



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 05 June 2024

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
05 June 2024

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/82468326490?pwd=izq6h0yLhnlrv9lFWalaanFKluOjD.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **APPROVAL OF MINUTES:** None
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - a. Authorizing Letter to Monroe Co. Capital Improvement Board re: Convention Center Project
 - B. The Mayor and City Offices
 - a. Opioid Settlement Distribution Report (Controller's Office)
 - b. Status report on Plexes and Accessory Dwelling Units per Ordinance 21-23 (Planning & Transportation Department)
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
6. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 2024-11 – To Amend the City of Bloomington's Comprehensive Plan in Order to Incorporate One New Goal and Three New Policies Related to Accessible Transportation and Mobility Principles
 - B. Resolution 2024-12 – Resolution on Budgeting Excellence and Strategic Transformation

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals 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.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 31 May 2024

- C. Ordinance 2024-13 – 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)

Note: The Council may, following adoption of Ordinance 2024-13, consider adoption of revised Rules for Making Public Comment on Agenda & Nonagenda Items

7. LEGISLATION FOR FIRST READINGS

- A. Ordinance 2024-14 – To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure)

8. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

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 public comment opportunities. Individuals 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.

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Posted: 31 May 2024



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

Jim Whitlatch, Attorney at Law
Bunger and Robertson
211 S. College Avenue
Bloomington, Indiana 47404

Re: Input from City officials into Convention Center Expansion Project

Dear Monroe County Capital Improvement Board of Managers (CIB),

Thank you for your work on the Convention Center Expansion Project (Project). As you move the Project forward, you will undoubtedly have many pieces of information to consider, and the Bloomington Common Council (Council) appreciates your efforts. In that vein, this letter is meant to provide the CIB with additional input into the Project from the Council to help ensure alignment during the design phase and prior to any request to bond for the project. It is also meant to help clarify the Council's expectations on a variety of topics related to the project. The Council hopes the CIB will incorporate this information and guidance into its decisions and processes as it continues to meet and advance the Project. We look forward to updates in regard to these issues from our CIB appointee, Doug Bruce, and/or from the CIB president, John Whikehart.

FINANCES & APPROVALS

Food & Beverage Tax Revenues

1. City expenditures on the proposed convention center expansion should be limited to food & beverage tax revenues only, the funding source previously identified for this project.
2. In line with limits communicated in a 2017 Letter of Intent from Mayor Hamilton, the Council plans to reserve 7.5% of city food & beverage tax revenues for other valid uses. Possible uses the Council hopes to see and would support include the following Bloomington Transportation Plan projects related to downtown vibrancy, safety, and sustainable connectivity, all located near or adjacent to the convention center:
 - a. Conceptual design and engineering design costs for the Kirkwood Ave. conversion to a shared street (Bloomington Transportation Plan, Project SS-1);

- b. Engineering design costs for the redesign of College Ave. and Walnut St. following completion in 2024 of the College/Walnut Corridor Study (Bloomington Transportation Plan, Project CS-1);
- c. Smith Ave. right of way connector (from Howe St. & Morton St. to Smith Ave. & College), part of a Priority Bicycle Facilities Network project (Bloomington Transportation Plan, Project NG-4; planned for construction by the end of 2025 and not currently funded).

City Property

- 3. If the expansion project seeks to utilize all or part of the property north of the existing convention center, currently owned by the Bloomington Redevelopment Commission, the CIB (or any other entity seeking to utilize the land) should expect to budget no less than \$6,895,000 to acquire the property (the price paid for the property utilizing TIF revenues) or a proportional amount if only a portion is needed for the Project. This could include potential use for a private hotel.
- 4. If other city- and RDC-owned property currently being used for the convention center (for surface parking) is proposed to remain a part of future use, the CIB should engage the Mayor and Council directly about these plans since the use of this land involves opportunity costs (e.g., the ability to develop affordable housing).

Bonding Capacity

- 5. In considering total project costs and the total bonding capacity supported by 92.5% of the city's food & beverage tax revenues (current balance and projected revenues), the CIB should include in the expansion project budget a minimum 10% contingency to buffer against unexpected construction costs and to decrease the likelihood that the project will draw on city resources besides the food & beverage tax.

City Subsidies

- 6. City funds (from the food & beverage tax or other sources) or real property should not be used to subsidize surface parking lots or structured parking in excess of any *current* subsidies (e.g., subsidized parking rates at the 4th Street parking garage).
- 7. To the extent possible, parking for an expanded convention center should be directed to the city-owned 4th Street garage, the current utilization of which is significantly below capacity. (A new private hotel may also wish to add structured parking, much like the Hyatt or Graduate hotels.)

CIB Expenditures and Budget

8. Going forward, the CIB should not contract for services or make other financial commitments prior to receiving all necessary approvals from the Bloomington Common Council, including budget approval. This is regardless of whether food and beverage tax revenues have been appropriated in the city's annual budget.

Operations and Maintenance

9. Before bonding for the project, the CIB should develop and present a financial plan for long-term operations and maintenance of the expanded convention center and any government-owned assets, including after the food and beverage tax sunsets. This should include optimistic, moderate, and cautious scenarios for conference attendance revenue given the inherent uncertainty about attendance projections and existing data demonstrating that post-expansion attendance often does not match pre-expansion projections.

Project Approvals

10. The project should have all requisite design approvals, such as Plan Commission approval, prior to bonding.
11. The project should follow the city's Unified Development Ordinance as much as possible. If variances are requested, these should not undermine city policy goals as reflected in relevant city plans and city code.

DESIGN & USE

Sustainability

12. All government-owned buildings should meet or exceed a LEED silver standard or equivalent and achieve certification (a current requirement of Bloomington Municipal Code for city-owned buildings).
13. New buildings that use public funding sources and/or land should not utilize combustion of fossil fuels for space heating and water heating. They should instead rely on electric heating methods such as air-source or ground-source heat pumps, solar hot water heaters, etc.

14. New buildings that use public funding sources and/or land should dedicate roof space primarily for on-site solar energy generation, energy storage, and/or green roof features.
15. Design, operational, and financial plans for the expansion should include sustainable transportation options, including the following:
 - a. An option for airport shuttles coordinated by the convention center as needed for conferences;
 - b. Consideration of a downtown circulator shuttle to minimize the need for and use of single-occupancy vehicles for conference travel and a covered bus stop with ample space (NB, a downtown circulator shuttle would likely require additional dedicated funding and entail more discussion among the city and county governments).

High-Quality Architecture and Compact Urban Form

16. All new buildings or updates to existing buildings should support community character through high-quality architecture and compact urban form (Bloomington Comprehensive Plan Policy 4.1.1), including but not limited to:
 - a. All main entrances fronting on public streets, with additional forward-facing design along the B-Line Trail where relevant;
 - b. No “skywalk” connections (elevated walkways connecting buildings), which undermine human interaction with and the quality of public space—important issues for the improved vitality of downtown often cited in support of the Project;
 - c. Retention and inclusion of alleys (or other public rights of way) wherever feasible, including potential replatting of alleys that were formerly vacated.
17. The CIB should work with the city and county governments to establish a collaborative process for public input and architectural review of designs.
18. All Project designs should anticipate and accommodate street changes in line with the city’s Transportation Plan, especially: the redesign of the College Ave. and Walnut St. corridor to improve multimodal travel options (Bloomington Transportation Plan project CS-1) and a planned bicycle and pedestrian network connection utilizing Smith Ave. right of way between College Ave. and the B-line Trail (Bloomington Transportation Plan, Project NG-4).
19. Any portion of the project funded with city revenues should follow the city’s Percentage for the Arts program (BMC 2.12.021).

Civic Uses

20. The design and operational plans for the expansion should include options for civic uses. The CIB should work with the city and county governments to establish a collaborative process for public input and decision making related to civic uses, including operational funding. Potential civic uses could include the following:
- a. Bookable meeting rooms;
 - b. Performance space;
 - c. A teen-focused youth center;
 - d. Senior care or related programming;
 - e. Food or drink establishments that are open to the public, possibly as part of a market or food court;
 - f. Market options for local growers, craft makers, etc.

The Council expresses these expectations and offers these recommendations to help assist the members of the CIB in its work to advance the project. The Council looks forward to continued dialogue and collaboration on the project with the CIB, county officials, and all other interested parties.

Respectfully,

City of Bloomington Common Council

Isabel Piedmont-Smith, President
Bloomington Common Council



CLERK NICOLE BOLDEN

CITY OF BLOOMINGTON

401 N Morton St, Ste. 110
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408
clerk@bloomington.in.gov

To: Members of the Common Council

From: Clerk Nicole Bolden

Date: 31 May 2024

Re: Interview Committee Recommendations for Board and Commissions

The council interview committees have made the following recommendations for appointment to the following boards and commissions:

Interview Committee Team C Recommendations:

- For the Historic Preservation Commission - to appoint Jack Baker to seat C-2.
- For the Tree Commission - to appoint Travis Harding to seat C-1.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy City Clerk, 812-349-3838, jennifer.crossley@bloomington.in.gov





MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney

Date: May 31, 2024

Re: Resolution 2024-11 – To Amend the City of Bloomington’s Comprehensive Plan in Order to Incorporate One New Goal and Three New Policies Related to Accessible Transportation and Mobility Principles

Synopsis

Pursuant to state law, this resolution amends the City of Bloomington’s Comprehensive Plan in order to incorporate one new goal and three new policies related to accessible transportation and mobility principles.

