



# City of Bloomington Common Council

## Legislative Packet

Regular Session

*immediately followed by*

Committee of the Whole Discussion

01 September 2010

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

812.349.3409

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
<http://www.bloomington.in.gov/council>



## **Packet Related Material**

### **Memo**

### **Agenda**

### **Calendar**

### **Notices and Agendas:**

*None*

### **Legislation for Final Action:**

*None*

### **Budget and Budget- Related Legislation to be Introduced at the Regular Session and Discussed at the Committee of the Whole on September 1<sup>st</sup> and Scheduled for Final Action at the Special Session on September 15<sup>th</sup>:**

*Please see the separate 2011 Budget Packet for the two appropriation ordinances, the three salary ordinances, an ordinance renaming the Employee Services Department, the Transit ordinance, and all the related background material.*

*For Questions Regarding the:*

*Civil City Appropriation Ordinance - Please Contact:*

*Mike Trexler, Controller, at 349-3416 or [trexlerm@bloomington.in.gov](mailto:trexlerm@bloomington.in.gov)  
(or reach the appropriate department director)*

*Utility Appropriation Ordinance - Please Contact:*

*Patrick Murphy, Director, at 349-3650 or [murphyp@bloomington.in.gov](mailto:murphyp@bloomington.in.gov)*

*Salary Ordinances and Ordinance Changing the Name of the Employee Services Department - Please Contact:*

*Daniel Grundmann, Director of Employee Services at 349-3578  
or [grundmad@bloomington.in.gov](mailto:grundmad@bloomington.in.gov)*

*Transit Ordinance – Please Contact:*

*Lew May, Director of Bloomington Transit at 332-5688  
or [lmay@kiva.net](mailto:lmay@kiva.net)*

## **Other Legislation and Background Material for First Reading:**

- **Ord 10-14** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” - Re: Amending BMC 2.04.380 (Order of Business for Regular Sessions)
  - Memo to the Council from Dan Sherman, Administrator/Attorney for the Common Council; Annotated Changes to BMC 2.04.380  
*Contact: Dan Sherman at 349-3562 or shermand@bloomington.in.gov*

## **Minutes from Regular Session:**

*None*

## **Memo**

### **Chair of Committee of the Whole Meeting: Rollo**

### **Two Legislative Rounds for the First Four Weeks of September - No Meetings on September 8<sup>th</sup> -**

The Council typically squeezes two legislative rounds into the first legislative cycle of September which, this year, includes meetings on September 1<sup>st</sup>, September 15<sup>th</sup>, and September 22<sup>nd</sup>. Please note that the Annual Schedule skipped a meeting on September 8<sup>th</sup> because it falls on Rosh Hashanah (the Jewish New Year) and added a meeting on the fifth Wednesday, in order to hold the usual number of four meetings this month.

Providing for two legislative rounds in the first legislative cycle in September allows the Council to take action on the budget well before the November 1<sup>st</sup> deadline (which was changed from September 30<sup>th</sup> in 2009) and also handle the other items that are ready for action by the middle of September.

**Budget Related Legislation.** The first legislative round will be set aside for seven pieces of legislation which are directly or indirectly related to the 2011 budget. This legislation will be introduced at the Regular Session on September 1<sup>st</sup>, discussed at Committee of the Whole which will be held immediately after the Regular Session, and is scheduled for final action at a Special Session on September 15<sup>th</sup>. These documents can be found in the special budget packet distributed simultaneously with the weekly packet and are briefly discussed in the latter part of this memo.

**Other Legislation.** Along with the budget-related ordinances, there is a non-budget related ordinance that will be considered during the second legislative round. Again, this

round begins with the introduction of the ordinance on the first Wednesday, continues with discussion of the legislation at a Committee of the Whole after the Special Budget Session on the third Wednesday, and concludes with final action on that item at the second Regular Session in September (which will be on September 22<sup>nd</sup> this year). This ordinance, Ord 10-14, would amend BMC 2.04.380 to change the order of business at Council Regular Sessions.

