



City of Bloomington Common Council

Legislative Packet

Committee of the Whole
Wednesday, 14 December 2011

For Additional background material please refer to the [legislative packet](#) issued in interest of the 7 December 2011 meeting

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Council Sidewalk Debriefing Meeting** on Tuesday, December 20th at 4:30 p.m. in the Council Library

Legislation for Discussion at Committee of the Whole:

Regarding Wastewater Rates and Authorization for Bonds for Wastewater Necessities -

- **Ord 11-13** To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Wastewater Rate Adjustment)
Contact: Vickie Renfrow at 349-3426 or renfrowv@bloomington.in.gov
- **Ord 11-14** An Ordinance Concerning the Construction of Additions and Improvements to the Sewage Works of the City of Bloomington, Indiana; The Current Refunding by the City of Its Sewage Works Revenue Bonds of 1999, Series A; The Funding of Sewage Works Reserve Funds and Reimbursements to the City; Authorizing the Issuance of Sewage Works Revenue and Refunding Revenue Bonds for Such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Revenue and Refunding Revenue Bonds; Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds; And Repealing Ordinances Inconsistent Herewith
 - Exhibit A (Project Description) *with two copies of the Plans and Specifications available in the Office of the City Clerk;*
 - Exhibit B (Form of Bond Purchase Agreement); Exhibit C (Form of Escrow Agreement);
 - Exhibit D (Post Issuance Compliance Policy);
 - Exhibit E (Form of Continuing Disclosure Agreement)*Contact: Vickie Renfrow at 349-3426 or renfrowv@bloomington.in.gov*

Regarding Urban Chickens –

- **Ord 11-20** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: To Amend Provisions Regarding the Permitting of Small Flocks of Chickens in Certain Residential Districts
 - Am 01 (Sponsored by Councilmember Mayer – proposing to remove the prohibition in the General Standards against slaughtering chickens - forthcoming)

Contact for ordinance:

Councilmember Piedmont-Smith at 349-3409 or piedmoni@bloomington.in.gov

Contact for amendment:

Councilmember Mayer at 349-3409 or mayert@bloomington.in.gov

Regarding Common Council Committees -

- **Ord 11-21** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Remove Requirement that Legislation be Referred to the Committee of the Whole

Contact: Councilmember Volan at 333-0900 or volans@bloomington.in.gov

- **Ord 11-22** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Establish and Clarify Scheduling Policies for Council Committees

Contact: Councilmember Volan at 333-0900 or volans@bloomington.in.gov

- **Res 11-16** To Establish a Slate of Standing Committees of the Bloomington Common Council

- Memo to the Council from Councilmember Volan (Regarding Ord 11-21, Ord 11-22 and Res 11-16 and included in the previous packet for the other related legislation).

Contact: Councilmember Volan at 333-0900 or volans@bloomington.in.gov

*For legislation, summaries, and related materials for all the above except **Res 11-16** and Am 01 to **Ord 11-20**, please see the [Council Legislative Packet](#) distributed for the 7 December 2011 Regular Session.*

Memo

Six Items Ready for Discussion at the Committee of the Whole on Wednesday, December 14th

There are five ordinances and one resolution ready for discussion at the Committee of the Whole scheduled for Wednesday, December 14th. The ordinance, summaries and related material can be found online as indicated in the table of contents of this Summary. The resolution and a proposed amendment to one of the ordinances can be found in this packet and are summarize herein.

Item 3 - Ord 11-20 – Amendment Enclosed in Packet Would Remove the Prohibition Against Slaughtering Chickens on Properties Harboring Chickens)

Ord 11-20 is co-sponsored by Councilmember Piedmont-Smith and Rollo and is coming forward for discussion on Wednesday. It loosens the permitting of small flocks of chickens in certain residential districts and corrects some citations to the Unified Development Ordinance. Councilmember Mayer has requested that an amendment be prepared to remove the prohibition in the General Standards against the slaughtering of chickens on the harborer's property. He notes that chickens only have the capacity to lay eggs for a few years and that harborers who want eggs may want to replace the non-egg laying chickens with ones that still can produce eggs.