Relevant Materials

- Resolution 2024-11
- Certification form from Plan Commission
- Attachment A
- Staff Memo from Ryan Robling, Planning Services Manager

Summary

The Comprehensive Plan is a document that contains the City’s long range plans for land use and development and includes goals, policies, maps, illustrations, and implementation strategies on how the City should address the physical, social, and economic aspects of development. Councilmembers and the public can find the city’s Comprehensive Plan online at the following link: <https://bloomington.in.gov/planning/comprehensive-plan>.

Proposals to amend the City’s Comprehensive Plan are governed by state law under [Indiana Code \(I.C.\) 36-7-4-500 in the “500 Series – Comprehensive Plan.”](#) Generally, a Comprehensive Plan is prepared by the Plan Commission and must be approved by resolution of the legislative body in accordance with statutory requirements. Note that local code (BMC [20.06.070\(a\)](#)) also sets forth the procedure for review and amendment of the Comprehensive Plan, which requires amendments to proceed according to the 500 Series and allows the Plan Commission to recommend and the Common Council to determine the appropriate interval for review of the Comprehensive Plan.

Amendments to the Comprehensive Plan must be approved according to the general procedures set forth in the 500 Series, which require the Plan Commission to prepare the comprehensive plan ([I.C. 36-7-4-501](#)), hold a public hearing on the plan ([I.C. 36-7-4-507](#)), and certify it to the legislative body ([I.C. 36-7-4-508](#)).



Under [I.C. 36-7-4-511](#), if the legislative body wants an amendment to the Comprehensive Plan, it may direct the Plan Commission to prepare one and submit it in the same manner as any other amendment to the Comprehensive Plan. The default deadline for this is sixty (60) days, but the legislative body may extend that time, which was done in this case.

On July 26, 2023, the Common Council passed [Resolution 23-14](#), which initiated the proposal to amend the Comprehensive Plan and directed the Plan Commission to prepare and submit an amendment consistent with four accessible transportation and mobility principles within three hundred (300) days of the effective date of the resolution.

On April 15, 2024, Plan Commission prepared and voted to send the amendment to the Council with a positive recommendation by a vote of 8-0. The Plan Commission's proposal incorporates one new goal and three new policies within the Comprehensive Plan:

Goal 6.8: Development of Equitable Access

Policy 6.8.1: Involve people with disabilities in decision making

Policy 6.8.2: Provide safe and functional mobility

Policy 6.8.3: Ensure accountability

The Plan Commission certified its proposal on April 17, 2024.

The following procedures apply to a proposal to amend the Comprehensive Plan:

- After the Plan Commission determines its recommendation on a proposal and a public hearing has been held, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation by the Plan Commission by a vote of 8-0.
- After the Plan Commission certifies the proposal, the legislative body may, by majority vote, adopt a resolution approving, rejecting, or amending the Comprehensive Plan. This resolution is NOT subject to approval or veto by the executive, who is not required to sign it.
- If the legislative body approves the proposal as certified by the Plan Commission, it becomes official for each unit that approves it and the clerk of the legislative body must place one copy of it on file in the office of the county recorder.
- Unlike zoning or development ordinance amendments, if the legislative body does nothing, the Comprehensive Plan or amendments as certified by the Plan Commission do NOT go into effect. This is because, under state statute, the Comprehensive Plan is not effective for a jurisdiction until it has been approved by a resolution of the legislative body.
- If the legislative body wants to reject or amend the proposal, it must return the Comprehensive Plan to the Plan Commission for its consideration, along with a written statement of reasons for the rejection or amendment. The Plan Commission



City of Bloomington Indiana

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

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then has 60 days to consider the rejection or amendment and file its report with the legislative body, unless the legislative body extends that time by a specific duration.

- If the Plan Commission approves of the legislative body's amendment(s) to its proposal, the amended Comprehensive Plan stands as of the date the Plan Commission files its report with the legislative body. If the Plan Commission disapproves of the legislative body's rejection or amendment, the legislative body's rejection or amendment only stands if confirmed by another resolution. However, if the Plan Commission does not file a report with the legislative body in its allotted time, the legislative body's rejection or amendment of the Comprehensive Plan becomes final.

These procedures may seem cumbersome but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

Contact

Jacqueline Scanlan, Development Services Manager, Planning & Transportation, 812-349-3524, scanlanj@bloomington.in.gov

Ryan Robling, Planning Services manager, Planning & Transportation, 812-349-3459, roblingr@bloomington.in.gov

RESOLUTION 2024-11

TO AMEND THE CITY OF BLOOMINGTON’S COMPREHENSIVE PLAN IN ORDER TO INCORPORATE ONE NEW GOAL AND THREE NEW POLICIES RELATED TO ACCESSIBLE TRANSPORTATION AND MOBILITY PRINCIPLES

WHEREAS, pursuant to IC 36-7-4-500 et seq., the Plan Commission is responsible for preparing comprehensive plans and amendments thereto and forwarding them to the Common Council; and

WHEREAS, on March 21, 2018, with the passage of Resolution 18-01, the Common Council adopted the City’s current Comprehensive Plan; and

WHEREAS, on July 26, 2023, pursuant to IC 36-7-4-511, the Common Council passed Resolution 23-14 and directed the Plan Commission to prepare an amendment to the Comprehensive Plan within three hundred (300) days from the resolution’s effective date to include new policies consistent with four Accessible Transportation and Mobility Principles identified in the resolution; and

WHEREAS, the Plan Commission has considered this case, MP-15-24, and recommended that one new goal and three new policies be added to “Chapter 6: Transportation” of the Comprehensive Plan; and

WHEREAS, the Plan Commission requests that the Common Council consider this petition;

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

SECTION 1. The City’s Comprehensive Plan is amended.

SECTION 2. An Amended Comprehensive Plan, including other materials that are incorporated therein by reference, is hereby adopted. The amendments to be made to the Comprehensive Plan consist of the following documents, which are attached hereto and incorporated herein:

1. The proposal forwarded to the Common Council by the Plan Commission, which received a positive recommendation by a vote of 8 Ayes, 0 Nays, and 0 Abstentions., consisting of:
 - a. MP-15-24, (hereinafter “Attachment A”)

SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

Pursuant to state law, this resolution amends the City of Bloomington's Comprehensive Plan in order to incorporate one new goal and three new policies related to accessible transportation and mobility principles.

****RESOLUTION CERTIFICATION****

In accordance with IC 36-7-4-508 I hereby certify that the attached Resolution Number 2024-11 is a true and complete copy of Plan Commission Case Number MP-15-24 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 15, 2024.

Date: April 17, 2024



 David Hittle, Secretary
 Plan Commission

Received by the Common Council Office this _____ day of _____, 2024.

 Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ XX _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case MP-15-24 amends the 2018 Comprehensive Plan, with one new goal and three new policies to Chapter 6 Transportation, by the Bloomington Plan Commission. This resolution is in accordance with Indiana Code 36-7-4-500.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Goals & Policies

Policies in this chapter most closely respond to the adopted 2013 Vision Statement objective to:

16. Provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce our overall dependence on the automobile

The policies in this chapter also respond to the following 2013 Vision Statement objective:

- 3. Meet basic needs and ensure self-sufficiency for all residents*
- 4. Fortify our progress toward improving public safety and civility*
- 5. Invest in diverse high quality economic development that provides equitable job opportunities to our residents, supports an entrepreneurial small business climate, enhances the community's role as a regional hub, and is responsive towards larger concerns of sustainability*
- 6. Enhance the community's role as a regional economic hub*
- 11. Ensure all land development activity makes a positive and lasting community contribution*

Goal 6.1 Increase Sustainability: Improve the sustainability of the transportation system.

Policy 6.1.1: Maintain a local Master Thoroughfare Plan, as required by state law, that plans for all modes of transportation.

Policy 6.1.2: Balance economic, environmental, accessibility, and equity issues in local transportation decisions.

Policy 6.1.3: In land use decisions, require sufficient density through infill, redevelopment, and reuse of vacant or under-utilized parcels to support multimodal transportation and discourage urban sprawl.

Policy 6.1.4: Locate transit and multimodal facilities near higher-density developments and employment and retail centers, social services, and community facilities.

Policy 6.1.5: Encourage the concept of streets as not merely for transportation, but as important public spaces where community thrives.

Policy 6.1.6: Ensure City transportation and land use decisions are coordinated with anticipated developments in automated/autonomous vehicles, to ensure safety and increase mobility.

Policy 6.1.7: Prioritize safety and accessibility over capacity in transportation planning, design, construction, and maintenance decisions.

Policy 6.1.8: Evaluate city roads, sidewalks, paths, trails, ramps, and traffic devices regularly and implement an adequately funded maintenance program.

Goal 6.2 Improve Public Transit: Maintain, improve, and expand an accessible, safe, and efficient public transportation system.

Policy 6.2.1: Support public transit access to regional destinations.

Policy 6.2.2: Encourage the provision of seating, lighting, and signage (including real-time arrival information) at transit stops to increase rider comfort, safety, and convenience.

Policy 6.2.3: Support the adoption and use of technologies that reduce emissions of greenhouse gases and pollutants from vehicles.