### **2011 Budget Packet**

The 2011 budget packet has been enclosed with, but is separate from, the weekly packet. The Budget Packet contains:

- an index of all 2011 budget-related materials;
- six ordinances and background material constituting the 2011 budget (including Transit);
- one ordinance (Ord 10-13) changing the name of the Employee Services Department to the Human Resources Department; and
- a list of responses to questions raised but unanswered during the Departmental Budget hearings in July.

The ordinances are accompanied by memos and background material which are briefly highlighted below:

- **App Ord 10-02 (Civil City Budget for 2011)** – includes a spread sheet from Mike Trexler, Controller, indicating the changes in the budget from July to September. Those changes amount to a net decrease of \$296,723 in the General Fund. As you will see below, this includes an increase of about \$34,893 due to corrections identified during or soon after the July budget hearings and about \$331,616 in reductions due to the loss of \$1.3 million in anticipated County Option Income Tax (COIT) revenue. The rest of the lower revenues will be offset by higher revenues in 2010 (about \$250,000 in COIT) and City reserves (about \$700,000). Here is the breakdown of those changes:

## Adjustments in the General Fund

<b>Corrections</b>	<u>Totals</u>
<p>Increase to Line 131 (Other Personal Services) across all departments  This line covers counseling and advice for employees and their dependents. The increase accounts for the correct cost per employee of \$227.</p>	\$41,154
<p>Increase in Line 394 (Temporary Contractual Employment) for SPEA Service Corps placements across relevant departments  The amount for each SPEA Core placement went from \$1,250 to \$1,400 and a reduction in the number of placements led to a net increase of \$150 for the City.</p>	\$150
<p>Adjustments in Category 1 (Personal Services) (HAND)  HAND receives federal grants that cover a portion of its employees' salaries. Those allocations are determined after the July budgets are prepared and led to this net decrease for the General Fund</p>	(\$27,763)
<p>Adjustments in Category 1 (Personal Services) (Public Works)  This increase reflects a correction in the salary of an employee.</p>	<u>\$21,352</u>
	\$34,893
<b>Reductions Due to Drop in Anticipated COIT Revenue</b>	
<p>Reduced new Police Officers from 3 to 2</p>	(\$61,821)
<p>Reduced 1.5% Non-Union salary increase to 0%  <i>(includes Elected Officials)</i></p>	(\$194,795)
<p>Reduced the following amounts from categories 2 (Supplies), 3 (Other Services and Charges), and 4 (Capital Outlay)</p> <ul style="list-style-type: none"> <li>• \$15,000 for a historic survey with a grant as an alternative means of paying for it (HAND);</li> <li>• \$10,000 for Neighborhood Capital Improvement Program, which would still raise this line \$15,000 over 2010 (HAND);</li> <li>• \$35,000 for in-car cameras which, I believe, would still include \$65,000 for this purpose (Police);</li> <li>• \$15,000 for Mayor's Promotion of Business, which would drop this line to the level in 2010 (Economic &amp; Sustainable Development)</li> </ul>	<p><u>(\$75,000)</u></p>
	(\$331,616)
<b>Total Increase (Decrease)</b>	<b>(\$296,723)</b>

- **App Ord 10-03 (Utilities Budget for 2011)** – *none*
  
- **Ord 10-09 (Salary Ordinance for Police Officers and Firefighters for 2011)** - a memo from Daniel Grundmann, Director of Employee Services, briefly summarizes the compensation package these police officers and fire fighters will receive as a result of collective bargaining agreements negotiated with the City. Under the current agreement, the fire fighters will receive a 3% increase along with longevity, education, certification, training, and other miscellaneous qualifications defined in the agreement.
  - **Note:** The current four-year Collective Bargaining Agreement with the Fraternal Order of Police expires at the end of this year (approved in Res 06-08) and the parties are in the process of negotiating a new Agreement. Given the Evergreen Clause in the existing Agreement and on-going status of the negotiations regarding the new Agreement, this ordinance does *not* include any changes for positions covered by the existing Agreement. Once the parties arrive at an agreement, the Council would need to consider a(n):
    - resolution approving it,
    - amendment to this salary ordinance reflecting its terms, and in all likelihood,
    - appropriation ordinance in 2011 authorizing any additional funds necessary to implement the agreement.
  
