

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 22, 2020 at 6:30pm, Council Vice President Jim Sims presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
SPECIAL SESSION
April 22, 2020

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith
Councilmembers absent: Stephen Volan

ROLL CALL [6:34pm]

ANNOUNCEMENT BY COUNCIL VICE PRESIDENT: In performing his duty under BMC 2.04.270 to approve meeting agendas, the Council Vice President determined that the items on tonight's agenda are essential matters critical to the operation of the City government.

AGENDA SUMMATION [6:36pm]

Council Vice President Jim Sims summarized the agenda.

REPORTS

Councilmember Dave Rollo spoke about the importance of making changes to the economy that served the interests of the people while making environmentally friendly decisions to prevent further climate change.

- COUNCILMEMBERS [6:40PM]

Councilmember Isabel Piedmont-Smith spoke of the history of Earth Day and the need to take action to mitigate the effects of climate change.

Councilmember Matt Flaherty spoke of the most vulnerable people in society that had been affected by COVID-19. Flaherty spoke of the increasing effects of climate change.

Councilmember Kate Rosenbarger spoke of the importance of maintaining social distancing. Rosenbarger spoke of the increase of people going to trails and parks and the need to maintain safe social distancing.

Councilmember Jim Sims spoke of how COVID-19 had more severely impacted marginalized groups than the rest of the population. Sims said systemic institutionalized racism had severely impacted marginalized members of society and spoke of the need for positive change.

Mayor John Hamilton read a letter from his wife, Dawn Johnsen, who had been infected by COVID-19. Hamilton spoke of the need to maintain social distancing and to take COVID-19 seriously.

- The MAYOR AND CITY OFFICES [6:56pm]

Alex Crowley, Director of Economic and Sustainable Development, provided a status update for the Rapid Response Fund, a loan program. Crowley explained the application review process and the improvements to the program.

Beverly Calender-Anderson, Director of Community and Family Resources Department, provided an update on behalf of the Social Services Working Group. Calendar-Anderson spoke of the importance of addressing long-term issues to better help the community.

There were no council committee reports.

- COUNCIL COMMITTEES

Councilmember Susan Sandberg moved and it was seconded to appoint Tracy Gates to the Parking Commission. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Smith moved and it was seconded to appoint Mary Morgan to the Bloomington Urban Enterprise Association Seat C-3, Zone Resident 1. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:26pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 20-09 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" and to Grant Authority to Act in Accordance with Declared Disaster Emergencies - Re: Amending 2.22.030 Entitled "Employee Policies" and Complying with the State of Indiana's Declaration of Disaster Emergency under I.C. § 10-14-3-12

Piedmont-Smith moved and it was seconded to adopt Ordinance 20-09.

Philippa Guthrie, Corporation Counsel, presented the legislation. Guthrie explained the importance of adopting Ordinance 20-09 in terms of allowing leniency during the COVID-19 pandemic.

Council questions:

Sgambelluri asked if Guthrie had any predictions as to any potential issues that could arise after adopting Ordinance 20-09.

Guthrie said that it was hard to predict future issues, yet a possible example could be signing a contract for hotel space for emergency responders without receiving the Public Safety Board's approval.

Jeff Underwood, City Controller, said that the Community Foundation had recently fast tracked a proposal to allow pods for childcare facilities in several locations, as opposed to getting the Parks and Recreations Boards' approval.

Guthrie said the main point was that Ordinance 20-09 allowed for a proposal to be signed without getting a board's approval to allow for more efficiency.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 20-09.

Amendment 01 to Ordinance 20-09

Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty and clarifies that Sections 2 and 3 of the ordinance only apply the statewide disaster emergency declared by the Governor Holcomb as a result of the COVID-19 pandemic and under the authority of IC 10-14-3-12. It makes clear the intent of the Council that the exercise of powers set forth in Sections 2 and 3 should follow from an emergency declaration by the Governor and a discussion between the Mayor and the Council about how the City will operate during that emergency.

Flaherty explained the importance of preventing ambiguity in Ordinance 20-09.