Item 6 – Res 11-16 – Establishing 10 Standing Committees of the Council to Help Oversee the Operation of the City

Res 11-16 is the third part of the three-part legislative packet introduced at the Regular Session on December 7th. The first part (Ord 11-21) would make the Council's Standing Committees the vehicle for reviewing pending legislation (rather than Committees of the Whole) and, thereby extend the legislative cycle from three to five Wednesdays. The second part (Ord 11-22) would arrange for Standing Committees that are reviewing legislation to meet on the second and fourth Wednesdays starting no earlier than 5:30 p.m. and no later than 9:45 p.m. The third part is this resolution. The resolution creates 10, 3-person Standing Committees to help oversee the operations of the City. These Standing Committees would be composed of no more than three Council members and may include the City Clerk as a member as well.

The decisions involved in allocating the oversight of City operations to a set number of committees will be complex, at points arbitrary, and ultimately depend upon the

priorities of those who create the committees. From the Administrator's perspective, as explained in last week's summary, I suggest that, if this moves forward, there be fewer and larger (no less than five members) committees.

Here is the breakdown down of the proposed committees and their oversight functions:

10 THREE-PERSON COUNCIL OVERSIGHT COMMITTEES

**COMMITTEE OVERSEES
THESE DEPARTMENTS
AND CITY OPERATIONS**

**COMMITTEE OVERSEES AND,
WHEN APPLICABLE,
NOMINATES PERSONS TO
SERVE ON THESE BOARDS AND
COMMISSIONS**

ARTS AND CULTURE

Economic and Sustainable Development
Department (in particular, the arts
functions - including the Bloomington
Entertainment and Arts District [BEAD])

Bloomington Arts Commission

COMMUNITY AND FAMILY RESOURCES

Community and Family Resources

Bloomington Human Rights Commission
Commission on Aging
Commission on Hispanic and Latino Affairs
Commission on the Status of Black Males
Commission on the Status of Women
Community and Family Resources
Commission
Council for Community Accessibility
Dr. Martin Luther King, Jr. Day
Commission

ECONOMIC AND SUSTAINABLE DEVELOPMENT

Department of Economic & Sustainable Development (in particular, the non-BEAD aspects of that department) and Housing and Neighborhood Development (HAND) Department (in particular, the non-redevelopment aspects of that department)

Bloomington Urban Enterprise Association
Economic Development Commission
Bloomington Industrial Development Advisory Commission
Bloomington Commission on Sustainability
Redevelopment Commission

HOUSING AND EXTERNAL AFFAIRS

HAND Department (in particular, the non-redevelopment aspects of the department)
Council of Neighborhood Associations [CONA])
and
the Committee is also authorized to reach out to, discuss and coordinate policy efforts with Indiana University, IVY Tech College, Monroe County, and Monroe County Community Schools.

Board of Housing Quality Appeals
Bloomington Historic Preservation Commission
Housing Trust Fund Board of Directors

INTERNAL SERVICES

Controller's Office
Human Resources
Information & Technology Services
Legal
Risk Management
and
Facilities Maintenance and Fleet Maintenance divisions.

LAND USE

Planning Department
and annexations.