- **Ord 10-10 (Salary Ordinance for Civil City for 2011)** - a memo from Daniel Grundmann, Director of the Employee Services (to be called Human Resources), highlights the changes between the 2010 and 2011 Civil City Salary Ordinances. This annual ordinance sets forth the:
  - Title, grade and salary range for all employees not covered by the other salary ordinances;
  - Compensation received by members of certain boards (i.e. Board of Public Works, Board of Public Safety, and Utilities Services Board); and
  - Other provisions affecting compensation, including shift differentials, treatment of transfers and employees whose salaries fall outside of the pay range (typically due to longevity), gainsharing, emergency call out, on-call status, temporary reassignments, tool allowances, licenses and certifications, and holiday pay.

The changes over last year's ordinance (as amended by Ord 10-05) are in the following departments or parts of the ordinance and will:

- **Section I - Human Resources**– change the name of the department from Employee Services to the Human Resources department to correspond with generally accepted term for a department with those responsibilities;
  - **Section I - Planning** – change the title for the *Long Range Planner* to *Zoning and Long Range Planner* and change the title for the *Transportation Planner* to the *Bicycle and Pedestrian Coordinator*;
  - **Section IIA – Salary Ranges for Non-Union Employees** – increase the salary range for non-union positions by 5% to better reflect the City's market based structure. This table was last adjusted in 2007 and the annual fiscal impact (in the event the City reinstitutes its merit/market system for compensating these non-union employees) is estimated to be under \$10,000; and
  - **Section IID – Labor, Trades and Crafts (AFSCME Union) Positions** – change pay the ranges for union positions (near the end of the ordinance) pursuant to Work Agreement and Memorandum of Understanding with this union (which will result in a base increase of about 3% for those employees).
- 
- **Ord 10-11 (Salary Ordinance for Elected Officials for 2011)** – a memo from Daniel Grundmann, Director of the Human Resources Department, indicates that the elected officials will receive no increase this year. This is consistent with the past practice of tying the increase in elected officials salaries to compensation for non-union employees which, this year, has been set at zero (rather than by the merit-market, compensation grid).
  
  - **Ord 10-12 (Reviewing and Adopting the Transit Budget for 2011)** – includes the Transit memo and budget materials, which remains unchanged from July. Please note that the City Council is poised to adopt the Transit budget, tax levy and tax rates (rather than merely review and modify the budget) because the percentage increase in the proposed 2011 budget is higher than the assessed value growth quotient minus one (as recently required by I.C. 6-1.1-17-20). For that reason, the budget materials include State forms 3, 4A, 4B and 2.

## **Ancillary Legislation Submitted Along with the Budget Package**

### **Ord 10-13 Amending Title 2 Entitled “Administration and Personnel” to Change the Name of the Employee Services Department to the Human Resources Department**

During his departmental budget presentation in July, Daniel Grundmann said that he would be requesting that the Council amend Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel” in order to change the name of his department from Employee Services to Human Resources. This would follow the customary usage of the term in this field and make the responsibilities of his department clearer to those who are outside of City Hall. **Ord 10-13** accomplishes that change (and nothing more) and is coming forward now in order for the new name to be reflected in the 2011 Salary Ordinance.

*Note: The Controller’s Office has placed the proposed 2011 budget online at <http://bloomington.in.gov/budget>. Hard copies will be provided to the Council Office on Monday for public inspection and for those Council members who requested a budget book. Along with the changes mentioned in the memo attached to App Ord 10-02 (above), you will find revised introductory section from the Controller in that material as well.*

## **Non-Budgetary Legislation Scheduled for the First Legislative Cycle in September**

### **Ord 10-14 Amending BMC 2.04.380 Setting Forth the Order of Council Business at its Regular Sessions**

Ord 10-14 is coming forward as a result of the Report from the Rules Committee adopted by the Council on August 4, 2010. The Report focused on regulating public comment on non-agenda items at Regular Sessions and included a recommendation to amend BMC 2.04.380, which sets forth the order of business at those meetings.

