

Committee on Council Processes Meeting Agenda

City of Bloomington Common Council

Monday, August 31, 2026 at 5:30 pm

McCloskey Conference Room, #135, City Hall, 401 North Morton Street, Bloomington, Indiana

The meeting may also be accessed remotely¹.

Chair: Isabel Piedmont-Smith

Topics to be Discussed:

1. Agenda review and approval

2. Committee member and Clerk updates

3. Legislation re. Boards and Commissions (CM Stosberg)

A. Old Business

- i. Transportation Commission
- ii. Environmental Commission

B. New Business

- i. Historic Preservation Commission (including public comment)
- ii. Bloomington Public Transportation Board (including public comment)

4. Ongoing Title 2 review

- A. Review of Title 2 redline (starting with 2.04.220: Standing Committees – Meetings)
- B. Public comment
- C. Next steps

5. Adjournment

Pursuant to applicable law and policy, the following details are provided regarding the officers serving on this committee. Committee Members:

- Isabel Piedmont-Smith (Chair), Appointed by Council President, Term 01/07/2026-01/06/2027
- Courtney Daily, Appointed by Council President, Term 01/07/2026-01/06/2027
- Hopi Stosberg, Appointed by Council President, Term 01/07/2026-01/06/2027
- Sydney Zulich, Appointed by Council President, Term 01/07/2026-01/06/2027

Committee on Council Processes meetings can be watched on the following websites:

- [Community Access Television Services \(CATS\)](#)²
- [City's YouTube Channel](#)³

[Materials for meetings](#)⁴ are available on the committee website.

Posted Date: 8/28/2026

¹ <https://bloomington.zoom.us/j/89975909986?pwd=bQ8M0jRIKOVFsTxt16aUapbbPY2ab3.1>

² <https://catstv.net/index.php>

³ <https://youtube.com/@citybloomington>

⁴ <https://bloomington.in.gov/council/processes>

HPC Commissioner Reynard Cross' Requests to the CCP

Summary by Isabel Piedmont-Smith, CCP Chair for 8/31/26 meeting

- What portions of his briefing are relevant to multiple boards & commissions?
- Does the Committee on Council Processes want to take any actions to avoid similar problems in the future (at HPC and/or other boards/commissions)?

Issue 1: Commissioners wanted to postpone the vote on releasing a demolition delay but did not think they had the opportunity to do so

Can a non-voting commissioner make a motion?

Is it the chair's responsibility to render a concern expressed by one or more commissioners into a motion?

Need for better training on Robert's Rules for commissioners

Issue 2: A motion to limit commissioner comments to 3 minutes was adopted without meeting the $\frac{2}{3}$ majority threshold

Need for better training on Robert's Rules for both commissioners and staff

Issue 3: The Chair limited a commissioner's speaking time without a motion and vote by the commission

Need for better training on Robert's Rules for both commissioners and staff

Should there be accountability for the mistakes in items 1, 2, and 3 above? With whom does that accountability rest?

Conversation with HPC chair and/or all HPC members

Conversation with HPC staff liaison(s)

What can be done to prevent such problems in the future?

Short-term: Reminders to other commissions/boards and staff liaisons?

Long-term: Make training mandatory?

BRIEFING FOR THE BLOOMINGTON CITY COUNCIL

Committee on Council Processes

From:	Reynard Cross, Commissioner, Bloomington Historic Preservation Commission
To:	Committee on Council Processes: Isabel Piedmont-Smith (Chair), Courtney Daily, Hopi Stosberg, Sydney Zulich
Date:	31 July 2026
Subject:	Procedural failures in the Bloomington HPC's handling of DD 26-08/DD 26-09 (Seminary Pointe), the legal question of whether those decisions can be corrected, and recommended Council intervention/action.

I. Purpose of This Briefing

1. This briefing concerns procedural failures in the Bloomington Historic Preservation Commission's ("HPC") handling of DD 26-08 and DD 26-09 (Seminary Pointe), and in its conduct across three separate meetings addressing that matter, whether those failures can still be corrected, and what action this Committee can take in response. Procedural rules exist to make a public body's decisions trustworthy as an exercise of genuine deliberation, not as a predetermined outcome dressed in the form of a hearing. That is true of any board or commission, and it does not depend on the merits of any particular matter that body decides. This briefing is written from that premise, and only that premise: it does not take a position on whether the buildings at Seminary Pointe should be preserved, and nothing in it depends on that question being resolved one way or the other. It is concerned only with whether the Bloomington Historic Preservation Commission ("HPC") followed the procedures its own rules and Robert's Rules of Order require in deciding DD 26-08 and DD 26-09, and with what the Committee can do in response to the fact that it did not.
2. The stakes here are higher than an ordinary process complaint, for three specific reasons. First, the decision at issue is irreversible: once a building is demolished, no later correction is available to anyone, for any reason. Second, the procedural failures are not isolated to a single meeting — they recurred across three consecutive HPC meetings on the same matter, on 25 June, 9 July, and 23 July 2026, described in Sections IV through VI below. Third, the City Attorney's office has taken the position, addressed in Section IX, that the HPC has no power to correct any of this internally, regardless of how clearly a rule was broken. An irreversible decision, reached through a repeated pattern of rule violations, that the Commission itself says it cannot fix, is precisely the kind of situation a Committee on Council Processes exists to address.
3. Delay compounds this problem rather than resolving it. The 30-day statutory window under Indiana Code 36-7-4-1605 has already closed as of this writing; the structural implications of that window, and the reform it motivates, are addressed in Section IX. Independent of that specific window, every week that passes allows the City Attorney's 9 July legal opinion — addressed in Section IX and incompletely reasoned for the reasons explained there — to harden into unchallenged precedent for how future demolition delay disputes are handled, whether or not that opinion is ultimately correct. There is no procedural benefit to waiting; there is only cost.
4. This briefing also carries legal and administrative implications beyond this specific dispute. Absent Committee action, the City's own on-the-record legal position is that HPC decisions reached through documented rule violations are permanently uncorrectable from within the Commission — a position that would apply to every future HPC decision, not only this one, and one the Committee should not allow to stand unexamined by default.

5. In short, the Committee is asked to recognize that these procedural failures occurred, request an independent legal review of them, adopt the structural reforms set out in Section X, and direct that the resolution read into the record upon release be revised. This briefing takes no position on whether a continuance would have changed the outcome of either vote on the merits — only on whether the Commission was required to hold one. This is not a legal filing, and its legal conclusions should be confirmed by counsel before Council relies on them. The full account of what occurred appears in Sections IV through VI; the complete recommendations appear in Section X.
6. A related but distinct set of written Points of Information — addressing the Commission's handling of the 25 June and 9 July votes described in this briefing, as well as its conduct at the 23 July meeting described in Section VI — has been submitted separately to the HPC Chair, and a copy is attached. That submission and this briefing are not duplicative; they are directed to the bodies with actual authority over the questions each raises. The HPC Chair can speak to what happened at meetings he presided over. Only this Committee and the Council can consider the ordinance amendments, legislative advocacy, and structural reforms this briefing recommends. Both are being pursued in parallel, through the appropriate channel for each, rather than one waiting on the other.

II. Executive Summary

7. On June 25, 2026, the Bloomington Historic Preservation Commission ("HPC") voted 4-2 to release the demolition delay on two buildings at Seminary Pointe (DD 26-08 and DD 26-09) without ever voting on a request to continue the matter two weeks, which was properly raised and which staff confirmed was feasible. This was a violation of the Commission's own Article I(J) and of Robert's Rules of Order ("RONR") §§4 and 14-17, both binding on the Commission under Article I(L). On July 9, 2026, the Commission compounded this by treating a motion to limit dissenting commissioners' speaking time as adopted despite receiving only 5 of the 8 votes RONR §15 requires for such a motion (a two-thirds threshold, i.e. 6 votes). On July 23, 2026, addressed in Section VI, the Commission's handling of these same issues was compounded a third time, when this author's attempt to raise them directly with the Commission was itself cut short.
8. The City Attorney's office has concluded, relying on *Monroe County BZA v. Bedford Recycling, Inc.* (Ind. 2025), that the HPC has no power to undo the June 25 votes internally. This briefing does not dispute that an agency generally cannot rescind its own final decision — but that rule governs an agency changing its mind about a validly reached decision. It does not resolve whether a court may hold, on judicial review, that no valid decision was ever reached in the first place because mandatory voting procedure was not followed. That question remains open and is addressed in Section IX.
9. The botched process already has one concrete consequence. This author had given the City Attorney's office a procedural memorandum on the June 25 votes nearly a week earlier, and Commissioner Butler had given several days' notice of his intent to move to rescind those votes, yet the City Attorney's office withheld its own opinion on the question until minutes before the July 9 meeting began. Commissioner Butler stood down from that motion on the strength of an opinion no commissioner had time to examine or debate. This briefing takes no position on whether any party should pursue judicial review under IC 36-7-4, and does not anticipate or rely on any specific party doing so; the reforms recommended in Section X are aimed at preventing this kind of foreclosed, rushed process in future demolition delay matters, independent of how or whether this specific decision is ever reviewed.

III. Background: What the HPC Does and Why the Process Matters

10. The Historic Preservation Commission is a public body created under state law (Indiana Code 36-7-11) and city ordinance. Among its responsibilities is reviewing demolition delay matters: applications to demolish buildings that may hold historic or architectural significance. In each case, the Commission decides either to vote against recommending the property for local historic designation — which releases the property from the remainder of its waiting period — or to recommend the property to the Common Council for historic

designation. A note on terminology: the Commission's own Rules and Procedures specifically state, in Article I(K), that "no Demolition Delay case will be considered a petition" for purposes of those rules. This briefing accordingly refers to Demolition Delay matters as "requests" or "applications," not "petitions," and that distinction matters a great deal to the analysis in Section IV below.