Goal 6.3 Improve the Bicycle and Pedestrian Network: Maintain, improve, and expand an accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists.

Policy 6.3.1: Prioritize pedestrian and bicycle infrastructure within Bloomington and to connect with surrounding communities.

Policy 6.3.2: Encourage and require (where legally feasible) new private developments to dedicate easements or right of way and provide improvements for pedestrian and bicycle facilities to complete the connectivity in the networks.

Policy 6.3.3: Enhance the pedestrian and bicycle network with benches, pedestrian-scaled lighting, bicycle parking, street trees and landscaping, interpretive stations, public art, and/or other features to further improve the physical conditions that support walking and biking.

Policy 6.3.4: Require pedestrian-friendly design features.

Policy 6.3.5: Require provision of covered bicycle parking in new construction.

Goal 6.4 Prioritize Non-Automotive Modes:

Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users.

Policy 6.4.1: Consider all ages, all abilities, and all modes, including pedestrians, bicyclists, transit vehicles, emergency responders, and freight when planning, designing, modifying, and constructing transportation facilities.

Policy 6.4.2: As capacity needs increase, focus on multimodal improvements and optimization of the existing transportation system rather than adding more lanes for passenger vehicles.

Goal 6.5 Protect Neighborhood Streets: Protect neighborhood streets that support residential character and provide a range of local transportation options.

Policy 6.5.1: Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets.

Policy 6.5.2: Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods.

Policy 6.5.3: Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools.

Goal 6.6 Optimize Public Space for Parking:

Plan and develop parking for cars and bicycles with a focus on efficiency and equity.

Policy 6.6.1: Implement creative parking strategies to minimize inefficiencies and facilitate equitable use of public space, including potential adaptive reuse of structures as needs may evolve.

Policy 6.6.2: Encourage attractive and environmentally sensitive parking areas.

Policy 6.6.3: Prioritize on-street parking spaces for equitable and environmentally conscious uses, such as for people with physical handicaps, or spaces set aside for carpools or car sharing.

Policy 6.6.4: Encourage provision of covered bicycle parking.

Goal 6.7 Educate the Public: Increase residents' safe use of transportation options that minimize negative environmental and infrastructure impacts.

Policy 6.7.1: Educate drivers, bicyclists, and pedestrians on sharing the public right-of-way safely.

Policy 6.7.2: Collaborate with community organizations to educate residents about using public transit and bicycling.

Policy 6.7.3: Utilize enforcement programs to support desired motorist and active transportation user behavior.

Policy 6.7.4: Educate the public about the multiple entry points to the city's parking system, including its menu of options for where to park, how to use the system, and wherever feasible, real-time space availability.

Goal 6.8 Develop Equitable Access: Connect people with disabilities meaningfully to essential needs and services, including housing, grocery stores, health care facilities, jobs, schools, mass transit stops, parks, and other places to live, work, and play.

Policy 6.8.1: Involve people with disabilities in decision-making. Establish a transparent, equitable public process that includes people with low vision, mobility challenges, and other disabilities in the full range of transportation decisions from design to operations.

Policy 6.8.2: Provide safe and functional mobility. Prioritize transportation safety for the most vulnerable users over and above access and speed for cars and trucks, through funding for infrastructure such as well-maintained sidewalks, readily-available ramps, and accessible transit stops.

Policy 6.8.3: Ensure accountability. Document and evaluate progress on implementation of the municipality's ADA Transition Plan by updating the Plan's data and revising its goals at least biennially.

MEMORANDUM

To: Common Council

From: Ryan Robling, Planning Services Manager

Date: April 17, 2023

Re: Plan Commission Case Number MP-15-24 - Amendment to the City of Bloomington's Comprehensive Plan in order to incorporate one new goal, and three new policies related to accessible transportation and mobility principles. As directed by the Common Council in Resolution 23-14.

The Plan Commission heard case MP-15-24 on April 15, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 8-0. The packet of information provided to the Plan commission for MP-15-24 is below.

The Common Council initiated a proposal to amend the Comprehensive Plan through Resolution 23-14. The resolution directs that a Comprehensive Plan amendment be prepared by the Plan Commission to reflect additional accessible transportation and mobility principles. The resolution calls for the inclusion of new policies consistent with four principles from the Accessible Transportation and Mobility Principles for the City of Bloomington (ATM) adopted in 2022.

The four principles identified are as follows:

1. Involve people with disabilities in decision-making. Establish a transparent, equitable public process that includes people with low vision, mobility challenges, and other disabilities in the full range of transportation decisions from design to operations.
2. Develop equitable access. Connect people with disabilities meaningfully to essential needs and services, including housing, grocery stores, health care facilities, jobs, schools, mass transit stops, parks, and other places to live, work, and play.
3. Provide safe and functional mobility. Prioritize transportation safety for the most vulnerable users over and above access and speed for cars and trucks, through funding for infrastructure such as well-maintained sidewalks, readily-available ramps, and accessible transit stops.
4. Ensure accountability. Document and evaluate progress on implementation of the municipality's ADA Transition Plan by updating the Plan's data and revising its goals at least biennially.

The Planning and Transportation Department has drafted an amendment to the Comprehensive Plan for review by the Plan Commission. This amendment incorporates the principles outlined in the resolution, introducing one new goal and three new policies to Chapter 6: Transportation of the Comprehensive Plan. The goal and policies from the resolution were included as written to ensure alignment with the principles outlined in the ATM, and to ensure coherence and consistency between the ATM and the Comprehensive Plan. The new goal, identified as Goal 6.8: Development of Equitable Access, includes the new policies Policy 6.8.1: Involve people with disabilities in decision making, 6.8.2: Provide safe and functional mobility, and Policy 6.8.3: Ensure accountability.

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Administrator/Attorney for Common Council

Date: May 31, 2024

Re: Resolution 2024-12 – Resolution on Budgeting Excellence and Strategic Transformation

Synopsis

This resolution is sponsored by Councilmember Asare. It encourages the Mayor and Controller to commit to improving the city's budgeting process by working towards incorporating a budgeting framework more reflective of a budgeting for outcomes model. This approach should include strategic practices focused on community engagement, clear prioritization of goals, and evidence-based allocation of resources based on those goals. Instead of starting from last year's spending and adjusting allocations, the new model should start with what results the city government would like to prioritize.

Relevant Materials

- Resolution 2024-12
- Baltimore Case Study on Outcome Budgeting

Summary

This resolution would do four things: (1) express that the Council would work with the Mayor to create a task force on the budgeting process tasked with recommending improvements to the City's municipal budget process; (2) ask key players in the municipal budget process to implement the recommendations of this task force and possibly implement an outcome-based budgeting model by fiscal year 2026; (3) encourage City Departments to initiate pilot projects for specific community outcomes in fiscal year 2025; and (4) encourage the Mayor and Controller to implement training on strategic budgeting practices and engage with other cities that have used an outcome-based budget model. The sponsor does not expect that this resolution alone would have a fiscal impact on the city. Previous city budget proposals and materials can be viewed at <https://bloomington.in.gov/city/budget>.

An outcome-based budget model has been used in other municipalities, as noted in the resolution. Baltimore, MD defines outcome budgeting as "a budget process that aligns resources with results." The City of Fort Collins defines it as a process "designed to put community priorities first, rather than simply funding departments." To that end, outcome-based budgets are organized around priority outcomes and goals for the City's next fiscal year rather than using the previous years' spending as the starting point for departmental budget increases or decreases.

Cities that use this model develop a short list of key outcome areas that the community wants the city to achieve, like Safe Community, Environmental Sustainability, Transportation & Mobility, High Performing Government, Culture & Recreation, etc. Instead of simply paying for operating costs of city government, the outcome-based budgeting process prioritizes "buying" specific programs, services, or initiatives in line with those key outcome areas in order to achieve those results.

Contact

Councilmember Isak Asare, isak.asare@bloomington.in.gov, (812) 349-3409

RESOLUTION 2024-12

RESOLUTION ON BUDGETING EXCELLENCE AND STRATEGIC TRANSFORMATION

WHEREAS, the City of Bloomington is committed to advancing the efficiency, transparency, and responsiveness of its budgeting process to better serve the community's needs; and

WHEREAS, programmatic budgeting processes typically adopted by the city result in incremental shifts in financial allocations based on how money was spent in the prior year, rather than on the collective goals of the city government as a whole; and

WHEREAS, Bloomington's Mayor has appropriately emphasized the need for more transparency and creating a more accessible city government that works for the residents of Bloomington; and

WHEREAS, advocates for the "budgeting for outcomes process" claim that it can lead to more informed decision-making, better alignment with community priorities, increased transparency and enhanced public trust in government operations when implemented in ways reflective of local context¹; and

WHEREAS, outcome-based budgeting has been adopted by cities of all sizes across the United States, such as Fort Collins, Colorado²; Bend, Oregon³; Redmond, Washington⁴; and Palo Alto, California⁵; and

WHEREAS, the method may be effective in aligning municipal resources with community priorities⁶, which if adopted could enhance Bloomington's fiscal strategy and transparency;

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

SECTION 1: The Council will work with the Office of the Mayor to establish a Task Force on the Budgeting Process, consisting of council members and city staff. This Task Force will be charged with exploring and recommending improvements to Bloomington's budgeting processes, ensuring that the city employs the most effective, transparent, and community-aligned budgeting practices available.

SECTION 2: The Council will work with the Office of the Mayor and City Controller to develop a framework for implementing the recommendations of the Task Force on Budgeting Processes, including the possibility of implementing outcome-based budgeting or a hybrid approach within the City of Bloomington by the time the budget is being developed for budget year 2026. This framework should outline the process for transitioning to this budgeting model, including feasibility, timelines, necessary changes to municipal code, accounting technology, stakeholder engagement strategies, and needed resources.

SECTION 3: The Council encourages all departments of the Bloomington City government to initiate projects for specific community outcomes in FY2025. These pilots will serve as a test and refinement phase for the outcome-based budgeting process, providing valuable insights for broader implementation.

¹ Hoque, Zahirul, ed. *Public Sector Reform and Performance Management in Developed Economies: Outcomes-Based Approaches in Practice*. Routledge, 2021.

² "Budgeting for Outcomes" City of Fort Collins <https://www.fcgov.com/bfo/>

³ "How the Budget Works" City of Bend Oregon <https://www.bendoregon.gov/government/departments/finance/budget>

⁴ "Budgeting Priorities" City of Redmond Washington <https://www.redmond.gov/988/Budget-Priorities>

⁵ "City Budget" City of Palo Alto <https://www.cityofpaloalto.org/Departments/Administrative-Services/City-Budget>

⁶ See Mauro, Sara Giovanna, Lino Cinquini, and Giuseppe Grossi. "Insights into performance-based budgeting in the public sector: a literature review and a research agenda." *Public Budgeting in Search for an Identity* (2020): 7-27 and Blazely, Andrew. *OECD Best Practices for Performance Budgeting*. Working paper GOV/PGC/SBO (2018) 7, Working Party of Senior Government Officials, Organisation for Economic Co-operation and Development, Paris, France. [https://one.oecd.org/document/GOV/PGC/SBO\(2018\)7/en/pdf](https://one.oecd.org/document/GOV/PGC/SBO(2018)7/en/pdf), 2018.

SECTION 4: The Council encourages the Mayor and Controller to ensure city staff and officials receive training on strategic budgeting practices including outcome-based budgeting.

SECTION 5: The Council encourages the Mayor and Controller to engage with cities that have successfully adopted outcome-based budgeting, such as Palo Alto, Redmond, Fort Collins, Bend, and Boulder. Learning from their experiences and adopted best practices will inform and enhance Bloomington's potential implementation strategy.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

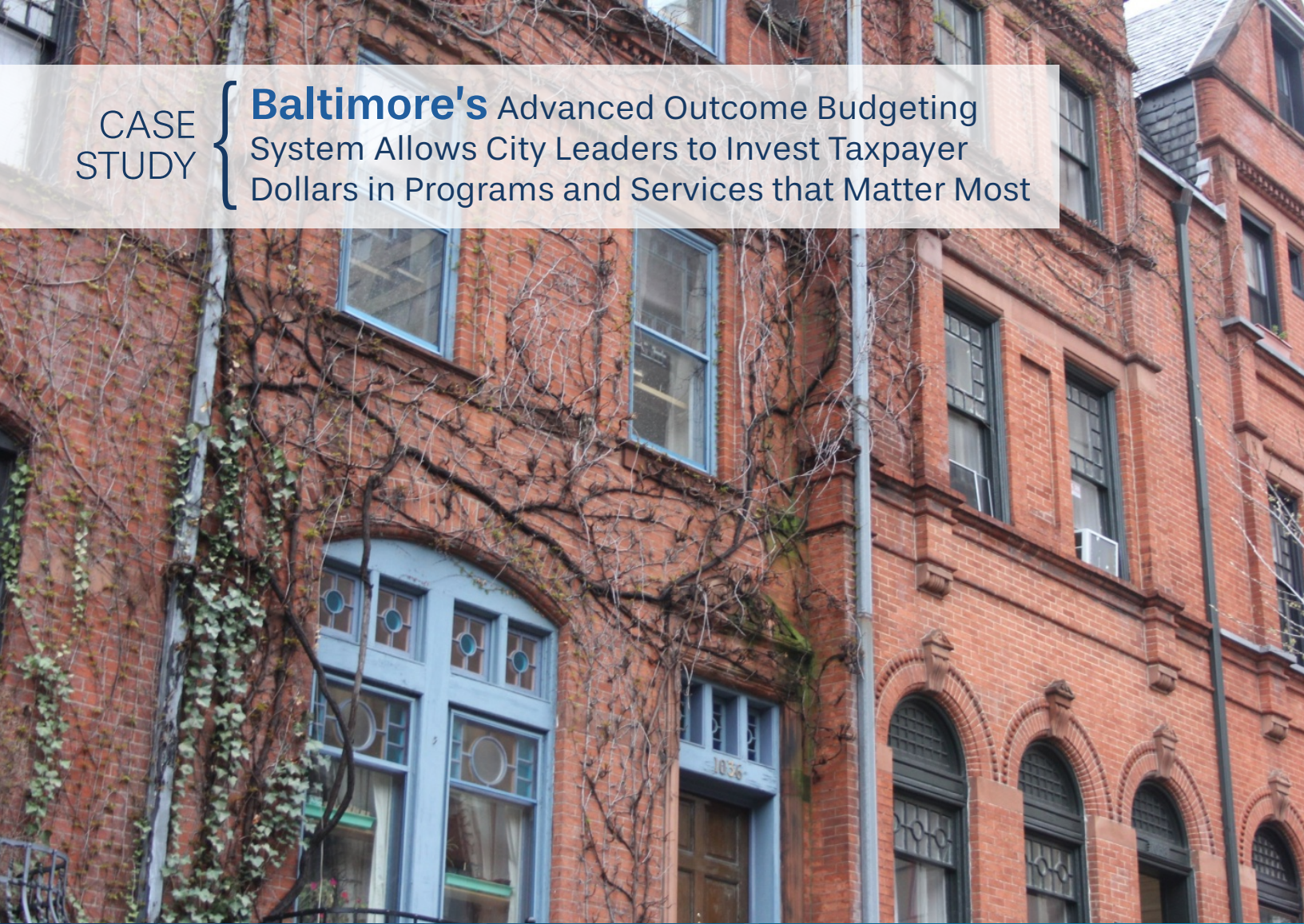
KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Asare. It encourages the Mayor and Controller to commit to improving the city's budgeting process by working towards incorporating a budgeting framework more reflective of a budgeting for outcomes model. This approach should include strategic practices focused on community engagement, clear prioritization of goals, and evidence-based allocation of resources based on those goals. Instead of starting from last year's spending and adjusting allocations, the new model should start with what results the city government would like to prioritize.

CASE
STUDY

Baltimore's Advanced Outcome Budgeting System Allows City Leaders to Invest Taxpayer Dollars in Programs and Services that Matter Most



THE CHALLENGE: For generations, Baltimore's city budget—like that of most local governments—made it hard to determine which services and programs were moving the needle on outcomes that matter most to residents. Facing severe budget constraints, the City needed a better way to make funding decisions.

THE APPROACH: The City of Baltimore developed an advanced outcome budgeting system in 2010 to focus resources on the most effective and promising services and programs to meet the City's priority needs, based on performance data and evidence of impact.

THE RESULTS: Baltimore's ground-breaking outcome budgeting system has led to innovative service delivery mechanisms and a cultural shift within local agencies. Greater use of data and evidence across the City of Baltimore has generated improved outcomes for residents in many of the top city priorities. Baltimore's budgeting system is now serving as the exemplar model for nine local governments across the country. These governments are learning from Baltimore how to implement program elements into their budgets.

RESULTS
★★★
FOR AMERICA

January 5, 2018

INTRODUCTION

Since 2010, the City of Baltimore has used outcome budgeting to shed light on the impact of city investments and direct local taxpayer dollars towards results-driven and evidence-based solutions. This annual budget process, which is led by Andrew Kleine, former Baltimore Budget Director and former Results for America (RFA) Local Government Fellow, in partnership with his staff of budget analysts, the Mayor and her leadership team, and a broad range of local government agency staff and engaged residents, allows Baltimore City government to make the best use of its limited financial resources by aligning city priorities with effective and promising strategies.

THE CHALLENGE

In 2008, cities across the United States, including Baltimore, were facing difficult budget decisions due to the emerging Great Recession. City leaders quickly realized that they would not have enough resources to meet all of the City's needs with decreased tax revenue projections. However, they also recognized that during a recession, residents' needs for city services would likely increase, particularly in areas such as employment and public health. Previous annual budgets had relied on across-the-board increases or decreases in agency spending, which were arbitrary and often punished high-value programs and services that focused on areas such as youth violence prevention and

“ With the right ownership from city leaders, there's tremendous power in this [budget] solution. ”

— ANDREW KLEINE
Former Baltimore
Budget Director

after-school programming while simultaneously protecting less effective programs. Then-Baltimore Mayor Shelia Dixon was frustrated by the budget process which focused on marginal annual adjustments rather than structural changes to the base budget. There was both a desire and a need to make the best use of the city resources available moving forward.