Board of Zoning Appeals
Environmental Commission
Plan Commission

PARKS & RECREATION

Parks and Recreation

Board of Park Commissioners
Tree Commission

PUBLIC SAFETY

Police
Fire
Animal Care & Control Division

Animal Control Commission
Board of Public Safety

TRANSPORTATION

Bloomington Transit
Engineering
Parking Enforcement
Street and
Traffic

Bicycle & Pedestrian Safety Commission
Board of Public Transit Corporation
Traffic Commission
Citizen Advisory and Policy Technical
Advisory Committees of the Metropolitan
Planning Organization (MPO)

UTILITIES AND SANITATION

Utilities Department
Sanitation Division

Bloomington Digital Underground (BDU)
Advisory Board
Telecommunications Council
Utilities Services Board

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, DECEMBER 14, 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

Chair: Brad Wisler

1. Ordinance 11-13 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Wastewater Rate Adjustment)

Asked to Attend: Patrick Murphy, Director of Utilities Department
Mike Bengtson, Assistant Director, Engineering, Utilities Department
Angie Steeno, Crowe Horwath

2. Ordinance 11-14 An Ordinance Concerning the Construction of Additions and Improvements to the Sewage Works of the City of Bloomington, Indiana; The Current Refunding by the City of Its Sewage Works Revenue Bonds of 1999, Series A; The Funding of Sewage Works Reserve Funds and Reimbursements to the City; Authorizing the Issuance of Sewage Works Revenue and Refunding Revenue Bonds for Such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Revenue and Refunding Revenue Bonds; Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds; And Repealing Ordinances Inconsistent Herewith

Asked to Attend: Patrick Murphy, Director of Utilities Department
Mike Bengtson, Assistant Director, Engineering, Utilities Department
Angie Steeno, Crowe Horwath

3. Ordinance 11-20 To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” Re: To Amend Provisions Regarding the Permitting of Small Flocks of Chickens in Certain Residential Districts

Sponsors: Councilmember Isabel Piedmont-Smith
Councilmember Dave Rollo

4 Ordinance 11-21 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Remove Requirement that Legislation be Referred to the Committee of the Whole

Sponsors: Councilmember Steve Volan
Councilmember Isabel Piedmont-Smith
Councilmember Dave Rollo
Councilmember Brad Wisler

5. Ordinance 11-22 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 Entitled “Common Council” to Establish and Clarify Scheduling Policies for Council Committees

Sponsors: Councilmember Steve Volan
Councilmember Isabel Piedmont-Smith
Councilmember Dave Rollo
Councilmember Brad Wisler

6. Resolution 11-16 To Establish a Slate of Standing Committees of the Bloomington Common Council

Sponsors: Councilmember Steve Volan
Councilmember Isabel Piedmont-Smith
Councilmember Dave Rollo
Councilmember Brad Wisler



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

To: Council Members
From: Council Office
Re: Calendar for the Week of 12 December – 16 December 2011

Monday, 12 December 2011

11:00 am Bloomington Police Department Swearing-In Ceremony, Council Chambers

Tuesday, 13 December 2011

10:00 am Mobility Steering Committee, McCloskey
4:00 pm Board of Public Safety, McCloskey
4:00 pm Board of Parks Commissioners, Council Chambers
4:30 pm Commission on Aging, Hooker Room
5:30 pm Animal Control Commission, Hooker Room
5:30 pm Bloomington Public Transit Corporation, Transit
6:00 pm Commission on Sustainability, McCloskey

Wednesday, 14 December 2011

9:30 am Tree Commission, Rosehill - 930 W. 4th St.
2:30 pm Hearing Officer, Kelly
4:00 pm Board of Housing Quality Appeals, McCloskey
4:00 pm Martin Luther King Commission, Hooker Room
4:30 pm Environmental Resources Advisory Council, Parks
5:30 pm Black History Month Steering Committee, Hooker Room
7:30 pm Common Council Committee of the Whole, Council Chambers

Thursday, 15 December 2011

8:00 am Bloomington Housing Authority Board of Commissioners, BHA - 1007 N. Summit
3:30 pm Bloomington Municipal Facilities Corporation, Dunlap
5:00 pm Joint City of Bloomington and Monroe County Deer Task Force, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers
7:00 pm Environmental Commission, McCloskey

Friday, 16 December 2011

12:00 pm Domestic Violence Task Force, McCloskey
12:00 pm Economic Development Commission, Hooker Room

Posted and Distributed: Friday, 9 December 2011



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Sidewalk Committee Meeting

**Tuesday, December 21, 2011 at 4:30 p.m.
in the Council Office Library
(401 N. Morton Street, Suite 110)**

Because a quorum of the Common Council may be present, this meeting may constitute a meeting of the Council as well as of this committee under Indiana Open Door Law. Therefore, this provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, December 9, 2011

RESOLUTION 11-16

TO ESTABLISH A SLATE OF STANDING COMMITTEES OF THE BLOOMINGTON COMMON COUNCIL

- Whereas, standing committees define Council oversight of the functions of the Executive and provide a clear line of reporting for Administration officials; and
- Whereas, according to BMC 2.04.210, “committees may investigate other areas within their jurisdiction,” allowing for hearings to be held on issues not already on the Council’s agenda; and
- Whereas, according to BMC 2.04.250(c)(1), “the committee of the whole may consider only matters and questions referred to it”; and
- Whereas, every first- and second-class city council in the State of Indiana refers issues to standing committees rather than a committee of the whole, as does the third-class city of West Lafayette; and
- Whereas, the duties of board-and-commission nominating committees could be subsumed by standing committees in untelevised internal work sessions, ensuring more timely appointments to boards and commissions; and
- Whereas, only those who are members of a standing committee would be expected to attend an internal work session in anticipation of legislation referred to that committee, making those sessions more practical to schedule; and
- Whereas, no minutes are required to be taken during committee of the whole, when much of the significant questioning, discussion and debate on an issue is taking place, while standing committees “shall keep a memorandum of the proceedings and the recommendations made” (BMC 2.04.220);
- Whereas, many “me-too” and “what-I-said-last-week” statements come from Council members during Second Readings, making the Second Readings often redundant after a committee of the whole; and
- Whereas, Council members clearly desire to record the ayes and nays they cast in committee of the whole, as such votes are being recorded contrary to BMC 2.04.250(c)(5); and
- Whereas, standing committees, whose deliberations are non-binding, enable the City Clerk, who is part of the Bloomington “Common Council” along with the nine Council members, to participate in deliberations as an equal member of one or more standing committees; and
- Whereas, Council can set its priorities through the definitions of standing committees, which can sometimes transcend the definitions of existing city departments;

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

Section 1. In accordance with Bloomington Municipal Code 2.04.210 “Standing committees – establishment,” the following standing committees, which shall be composed of no more than three Council members and may also include the City Clerk, shall be established to oversee City operations:

- (a) **ARTS AND CULTURE.** This committee oversees the Arts functions of the Economic and Sustainable Development Department (including the Bloomington Entertainment and Arts District [BEAD]) and oversees and, when applicable, nominates persons to serve on the:
- (i) Bloomington Arts Commission;
- (b) **COMMUNITY AND FAMILY RESOURCES.** This committee oversees the department of the same name and oversees and, when applicable, nominates persons to serve on the:
- (i) Bloomington Human Rights Commission;
 - (ii) Commission on Aging;
 - (iii) Commission on Hispanic and Latino Affairs;
 - (iv) Commission on the Status of Black Males;
 - (v) Commission on the Status of Women;
 - (vi) Community and Family Resources Commission;
 - (vii) Council for Community Accessibility;
 - (viii) Dr. Martin Luther King, Jr. Day Commission;
- (c) **ECONOMIC AND SUSTAINABLE DEVELOPMENT.** This committee oversees the non-BEAD aspects of the Department of Economic & Sustainable Development and the Redevelopment aspects of the Housing and Neighborhood Development (HAND) Department. It oversees and, when applicable, nominates persons to serve on the:
- (i) Bloomington Urban Enterprise Association;
 - (ii) Economic Development Commission;
 - (iii) Bloomington Industrial Development Advisory Commission;
 - (iv) Bloomington Commission on Sustainability;
 - (v) Redevelopment Commission;
- (d) **HOUSING AND EXTERNAL AFFAIRS.** This committee oversees the non-Redevelopment aspects of the HAND Department as well as the Council of Neighborhood Associations (CONA). It is authorized to reach out to, discuss and coordinate policy efforts with Indiana University, IVY Tech College, Monroe County, and Monroe County Community Schools. It also oversees and, when applicable, nominates or recommends consent for persons to serve on the:
- (i) Board of Housing Quality Appeals;
 - (ii) Bloomington Historic Preservation Commission;
 - (iii) Housing Trust Fund Board of Directors;
- (e) **INTERNAL SERVICES.** This committee oversees the Controller's Office, Human Resources, Information & Technology Services, and Legal and Risk Management, as well as the Facilities Maintenance and Fleet Maintenance divisions within the Department of Public Works.
- (f) **LAND USE.** This committee oversees the Planning Department and annexations, and oversees and, when applicable, nominates persons to serve on the:
- (i) Board of Zoning Appeals;
 - (ii) Environmental Commission;
 - (iii) Plan Commission;
- (g) **PARKS & RECREATION.** This committee oversees the department of the same name, and oversees and, when applicable, nominates persons to serve on the:
- (i) Board of Park Commissioners;
 - (ii) Tree Commission;
- (h) **PUBLIC SAFETY.** This committee oversees the Police and Fire Departments as well as the Animal Care & Control Division within the Department of Public Works. It oversees and, when applicable, nominates persons to serve on the:
- (i) Animal Control Commission;
 - (ii) Board of Public Safety;

(i) TRANSPORTATION. This committee oversees Bloomington Transit as well as the Engineering, Parking Enforcement, Street and Traffic divisions within the Department of Public Works. It oversees and, when applicable, nominates persons to server on the:

- (i) Bicycle & Pedestrian Safety Commission;
- (ii) Board of Public Transit Corporation;
- (iii) Traffic Commission;
- (iv) Citizen Advisory and Policy and Technical Advisory Committees of the Metropolitan Planning Organization (MPO);

(j) UTILITIES AND SANITATION. This committee oversees the City of Bloomington Utilities Department and the Sanitation Division within the Department of Public Works. This committee oversees and, when applicable, nominates persons to serve on the:

- (i) Bloomington Digital Underground (BDU) Advisory Board;
- (ii) Telecommunications Council;
- (iii) Utilities Services Board.

Section 2. The Council Sidewalk and Jack Hopkins Social Services Funding Program committees shall continue as special funding committees without change in their authority or procedures.

Section 3. All previous actions of the Council establishing specific standing committees are hereby repealed and all nominating committees are hereby disbanded.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is co-sponsored by Councilmembers Piedmont-Smith, Rollo, Volan and Wisler. It proposes a slate of standing committees for the management of the Council's legislative workload, as a regular replacement for exclusive reliance on committees of the whole.

In addition to providing practical time-management benefits, the naming of the standing committees gives the Council better tools for overseeing the functioning of the City, and clearer reporting lines for various departments. Standing committees make the development of legislation more predictable, as an official or petitioner will know who will be likely to hear the legislation in committee. These committees will also be able to hold hearings on issues that are not the subject of pending legislation, but may need to be; such hearings allow the Council to gather information and input without having to develop ordinances or wait for events to overtake the issue.

Standing committees can subsume nominations to boards and commissions, eliminating the need for nominating committees. The Sidewalk and Jack Hopkins Social Services Funding Program committees shall continue without change in their procedures as special funding committees.

To: Council Members
From: Councilmember Volan, District 6
Re: Memo On Council Process Reform (Ord 11-21, Ord 11-22, Res 11-16)
Date: December 2, 2011

This package of legislation improves the way that the Bloomington City Council conducts its legislative business. For a number of reasons -- a more populous city, increasingly complex issues, more engaged Councilmembers -- the process by which Council considers legislation has become untenable, and is in need of reform.

PROBLEMS WITH THE CURRENT PROCESS

The Council meets in Regular Session twice a month on first and third Wednesdays. It refers all its legislation to a committee of the whole, which meets between Regular Sessions on second and fourth Wednesdays. The committee of the whole, by Bloomington's definition, dissolves upon adjournment. This leaves less than seven calendar days between the legislation's committee presentation (when it's presented and discussed in front of Council for the first time) and its Second Reading at the next Regular Session.

If any one member wishes to take further time on an issue, the Council has to vote at Regular Session to continue (or recommit to the committee of the whole). Through this schedule, however, Council has set up the expectation that once an item is First Read, it will be disposed of by the next Regular Session. Continuing an issue almost never happens, and two weeks has become the default length of the so-called "legislative cycle."

Bloomington is unlike every other second-class city in the state and Indianapolis in this respect. The others take at least four weeks (or a month, whichever is longer) to take a final vote on an issue, even though half of them also meet in Regular Session twice a month like Bloomington.

Some additional problems with the current Council process:

-- Returning members who wish to do a conscientious job evaluating items on the Council agenda are challenged by this unnecessarily compressed legislative cycle, and regularly request to extend the schedule for deliberating.

-- The disinclination of the Council to extend its current compressed process also causes members to dig in their heels during contentious hearings, often extending the meetings past the 10:30pm deadline for introducing new items on the agenda, and sometimes to record durations, simply because they have had insufficient time to exercise their privilege as councilmembers to fully understand the issue at hand.

-- Administration staff, petitioners, and members of the public can sometimes find themselves waiting several hours before they can speak to the issue they came to address, while the Council disposes of other issues.

-- Few members of the general public make the fine distinction between committee of the whole and Regular Session. It just looks like all nine members are present four weeks out of the month.

-- Councilmembers do not indulge in extended debate because of the cable-access television cameras in the room. They indulge in extended debate because all nine councilmembers are in the room, and they perceive that the opportunity to persuade the others is imminent. This is contrary to the goal of a committee meeting, which is intentionally a sub-quorum number to emphasize its advisory nature.

-- The compressed legislative cycle causes burnout. The three members of this term who are retiring are doing so because the time demands put on them by Council business are too great.

This process is not best practice. Bloomington's own Plan Commission, which hears items that often come before the City Council, takes at least four weeks from initial hearing to final vote, and recently had a meeting that ran 6 hours 45 minutes -- longer than any Council meeting in the past decade. It could have broken its agenda down into two 3 hour 30 minute meetings, the second held two weeks later, to take up the rest of its agenda. That is certainly what Council should be doing to prevent nights that go past 10:30.

THE SOLUTION: STANDING COMMITTEES

The Council, as the foremost legislative body of the City, is responsible for overseeing the City administration, writing new ordinance when necessary, and responding to public concerns. Yet the job of Councilmember was conceived as a part-time position. CMs typically expect to devote 15-20 hours a week on City business, rely on other employment, and in most cases have families. Councilmembers must have the opportunity to do their due diligence under these difficult constraints, and thus must be the final arbiters of the Council agenda.

The problem lies in BMC 2.04.250, which defines the Committee of the Whole. Section (a) requires that legislation be referred to it instead of to a typical committee structure. And Paragraph (c)(1) does not allow a Committee of the Whole to extend itself to a future date; when the Committee of the Whole "rises" (i.e., when the meeting adjourns), the Committee must "report" (at the next Regular Session).

The solution lies in the several paragraphs that precede BMC 2.04.250. Standing Committees have been defined (.210) for longer than has the Committee of the Whole, but Council has not used them for at least a decade.

Paragraph .230(b) specifies that a matter referred to a standing committee "shall normally be reported back to the council not later than the second regular session after being referred." The act of referring to standing committees, then, extends the typical legislative period by at least two weeks, effectively giving Councilmembers at least three weeks after hearing live testimony (instead of one) to gather more information or develop motions.