11. City ordinance (BMC 20.06.050) gives the Commission up to four months to gather information, hear from the public, and decide whether to recommend a building for historic designation before demolition can proceed. This waiting period exists for one reason: once a building is demolished, that decision cannot be undone. The process is built around deliberation precisely because the outcome is irreversible.
12. The Commission has adopted its own Rules and Procedures to govern how it conducts this work, and it has adopted Robert's Rules of Order Newly Revised ("RONR") as its binding parliamentary authority. Three provisions matter most for this briefing: Article I(K), which allows members to delay discussion of a demolition delay matter until enough information has been presented; Article I(J), which requires that the final disposition of any request be framed "in terms of a motion to grant, deny, or continue by the Commission"; and Article I(L), which makes RONR's requirements binding on how the Commission conducts its meetings, including its voting thresholds.
13. The two matters at issue — DD 26-08 (422/424 S. College Ave.) and DD 26-09 (222 W. 2nd St.) — are 1950s modernist commercial buildings tied to a Capital Improvement Board ("CIB") convention center expansion. Both buildings currently provide 29 units of affordable housing (a figure confirmed in a 10 July 2026 letter from five City Council members to the RDC; that figure would fall to 21 units following demolition of the separately condemned building on the same block referenced in paragraph 14 below), and a community land trust proposal for the site had been unanimously endorsed by City Council on June 3, 2026. Both buildings also have documented ties to locally significant history, including a conservation-award recipient, a patent-holding engineer, and a recording studio.
14. It is worth noting for context that a third, separate building on the same Seminary Pointe block — not one of the two buildings at issue in DD 26-08 or DD 26-09 — has been treated by county officials and by housing advocates themselves as unsalvageable. This distinction matters: it shows the case for a proper process here does not rest on treating the entire block as structurally sound or uniformly historic. It rests specifically on the two buildings the Commission's own 2018 survey rated as "contributing," which are the only buildings this briefing is about.

IV. The June 25, 2026 Meeting: What Happened

15. At the hearing on both matters, Bloomington Homes For All (represented by attorney William Morris) and several members of the public testified. Attorney Morris asked for a short continuance — a couple of days — to present additional research on the buildings' layered history. Separately, and during the same discussion, multiple commissioners — Butler and Schlegel, joined by this author in an advisory capacity — expressed clear support for continuing both matters to the Commission's next regular meeting, two weeks later.
16. That two-week interval was not an arbitrary or negotiated figure. The HPC meets on the second and fourth Thursday of every month, so two weeks is simply the next available opportunity to decide, absent an extraordinary meeting. It has also been the Commission's traditional practice to give staff an initial period of roughly two weeks to begin requested research, with a further extension granted at the following meeting if more time turned out to be needed — a practice a commissioner referenced directly on the record during the DD 26-09 discussion. Commission staff confirmed, for both the comparable-buildings inventory and the patent-history question, that this research was something staff could undertake.
17. A note on the record itself: the Commission's own June 25 minutes, as now amended, attribute the DD 26-08 postponement discussion to specific commissioners by name — Butler, Cross, Duffy, Goldin, Schlegel, and Hackerd. The DD 26-09 discussion, however, still describes commissioner comments anonymously as of this writing; that correction remains outstanding. This is further corroborated by the Commission's own closing "New Business" Commissioner Comments at the same meeting, in a separate agenda item, which record

"disappointment expressed that a request from Commissioners for a two-week extension of time did not happen" — an acknowledgment by the body as a whole, not merely by individual commissioners during the vote itself, that such a request had in fact been made.

18. The Chair did not present the continuance request as a motion for the Commission to vote on. The Commission proceeded directly to a vote to release the demolition delay on both properties. Both motions passed 4-2. (Only six of the Commission's eight voting members — Baker, Butler, Duffy, Goldin, Hackerd, and Schlegel — were present that evening; Castaneda and Deusner were absent, though a quorum was still met.)

Why this was procedurally incorrect

19. Two independent provisions of the Commission's own governing rules required the continuance question to be treated as its own decision point, separate from the merits vote on release.
20. First, Robert's Rules of Order — binding on the HPC through Article I(L) — places an affirmative duty on the Chair, not merely a passive expectation on members: when a commissioner's intent is clear but has not been phrased as a formal motion, the Chair is required to help put it into proper form and bring it to the body, rather than let it lapse because it was not announced with the right words (RONR (12th ed.) §4).
21. This matters specifically because a request to delay a decision is, in RONR's terms, a Subsidiary Motion — more precisely, a Motion to Postpone to a Certain Time (RONR (12th ed.) §14). Subsidiary motions exist so that an assembly can decide how to dispose of a main motion already on the floor, and RONR is explicit that such a motion, once properly made, "supersede[s] the main motion and must be decided before the main motion can be acted upon" (RONR (12th ed.) §§11-17). Here, the main motion on the floor was to release the demolition delay. A motion to postpone that matter to the next meeting, once properly raised, would have superseded that main motion and required its own vote before any vote to release could occur. Combined with the Chair's duty under §4 to help an informally phrased request take proper form, the correct sequence should have been: recognize the clearly expressed intent to postpone, restate it as a formal Motion to Postpone to a Certain Time, and put that motion to a vote first. None of that happened.
22. Second, Article I(J) of the Commission's own Rules and Procedures states that the final disposition of any request must be "in terms of a motion to grant, deny, or continue by the Commission." Demolition Delay matters are expressly excluded from the definition of "petition" under Article I(K) — but Article I(K) itself treats "petition" and "request" as two distinct terms, pairing them in its own opening sentence ("No petition or request will be heard..."), and the record here, including the Commission's own minutes, consistently refers to the applications at issue as "requests." Article I(J)'s three-way disposition requirement therefore applies to Demolition Delay matters even though Article I(K)'s narrower petition-specific procedures do not. "Continue" is not an informal courtesy under the Commission's rules — it is a defined, required disposition option, on equal footing with "grant" and "deny." With multiple commissioners actively raising continuance during the discussion, the Commission was required to actually put that option before the body, not proceed directly to a grant vote while it remained unaddressed.
23. This reading is reinforced by how the rules are structured, not just by how one sentence is worded. Articles III and IV build a complete, detailed procedural apparatus specifically for petitions — filing deadlines, approved forms, notice requirements, a 30-day decision clock, a right to Commission review. None of that apparatus exists anywhere in the Rules and Procedures for Demolition Delay matters. That is not incidental: it reflects that DD matters have always been handled on a different track from petitions, structurally, not merely through one carve-out clause.
24. A precise note on how these rules came to exist, since it bears on how much weight to give this textual distinction: IC 36-7-11-4(f) directs the Commission itself — not the Common Council — to adopt rules for the transaction of its business. What is confirmed is that these rules exist under a specific statutory rulemaking directive, with the City Attorney's office serving as the Commission's ongoing legal counsel under IC 36-7-11-9(b) — not an informal document assembled without any structure or oversight.

V. The July 9, 2026 Meeting: Compounding the Problem

A. The City Attorney memo and its effect

25. Ahead of this meeting, Anna Holmes and Dana Robert Kerr, both Assistant City Attorneys, circulated a memo on behalf of the City Attorney's office concluding the HPC has no legal power to undo the June 25 votes. Commissioner Butler, who had planned to move to rescind those votes, has confirmed explicitly that this memo's conclusion was his stated reason for standing down. Section IX of this briefing addresses that memo in detail, because the Committee should understand that its conclusion is considerably less settled than it was presented.

B. The memo itself was withheld from timely review

26. The timing of the memo's release is a separate problem in its own right, and one the Committee should weigh regardless of what it concludes about the memo's legal substance. The HPC Program Manager and Assistant City Attorney Holmes had this author's memo — laying out the procedural concerns with the June 25 votes — since Tuesday, June 30, 2026. Commissioner Butler communicated his intention to move to rescind those votes on Monday, July 6, 2026. Despite more than a week's notice that this question would be squarely before the Commission, the City Attorney's opinion was not made available to the Commission until minutes before the July 9 meeting began.
27. This had consequences for both the Commission and the public. Commissioners had no meaningful opportunity to review the memo, evaluate its reasoning, or seek a second opinion before deciding, in real time, whether to proceed with a motion the memo advised against. The public was in a worse position: those physically present received the memo at the same moment commissioners did, with no advance access at all; those following remotely had no access to it whatsoever, since it was never posted online, putting them at an even greater disadvantage. Attorney Morris raised the problem directly during public comment, showing the issue was flagged in real time — but flagging it is not the same as having had a fair opportunity to engage with the memo's reasoning before the Commission acted on it. This delay was avoidable given the advance notice the City Attorney's office had.

C. The vote to limit commissioner comments

28. At this same meeting, immediately before the commissioners who had opposed the June 25 outcome were due to speak during the meeting's standing "Commissioner Comments" agenda item, Vice-Chair Jack Baker moved to limit commissioner comments to three minutes for that meeting only. The motion received 5 votes in favor, out of 8 voting members, all of whom were present.
29. This motion did not pass. Under RONR (12th ed.) §15, "Limit or Extend Limits of Debate" — binding on the HPC through Article I(L) — any motion that limits or restricts a member's fundamental right to speak requires a two-thirds vote, not a simple majority. Two-thirds of 8 is 5.33, which must be rounded up to 6, because a supermajority requirement cannot be satisfied by a fractional vote. The motion received 5. It needed 6. It failed, regardless of how it was recorded or treated procedurally in the moment.
30. The three-minute limit is also difficult to reconcile with what the Commission actually knew about the scope of the issue that evening. This author's memorandum on the procedural defects at issue — which every commissioner, including the Chair and Vice-Chair, had received in advance — ran to several pages of detailed analysis. Imposing a three-minute limit immediately before the commissioners who held that view were due to speak was not a neutral scheduling choice.

