An individual inquired whether an emotional support animal (ESA) could be denied if it had not been spayed/neutered. ESAs have to be in compliance with local laws, such as being up to date with vaccinations, but we found no information to suggest that a landlord could require an ESA to be spayed or neutered.
- A woman reported that her landlord would not accept her emotional support animal (ESA) application as she had not submitted it before moving in. ESAs may be requested at any time as a reasonable accommodation. Assisted in mediating the situation and found that she had not submitted all necessary paperwork, at which point her ESA application would be accepted.

Parking and Parking Accommodations: In 2024, the BMCHRC received multiple inquiries about both public parking for those with disabilities and parking accommodations for tenants. BMCHRC staff continue to work with City offices and other organizations on parking issues.

- A woman reported that her company had replaced reserved, non-accessible spaces with accessible ones, but did not believe the new spaces were ADA compliant. Suggested she begin with an internal complaint at her company.
- A caller reported that a large employee parking lot at her place of work did not have a safe path of travel for people with mobility issues. Suggested speaking to her employer first before considering filing a complaint.
- A woman with mobility challenges requested a parking accommodation from her landlord but had not received it. Assisted to resolve a miscommunication so that she could receive her accommodation. She was to let us know if further discussion with the landlord didn't resolve the issue.
- A man reported requesting a parking accommodation and his landlord being unresponsive. Contacted the landlord, who was willing to discuss the issue. Complainant was to let us know if more assistance was needed.
- An individual requested an accessible parking space closer to her apartment complex, but did not return calls or voicemails.
- A woman using a wheelchair alleged that her landlord had refused a parking accommodation. Contacted the apartment complex, who said that she had not requested one and offered for her to fill out an accommodation form.

- A woman reported that her apartment complex was selling a parking permit to an accessible spot to a resident without a disability tag. According to the ADA, accessible parking spaces are reserved exclusively for individuals with disabilities, even in a permit-only lot when no one currently needs the space. We informed the apartment complex of this.
- A senior in a seniors-only apartment complex reported that management is redoing the parking lot with little notice, leaving residents with no nearby parking options for several days. Let her know that, while inconvenient for seniors and those with disabilities, this is not a discrimination or ADA issue.

Transportation Accessibility: In 2024, the BMCHRC received several inquiries and complaints regarding Bloomington Transit. BMCHRC staff worked closely with Bloomington Transit and with the Council for Community Accessibility to resolve the complaints, including providing a disability awareness training for all bus drivers.

- A man who uses a cane reported that a Bloomington Transit bus driver refused to lower the bus for him because the cold weather might cause problems with the equipment. After we spoke with them, Bloomington Transit changed their policy to lower buses for anyone who needs it, regardless of the weather.
- A man with a physical disability alleged that Bloomington Transit did not lower the bus for him to enter. Passed the complaint to Bloomington Transit, who agreed to respond directly to remedy the issue. Subsequently provided him with information to file a complaint with the ICRC.
- A man who submitted an earlier complaint about a Bloomington Transit driver suggested that the same driver refused to lower the bus for another individual. Passed the complaint to Bloomington Transit and provided the man with their direct email.
- An individual reported witnessing a Bloomington Transit driver ask inappropriate questions of a rider with a service dog. Requested more information about the questions asked and passed the complaint to Bloomington Transit, which then invited representatives from the Council for Community Accessibility to speak at an annual ADA training session.
- A woman fell at a bus stop that she felt was inaccessible. Referred to Bloomington Transit.

Other Disability-Related Inquiries and Complaints: Disability-related inquiries made up the largest portion of those received by the BMCHRC this year. These calls represent other issues we were made aware of in this area that do not refer to accessibility complaints, emotional support animals, parking, or transportation.

- A woman reported failures of communication between her child's disability support providers. The BMCHRC is unable to help unless she files a formal complaint of discrimination. Referred her to Indiana Legal Services.
- A woman reported failures of communication between her child's disability support providers (her second report to the BMCHRC), but did not choose to file a formal complaint of discrimination.
- A caller reported their employer tried to force them to complete work that went against limited duty instructions after an injury. Set up an intake interview; the caller did not attend.

- An individual with a disability visits a bar socially but orders only non-alcoholic beverages due to her disability. She reported that she was told she was unwelcome at the bar because of her inexpensive orders. Since the bartender was unaware of her disability, we cannot pursue a discrimination complaint.
- The personal aid of a resident with a disability was towed from an apartment complex's parking lot while assisting the resident, although the aid had requested a parking sticker and been denied. Spoke to the property manager of the complex.
- A woman with a disability who requested that maintenance staff wear a mask when entering her apartment was frustrated that they never remembered to do so. Suggested that she request a reasonable accommodation from her property manager and file a complaint if they did not accommodate her.
- A man missed work after he became temporarily disabled due to a car accident and was written up. Suggested he request a reasonable accommodation with a doctor's letter for adjustments to his work or time off.
- A student at a private school with a mental health disability alleged that she had not been treated according to the accommodations agreed upon by school administration. After significant work preparing the case, the family decided not to pursue a formal complaint at this time.
- A woman who receives treatment at an addiction clinic alleged discriminatory behavior against those with addiction by the director at the clinic. She did not file a formal complaint.
- An individual was seeking resources for Parkinson's disease. Directed to Area 10 Agency on Aging.
- A woman with disabilities shared a variety of troubles, including her struggle to find affordable resources. Referred to local organizations, most of which she had spoken to previously. Shared information about the Council for Community Accessibility (CCA) when she expressed interest in attending CCA meetings.

Landlord/Tenant Disputes, Eviction Cases, and Poor Property Management: The BMCHRC does not have jurisdiction over housing code or landlord/tenant disputes. When we receive calls about poor maintenance or offensive behavior by property management, we are not able to act unless the actions appear to be motivated by discrimination against a protected class. We refer these inquiries to the Housing and Neighborhood Development Department or the Eviction Prevention Project (now a part of the Community Justice and Mediation Center).

- A woman with a disability reported abusive and invasive actions by her property manager. She did not follow up with a complaint or send evidence.
- A woman with disabilities is going through eviction proceedings and was referred to the BMCHRC, although she did not make specific allegations of discrimination. Suggested she reach back out when she knows more, as she hoped it would be resolved in court.
- A person reported potential discrimination against his neighbor, who was being evicted, but did not know her name or whether she was interested in pursuing a complaint.
- A resource provider recounted a property manager's offensive conduct toward her client, a low-income tenant. Monitored reports from the property, which received several complaints in a short time frame, and spoke with the property manager about the complaints.

- A woman alleged housing discrimination but did not state whether it was due to a protected class.
- A man reported a landlord-tenant dispute about late payments. Directed to Eviction Prevention Project.
- A resident of an apartment complex reported their neighbor was treated offensively by a property manager in a common area. Monitored reports from the property, which received several complaints in a short time frame, and spoke with the property manager.
- A resident of an apartment complex (the neighbor referred to above) reported that he was threatened by his property manager for sitting with friends in a common area. Monitored reports from the property, which received several complaints in a short time frame, and spoke with the property manager.
- An individual reported threats from their property manager for stating that their friend was a guest when the friend was accused of trespassing. Monitored reports from the property, which received several complaints in a short time frame, and spoke with the property manager.
- A man believed that the rejection of a rental application was related to an alleged retaliatory reference by his current landlord. No reported discrimination; referred to Eviction Prevention Project.
- An individual reported a neglectful landlord and difficulty keeping up with her rent. Referred to HAND, Eviction Prevention Project, and Helping Bloomington Monroe.
- A Black man felt that a landlord was overcharging and requested that City attorneys review the lease. Established after an initial conversation that this was not a discrimination complaint and suggested he contact a private attorney as we cannot provide legal advice.
- A man complained about issues in the mobile home park where he lives. Referred to the Environmental Public Health Division, a state agency that inspects mobile home parks and campgrounds, as we have no jurisdiction over mobile home parks.
- A woman called about maintenance issues in her neighbor's apartment. Referred to HAND.
- A previously unhoused woman had been offered a temporary living solution but was being removed. She felt it could be for discriminatory reasons. Referred to the Stride Center as she was in crisis and needed immediate assistance.
- An individual reported difficulty in receiving financial assistance from local organizations due to the organizations' misunderstanding of their living situation. Attempted to assist with the situation by talking to the organizations about the individual's appeals.
- A Muslim man reported harassment by his neighbors; he had reported the situation to law enforcement but did not have confidence that they would help. He did not wish to share contact information for follow-up, but intended to contact the ACLU.

Allegations of Housing Discrimination: The BMCHRC investigates housing discrimination based on membership in a protected class. In the following instances, a formal investigation may have been a possibility, but the complainant did not choose to follow through or another issue prevented an investigation from going forward.

- A man suspected discrimination from his landlord after marrying his male partner. Requested additional information but did not hear back.

- An Indigenous woman with a disability reported a conflict with the individual renting to her; however, the agreement was informal and we are unable to pursue discrimination between individuals. We suggested she contact a lawyer.
- A Black woman called regarding excessive and intentional noise and rudeness from neighbors, which she alleged her landlord was disregarding. Offered to begin the process of a formal complaint and spoke with the landlord about the situation. Caller did not pursue a complaint.
- A representative from a refugee support organization reported that a local apartment complex did not accept two refugees as tenants because they received housing support from the organization. Set up an intake interview; the individuals had found other housing and did not wish to pursue a formal complaint.
- A Muslim woman reported harassment by a neighbor and a lack of support from her landlord. Suggested she file a formal complaint; she did not opt to follow through.
- A man reported abuse and anti-Jewish slurs used by his neighbors in a recovery program. It was not clear whether the man was Jewish. Requested additional information and permission to speak to program staff; he did not follow up.
- A woman alleged racial and disability discrimination by her landlord. Scheduled an intake interview; she chose not to pursue the complaint because she was able to move to a different apartment complex.
- A woman alleged disability discrimination when her lease was not renewed. Gathering more information about the situation.

Allegations of Employment Discrimination: The BMCHRC investigates employment discrimination based on membership in a protected class. In the following instances, a formal investigation may have been a possibility, but the complainant did not choose to follow through or another issue prevented an investigation from going forward.

- An incarcerated man alleged discrimination by an online criminal record database that made it difficult for him to find employment. Expressed that the database itself was neutral and that employers have the right to base employment decisions on one's criminal record, but that he could reach out to us if he encountered discrimination based on his race or housing status.
- A Black man was fired from his job in 2023 and felt that it was a biased decision, but no longer remembered details of the incident. This happened outside the BMCHRC's 180 day statute of limitations.
- A Latina woman alleged discriminatory and hurtful treatment by senior coworkers at her place of employment. She began the process of filing a formal complaint but chose not to follow through.
- A Black woman alleged that a new supervisor at the restaurant where she worked made racially discriminatory comments, gave employees of color less preferential shifts, and fired her for an unsound reason. She was scheduled for an intake interview to make a formal complaint but chose not to follow through.

Allegations of Public Accommodations Discrimination: The BMCHRC investigates public accommodations discrimination based on membership in a protected class. In the following instances, a

formal investigation may have been a possibility, but the complainant did not choose to follow through or another issue prevented an investigation from going forward.

- A white woman reported that she was upcharged at a store with non-white management. She did not respond to a follow-up for more information.
- A Black woman in hospice experienced poor treatment by hospice workers. Suggested she write a formal letter to the hospice company for answers to her questions as she was not interested in filing a complaint.
- A resource provider called on behalf of her client, a transgender woman, who alleged discrimination and mistreatment at a fast food restaurant. Encouraged the client to file a complaint, but she did not choose to do so.
- An anonymous individual reported that their party was ignored and received bad service at a local restaurant because the group was visibly LGBTQ+.
- A Native American woman alleged discriminatory treatment at a local nonprofit. She did not respond to a follow-up for more information.
- A transgender woman alleged harassment by an employee at a local gym. Assisted her in requesting a follow-up on gym policy from management, with the understanding that a formal complaint could be filed with the BMCHRC if the management's response was unfavorable.

Complaints Regarding Local or Federal Government: Due to conflict of interest, the BMCHRC is not able to pursue any complaints that allege discrimination in federal or local government, including the Bloomington Police Department or Monroe County Courts. However, we endeavor to direct those who call with these complaints to the correct resources.

- A man reported problems with his mail being delivered. We referred him to postal authorities.
- A woman reported complaints with a township trustee office but did not show discrimination against a protected class. We cannot investigate Monroe County, but we referred her to the Department of Justice.
- A person alleged that their civil rights were violated within the Monroe County Court system. We referred them to the Indiana Office of Judicial and Attorney Regulation.
- A nonresident man described a criminal attack on him in Bloomington followed by his arrest and unwilling placement in inpatient mental health care. He alleged discrimination by city and/or county police, which BMCHRC cannot investigate. Directed to Indiana Civil Rights Commission.
- A Black woman reported an incident from many years ago in which she was mistaken for another Black woman and an arrest was incorrectly put on her record. While the incident is outside of the BMCHRC's statute of limitations, she was working with the Bloomington Police Department to expunge her record.
- A man with multiple mental health disabilities was arrested following a mental health crisis and felt that the Bloomington Police Department did not follow proper protocol. Referred him to the Indiana Civil Rights Commission and the internal BPD complaint form.
- A Native American woman described discriminatory treatment throughout Bloomington institutions and within local government, particularly in regard to systemic racism and structures designed to benefit white people over people of color. Met with her but were unable to find a way to develop an affidavit regarding her complaints.

- An Asian woman alleged receiving poor service at a Bloomington branch of a federal government office. Her boyfriend, who is also Asian, was not allowed to accompany her, while other customers had companions. Spoke to her and gave some guidance but were unable to assist as federal offices fall outside of our jurisdiction.

Out of Jurisdiction: We were not able to pursue the following complaints as they fall outside of our geographic jurisdiction; however, we attempted to refer callers to other resources.

- A man living in a different county reported that his employer was discriminating against him because of his disability. We referred him to EEOC.
- A man in Ellettsville stated that his apartment complex alleged that his service animal had attacked someone and would not let him keep it, even though the police found no evidence of the attack. We referred him to Housing and Urban Development.
- A woman with a disability alleged discrimination from a Monroe County food pantry that fell outside our geographic jurisdiction. Suggested she speak to CFRD about other options for food assistance.
- A woman called to allege disability discrimination in employment on behalf of her daughter. The daughter lives and works in Ohio; directed her to the Ohio Civil Rights Commission.
- An individual in another county was refused the accommodation of an ASL interpreter in court. Out of our jurisdiction; referred to the Indiana Civil Rights Commission and Indiana Disability Justice Leadership.
- A woman with a disability has serious maintenance issues in her apartment that are endangering her health. She is in Ellettsville and out of jurisdiction. Directed to Town of Ellettsville government and encouraged her to continue working with her doctor to request accommodations of her landlord.
- A man with hearing loss who worked in customer service was told to remove his hearing aids because his manager believed they were headphones he was using to listen to music. The individual lived in an adjoining county and was out of jurisdiction.
- A Black woman from Michigan described being treated with suspicion and questioned by the police in a chain store where she was the only Black shopper. Directed her to the Michigan Civil Rights Commission.
- A woman alleged racial discrimination in employment. Her former employer is located out of our jurisdiction in Ellettsville; assisted her in developing the affidavit for an EEOC complaint.
- A woman living in Ellettsville reported restrictive rules and invasive behavior by her property manager. Out of service area; referred to Indiana Civil Rights Commission.
- A man called regarding his eviction; he lives outside of Monroe County. Directed to Indiana Civil Rights Commission.
- An individual expressed that an eviction notice was discriminatory, but did not give additional details. They lived in an adjoining county and were out of jurisdiction.
- An individual in Ellettsville reported harassment by her neighbors and inappropriate behavior by her landlord. Referred her to Indiana Civil Rights Commission and Fair Housing of South Central Indiana.

Unclear Complaints: The following complaints did not provide enough information to pursue or were written in an unclear or incoherent way.

- A brief statement alleged that a hospital had been negligent. No further information was provided and complainant did not respond to follow-up.
- A man described being mentally and physically abused and mistreated. He did not follow up with more information about his experiences.
- An individual submitted a complaint against a local organization without information about the incident or the type of discrimination alleged. Requested further information.

Miscellaneous Requests for Information: These inquiries do not fall under prior categories and were often requests for a specific piece of information.

- A caller requested a copy of a consent agreement from her client's Bloomington Human Rights Commission case from several years ago. Provided the documentation.
- A representative of the human rights commission in Dallas, Texas, requested information about the BMCHRC. Met with them via videoconferencing to speak about our work.
- A caller requested a living wage certificate, which we provided.
- A representative from a housing organization requested information about housing discrimination to avoid potential bias in selecting applicants. Provided relevant information and explanations.
- An out-of-state caller requested information about local lawyers regarding a crime that had occurred in Bloomington. Referenced Indiana Legal Services; encouraged her to submit a police report. As a local governmental entity, we are unable to provide recommendations for specific professionals.
- An individual wanted to know if she was covered under the living wage ordinance. Shared the information and FAQs at bloomington.in.gov/business/living-wage.
- A woman reported a HIPAA violation and wished to pursue further steps such as a lawsuit. We suggested she contact a lawyer or Indiana Legal Services.
- A woman described her struggle to work with her bank on behalf of her incarcerated husband. Helped clarify her next steps with the bank.
- An individual sent a mass publication to many human rights commissions describing human rights abuses outside of the United States.

HATE INCIDENT REPORT

WARNING: THIS REPORT INCLUDES OFFENSIVE LANGUAGE, INCLUDING RACIAL SLURS, TO PROVIDE AN ACCURATE PORTRAYAL OF THESE INCIDENTS.

In August, 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the Bloomington Human Rights Commission the explicit authority to collect data and issue reports on hate incidents within our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we do not have the authority to conduct that type of investigation. Rather, our goals are to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents when appropriate, and to make our community more aware of the prevalence of hate incidents by updating this document on-line as we receive new reports.

- In July 2024, an individual discovered a “voodoo doll” with racist and threatening imagery left outside their door.
- In August 2024, a Black woman reported that an employee at a local business yelled and used racial slurs when interacting with her young daughter, who is Black and has autism.
- In September 2024, a Black man left his shift at a local grocery store to find that someone had written “NIGGER” on the hood of his truck in permanent marker.
- In September 2024, a piece of wood with a swastika drawn on it, alongside two playing cards that are symbols tied to white supremacy groups, was found outside Congregation Beth Shalom.
- In November 2024, a Black Indiana University professor was walking through campus when an unidentified person in a vehicle made repeated chimpanzee noises toward them.

STRATEGIC GOALS AND INITIATIVES

The Bloomington/Monroe County Human Rights Commission's mission is to enforce our community's anti-discrimination ordinance, to educate the community about civil rights laws, and to advocate for changes in policy to promote equal rights and opportunities.

In 2025, the BMCHRC's key priority is to continue our work to further that mission, regardless of any change in political climate. We will continue to investigate any allegations of discrimination within our jurisdiction brought before us. We will continue to be visible at informational events and educate the community through publications and statements. Lastly, we will continue to propose and advocate for relevant policy changes that support our mission.

At the November and December 2024 meetings, commissioners articulated a need to support vulnerable groups in Bloomington and Monroe County, particularly communities of color, the LGBTQ+ community, the immigrant community, and the Muslim and Jewish communities. Commissioners also began working on new initiatives to support transgender people, who are being increasingly affected by new and discriminatory state laws. As we continue our work in 2025, we aim to look for new opportunities to support and protect those most at risk of discrimination.

COMMUNITY ENGAGEMENT

Closed Captioning Ordinance

In December 2023, the Bloomington City Council passed Ordinance 23-31, requiring local businesses to enable closed captions on public televisions during business hours. After being approached by the local Deaf community, the Bloomington/Monroe County Human Rights Commission (BMCHRC) had proposed the resolution in collaboration with the Council for Community Accessibility (CCA). Partners on the project include the Indiana Association for the Deaf, the AARP, and the Bloomington Chamber of Commerce. Closed captions help reduce communication barriers in places of public accommodation for people with hearing loss and other disabilities, allowing more people to access information equally. After January 1, 2025, local businesses are required to provide captions on all public televisions showing unique programming. An individual may allege a violation by filing a complaint with the BMCHRC, which has the authority to investigate and resolve complaints of disability discrimination.

For more information, visit bloomington.in.gov/boards/community-accessibility/captioning.

2024 Human Rights Award

In 1997, the Bloomington Human Rights Commission began recognizing individuals and groups who have contributed to improving human rights in our community. In 2024, the BMCHRC was honored to recognize Byron Bangert and Building a Thriving Compassionate Community (BTCC). They received their individual and organization awards on May 15, 2024, during the City Council meeting.

Byron Bangert, a retired academic, ethics consultant, and ordained minister, served on the Human Rights Commission for twenty-seven years and has been a deeply involved and dedicated volunteer for many local organizations for decades.



BTCC is a network of individuals dedicated to identifying and addressing social problems in Monroe County. They aim to promote an equitable society by offering trainings and resources centered on upholding human rights and helping those in need.

Image to right, from left to right: BMCHRC Commissioner Susan Gray; BMCHRC Commissioner Stephen Coover; Byron Bangert; representatives of BTCC Jess Tang, Hannah Lencheck, and Li Meuser; BTCC Chair Ryne Shadday.

Student Art and Essay Contest



Each year, the BMCHRC holds an art and essay contest for local students in grades K-6. In 2024, students were asked to consider the theme “What is the most important human right to you and why?” On May 13, 2024, the winners were honored in a ceremony at City Hall with Mayor Thomson. She praised them for their courage in standing up for their beliefs and asked them to encourage their friends to do the same. In the image to the left, winners pose with Mayor Thomson in Council Chambers.

In the art category, first place was awarded to Henry Fehrman, a second grader at Templeton Elementary. Second place went to Harper Burroughs, a sixth grader at Marlin Elementary, while third place was given to William Alhasainat, a first grader at Rogers Elementary. Commissioners Jackson and Coover praised the students’ artistic visions, use of vibrant colors, and expressions of equality and diversity.

In the essay category, first place went to Piper Burroughs, a sixth grader at Marlin Elementary. Second place was awarded to Telly Lotven, a sixth grader at University Elementary who submitted a poem. Third place was given to Phoenix Gordon, a sixth grader at Templeton Elementary. Commissioners Williams and Crisovan congratulated the winners on their creativity and use of research skills.

Safe Haven for Gender-Affirming Healthcare Resolution Passed By Bloomington City Council

On June 12, 2024, the Bloomington City Council passed a resolution protecting the right to gender-affirming care in our community. The BMCHRC was honored to recommend this resolution to the council and was thrilled to see it pass unanimously, 8-0. In the image to the right, residents line up for public comment in City Council Chambers. London Montgomery, one of those who first brought the idea of the resolution to the BMCHRC, stands at the microphone.



Gender-affirming care is evidence-based, necessary, and lifesaving, and healthcare is a human right. During the public comment period, members of the transgender and LGBTQ+ communities, parents of trans children, and other allies expressed an outpouring of support for the resolution and shared personal experiences about the importance of maintaining access to gender-affirming healthcare.

The BMCHRC's ordinance prohibits discrimination based on gender identity in employment, housing, public accommodations, and education, in Bloomington and unincorporated areas of Monroe County.

Proclamation and Celebration at Bloomington PrideFest



The BMCHRC was honored to table at Bloomington PrideFest on September 14, 2024, and to connect with the community with our message that LGBTQ+ rights are human rights.

Early in the afternoon, BMCHRC Chair Ryne Shadday presented the City's proclamation in support of transgender rights from the main stage and spoke briefly about the Safe Haven for Gender-Affirming Healthcare resolution. He was followed by community activists London Montgomery and Lilliana Young

(appointed a BMCHRC commissioner in October 2024), who gave powerful remarks about the importance of gender-affirming healthcare and resisting hostile, transphobic forces in politics.

Throughout the afternoon and evening, BMCHRC commissioners and staff met community members and visitors at the Commission's table, making connections and sharing information about our work, Bloomington's history of support for LGBTQ+ civil rights, and the Safe Haven resolution. Above, Commissioners Shadday, Autumn Crisovan, and Susan Gray pose with the "Did you know that Bloomington is a Safe Haven for Gender-Affirming Healthcare?" sign.

New Informational Brochures

In 2024, the BMCHRC created three new brochures to respond to frequent questions and provide at tabling events. These [brochures](#) are available in PDF format on Google Drive or in physical format by request.



"What is Discrimination?" (available in both English and Spanish) defines discrimination, explains the BMCHRC's process, and provides contact information for additional resources for complaints that are outside of our jurisdiction.

"Understanding Bloomington's Closed Captioning Ordinance" lays out the responsibilities of the new closed captioning ordinance for Bloomington business owners.

"Service Animals and Emotional Support Animals in Bloomington" explains the different rights of people with assistance animals, especially in fair housing and in public accommodations.

Bloomington Receives Perfect Score on Municipal Equality Index

For the tenth consecutive year, Bloomington has received a score of 100/100 on the Human Rights Campaign Foundation's Municipal Equality Index (MEI). The MEI examines 506 American cities to rate how inclusive their laws, policies, and services are for the LGBTQ+ residents. Criteria include the presence of non-discrimination laws, the availability of municipal services to LGBTQ+ individuals, and the public stance of city leadership on LGBTQ+ equality.

Bloomington has been consistently recognized over the past decade for its commitment to LGBTQ+ equality, earning 100/100 again in 2024. It remains the only city in Indiana to achieve a perfect score in 2024, despite state policies that limit inclusivity.

Thank you to former BMCHRC Director Barbara McKinney for her work helping ensure Bloomington's perfect MEI score from 2015-2022!



CONTACT US

Commission meetings are held on the third Mondays of the month and are open to the public. Please join us! Meetings take place in the Hooker Room (City Hall, 401 N. Morton St.) at 5:00 p.m. In 2025, the January and February meetings have been rescheduled due to federal holidays. Virtual attendance via Zoom is available if requested in advance (human.rights@bloomington.in.gov).

In 2025, the BMCHRC is scheduled to meet on:

Tuesday, January 21, 2025, at **5:30 p.m.**, in the **Allison Room** (City Hall).
Tuesday, February 18, 2025, at **5:30 p.m.**, in the **Allison Room** (City Hall).
Monday, March 17, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, April 21, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, May 19, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, June 16, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, July 21, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, August 18, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, September 15, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, October 20, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, November 17, 2025, at 5:00 p.m., in the Hooker Room (City Hall).
Monday, December 15, 2025, at 5:00 p.m., in the Hooker Room (City Hall).

For more information and to keep up with the BMCHRC, visit or contact us at:

Website: bloomington.in.gov/bhrc
Facebook: facebook.com/BloomingtonHumanRights
Newsletter Signup: lp.constantcontactpages.com/sl/PB20Ve8
Email: human.rights@bloomington.in.gov
Phone: 812-349-3478

To file an initial intake for a complaint or a hate incident report, visit:

Initial Intake Form: bton.in/HRCForm
Hate Incident Report: tinyurl.com/BMCHRC-HateIncident



CLERK NICOLE BOLDEN

CITY OF BLOOMINGTON

401 N Morton St, Ste. 110
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408
clerk@bloomington.in.gov

To: Members of the Common Council

From: Clerk Nicole Bolden

Date: 28 February 2025

Re: Interview Committee Recommendations for Board and Commissions

The council interview committees have made the following recommendations for appointment to the following boards and commissions:

Interview Committee Team A Recommendations:

- For the Commission on the Status of Black Males - to appoint Siddhu McLeod to seat C-2.

Interview Committee Team B Recommendations:

- For the Community Advisory on Public Safety Commission - to reappoint Zero Rose to seat C-8 and Tyler Shaffer to seat C-9.
- For the Environmental Commission - to appoint Kasie Chappell to seat C-1 and Adam Fudickar to seat C-2.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy Clerk of Communications and Outreach, 812-349-3403, jennifer.crossley@bloomington.in.gov



City of Bloomington Indiana

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

MEMO FROM COUNCIL OFFICE ON:

To: Members of Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: February 28, 2025

Re: Resolution 2025-03 – Resolution of the Common Council of the City of Bloomington, Indiana, Regarding Acceptance of a Transfer of Property from the Monroe County Capital Improvement Board, the Execution of a Lease Relating to the Financing of the Monroe Convention Center Expansion Project, and Pledging Certain Revenues to the Payment of Lease Rentals Due Under Such Lease

Summary

Resolution 2025-03 would continue the process to expand the Monroe Convention Center (the “Convention Center”), as previously reviewed and considered by Council in prior pieces of legislation.

Relevant Materials

- Resolution 2025-03
- Memo from Controller Jessica McClellan and Corporation Counsel Margie Rice
- Proposed Lease between the City of Bloomington Public Building Corporation as Lessor and the City of Bloomington as Lessee
- Notice of Public Hearing On Proposed Lease published on February 21, 2025
- Financial Analysis from Krohn Associates LLP, Financial Advisor to the City of Bloomington
- Plans and Specifications and Project Costs

Background

The City of Bloomington (the “City”) seeks to expand the Convention Center (the “Project”) relying upon a lease and financing arrangement supported by [IC 36-1-10 et seq.](#) This statute establishes a process whereby a not-for-profit corporation organized under Indiana law may lease a structure, like a convention center or visitors center, to a political subdivision such as the City. The City recently formed the City of Bloomington Public Building Corporation (the “Building Corporation”) to build and expand and improve the Convention Center structure. The Building Corporation will sell bonds and lease the expanded portion of the structure to the City (the “Lease”), which will use proceeds from the Food and Beverage Tax revenues (and if insufficient, then also LIT revenues) to make lease payments to the bond trustee, which will then pay bondholders. The City carries out the obligations of the leasing statute through its Council and its Mayor and Controller, acting as “Leasing Agent”, as the political subdivision’s fiscal and legislative body and officers of the City respectively, per IC 36-1-10-2.



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Pursuant to Section 36-1-10-7(c) of the Indiana Code, Council completed the first step of this process by adopting [Resolution 2025-01](#) which 1) accepted petitions signed by 50 or more taxpayers of the City requesting a lease and 2) made the determination, after investigation, that the Project is needed.

Pursuant to IC 36-1-10-10, the next step in the statutory process would be for the Building Corporation as Lessor to submit plans and specifications to the City as Lessee before executing the Lease and for a public hearing to be held. Plans and specifications of the Project were presented to Council during its Deliberative Session on February 12, 2025 and I'm informed that they have been available to the public in the office of the Controller since at least February 21, 2025.

Council's Rights and Responsibilities Pursuant to IC 36-1-10

Council would hold a public hearing pursuant to IC 36-1-10-13, which hearing is scheduled for March 5, 2025. The Controller has indicated that notice of such hearing was published on February 21, 2025, providing more than 10 days' notice to the public as required by statute. The notice submitted to Council appears to meet the requirements of IC 36-1-10-13.

Additional statutory rights and responsibilities are the following:

- During the hearing, Council should hear all persons regarding: 1) whether the "execution of the lease is necessary"; and 2) whether the rental is "fair and reasonable" as required by IC 36-1-10-13(d).
- Council may adjourn the hearing from time to time. IC 36-1-10-13(d).
- After the hearing, Council may "modify, confirm or rescind" the proposed lease, but the rental amount may not be increased. IC 36-1-10-13(d).
- Council may rely on independent experts as to the "fairness and reasonableness" of the proposed lease. IC 36-1-10-13(d). I was informed that the City's financial advisor, Krohn Associates LLP, will attend the meeting on March 5, 2025.
- If Council approves the proposed lease, then notice by publication shall be given of the execution of the lease in accordance with IC 5-3-1 et seq. – the Open Door Law. IC 36-1-10-13(e).

Resolution 2025-03

In summary, [Resolution 2025-03](#) contemplates the following actions and determinations:

- Council accepts the transfer of the real property in Exhibit A (the "Property") and authorizes City officers to execute documents necessary to complete the transfer at para. 1. My understanding is that the Property later will be transferred by the City to the Building Corporation. It would be appropriate to request a more detailed explanation of the Property at various stages of the Project and the Lease. It appears that portions of the Property are released from the Lease at certain stages of construction and during and after the term of the Lease.



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- Council accepts and approves the preliminary plans, specifications and cost estimates for the Project as presented in the meeting at para. 2.
- Council finds that the proposed Lease provides a “fair and reasonable” rental and the execution of the lease is “necessary” and in the “best interests” of the City at para. 3.
- Council authorizes the Mayor and Controller to execute the lease and to “make changes to the form of the Lease” as they determine to be necessary or appropriate on the advice of counsel, provided that the Lease term and rental shall not be increased; that the source of Lease payments shall not be changed from the Food and Beverage Tax revenues or LIT revenues; or that the scope of the project shall not be altered, at para. 4. This language is used to respond to changes that might occur after the March 5, 2025 meeting.
- Council authorizes the Controller to publish notice of the lease execution per IC 36-1-10-13(e) at para. 5, in satisfaction of the statutory requirement.
- Council authorizes the use of the Building Corporation for financing and leasing the Project along with the sale and issuance by the Building Corporation of bonds in an aggregate principal amount not to exceed \$55 million, at para. 7.
- The rental payments shall be payable from the Food and Beverage Tax Revenues and, to the extent those are insufficient, from the LIT Revenues; and the City pledges the same as security to the bondholders and the Building Corporation, at para. 8.
- Council affirms that neither the Food and Beverage Tax Revenues nor the LIT Revenues have been pledged to any other obligation, at para. 8. It might be advisable for Council to ask the Controller to confirm that this is in fact true.

“Necessary and in the Best Interests of the City”

Resolution 2025-03 at paragraph 3 requires that Council make certain findings: That the rental of the leased premises is “fair and reasonable” and that the “execution of the lease is necessary and in the best interests of the City”. The terms “necessary” and “best interests” are not defined in the statute. In fact, IC 36-1-10-13 does not require a determination that the execution of the lease is in the best interests of the City. It does require a determination of “necessary”. That said, Council would determine whether the “best interests” of the City are or are not inconsistent with “necessary” and whether the Project meets these requirements

Given the lack of statutory definition of these terms, Indiana courts have given undefined terms their plain and ordinary meaning. Merriam-Webster Dictionary defines “necessary” as required or logically unavoidable. Council now is asked to determine if the “execution of the lease” is required or logically unavoidable and in the best interests of the City. IC 36-1-10 does not indicate what factors should be reviewed to make this determination. Indiana courts are reticent to review and second-guess decisions of legislative bodies, given the separation of powers between the judicial and legislative branches of government.



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In *Luebke v. Indiana Department of Local Government Finance*, 244 N.E.3d 976(2024), the Indiana Tax Court found that Allen County Council's determination under IC 36-1-10-7 that its Courthouse project was "needed" based upon its Resolution's language. The Resolution stated, "After investigation, the County Council hereby finds and determines that a need exists for the Project and that the Project to be financed through the Lease will be of public utility and benefit to the County." The Court deferred to Council's determination of public utility and benefit even though the adopting resolution did not include specific findings to support that determination. A similar analysis might be applied to a Council's finding that an execution of a lease is "necessary" under the same statute.

It might be interesting to note that "convention center" is defined at IC 36-10-1-5 as a facility for meetings, commencements, sporting events, entertainment or displays of industrial or cultural value, which facility may be used for cultural, governmental, educational, recreational or civic purposes.

"Fair and Reasonable"

Resolution 2025-03 requires that Council determine that the rental of the leased premises is "fair and reasonable". Merriam-Webster Dictionary defines "fair" as marked by impartiality and honesty, free from self-interest, prejudice or favoritism, and conforming with the established rules. Merriam-Webster Dictionary defines "reasonable" as moderate and not extreme or excessive. The statute does not require that Council make specific findings, and Council may use its judgment in the determination, which likely would receive deferential treatment from a Court. During the meeting, Council could seek the advice of the City's financial advisor with respect to the fairness and reasonableness of the rental. I am told that the financial advisor will attend the March 5, 2025 meeting.

Proposed Lease

A summary of the proposed lease terms are the following:

- The Building Corporation agrees to lease real estate described in Exhibit A-1 (the expansion portion of the Convention Center) and Exhibit A-2 (the existing portion of the Convention Center) for the expansion of the Convention Center to the City and other improvements to be constructed and equipped according to the plans and specifications filed with the City. The existing Convention Center would be released from the Lease upon the completion of construction. The plans and specifications may be changed but only with the approval of the City as Lessee and only if the changes do not alter the character of the Project or reduce its value. (Section 1)
- The term of the Lease is 25 years beginning on the first January 15 or July 15 following the issuance of the bonds. The term might terminate prior to 25 under certain circumstances, such as the City's exercise of an option to purchase, among other circumstances. (Section 1)
- The City agrees to pay the annual rate of \$4,500,000 in two equal semiannual installments, subject to the terms of the Lease. (Section 2) Payments shall be made



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to the Trustee under the Trust Indenture securing the Bonds such that the Trustee would pay bondholders.

- The City as Lessee shall pay all taxes and assessments levied against the real property. (Section 3)
- The City as Lessee assumes all responsibility for maintenance, repairs and alterations to the Project. (Section 5) The City may enter into agreements with the Capital Improvement Board of Monroe County regarding the operation and maintenance of the Project. It is unclear what that agreement might be.
- The City at its expense shall maintain insurance on the premises for physical loss or damage at amounts set forth in Section 6.
- The City as Lessee shall not assign or sublet the Lease. (Section 7)
- The City has an option to purchase the premises on the terms set forth in Section 8 and an option to renew in Section 9.
- The City agrees to pay all charges for sewer, gas, water, electricity, lights, heat or power, telephone or other utility services in connection with the premises.

Conclusion

Staff review of this matter is ongoing.

RESOLUTION 2025-03

**RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF BLOOMINGTON, INDIANA,
REGARDING ACCEPTANCE OF A TRANSFER OF PROPERTY FROM THE
MONROE COUNTY CAPITAL IMPROVEMENT BOARD,
THE EXECUTION OF A LEASE RELATING TO THE FINANCING OF
THE MONROE CONVENTION CENTER EXPANSION PROJECT,
AND PLEDGING CERTAIN REVENUES TO THE PAYMENT
OF LEASE RENTALS DUE UNDER SUCH LEASE**

WHEREAS, the Monroe County Capital Improvement Board (the "CIB"), a municipal corporation created by Monroe County, Indiana (the "County") pursuant to Indiana Code 36-10-8, owns or will own certain property as described in Exhibit A to this Resolution (the "Property"); and

WHEREAS, in furtherance of the Monroe Convention Center expansion project, the CIB desires to transfer ownership of the Property to the City of Bloomington, Indiana (the "City"); and

WHEREAS, the City desires to accept transfer of the Property from the CIB; and

WHEREAS, Indiana Code 36-1-11-8 provides that governmental entities may transfer property upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity; and

WHEREAS, on January 22, 2025, the Common Council (the "Council") of the City adopted its Resolution No. 2025-01, which, among other things, authorized and approved the publication of a notice of public hearing concerning a lease (the "Lease") between the City of Bloomington Public Building Corporation (the "Building Corporation"), as lessor, and the City, as lessee, proposed to be entered into in connection with the financing of the acquisition, construction, installation and equipping of an expansion to the Monroe Convention Center (the "Project"); and

WHEREAS, the preliminary plans, specifications and cost estimates for the Project have been presented to the Council at this meeting, and after review, the Council desires to approve and ratify such preliminary plans, specifications and cost estimates for the Project; and

WHEREAS, the Council has previously caused to be published a notice of a public hearing on the Lease, which notice was duly published in the Bloomington Herald-Times on February 21, 2025; and

WHEREAS, the Council has held a public hearing in accordance with the provisions of Indiana Code 36-1-10-13 and the terms set forth in the notice of such public hearing previously published; and

WHEREAS, there has been presented to the Council at this meeting a proposed form of the Lease; and

WHEREAS, pursuant to the Lease, the Building Corporation will lease to the City (a) the Project, including the land upon which the Project will be located, and (b) during the period of construction of the Project, the currently existing Monroe Convention Center (the "Existing Convention Center") (which Existing Convention Center will be released from the leased premises under the Lease upon the completion of the construction of the Project); and

WHEREAS, the Council now desires to approve the terms and conditions of the Lease to provide for the acquisition, construction, installation, equipping and financing of the Project and has found and determined that the proposed form of Lease provides for a fair and reasonable rental of the property to be leased thereunder; and

WHEREAS, the County has previously acted to impose an excise tax on food and beverage furnished, prepared or served within the County pursuant to Indiana Code 6-9-41 (the "Food and Beverage Tax"); and

WHEREAS, the Council has determined to pledge those revenues generated by the Food and Beverage Tax that are allocated to the City and deposited in the Bloomington food and beverage tax receipts fund pursuant to Indiana Code 6-9-41-12 and Indiana Code 6-9-41-13 (collectively, the "Food and Beverage Tax Revenues"), to the payment of the lease rentals payments due under the Lease; and

WHEREAS, the County has previously acted to impose local income taxes on the adjusted gross income of County taxpayers pursuant to prior Indiana statutes, which statutes have been repealed and codified at Indiana Code 6-3.6 for the purpose of consolidating the provisions related to various local income tax laws; and

WHEREAS, the Council has determined to pledge the City's distributive shares of the economic development component of the County local income tax revenues pursuant to Indiana Code 6-3.6-6, as amended (the "LIT Revenues"), to the payment of the lease rental payments due under the Lease, but only to the extent that the Food and Beverage Tax Revenues are insufficient to pay such lease rental payments; and

WHEREAS, it is understood that the Council is not pledging the City's distributive shares of the certified shares component of the County local income tax revenues pursuant to Indiana Code 6-3.6-6, as amended, to the lease rental payments due under the Lease, and therefore the definition of LIT Revenues hereunder shall not include such certified shares component of the County local income tax revenues;

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Council hereby accepts transfer of the Property from the CIB and the proper officers of the Council and City are hereby authorized to execute any certificates, agreements or other documents necessary to complete the transfer.

2. The Council hereby accepts and approves the preliminary plans, specifications and cost estimates for the Project presented to this meeting.

3. The Council hereby finds and determines that the Lease presented to this meeting provides for a fair and reasonable rental of the leased premises under the Lease (including (i) the Project and (ii) during construction and prior to completion of the Project, the Existing Convention Center), and further, that the execution of the Lease is necessary and in the best interests of the City.