ORDINANCE 11-21: THE "HOW" OF COMMITTEES

Ordinance 11-21 simply swaps two words of Bloomington municipal code. It changes from a requirement to an option ("shall" to "may") that legislation before the City Council be referred to a committee of the whole, and changes from an option to a requirement ("may" to "shall") that legislation be referred to one or more of a slate of standing committees. The Council would thus refer any pending legislation to a standing committee, while still being able to refer to committee of the whole for big issues such as the annual city budget.

This change has two additional benefits. If an issue is non-controversial, a standing committee can make its recommendation after one meeting; it is still entirely within Councilmembers' power to dispose of legislation at the current compressed pace. But referral to a standing committee also gives every member a longer period to exercise due diligence, without having every time to ask permission of a majority of Council. The default legislative cycle thus becomes four weeks, ensuring that the right of individual members to pursue lines of questioning can do so free of undue deadline pressure.

Note that Paragraph .230(d) expressly limits the power of standing committees to the making of recommendations, which "shall have no force unless adopted by the council at a properly convened session." The only cities in Indiana whose city council committees can kill legislation are Evansville and Hammond; in all other cases including Bloomington's, committees have only the power to recommend.

Decisions must never be made in haste. The Council's priority must be the quality of its decisions, and must protect the ability of each member to do due diligence in making them. This change to code, and the Council's process, is long overdue.

ORDINANCE 11-22: THE "WHEN" OF COMMITTEES

Ordinance 11-22 would change city code to clarify and harmonize scheduling policies for council committees, whether they be standing committees, special committees or the committee of the whole. The first part of the Ordinance unifies committee scheduling policies, scattered throughout Article III of Chapter 2.04 of municipal code, under a single new section 2.04.255.

(The second part of the Ordinance moves language prohibiting the scheduling of committee meetings on holidays to its own heading, and clarifies it to apply to all types of committees. Since committees could possibly meet on days other than Wednesday, it clarifies the definition of the end-of-the-year recess to disallow any official meeting between the fourth Wednesday of December and the end of the year. The third part of the Ordinance simply removes a line specifying when committees of the whole are to meet, since it is made redundant by the previous parts of this ordinance.)

Other cities schedule their committee hearings at times between regular sessions that vary wildly. Bloomington's council is accustomed to meeting four Wednesday nights a month; this tradition should be continued. The new paragraph .255(a) maintains this commitment to Wednesday nights for either standing committees or committees of the whole, without prohibiting the

occasional need to meet on a different day of the week. (Note that this paragraph does not specify "Special Committees," which should be allowed to be scheduled when necessary.)

MEETINGS TO CONSIDER LEGISLATION REFERRED: WEDNESDAY NIGHTS

Paragraph .255(b) specifically covers meetings “convened to consider legislation referred” to standing committees and committees of the whole. (Special committees, even if legislation has been referred to them, are excepted.) It heeds the fourth sentence of .210, which provides that “all council members may attend the meetings of any standing committee,” by guaranteeing that meetings of standing committees not overlap.

The combination of serial meetings and a limited window for them dictates that standing committees will have to schedule start AND end times. This will require committee members to keep an eye on the meeting clock. It also emphasizes that committees should refrain from extended debate, which should be a matter for the full Council. Committee meetings should instead function as opportunities to focus on the questions that the full Council would be most interested in.

The last serial committee meeting of an even-numbered Wednesday night does not have to specify an end time and can thus go late, but ought to anticipate an end time whenever possible; the spirit of .420 is to respect the difficulty that anyone would have trying to deliberate or legislate at a late hour.

THE BROADER WEDNESDAY-NIGHT WINDOW FOR STANDING COMMITTEE MEETINGS

That spirit is why paragraph .255(c) explicitly allows for committee meeting start times as early as 5:30 pm, granting the Council more scheduling flexibility than 7:30 pm currently allows. The paragraph also takes into account the precedent set by .420, which discourages the introduction of legislation for Council action after 10:30 pm, by guaranteeing that standing committees can be scheduled to start no later than 9:45 pm.