Most of the recommendations do no more than reflect existing practices vetted by the Rules Committee and adopted by the Council. In that regard, the ordinance:

- Explicitly sets aside 20 minutes for each the four categories of Reports: Council members, the Mayor and City Offices; Council Committees, and Public; and
- Limits members of the public addressing the Council during Reports from the Public to speak for no more than five minutes about matters of community concern not on that evening’s agenda; and



- Allows the Presiding Officer to reduce those individual time limits in order to accommodate an excess of speakers; and,
- In furtherance of existing practices, renames “Privilege of the Floor” to “Additional Reports from the Public” in order to make it clear to the public that they may address the Council on non-agenda items later in the agenda (but still keeps the 25-minute allotment for that section of the agenda).

However, after much deliberation by the Committee, the Report did recommend one change from existing practices, which is being codified by this ordinance. That change limits speakers who address the Council during Reports from the Public to one, rather than two, opportunities to make their comments. This was proposed in order to avoid repetition and help shorten the meetings.

In the course of reviewing this section of the code, staff also identified and proposes some additional changes. Some of these changes reflect or further existing practices. These would:

- Allow the Council, by a majority vote, to amend the time limits set forth in the ordinance (which is done now on occasion at the behest of the Presiding Officer); and
- Include an agenda item for “Appointments to Boards and Commissions”; and
- Add an agenda item for the “Council Schedule” in order to avoid the need to suspend the rules in order to deal with changes in the schedule.

One change proposed by staff and supported by the Council President would delete part (b) of BMC 2.04.380 because it’s difficult to discern what it means and the most likely interpretation would neither comport with existing practice nor improve Council deliberations. The provision could be reinserted by an amendment and reads as follows:

Whenever possible, brief comments or questions concerning a statement made by a council member or any other person shall be made and addressed before further discussion proceeds, but more extensive discussion may occur later when the member raising the objection or question has been recognized to speak.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION AND  
COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, SEPTEMBER 1, 2010  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

*None*

**VII. LEGISLATION FOR FIRST READING**

1. Appropriation Ordinance 10-02 An Ordinance for Appropriations and Tax Rates (Establishing 2011 Civil City Budget for the City of Bloomington)
2. Appropriation Ordinance 10-03 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2011
3. Ordinance 10-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2011
4. Ordinance 10-10 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2011
5. Ordinance 10-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2011
6. Ordinance 10-12 An Ordinance Reviewing and Adopting the Budget of the Bloomington Public Transportation Corporation for the Year 2011
7. Ordinance 10-13 To Amend Title 2 Entitled "Administration and Personnel" (Changing the Name of Chapter 2.22 from "Employee Services Department" to "Human Resources Department" and Reflecting this Change in Various Other Sections of that Title)
8. Ordinance 10-14 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Amending BMC 2.04.380 (Order of Business for Regular Sessions)

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

**IX. ADJOURNMENT**

*(and immediately reconvene for)*

*(Over)*

## COMMITTEE OF THE WHOLE

**Chair: Dave Rollo**

1. Ordinance 10-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2011

Asked to Attend: Daniel Grundmann, Director of Employee Services

2. Ordinance 10-13 To Amend Title 2 Entitled “Administration and Personnel” (Changing the Name of Chapter 2.22 from “Employee Services Department” to “Human Resources Department” and Reflecting this Change in Various Other Sections of that Title)

Asked to Attend: Daniel Grundmann, Director of Employee Services

3. Ordinance 10-10 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2011

Asked to Attend: Daniel Grundmann, Director of Employee Services

4. Ordinance 10-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2011

Asked to Attend: Daniel Grundmann, Director of Employee Services

5. Appropriation Ordinance 10-02 An Ordinance for Appropriations and Tax Rates (Establishing 2011 Civil City Budget for the City of Bloomington)

Asked to Attend: Mike Trexler, Controller

6. Appropriation Ordinance 10-03 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2011

Asked to Attend: Patrick Murphy, Director of the City Utilities Department

7. Ordinance 10-12 An Ordinance Reviewing and Adopting the Budget of the Bloomington Public Transportation Corporation for the Year 2011