4. The Council hereby authorizes and approves of the execution and delivery of the Lease by the Mayor of the City (the "Mayor"), as the executive of the City, and further authorizes and approves of the attestation of the Mayor's signature by the Controller of the City (the "Controller"). The Mayor and the Controller are further authorized to make such changes to the form of Lease presented to this meeting as such officers determine to be necessary or appropriate on the advice of counsel with the execution and attestation of the Lease by such officers to evidence approval of such changes; provided, however, that any such changes may not (i) increase the term of the Lease or increase the rentals payable by the City under the Lease, (ii) provide for the payment of lease rentals under the Lease from any source other than the Food and Beverage Tax Revenues or the LIT Revenues, or (iii) alter the scope and nature of the Project described in the Lease.

5. The Council hereby authorizes and directs the Controller to publish notice of the execution of the Lease as required by Indiana Code 36-1-10-13, and further authorizes and directs the Controller to keep on file in her office the Lease, as executed, and the drawings, plans, specifications and cost estimates for the Project from the date of the publication of said notice of execution.

6. The Clerk of the City (the "Clerk") is authorized and directed to initial and date a copy of the Lease, as executed, and to place it in the minute book immediately following the minutes of this meeting, and the Lease shall thereupon become a part of this Resolution as if set forth herein.

7. The Council hereby approves of the use of the Building Corporation for purposes of financing and leasing the Project to the City. The Council hereby further approves of the sale and issuance by the Building Corporation of its lease rental revenue bonds in one or more series in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000) (the "Bonds").

8. The lease rental payments due under the Lease shall be payable from the Food and Beverage Tax Revenues and, to the extent that the Food and Beverage Tax Revenues are insufficient for such purposes, from the LIT Revenues. As of the date of this Resolution, neither the Food and Beverage Tax Revenues nor the LIT Revenues have been pledged to any other obligation. Notwithstanding the foregoing, in lieu of paying such lease rental payments to the Building Corporation, the City shall deposit with the corporate trustee for the Bonds, funds to meet the lease rental payment obligations under the Lease.

The City, in consideration of the lease of the Project, in order to secure the payment of rentals due under the Lease and the performance and observance of the covenants thereunder, hereby pledges to the Building Corporation and the holders of the Bonds, the Food and Beverage Tax Revenues and, to the extent that the Food and Beverage Tax Revenues are insufficient for such purposes, the LIT Revenues received by the City, along with any investment earnings thereon, such pledge to be effective as set forth in Indiana Code 5-1-14-4 without filing or recording of the Lease, this Resolution or any other instrument. The pledge of Food and Beverage Tax Revenues and LIT Revenues shall be effective only to the extent and for the term that the City is obligated to make rental payments under the Lease. The obligation of the City to make rental payments under the Lease is limited to the Food and Beverage Tax Revenues and the LIT Revenues, and investment earnings thereon, and shall not be considered a debt of the City for purposes of the Constitution or laws of the State of Indiana.

9. The City reserves the right to authorize and issue bonds, enter into leases or incur other obligations entitled to the pledge of Food and Beverage Tax Revenues, in whole or in part, or any combination thereof, and otherwise pledge the City's Food and Beverage Tax Revenues to secure bonds, lease rental payments or other obligations, for any legally authorized purpose, or to refund any Food and Beverage Tax Revenue Parity Obligations (as hereinafter defined), ranking on a parity with the pledge of the Food and Beverage Tax Revenues to the payment of the lease rental payments due under the Lease (such additional bonds, lease rental payments or other obligations, the "Food and Beverage Tax Revenue Parity Obligations"). The authorization and issuance of Food and Beverage Tax Revenue Parity Obligations shall be subject to the following conditions precedent:

(a) All lease rental payments due under the Lease and all payments on any outstanding Food and Beverage Tax Revenue Parity Obligations payable from Food and Beverage Tax Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) The City shall have received a certificate prepared by a certified public accountant, financial advisor or feasibility consultant certifying that the amount of the Food and Beverage Tax Revenues received in any twelve (12) consecutive month period within the prior eighteen (18) calendar months immediately preceding the date of issuance of the Food and Beverage Tax Revenue Parity Obligations proposed to be issued shall be at least equal to one hundred twenty-five percent (125%) of the combined maximum annual debt service and lease rental requirements of (i) the Lease, (ii) all then outstanding Food and Beverage Tax Revenue Parity Obligations, and (iii) the Food and Beverage Tax Revenue Parity Obligations proposed to be issued, for each respective year, during the remaining term of the Lease.

(c) Payments of any Food and Beverage Tax Revenue Parity Obligations shall be payable on dates consistent with the lease rental payment dates of the Lease.

Notwithstanding the foregoing, the City may issue obligations payable from Food and Beverage Tax Revenues on a junior and subordinate basis to the pledge of Food and Beverage Tax Revenues to the payment of the lease rental payments due under the Lease. However, any such junior and subordinate obligations payable from Food and Beverage Tax Revenues shall be payable on dates consistent with the lease rental payment dates of the Lease.

10. The City reserves the right to authorize and issue bonds, enter into leases or incur other obligations entitled to the pledge of LIT Revenues, in whole or in part, or any combination thereof, and otherwise pledge the City's LIT Revenues to secure bonds, lease rental payments or other obligations, for any legally authorized purpose, or to refund any LIT Revenue Parity Obligations (as hereinafter defined), ranking on a parity with the pledge of the LIT Revenues to the payment of the lease rental payments due under the Lease (such additional bonds, lease rental payments or other obligations, the "LIT Revenue Parity Obligations"). The authorization and issuance of LIT Revenue Parity Obligations shall be subject to the following conditions precedent:

(a) All lease rental payments due under the Lease and all payments on any outstanding LIT Revenue Parity Obligations payable from LIT Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) The City shall have received a certificate prepared by a certified public accountant, financial advisor or feasibility consultant certifying that the amount of the LIT Revenues received in any twelve (12) consecutive month period within the prior eighteen (18) calendar months immediately preceding the date of issuance of the LIT Revenue Parity Obligations proposed to be issued shall be at least equal to one hundred fifty percent (150%) of the combined maximum annual debt service and lease rental requirements of (i) the Lease, (ii) all then outstanding LIT Revenue Parity Obligations, and (iii) the LIT Revenue Parity Obligations proposed to be issued, for each respective year, during the remaining term of the Lease.

(c) Payments of any LIT Revenue Parity Obligations shall be payable on dates consistent with the lease rental payment dates of the Lease.

Notwithstanding the foregoing, the City may issue obligations payable from LIT Revenues on a junior and subordinate basis to the pledge of LIT Revenues to the payment of the lease rental payments due under the Lease. However, any such junior and subordinate obligations payable from LIT Revenues shall be payable on dates consistent with the lease rental payment dates of the Lease.

11. Subsequent to or at the time of the sale of the Bonds, the City is hereby authorized to enter into an addendum to the Lease to reduce the semiannual rentals payable thereunder in the manner provided therein. The Mayor and the Controller of the City are hereby authorized to execute and attest, respectively, and to deliver such addendum on behalf of the City.

12. The Mayor, the Controller and the Clerk of the City, and such other officers of the City as may be necessary and appropriate, are hereby authorized to take any such actions and to execute all such instruments as may be necessary or appropriate to carry out the transactions contemplated by this Resolution, in such forms as the officers executing the same shall deem proper, to be evidenced by the execution thereof.

13. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

* * * * *

PASSED AND ADOPTED this 5th day of March, 2025, by the Common Council of the City of Bloomington, Indiana.

COMMON COUNCIL OF THE
CITY OF BLOOMINGTON, INDIANA

Presiding Officer

ATTEST:

Nicole Bolden, City Clerk

PRESENTED to the Mayor of the City of Bloomington, Indiana, this ____ day of March, 2025, at __:__.m.

Nicole Bolden, City Clerk

APPROVED by me, the Mayor of the City of Bloomington, Indiana, this ____ day of March, 2025, at __:__.m.

Kerry Thomson, Mayor

Synopsis:

Resolution of the common council of the city of Bloomington, Indiana, regarding acceptance of a transfer of property from the Monroe County Capital Improvement Board, the execution of a lease relating to the financing of the Monroe Convention Center expansion project, and pledging certain revenues to the payment of lease rentals due under such lease.

**EXHIBIT A
TO
CITY OF BLOOMINGTON COUNCIL RESOLUTION 2025-03**

**THE FOLLOWING PARCELS WILL BE TRANSFERRED TO THE CITY OF BLOOMINGTON
AND HELD BY THE CITY OF BLOOMINGTON PUBLIC BUILDING CORPORATION FOR
PURPOSES OF THE CONVENTION CENTER EXPANSION**

53-05-33-300-024.001-005; 302 S. College Ave. 47403; 013-45660-00 - CONVENTION CENTER SQUARE PT LOT 3

53-08-04-208-003.000-009; S. College Ave. 47404; 015-56380-01 - CONVENTION CENTER SQUARE PT LOT 3 C

53-08-04-200-166.000-009; 314 S. Walnut St. 47401; 015-02190-00 - Seminary Pt Lot 24

53-05-33-300-010.000-005; 308 S. Walnut St. 47401; 013-32420-00 - ORIG PLAT PT FRAC LOT 22

53-08-04-200-210.000-009; S. College Ave. 47404; 015-15290-00 - Seminary Pt Lots 23 24 L24A part vacated alley

53-05-33-300-022.001-005; 302 S. Walnut St. 47408; 013-45640-00 - OUTLOT PT E1/2 22 22A

53-05-33-300-006.001-005; 301 S. College Ave. 47403; 013-45650-00 - OUTLOT W1/2 22 22B

53-08-04-200-092.000-009; W. 3rd St. 47404; 015-96650-00 - Seminary Pt 8 x 73 Lot 24 24G part vacated alley

53-08-04-200-093.000-009; S. Walnut St. 47401; 015-39260-00 - Seminary Pt Lot 24 24B part vacated alley

Any and all other parcels necessary for the completion of the Convention Center Expansion Project.



MEMO FROM CONTROLLER MCCLELLAN:

To: Members of the Common Council

From: Controller Jessica McClellan, Corporation Counsel Margie Rice

Date: 2/24/2023

Re: Resolution 2025-03 on Convention Center Lease Approval

On March 5th, the common council will be asked to consider the following requests:

1. To approve preliminary plans and specifications and cost estimates for the Project;
2. To conduct a public hearing on the Lease; and
3. To adopt a resolution authorizing the execution of the Lease, pledging Food and Beverage tax and LIT revenues to the payment of the lease rentals, approving of issuance of bonds by the Building Corporation, approving the appraisal of the Project site, and approving substantially final forms of financing documents.

The following presentations will be given:

1. A description of the legal authority of the Council to authorize an execution of lease.
2. A description of the form of the bonds, the process of bonding and the legal requirements of the Convention Center Expansion Project.

Presenters will include:

Partners from Faegre, Drinker, Biddle & Reath LLP, special counsel for the Project
City Corporation Counsel Rice and Controller McClellan
Partners from Krohn Associates LLP, financial advisors for the Project

Documents included in the council packet are:

1. Council Resolution 2025-03
2. Lease between the City of Bloomington Public Building Corporation and the City of Bloomington
3. Public Notice published on 2/21/2025
4. Financial Analysis by Krohn
5. Plans and Specifications

LEASE

between

**CITY OF BLOOMINGTON PUBLIC BUILDING CORPORATION,
as Lessor**

and

**CITY OF BLOOMINGTON, INDIANA,
as Lessee**

DATED AS OF MARCH 1, 2025

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LEASE

THIS CONTRACT OF LEASE, made and entered into as of this 1st day of March, 2025 (the "Lease"), by and between the City of Bloomington Public Building Corporation, an Indiana nonprofit corporation (hereinafter with its successors and assigns as provided by this Lease called the "Lessor"), and the City of Bloomington, Indiana (hereinafter called the "Lessee"),

W I T N E S S E T H:

In consideration of the mutual covenants herein contained, it is agreed that:

Section 1. Premises, Term and Warranty. The Lessor does hereby lease, demise and let to the Lessee the real estate in Monroe County, Indiana, more particularly described in Exhibit A-1 attached hereto and made a part hereof, and the expansion to the Monroe Convention Center and other improvements to be made thereon, to be constructed and equipped according to plans and specifications prepared for the Lessor by the project architects engaged by or on behalf of the Lessee (collectively, the "Project").

The above-mentioned plans and specifications may be changed, additional construction work may be performed and equipment may be purchased by the Lessor, but only with the approval of the Lessee, and only if such changes or modifications, additional construction or equipment do not alter the character of the Project or reduce the value thereof. Any such additional construction or additional equipment shall be part of the property covered by this Lease. The above-mentioned plans and specifications have been filed with and approved by the Lessee.

In addition, notwithstanding anything herein to the contrary, during the period commencing with the first January 15 or July 15 following the issuance of the Bonds (as hereinafter defined) and ending on the date the Project is completed and ready for occupancy, the Lessor does hereby

lease, demise and let to the Lessee the real estate in Monroe County, Indiana including the improvements thereon, which includes the currently existing Monroe Convention Center, as more particularly described in Exhibit A-2 attached hereto and made a part hereof (to the extent such property is owned by the Lessor) (collectively, the "Existing Convention Center"). The date the Project is completed and ready for occupancy shall be endorsed on this Lease at the end hereof by the parties hereto as soon as the same can be done after such completion and such endorsement shall be recorded as an addendum to this Lease. Following the execution of such addendum to this Lease, the Existing Convention Center shall be transferred to the Lessee and released from the leased premises hereunder.

TO HAVE AND TO HOLD the same with all rights, privileges, easements and appurtenances thereunto belonging, unto the Lessee, for a term of twenty-five (25) years, beginning on the first January 15 or July 15 following the issuance of the Bonds and ending on the day prior to such date twenty-five (25) years thereafter (except as provided above with respect to the Existing Convention Center). However, the term of this Lease shall terminate at the earlier of (a) the exercise of the option to purchase by the Lessee and payment of the option price, or (b) the payment or defeasance of all obligations of the Lessor incurred (i) to finance the cost of the leased property, (ii) to refund such obligations, (iii) to refund such refunding obligations, or (iv) to improve the leased property. The Lessor hereby represents that it is possessed of, or will acquire, a good and indefeasible estate in fee simple to the above-described real estate, and the Lessor warrants and will defend the same against all claims whatsoever not suffered or caused by the acts or omissions of the Lessee or its assigns.

Section 2. Semiannual Rental Payments. During the term of this Lease, the Lessee agrees to pay rental for said premises at the annual rate of Four Million Five Hundred Thousand Dollars

(\$4,500,000), payable in two equal semiannual rental installments, subject to the provisions of this Section 2. The first semiannual rental installment in the amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) shall be due on the first January 15 or July 15 following the date of issuance of the Bonds. Thereafter, such rental shall be payable in advance in semiannual installments of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) on January 15 and July 15 of each year. The last semiannual rental payment due before the expiration of this Lease shall be adjusted to provide for rental at the yearly rate specified above prorated from the date such installment is due to the date of the expiration of this Lease. All rentals payable under the terms of this Lease shall be paid by the Lessee to the corporate trustee selected by the Lessor (hereinafter called the "Trustee"), or to such other bank or trust company as may from time to time succeed the Trustee under the Trust Indenture securing the Lease Rental Revenue Bonds (hereinafter referred to as the "Bonds") to be issued by the Lessor to finance the acquisition, construction, installation and equipping of the Project. All payments so made by the Lessee shall be considered as payment to the Lessor of the rentals payable hereunder.

After the sale of the Bonds issued by the Lessor to pay the costs of the Project, including the acquisition of the site of the Project and expenses incidental to the Project and the financing thereof, the annual rental due each year shall be reduced to an amount equal to the multiple of One Thousand Dollars (\$1,000) next highest to the sum of principal and interest due on the Bonds during the corresponding bond year on such Bonds ending on each February 1, plus Five Thousand Dollars (\$5,000), payable in equal semiannual installments. Such amount of reduced annual rental shall be endorsed on this Lease at the end hereof by the parties hereto as soon as the same can be done after the sale of the Bonds, and such endorsement shall be recorded as an addendum to this

Lease. In addition, such addendum shall specify the Trustee to whom the Lessee shall pay the rental to be due under this Lease.

Section 3. Additional Rental Payments. The Lessee shall pay as further rental for said premises all taxes and assessments levied against or on account of the leased property. Any and all such payments shall be made and satisfactory evidence of such payments in the form of receipts shall be furnished to the Lessor by the Lessee, at least three (3) days before the last day upon which the same must be paid to avoid delinquency. In case the Lessee shall in good faith desire to contest the validity of any such tax or assessment, and shall so notify the Lessor, and shall furnish bond with surety to the approval of the Lessor conditioned for the payment of the charges so desired to be contested and all damages or loss resulting to the Lessor from the non-payment thereof when due, the Lessee shall not be obligated to pay the same until such contests shall have been determined.

Section 4. Abatement of Rent. In the event the Project shall be partially or totally destroyed, whether by fire or any other casualty, so as to render the same unfit, in whole or part, for use and occupancy by the Lessee, it shall then be the obligation of the Lessor to restore and rebuild such Project as promptly as may be done, unavoidable strikes and other causes beyond the control of the Lessor excepted; provided, however, that the Lessor shall not be obligated to expend on such restoration or rebuilding more than the amount of the proceeds received by the Lessor from the insurance provided for in Section 6 hereof.

The rent shall be abated for the period during which the Project or any part thereof is unfit for occupancy and shall be in proportion to the percentage of floor area of the Project which is unfit for occupancy.

Section 5. Alteration and Repairs, Maintenance. The Lessee assumes all responsibility for maintenance, repairs and alterations to the Project. No alterations shall be made by the Lessee without first obtaining the written consent of the Lessor. Subject to Section 11 hereof, at the end of the term, the Lessee shall deliver the leased property to the Lessor in as good condition as at the beginning of the term, reasonable wear and tear only excepted. Equipment or other personal property which becomes worn out or obsolete may be discarded or sold by the Lessee. The Lessee need not replace such personal property, but may replace such property at its own expense, which replacement property shall belong to the Lessee. The proceeds of the sale of any personal property shall be paid to the above-mentioned Trustee. The Lessee may trade in any obsolete or worn out personal property or replacement property which will belong to the Lessee upon payment to the Trustee of an amount equal to the trade-in value of such property.

The Lessee may enter into or cause to be entered into one or more agreements from time to time with the Capital Improvement Board of Monroe County concerning details and responsibilities for the operation and maintenance of the Project for the benefit of the Lessee and the Project.

Section 6. Insurance. The Lessee, at its own expense, will, during the full term of this Lease, keep or cause to be kept the demised premises insured against physical loss or damage, however caused, with such exceptions as are ordinarily required by insurers of buildings or facilities of a similar type, with good and responsible insurance companies, subject to the approval of the Lessor. Such insurance shall be in an amount at least equal to the greater of (i) the option to purchase price under this Lease, or (ii) one hundred percent (100%) of the full replacement cost of the Project as certified by a registered architect, registered engineer or professional appraisal engineer, selected by the Lessor, on the effective date of such insurance and on or before the

anniversary date of such policy of each year thereafter (such appraisal may be based upon a recognized index of conversion factors); provided that such certification shall not be required so long as the amount of such insurance shall be in an amount at least equal to the option to purchase price. Such insurance may contain a provision for a deductible in the amount of Twenty-Five Thousand Dollars (\$25,000). During the full term of this Lease, the Lessee will also, at its own expense, maintain rent or rental value insurance in an amount equal to the full rental value of the Project for a period of two (2) years against physical loss or damage of the type insured against pursuant to the preceding requirements of this Section 6. Such policies shall be for the benefit of persons having an insurable interest in the demised premises, and shall be made payable to the Lessor or to such other person or persons as the Lessor may designate. Such policies shall be countersigned by an agent of the insurer who is a resident of the State of Indiana, and such policies, together with a certificate of the insurance commissioner certifying that the persons countersigning such policies are duly qualified in the State of Indiana as resident agents of the insurers on whose behalf they may have signed, and the certificate of the architect or engineer hereinbefore referred to, shall be deposited with the Lessor. If, at any time, the Lessee fails to maintain insurance in accordance with this Section 6, such insurance may be obtained by the Lessor and the amount paid therefor shall be added to the amount of rental payable by the Lessee under this Lease; provided, however, that the Lessor shall be under no obligation to obtain such insurance and any action or non-action of the Lessor in this regard shall not relieve the Lessee of any consequence of its default in failing to obtain such insurance.

Section 7. General Covenants. The Lessee shall not assign this Lease or sublet the demised premises herein described without the written consent of the Lessor; provided, however, that the Lessee shall in no event assign or sublet the demised premises if such assignment or

sublease will result in the loss of the exclusion from gross income for federal income tax purposes of interest on any obligation issued by the Lessor to finance the demised premises. The Lessee shall use and maintain the demised premises in accordance with the laws and ordinances of the United States of America, the State of Indiana, and all other proper governmental authorities.

The Lessee covenants that it will not take any action or fail to take any action that would result in the loss of the excludability from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as in effect on the date of delivery of the Bonds, nor will the Lessee act in any manner which would adversely affect such excludability. The Lessee further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder as in effect on the date of delivery of the Bonds. All officers, members, employees and agents of the Lessee are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the Lessee as of the date the Bonds are issued and to enter into covenants on behalf of the Lessee evidencing the Lessee's commitments made herein.