D. This was also a break from established practice

31. "Commissioner Comments" is a formally established, recurring agenda item at every HPC meeting, with no built-in time limit. Based on this author's five years as a voting — now advisory — member of the Commission, there has never before been a time limit placed on this agenda item. Under RONR (12th ed.) §2:25, also binding through Article I(L), an established, unbroken custom carries the same force as a written

rule where no rule contradicts it. This was the first departure from that practice, occurring on the single day it would affect the commissioners who had just been outvoted on Seminary Pointe.

E. There was no practical time constraint to justify the restriction

32. The comment-limiting motion was proposed at approximately 6:30 p.m. (meetings start at 5:00 p.m.), with commissioner comments as the last item on the agenda — meaning nothing else remained to be accomplished that evening once the time limit was imposed. HPC meetings have historically run about two hours on average and have, on occasion, run as long as four hours. There was accordingly no scheduling or practical constraint that required shortening this particular discussion.

F. Why the sequence matters

33. No claim in this briefing depends on knowing what anyone was thinking. The documented sequence speaks for itself: a specific information request, which staff had confirmed was feasible, denied without a vote; a legal memo on whether that denial could be corrected withheld from meaningful review until minutes before the next meeting; and, at that same meeting, an unprecedented, arithmetically invalid, and practically unnecessary restriction on commissioner speech, timed immediately before the dissenting commissioners' turn to speak. Whatever the explanation, that sequence is not consistent with a deliberative process functioning as intended.

VI. The July 23, 2026 Meeting: A Third Attempt, Blocked From Within

A. A third attempt to raise these same concerns

34. On July 23, 2026, this author attempted to raise these same procedural concerns directly with the Commission, using the Points of Information process available to any commissioner. The Chair did not permit the attempt to proceed past the first item before declining to allow it to continue. A Point of Order raised concerning that refusal was not sustained.

B. The Chair's stated basis for declining further Points of Order is inconsistent with RONR

35. In closing comments at that same meeting, the Chair stated that Points of Order must be raised in the meeting in which the issue arose. Robert's Rules of Order recognizes an exception, directly applicable here, for points of order concerning a breach of an organization's own written rules: "The only exception is where the motion is in violation of the laws, or the constitution, by-laws, or standing rules of the organization... In such cases it is never too late to raise a point of order against the motion." RONR (12th ed.) §23. If the Chair's statement was intended as a categorical rule with no exception, it does not accurately state RONR, and would mean the Commission is asserting a stricter timeliness bar against its own members than the parliamentary authority it has adopted actually imposes.

C. The Chair also curtailed floor time without the two-thirds vote RONR requires

36. Separately, RONR does not permit the Chair to unilaterally curtail a member's use of floor time once granted. Restricting a member's right to speak requires a formal motion to limit debate, adopted by a two-thirds vote — the same threshold already discussed in Section V in connection with the July 9 vote. RONR (12th ed.) §15. No such motion was made or voted on here; the Chair simply declared that the commissioner could not continue. If anything, this is a more direct violation than the July 9 episode: on July 9 the Commission at least attempted a vote and fell short of the required threshold; on July 23, no vote was taken at all.

D. The Commission's own record of the 25 June meeting could not be corrected at the 23 July meeting either

37. Separately, when this author asked that a specific portion of the minutes be read aloud to correct the Chair's own restated position that no commissioner had requested additional time on 25 June, HPC staff present declined to have it read, and it was not read. The Chair did not instruct that it be read. Section IV above, and

the Commission's own amended record cited there, confirm that a continuance request was in fact made on 25 June — by Commissioners Butler, Cross, and Schlegel — the same request the Chair's 23 July restatement denied.

38. Taken together with the two meetings described in Sections IV and V, this is now the third instance, across three consecutive meetings on the same matter, in which the Commission's own process for addressing its procedural conduct did not function as its rules require. A fuller factual account of this meeting, including additional points of information directed to the Chair concerning it, is set out in the Points of Information document referenced in Section I and attached to this briefing.

VII. How These Actions Violated the Commission's Rules, Mandate, and Purpose

A. The Commission's own written rules

- 39.1 Article I(K) — the right to delay a demolition delay decision until enough information is presented — was not honored.
- 39.2 Article I(J), which requires the Commission to close out any request with a motion to grant, deny, or continue, was not honored. Article I(K) only exempts Demolition Delay matters from the specific procedures that govern petitions, such as what happens when a petitioner fails to appear. It does not exempt them from Article I(J), which uses the broader term "request" — a term the Commission's own minutes repeatedly apply to the applications at issue. Because Article I(J) required the Commission to formally choose among grant, deny, or continue, and multiple commissioners were actively requesting a continuance, the Commission was required to actually vote on that option, not skip past it directly to a vote to grant.
- 39.3 Article I(L) — which makes RONR binding — was violated on three separate occasions: on June 25, when the continuance question was never put to the Commission as a proper motion for a vote; on July 9, when the comment-limiting motion was treated as adopted despite receiving only 5 of the 8 votes needed to meet RONR's two-thirds requirement; and on July 23, when a Point of Order was declined on a basis inconsistent with RONR §23's exception for rule violations, described in Section VI.
- 39.4 Article I(F), which requires accurate roll-call recordkeeping, is implicated by the June 25 minutes, which as of this writing still do not attribute the DD 26-09 postponement discussion to specific commissioners by name, though the DD 26-08 portion has now been corrected.
- 39.5 Article II(B), which limits the Chair to administering the Commission's rules rather than overriding them, was exceeded when a clearly expressed continuance request was not brought to the body for a vote.

B. The Commission's statutory mandate

40. Indiana Code 36-7-11-4(f) directs the Commission to adopt rules for the transaction of its business — meaning the Commission's own procedural rules exist because the state legislature specifically told it to create them. The demolition delay framework in BMC 20.06.050 exists to give the Commission the time and information needed to make an irreversible decision responsibly. A Commission that skips its own information-gathering process and then curtails its own members' ability to discuss the result is not operating within the mandate the law gave it — it is operating despite that mandate.

C. The purpose the process is supposed to serve

41. The entire point of a four-month deliberation window, staff research capability, and a formal public hearing process is to produce decisions that are actually informed — not merely decisions that are procedurally final. When specific, relevant, obtainable information is requested and denied, and when the commissioners raising concerns about that denial are then restricted from discussing it, the process stops serving its purpose.

42. This same conduct also implicates a distinct, independent standard: agency action that forecloses its own ability to gather information that was feasible and that staff had confirmed, before an irreversible vote, is potentially arbitrary and capricious. This is a recognized ground for judicial review under administrative law and is analytically separate from the Article I(J)/RONR procedural-motion violations described above. The Committee should treat it as an independent basis supporting correction, not merely as additional color on the procedural violations.

VIII. How This Failed the People of Bloomington

- 43.1 Irreversible loss without complete information. The demolition-delay process exists specifically because the outcome is irreversible — that is the entire premise of the four-month deliberation window described in Section III. Two buildings connected to Bloomington's history may now be demolished based on a decision reached without research the Commission's own staff confirmed it could undertake. The missing information went directly to the designation criteria (BMC 8.08.010(e)) the Commission is required to apply, meaning a properly conducted process could genuinely have reached a different result, not merely a better-documented one. Because the outcome cannot be undone, there is no opportunity to correct this after the fact — which is precisely why the procedural safeguards that were skipped exist in the first place.
- 43.2 Direct relevance to a matter already before this Council. These buildings currently house 29 affordable units, tied to a community land trust proposal this Council itself unanimously endorsed on June 3, 2026. This briefing does not ask the Committee to weigh the merits of that proposal — only to recognize that a process failure cut off consideration of an alternative the Council had already taken a position on, before that alternative could be fully considered.
- 43.3 Erosion of public trust in the Commission's fairness. Residents, advocates, and property owners who bring concerns to public bodies are entitled to expect that a specific written right to request more time will be honored, and that a body's own voting rules will be followed. When the continuance request was denied without a vote on June 25, the comment-limiting motion was treated as adopted without the required two-thirds vote on July 9, and a Point of Order was declined without a vote on July 23 — three separate instances within a single month, on the same matter — it sends the message that outcomes on close or contested matters are decided before the hearing takes place.
- 43.4 A chilling effect on future public participation. If speaking up and requesting a fair process results in that process being cut short, residents and advocates have less reason to invest the time in participating in future Commission matters — which weakens the process for every future applicant and every future historic resource in Bloomington, not just this one.
- 43.5 A structural opening for future misconduct — without any suggestion that this occurred here. If the City Attorney's position is correct that the HPC's decisions can never be corrected internally, for any reason, a commission whose votes are effectively final and unreviewable no matter how they were reached has one less safeguard against a future decision being shaped by something improper — undue outside pressure, an undisclosed conflict of interest, or a deliberate shortcut — because there would be no internal path to catch and correct it, even if discovered the very next day. To be direct: this briefing makes no claim, and has no evidence, that anything of that kind occurred here. The point is what the City Attorney's legal position would mean structurally for every future Commission decision, not what motivated this one.