Asked to Attend: Lew May, Director of Bloomington Transit



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

To: Council Members  
From: Council Office  
Re: Calendar for the Week of 30 August-04 September 2010

**Monday, 30 August 2010**

12:00 noon Redevelopment Commission, McCloskey  
4:00 pm Council for Community Accessibility, McCloskey

**Tuesday, 31 September 2010**

4:00 pm Bloomington Community Farmers' Market, Madison St; between 6<sup>th</sup> & 7<sup>th</sup> St  
5:00 pm Utilities Service Board, Board Room, 600 E Miller Dr  
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane  
5:30 pm Board of Public Works, Council Chambers

**Wednesday, 01 September 2010**

5:30 pm Commission on Hispanic and Latino Affairs, McCloskey  
7:30 pm Common Council Regular Session *immediately followed by a* Committee of the Whole, Council Chambers  
Please note: The public hearing on the City's 2011 Budget will be held at the latter meeting.

**Thursday, 02 September 2010**

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey  
5:30 pm Commission on the Status of Women, McCloskey

**Friday, 03 September 2010**

12:00 noon Bloomington Platinum Biking Task Force, Council Chambers

**Saturday, 04 September 2010**

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

*Posted and Distributed: Friday, 27 August 2010*

**ORDINANCE 10-14**  
**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED**  
**“ADMINISTRATION AND PERSONNEL”**

**Re: Amending BMC 2.04.380 (Order of Business at Regular Sessions)**

- WHEREAS, on August 4, 2010, the Common Council adopted a Report of the Rules Committee which, in part, recommended that the Council amend Bloomington Municipal Code 2.04.380 (Order of Business) to reflect the Committee recommendations; and
- WHEREAS, while most of these recommendations do no more than reflect current practices, some offer changes; and
- WHEREAS, those changes limit speakers wishing to comment upon items not on the agenda to one, rather than two, opportunities to address the Council in order to avoid repetition and to shorten meetings; and
- WHEREAS, those changes also rename the “Privilege of the Floor” section on the agenda to “Additional Reports from the Public,” in order to make it clear that the public may address the Council at that point on the agenda; and
- WHEREAS, in addition, while reviewing the section, staff identified and recommends further changes; and
- WHEREAS, these changes add a section entitled “Appointments to Boards and Commissions” to the agenda to reflect existing practice and add a section entitled “Council Schedule” in order to simplify the actions necessary for the Council to amend or approve its schedule; and
- WHEREAS, these changes also delete part (b) of BMC 2.04.380, which expressed a preference for the Presiding Officer to recognize a speaker who intended to address the previous speakers comments, because it would neither comport with existing practice nor improve Council deliberations;

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

SECTION 1. Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel” shall be amended by deleting Section 2.04.380 entitled “Order of Business” and replacing it with the following, entitled 2.04.380 “Order of business at Regular Sessions.” This new name for the section shall also replace the old name as it appears in the table of contents for this Chapter. The new section shall read as follows:

**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 (During the two parts of the agenda set aside for Reports from the Public, speakers may speak only once, for no more than five minutes, on matters of community concern not on the agenda. The Presiding Officer may reduce the individual time limits to accommodate an excess of speakers.);

- (5) Appointments to Boards and Commissions;
- (6) Legislation for second readings and resolutions;
- (7) First readings;
- (8) Additional Reports from the Public (A maximum of twenty-five minutes is set aside for this section of the agenda. See also (4)(D) above.);
- (9) Council Schedule;
- (10) Adjournment.

SECTION 2. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

## SYNOPSIS

This ordinance amends BMC 2.04.380 entitled "Order of Business," which sets forth the order of items on the Council's Regular Session agenda. It implements recommendations made in the Report of the Rules Committee adopted by the Council on August 4, 2010 and also recommendations made by staff after reviewing the current section. In general, these changes reflect existing practices, many of which were adopted by the Council through Reports from the Rules Committee. One change is new and would allow speakers who wish to make a Report from the Public only one opportunity to address the Council rather than two. It was proposed in order to avoid repetition and to help shorten the length of the meetings.