Section 8. Option to Purchase. The Lessor hereby grants to the Lessee the right and option, on any date prior to the expiration of this Lease, upon written notice to the Lessor, to purchase the demised premises at a price equal to the amount required to enable the Lessor to pay all indebtedness, including accrued and unpaid interest to the first date on which bonds may be redeemed and all premiums payable on the redemption thereof. In no event, however, shall such purchase price exceed the capital actually invested in such property by the Lessor represented by outstanding securities or existing indebtedness plus the cost of transferring the property. The

phrase "capital actually invested" as used herein shall be construed to include, but not by way of limitation, the following amounts expended by the Lessor: organization and incorporation expenses, financing costs, carrying charges, legal fees, architects' fees, contractors' fees and reasonable costs and expenses incidental thereto.

Upon request of the Lessee, the Lessor agrees to furnish an itemized statement setting forth the amounts required to be paid by the Lessee on any specified date in order to purchase the demised premises in accordance with the preceding paragraph. The statement shall also set forth the name of the Trustee under the trust agreement or agreements securing the outstanding indebtedness of the Lessor.

If the Lessee exercises its option to purchase, it shall pay to the Trustee referred to above the purchase price which is required to pay all indebtedness of the Lessor, including all premiums payable on the redemption thereof and accrued and unpaid interest. Such payment shall not be made until the Trustee gives to the Lessee a written statement that such amount will be sufficient to retire all outstanding indebtedness of the Lessor secured by the trust agreement or agreements between the Trustee and the Lessor, including all premiums payable on the redemption thereof and accrued and unpaid interest.

Nothing herein contained shall be construed to provide that the Lessee shall be under any obligation to purchase the demised premises, or under any obligation in respect to any creditors, members or security holders of the Lessor.

Section 9. Option to Renew. The Lessor hereby grants to the Lessee the right and option to renew this Lease for a further like, or lesser, term upon the same or like conditions as herein contained, and the Lessee shall exercise this option by written notice to the Lessor given upon any rental payment date prior to the expiration of this Lease.

Section 10. Utility Service. The Lessee agrees to pay or cause to be paid all charges for sewer, gas, water, electricity, lights, heat or power, telephone or other utility services used, rendered or supplied upon or in connection with the leased premises throughout the term of this Lease, and to indemnify the Lessor and save it harmless against any liability or damages on such account. The Lessee shall also, at its sole cost and expense, procure any and all necessary permits, licenses or other authorizations required for the lawful and proper installation and maintenance upon the leased premises of wires, pipes, conduits, tubes and other equipment and appliances for use in supplying any such service to and upon the leased premises.

Section 11. Transfer to Lessee. In the event the Lessee does not exercise its option to purchase under Section 8 hereof or option to renew under Section 9 hereof, and upon full discharge and performance by the Lessee of its obligations under this Lease, the demised premises shall become the absolute property of the Lessee, and the Lessor shall execute the proper instruments conveying title to the premises to the Lessee.

Section 12. Defaults. If the Lessee shall default in the payment of any rentals or other sums payable to the Lessor hereunder, or in the observance of any other covenant, agreement or condition hereof, and such default shall continue for ninety (90) days after written notice to correct the same, then, in any or either of such events, the Lessor may proceed to protect and enforce its rights by suit or suits in equity or at law in any court of competent jurisdiction, whether for specific performance of any covenant or agreement contained herein, or for the enforcement of any other appropriate legal or equitable remedy, or the Lessor, at its option, without further notice, may terminate the estate and interest of the Lessee hereunder, and it shall be lawful for the Lessor forthwith to resume possession of the demised premises and the Lessee covenants to surrender the same forthwith upon demand.

The exercise by the Lessor of the above right to terminate this Lease shall not release the Lessee from the performance of any obligation hereof maturing prior to the Lessor's actual entry into possession. No waiver by the Lessor of any right to terminate this Lease upon any default shall operate to waive such right upon the same or other default subsequently occurring.

Section 13. Notices. Whenever either party shall be required to give notice to the other under this Lease, it shall be sufficient service of such notice to deposit the same in the United States mail, in an envelope duly stamped, registered and addressed to the other party or parties at their last known place of business.

Section 14. Successors or Assigns. All covenants of this Lease, whether by the Lessor or the Lessee, shall be binding upon the successors and assigns of the respective parties hereto.

Section 15. Construction of Covenants. The Lessor was organized for the purpose of acquiring, constructing, installing and equipping the Project and leasing the same to the Lessee under the provisions of the Indiana Code, Title 36, Article 1, Chapter 10. All provisions herein contained shall be construed in accordance with the provisions of said Chapter, and to the extent of inconsistencies, if any, between the covenants and agreements in this Lease and provisions of said Chapter, the provisions of said Chapter shall be deemed to be controlling and binding upon the Lessor and the Lessee.

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed for and on their behalf as of the day and year first hereinabove written.

LESSOR

CITY OF BLOOMINGTON
PUBLIC BUILDING CORPORATION

By: _____
_____, President

ATTEST:

_____, Secretary

LESSEE

CITY OF BLOOMINGTON, INDIANA

By: _____
Kerry Thomson, Mayor

ATTEST:

Jessica McClellan, Controller

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for the State of Indiana, personally appeared _____ and _____, personally known to me as the President and Secretary, respectively, of the City of Bloomington Public Building Corporation, and acknowledged the execution of the foregoing Lease for and on behalf of said Building Corporation.

Witness my hand and notarial seal this ____ day of _____, 2025.

Notary Public

(Seal)

Printed

My Commission Expires:

_____ County Resident

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for the State of Indiana, personally appeared Kerry Thomson and Jessica McClellan, personally known to me as the Mayor and the Controller, respectively, of the City of Bloomington, Indiana, and acknowledged the execution of the foregoing Lease for and on behalf of said City.

Witness my hand and notarial seal this ____ day of _____, 2025.

Notary Public

(Seal)

Printed

My Commission Expires:

_____ County Resident

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Tenley L. Drescher-Rhoades

This instrument was prepared by Tenley L. Drescher-Rhoades, Faegre Drinker Biddle & Reath LLP, 300 North Meridian Street, Suite 2500, Indianapolis, Indiana 46204.

EXHIBIT A-1

[EXPANSION TO MONROE CONVENTION CENTER PROJECT LEGAL DESCRIPTION]

EXHIBIT A-2

[EXISTING MONROE CONVENTION CENTER LEGAL DESCRIPTION]

NOTICE OF PUBLIC HEARING ON PROPOSED LEASE

Notice is hereby given that a public hearing will be held before the Common Council (the "Council") of the City of Bloomington, Indiana (the "City"), on the 5th day of March, 2025, at 6:30 p.m. (local time), in the Council Chambers of the Bloomington City Hall, located at 401 N. Morton Street, Suite 115, Bloomington, Indiana, upon a proposed lease to be entered into between the City, as lessee, and the City of Bloomington Public Building Corporation, as lessor (the "Building Corporation").

The proposed lease upon which the hearing will be held will secure bonds to be issued by the Building Corporation (the "Bonds") to finance the acquisition, construction, installation and equipping of an expansion to the Monroe Convention Center (the "Project") to be located at the intersection of Third Street and College Avenue in Bloomington, Indiana, together with the related costs of issuance of the Bonds. The property to be leased under the lease will include the Project, including the land on which the Project is located. In addition, it is expected that (i) during the construction of the Project, the City will lease the currently existing Monroe Convention Center from the Building Corporation, and (ii) upon completion of the Project, the currently existing Monroe Convention Center will be released from the leased premises under the lease (and thereafter, only the Project and the land on which the Project is located will constitute the leased premises under the Lease).

The lease is for a term not to exceed twenty-five (25) years, commencing not earlier than the first January 15 or July 15 following the issuance of the Bonds. The lease provides for annual rental in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000), payable in advance in semi-annual installments on January 15 and July 15 of each year during the term of the lease. After the sale of the Bonds, the annual rental under the lease shall be reduced to an amount equal to the multiple of \$1,000 next higher than the sum of principal and interest due on the Bonds in each bond year ending February 1, plus \$5,000, payable in two equal semi-annual installments on January 15 and July 15.

As additional rental for the leased premises, the City shall maintain or cause to be maintained insurance on the building and rental insurance as required in the lease and shall pay or cause to be paid all taxes and assessments against such property, as well as the cost of alterations and repairs and any amount required to be paid to the United States of America pursuant to Section 148 of the Internal Revenue Code of 1986, as amended.

The proposed lease gives an option to the City to renew the lease on the same terms and conditions and an option to purchase the leased premises prior to the expiration of the lease, and further provides that upon termination of the lease the leased premises shall become the property of the City.

The proposed lease, drawings, plans, specifications and cost estimates for the Project are available for inspection by the public on all business days during business hours at the office of the Controller of the City located in Suite 240 of the City Hall Building, 401 N. Morton Street, Bloomington, Indiana.

At such hearing all persons shall have a right to be heard upon the necessity for the execution of such lease and whether the rental provided for therein to be paid by the City to the Building Corporation is a fair and reasonable rental for the proposed improvements. Such hearing may be adjourned from time to time and following such hearing the Council may either authorize the execution of such lease as originally agreed upon or may have modifications therein as may be agreed upon with the Building Corporation, but in no event shall the lease rental exceed the maximum set forth herein.

Dated this 21st day of February, 2025.

CITY OF BLOOMINGTON, INDIANA

By: Jessica McClellan, Controller

[To be published one (1) time in the Bloomington Herald-Times on Friday, February 21, 2025.]

_____, 2025

Bloomington Public Building Corporation
Bloomington City Hall
401 N. Morton Street
Bloomington, Indiana 47404

Re: Bloomington Public Building Corporation
\$46,825,000* Lease Rental Revenue Bonds of 2025

Per your request, we have prepared the attached consultant financing report in connection with the issuance of the \$46,825,000* Lease Rental Revenue Bonds of 2025 (the “Bonds”). This consultant financing report has been prepared for inclusion in the Preliminary Official Statement dated _____, 2025.

Page

I–II	General Comments
B-1	Estimated Sources and Uses of Funds
B-2	Amortization Schedule - \$46,825,000* Proposed Lease Rental Revenue Bonds of 2025
B-3	Schedule of Estimated Debt Service Coverage
B-4	History of Food and Beverage Tax Revenues

For additional information relating to LIT Revenues, please refer to “Security for the Bonds”, “Summary of the Monroe County Local Income Tax (LIT) Revenues”, and Risk associated with LIT Revenues” contained in the Preliminary Official Statement dated _____, 2025.

In the preparation of these schedules, assumptions were made as noted regarding certain future events. As is the case with such assumptions regarding future events and transactions, some or all may not occur as expected and the resulting differences could be material. We have not examined the underlying assumptions nor have we audited or reviewed the historical data. Consequently, we express no opinion or any other form of assurance thereon nor do we have a responsibility to prepare subsequent reports.

O. W. Krohn & Associates LLP

* Preliminary, subject to change.

The Bloomington (Indiana) Public Building Corporation (the “Building Corporation”) is issuing \$46,825,000* of Lease Rental Revenue Bonds of 2025 (the “Bonds”) for the financing of the acquisition, construction, installation and equipping of improvements and expansion to the Monroe Convention Center. Proceeds from the Bonds will also pay bond issuance costs. The Bonds are expected to be dated April 29, 2025*.

The Lease Rentals to be paid by the City during the term of the Lease are required to be in amounts sufficient to pay the principal of and interest on the Bonds. The Lease Rentals are secured by a pledge of the City’s Food and Beverage Tax Receipts, and if not sufficient, from revenues distributed to the City from Monroe County, Indiana (the “County”) of the Economic Development component from the expenditure rate of the income tax imposed on the adjusted gross income of taxpayers in the County pursuant to Indiana Code 6-3.6 (the “LIT Revenues” or “LIT”).

FOOD AND BEVERAGE TAX

Monroe County (the “County”) is authorized to levy an excise tax of one percent (1%) on the gross retail income derived from food and beverage transactions in the County (the “Food and Beverage Tax”).

The Food and Beverage Tax applies to a transaction in which food or beverage is furnished, prepared, or served for consumption at a location or on equipment provided by a retail merchant for consideration (payment), in counties/municipalities that have enacted this tax. The Food and Beverage Tax includes food sold in heated state or heated by the retail merchant or two or more food ingredients are mixed or combined by a retail merchant for sales as a single item pursuant to Indiana Code 6-9-12. The Food and Beverage Tax also includes food and beverages served by a retail merchant off the merchant’s premises and food sold with eating utensils provided by the retail merchant, including plates, knives, forks, glasses, cups, napkins or straws. The Food and Beverage Tax does not apply to the furnishing, preparing, or serving of food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by Indiana Code 6-2.5.

The County has previously acted to impose an excise tax on food and beverage furnished, prepared or served within the County pursuant to Indiana Code 6-9-41. A portion of the revenues from the Food and Beverage Tax are then allocated to the City and deposited in the Bloomington food and beverage tax receipts fund pursuant to Indiana Code 6-9-41-12 and Indiana Code 6-9-41-13 (collectively, the “Food and Beverage Tax Revenues”).

Schedule of Estimated Sources and Uses of Funds – Page B-1

This schedule includes estimated project costs for acquisition, construction, installation and equipping of improvements and expansion to the Monroe Convention Center totaling \$70,026,556.00* including contingency. Uses of funds also include \$490,000.05* for issuance costs. The sources of funding for the projects and bond costs will be \$50,000,000.00* of Bond proceeds and \$20,027,676.00* of Food and Beverage Tax Revenues on hand.

* Preliminary, subject to change.

Amortization Schedule - \$46,825,000* Lease Rental Revenue Bonds of 2025 – Page B-2

This schedule presents the amortization of the proposed \$46,825,000* of Lease Rental Revenue Bonds of 2025. The Bonds will be dated the date of delivery which is expected to be April 29, 2025*. They will mature semiannually on February 1st and August 1st over a period of 19.75 years, with the final maturity on February 1, 2045. The actual interest rates will be negotiated by the Underwriter, Stifel , Nicolaus & Company, Incorporated.

Summary Estimated Debt Service Coverage – Page B-3

This schedule presents the projected lease payments, the estimated food & beverage tax revenue and economic development component of the local income tax revenue (EDIT) and the estimated bond coverage for bonds. Currently the City does not have any outstanding debt with a pledge of food and beverage tax revenues or EDIT. The bond coverage ranges from 556% to 1207% including food and beverage tax revenues and EDIT. Actual 2024 amounts are displayed for the food and beverage tax revenues and 2025 Certified EDIT amounts are displayed. No growth has been assumed over the term of the Bonds.

History of Food and Beverage Tax Revenues – Page B-4

This schedule presents the history of food and beverage tax revenues of the City for the last six years. Certain periods beginning in Spring of 2020 were negatively impacted by the Coronavirus pandemic. However, the revenues recovered in the Spring of 2021.

* Preliminary, subject to change.

BLOOMINGTON PUBLIC BUILDING CORPORATION

LEASE RENTAL REVENUE BONDS OF 2025

SCHEDULE OF ESTIMATED SOURCES AND USES OF FUNDS

USES OF FUNDS:

Project Fund and Construction Contingency	\$ 70,026,556.00
Cost of Issuance Including Underwriter Discount	490,000.05
	<hr/>
Total Estimated Uses of Funds	<u><u>\$ 70,516,556.05</u></u>

SOURCES OF FUNDS:

Par Amount of Bonds	\$ 46,825,000.00
Net Premium	3,663,880.05
Funds on Hand - Food & Beverage Tax	20,027,676.00
	<hr/>
Total Estimated Sources of Funds	<u><u>\$ 70,516,556.05</u></u>

BLOOMINGTON PUBLIC BUILDING CORPORATION
PROPOSED \$48,525,000* LEASE RENTAL REVENUE BONDS OF 2025

ASSUMED DATING AND DATE OF DELIVERY APRIL 29, 2025

Date	Principal Balance *	Principal*	Assumed Coupon *	Interest	Period Total	Bond Year Total	Annual Lease Rental
8/1/2025	\$ 46,825,000			\$ 598,319.44	\$ 598,319.44		
2/1/2026	46,825,000			1,170,625.00	1,170,625.00	\$ 1,768,944.44	\$ 1,774,000
8/1/2026	46,825,000	\$ 755,000	5.000%	1,170,625.00	1,925,625.00		
2/1/2027	46,070,000	770,000	5.000%	1,151,750.00	1,921,750.00	3,847,375.00	3,853,000
8/1/2027	45,300,000	790,000	5.000%	1,132,500.00	1,922,500.00		
2/1/2028	44,510,000	810,000	5.000%	1,112,750.00	1,922,750.00	3,845,250.00	3,851,000
8/1/2028	43,700,000	830,000	5.000%	1,092,500.00	1,922,500.00		
2/1/2029	42,870,000	850,000	5.000%	1,071,750.00	1,921,750.00	3,844,250.00	3,850,000
8/1/2029	42,020,000	875,000	5.000%	1,050,500.00	1,925,500.00		
2/1/2030	41,145,000	895,000	5.000%	1,028,625.00	1,923,625.00	3,849,125.00	3,855,000
8/1/2030	40,250,000	915,000	5.000%	1,006,250.00	1,921,250.00		
2/1/2031	39,335,000	940,000	5.000%	983,375.00	1,923,375.00	3,844,625.00	3,850,000
8/1/2031	38,395,000	965,000	5.000%	959,875.00	1,924,875.00		
2/1/2032	37,430,000	985,000	5.000%	935,750.00	1,920,750.00	3,845,625.00	3,851,000
8/1/2032	36,445,000	1,010,000	5.000%	911,125.00	1,921,125.00		
2/1/2033	35,435,000	1,035,000	5.000%	885,875.00	1,920,875.00	3,842,000.00	3,847,000
8/1/2033	34,400,000	1,065,000	5.000%	860,000.00	1,925,000.00		
2/1/2034	33,335,000	1,090,000	5.000%	833,375.00	1,923,375.00	3,848,375.00	3,854,000
8/1/2034	32,245,000	1,115,000	5.000%	806,125.00	1,921,125.00		
2/1/2035	31,130,000	1,145,000	5.000%	778,250.00	1,923,250.00	3,844,375.00	3,850,000
8/1/2035	29,985,000	1,175,000	5.000%	749,625.00	1,924,625.00		
2/1/2036	28,810,000	1,205,000	5.000%	720,250.00	1,925,250.00	3,849,875.00	3,855,000
8/1/2036	27,605,000	1,235,000	5.000%	690,125.00	1,925,125.00		
2/1/2037	26,370,000	1,265,000	5.000%	659,250.00	1,924,250.00	3,849,375.00	3,855,000
8/1/2037	25,105,000	1,295,000	5.000%	627,625.00	1,922,625.00		
2/1/2038	23,810,000	1,330,000	5.000%	595,250.00	1,925,250.00	3,847,875.00	3,853,000
8/1/2038	22,480,000	1,360,000	5.000%	562,000.00	1,922,000.00		
2/1/2039	21,120,000	1,395,000	5.000%	528,000.00	1,923,000.00	3,845,000.00	3,850,000
8/1/2039	19,725,000	1,430,000	5.000%	493,125.00	1,923,125.00		
2/1/2040	18,295,000	1,465,000	5.000%	457,375.00	1,922,375.00	3,845,500.00	3,851,000
8/1/2040	16,830,000	1,500,000	5.000%	420,750.00	1,920,750.00		
2/1/2041	15,330,000	1,540,000	5.000%	383,250.00	1,923,250.00	3,844,000.00	3,849,000
8/1/2041	13,790,000	1,580,000	5.000%	344,750.00	1,924,750.00		
2/1/2042	12,210,000	1,620,000	5.000%	305,250.00	1,925,250.00	3,850,000.00	3,855,000
8/1/2042	10,590,000	1,660,000	5.000%	264,750.00	1,924,750.00		
2/1/2043	8,930,000	1,700,000	5.000%	223,250.00	1,923,250.00	3,848,000.00	3,853,000
8/1/2043	7,230,000	1,740,000	5.000%	180,750.00	1,920,750.00		
2/1/2044	5,490,000	1,785,000	5.000%	137,250.00	1,922,250.00	3,843,000.00	3,848,000
8/1/2044	3,705,000	1,830,000	5.000%	92,625.00	1,922,625.00		
2/1/2045	1,875,000	1,875,000	5.000%	46,875.00	1,921,875.00	3,844,500.00	3,850,000
TOTALS		<u>\$ 46,825,000</u>		<u>\$ 28,022,069.44</u>	<u>\$ 74,847,069.44</u>	<u>\$ 74,847,069.44</u>	

* Preliminary, subject to change.