Piedmont-Smith asked if the Administration approved Amendment 01 to Ordinance 20-09.

Council questions:

Guthrie said that the Administration was fine with the proposed changes.

There was no public comment on Amendment 01 to Ordinance 20-09.

Public comment:

Piedmont-Smith thanked Flaherty for proposing Amendment 01, which clarified that Ordinance 20-09 only applied to the current emergency.

Council comments:

The motion to adopt Amendment 01 to Ordinance 20-09 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 20-09 [7:40pm]

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 20-09.

Amendment 02 to Ordinance 20-09

Amendment 02 Synopsis: This amendment is sponsored by Cm. Flaherty. It adds a new, final Whereas clause, which summarizes guidance from the State Board of Accounts about how to proceed in this emergency, and adds a sentence at the end of Section 2. This sentence would require that the exercise of powers under IC 10-14-3-17(j) be done only after the Mayor or his designee has determined that the regular practices are not practicable due to the Current Declared Emergency and, in that event, the Mayor or his designee must inform the Council in writing, of what was done and why it was necessary, within a reasonable period after the action was taken.

Flaherty explained that Amendment 02 confirmed that the City was in line with the State Board of Accounts and clarified the process.

Sims asked if the Administration approved Amendment 02 to Ordinance 20-09.

Council questions:

Guthrie said that the Administration was fine with the proposed changes.

There was no public comment on Amendment 02 to Ordinance 20-09.

Public comment:

Piedmont-Smith thanked Flaherty, Council Attorney Dan Sherman, and Guthrie for their work on compiling Ordinance 20-09 and creating the various amendments. Piedmont-Smith spoke of the importance of providing flexibility to the Administration during the pandemic.

Council comments:

The motion to adopt Amendment 02 to Ordinance 20-09 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 20-09 [7:48pm]

Rosenbarger moved and it was seconded to adopt Amendment 03 to Ordinance 20-09.

Amendment 03 to Ordinance 20-09

Amendment 03 Synopsis: This amendment is sponsored by Cms. Rosenbarger and Piedmont-Smith. It addresses Section 3 of the ordinance, which allows the Controller, in accordance with State guidance, to authorize expenditures in advance of the normal review and approval by the applicable board or commission. The amendment limits these authorizations to expenditures that directly address the Current Declared Emergency and only when the regular process is not practicable due to the Current Declared Emergency. The amendment also includes one reporting requirement for authorizations that would otherwise go to the Council and another reporting requirement for authorizations that would otherwise go to another board or commission. Lastly, it recognizes the Council fiscal oversight provisions set forth in BMC 2.26.200 through 210, and reminds all that the procedures for emergency expenditures provided under BMC 2.26.200 (d), (Exceptions to the Process for Review) are available if needed during the Current Declared Emergency.

Rosenbarger explained the importance of Amendment 03 in directly addressing the emergency.

There were no council questions.

Council questions:

There was no public comment on Amendment 03 to Ordinance 20-09.

Public comment:

Smith thanked everyone involved in creating Ordinance 20-09 and stated his support for the legislation.

Council comments:

The motion to adopt Amendment 03 to Ordinance 20-09 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 20-09 [7:53pm]

Flaherty thanked council staff and Administration for working with the council to create Ordinance 20-09 and the various amendments.

Council discussion:

Piedmont-Smith thanked the City Administration for their work during the pandemic.

Sims thanked the City staff for their flexibility to move quickly during the pandemic, and stated the importance of accountability from the Council.

The motion to adopt Ordinance 20-09 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-09 as amended [7:58pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Piedmont-Smith moved and it was seconded to hold a Special Session on April 29, 2020 at 6:30pm immediately followed by a Budget Advance Meeting. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [8:01pm]

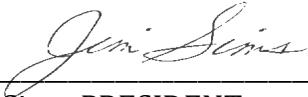
Rollo moved and it was seconded to adjourn the meeting. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

ADJOURNMENT [8:05pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this
26 day of _____ May _____, 2021.

APPROVE:

ATTEST:



Jim Sims, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington