

CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
SPECIAL COMMITTEE ON COUNCIL PROCESSES
TUESDAY | 6:00 PM
12 March 2024

*Hooker Conference Room (#245), Showers Building, 401 N. Morton Street
The public may also access the meeting at the following link:*

<https://bloomington.zoom.us/j/81312986279?pwd=4WMqslKRGYAID49xlYgkOXJZbDLtM.1>

Chair: Isabel Piedmont-Smith

- I. Agenda summation
- II. Council Meeting procedures and format
 - a. Regular sessions format
 - Time limits
 - Order of business
 - Reports vs. legislation
 - b. Other types of sessions
 - Agenda-setting
 - Collaboration with Mayor
 - Engagement with the public

Public Comment

- III. Updates regarding other work areas of the committee
 - a. Diversity, equity and inclusion
 - b. Boards and commissions
 - c. Title 2 review and revisions

Public Comment

- IV. Scheduling next meeting(s)
- V. Other business
- VI. Adjournment

Posted: 08 March 2024

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. 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.

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

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).

Article II. Meetings and Rules of Procedure

2.04.050 Regular meetings.

- (a) 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 Wednesday in January to elect officers. Should the council president of the previous year 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 majority party shall designate a councilmember to 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 first meeting of the year.
- (d) In accordance with Indiana Code § 36-4-6-8, in years subsequent to the year immediately following its election, the council shall meet at 6:30 p.m. one evening no later than the second 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.
- (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, 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.

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

(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.

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 3, 3-6-2013)

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 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, 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 once upon a question until every other member has had the opportunity to speak. 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).

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.

(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 he be excused from voting, deliberating, or taking action on the matter, or shall explain the potential conflict and state why he is 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.

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).

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. All council members may attend the meetings of any standing

committee, but only those members who have been appointed to the committee shall be permitted to vote on questions before the committee. The council may create or abolish standing committees by adoption of subsequent resolutions.

(Ord. 79-97 § 2 (part), 1979).

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).

2.04.225 Intentional display of firearms prohibited.

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

(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 presiding officer may form a special committee for any specific purpose proper for council consideration. 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.
- (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 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.
- (d) When the committee of the whole rises, the residing 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.

(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.

- (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).

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, special sessions called by the president or voted upon by the council, and committees convened to consider legislation referred to them, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. 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.

(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 two readings before a vote may be taken on its passage and no ordinance shall be passed on the same day or at the same meeting as it is introduced except by unanimous consent of the members present, at least two-thirds of the members being present and voting. An ordinance may not be debated or amended at its first reading or introduction unless state or federal requirements provide otherwise.
- (b) At each reading of an ordinance the synopsis shall be read and the clerk shall read the ordinance by title only, provided there is unanimous consent.
- (c) Each resolution submitted to the council shall be read by title only provided there is unanimous consent.

(Ord. 79-97 § 2 (part), 1979).

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.

(Ord. 83-15 § 1 (part), 1983).

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.

(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;
- (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.
- (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 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);
 - (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 five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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

(Ord. No. 10-14, § 1, 9-23-2010)

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.

(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

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:

- (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:

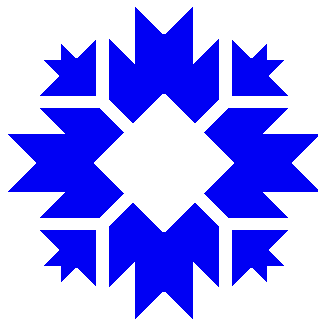
- (a) Bloomington Township Precincts 1, 3, 4, 5, 18, & 19.

(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.



REPORTS FROM THE PUBLIC: MAKING COMMENT ON NON-AGENDA ITEMS

The Bloomington Common Council greatly values the voices of its citizens and welcomes public comment on non-agenda items of community concern at two points on its *Regular Session* agenda. Citizens may make general comments at either the beginning of the meeting under *Reports from the Public* (limited to a total cumulative time of 20 minutes) or at the end under *Additional Reports from the Public* (limited to a total of 25 minutes).