THE APPROACH

After learning from the experiences of Washington State's budget transformation to outcome budgeting in the early 2000s, former Baltimore Budget Director Kleine presented that budgeting approach to then-Baltimore Mayor Shelia Dixon. Together with mayoral staff and the City's Finance Director, they concluded that the most rational and defensible system for making hard budget choices would be to focus funding decisions on supporting the programs and services that were delivering, or had the potential to deliver, the best results for the highest priority resident outcomes. During one of the

What is Outcome Budgeting?¹

Baltimore defines outcome budgeting as a budget process that aligns resources with results. Under this process, the budget is organized around the City's priority outcomes—the results that matter most

to citizens—and funds are allocated for those services that will achieve the desired outcomes. Traditional budgeting is organized around city agencies and uses the previous year's spending as the starting point for any agency budget increase or decrease.

THE APPROACH (CONTINUED)

most challenging budget years in generations, fiscal year 2011, Baltimore embraced outcome budgeting and embedded performance data and evidence of impact into its budget process. The transition to an outcome-based budget was a fundamental shift away from an agency-centric process—used by most local governments across the country—to one that is focused on delivering results to the City's highest priority outcomes.

Since the shift, each year the City undertakes a multi-step process to create an accurate and clear vision for how city funds should be allocated to achieve the best results for the highest priority outcomes.

Baltimore's outcome budget process requires the following steps:

1. First, the mayor and her/his cabinet establish city priorities which are based on input from the [citizen community survey](#), regular public outreach, and research on challenges facing residents. Baltimore's community survey, based on a representative sample of residents, identifies trends in behavior and attitudes regarding quality of life indicators and city services.

The most recent Baltimore City government [priorities](#) listed in the fiscal year 2018 budget include:

- Thriving Youth and Families
 - Safe Neighborhoods
 - Healthy Communities
 - Vibrant Economy
 - Sustainable Infrastructure
 - High Performing Government
2. Next, during the fall of that year, the mayor and leadership team determine total spending amounts for each of the outcome categories for the upcoming fiscal year. To facilitate difficult conversations about how

“ I want our city to be an international leader when it comes to innovation and developing best practices in the delivery of services to our residents. ”

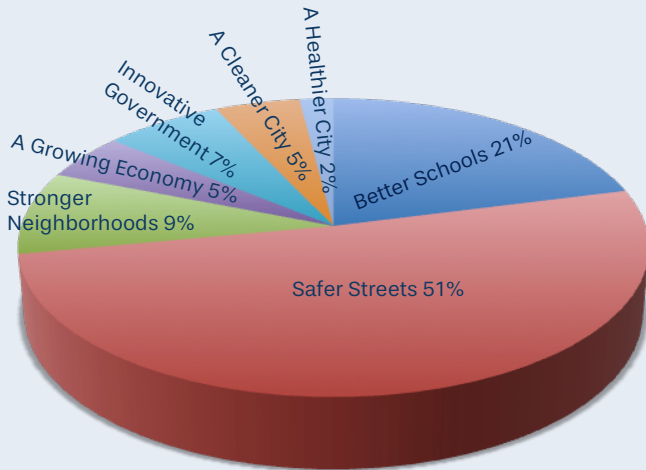
— CATHERINE PUGH
Mayor of Baltimore



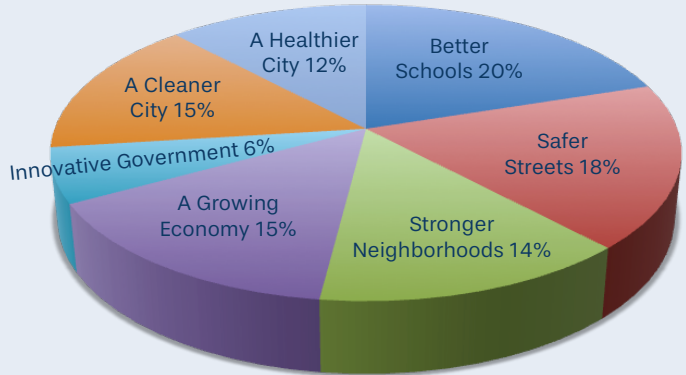
to allocate finite resources, the Baltimore budget team implemented a simple game using Monopoly™ board game money to help city leadership determine financial priorities. By beginning with the question, "How would you allocate funding in a perfect world?," city leadership is able to identify how their goals differ from actual financial allocations. As a result, this approach has allowed Baltimore to highlight the differences between actual and desired spending, and shift some funding from public safety to other priority outcomes.

OUTCOME ALLOCATIONS

Fiscal Year 2016 Actuals vs. Senior Staff Preference Developed During Monopoly™ Money Exercise



FY2016 Budget



Senior Staff Preference

SOURCE: BALTIMORE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH

THE APPROACH (CONTINUED)

- Once each outcome priority has been assigned a total spending amount, in September of that year the City forms annual [Results Teams](#) to develop guidance documents, known as Requests for Results, which outline key indicators and effective strategies to achieve desired results and help shape budget proposals for each priority outcome. Results Teams are interdisciplinary teams composed of roughly eight members who apply to participate and include a cross-section of City department staff, a mayoral representative, budget and performance staff, and two citizen members. Results Teams issue guidance for all proposals in October of that year.
- City agencies then have until early December of that year to use the guidance documents provided by the Results Teams and spending parameters set by the mayor to draft and submit their proposals to the Results Team for which services will help achieve a given priority outcome. Proposals for any outcome can come from any department. They can also

be jointly developed by multiple departments, or one department can propose to take over services from another. All proposals are submitted to the Results Team for the relevant priority outcome for review and input.

- The Results Teams meet with each agency to discuss their proposals, request additional information, and ultimately, rank all requests for a given priority outcome by the end of March. After solidifying the rankings, each Results Team drafts a memo and meets with the mayor to recommend services and funding for each priority outcome.
- Next, the Baltimore Bureau of the Budget and Management Research compiles all recommendations and presents a balanced budget to the mayor and leadership team who then make final decisions in February about the mayor's proposed budget to City Council.
- Finally, throughout April, May, and June, the Board of Estimates and then City Council holds hearings on the proposed budget and votes to approve or modify.

TIPS FOR REPLICATION

- **Get Ready for a Fundamental Shift:** Outcome budgeting shifts the attention from agencies to outcomes and results. One big benefit of this approach is how it opens up the black box of the base budget and allows government to prioritize spending based on desired outcomes. Shedding light on spending and impact is at the heart of a well-managed government. Yet, most governments budget and manage by agency and may bristle at a new approach.
- **Leaders Need to "Own It":** Mayoral buy-in and participation is crucial, but to achieve the full potential of outcome budgeting, the mayor and her/his leadership team needs to **own** the process and make all major budget decisions through this framework in order for it to become the new normal.
- **Create an Environment for Collaboration:** Previously, it was uncommon for Baltimore agency fiscal and program staff to work together to develop budget proposals or ways to improve operations. Outcome budgeting creates opportunities for conversation and collaboration both within and across departments in order to propose a new, more effective way of delivering services.
- **Seek Strategies to Prevent Burnout:** There is an inherent level of burnout with a collaborative-heavy, multi-step, annual outcome budget process. One way to alleviate burnout and sustain longevity is to shift to a biennial budget process. Also, to keep city leadership engaged, consider linking budgeting to the strategic plan and performance measurement, introduce [innovation funds](#) to spur new ideas from within agencies, and use the concept of [lean government](#)² to improve business processes that tie back to budget and performance.
- **Communication is Key:** Agency leadership may hesitate to tie funding to performance for fear of losing funding. Reduce hesitation by communicating how agencies can keep or increase funding if they show that their services are a high-priority and have an improvement plan backed by evidence.
- **Provide Opportunities for New Leaders to Emerge:** The Results Team structure has identified promising young professionals who have acquired extensive agency knowledge, made connections, and enhanced collaboration through their involvement with the budget process. Currently, over 150 applications are received each year for Results Team members and the City now uses this process to recognize new talent.



BALTIMORE'S OUTCOME BUDGET PROCESS³

OLD WAY	NEW WAY
Starting Point: Last Year's Spending	Starting Point: Next Year's Goals
Funding Targets: By Agency	Funding Targets: By Priority Outcome
Agency Submission: How Allocation will be Spent	Agency Submission: Proposal to Achieve Results
Debate: What to Cut	Debate: What to Keep

SOURCE: BALTIMORE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH

THE RESULTS⁴

Outcome budgeting has enabled Baltimore to enhance effective and high-priority services during difficult budget years including: maternal and child health, afterschool programs, and the Emerging Technology Center business incubator. Rather than cut these high-need services, Baltimore has focused on the results they want to achieve. For example, through its continued investments in home visiting services for at-risk expectant mothers, Baltimore has experienced a significant drop in infant mortality, from 13.5 to 8.4 deaths of children less than one year of age per 1,000 live births between 2009 to 2015. In its efforts to increase the tree canopy in Baltimore, the city has invested additional funds and services in proactive pruning. As a result, the percentage of trees that remain healthy after two years of planting has increased from 72% in fiscal year 2013 to 94% in fiscal year 2016.

Outcome budgeting has also helped identify low-performing programs without an improvement plan such as a program designed to mentor children of prisoners and a program to help neighborhoods with development projects that were well-intentioned but ineffective.

Shining a light on these issues empowers the City to provide additional support and funding, where warranted, or cut unnecessary spending.