IX. The Question of Rescinding the Vote

A. The City Attorney's position

44. Anna Holmes and Dana Robert Kerr, both Assistant City Attorneys, concluded on behalf of the City Attorney's office, relying primarily on a November 2025 Indiana Supreme Court case, *Monroe County Board of Zoning Appeals v. Bedford Recycling, Inc.*, that the HPC has no legal authority to undo a final decision once made. That case held that a county Board of Zoning Appeals could not revoke a permit it had granted eleven months

earlier, because Indiana administrative bodies generally have no inherent power to reconsider their own final decisions unless a statute explicitly grants that power. The memo concludes the same rule bars the HPC from revisiting the June 25 votes, without qualification.

45. Stated most simply: Bedford Recycling addresses whether an agency may undo its own decision internally. It does not address whether a court, on judicial review, may hold that no valid decision was ever rendered in the first place because the agency failed to follow its own mandatory voting procedure. Those are different legal questions, and the City Attorney's memo answers only the first one.

B. Why this position is incomplete

46. The general rule the City Attorney's memo states is correctly described, and would likely apply if the HPC simply changed its mind later about the merits of its decision. But the memo's categorical conclusion does not hold up as applied to this specific situation, for five reasons the Committee should be aware of:

1. The Supreme Court explicitly left this exact scenario undecided

47. The Bedford Recycling opinion contains a footnote — appended to the Court's holding that the BZA lacked authority to revoke Bedford's permit — expressly declining to decide whether an administrative body may "make changes to its final order before a petition for judicial review is filed or the time to seek judicial review has expired." Bedford Recycling, slip op. at 13 n.5. That footnote reserves this question alongside two others the Court also declined to address, meaning the timing question relevant here is one of three issues the Court left open, not a stray aside. The case before the Court involved action taken eleven months after the fact, after a permit had already been relied upon. Any HPC correction here would happen within weeks of the vote — precisely the scenario the Court said it was not resolving.

2. A defective vote is a different problem than reconsidering a valid one

48. Bedford Recycling addressed an agency changing its mind about the substance of a validly reached decision. What happened here is different in kind: on June 25, a specific written right was allegedly denied without a vote, and separately, on July 9, the comment-limiting motion discussed in Section V(C) was treated as adopted despite receiving only 5 of the 8 votes needed to meet the two-thirds threshold RONR requires. If a decision was not properly reached under the Commission's own rules in the first place, correcting that is not the same legal question as reconsidering a decision that was properly reached. The City Attorney's memo does not address this distinction.

3. The HPC's rules exist because state law told the Commission to write them

49. Indiana Code 36-7-11-4(f) specifically directs the HPC to adopt rules for the transaction of its business. The Board of Zoning Appeals in Bedford Recycling had no comparable statutory hook — it conceded it was relying purely on unwritten common-law authority. The HPC's Rules and Procedures, including Articles I(J), I(K), and I(L), exist because the legislature required the Commission to adopt them. That is a meaningful distinction the memo does not engage with.

4. A separate, independent rule was also not followed

50. Article I(J) of the Commission's own Rules and Procedures required continuance to be put before the body as one of three formal disposition options, as detailed in Section IV above. That violation does not depend on resolving any question about individual versus collective rights under Article I(K) — it stands on its own, and the memo does not address it at all.

5. RONR's own default rule reinforces the same conclusion

51. Robert's Rules of Order's own default rule confirms that a correction of this kind remains available now: a point of order concerning a breach of an organization's written rules may be raised "at any time," including well after the fact, precisely because the passage of time does not cure a rule violation. RONR (12th ed.) §23. Bedford Recycling addresses a different legal question — an agency's authority over its own final decisions,

not a member's right to raise a point of order — but the same underlying principle supports treating this correction as still available: procedural defects of this kind are not cured merely because time has passed.

52. None of the five points above needs to be won, however, for the Committee to have a clear path forward. Whatever the outcome of the internal-rescission debate, the same procedural facts are independently reviewable by the Monroe County Circuit Court under IC 36-7-4, which governs judicial review of decisions such as this one (see IC 36-7-11-4(h)). This is why Section X(A) treats internal correction, rather than judicial review, as the relevant and available mechanism going forward — not as something the Committee is being asked to encourage or prepare for, but as an accurate statement of where matters currently stand.

C. A structural point the Committee should weigh

53. This is not an allegation of misconduct, but it is a relevant, objective fact: the City Attorney's office represents both the HPC and the City generally, including city-affiliated projects such as the CIB expansion this demolition serves. A memo advising the Commission on whether it may slow down a city-connected project, written by the office that also represents the City's interest in that project moving forward, is worth reading with that structural relationship in mind.
54. That general structural relationship has a specific, dated dimension here. Assistant City Attorney Dana Robert Kerr, co-author of the 9 July memorandum, also serves as the Redevelopment Commission's ("RDC") standing legal counsel — presenting its Legal Report and drafting its resolutions, as distinct from an occasional or one-off assignment. On July 7, 2026 — two days before co-authoring the memorandum opining that the HPC's June 25 votes cannot be internally corrected — Kerr personally received an email from Jim Whitlatch conveying a new appraisal valuing the Seminary Pointe property at \$7 million, information directly relevant to the RDC's own pending decision on the College Square/Seminary Pointe land swap. This is independently confirmed by a 10 July 2026 letter to the RDC from five sitting City Council members, which states that this appraisal information "was contained in an e-mail sent from Jim Whitlatch to Dana Kerr dated July 7, and was forwarded to the City Council by John Whikehart that same day." Whether Kerr's RDC role was disclosed to the HPC at or before the time the memorandum was presented is a separate, open question this briefing does not resolve; it is addressed directly in the attached Points of Information document.
55. The appropriate response to any of this is not an accusation — it is a request that the Committee consider whether independent counsel, with no relationship to the RDC or the CIB land-swap discussions, should weigh in on a decision this consequential, which is an ordinary and unremarkable request given the stakes involved.

D. What the City Attorney's memo does, and does not, argue

56. It is worth noting precisely what the City Attorney's memo does and does not claim. Its entire argument rests on one ground: that even if the process on June 25 was flawed, the HPC lacks the power to fix it. It does not argue, anywhere, that the process was procedurally sound. If the City Attorneys believed no procedural problem existed, that would have been the simpler and more direct defense to make. That they did not is worth the Commission's attention — not as proof the City privately agrees an error occurred, but as a fair observation that the City's own legal position, as written, does not affirmatively defend the process as error-free. That stands in some tension with the only on-the-record defense of the process that exists in the June 25 minutes: a closing comment that "voting procedure was followed." That comment was made by Chair Hackerd. He is the person whose own handling of the meeting is the subject of this briefing, and the comment should be weighed as an interested party's self-assessment made in the moment, not as independent corroboration.

E. The Release Resolution's Own Language Overstates the Availability of a Later Fix

57. The resolution the Commission reads into the record upon release states: "The HPC may later recommend the property for historic designation to the Common Council." On its face, this tells everyone in the room — commissioners and the public alike — that release is not the end of the road, and that a meaningful path to protecting the property remains available afterward.

58. A closer reading of BMC 20.06.050(c) raises serious doubt about how much that sentence actually promises. The ordinance states that no action of the Historic Preservation Commission may prevent issuance of, or effect revocation of, a certificate of zoning compliance authorizing demolition — or a demolition permit issued in reliance on it — for a period of one year from the end of the waiting period. Read plainly, that appears to strip a later HPC-initiated designation recommendation of any power to actually stop demolition, for a full year after release.
59. There may be a narrower path still open: the one-year bar, as worded, names only the Historic Preservation Commission, not the Common Council, and Interim Protection under BMC 8.08.015 attaches through Council action on a submitted designation map, not through the Commission's recommendation alone. Whether that distinction preserves a real, working path to protection is a genuine, unresolved legal question, and this briefing does not resolve it here.

X. Recommended Solutions

The recommendations below are organized by how readily they can be acted on, not by priority: Tier 1 items are administrative, in-house, and largely uncontroversial; Tier 2 items require action by external bodies, involve greater cost or complexity, or touch more directly on the Chair's own discretion. The Committee is encouraged to act on Tier 1 items without waiting on Tier 2.

A. Tier 1 — Immediate, In-House Actions

- 60.1 Request that the Commission's minutes be corrected to accurately reflect the postponement requests, attributed to the specific commissioners who made them and checked against the audio and video record. As of this writing, that correction is complete for the DD 26-08 discussion but still outstanding for DD 26-09.
- 60.2 Request an independent legal opinion, separate from the City Attorney's office, addressing the timing question Bedford Recycling left open, the Article I(J) continuance requirement, and whether the comment-limiting motion was validly adopted given the vote count.
- 60.3 Request that the Chair's July 23 statement regarding the timeliness of Points of Order be clarified or corrected on the record, consistent with RONR §23's exception described in Section VI.
- 60.4 Codify the two-thirds vote requirement for any motion limiting commissioner debate or comment directly into the HPC's own Rules and Procedures, removing any ambiguity about which threshold applies.
- 60.5 Revise the standard resolution read into the record upon release under BMC 20.06.050(c) so that it accurately describes the legal effect of release, rather than presenting an unqualified assurance that historic designation "may later" be pursued. At minimum, the resolution should state plainly that release does not constitute a finding that the property lacks historic significance, but that under BMC 20.06.050(c), no subsequent action by the Commission may prevent issuance of, or revoke, the resulting certificate of zoning compliance for one year from the end of the waiting period.
- 60.6 Designate a parliamentarian, or provide regular Robert's Rules training, for the HPC and similar quasi-judicial boards, so that voting thresholds and procedural rights are applied consistently.
- 60.7 For the record, and not as an action item: judicial review under IC 36-7-4 remains, in principle, the only external mechanism by which a decision reached through unlawful procedure could still be corrected. This briefing does not recommend that the Committee direct, anticipate, or prepare City Legal for any specific litigation; this is offered only so the Committee understands accurately what that mechanism does and does not make possible.

B. Tier 2 — Structural Reforms Requiring Broader Action

- 61.1 Close the gap that allowed the Chair to simply not act on the June 25 continuance request. Right now, Articles I(K) and I(J) give commissioners the right to ask for more time and require continuance to be treated as a formal disposition option, but the Commission's rules do not clearly say what happens if the Chair never brings that request to a vote — which is exactly what happened. The recommendation is that the ordinance be amended to state plainly that whenever a commissioner properly raises a continuance request in a demolition delay matter, the Chair must treat it as a motion and the full Commission must vote on it. The Chair remains free to vote against continuing the matter, the same as any other commissioner, and the motion can still fail if a majority agrees. What the Chair could not do is prevent the vote from happening at all, as happened here.
- 61.2 Context for the recommendation below: Indiana Code 36-7-4-1605 gives any aggrieved third party only 30 days from a release vote to seek judicial review, and this applies to every demolition delay release the Commission votes on, not just this one. In practice, that is a narrow amount of time for a third party to learn a vote occurred, determine whether it was done correctly, retain counsel, and file — especially where, as here, the Commission's own minutes are incomplete or delayed. Right now, that 30-day window is the only thing standing between a flawed release vote and an irreversible demolition. The recommendation below removes that risk directly: instead of relying on a third party to complete all of that within 30 days, the permit itself would be automatically paused for that period, regardless of whether anyone files. This problem will recur in every future demolition delay matter unless it is fixed at the ordinance level.
- 61.3 Amend BMC 20.06.050 to establish an automatic stay on issuance of a certificate of zoning compliance following any demolition-delay release vote, in two tiers: first, an automatic 30-day hold on issuance following any release vote, matching the IC 36-7-4-1605 judicial review window; and second, if a party files a timely petition for judicial review within that window, an automatic continuation of the hold pending the court's ruling or the parties' stipulation, without requiring the petitioner to separately seek a preliminary injunction. Because this recommendation concerns the timing of a City-issued permit rather than the HPC's own internal reconsideration authority, it falls within the Common Council's own ordinance-making power and does not require state legislative action; it can be pursued immediately.
- 61.4 Advocate for a narrow solution in state law, limited in time, granting authority to bodies like the HPC to correct procedurally defective decisions shortly after they are made, while pursuing local reform in parallel. Only the General Assembly can expand a state-created board's reconsideration authority; we recommend Council ask Bloomington's state legislative delegation to support an amendment to IC 36-7-4 or IC 36-7-11 creating this right, limited to the pre-judicial-review window Bedford Recycling's footnote left open and leaving undisturbed the finality of decisions already relied upon for months. Beyond the access-to-justice rationale, the fix serves the City's own interest: it avoids litigation costs, the conflict-of-interest exposure described in Section IX(C), and the reputational cost of defending a flawed process.
- 61.5 Evaluate providing independent counsel to the HPC for matters in which the City has its own institutional interest in the outcome, to remove the structural concern described in Section IX(C) for future cases.

XI. What Is Being Asked of the Committee

62. This briefing asks the Committee to: (1) take seriously that three specific, identifiable procedural failures occurred across three consecutive meetings on the same matter; (2) request an independent legal review of both the underlying decision and the City Attorney's conclusion that the HPC lacks authority to correct it internally; (3) adopt the Tier 1 reforms in Section X(A) without delay, and take up the Tier 2 reforms in Section X(B) as its capacity allows; and (4) do so with the understanding that, absent any of the above, no external mechanism remains available to correct these specific votes, for the reasons explained below.

63. Specifically, this briefing asks that it be placed on the agenda of the Committee's next regularly scheduled meeting. Given the Council's own prior unanimous action on this property, referenced in Section VIII, this author respectfully suggests the Committee Chair consider whether the matter warrants a special meeting under the Council's applicable rules; that determination is left entirely to her discretion.
64. Indiana Code 36-7-4-1605 gave any aggrieved third party only 30 days from the June 25 vote to seek judicial review of that decision. That window closed on July 25, 2026. This is not a deadline for the Committee to meet — it governed only a third party's standing to seek judicial review, and it is not something the City or the Committee could invoke, extend, or waive. Its significance now is structural, not urgent: with that window closed, judicial review of these specific votes is no longer available to anyone, for any reason. The record-correction and rule-reform recommendations in this briefing do not depend on that window at all, and are aimed principally at ensuring a future demolition delay matter is not decided the same way, regardless of how this one is ultimately resolved.

XII. Important Caveats

65. This briefing reflects analysis of the public record and the Commission's own governing documents, prepared by a Commissioner and not an attorney. Several conclusions here — particularly the legal analysis of the Bedford Recycling case, the interaction between Articles I(J) and I(K), the application of RONR's subsidiary-motion rules, the interpretation of BMC 20.06.050(c)'s one-year limitation on Commission action, and the standard a court would apply to any of these arguments — should be independently confirmed by counsel before the Committee or Council relies on them in taking formal action.
66. The June 25 minutes have been amended to attribute the DD 26-08 postponement discussion to specific commissioners, consistent with the account in this briefing; the DD 26-09 Commissioner Comments remain unattributed as of this writing, and the correction described in Section IV remains outstanding.



Reynard Cross
Commissioner
Bloomington HPC

Title 2 ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04 COMMON COUNCIL

Sections:

Article I. Officers ~~and Employees~~

2.04.010 Election of officers.

The council shall hold a meeting no later than the second Wednesday in January, subject to the exceptions noted in Section 2.04.050, to elect from its members a president, a vice president, and a parliamentarian. The length of term for these offices begins with the election in January and ends with the election the following January.

(Ord. 90-48 § 1, 1990).

(Ord. No. 13-05, § 1, 3-6-2013)

2.04.020 Duties of president.

The president shall have general direction of the council chambers and shall ~~preserve order and decorum ensure that council rules and procedures are followed.~~ The president shall rule on all points of order subject to an appeal to the council by any two members, shall state all questions properly proposed, shall put all questions which come to a vote, and shall declare the results of each vote. After any ordinance, resolution, address or order is adopted by the council, the president shall certify such action and certification shall be attested by the city clerk. ~~In the absence of the president, the vice president shall preside.~~ As presiding officer, the president shall make appointments to council committees as described in Article III.

(Ord. 90-48 § 2, 1990; Ord. 83-15 § 1 (part), 1983).

2.04.025 Duties of vice president.

The vice president shall assume the duties and responsibilities of the president whenever the president is absent or otherwise unable to act.

2.04.030 Duties of sergeant-at-arms

The chief of police or his designee shall act as sergeant-at-arms. It shall be the duty of the sergeant-at-arms to preserve order in the council chambers under the direction of the presiding officer, ~~to act as a messenger of the council under the direction of the city clerk by serving notices of special meetings upon council members, and to procure the attendance of absent members when a quorum is not present.~~ The sergeant-at-arms may request any person in attendance at a council meeting to surrender any dangerous weapon other than a firearm (as defined by the Indiana Code).

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 11-15, § 1, 9-14-2011) |

2.04.040 Duties of city clerk.

In addition to any other duties imposed by state law or local ordinance, the clerk shall perform the following duties with respect to the proceedings of the council:

- (1) Serve as secretary of the council and keep an accurate record of all proceedings;
- (2) Cause all notices of regular and special meetings of the council and its committees to be served according to law and the directions of the presiding officer of the council;
- (3) Publish all notices of public hearings and ordinances and post upcoming legislation as required by law;
- (4) Serve as the legal custodian of all records of the council;
- (5) Maintain complete and orderly files containing all papers and documents pertaining to the business of the council and make them available to the council and the public;
- (6) Take roll call, record motions, and perform other statutory functions at council meetings; and
- (7) Obtain necessary signatures and attest to legislation immediately after its passage, and provide copies of signed legislation to all interested persons.

(Ord. 79-97 § 2 (part), 1979).

2.04.035 Duties of the Parliamentarian

The parliamentarian shall serve as an advisor to the council on matters of parliamentary procedure and interpretation of council rules. The parliamentarian shall ensure that all actions of the council adhere to established parliamentary authority and provide guidance to the presiding officer and council members when procedural questions arise.

Article II. Meetings and Rules of Procedure

2.04.050 Regular meetings.

- (a) The council will meet at least once per month and will adopt an annual schedule prior to the start of each calendar year. With the exceptions noted in subsections (b) through (g), of this section, the council shall meet in regular session on the first and third Wednesday of each month at 6:30 p.m. local time. The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting, but the council shall meet at least once a month.
- (b) The council shall not meet on legal holidays as enumerated in Indiana Code § 1-1-9-1. The council may agree by majority vote to meet at an alternative time should such a holiday fall on a Wednesday.
- (c) In accordance with Indiana Code § 36-4-6-7, in the year following its election, the council shall hold its first regular meeting at 6:30 p.m. one evening no later than the second week of Wednesday in January to elect officers. The council president of the previous year shall still be a member of the council, he or she shall preside over the election of new officers. If the president of the previous year is no longer on the council, the election shall be majority party shall designate a council member to preside over by

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Sec. 9. The city clerk is the clerk of the legislative body. The city clerk shall do the following:
(1) Preserve the legislative body's records in the clerk's office.
(2) Keep an accurate record of the legislative body's proceedings.
(3) Record the ayes and nays on each vote on an ordinance or resolution.
(4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.
(5) Present ordinances, orders, or resolutions to the city executive under section 15 of this chapter.
(6) Record ordinances under section 17 of this chapter.
(7) This subdivision applies only to a second class city that maintains an Internet web site. The city clerk shall post on the city's Internet web site the roll call votes of the legislative body not later than three (3) business days after the following:
(A) The date the roll call vote is taken if the city's software is able to generate a roll call vote.
(B) If the city's software is not able to generate a roll call vote, the date the legislative body is first able to approve the minutes of the meeting at which the roll call vote was taken.
The city clerk shall maintain the roll call vote information on the Internet web site for a period of four (4) years.

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~~councilmember with the greatest total years of service on the Council, regardless of whether those years were consecutive. the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.~~

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- (d) ~~In accordance with Indiana Code § 36-4-6-8, in years subsequent year to the year immediately following its election, the council shall hold its first regular meeting meet at 6:30 p.m. one evening no later than the second week of Wednesday in January to elect officers. The council president of the previous year shall preside over the election. of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.~~

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

- (f) ~~The council shall not meet on the Wednesday before Thanksgiving Day. The council may by majority vote decide to combine the meeting scheduled for this date with the meeting scheduled for the previous or following Wednesday.~~

- (g) ~~The council shall go into recess upon adjournment of the second regular session held in December and reconvene in January. No legislation for first reading shall be heard at the last regular session of December.~~

(Ord. 90-48 § 3, 1990).

(Ord. No. 13-05, § 2, 3-6-2013; Ord. No. 16-42, § 1, 11-16-2016; Ord. No. 21-03, § 4, 2-17-2021)

2.04.060 Special meetings—Emergency meetings.

- (a) Special meetings of the council may be held on call of the mayor, the president or any three members of the council. ~~It shall be the duty of the president or the members calling the special session to notify the city clerk of the meeting, its date, hour, and agenda. The city clerk shall, at least forty-eight hours before the time set for the meeting, notify each member of the council, either in person, in writing (electronically or physically), or by telephone, or by notice left at the member's place of residence.~~ Notice shall also be given at least forty-eight hours in advance of the meeting to the news media and to the public as required by state law.

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- (b) Emergency meetings may be held provided there is compliance with the notice requirements of state law.

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(Ord. 83-15 § 1 (part), 1983).

2.04.070 Budget meetings.

~~The council shall perform its duties in regard to fixing the budget, tax rate, and tax levy in accordance with Indiana Code § 6-1-1-17-1 et seq.~~

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(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 3, 3-6-2013)

20.04.075 Council rules of procedure.

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- (a) ~~The council shall adopt and maintain a Council Rules of Procedure document, which shall govern the procedures and operations of the council and its committees. This document shall be formally adopted by the council and may be amended as necessary by a majority vote of the council.~~

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- (b) ~~The council shall conduct its meetings in accordance with its Council Rules of Procedure.~~

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~~(c) The Council Rules of Procedure may be suspended by a two-thirds vote of the members of the council. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule.~~

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~~(d) The power to suspend the Council Rules of Procedure shall not apply to any rules required by state or federal statutory or constitutional law.~~

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~~2.04.080 Parliamentary authority.~~

~~All meetings of the council and its committees shall be conducted in accordance with the procedures set forth in "Robert's Rules of Order" except where a different procedure is required by state law, this chapter, or other ordinances of the city. A majority of the members of the council shall decide all matters of procedure not covered by the authorities stated in this section.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.090 Amendment and suspension of rules.~~

~~These rules may be amended only by adopting an amending ordinance. These rules may be suspended by a two-thirds vote of the members of the council. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule. The power to suspend these rules shall not apply to rules which are required by state or federal statutory or constitutional law.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.100 Convening meeting—Quorum.~~

~~(a) The presiding officer shall take the chair at the hour designated for convening and shall call the members to order. The roll shall then be called by the city clerk who shall enter in the minutes of the meeting the names of the members present.~~

~~(b) A majority of the members of the council shall constitute a quorum. If the roll call establishes that a quorum is present, the presiding officer shall proceed in the manner and order prescribed by the Council Rules of Procedure ~~this chapter~~. In the absence of a quorum, the members present may, by a majority vote of those present, adjourn, set a time at which to adjourn, or take a recess, ~~or direct the sergeant-at-arms to procure the attendance of the absent members.~~~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.110 Seating of members.~~

~~Members shall occupy the seats assigned them by the presiding officer, but any two or more members may exchange seats by joining in a written memorandum to that effect.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.120 Limits on debate.~~

~~No member shall speak more than twice upon a question without leave of the council, and no more than once until every other member has had the opportunity to speak. No member shall speak longer than five minutes for the first speech on a question and no more than two minutes for a second speech on the same question, unless~~

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~~further time is granted by the council. The council may, before debate begins, decide by a two-thirds vote of all members to set time limits on debate upon a particular pending question, but time spent in answering questions shall not be counted against the speaker.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~(Ord. No. 2024-16, § 1, 6-18-2024)~~

2.04.130 Absence from meeting—Leaving meeting in session.

No member shall be absent from a properly convened meeting of the council without notifying the city clerk. Any member desiring to be excused while the council is in session shall notify the presiding officer and the city clerk.

(Ord. 79-97 § 2 (part), 1979).

~~2.04.140 Orderliness of members.~~

~~Members shall confine their remarks to the question under consideration and avoid personalities.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

2.04.150 Conflict of interest.

In the event a council member would be required to take any action that would directly affect a financial interest of the member other than an interest of a minimal nature or an interest that is not distinct from that of the general public, the member shall either explain the potential conflict and ask that they be excused from voting, deliberating, or taking action on the matter, or shall explain the potential conflict and state why they are able to participate fairly, objectively, and in the public interest despite the potential conflict.

(Ord. 79-97 § 2 (part), 1979).

~~2.04.160 Expressing dissent.~~

~~Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons entered into the record. Such dissent or protest shall be in respectful language and may be filed in writing and presented to the council not later than the next regular meeting following the date of passage of the ordinance or resolution.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.170 Violation of rules.~~

~~If any member, in speaking or otherwise, transgresses the rules of the council or the limits of debate, the presiding officer or any other member may call the member to order and that member shall immediately surrender the floor. The council shall, if there is an appeal by the member called to order, decide the question without debate. Only if the decision is in favor of the member called to order shall the member be at liberty to proceed.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~2.04.180 Address on personal privilege.~~

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~~The right of a member to address the council on a question of personal privilege shall be limited to cases in which integrity, character, or motives are assailed, questioned, or impugned.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

2.04.190 Expulsion of member.

The council shall have the power to expel any of its members for violation of official duty, including gross neglect, and it may declare the seat of any member vacant by reason of disability to perform official duties. The council shall in such cases first, by resolution, direct the city attorney to draw up a bill of impeachment setting forth the charges and alleged conditions of disability, after which the council shall in special session try the charges, following in such trial the rules of courts of law as closely as possible. A vote of two-thirds of the members of the council shall be required to expel a member or vacate a member's seat.

(Ord. 79-97 § 2 (part), 1979).

2.04.200 Investigatory powers—Removal of officers.

The council shall have the power to supervise and investigate all departments, officers, and employees of the government of the city and to remove any officer or employee against whom charges are sustained. Investigations shall be conducted in accordance with the rules and procedures set forth in state law. A vote of two-thirds of the members of the council shall be required to impeach or remove an officer or employee.

(Ord. 79-97 § 2 (part), 1979).

Commented [9]: IC 36-4-6-21

Article III. Committees

2.04.210 Standing committees—Establishment.

To facilitate the transaction of business, the council may by resolution establish standing committees and define the duties and responsibilities of each committee. If such committees are established, the presiding officer shall appoint at least three council members to each committee, observing the preference of each member as closely as possible, and shall appoint a chairperson for each committee. Legislation and questions before the council may be referred for investigation and report to the standing committees and the committees may investigate other areas within their jurisdiction. The council may create or abolish standing committees by adoption of subsequent resolutions.

(Ord. 79-97 § 2 (part), 1979).

Commented [10]: Meeting note: Consider adding committee member term language, this can be added to the Rule of Procedure.

2.04.220 Standing committees—Meetings.

A committee shall meet on call of its chairperson or any two of its members. Notice shall be communicated by the city clerk, who shall keep a record of such notices. A majority of the membership of a committee shall constitute a quorum, which shall be necessary to conduct the business of the committee. The chairperson may act as secretary of the committee or the committee may appoint a secretary, who shall keep a memorandum of the proceedings and the recommendations made at the committee meeting. In committee meetings the rules of debate shall be relaxed in order to encourage discussion but general procedural decorum shall prevail.

(Ord. 79-97 § 2 (part), 1979).

Commented [11]: Meeting note: Ask clerk if this is needed, or maybe add this in the rule of procedure (related to the memo).

2.04.225 Intentional display of firearms prohibited.

The intentional display of firearms is prohibited at any public meeting of the council.

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(Supp. No. 48, Update 1)

(Ord. No. 11-15, § 2, 9-14-2011)

2.04.230 Standing committees—Reports.

- (a) The reports of standing committees shall be in writing and signed by a majority of the committee. Documents referred to the committee shall be returned with the report.
- (b) Matters or questions referred to standing committees shall normally be reported back to the council not later than the second regular session after being referred to the committee, but the council may extend the time for reporting. When a committee to which a matter or question has been referred with instructions to report at a specific time is not ready to report at that time, the matter referred shall, unless further time is granted, be considered as though reported back without recommendation.
- (c) The council may agree by majority vote to discharge any committee from further consideration of any matter referred to it. The matter referred shall be brought back before the council and take its proper place in the order of business.
- (d) When an ordinance or resolution is reported back from a committee with recommendations, the recommendation of the committee shall have no force unless adopted by the council at a properly convened session.
- (e) Any member of a committee may file a minority report and may move that the minority report be substituted for the recommendations of the majority.

(Ord. 79-97 § 2 (part), 1979).

2.04.240 Special committees.

Any three council members or the ~~council president~~ presiding officer may form a special committee for any specific purpose proper for council consideration. ~~The special committee shall be considered to be established at a regular session of the council when it is either (a) created by the council president or (b) proposed by a member with verbal support from at least two additional members. Special committees shall continue to function until the following January organizational meeting, at which time the new council president may continue the special committee for another calendar year. If the president does not continue the special committee, it shall be disbanded. The committee shall cease to function when it has completed its duties and made a report or recommendation to the council.~~

(Ord. 79-97 § 2 (part), 1979).

2.04.250 Committee of the whole.

- (a) With the exceptions noted in this section, the council may resolve itself into a committee of the whole to consider ordinances, resolutions, or other matters with the freedom of committee procedures. ~~The council may decide by majority vote to cancel any such committee meeting or to meet at an alternative date and time. The council may by majority vote resolve itself into a committee of the whole at any other time and for any other legitimate purpose.~~
- (b) Whenever the council resolves itself into a committee of the whole the presiding officer shall leave the chair. Chair of the committee meetings ~~scheduled for Wednesday evenings and city budget hearings~~ shall rotate by alphabetical order among all councilmembers except the council president and such rotation will be tracked by the city clerk. Should a councilmember be unable to attend a committee meeting the next member on the rotation shall preside and the rotation shall proceed from that point. ~~The council president will designate the chair for any unscheduled committee meetings.~~

Commented [12]: Meeting note: Review for possible relocation to the Rules of Procedure

Commented [13]: Also consider adding committee member term language for clarification □ this can be added to the Rule of Procedure.

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Commented [14]: Consider deleting this from BMC. It can be mentioned as an option in Rules of Procedure.

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(Supp. No. 48, Update 1)

(c) When the council resolves itself into the committee of the whole, the rules of the council shall govern except that:

- (1) The committee of the whole may consider only matters and questions referred to it, and the only motions in order shall be to amend or adopt, or that the committee rise and report;
- (2) No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;
- (3) Interested ~~citizens~~ residents may be heard on the question under consideration if they address the chair and ask permission to speak;
- (4) The previous question may not be moved;
- (5) The clerk shall keep a memorandum of proceedings and recommendations in a manner consistent with Indiana Code § 5-14-1.5-4.

Commented [15]: Meeting note: Retain: "The committee of the whole may consider only matters and questions referred to it."

(d) When the committee of the whole rises, the presiding officer of the council shall resume the chair, and the chairperson of the committee shall report its recommendations to the council. The question shall then be on agreeing the recommendations of the committee and adopting the action or measures recommended.

Commented [16]: Checked with Clerk Bolden, who wants this to remain in code.

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 12-10, §§ 1, 2, 5-2-2012; Ord. No. 13-05, § 4, 3-6-2013)

2.04.255 Committees—Scheduling.

Commented [17]: Meeting note: Could be relocated to Rules of Procedure.

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

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

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

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

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

~~(Ord. No. 12-10, § 3, 5-2-2012; Ord. No. 16-42, § 2, 11-16-2016; Ord. No. 21-03, § 5, 2-17-2021)~~

Article IV. Ordinances and Resolutions

2.04.260 Ordinances—Title and enacting clause.

Each ordinance to be submitted to the council shall have a title indicating the nature of the subject matter and an enacting clause in substantially the following style: "Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:."

(Ord. 79-97 § 2 (part), 1979).

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(Supp. No. 48, Update 1)

2.04.270 - Ordinances and resolutions—Filing, copies and agendas.

Each ordinance or resolution submitted to the council shall be in an editable, electronic form, accompanied by any relevant documents, and filed with the council office at least ten days before the meeting at which the legislation is to be introduced. That time frame may be extended by a vote of the council or at the request of the president. The president shall approve the agendas for regular sessions and special sessions called by the president or voted upon by the council, ~~and committees convened to consider legislation referred to them,~~ Agendas shall include notice of whether discussion and public comment will be allowed on each agenda item, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. Council members may motion to amend the agenda and introduce new items by a majority vote, provided that the ordinance or resolution is available in writing and meets the requirements specific in municipal code. The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled regular session.

Commented [18]: CM Asare's suggestions.

Commented [19]: We no longer regularly schedule Committee of the Whole meetings, so is this moot?

(Ord. 83-15 § 1 (part), 1983).

(Ord. No. 13-05, § 5, 3-6-2013; Ord. No. 21-03, § 6, 2-17-2021)

2.04.280 Ordinances and resolutions—Synopsis required.

- (a) Each ordinance and resolution submitted to the council shall be accompanied by a short, nontechnical synopsis of the legislation which is comprehensible to the average citizen and suitable for publication. The council staff may edit the synopsis to clarify information or standardize format.
- (b) The edited synopsis shall be read whenever the legislation it accompanies is introduced at a council meeting for first or second reading and it shall become a part of the official record, but shall not have the legal effect of being part of the legislation.

(Ord. 79-97 § 2 (part), 1979).

2.04.290 Ordinances and resolutions—Fiscal impact statement required.

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

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 6, 3-6-2013; Ord. No. 21-03, § 7, 2-17-2021)

2.04.300 Ordinances and resolutions—Readings required.

- (a) Every ordinance shall be given at least two readings before a vote may be taken on its passage unless there is unanimous consent of the members present to proceed to a vote after first reading, in which case a two-thirds vote of all the members is required to pass the ordinance. This procedure to pass an ordinance on the same day or in the same meeting at which it is introduced does not apply to zoning ordinances or amendments to zoning ordinances adopted under Indiana Code 36-7 and cases where otherwise prohibited by state or federal law.
- (b) An ordinance may be debated and amended at its first reading and at subsequent readings. Upon motion made, seconded and approved by a majority of members, the city clerk shall read the title and synopsis of the ordinance at each reading.

(Supp. No. 48, Update 1)

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- (c) Upon motion made, seconded and approved by a majority of the members, every resolution shall be read by title and synopsis only and may be debated, amended and adopted at the meeting of introduction.

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 2026-05, § 1(Att. A), 2-18-2026)

2.04.310 Ordinances and resolutions—Vote required.

A majority vote of the members of the council shall be necessary to adopt any resolution, order or ordinance, unless state or federal requirements provide otherwise. If there is a vote on an ordinance on the same day or at the same meeting at which it is introduced, a two-thirds vote of all the elected members is required for adoption.

(Ord. 83-15 § 1 (part), 1983).

(Ord. No. 2026-05, § 2(Att. A), 2-18-2026)

2.04.320 Ordinances and resolutions—Public inspection and publication.

~~(a) For purpose of public inspection, the city clerk shall provide copies of ordinances and resolutions to the Monroe County Public Library no later than twenty four hours after the legislation has been introduced at the council.~~

~~(b) Copies of proposed legislation shall be made available to the public prior to and during meetings when the legislation is being considered.~~

~~(c) All ordinances and resolutions passed by the council shall be recorded by the clerk and due proof of publication of all ordinances requiring publication shall be obtained by the clerk and attached to the original ordinance. Ordinances and resolutions shall be made available for public inspection and copying at all times during regular business hours.~~

Every ordinance and resolution shall be made available for public inspection at the office of the city clerk. The city clerk shall ensure that all adopted ordinances and resolutions are published or posted as required by law and shall make them available online no later than three (3) days after passage.

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Commented [20]: CM Asare's suggestion. Check with the Clerk's Office

(Ord. 92-4 § 2, 1992; Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 7, 3-6-2013)

2.04.330 Ordinances and resolutions—Amendment.

The following rules shall govern the council when considering proposals for amendment of ordinances and resolutions:

- (1) All amendments to resolutions and ordinances must be reduced to writing before they may be considered to be properly before the council;
- (2) An amendment must be germane to the proposition to which it is to apply;
- (3) A primary amendment may be amended, but a secondary amendment (an amendment to an amendment) may not be amended;
- (4) When adopted, an amendment merely modifies the proposition or question to which it applies and the question before the council is then the consideration of the proposition or question as amended;

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- (5) An amendment once rejected may not be moved again in the same form in the same meeting of the council without first reconsidering the vote by which the amendment was defeated.

(Ord. 79-97 § 2 (part), 1979).

2.04.340 Ordinances—Repeal or modification.

Whenever an ordinance or a part of an ordinance is repealed or modified by a subsequent ordinance, the part of an ordinance thus repealed or modified shall continue in force until due publication of the ordinance when required, unless otherwise expressly provided. No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed, and recovered as fully as if such ordinance had continued in force, unless it shall be otherwise expressly provided.

(Ord. 79-97 § 2 (part), 1979).