In order to conduct meetings in the most effective manner possible, the following rules apply:

- 1) At each meeting, citizens may speak at only *one* of the two opportunities for public comment, but not both.
- 2) Citizens are limited to one report, not to exceed five (5) minutes. If there are many people who wish to speak during one of the public comment periods, the Chair may reduce the time allowed for each individual.
- 3) When giving your report, please state your name for the record and speak directly into the microphone.
- 4) All reports must be made from the podium; speakers may not approach the Council dais without permission of the Chair.
- 5) Reports are intended to be statements from speakers; speakers may not engage the Council in a question-and-answer exchange during the *Reports from the Public* periods.
- 6) The City Council encourages civility in public discourse and requests that speakers refrain from language which would incite an immediate breach of the peace; refrain from undue repetition, extended discussion of irrelevancies, obscenity, and personal attacks against private individuals unrelated to the operation of the City.

These rules are intended to foster a fair, respectful, and productive meeting. Any person who violates these rules will be declared out of order by the Chair. A person who persists in violating these rules may be removed from the meeting.

2.08.020 General provisions.

For the executive branch and the city's boards, commissions and councils, the following general provisions apply unless otherwise specified by statute or ordinance.

- (1) **Appointments.** All department heads shall be appointed by the mayor, subject to commission or board approval when required by this title, and serve at the pleasure of the mayor. Department heads shall appoint deputies and other employees within their departments with the approval of the mayor.
- (2) **Terms.** The terms for all boards, commissions, and councils established under this title shall, after having been established in a staggered manner, be for a period of two years and expire on January 31st. For all such boards, commissions, and councils in effect on December 1, 2014, the terms shall be as set forth in the Proposed Board and Commission Term Expiration Dates, which is hereby adopted and incorporated by reference into the code. In compliance with Indiana Code § 36-1-5-4, two copies of the proposal shall be on file in the office of city clerk for public inspection. For all boards, commissions, and councils established after December 1, 2014, the manner for achieving staggered terms shall be set forth in the enabling legislation and shall spread the expiration dates as evenly as is practicable between the appointing authorities and over all of the appointments.
- (3) **Residential Requirement.** All appointments to city boards, commissions and councils shall be made from residents of the city except those positions that are directed otherwise by state law or city ordinance. If a city employee is appointed to a city board, commission or council by virtue of the employment position, the residency requirement may be waived.

In the event a member of a board, commission, or council no longer resides in the city, the member shall resign immediately and notify the appropriate appointing official or body.

- (4) **Removal for Cause.** Except for appointees who serve at the pleasure of the mayor, a member of a board, commission or council may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly scheduled meetings of the board, commission, or council or four regularly scheduled meetings in any twelve-month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal.
- (5) **Vacancies by Death, Resignation—Failure to Appoint.** In the event that a vacancy occurs in the membership of a board, commission, or council through resignation or death, the appointing authority shall appoint a person to fill the unexpired term of the resigned or deceased member. If a member's term has expired, but the appointing authority has failed to act, the appointment of the member whose term has expired carries over until the appointing authority reappoints or appoints a successor.
- (6) **Majority Vote.** Majority vote means a majority of the members of a board, commission or council who are present and voting.
- (7) **Quorum.** Unless otherwise specified, a majority of the members serving on a board, commission or council, excepting the nonvoting ex officio members, constitute a quorum for purpose of conducting the official business of the board, commission or council.
- (8) **Parliamentary Procedure.** Meetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order.
- (9) **Officers.** Each board, commission and council shall elect a chairperson, secretary, treasurer, and such other officers as may be necessary. Such entity may appoint a non-member to serve as secretary.

-
- (10) Duties of the Secretary. The secretary of each board, commission or council shall keep for every meeting written minutes in which the results of any vote are recorded and, when appropriate, specific findings of facts and conclusions are set forth.
 - (11) Special Meetings. A special meeting of a board, commission or council may be called by the chairperson, the mayor, or by a majority of the members then serving on the board, commission or council requesting such meeting in writing. Upon receiving such request, the chairperson shall thereafter call a special meeting to be held within twenty days.
 - (12) Office Space and Staff. Provision of office space and staff to boards, commissions and councils shall be at the discretion of the mayor, subject to common council appropriation approval.
 - (13) Budget. All departments, divisions of departments, boards, commissions and councils shall prepare and submit annual budgets in accordance with the forms, timetables, and procedures promulgated by the mayor.
 - (14) The intentional display of firearms is prohibited at any public meeting of the city's boards, commissions and councils.

(Ord. 97-03 §§ 1, 2, 1997; Ord. 83-6 § 2 (part), 1983).

(Ord. No. 11-15, § 3, 9-14-2011; Ord. No. 14-26, §§ 1—5, 12-10-2014)