Focusing on results creates opportunities for innovation and efficiency. For example, city agencies are invited to propose the takeover of another agency's service to the appropriate Results Team, if they can make the case that they can deliver that service more effectively and efficiently. For example, the Housing Department now administers burglar alarm registration that was once managed by the Police Department. The year after taking over the service, revenue nearly doubled from \$330,000 to \$620,000. In addition, the Baltimore Office of Human Services took over and consolidated under-performing child care centers. By leveraging Head Start, they provided summer learning for 1,100 additional youth.

As a result of outcome budgeting, Baltimore has accomplished numerous efficiencies and improvements including:

- An innovative collaboration between the Baltimore Fire and Health departments assigns nurses to frequent 911 callers to address root causes, which has reduced their calls by 50%.

THE RESULTS (CONTINUED)

- Shifting the rat control service from a small office in the Baltimore Health Department to Baltimore's Public Works, street and alley cleaning crews in fiscal year 2011 reduced costs by 42% while increasing rat baiting from 37,000 in fiscal year 2010 to 94,000 in fiscal year 2013. Rat baiting has since reduced dramatically to 27,000 in fiscal year 2016, as the number of identified burrows on public property and service requests have declined.
- The Baltimore Department of General Services increased preventive building maintenance from 6% of its work to 46% in two years, in part by outfitting a van to more efficiently manage government facilities in the outer reaches of the City.
- The Baltimore Office of Civil Rights achieved a 40% increase in negotiated settlement of discrimination complaints by improving employee training and shedding non-core functions that interfered with achieving the Office's mission.

Outcome budgeting enables the City to prioritize spending and ensure it is working towards delivering results on the City's highest priority outcomes. City Council members increasingly ask about outcomes rather than budget information, signaling a cultural shift towards using data and evidence in decision-making. As a testament to the value of Baltimore's budgeting system, it has been sustained across three Mayors—Mayor Sheila Dixon, Mayor Stephanie Rawlings-Blake and now Mayor Catherine Pugh. Over time, enhancements have also been made, better linking outcome budgeting to [CitiStat](#) and developing an [OutcomeStat](#) process to more fully align budgeting, performance management, and strategic planning across the government.

Baltimore is a leader in investing city resources in services and programs that deliver outcomes for residents. Since outcome budgeting began,

Baltimore has improved outcomes in most priority areas:

- Infant mortality rates dropped 38% between 2009 and 2015;
- Property crime decreased 2.2% between 2011 and 2016;
- The employment rate for 16–64 year olds increased 11.6% from 2010 and 2015;
- The number of jobs in Baltimore increased 6.2% between 2010 and 2016;
- 23% more people are reportedly walking and 40% more people are reportedly biking between 2009 and 2015;
- Watershed bacteria levels are down 70% between 2011 and 2016; and
- Usage of recreational facilities increased 89% between 2011 and 2016.

In an ongoing effort to mimic Baltimore's budgeting success, cities and counties across the country are learning from Baltimore staff how to create outcome budgeting in their government including Atlanta, Dallas, Houston Madison, Montgomery County (MD), Los Angeles, Philadelphia, Seattle, and Tulsa. Through the increased use of data and evidence in the budgeting process, these local governments are expected to experience greater success in service delivery and program outcomes, ultimately improving the well-being of their residents.



ABOUT RESULTS FOR AMERICA'S LOCAL GOVERNMENT FELLOWSHIP PROGRAM

Results for America's Local Government Fellows program was founded in September 2014 to provide an advanced group of local government leaders in diverse and influential cities and counties across the country the knowledge and support to implement strategies that consistently use data and evidence to drive policy and budget decisions on major policy challenges.

With the support and guidance of Results for America, the Local Government Fellows lead their governments toward advanced stages of data-driven and evidence-based policymaking in order to address major policy challenges in their communities. The **16 cities** and counties represented in the Fellowship collectively represent more than **28 million** people and **\$148 billion** in local government spending.

Due to involvement with the Results for America Local Government Fellowship, Baltimore is

currently collaborating with researchers to evaluate program effectiveness in a number of high priority policy areas including youth homelessness, recycling, and employment. The results from these evaluations will build evidence for service delivery strategies, future budget proposals for priority outcomes, and help the City better understand their impact on the lives of residents.

RFA engages its Local Government Fellows in:

- Defining short- and long-term policy goals;
- Developing research partnerships with academics;
- Sharing best practices and demonstration projects;
- Problem solving among peers;
- Receiving individual feedback and coaching; and
- Participating in a national network and peer cohort.

ACKNOWLEDGEMENTS

Results for America would like to thank Baltimore Mayor Catherine Pugh for investing in the use of data and evidence to improve government services, as well as The Baltimore Bureau of Budget and Management Research Team for their assistance in developing this case study:

- Andrew Kleine, former Budget Director
- Bob Cename, Budget Director
- Jessica Clarke, Budget Management Analyst
- Jonathan Morancy, Senior Program Assessment Analyst
- Kirsten C. Silveira, Government Innovation Analyst
- Matt Rappaport, Budget Management Analyst
- Mira Green, Senior Budget Management Analyst
- Philip Gear, Budget Management Analyst
- Tony Scott, Budget Management Analyst

ADDITIONAL RESOURCES

- See Baltimore budget details at <https://bbmr.baltimorecity.gov/budget-publications>
- Results for America and The Bridgespan Group's report, "[Geek Cities: How Smarter Use of Data and Evidence Can Improve Lives](#)" (November 2013)
- Listen to Andrew Kleine talk about outcome budgeting in this Gov Innovator podcast: <http://govinnovator.com/andrew-kleine/> (April 23, 2012)
- Baltimore's switch to outcome budgeting was inspired by, "[The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis](#)" by David Osborne and Peter Hutchinson
- Learn more about Results for America's **Local Government Fellowship** at <http://results4america.org>

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REFERENCES

1. "Outcome Budgeting." Bureau of the Budget and Management Research, May 1, 2016. <http://bbmr.baltimorecity.gov/outcome-budgeting>.
2. US EPA, OA. "Lean Government." Overviews and Factsheets. US EPA, May 3, 2016. <https://www.epa.gov/lean/lean-government>. Lean Government helps improve the speed and quality of processes by eliminating wastes such as document errors, unnecessary process steps, and waiting time. Lean Government initiatives help: identify and eliminate waste in programmatic and

operational processes, improve efficiency and effectiveness, improve the quality, transparency, and speed of their processes.

3. Andrew Kleine, City of Baltimore OutcomeStat, Microsoft PowerPoint, Maryland, Baltimore.
4. Source information for all statistics in the "Results" section can be found in Baltimore's [Fiscal Year 2017 Summary of the Adopted Budget](#) (Pages 145–end) and Fiscal Year 2018 Agency Detail [Volume 1](#) (page 183) and [Volume II](#) (page 473).

PHOTOS

Cover Photo: Hank Mitchell—baltphoto.org.

Page 2: Office of the Maryland Governor.

Page 5: Hank Mitchell—baltphoto.org.

Page 7: Hank Mitchell—baltphoto.org.

ABOUT THE INVEST IN WHAT WORKS POLICY SERIES

This report is part of Results for America's Invest in What Works Policy Series, which provides ideas and supporting research to policymakers to drive public funds toward evidence-based, results-driven solutions. Results for America is committed to improving outcomes for young people, their families, and communities by shifting public resources toward programs and practices that use evidence and data to improve quality and get better results.



Invest in
What Works
Policy
Series



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: May 31, 2024

Re: Ordinance 2024-13 - 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)

Synopsis

This ordinance amends BMC 2.04.380 entitled “Order of Business at Regular Sessions,” which sets forth the order of items on the Council’s Regular Session agenda. It reduces the standard speaker time limit applicable to Reports from the Public and Additional Reports from the Public from five minutes to three minutes and removes a provision allowing the presiding officer to reduce this time allotment based on the number of people wishing to speak.

Relevant Materials

- Ordinance 2024-13
- [new] Memo from Sponsor Cm. Piedmont-Smith
- Rules for Making Public Comment – incorporating changes proposed by the ordinance with additional revisions suggested by staff
 - [new] Redline version showing changes from existing rules
- Indiana House Enrolled Act 1338
- [new] Draft Amendment 01

Summary

Ordinance 2024-13 proposes to amend Bloomington Municipal Code [Section 2.04.380](#) (Order of business at regular sessions). This section sets out both the normal order of business at regular session meetings as well as time limits that apply to two opportunities for general public comment on matters of community concern – “Reports from the Public” and “Additional reports from the public”.

The Council convened a work session on April 30, 2024 for the purpose of discussing its rules and practices for taking public comment. At that work session, many members indicated a desire to establish a standard time limit of three minutes that would apply to speakers commenting during the two opportunities for general public comment, as well as to speakers commenting on agenda items.

Currently, members of the public speaking during one of the two general periods of public comment are allowed five minutes, but that time may be reduced by the presiding officer if numerous people wish to speak. When the Council offers an opportunity for public comment on agenda items (typically legislation), the recent practice has been to allow speakers three minutes.



Ordinance 2024-13 would reduce the time limit applicable to the two general periods of public comment from five minutes to three minutes and would remove the provision allowing the presiding officer to reduce the time allotment based on the number of people who wish to speak.