This term we have held untelevised "internal work sessions" (IWS) to consider items that regard legislation that is NOT YET on the Council's agenda, at noon on second and fourth Fridays. It has proven difficult to attract more than 3 members to any session, because the time is difficult for many working councilmembers.

Nevertheless, IWSes are an important part of the legislative process. They are also effectively the type of meeting we have conducted to interview potential nominees to boards and commissions. This proposal makes the even-Wednesday-night time window wider so as to accommodate moving IWSes from Fridays to Wednesdays, when CMs are already used to conducting Council business. It proposes that committee meetings can be scheduled as early as 5:30pm, a more practical time for CMs to meet with department heads in IWS.

Committees requiring less time to hear an issue should be scheduled earlier in the evening than committees facing more substantial issues. Anticipating this concern, Paragraph .255(b) also does not allow hearings to begin after 9:45pm without the suspension of the rules.

COMMITTEE MEETING TIME LIMITS AND THEIR IMPACT

Any committee meeting needing 3 hours fairly cries out for breaking up hearing of the issue into two sessions two weeks apart; the typical committee should not need more than 90-120 minutes on any given to tackle an issue as much as is possible that fortnight.

Council will need to be judicious about estimating how much time a hearing will require, and committee members will need to be cautious about using hearing time wisely so as to preserve the schedule of hearings that evening. Committee members should use the hearing to dispose of insignificant questions regarding the issue, and gather the information necessary for the full Council to concentrate on the issue's significant questions.

Committee hearings are by definition less formal than Regular Sessions; committee members should not worry about their opinions of the legislation being noted, as both majority and minority committee voters will have a chance to summarize their opinions in Regular Session, when the committee makes its report.

An important benefit of this scheduling change is that Administration staff, Petitioners and members of the public who are interested in only one issue will find that, at least on even-numbered Wednesdays, the time that their issue will be heard will be significantly more predictable than with a Committee of the Whole. No one will have to sit through a number of other issues unnecessarily.

Paragraph .255(c) is where the language from the existing .250(a), specifying the meeting time for Committee of the Whole, is relocated. Since the primary use of Committee of the Whole after adoption of these ordinances will be for Budget Week (which Council has been scheduling for 6:00pm start times), this paragraph is less emphatic about meeting at 7:30.

RESOLUTION 11-16: "WHICH" COMMITTEES?

As required by city code, standing committees must be established by resolution. Resolution 11-16 specifies the standing committees to be used by Council starting in 2012.

The number of committees in cities across the state ranges from 3 or 4 to more than two dozen. The proposal specifies ten standing committees, the department(s) and/or division(s) of the City Administration that each oversees, and the board(s) and/or commission(s) that each oversees and nominates members to. (These committees replace the separate nominating committees for each board or commission.)

(Note that the two committees that have been regularly meeting the past few years, Sidewalks and Jack Hopkins Social Service Fund, are both functionally "special committees" which dissolve after their work is done. Jack Hopkins was defined by resolution as a "standing committee" but should be adjusted to "special" because its schedule is irregular. At any rate both committees can and should continue to function as they have.)

Even if standing committees do not regularly have legislation referred to them, establishing a slate of them is important, to establish more apparent Council oversight over the operation of the City. Knowing that there are three members duly appointed by Council to concentrate on a particular subject area for the year gives departments a clearer line of reporting, making it easier to identify and involve Council without having to approach them ad hoc. Establishing committees also allows them to more easily hold special hearings on items that are not yet the subject of legislation but perhaps should be (e.g.: urban deer, the imminent bankruptcy of the BAAC). If Council is to uphold its statutory duty, it is beyond time that it used the most fundamental tool in its oversight tool chest to do so.