BLOOMINGTON PUBLIC BUILDING CORPORATION

LEASE RENTAL REVENUE BONDS OF 2025

SCHEDULE OF ESTIMATED DEBT SERVICE COVERAGE

Year	PLEDGED REVENUES			Proposed Lease Payments (3)	Bond Coverage %
	Food & Beverage Tax Revenue	EDIT	Total		
	(1)	(2)			
2025	\$ 4,171,247	\$ 17,234,163	\$ 21,405,410	\$ 1,774,000	1207%
2026	4,171,247	17,234,163	21,405,410	3,853,000	556%
2027	4,171,247	17,234,163	21,405,410	3,851,000	556%
2028	4,171,247	17,234,163	21,405,410	3,850,000	556%
2029	4,171,247	17,234,163	21,405,410	3,855,000	555%
2030	4,171,247	17,234,163	21,405,410	3,850,000	556%
2031	4,171,247	17,234,163	21,405,410	3,851,000	556%
2032	4,171,247	17,234,163	21,405,410	3,847,000	556%
2033	4,171,247	17,234,163	21,405,410	3,854,000	555%
2034	4,171,247	17,234,163	21,405,410	3,850,000	556%
2035	4,171,247	17,234,163	21,405,410	3,855,000	555%
2036	4,171,247	17,234,163	21,405,410	3,855,000	555%
2037	4,171,247	17,234,163	21,405,410	3,853,000	556%
2038	4,171,247	17,234,163	21,405,410	3,850,000	556%
2039	4,171,247	17,234,163	21,405,410	3,851,000	556%
2040	4,171,247	17,234,163	21,405,410	3,849,000	556%
2041	4,171,247	17,234,163	21,405,410	3,855,000	555%
2042	4,171,247	17,234,163	21,405,410	3,853,000	556%
2043	4,171,247	17,234,163	21,405,410	3,848,000	556%
2044	4,171,247	17,234,163	21,405,410	3,850,000	556%

NOTES:

- (1) See page B-4 display of historical Food & Beverage Tax distributions to the City. Revenue included here is actual 2024 total.
- (2) Represents 2025 Certified EDIT distributions with no growth assumed during the term of the proposed Bonds.
- (3) See page B-2 for amortization and lease payment schedule for proposed Bonds.

Subject to comments in accompanying report of O. W. Krohn and Associates.

CITY OF BLOOMINGTON

HISTORY OF FOOD & BEVERAGE TAX REVENUES

Month	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
January	\$ 252,739	\$ 263,496	\$ 188,052	\$ 276,019	\$ 328,548	\$ 330,005
February	222,555	222,975	181,569	272,963	369,130	301,891
March	239,641	240,853	221,662	288,875	341,840	335,258
April	262,002	185,506	241,495	307,009	355,293	356,543
May	303,961	144,850	293,977	337,563	387,262	392,863
June	240,385	139,438	279,493	318,300	315,836	321,938
July	256,955	180,397	248,406	308,133	295,134	299,084
August	197,887	172,820	248,827	286,829	289,347	299,774
September	234,875	236,525	301,543	305,831	324,379	344,512
October	303,099	213,795	327,656	357,837	403,358	396,376
November	260,202	216,562	319,891	367,054	371,021	415,975
December	287,978	229,966	331,340	345,768	326,239	377,028
TOTALS	<u>\$ 3,062,279</u>	<u>\$ 2,447,183</u>	<u>\$ 3,183,911</u>	<u>\$ 3,772,181</u>	<u>\$ 4,107,387</u>	<u>\$ 4,171,247</u>

DRAFT



Monroe Convention Center Expansion Common Council Update

February 12, 2025



AGENDA

- Project Goals & Public Input
- Project Schedule
- Site Plan Development
- Building Plan Development
- Exhibit Hall Layouts
- Exterior Design Concepts
- Interior Design Concepts
- Next Steps

PROJECT GOALS

Expand Space

Achieving functionality, flexibility, and a technology-rich environment

Create Inspiring Architecture

Creating memorable experiences through design

Showcase Uniqueness and Amenities

Reflecting Bloomington's culture through space, branding, art, activation, and refreshments

Enhance Connectivity

Enhancing our community's connectedness

Achieve Sustainability

Recognizing and continuing our community's commitments to sustainability.

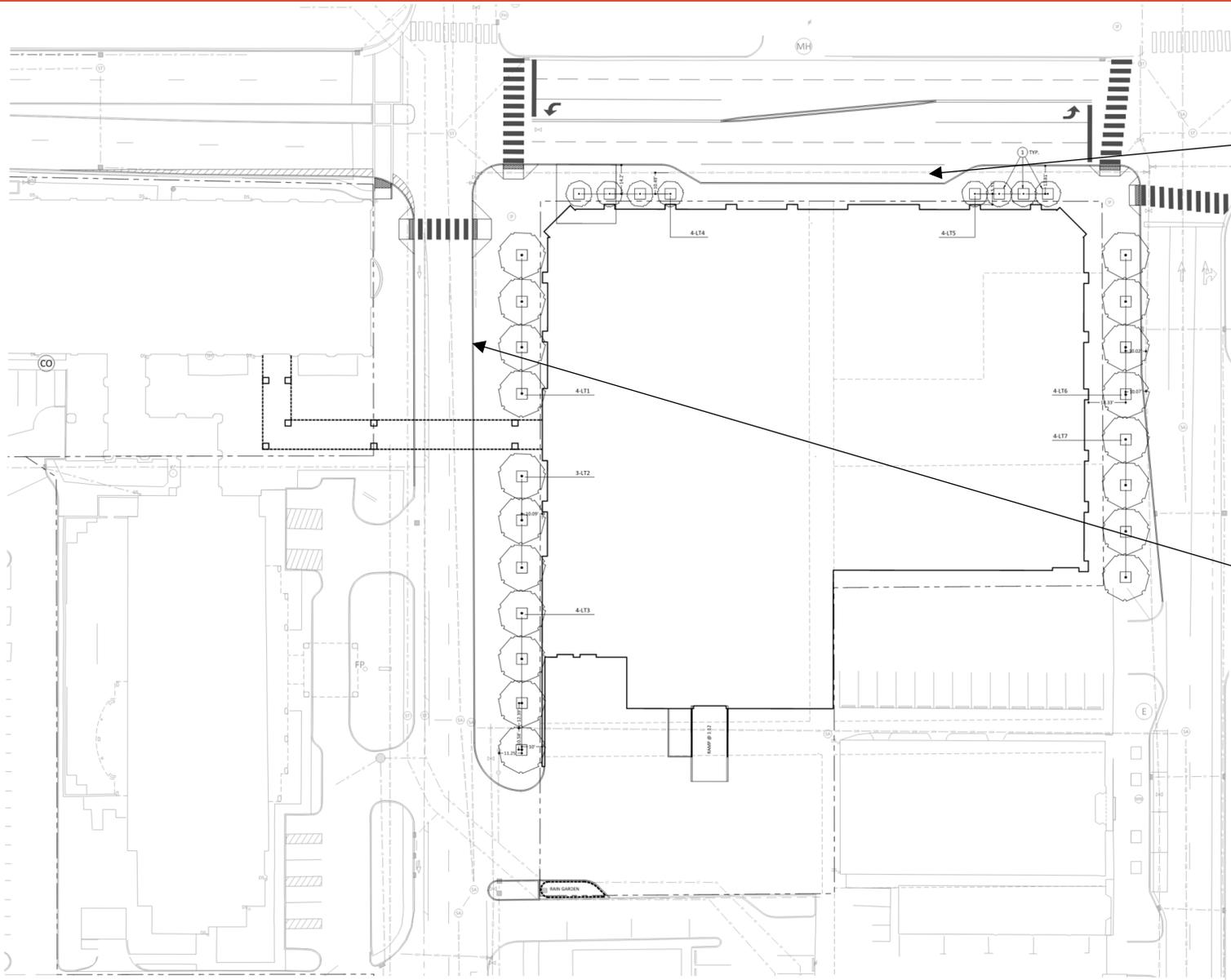
- Incorporate Limestone
- Elevate Public Art
- Address Pedestrian Scale
- Connect with Nature – Roof Garden
- Engaging Architecture
- Contextual with Bloomington Downtown
- “Instagrammable” and “Authentic”

Final Design	Feb 2025
Construction Documents	Jul 2025
Bidding	Mar – Aug 2025
Construction Start	Jun 2025
Expansion Construction Complete	Jan-Feb 2027

DESIGN SCHEDULE – FINAL DESIGN APPROVALS

Dec 19, 2024	BZA Pre-Submittal Meeting
Dec 20	Special Meeting with Director Hittel to discuss bus pull-off lane
Dec 27	BZA Filing Deadline
Dec 30	Plan Commission Final Revision Deadline for First Hearing
Jan 09, 2025	BZA Final Revision Deadline
Jan 13	Plan Commission – First Hearing
Jan 23	BZA Hearing
Jan 27	Plan Commission Final Revision Deadline for Second Hearing
Feb 04	Board of Public Works Filing Deadline
Feb 10	Plan Commission Second Hearing
Feb 11	Board of Public Works Meeting