Accompanying this ordinance is a document called *Rules for Making Public Comment on Agenda & Non-Agenda Items*, which is a revised version of the Council's current [Rules for Making Public Comment](#). The current rules were adopted and put into practice by the Council in 2010, when the Council last revised its Order of Business. A former Council Rules Committee report and supporting materials that led to the Council adopting the current rules are contained in an [August 4, 2010 meeting packet](#). The rules are intended to be an at-a-glance guide for members of the public speaking at a Council meeting. Since 2010, the guide has been distributed at meetings and posted on the Council's website.

If the Council adopts Ordinance 2024-13, it may then wish to consider adopting the revised rules for public comment included herein. The revisions would reflect the changes made by Ordinance 2024-13, but would also incorporate provisions that have recently been added to state code via [House Enrolled Act 1338](#) (to take effect July 1, 2024). This bill states that public governing bodies may adopt procedures that provide for the presiding officer to issue warnings to an attendee who disrupts a meeting or violates the body's rules or policies. Upon receiving three warnings, the attendee may be asked to leave the meeting or may be removed by a law enforcement officer. Immediate removal would be allowed if necessary to maintain order or ensure the safety of others, if the attendee commits a criminal offense, or if the attendee violates adopted Council rules or policies governing the conduct of the meeting.

These procedures largely reflect existing practice, but make more explicit the scenarios that might lead to removal of a meeting attendee. These rules would be posted in a visible area at the entrance to the Council Chambers and would be published on the Council's website. There is minimal to no direct fiscal impact associated with this ordinance.

Contact

Councilmember Isabel Piedmont-Smith & Office of the Common Council, 812-349-3409, council@bloomington.in.gov

ORDINANCE 2024-13

**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, the Common Council generally controls the order and time allotted for each item of its agenda; and

WHEREAS, in general, unscheduled matters should not cause undue inconvenience for those who are presenting legislation and other arranged business before the Council; and

WHEREAS, the current order of business at regular sessions provides twenty 20 minutes for public comment on items not on the agenda at the beginning of the meeting and 25 minutes for such comment at the end of the meeting, allowing five minutes for each speaker, with an option for the presiding officer to decrease this time if many people wish to speak; and

WHEREAS, this practice regarding public comment on items that are not on the agenda means that members of the public do not have a predictable amount of time to speak, that the presiding officer routinely asks for a show of hands of those who want to speak and divides the allotted time accordingly, and that the then-allotted time per speaker does not consider members of the public who did not initially indicate their intention to speak; and

WHEREAS, on April 30, 2024, the Common Council held a Work Session to review its existing rules and practices related to offering public comment at Council meetings, wherein many members agreed that the Council should consider a standard time allotment of three minutes per speaker during each opportunity for public comment;

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

SECTION 1. Section 2.04.380 of the Bloomington Municipal Code entitled “Order of business at Regular Sessions” shall be amended by deleting the last sentence in the last paragraph and replacing it with “Speakers are allowed up to three minutes each.”, such that the full paragraph reads as follows:

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed up to three minutes each.

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 _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends BMC 2.04.380 entitled “Order of Business at Regular Sessions,” which sets forth the order of items on the Council’s Regular Session agenda. It reduces the standard speaker time limit applicable to Reports from the Public and Additional Reports from the Public from five minutes to three minutes and removes a provision allowing the presiding officer to reduce this time allotment based on the number of people wishing to speak.

To: Members of the Common Council

From: [Isabel Piedmont-Smith](#), District 1

Date: May 31, 2024

Subj: Ordinance 2024-13, To amend Title 2 of the Bloomington Municipal Code entitled "Administration and Personnel"

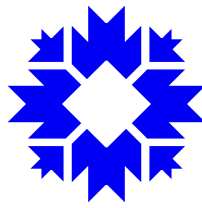
On April 30, a work session for Council Members was held to discuss the public comment rules and practices at our regular session meetings. At that work session, a majority of Council Members said that they would prefer a shorter, more predictable individual time limit for public commenters at the open public comment periods during regular sessions. Currently, according to BMC 2.04.380, there are 20 minutes set aside for public comments on non-agenda items at the beginning of the meeting and 25 minutes set aside at the end, allowing five minutes for each speaker. However, the chair of the meeting has the option to decrease the five-minute limit if more than four people wish to speak.

A few problems with this approach were identified during the work session. First, the current process leads to speakers not having a predictable time limit for their comments. Second, in order to determine whether the five-minute limit should be shortened, the chair must accurately ascertain how many people wish to speak, which is generally difficult since not everyone who wishes to speak may initially raise their hands to indicate they would like to do so.

I am bringing forward Ordinance 2024-13 to address these problems by putting a universal limit of three minutes per speaker on public comment regarding items not on the agenda. This is the same amount of time that we have, in practice, allowed members of the public to speak on items that ARE on the agenda. It is not lost on me that neither 20 minutes nor 25 minutes are easily divisible by three, but I also note that many speakers do not take the full time, and that some time is lost between speakers.

The revisions in Ordinance 2024-13 will require a subsequent revision to the Council's document "Rules for Making Public Comment on Agenda & Non-Agenda Items." Council Attorney/Administrator Stephen Lucas also suggested additional changes to this document to conform with state code.

I ask for your support of Ordinance 2024-13 and of the revisions to the "Rules for Making Public Comment" document. Thank you.



RULES FOR MAKING PUBLIC COMMENT ON AGENDA & NON-AGENDA ITEMS

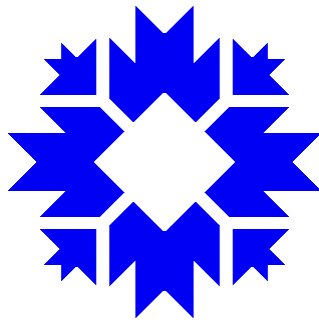
The Bloomington Common Council greatly values the voices of its citizens and welcomes public comment on non-agenda items of community concern at two points on its *Regular Session* agenda. Citizens may make general comments at either the beginning of the meeting under *Reports from the Public* (limited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

In order to conduct meetings in the most effective manner possible, the following rules apply to periods of general public comment and to periods of public comment on a particular item:

- 1) At each meeting, citizens may speak at only *one* of the two opportunities for general public comment, but not both.
- 2) Citizens are limited to one comment, not to exceed three (3) minutes. When giving your comment, please state your name for the record and speak directly into the microphone.
- 3) All in-person comments must be made from the podium; speakers may not approach the Council dais without permission of the Chair.
- 4) 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.
- 5) 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 and will receive a warning. If an attendee receives three (3) warnings, the Chair may, upon issuing the third warning, direct: 1) the attendee to leave the meeting; and 2) a law enforcement officer to remove the attendee from the meeting, if the attendee refuses to leave when directed by the Chair for a violation of these rules.

Nothing in these rules may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if: 1) removal of the attendee is necessary to maintain order or ensure the safety of another person; 2) the attendee commits a criminal offense; or 3) the attendee violates these rules governing the conduct of the meeting. Ind. Code § 5-14-1.5-3.3 (effective July 1, 2024).



~~**REPORTS FROM THE PUBLIC:**~~
RULES FOR MAKING PUBLIC COMMENT
ON AGENDA & 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 **cumulative time** of 25 minutes).

In order to conduct meetings in the most effective manner possible, the following rules apply **to periods of general public comment and to periods of public comment on a particular item:**

- 1) At each meeting, citizens may speak at only *one* of the two opportunities for **general** public comment, but not both.
- 2) Citizens are limited to one **comment report**, not to exceed **three five (3 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.~~ When giving your **comment report**, please state your name for the record and speak directly into the microphone.
- 3) All **in-person comments reports** must be made from the podium; speakers may not approach the Council dais without permission of the Chair.
- 4) 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.
- 5) 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.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1338

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-14-1.5-2, AS AMENDED BY P.L.124-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. For the purposes of this chapter:

(a) "Public agency", except as provided in section 2.1 of this chapter, means the following:

- (1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.
- (2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.
- (3) Any entity which is subject to either:
 - (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or
 - (B) audit by the state board of accounts that is required by statute, rule, or regulation.
- (4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public

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facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.

(7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(b) "Governing body" means two (2) or more individuals who are any of the following:

(1) A public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business.

(2) The board, commission, council, or other body of a public agency which takes official action upon public business.

(3) Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. **However, the following do not constitute a governing body for purposes of this chapter:**

(A) An agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body. **does not constitute a governing body for purposes of this chapter.**

(B) **A committee appointed directly by the governing body or a designee of the governing body:**

(i) **for the sole purpose of receiving information, deliberating, or making recommendations to the governing body; and**

(ii) **that has not more than one (1) member of the governing body as a member.**

(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include any of the following:

(1) Any social or chance gathering not intended to avoid this chapter.

(2) Any on-site inspection of any:

(A) project;

(B) program; or

(C) facilities of applicants for incentives or assistance from the governing body.



(3) Traveling to and attending meetings of organizations devoted to betterment of government.

(4) A caucus.

(5) A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.

(6) An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action.

(7) A gathering for the sole purpose of administering an oath of office to an individual.

(8) Collective bargaining discussions that the governing body of a school corporation engages in directly with bargaining adversaries. This subdivision applies only to a governing body that has not appointed an agent or agents to conduct collective bargaining on behalf of the governing body as described in subsection (b)(3).

(d) "Official action" means to:

- (1) receive information;
- (2) deliberate;
- (3) make recommendations;
- (4) establish policy;
- (5) make decisions; or
- (6) take final action.

(e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.