2.04.350 Veto procedure.

- (a) In the event the mayor disapproves any ordinance, order, or resolution requiring mayoral approval, such ordinance, order, or resolution shall not become law unless at the next properly convened meeting or special meeting held at least ten days following presentation of the ordinance, order, or resolution to the mayor, the council again passes the ordinance, order, or resolution by two-thirds vote of all members of the council.
- (b) Further, in conformance with Indiana Code 36-7-4-609 "Vote Required for Legislative Action," as amended, each zoning ordinance adopted by the city under Indiana Code 36-7-4-606, 36-7-4-607, or 36-7-4-608 may be vetoed by the executive of the city. The executive must exercise the veto:
- (1) In a case in which the legislative body adopted (as certified) the proposal, within ten days after the legislative body acts;
 - (2) In a case in which the legislative body amends the proposal and the plan commission approves the amendment or fails to act, within fifty-five days after the proposal is returned to the plan commission for its consideration;
 - (3) In a case in which the legislative body amends the proposal and confirms its original amendment by another vote, within ten days after the legislative body confirms its original amendment; or
 - (4) In a case in which the proposal is to take effect because of the legislative body's failure to act within a period of days, within ten days after the expiration of that period.
- (c) If a city zoning ordinance is not vetoed under subsection (b), it takes effect without any action being taken by the executive of the city.
- (d) If a city zoning ordinance is vetoed under subsection (b), it is defeated unless the city legislative body, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds vote.

(Ord. 89-14 § 1, 1989; Ord. 86-57 § 1, 1986; Ord. 83-15 § 1 (part), 1983).

Article V. Proceedings and Motions

~~2.04.360 Voting procedure.~~

- ~~(a) All votes upon the passage of ordinances and resolutions, upon motions to suspend the rules, and upon motions to reconsider shall be by roll call vote. Any two members may demand a roll call vote upon any question to be voted upon by the council and when such demand is made the clerk shall call the roll.~~

Commented [21]: Only 2.04.370 Appointments to boards and commissions left, consider remove, rename, or remove this article.

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- (b) ~~The council may by a majority vote of the members present adopt any method for tabulating the vote, including a random or alphabetical order of calling the roll.~~
- (c) ~~During a roll call vote on any question, it shall be out of order for any member to offer remarks as the member is voting other than a short and concise explanation of his vote. After a roll call vote, it shall be out of order for any member to offer any remarks on the question that had been voted upon.~~
- (d) ~~Members shall vote on all questions before the council except in situations where there is a conflict of interest or for other good cause. If a member fails to vote upon any matter, any other member may raise the question and insist that the member either vote or state the reason for not voting and be excused.~~
- (e) ~~Any member may change a vote before the result is announced, and afterwards by leave of the council provided that the change will not affect the result. In no case shall a member absent when the question is put be allowed to vote after the result is announced.~~
- (Ord. 79-97 § 2 (part), 1979).

2.04.370 Appointments to boards and commissions.

Vacancies on boards and commissions to be filled by the council shall be filled by a majority vote of the members in a properly convened session of the council.

(Ord. 79-97 § 2 (part), 1979).

~~2.04.380 Order of business at regular sessions.~~

~~The council shall transact its business in the following order, but it may by majority vote amend the normal order of business and time limits set forth below:~~

- (1) ~~Roll call;~~
- (2) ~~Agenda summation;~~
- (3) ~~Approval of minutes;~~
- (4) ~~Reports (a maximum of twenty minutes is set aside for each part of this section);~~
- (A) ~~Council members,~~
- (B) ~~The mayor and city offices,~~
- (C) ~~Council committees, and~~
- (D) ~~Public*;~~
- (5) ~~Appointments to boards and commissions;~~
- (6) ~~Legislation for first readings;~~
- (7) ~~Second readings and resolutions;~~
- (8) ~~Additional reports from the public* (a maximum of twenty five minutes is set aside for this section of the agenda);~~
- (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 reports from the public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed up to three minutes each.~~

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~~(Ord. 92-4 § 1, 1992; Ord. 85-2 § 1, 1985).~~

~~(Ord. No. 10-14, § 1, 9-23-2010; Ord. No. 2024-13, §§ 1, 2, 6-5-2024)~~

2.04.390 Motions generally.

- ~~(a) When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated. The name of the member making the motion or offering any business shall be entered into the minutes.~~
- ~~(b) A motion may be withdrawn by the maker, but if there is any objection to the withdrawal, it may not be withdrawn until a motion to that effect has been passed.~~
- ~~(c) A motion shall be reduced to writing upon request of any member or city clerk.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

~~(Ord. No. 13-05, § 8, 3-6-2013)~~

2.04.400 Motions when question is under debate.

~~When a question is under debate, no motion other than pertinent incidental motions shall be entertained except to adjourn or recess, to lay on the table, for the previous question, to postpone for a definite time, to refer to committee, to amend, or to postpone indefinitely, which motions shall have precedence in the order above named and only the motions to postpone for a definite time, to refer to committee, to amend, and to postpone indefinitely shall be debatable.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

2.04.410 Motion for the previous question.

~~The motion for the previous question shall only be admitted when demanded by a two-thirds vote, and until it is decided, shall preclude all further amendments and debate of the main question. The effect of the previous question shall be to bring the council to a vote on the immediate question under discussion.~~

~~(Ord. 79-97 § 2 (part), 1979).~~

2.04.420 Motion to adjourn or recess.

- ~~(a) A motion to adjourn or recess shall be decided without debate and shall be in order at any time, except when it is repeated without intervening business or discussion, when a member is speaking, when the previous question has been ordered, or during roll call. A motion to recess shall take precedence over a motion to adjourn.~~
- ~~(b) No legislation may be introduced for council action after 10:30 p.m. local time without a two-thirds vote of the members of the council.~~
- ~~(c) When a motion to adjourn, or a motion to rise and report in committee of the whole, is made and seconded after five and one-half hours from the meeting's call to order or after 11:59 p.m. local time, whichever occurs first, it shall not require a vote, shall take precedence over a motion to recess, and shall have the effect of ending the meeting, regardless of what items on that meeting's agenda have not yet been voted on or taken up.~~
- ~~(1) A motion to recess to another day, which requires a second and a majority vote, shall not be in order unless the meeting's time of resumption is at least twenty-four hours after its initial call to order.~~
- ~~(2) Paragraph (c) shall not be subject to suspension under Section 2.04.090.~~

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~~(Ord. 79-97 § 2 (part), 1979)~~

~~(Ord. No. 21-34, § 1, 10-6-2021)~~

~~2.04.430 Division of question.~~

~~Any member may move that a question under consideration covering two or more distinct propositions be divided. If the motion is adopted by a majority of the members present, the question shall be divided.~~

~~(Ord. 79-97 § 2 (part), 1979)~~

~~2.04.440 Motion to table.~~

~~A motion to lay a question under consideration on the table shall take precedence over all amendments or debate of the question. Any matter laid on the table may be taken up by a vote of the council at any meeting after the meeting at which it is tabled. The motion to table may not be debated.~~

~~(Ord. 79-97 § 2 (part), 1979)~~

~~2.04.450 Motion to postpone indefinitely.~~

~~If a motion to postpone indefinitely is adopted or a motion to reconsider a negative vote has been laid on the table, the main question shall be declared defeated and removed from before the council for that session.~~

~~(Ord. 79-97 § 2 (part), 1979)~~

~~2.04.460 Motion to reconsider.~~

~~When any question has been decided in the affirmative or negative, any member voting with the majority may move a reconsideration of the vote before adjournment. Concurrence of a majority of the members present shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is defeated, it shall not again be entertained.~~

~~(Ord. 79-97 § 2 (part), 1979)~~

Article VI. Council Districts

Commented [22]: Meeting note: Remains as is.

2.04.500 Definition of councilmanic districts.

The City of Bloomington is hereby divided into six councilmanic districts which shall be known as the First District, Second District, Third District, Fourth District, Fifth District, and Sixth District. A copy of the map of these districts and the associated precinct populations are attached to this ordinance (Ordinance 22-24) as Exhibit "A." These districts shall consist of precincts as they were set forth in the "Order Establishing Precincts" of the Monroe County Commissioners dated December 15, 2021. This Order and the associated precinct map, and the IEC-8 forms are incorporated by reference into this ordinance and, in accordance with IC 36-1-5-4, two copies of this material shall be kept on file in the office of the City Clerk and Council for inspection by the public. These districts and their component precincts are as follows:

FIRST DISTRICT. The First Councilmanic District shall consist of the following designated precincts:

- (a) Perry Township Precincts 3, 5, 6, 8, 29 & 31;
- (b) Van Buren Township Precinct 2.

SECOND DISTRICT. The Second Councilmanic District shall consist of the following designated precincts:

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- (a) Bloomington Township Precincts 2, 6, 13, 14, 17, & 20;
 - (b) Perry Township Precinct 1;
 - (c) Richland Township Precinct 9.

THIRD DISTRICT. The Third Councilmanic District shall consist of the following designated precincts:

- (a) Bloomington Township Precincts 7, 8, 9, 10, 16, 21, 22, & 23.

FOURTH DISTRICT. The Fourth Councilmanic District shall consist of the following designated precincts:

- (a) Perry Township Precincts 7, 9, 14, 15, 16, 17, 20, 30, & 32.

FIFTH DISTRICT. The Fifth Councilmanic District shall consist of the following designated precincts:

- (a) Perry Township Precincts 10, 11, 12, 13, 18, 19, 21, 26, & 28.

SIXTH DISTRICT. The Sixth councilmanic District shall consist of the following designated precincts:

- (a) Bloomington Township Precincts 1, 3, 4, 5, 18, & 19.

(Ord. 93-10 § 1, 1993; Ord. 92-63 § 1, 1992; Ord. 90-44 § 2, 1990).

(Ord. No. 12-29, § 1, 12-19-2012; Ord. No. 22-24, § 1, 10-6-2022)

2.04.510 Reserved.

Editor's note(s)—Ord. No. 12-29, adopted Dec. 29, 2012, § 1, repealed § 2.04.510 in its entirety. The former § 2.04.510 pertained to the repeal of former council districts and derived from Ord. No. 90-44, § 3, 1990.