**City of  
Bloomington  
Indiana**



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

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

**To: Council Members**  
**From: Council Office**  
**Re: Ord 10-14 – Amending BMC  
2.04.380 (Order of Business)**  
**Date: August 27, 2010**

---

Ord 10-14 is coming forward as a result of the Report from the Rules Committee adopted by the Council on August 4, 2010. The Report focused on regulating public comment on non-agenda items at Regular Sessions and included a recommendation to amend BMC 2.04.380 which sets forth the order of business at those meetings.

Most of the recommendations do no more than reflect existing practices vetted by the Rules Committee and adopted by the Council. In that regard, the ordinance:

- Explicitly sets aside 20 minutes for each the four categories of Reports: Council members, the Mayor and City Offices; Council Committees, and Public; and
- Limits members of the public addressing the Council during Reports from the Public to speak for no more than five minutes about matters of community concern not on that evening's agenda; and
- Allows the Presiding Officer to reduce those individual time limits in order to accommodate an excess of speakers; and,
- In furtherance of existing practices, renames "Privilege of the Floor" to "Additional Reports from the Public" in order to make it clear to the public that they may address the Council on non-agenda items later in the agenda (but still keeps the 25-minute allotment for that section of the agenda).

However, after much deliberation by the Committee, the Report did recommend one change from existing practices, which is being codified by this ordinance. That change limits speakers who address the Council during Reports from the Public to one, rather than two, opportunities to make their comments. This was proposed in order to avoid repetition and help shorten the meetings.

In the course of reviewing this section of the code, staff also identified and proposes some additional changes. Some of these changes reflect or further existing practices. These would:

- Allow the Council, by a majority vote, to amend the time limits set forth in the ordinance (which is done now on occasion at the behest of the Presiding Officer); and
- Include an agenda item for "Appointments to Boards and Commissions"; and
- Add an agenda item for the "Council Schedule" in order to avoid the need to suspend the rules in order to deal with changes in the schedule.

*(Over)*



One change proposed by staff and supported by the Council President would delete part (b) of BMC 2.04.380 because it's difficult to discern what it means and the most likely interpretation would neither comport with existing practice nor improve Council deliberations. The provision could be reinserted by an amendment and reads as follows:

Whenever possible, brief comments or questions concerning a statement made by a council member or any other person shall be made and addressed before further discussion proceeds, but more extensive discussion may occur later when the member raising the objection or question has been recognized to speak.

**Bloomington Municipal Code 2.04.380**  
**Entitled “Order of Business” (at Regular Sessions)**  
**Annotated With Changes Proposed by Ord 10-14**

**Bold** = New Language  
~~Strikeout~~ = Deleted Language

- ▶ 2.04.380 Order of business **at Regular Sessions.**
- ▶ ~~(a)~~ 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,
    - ▶ (D) Public (**During the two parts of the agenda set aside for Reports from the Public, speakers may speak only once, for no more than five minutes, on matters of community concern not on the agenda. The Presiding Officer may reduce the individual time limits to accommodate an excess of speakers.**);
  - ▶ (5) **Appointments to Boards and Commissions**
  - ▶ ~~(5)~~ (6) Legislation for second readings and resolutions;
  - ▶ ~~(6)~~ (7) First readings;
  - ▶ ~~(7)~~ (8) ~~Privilege of the Floor (this section of the agenda will be limited to twenty-five minutes maximum, with each speaker limited to five minutes.)~~  
**Additional Reports from the Public (A maximum of twenty-five minutes is set aside for this section of the agenda. See also (4)(D) above.);**
  - ▶ (9) **Council Schedule**

▶ (9) (10) Adjournment.

▶ (b) — ~~Whenever possible, brief comments or questions concerning a statement made by a council member or any other person shall be made and addressed before further discussion proceeds, but more extensive discussion may occur later when the member raising the objection or question has been recognized to speak. (Ord. 92-4 § 1, 1992; Ord. 85-2 § 1, 1985).~~