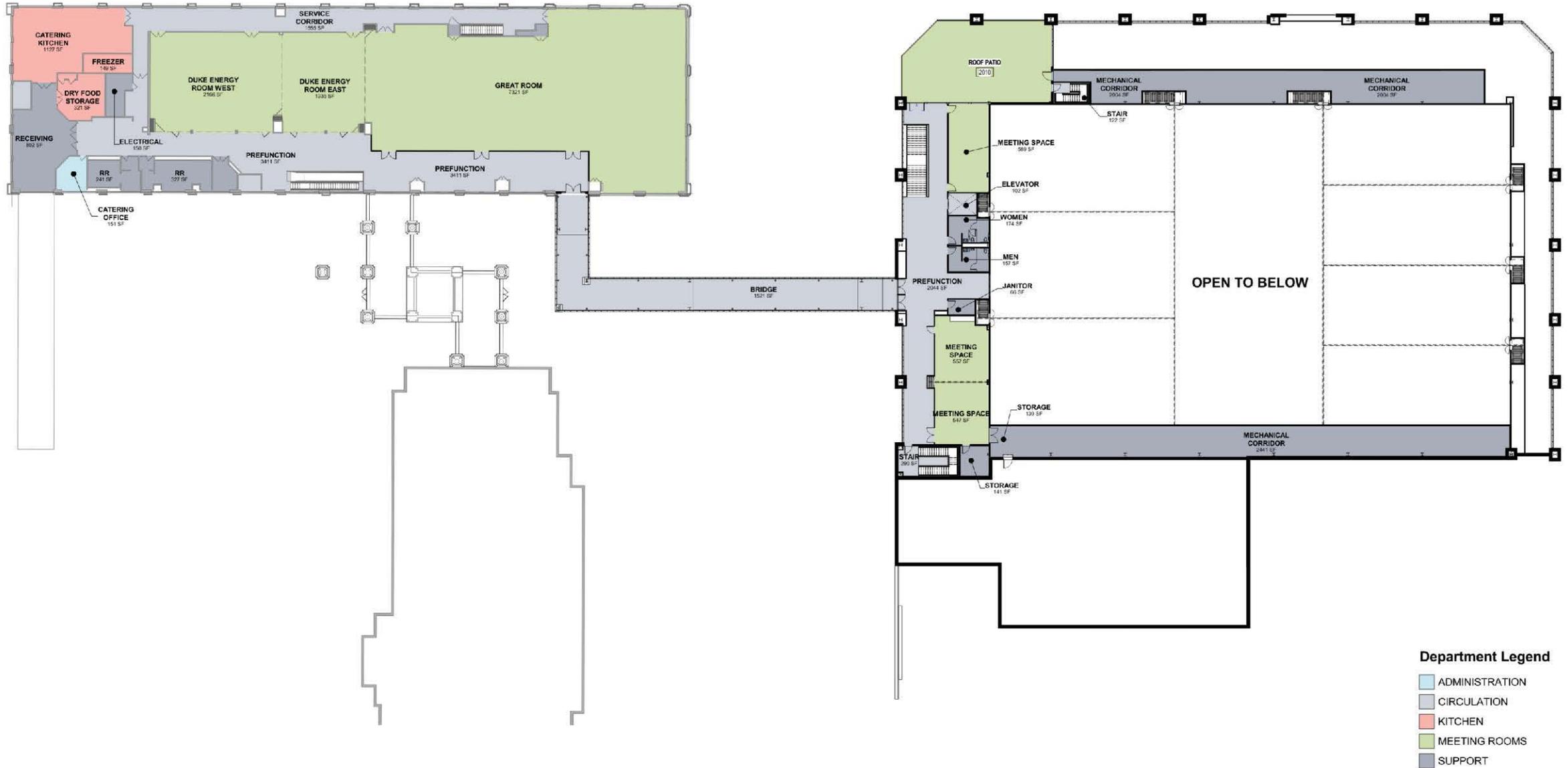
DESIGN CONCEPT – SITE PLAN DEVELOPMENT – OPTION 2



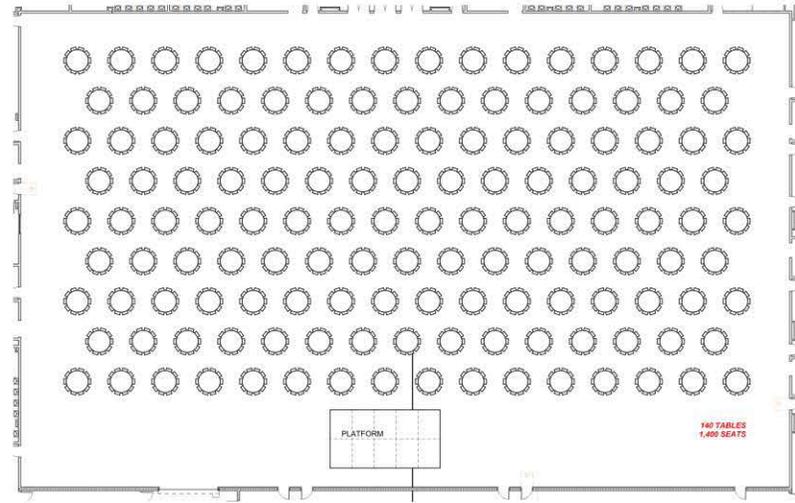
MODIFIED BUS DROP
OFF FOR 2-3 BUSES

COLLEGE AVE.
PARKING REMOVED

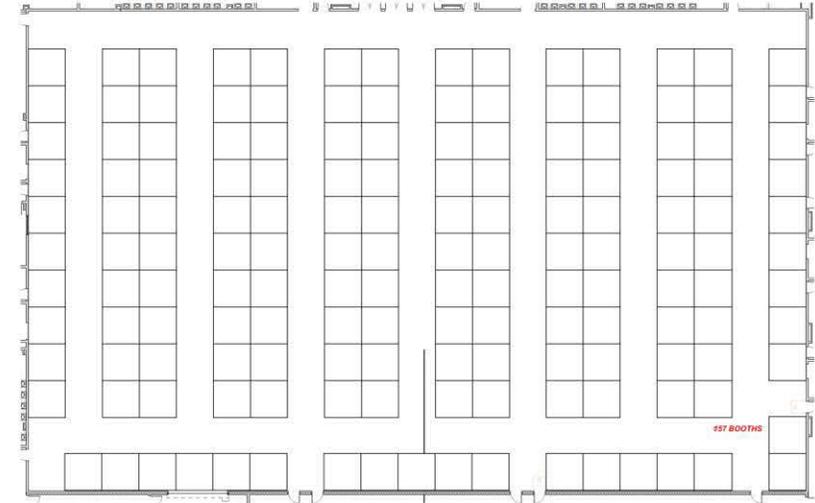
DESIGN CONCEPT – SECOND FLOOR



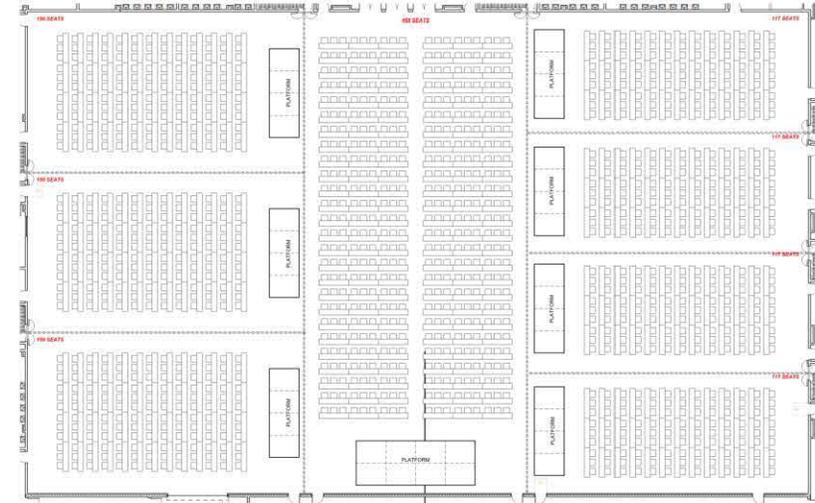
DESIGN CONCEPT – EXHIBIT HALL LAYOUTS



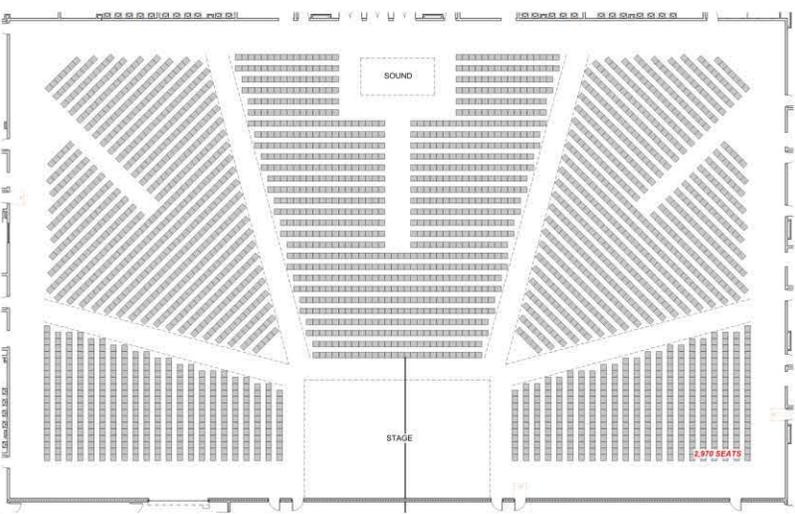
1 Full Banquet Layout



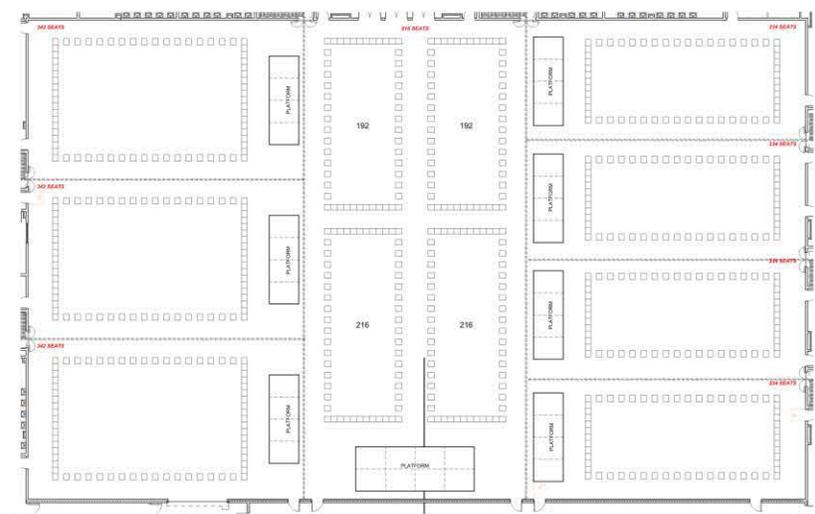
1 Full Booth Layout



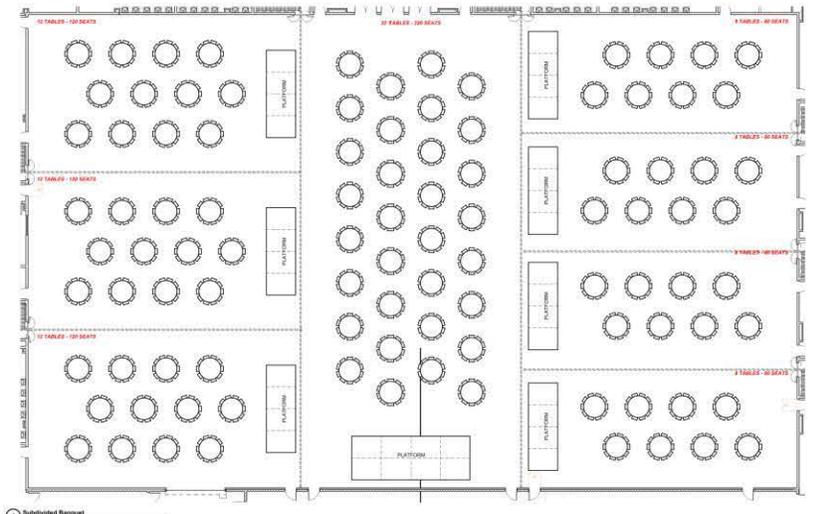
1 Subdivided Banquet



1 Full Lecture/Concert Layout AN



1 Subdivided Lecture



1 Subdivided Banquet

DESIGN CONCEPT – EXTERIOR ELEVATIONS



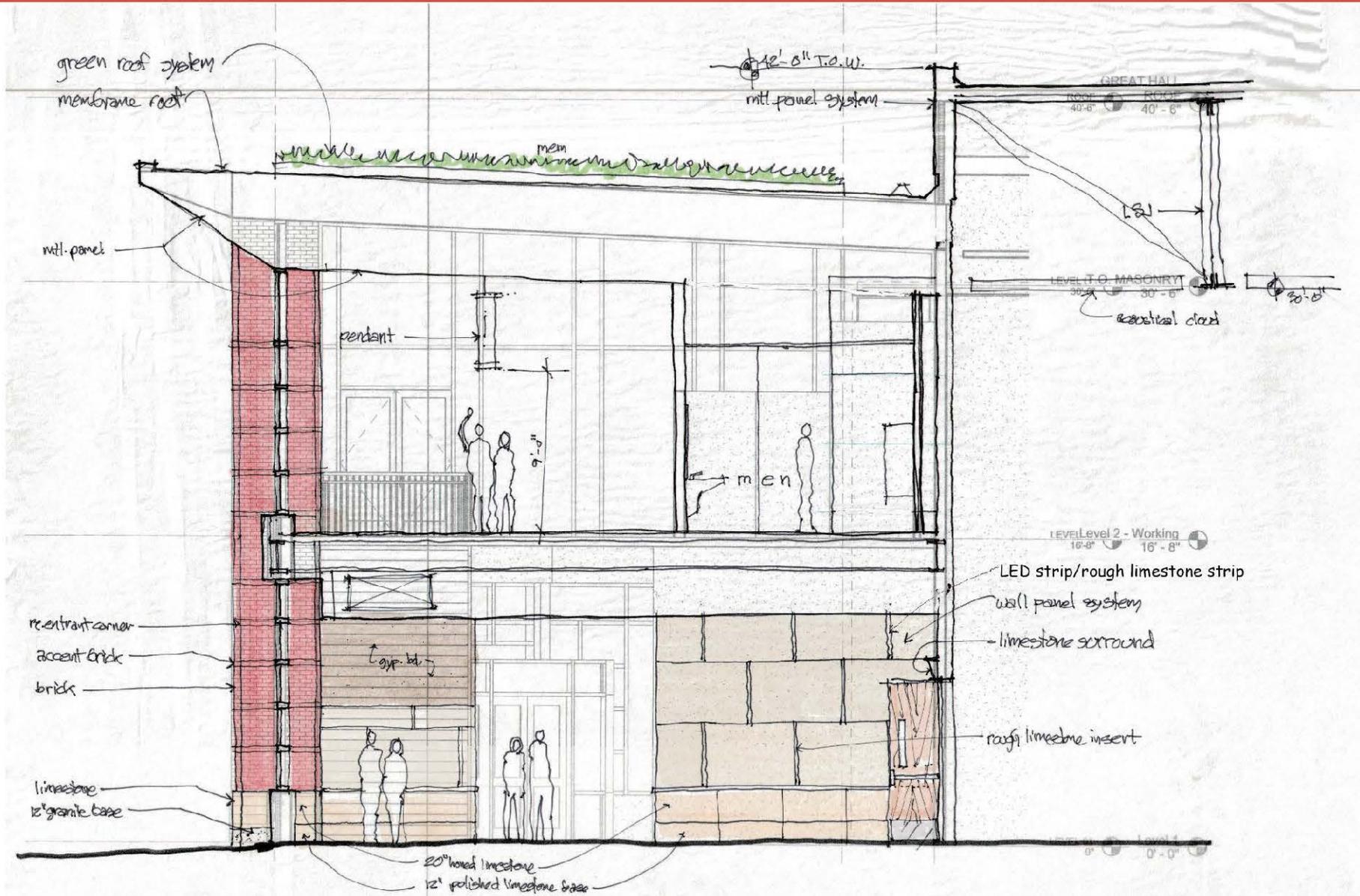
DESIGN CONCEPT – ACTIVE STREETScape



DESIGN CONCEPT – ACTIVE STREETScape



DESIGN CONCEPT – INTERIOR CONCEPTS



DESIGN CONCEPT – INTERIOR CONCEPTS



- Continue Site Submittal Process
- BZA and Plan Commission Reviews
- Coordination with Weddle on Final Design Estimate and Bid Alternates

QUESTIONS AND DISCUSSION

Base Bid Project Scope

- Convention Center Expansion New Construction and associated site and utility work
- Overhead bridge new construction connecting the new convention center to the existing convention center and all associated site and utility work.
- Existing Convention Center
 - Replace windows
 - Separate fire and water service
 - Add warming kitchen equipment
 - Masonry repointing (25% of exterior surface min) and cleaning (100% of exterior)
- As funding allows, additional considerations will be given to including this work:
 - Existing Convention Center: replace HVAC units, renovation warming kitchen, and other existing building deficiencies
 - New Convention Center: increase green roof or other necessary and/or required work to complete the Center

MONROE CONVENTION CENTER TOTAL PROJECT BUDGET

WEDDLE BROTHERS ESTIMATED CONSTRUCTION COST:(includes 7.5% construction contingency)

Construction Subtotal	\$44,513,511
General Conditions	\$540,000
CMc (Personnel, Permit, Office, Bonds, etc)	\$1,938,235
Contingency	\$4,047,746
CMc Fee	\$960,508

TOTAL \$52,000,000

OTHER COSTS (through 12/31/2027)

Direct Costs (environ, comms, security, art. signs, relo, FFE)	\$11,030,000
Architect/Engineering Fee	\$ 4,399,850
Contingency	1,200,000
Commissioning Agent	300,000
Owner's Rep	1,006,100
CIB (Legal, Controller, Other)	828,902

TOTAL PROJECT BUDGET

\$70,764,852**

*Excludes all bond related expenses, fees, interest, closing costs, etc
 **\$936,100 has been expended through 12/31/24



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: February 14, 2025

Re: Appropriation Ordinance 2025-02 - To Additionally Appropriate From the Opioid Settlement Funds for the Downtown Outreach Grant Program

Synopses

Appropriation Ordinance 2025-02: This appropriation ordinance funds the Downtown Outreach Grant program in the Opioid Settlement Restricted Fund and Opioid Settlement Unrestricted Fund for the Community and Family Resources Department for the year 2025 for \$250,000.

Relevant Materials

- Appropriation Ordinance 2025-02
- Staff Memo from Controller Jessica McClellan

Summary

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, unless their result is to increase the tax levy set under IC 6-1.1-17. IC 36-4-7-9 requires that an appropriation ordinance specify, by items, the amount of each appropriation and the department for which it is made.

As a member of the City Executive, the Controller has recommended to Council as the legislative body that the additional appropriation occur. Appropriation Ordinance 2025-02 specifies the amount of each appropriation and the department for which it is made, as required by statute. Given the requirements of IC 36-4-7-8, it would be advisable that Council confirm that the additional appropriation will not increase the City's tax levy.

Contacts

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov

APPROPRIATION ORDINANCE 2025-02

TO ADDITIONALLY APPROPRIATE FROM THE OPIOID SETTLEMENT FUNDS
FOR THE DOWNTOWN OUTREACH GRANT PROGRAM

WHEREAS, in 2024, the City Council appropriated \$250,000 from the Parking Meter Fund for the Downtown Outreach Grant Program administered by the Community and Family Resources Department and

WHEREAS, in 2024, the Downtown Outreach Grant Program supported the work of these Bloomington and Monroe County service agencies: Amethyst House, INC; Beacon, INC; Centerstone of Indiana, INC; Community Kitchen of Monroe County, INC; Courage to Change Sober Living, INC; Hotels for Hope, INC; Monroe County Humane Association, INC; New Hope Family Shelter, INC; New Leaf/New Life, INC; Sojourn House, INC; and Wheeler Mission Ministries, INC; and

WHEREAS, the City wishes to continue the Downtown Outreach Program in 2025, and presented a 2025 budget for the program in the Parking Meter Fund during the August 2024 budget hearings. City Ordinance 13-13 establishes the Parking Meter Fund and the allowable uses of that fund. Appropriations to support local public service non-profit agencies are not an allowable expense in Ordinance 13-13.

WHEREAS, the City looked into using the Opioid Settlement Unrestricted Fund, but the current balance is insufficient to support the program. The City also considered the Opioid Settlement Restricted Fund; however, the restrictions on opioid abatement outlined by the Indiana Attorney General’s Office are narrow. The City needs to develop an application process for the Restricted Fund to ensure that applicants meet the necessary eligibility criteria for funding.

WHEREAS, the City desires to appropriate funding from allowable sources, such as the Opioid Settlement Restricted Fund, to continue the support to local non-profit organizations that support our residents in the community.

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 the City the following additional sums of money are hereby additionally appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

<u>Opioid Settlement Unrestricted 2256-09</u>	
Services and Charges Category	\$50,000
<u>Opioid Settlement Restricted 2257-09</u>	
Services and Charges Category	\$200,000
Total:	\$250,000

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of March, 2025, by the City of Bloomington Common Council.

Hopi Stosberg, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of January, 2025.

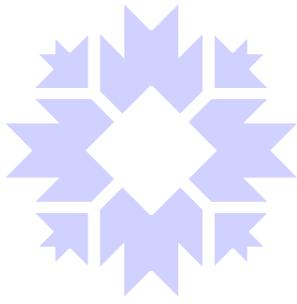
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of March, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This appropriation ordinance funds the Downtown Outreach Grant program in the Opioid Settlement Restricted Fund and Opioid Settlement Unrestricted Fund for the Community and Family Resources Department for the year 2025 for \$250,000.



TO: City Council members
FROM: Controller Jessica McClellan,
CC: Mayor Kerry Thomson, Deputy Mayor Gretchen Knapp, Community and Family Resources Director Shatoyia Moss, and Council Administrator Lisa Lehner
DATE: February 10, 2025
SUBJECT: 2025 Downtown Outreach Grant Additional Appropriation

Appropriation Ordinance 2025-02 additionally appropriates a budget in the Opioid Settlement Funds for the Downtown Outreach Grant program.

Since 2018, the City has administered the Downtown Outreach grant program. The grant application states: The City of Bloomington Downtown Outreach (DTO) grants are enabled by City of Bloomington taxpayer dollars and strive to fund projects that will improve the human condition of Bloomington residents who are unhoused or who are at risk of homelessness. The City's Community and Family Resources Department is responsible for the distribution and administration of this grant.

In 2024, the Downtown Outreach Grant Program supported the work of these Bloomington and Monroe County service agencies: Amethyst House, Beacon, Centerstone of Indiana, Community Kitchen of Monroe County, Courage to Change Sober Living, Hotels for Hope, Monroe County Humane Association, New Hope Family Shelter, New Leaf/New Life, Sojourn House, and Wheeler Mission Ministries, INC.

Since its inception in 2018, the Downtown Outreach Grant total funding has been \$250,000. The funding source was the Parking Meter Fund. The grant program is not an eligible expense in the Parking Meter Fund.

The City proposes utilizing the Opioid Settlement Restricted Fund and Unrestricted Fund for this purpose. Using the Opioid Restricted Fund will require additional eligibility requirements be met, as described by the Indian Attorney General. The recipients of Opioid Restricted Settlement Funds must fall into one of two categories:

1. The organization must be a nonprofit entity registered as a 501(c)3 or 501(c)19 working to combat substance use disorder.
 - i. Examples of approved abatement uses are:
 - ii. Prevention programs
 - iii. Expanding syringe service programs
 - iv. Treatment of Opioid Use Disorder
 - v. Treatment for incarcerated population
 - vi. Expansion of warm hand-off programs and recover services
 - vii. Medication assisted treatment distribution and other opioid related treatment
2. Be an individual that meets the criteria to be a certified addiction peer recovery coach I or II, and is seeking funding for both training and testing.

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Administrator/Attorney for Common Council

Date: February 14, 2025

Re: Ordinance 2025-08 – An Ordinance Re-establishing Cumulative Capital Development Fund

Synopsis

This Ordinance reauthorizes the Municipal Cumulative Capital Development Fund for taxes assessed in the year 2025 and payable in the year 2026 and authorizes collection of property tax at the rate of \$0.05 per \$100 of valuation; the fund may be used for the purposes set out in IC 36-9-15.5 et seq.

Relevant Materials

- Ordinance 2025-08
- Staff Memo and Attachments from Jessica McClellan, Controller

History

The Staff Memo and Ordinance 2025-08 summarize the relevant history of the Cumulative Capital Development (“CCD”) Fund.

Summary

This Memo gives an overview of the relevant laws and Council’s role as legislative and fiscal body in re-authorizing the CCD Fund.

[Section 36-9-15.5 of the Indiana Code](#) governs municipal cumulative capital development funds. Section 36-9-15.5-2 states that Council as the legislative body of a municipality may establish a cumulative capital development fund under [IC 6-1.1-41](#) et seq. Section 6-1.1-41 et seq. sets forth certain procedures to follow in establishing the CCD Fund, including notice of the tax proposal to affected taxpayers, a public hearing, publication requirements, and a 30-day objection period, among other things. The Staff Memo identifies concrete dates to satisfy this procedure.

Pursuant to IC 36-9-15.5-2, Council as legislative body may establish the CCD Fund to provide money for any purpose for which property taxes may be imposed within the municipality under the authority of:

[IC 8-16-3](#);

[IC 8-22-3-25](#);

[IC 14-27-6-48](#);

[IC 14-33-14](#);

[IC 16-23-1-40](#);

[IC 36-8-14](#);

[IC 36-9-4-48](#);

[IC 36-9-16-2](#);
[IC 36-9-16-3](#);
[IC 36-9-16.5](#);
[IC 36-9-17](#);
[IC 36-9-26](#);
[IC 36-9-27-100](#);
[IC 36-10-3-21](#); or
[IC 36-10-4-36](#).

The above statutes support various purposes for which the CCD Fund may be used, including but not limited to bridge construction/reconstruction, the construction, improvements, and equipping of buildings, among other things. The Staff Memo summarizes a more descriptive list of these purposes.

IC 36-9-15.5 et seq. continues, stating that Council as the City's fiscal body may provide money for the CCD Fund by levying a tax on the taxable property in the City of Bloomington, not to exceed the maximum property tax rate as described in IC 36-9-15.5-6. The Staff Memo and [Ordinance 2025-08](#) identify the proposed tax rate as not to exceed \$0.05 on each \$100 of assessed valuation, beginning with taxes for 2025 payable in 2026. It would be advisable for Council to confirm that this rate does not in fact exceed the maximum property tax rate.

IC 36-9-15.5-8 requires that the tax money collected shall be held in a special fund known as the "Cumulative Capital Development Fund".

Although Section 1 of [Ordinance 2025-08](#) contemplates that Council determine "that a need now exists" to establish the CCD Fund for all of the purposes identified above, IC 36-9-15.5 does not explicitly state that a finding of "need" be made, but it states that the legislative body may use the CCD Fund for the purposes set forth above. It appears that the language of [Ordinance 2025-08](#) comes from a template provided by the Department of Local Government Finance, as referenced in the DLGF Memo provided by the Controller. However, as a legal matter, this finding of need does not seem inconsistent with the statute's purposes, if Council agrees with the purposes identified above.

In addition to the identified purposes of IC 36-9-15.5-2, Section 1 of [Ordinance 2025-08](#) also states that the CCD Fund is re-established for the purposes set forth in IC 36-9-15.5-8(c). Per IC 36-9-15.5-8(c), the CCD Funds may be spent for purposes "other than the purposes stated" in IC 36-9-15.5-2 if:

"the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to make a contribution to an authority established under [IC 36-7-23](#). Money may be spent under the authority of this subsection only after the executive of the municipality:

(1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or

(2) certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes.”

It appears that the “authority” in (c)(2) above refers to a multiple jurisdiction infrastructure authority established under IC 36-7-23 above.

In short, the Indiana Code permits that CCD Funds be spent for purposes not identified above in certain situations if the executive complies with the statutory requirements of IC 36-7-23 et seq.

Contact

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov

ORDINANCE 2025-08

ORDINANCE REESTABLISHING CUMULATIVE CAPITAL DEVELOPMENT FUND

Under Indiana Code 36-9-15.5

WHEREAS, Indiana Code 36-9-15.5 provides for the establishment of a Municipal Cumulative Capital Development Fund; and

WHEREAS, said fund may be used for any purpose for which property taxes may be imposed under the authority of Indiana Code 36-9-15.5-2; and

WHEREAS, the City of Bloomington established a Cumulative Capital Development Fund by adoption of [Ordinance 84-28](#) for a three year period ending December 31, 1987, and reauthorized said fund as provided by statute with the adoption of [Ordinance 87-24](#), [Ordinance 90-33](#), [Ordinance 93-38](#), [Ordinance 12-15](#), and [Ordinance 18-02](#); and

WHEREAS, pursuant to Indiana Code 36-9-15.5-6, the municipal fiscal body may provide money for the Cumulative Capital Development Fund by levying a tax in compliance with Indiana Code 6-1.1-41;

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

SECTION 1. The Bloomington Common Council of Monroe County, Indiana hereby determines that a need now exists for the re-establishment of a Cumulative Capital Development Fund for all purposes set out in Indiana Code 36-9-15.5 and Indiana Code 36-9-15.5-8(c), and said fund is hereby re-established.

SECTION 2. The City Council shall adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed \$0.05 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2025 payable 2026.

SECTION 3. Proofs of publication of the public hearing held on the 5th day of March, 2025, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance.

SECTION 4. Said Fund shall be held in a special fund as provided in Indiana Code 36-9-15.5-8(a) and shall be used in accordance with the provisions of Indiana Code 36-9-15.5 et seq. and all other applicable provision of law. The City shall adhere to all related provision of the Indiana Code.

SECTION 5. Expenditures from this fund shall be made only after annual appropriation by the common Council of the City of Bloomington and approval by the Indiana Department of Local Government Finance.

SECTION 6. Severability. If any section, sentence or provision of the 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 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor and after all statutory procedures are followed.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of January, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This Ordinance reauthorizes the Municipal Cumulative Capital Development Fund for taxes assessed in year 2025 and payable in year 2026 and authorizes collection of property tax at the rate of \$0.05 per \$100 of valuation; the fund may be used for the purposes set out in IC 36-9-15.5 et seq.



MEMO FROM CONTROLLER MCCLELLAN:

To: Members of the Common Council

From: Jessica McClellan, Controller

Date: 2-5-2025

Re: Ordinance 2025-08 – Reestablish Cumulative Capital Development Fund

This Ordinance reauthorizes the Municipal Cumulative Capital Development Fund for taxes assessed in year 2025 and payable in year 2026 and authorizes collection of property tax at the rate of \$0.05 per \$100 of valuation; the fund may be used for the purposes set out in IC 36-9-15.5 et seq.

Under past versions of Indiana Code, the Cumulative Capital Development (CCD) Fund typically had to be reestablished by a city or county every three years. This requirement was set to ensure local governments had regular opportunities to review and adjust their use of the fund, allowing for flexibility in how they allocated resources for capital projects. The expiration of the CCD Fund every three years was tied to a provision that required local legislative bodies to periodically affirm the fund's existence and its tax rates, a process that ensured the fund remained responsive to changing needs.

The provision that required the Cumulative Capital Development Fund to be reestablished every three years was **repealed** as part of the reforms in **2022**. Specifically, Senate Enrolled Act 376 (2022) was the legislation that eliminated the three-year expiration requirement. Under the new law, once a city or county reestablishes the CCD Fund, it does not need to be reestablished again unless the state changes the rates or other significant provisions related to the fund.

To summarize:

- **Before 2022:** The CCD Fund expired every three years and had to be reestablished by local governments.
- **After 2022:** The three-year expiration requirement was repealed. Once reestablished, the CCD Fund remains in place unless the state changes related rates or other legal provisions.

Summary of Department of Local Government procedure to establish or reestablish a cumulative fund:

- Publish notice of hearing on proposed reestablishment twice, ten days and three days before hearing, 7 days apart. Notice was published February 21 and February 28 2025 in the Herald Times.
- Adoption of ordinance/resolution by adopting body (consolidated cities require city council).



- Publish notice of adoption once within 30 days of city council adoption. Notice will be published March 10th , 2025 in the Herald Times.
- Begin 30 day remonstrance period. Taxpayers who are city residents and city property owners may file a remonstrance with the County Auditor until noon on April 9th, 2025.
- Submit to the DLGF the adopted ordinance, the Auditor’s Certificate of No Remonstrance, and the DLGF’s Procedure Checklist.

This packet contains:

1. Indiana Code Citation of CCD Fund uses and a summary of the code citations.
2. DLGF Memo Feb 5, 2024: Establishing Cumulative Capital Fund Procedures
3. Notice to Taxpayers of Reestablishment of Cumulative Capital Development Fund; published Feb 21 and Feb 28, 2025.
4. Notice of Adoption of the Cumulative Capital Development Fund; to be published March 10, 2025.

1. IC 36-9-15.5-2 Authorization of fund; purpose

Sec. 2. The legislative body of a municipality may establish a cumulative capital development fund under IC 6-1.1-41 to provide money for any purpose for which property taxes may be imposed within the municipality under the authority of:

IC 8-16-3; IC 8-22-3-25; IC 14-27-6-48; IC 14-33-14; IC 16-23-1-40; IC 36-8-14; IC 36-9-4-48; IC 36-9-16-2; IC 36-9-16-3; IC 36-9-16.5; IC 36-9-17; IC 36-9-26; IC 36-9-27-100; IC 36-10-3-21; or IC 36-10-4-36.

CUM CAP DEV Fund uses:

- Bridge: construction, reconstruction, approach, new or improved traffic service; maintain, repair, engineering, equipment, land acquisition, materials, contract/bond interest.
- Building: construction, enlargement, improvement, remodeling, repair, equipment of airport buildings, structures, runways, facilities.
- Public buildings: purchase, construction, equipping, land acquisition for public purposes.
- Public ways/sidewalks: land acquisition, construction, maintenance, sanitary/storm sewers, utility acquisition (purchase/lease), park/recreation land acquisition, vehicle purchase (police/fire), retire GO Bonds (for property improvements).
- Public ways/sidewalks: construction, reconstruction, improvement, repair (sidewalks, curbs, gutters, sewers, drains).
- Public ways/sidewalks: construction, reconstruction, improvement, repair (sidewalks, curbs, gutters, sewers, drains).
- Park/recreation: building remodeling, repair, land acquisition.



City of Bloomington Indiana

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- Sewage/stormwater: planning, construction, remodeling, repair, extension of disposal plants/sewers.
- Levees: gates, pumping stations, facility improvements.
- Channel improvements: levees, water retarding/impoundment structures.
- County hospital.
- Fire department: purchase, construction, renovation, building additions, equipment purchase.
- Buses: acquisition, planning, route/schedule establishment and maintenance.
- Public transportation: non-consumable personal property purchase, vehicle/equipment for illuminating public ways, computer hardware/software/maintenance, communication systems, employee technology training, body armor.

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE N1058(B)
INDIANAPOLIS, IN 46204
PHONE (317) 232-3777
FAX (317) 974-1629

TO: All Political Subdivisions

FROM: Fred Van Dorp, Budget Director

DATE: February 5, 2024

SUBJECT: Procedures for the Establishment and Reestablishment of Cumulative Funds

The Department of Local Government Finance (“Department”) issues this memorandum, which applies to the following Cumulative Funds established under the procedures outlined in Ind. Code § 6-1.1-41, and which supersedes all previous memoranda on the subject. This memo does not take the place of Indiana law. The Department and all local units of government are bound to due dates and responsibilities as outlined in the law. In the event any part of this memorandum conflicts with Indiana law, Indiana law governs.

Please note that House Enrolled Act 1427-2021 (“HEA 1427”) amended the process for establishing or reestablishing cumulative funds. This includes the Department’s review of the unit’s proposal. With a few exceptions, HEA 1427 did not change the process for a unit to establish or reestablish a cumulative fund prior to submitting the proposal to the Department. This memorandum incorporates the changes made by HEA 1427 as well as describing the statutory requirements under Ind. Code § 6-1.1-41 and related statutes.

Please also note that House Enrolled Act 1260-2022 (“HEA 1260”) eliminates the requirement that tax rates for certain cumulative funds be adjusted to reflect increases in assessed value in the unit due to reassessment or annual adjustments. The tax rates will no longer be adjusted starting with taxes payable in 2024. A list of cumulative funds no longer subject to adjustments can be found at the end of this memorandum. This does not prohibit units from adopting lower tax rates for the cumulative fund in Table 3.

A political subdivision (“unit”) desiring a new cumulative fund or to increase the property tax rate for an existing cumulative fund must establish or reestablish the fund. The unit may only establish or reestablish a cumulative fund for which it has authority to establish under the statutes referenced at the end of this memorandum in Table 1. Templates for each step may be found in the companion document with this memo.

1. Procedure Checklist
 - The checklist can be found in **Appendix A** of the companion document.
2. Adopted resolution/ordinance of adopting body.
 - For most units, the resolution/ordinance template can be found in **Appendix C** of the companion document.

- For municipalities and counties establishing a cumulative capital development fund, the resolution/ordinance template can be found in **Appendix D** of the companion document.
 - For fire protection territories, the resolution/ordinance template can be found in **Appendix E** of the companion document.
3. County auditor's Certificate of No Remonstrance
- If no taxpayer remonstrance has been filed, the county auditor will be able to provide the appropriate certificate.
 - Additional information related to submitting the Certificate of No Remonstrance can be found later in the memo.

All units seeking to establish or reestablish a cumulative fund with the Department must submit the following documents to the Department by **May 31, 2024**.

Submissions and questions regarding the cumulative fund procedures should be sent directly to your [Budget Field Representative](#). Units may submit these documents electronically.

In addition to complying with the budget, tax rate, and tax levy requirements of Ind. Code § 6-1.1-17, the following steps must be taken when establishing a cumulative fund or increasing the rate of an established fund. A tax to finance the fund may not be levied in the ensuing year if

- following a hearing on a taxpayer remonstrance, the establishment of a fund is found not to be in compliance with Ind. Code § 6-1.1-41 and other relevant statutes; or
- the tax rate is not certified in conformity with Ind. Code § 6-1.1-41.

PUBLICATION OF NOTICE TO TAXPAYERS

The hearing must be publicized through a Notice to Taxpayers in accordance with Ind. Code § 5-3-1-2(f). The hearing must describe the tax levy to be imposed and must be published two (2) times, at least seven (7) days apart, with the first publication being at least ten (10) days before the public hearing and the second publication at least three (3) days before the public hearing. Per Ind. Code § 6-1.1-41-3(d) as amended by HEA 1427, the notice of the public hearing must be in the form prescribed by the Department. **Appendix B** contains a template for this notice.

The notice must be published in two (2) newspapers published within the unit, as applicable, in accordance with Ind. Code § 5-3-1-4. A unit may post the notice on its website in accordance with Ind. Code § 5-3-5.

If the fund is for a Cumulative Voting System (Ind. Code § 3-11-6) or Cumulative Channel Maintenance (Ind. Code § 8-10-5-17), a notice of the proposal and the public hearing must also be posted in three public places within the unit.

PUBLIC HEARING & ADOPTION OF RESOLUTION/ORDINANCE

The adopting body for the unit must conduct a public hearing on the proposed cumulative fund on the date, time, and location as indicated in the Notice to Taxpayers. At this hearing, taxpayers of the affected taxing district(s) have the right to be heard. After the public hearing, the adopting body can vote to pass a resolution/ordinance adopting the proposed cumulative fund and rate as

presented, or at a lower tax rate. **Appendices C through E** contain templates for this resolution/ordinance. Use of these templates is not required.

Units should pay close attention to whether the enabling statute requires the unit's fiscal body or legislative body to establish a cumulative fund.

For units seeking to adopt a new cumulative capital development fund, the Department offers both **Appendices C and D**. However, **Appendix D** is provided to adopt a phase-in of the maximum allowable rate as allowed by Ind. Code § 36-9-14.5-6 (for counties) and Ind. Code § 36-9-15.5-6 (for municipalities).

PUBLICATION OF NOTICE OF ADOPTION

The unit must publish a Notice of Adoption to the affected taxpayers. Per Ind. Code § 6-1.1-41-3(e), this notice must be published in a manner prescribed by the Department. **Appendix F** contains a template for this notice. The unit must publish the Notice of Adoption one (1) time within 30 days after the date of the adoption in two newspapers published within the unit, as applicable, in accordance with Ind. Code § 5-3-1-4. If the fund is for a Cumulative Voting System (Ind. Code § 3-11-6) or Cumulative Channel Maintenance (Ind. Code § 8-10-5), the notice must also be posted in three public places in the political subdivision.

The publication of this Notice begins a 30-day remonstrance period for the taxpayers affected by the cumulative fund. Taxpayers who are affected by the proposed cumulative fund may file an objection petition with the county auditor, not later than noon 30 days after the publication of the Notice of Adoption, setting forth their objections to the proposed fund. Pursuant to Ind. Code § 6-1.1-41-6, and as changed by HEA 1427, signatures from at least **twenty-five (25)** taxpayers are required for a valid objection.

Exceptions to the 30-day remonstrance period are limited to the Cumulative Building and Capital Improvement Fund (Ind. Code § 36-9-16-5) and the Cumulative Building for Hospitals Fund (Ind. Code § 16-22-5-4). Only these two funds require a ten-day remonstrance period.

Pursuant to Ind. Code § 6-1.1-41-3(e), the Department prescribes the manner in which the Notice of Adoption must be published.

The county auditor must immediately certify the objection petition(s) to the Department by verifying all of the following:

1. The number of taxpayers on the petition and counterparts who are property owners within the taxing district(s) where the proposed cumulative fund will be levied.
2. The proper number of qualified signatures appears on the petition and counterparts.
3. The petition(s) was filed within the proper number of days after the publication of the Notice of Adoption.

TAXPAYER REMONSTRANCE & HEARING

If a petition is certified by the county auditor to the Department, the Department must fix a date for a hearing within a reasonable time after receipt of the objection. The Department is **not** required to hold a public hearing on a taxpayer remonstrance unless the petition alleges by

reasonable statements of fact that the unit failed to comply with the procedural requirements under 1) Ind. Code § 6-1.1-41; 2) Ind. Code § 5-3-1; or 3) the enabling act for the cumulative fund. A hearing will be conducted by a hearing officer of the Department, at which time all affected taxpayers will have the right to be heard. As permitted by Ind. Code § 6-1.1-41-7, this hearing may be held through electronic means or in-person.

Notice of the hearing, under the signature of the Commissioner of the Department, must be given to the county auditor and the first ten (10) taxpayers whose names appear on the petition at least five (5) days before the date of the hearing. This notice must be sent by mail with prepaid postage at least five (5) days before the hearing date. This notice will indicate whether the hearing will be held electronically or in-person.

At the hearing, testimony will be accepted from those in opposition to, as well as those in favor of, the proposed cumulative fund. The hearing officer will submit a report on the hearing to the Commissioner. The Department must certify approval, disapproval, or modification of the proposal to the county auditor. The Department may only disapprove a cumulative fund upon a finding that the unit did not comply with the procedural requirements under 1) Ind. Code § 6-1.1-41; 2) Ind. Code § 5-3-1; or 3) the enabling act for the cumulative fund. The action of the Department with respect to the proposed fund is final.

SUBMISSION TO THE DEPARTMENT

A unit that adopts a proposed cumulative fund pursuant to Ind. Code § 6-1.1-41 must submit the adopted ordinance/resolution to the Department for approval **on or before May 31** of the year preceding the year in which the proposed levy takes effect. The following must be submitted to the Department:

- Procedure Checklist (**Appendix A**).
- Adopted resolution/ordinance of adopting body (**Appendix C, Appendix D, or Appendix E** as applicable).
- County auditor's Certificate of No Remonstrance, when available* (**Appendix F**, as applicable).

*While Ind. Code § 5-3-1-2(i) requires a Notice of Adoption to be published within 30 days of the date of adoption, Ind. Code § 6-1.1-41-4 requires that a proposal be submitted to the Department on or before May 31. The proposal must include a Certificate of No Remonstrance so that the Department is aware that no remonstrance has been filed prior to certifying the tax rate. However, a unit that adopts a cumulative fund in mid-May will not have a full 30 days to publish the Notice of Adoption before having to submit the proposal. In such a case, it would not be possible to have a Certificate of No Remonstrance both on or before May 31 **and** once the 30-day remonstrance window has expired. A unit may submit a Certificate of No Remonstrance after the May 31 deadline under the following conditions:

- The Notice of Adoption was published before May 31.
- The remonstrance period cannot end on or before May 31.
- All of the other required documents have been submitted to the Department on or before May 31.

The Department will not proceed with certifying the tax rate until the Certificate of No Remonstrance is received.

Ind. Code § 5-3-1-4, as presently written, does not distinguish between paper and electronic versions of newspapers. As more and more newspapers are moving entirely to an electronic format, some units may not have newspapers that publish paper editions in their jurisdiction. The unit should attempt, in compliance with Ind. Code § 5-3-1, to publish its notices in paper editions.

REVIEW BY THE DEPARTMENT

If no taxpayer remonstrance has been filed pursuant to Ind. Code § 6-1.1-41-6: The Department will verify that the tax rate for the cumulative fund as stated in the adopting ordinance does not exceed the tax rate that is permitted by the statute that allows the levy for the cumulative fund. A list of statutes and tax rates can be found in Table 2. The Department will certify the rate adopted by the unit, not to exceed the statutory maximum rate for the cumulative fund. If a submission is not filed on or before May 31, the Department has discretion not to certify the rate.

If a taxpayer remonstrance has been filed pursuant to Ind. Code § 6-1.1-41-6: After a hearing on the objections, the proposal will be reviewed by the Department for compliance with procedural requirements and whether the adopted rate does not exceed what is permitted by statute. If the adopted rate exceeds what is permitted by statute and the proposal is otherwise proper, the Department will approve the rate at the lesser of the adopted rate and the statutory maximum rate.

INCLUDING THE CUMULATIVE FUND IN THE UNIT'S BUDGET

An established cumulative fund may be levied beginning with the first annual tax levy imposed following approval of the proposal or in the year stated in the Department's order. Cumulative funds, with the exception of the Cumulative Building or Cumulative Capital Improvement Fund (Ind. Code § 36-9-16-4), do not expire and may be levied from year to year as long as they are advertised annually with the annual budget or are not time-limited by the establishing resolution/ordinance.¹ **Please note that if a unit adopts a rate for a cumulative fund as part of its budget adoption that is less than the rate at which the fund had been initially established, the unit will be held to that lesser rate the following year unless the unit reestablishes the fund at a higher rate. Again, to levy a tax in 2025, the fund must be properly adopted in 2024 and the petition timely submitted to the Department in 2024 (a unit seeking to levy a cumulative fund tax starting in 2025 should not adopt the cumulative fund until 2024).**

If the appropriate fiscal body wishes to increase the rate in subsequent years, the fund must be reestablished and presented to taxpayers (a unit establishing a municipal or county cumulative development fund may adopt three years' rates upon the establishment of such fund). The fund must also be reestablished if the use of the cumulative fund is changed. The tax rate may not exceed the rate specified by the statute authorizing the fund. The Department will apply the rate cap calculations to all cumulative funds as listed in this memorandum.

¹ Cumulative funds established under IC 16-22-5-2 and IC 16-23-1-40 also expire by statute, but they are not governed by IC 6-1.1-41.

ADDITIONAL GUIDANCE ON CUMULATIVE FUNDS

1. A tax to finance the fund may not be levied in the ensuing year if:
 - following a hearing on a taxpayer remonstrance, the establishment of a fund is found not to be in compliance with Ind. Code § 6-1.1-41 and other relevant statutes; or
 - the tax rate is not certified in conformity with Ind. Code § 6-1.1-41.
2. With the elimination of adjusting rates in accordance with Ind. Code § 6-1.1-18-12 starting with taxes payable in 2023, the Department will not accept any submissions to reestablish a cumulative fund from a local unit where the cumulative fund tax rate was certified by the Department at the statutory maximum for the current budget year. For example, if the Department certified a county's cumulative capital development fund tax rate at \$0.0333 for pay-2024, the Department will not accept a submission from the county to reestablish that cumulative fund's tax rate at \$0.0333 for pay-2025. This is because the tax rate is already at the maximum rate allowed by statute and is no longer subject to adjustment under Ind. Code § 6-1.1-18-12, therefore reestablishment and certification would be unnecessary. The county may, for pay-2025, adopt a lower tax rate for the cumulative fund and then for pay-2026 reestablish the cumulative fund at a higher tax rate.
3. Taxes collected for a cumulative fund must be deposited in that same fund and may only be used for the purposes authorized by the corresponding statute and the resolution/ordinance as adopted. All funds must be appropriated before expenditure. The Department must approve all appropriations, except for those involving the Cumulative Bridge Fund or Cumulative Levee Fund. Appropriations may be included in the unit's annual budget or may be performed through the additional appropriation process under Ind. Code § 6-1.1-18-5. Levies and rates, however, must be approved in the annual budget process.
4. If the unit establishing the fund decides that the need for which the fund was established has been satisfied or no longer exists or the unit rescinds the tax levy for the fund, the fiscal body shall, pursuant to Ind. Code § 36-1-8-5, order the balance of the fund to be transferred as follows, unless a statute provides that it be transferred otherwise:
 - (1) funds of a county, to the general fund or rainy-day fund of the county;
 - (2) funds of a municipality, to the general fund or rainy-day fund of the municipality;
 - (3) funds of a township for the redemption of township assistance obligations, to the township assistance fund of the township or rainy-day fund of the township; and
 - (4) funds of any other political subdivision, to the general fund or rainy-day fund of the political subdivision.
5. State Board of Accounts ("SBOA") has taken the position that transfers from cumulative funds are governed by the specific statutory language and SBOA would take exception to cumulative funds under Ind. Code § 6-1.1-41 being transferred to the rainy-day fund. SBOA would not take exception to the transfer of funds if the purpose for which the fund was established had been accomplished, the need for the fund no longer existed, or the unit rescinded the tax levy.

6. Fire Protection Territory Equipment Replacement Fund is subject to both Ind. Code § 36-8-19-8.5 and Ind. Code § 6-1.1-41. Thus, the legislative bodies of each participating unit must adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township), and the following requirements must be met:
 - (1) The ordinance or resolution is identical to the ordinances and resolutions adopted by the other participating units.
 - (2) Before adopting the ordinance or resolution, each participating unit must comply with the notice and hearing requirements of Ind. Code § 6-1.1-41-3.
 - (3) The ordinance or resolution authorizes the provider unit to establish the fund.
 - (4) The ordinance or resolution includes at least the following:
 - a. The name of each participating unit and the provider unit.
 - b. An agreement to impose a uniform tax rate upon all of the taxable property within the territory for the equipment replacement fund.
 - c. The contents of the agreement to establish the fund.
 - (5) A Notice of Adoption is published in accordance with Ind. Code § 5-3-1-4, which begins a 30-day remonstrance period.
 - (6) Objection petitions are processed as described on pages 2 and 3 of this Memorandum.
 - (7) All materials are submitted to the Department on or before May 31.

See Ind. Code § 36-8-19-8.5 for more information. **Appendix D** features a template ordinance/resolution.

7. Before a Cumulative Firefighting Building and Equipment Fund may be established by a Fire Protection District, the county legislative body that appoints the trustees of the District must approve the establishment of the fund.

Special note on CCD fund tax rates for counties & municipalities

Ind. Code § 36-9-14.5-6 provides for a maximum rate of \$0.0333 for counties with a local income tax (LIT) in effect as of January 1 of the year then the levy would be imposed. Counties without a LIT in effect as of January 1 can have a maximum rate of \$0.0233.

Ind. Code § 36-9-15.5-6 provides for a maximum rate of \$0.05 for municipalities located in a county with a local income tax (LIT) in effect as of January 1 of the year then the levy would be imposed. A municipality in a county without a LIT in effect as of January 1 can have a maximum rate of \$0.04.

Table 1: Statutory Authority for Common Cumulative Funds

<u>Fund</u>	<u>Fund Number</u>	<u>Statutory Authority</u>
Cumulative Voting System Fund	0191	IC 3-11-6
Cumulative Channel Maintenance Fund	0990	IC 8-10-5-17
Cumulative Bridge Fund	0790	IC 8-16-3-1
Major Bridge Fund	0792	IC 8-16-3.1-4
Airport Cumulative Fund	2190	IC 8-22-3-25
Cumulative Levee Fund (Vanderburgh Co.)	0901	IC 14-27-6-48
Cumulative Improvement Fund	2390	IC 14-33-21-2
Cumulative Hospital Sinking Fund		IC 16-22-4-1
Cumulative Hospital Fund		IC 16-22-8-41
Cumulative Fire Fund (Fire District) ²	8691	IC 36-8-14-2
Cumulative Fire Fund (Township)	1190	IC 36-8-14-2
Cumulative Fire Fund (Municipality)	1191	IC 36-8-14-2
Cumulative Transportation Fund	8090	IC 36-9-4-48
Cumulative Courthouse Fund	0590	IC 36-9-14
Cumulative Capital Development (County Unit)	2391	IC 36-9-14.5
Cumulative Jail Fund	1192	IC 36-9-15
Cumulative Capital Development (Municipality)	2391	IC 36-9-15.5
Cumulative Building and Capital Improvement Fund	1092	IC 36-9-16
Cumulative General Improvement Fund	2392	IC 36-9-17
Cumulative Township Vehicle and Building Fund	1090	IC 36-9-17.5
Cumulative Bldg. Fund for Municipal Sewers	6290	IC 36-9-26
Cumulative Drainage Fund	0991	IC 36-9-27-100
Cumulative Park Fund (County and Municipality)	1390	IC 36-10-3-21
Cumulative Park Fund (Certain Cities)	1390	IC 36-10-4-36
Township Cumulative Park Fund	1390	IC 36-10-7.5-9
Fire Protection Territory Equipment Replacement Fund ³	8692	IC 36-8-19-8.5
Cumulative Public Safety Officer Survivor's Health Coverage Fund	0193	IC 36-8-8-14.2

² Before this fund may be established by a Fire Protection District, the county legislative body that appoints the trustees of the District must approve the establishment of the fund.

³ The process for establishing a Fire Protection Territory Equipment Replacement Fund is governed by both IC 36-8-19-8.5 and IC 6-1.1-41.

Table 2: Cumulative Fund Maximum Rates

<u>Fund</u>	<u>Fund Number</u>	<u>Indiana Code Citation</u>	<u>Maximum Rate</u>
Cumulative Voting System Fund	0191	IC 3-11-6	\$0.0167
Cumulative Channel Maintenance Fund	0990	IC 8-10-5-17	\$0.0333
Cumulative Bridge Fund	0790	IC 8-16-3-1	\$0.10
Major Bridge Fund	0792	IC 8-16-3.1-4	\$0.0333
Airport Cumulative Fund	2190	IC 8-22-3-25	\$0.0167
Cumulative Levee Fund (Vanderburgh Co.)	0901	IC 14-27-6-48	\$0.0067
Cumulative Improvement Fund	2390	IC 14-33-21-2	\$0.0333
Cumulative Hospital Sinking Fund ¹		IC 16-22-4-1	
Cumulative Hospital Fund		IC 16-22-8-41	\$0.0667
Cumulative Fire Fund (Fire District)	8691	IC 36-8-14-2	\$0.0333
Cumulative Fire Fund (Township)	1190	IC 36-8-14-2	\$0.0333
Cumulative Fire Fund (Municipality)	1191	IC 36-8-14-2	\$0.0333
Cumulative Transportation Fund	8090	IC 36-9-4-48	\$0.0667
Cumulative Courthouse Fund	0590	IC 36-9-14	\$0.1667
Cumulative Capital Development (County Unit) ²	2391	IC 36-9-14.5	\$0.0333
Cumulative Jail Fund ¹	1192	IC 36-9-15	
Cumulative Capital Development (Municipality) ³	2391	IC 36-9-15.5	\$0.05
Cumulative Building and Capital Improvement Fund	1092	IC 36-9-16	\$0.33
Cumulative General Improvement Fund	2392	IC 36-9-17	\$0.1667
Cumulative Township Vehicle and Building Fund	1090	IC 36-9-17.5	\$0.0167
Cumulative Bldg. Fund for Municipal Sewers	6290	IC 36-9-26	\$1.00
Cumulative Drainage Fund	0991	IC 36-9-27-100	\$0.05
Cumulative Park Fund (County and Municipality)	1390	IC 36-10-3-21	\$0.0167
Cumulative Park Fund (Certain Cities)	1390	IC 36-10-4-36	\$0.0333
Cumulative Park Fund (Township)	1390	IC 36-10-7.5-19	\$0.0167
Fire Protection Territory Equipment Replacement Fund	8692	IC 36-8-19-8.5	\$0.0333
Cumulative Public Safety Officer Survivor's Health Coverage Fund	0193	IC 36-8-8-14.2	See Note 4

¹ Where the "Maximum Rate" column is blank, there is no maximum statutory rate for that fund.

² There is a two-year phase-in of the rate. A newly established county CCD fund will have a maximum rate of \$0.0167 in its first year and \$0.0333 for every year thereafter, subject to trending under IC 6-1.1-18-12.

³ There is a three-year phase-in of the rate. A newly established municipality CCD fund will have a maximum rate of \$0.0167 in its first year, \$0.0333, in its second year, and \$0.05 for every year thereafter, subject to trending under IC 6-1.1-18-12.

⁴ The maximum allowable rate is the rate necessary to pay the annual cost of the health coverage that the unit is obligated to pay under IC 36-8-8-14.1(h). The unit must include information supporting the proposed rate when submitted the proposal to the Department for certification.

Table 3: Cumulative Funds Subject to IC 6-1.1-18-12 Rate Cap Adjustment

<u>Fund</u>	<u>Fund Number</u>	<u>Subject to Adjustment</u>
Cumulative Voting System Fund	0191	No
Cumulative Channel Maintenance Fund (Counties & Port Authorities)	0990	No
Cumulative Bridge Fund	0790	No
Major Bridge Fund	0792	No
Airport Cumulative Fund	2190	No
Cumulative Levee Fund (Vanderburgh Co.)	0901	No
Cumulative Improvement Fund	2390	No
Cumulative Hospital Sinking Fund		No
Cumulative Hospital Fund		No
Cumulative Fire Fund (Fire District)	8691	No
Cumulative Fire Fund (Township)	1190	No
Cumulative Fire Fund (Municipality)	1191	No
Cumulative Transportation Fund	8090	No
Cumulative Courthouse Fund	0590	No
Cumulative Capital Development (County Unit)	2391	No
Cumulative Jail Fund	1192	No
Cumulative Capital Development (Municipality)	2391	No
Cumulative Building and Capital Improvement Fund	1092	No
Cumulative General Improvement Fund	2392	No
Cumulative Township Vehicle and Building Fund	1090	No
Cumulative Bldg. Fund for Municipal Sewers	6290	No
Cumulative Drainage Fund (County)	0991	No
Cumulative Drainage Fund (Municipality)	0991	No
Cumulative Park Fund (County and Municipality)	1390	No
Cumulative Park Fund (Certain Cities)	1390	No
Cumulative Park Fund (Township)	1390	No
Fire Protection Territory Equipment Replacement Fund	8692	No
Cumulative Public Safety Officer Survivor's Health Coverage Fund	0193	No
Cumulative Conservancy Improvement Fund	2393	No

**NOTICE TO TAXPAYERS OF HEARING ON PROPOSED
REESTABLISHMENT OF THE CUMULATIVE
CAPITAL DEVELOPMENT FUND**

Notice is hereby given to the taxpayers of the City of Bloomington, Monroe County, Indiana, that the Bloomington Common Council will consider at Council Chambers, 401 N Morton St, Bloomington IN 47404 at 6:30 pm on March 26, 2025, the reestablishment of the Cumulative Capital Development Fund under the provisions of Indiana Code 36-9-15.5 for all purposes set out in Indiana Code 36-9-15.5.

The tax will be levied on all taxable real and personal property within the taxing district and will not exceed \$0.05 per \$100 of assessed valuation. The proposed fund will be levied beginning with taxes due and payable in the year 2026. Taxpayers appearing at such hearing shall have the right to be heard thereon. The proposed tax rate for the Cumulative Capital Development Fund is subject to certification by the Department of Local Government Finance.

Within 30 days after the date of the adoption of the cumulative fund by the Bloomington Common Council, the City of Bloomington will publish a Notice of Adoption.

Upon publication of the Notice of Adoption, 25 or more taxpayers in the taxing district may file a petition with the County Auditor not later than noon 30 days after the publication of the Notice of Adoption setting forth their objections to the proposed fund.

Dated this _____ day of _____, 2025.

Jessica McClellan, City of
Bloomington Controller

Herald Times:

Please publish Notice two times. Friday March 14 and Friday March 21

Send Invoice and Affidavit to:

City Controller's Office. Account # 552305 City –Controller
401 N Morton St Ste 240 Bloomington IN 47404

NOTICE OF ADOPTION

To the taxpayers of the City of Bloomington, Indiana.

You are hereby notified that on _____, 2025, the City of Bloomington, Monroe County, Indiana, pursuant to notice heretofore given, and under and by virtue of IC 36-9-15.5, duly adopted a plan whereby a Cumulative Capital Development Fund was reestablished to provide for all uses set forth in IC 36-9-15.5.

The fund will be provided for by a property tax rate of \$0.05 per one hundred dollars (\$100.00) of taxable real and personal property within the taxing unit beginning in 2025 payable 2026 and thereafter, continuing until reduced or rescinded.

Twenty-five or more taxpayers in the taxing unit who will be affected by the tax rate and corresponding levy may file a petition with the Monroe County Auditor not later than noon 30 days after the publication of this Notice setting forth their objections to the proposed cumulative fund. Upon the filing of the petition, the County Auditor shall immediately certify the same to the Department of Local Government Finance, at which point the Department will fix a date for and conduct a public hearing on the proposed cumulative fund before issuing its approval, disapproval, or modification thereof.

Dated this _____ day of _____, 2025.

Jessica McClellan, Controller
City of Bloomington

Herald Times:
Please publish Notice one time. Tuesday April 1

Send Invoice and Affidavit to:
City Controller's Office. Account # 552305 City –Controller
401 N Morton St Ste 240 Bloomington IN 47404

Controller – Notify Auditor of remonstrance period, requirements of signers, DLGF procedure.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Council Administrator/Attorney

Date: February 28, 2025

Re: Resolution 2025-04 – To Dissolve One Standing Committee and Establish One Standing Committee of the Common Council

Synopsis

This resolution is sponsored by Councilmember Flaherty and Councilmember Piedmont-Smith, and it dissolves the Climate Action & Resilience Committee and establishes the Committee on Council Processes as a standing committee of the Council. It also repeals Section 5 of Resolution 22-02 and Section 9 of Ordinance 13-05 and states that Council work sessions are considered meetings of the full Council.

Relevant Materials

- Resolution 2025-04
- Sponsor memo from Councilmember Flaherty

Summary

Pursuant to Bloomington Municipal Code [2.04.210](#), the Council may, by resolution, establish standing committees and define the duties and responsibilities of each committee to facilitate the transaction of business. The Council may also create or abolish standing committees by adoption of subsequent resolutions.

On February 19, 2020, the Council adopted [Resolution 20-01](#), which created nine standing committees of the Council, including the Climate Action & Resilience Committee. Eight of those nine standing committees were dissolved on January 13, 2021, by passage of [Resolution 22-02](#). In the years since the creation of the Climate Action & Resilience Committee, the City, in collaboration with other regional entities, have created other avenues for engagement with climate action, including Project 46, the City's Climate Action Team, and the new Transportation Commission. For this reason, the sponsors suggest dissolving the committee.

At the Council's Organizational Meeting on January 11, 2023, then-council president Sgambelluri established the Special Committee on Council Processes (SCCP), which was created in order to review matters affecting the Council's own rules and processes. The special committee was continued by then-council president Piedmont-Smith at the Organizational Meeting on January 10, 2024, and it was continued once more by council president Stosberg at this year's Organizational Meeting on January 8, 2025.



Since its creation, the SCCP has been involved in board and commission reform. It produced a [report on board and commission reform](#), following its review of the [Novak Consulting Group Report](#) assessing the City's boards and commissions. The SCCP then reviewed the municipal code provisions governing city boards and commissions, in conjunction with comments received from staff liaisons and board and commission members about what changes they would want to see to city code. This overview resulted in the creation and passage of [Ordinance 2025-05](#) at the Council's Regular Session on February 20, 2025.

By nature, special committees are temporary bodies created for a specific purpose that automatically terminate once their purpose and work has concluded. Standing committees, on the other hand, are more permanent bodies with regular meetings and responsibilities. Because the work of this special committee is ongoing and has been reaffirmed two years after its creation, the sponsors suggest establishing it as a standing committee of the Council.

This resolution also addresses the waiver of any local requirement that a quorum is required to conduct Council work sessions, which is present in both Section 5 of [Resolution 22-02](#) and Section 9 of [Ordinance 13-05](#). The Council amended its electronic meetings policy by passage of [Resolution 2024-04](#) on November 26, 2024, which sought to clarify application of this waiver to the electronic meetings policy. This resolution would repeal this waiver to explicitly state that Council work sessions are meetings of the full Council.

Contact

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

RESOLUTION 2025-04

**TO DISSOLVE ONE STANDING COMMITTEE AND
ESTABLISH ONE STANDING COMMITTEE
OF THE COMMON COUNCIL**

- WHEREAS, the City of Bloomington Common Council (“Council”) has an interest in the efficient governance of the City; and
- WHEREAS, BMC 2.04.210 provides that the Council may, by resolution, create or abolish standing committees; and
- WHEREAS, the Council currently has the following standing committees: Climate Action & Resilience Committee, Sidewalk Committee, Jack Hopkins Social Services Funding Committee, three Board and Commission Interview Committees responsible for recommending the appointment of citizens to serve on the City’s boards and commissions; along with a Special Fiscal Committee and a four-member delegation of councilmembers who serve on the Monroe County Public Safety Local Income Tax Council; and
- WHEREAS, the Council wishes to dissolve the Climate Action & Resilience Committee in favor of utilizing several other recently developed forums to collaborate on and implement climate change mitigation and adaptation strategies, policies, and actions in the City, including but not limited to the City’s Climate Action Team, the Project 46 regional climate alliance, and the newly formed Transportation Commission; and
- WHEREAS, the Council created a Special Committee on Council Processes by action of the council president in 2023, in order to make recommendations to the Council on matters affecting its own processes, and its existence has been reaffirmed by the ensuing council president each year thereafter; and
- WHEREAS, the Council recognizes the work done by the special committee in 2023 and 2024 was valuable, including board and commission reform and review of municipal code governing the City’s boards and commissions resulting in the creation and passage of Ordinance 2025-05; and
- WHEREAS, special committees are temporary governing bodies that disband once their work is complete, and the Council recognizes that more work in this domain remains to be done that would best be served by the creation of a more permanent standing committee with ongoing responsibilities; and
- WHEREAS, the committees not dissolved or otherwise affected herein should continue unchanged; and
- WHEREAS, Resolution 22-02 and Ordinance 13-05 allowed work sessions to be held without the presence of a quorum, or majority of members in attendance, but state code does not define “work session” and only defines the term “meeting”; and
- WHEREAS, the Indiana Open Door Law defines “meeting” as “a gathering of a majority of the governing body of a public agency for purpose of taking official action upon public business” (I.C. 5-15-1.5-2); and
- WHEREAS, the Council wishes any “work session” to also fulfill the requirements of a “meeting”, such that a quorum of members in conformity with the Council’s electronic meetings policy, as amended by Resolution 2024-24, is required for the meeting to proceed; and

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

SECTION 1. Dissolution of the Climate Action & Resilience Committee. The Climate Action & Resilience Committee shall be dissolved upon passage of this resolution.

SECTION 2. Establishment of the Committee on Council Processes as a Standing Committee of the Council. The Committee on Council Processes shall be established as a standing committee of the Council upon passage of this resolution. It shall consist of four Councilmembers whose purpose is to make recommendations to the full Council on the following matters:

- a. The internal processes and procedures of the Council and how the work of the Council can be more accessible, equitable, efficient, and transparent;
- b. Best practices related to recruitment and appointment of residents to the City's boards and commissions, in collaboration with the City Clerk, and ways to optimize interactions between those boards and commissions and the Council; and
- c. Specific questions related to Council processes that are brought to the committee by the full Council.

SECTION 3. Council Work Sessions. All Council work sessions are considered meetings of the full Council. Section 5 of Resolution 22-02 and Section 9 of Ordinance 13-05 are hereby repealed.

SECTION 4. Severability. If any section, sentence or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2025.

Hopi Stosberg, 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Flaherty and Councilmember Piedmont-Smith, and it dissolves the Climate Action & Resilience Committee and establishes the Committee on Council Processes as a standing committee of the Council. It also repeals Section 5 of Resolution 22-02 and Section 9 of Ordinance 13-05 and states that Council work sessions are considered meetings of the full Council.

To: Bloomington Common Council
From: Matt Flaherty, Chair, Climate Action and Resilience Committee
Date: February 28, 2025
Subject: Recommendation to Dissolve Climate Action and Resilience Committee and Redirect Climate Policy Implementation to Other Channels

Summary

This memo explains the rationale supporting the proposed dissolution of the council's Climate Action and Resilience Committee via Resolution 2025-04. It follows up on a discussion among council members at a January 15 deliberative meeting, where this change was proposed.

Over the past four years, I believe the committee has been successful in three major focus areas: climate planning and policy development; resourcing to support climate action; and Climate Action Plan (CAP) tracking and accountability. It has been less successful in its efforts to develop legislation to implement CAP actions.

In the first three focus areas noted, the committee helped achieve structural or systemic changes that are now broadly self-sustaining and don't require as much dedicated focus. Climate policy implementation is where the most attention is now needed—an area where the committee structure has proven to be somewhat ill fitted. At the same time, several recent initiatives and structures, including the city's Climate Action Team, Project 46, and the new Transportation Commission, seem to be more promising avenues for the city council's efforts on climate change. I believe that by focusing effort and attention in these areas, the city council will be able to better support and achieve our city goals on climate action and resilience.

Background and Context

For at least two decades, the City of Bloomington has been a local and regional leader on addressing anthropogenic climate change and its impacts, urging swift and appropriate action.

A non-exhaustive list of milestones include:

- 2005: [Ordinance 05-15](#), an ordinance to establish a resident Commission on Sustainability
- 2006: [Resolution 06-05](#), a resolution supporting the Kyoto Protocol and the reduction of the community's greenhouse gas emissions
- 2006: Bloomington signs on to the [Mayors Climate Protection Agreement](#)
- 2009: Final Report of the [Peak Oil Task Force](#), outlining a range of sustainability policies and actions at the city and community level to reduce reliance on fossil fuels
- 2017: Bloomington joins the [We Are Still In](#) coalition, a commitment to meet the targets of the Paris Climate Agreement following the Trump Administration's withdrawal from the Agreement.
- 2018: Production of city's first municipal operations and community-scale [greenhouse gas \(GHG\) inventory](#) aligning with global protocols (although prior inventories were conducted)

- 2018: Adoption of the Bloomington [Sustainability Action Plan](#), developing a broad set of sustainability goals and actions, including a Climate Change and Adaptation chapter
- 2021: Adoption of the Bloomington [Climate Action Plan](#), establishing a new target of net zero emission by 2050.
- 2022: Bloomington co-launches [Project 46](#), a regional climate collaborative seeking to deepen regional, intergovernmental, and cross-sectoral climate commitments and action.

Committee’s Creation and Focus

The council’s Climate Action and Resilience Committee was created in 2020 via Resolution 20-01, which established a fairly comprehensive set of standing committees covering major areas of city government. One major purpose of the new slate of committees was to hear and make recommendations on legislation referred to them by the city council. These committees were used most actively in 2020, then less so in 2021, largely reflecting divergent views among council members about preferred legislative processes. In 2022, most were dissolved.

The Climate Action and Resilience Committee was not dissolved in 2022, perhaps in part because it had focused less on legislation via referral and more on planning, resourcing, and follow-through with the city’s climate commitments (broadly outlined above). When the committee was created, the city had no climate action plan, no net-zero GHG emissions commitment, and limited resources available to pursue climate action.

The committee supported the development and adoption of the Climate Action Plan (CAP) in 2021, including establishing a new goal of net-zero GHG emissions community wide by 2050. Following adoption of the plan, the committee worked with sustainability staff to help track implementation and identify barriers that may prevent success. Based on this work, the committee advocated for additional resourcing in the form of more staff and dedicated funding.

Both recommendations were generally achieved. A second full-time staff member focused on sustainability and climate action joined the Economic and Sustainable Development (ESD) department in late 2022. With the passage of the Economic Development Local Income Tax in 2022, significant resources were dedicated to CAP implementation—primarily via the ESD budget and a long-term funding agreement with Bloomington Transit to help electrify its fleet and improve transit services. Additional general obligation bonds passed around the same time meaningfully advanced sustainable transportation infrastructure.

Along with resourcing, the committee sought to achieve systematic tracking and accountability with CAP implementation. Initially, this took the form of a lengthy spreadsheet documenting progress on all actions contained in the CAP. This evolved into the [Bloomington Climate Action Dashboard](#), which the committee actively supported during its development.

In its primary areas of focus—planning, resourcing and CAP implementation tracking—the committee has broadly succeeded. The other most significant area of focus for the committee was advancing legislative changes called for in the CAP. However, the committee structure proved to be poorly suited for the development of legislation due to the meeting frequency and

staff and stakeholder attendance needed. Scheduling challenges and committee member capacity also led to limited legislative productivity within the committee. Instead, CAP-aligned legislation has mostly been taken on by individual council members working with city staff on specific CAP actions (e.g., multiple CAP-aligned changes to the Unified Development Ordinance are expected to come before the city council soon). Based on this experience, CAP implementation will likely be better supported through structures other than a council committee.

New Opportunities and Focus

Over the past several years, the city has developed or adapted multiple structures to advance our climate goals. All of these bodies have city council representation and are dedicated (fully or in significant part) to climate policy implementation; and most did not exist when the Climate Action and Resilience Committee was created. These include, but are not limited to:

- **Climate Action Team** – This team is led by Shawn Miya, Assistant Director for Sustainability, and grew out of an earlier city green team. Following a recommendation in the CAP, the city council now has representation on the team, which is the primary forum to coordinate climate policy implementation across city government.
- **Project 46** – The city council has representation as an Advisory Member of this regional climate collaborative, which is in the process of forming governance structures and areas of focus.
- **Transportation Commission** – This new commission, which includes city council representation, covers sustainable transportation as one of its core functions. The transportation chapter of the CAP is one of the more significant, reflecting the large contribution of the sector to our local GHG emissions.
- **Council's Fiscal Committee** – The council's new fiscal committee is well positioned to build on the Climate Action and Resilience Committee's past work on resourcing climate action. As noted, increased staffing and steady funding streams have been secured, but capital investments and planning will be needed in many areas (e.g., to invest in energy efficiency and electrification to fully decarbonize all city facilities in coming years).
- **Bloomington Commission on Sustainability** – Through recent legislation, the commission's purpose was updated to explicitly include CAP implementation and related plans (e.g., a forthcoming Climate Resilience Plan).

Other needs may emerge and appropriate groups can be identified or created as needed. For example, a major focus area could be Duke Energy's integrated resource plans and rate cases, since the GHG emissions associated with Bloomington's electricity consumption are a major driver of local climate pollution. If a Task Force or dedicated team were created to participate more extensively than the city has previously managed to do, it would likely be a collaborative group with council representation, similar to those identified in the bulleted list above.

In sum, while the Climate Action and Resilience Committee helped the City of Bloomington make meaningful progress on climate change policy over the past four years, I believe the city's current needs in this area are best served by directing council members' time and effort into the multiple other avenues where climate policy implementation is occurring in city government.