(f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose. The governing body may also admit an individual who has been elected to the governing body but has not been sworn in as a member of the governing body.

(g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.

(h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.

(i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).

(j) "News media" means all newspapers qualified to receive legal

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advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.

(k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(l) "State educational institution" has the meaning set forth in IC 21-7-13-32.

(m) "Charter school" has the meaning set forth in IC 20-24-1-4). The term includes a virtual charter school (as defined in IC 20-24-1-10).

SECTION 2. IC 5-14-1.5-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3.3. (a) This section applies only to a meeting of the governing body of an entity described in section 2(a)(2) or 2(a)(3) of this chapter.**

(b) This section does not apply to a meeting of the governing body of a school corporation or charter school.

(c) As used in this section, "attendee" means a member of the public who is physically present at a meeting of a governing body.

(d) If a governing body allows attendees to speak on a topic at a meeting, the governing body may designate:

(1) a period for taking public testimony that is:

(A) before or during the governing body's discussion or consideration of the topic; and

(B) before the governing body takes final action on the topic; and

(2) the amount of time allotted for attendees to speak on the topic.

(e) A governing body may adopt reasonable rules or policies governing the conduct of a meeting, including any of the following:

(1) Reasonable restrictions on the time allotted for attendees to speak on a topic.

(2) Reasonable steps to maintain order during a meeting with respect to attendees and the elected officials of the governing body.

(3) A procedure for the presiding member of the governing body to issue warnings to attendees who disrupt a meeting. Subject to subsection (g), the procedure may provide that if an attendee receives three (3) warnings, the presiding member of the governing body may upon issuing the third warning, direct:



- (A) the attendee to leave the meeting; and
- (B) a law enforcement officer to remove the attendee from the meeting, if the attendee refuses to leave when directed by the presiding member for a violation of the rules or policies governing the conduct of the meeting as adopted by the governing body.

(f) The governing body must notify attendees of any rules or policies that are adopted under this section by:

- (1) posting the rules or policies in a visible area at the entrance to the meeting location; or
- (2) making an announcement of the rules or policies at the meeting before taking oral public comment.

(g) Nothing in this section may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if:

- (1) removal of the attendee is necessary to maintain order or ensure the safety of another person;
- (2) the attendee commits a criminal offense; or
- (3) the attendee violates the rules or policies governing the conduct of the meeting as adopted by the governing body.

(h) IC 34-13-3-3(a)(8) applies to this section.

SECTION 3. IC 5-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. The governor shall appoint a public access counselor for a term of four (4) years at a salary to be fixed by the governor. **The public access counselor shall serve at the pleasure of the governor.**

SECTION 4. IC 5-14-4-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 7: ~~The governor may remove the counselor for cause.~~

SECTION 5. IC 5-14-4-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. When issuing an advisory opinion, the public access counselor shall consider only:**

- (1) the public access laws, as plainly written; and
- (2) valid opinions of Indiana courts.

SECTION 6. IC 35-43-2-2, AS AMENDED BY P.L.79-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation or a scientific research facility to act on behalf of the agricultural operation or the scientific research facility.

(b) A person who:

- (1) not having a contractual interest in the property, knowingly or

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***** Amendment Form *****

Ordinance #: 2024-13
Amendment #: Am 01
Submitted By: Cm. Stosberg
Date: June 5, 2024
Proposed Amendment:

1. Ordinance 2024-13 shall be amended by inserting the three “Whereas” clauses shown below after the second Whereas clause:

WHEREAS, the normal order of business at regular sessions, which can be amended by majority vote, provides that legislation for first readings is to occur after legislation for second readings and resolutions; and

WHEREAS, Bloomington Municipal Code 2.04.420 provides that legislation may not be introduced for council action after 10:30 p.m. without a two-thirds vote of the members, and that a motion to adjourn accompanied by a second made after 11:59 p.m. has the effect of ending the meeting, both of which could preclude legislation for first readings from being introduced when items for second readings and resolutions extend beyond 10:30 p.m. and 11:59 p.m. respectively; and

WHEREAS, the effect of the current order of business in conjunction with evoking the 10:30 p.m. or midnight rules is to create the possibility of a delay to the introduction of items for first reading, and to account for this possibility, the normal order of business at regular sessions should instead provide for first readings before second readings and resolutions; and

2. Ordinance 2024-13 shall be amended by inserting a new Section 2 and renumbering subsequent sections accordingly. The new Section 2 shall read as follows:

SECTION 2. Section 2.04.380 of the Bloomington Municipal Code entitled “Order of business at Regular Sessions” shall be amended by deleting the words “second readings and resolutions” in sub-part (6) and replacing them with the words “first readings” and by deleting the words “First readings” in sub-part (7) and replacing them with the words “Second readings and resolutions” such that first readings are to appear before second readings and resolutions in the default order of business 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:

...

(6) Legislation for first readings;

(7) Second readings and resolutions;

...

3. The ordinance synopsis shall be amended by adding a sentence to the end of the paragraph, which shall read:

It also reorders the agenda items “Legislation for second readings and resolutions” and “First readings” so that first readings of legislation will occur before second readings and resolutions in the normal order of business.

Synopsis

This amendment inserts three additional Whereas clauses to explain the rationale for placing first readings of legislation before second readings and resolutions, and also adds a new Section 2 to effectuate that change in the Council’s order of business.

06/05/24 Regular Session Action:

Pending



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney

Date: May 31, 2024

Re: Ordinance 2024-14 – To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure)

Synopsis

This ordinance is sponsored by Councilmembers Piedmont-Smith and Rollo. It comes in the wake of action by the Indiana General Assembly, which has preempted local units from prohibiting the sale of dogs by retail pet shops through passage of House Enrolled Act 1412, which will go into effect July 1, 2024. This ordinance reinstates the requirements, present in the Bloomington Municipal Code before passage of [Ordinance 21-45](#), with which pet shops must comply in order to sell dogs. This ordinance updates those requirements in conformity with the newly-enacted state code. It also clarifies the continued prohibition on the sale of cats and the requirements for the display of shelter or rescue animals by host pet shops; institutes a new permit fee for pet shops that wish to sell dogs; and clarifies the penalties for violations of Title 7, including instituting a uniform penalty for violations in which the permit is free or costs \$0.

Relevant Materials

- [Ordinance 2024-14](#)
- Sponsor Memo from Councilmember Piedmont-Smith
- Amendments to Bloomington Municipal Code Title 7 in Context (Redline)

Summary

This ordinance would update Title 7 of the Bloomington Municipal Code in the wake of the Indiana General Assembly’s action, through the passage of [House Enrolled Act \(HEA\) 1412](#), to preempt local units of government from prohibiting the sale of dogs by retail pet shops. HEA 1412 goes into effect on July 1, 2024, making the portions of any ordinance that bans the sale of dogs void and unenforceable on that date.

The sponsors of this legislation, Isabel Piedmont-Smith and Dave Rollo, are two of the same sponsors of [Ordinance 21-45](#), which banned the sale of dogs and cats in retail stores within city limits. Materials for that ordinance are available on the council website for the [December 1, 2021 Common Council Regular Session](#). Both councilmembers are interested in updating this ordinance before HEA 1412 makes portions of current local code unenforceable, as well as regulating the sale of pets to the extent permitted by state law.



Council staff worked with Animal Care and Control (AC&C) Director Virgil Sauder, the councilmember sponsors, and Assistant City Attorney Aleks Pratt to draft this proposed ordinance. The Animal Control Commission reviewed this ordinance on May 13, 2024 and gave it a positive recommendation.

This proposed ordinance would do several things, including:

- Add a new section to local code stating that every commercial animal establishment and nonmunicipal animal shelter/sanctuary permit holder must also comply with the requirements in Indiana Code Title 15.
 - *Reasoning:* This was added because HEA 1412 also adds additional requirements that pet shops must comply with in order to sell dogs, including registration with the state board of animal health, consumer protections and disclosures, microchipping requirements, spay/neuter commitments, refund policies, records creation and retention, and dog acquisition requirements.
- Reinststitute one standard for commercial animal establishments (requiring the name/address of the breeder to be posted on the kennel) that existed before Ordinance 21-45 repealed it.
- Reinststitute, with some changes, the enumerated consumer protection requirements that existed before Ordinance 21-45 repealed those provisions. The changes between the past rules and current ones are as follows:
 - “Major pet shop” has been replaced with “pet shops that sell dogs” to be more clear, as the “major” and “minor” pet shop distinctions were not brought back into local code in this draft.
 - “The date of the animal’s birth” has been replaced with “The dog’s age and date of birth” to match this requirement in state code.
 - For a simpler reading, the requirement to provide a list of vaccinations, record of any known disease/illness/condition, and record of any veterinary treatment/medication has been separated out into different subsections.
 - The “illness or condition with which the dog is or has been afflicted at the time of sale” was changed to “illness or condition with which the dog is or has been afflicted at any point while in possession of the pet shop” to clarify confusion about whether the pet shop needs to disclose any illness the dog has *ever had* at the time of sale or only illnesses that *currently exist in the dog* at the time of sale.
 - A “Disclosure that the dog has been microchipped” was added to match this new requirement in state law.
- Remove the prohibition on sale of dogs but keep the prohibition on the sale of cats, as well as separate the requirements for host pet shops to host dogs and/or cats



from a municipal animal shelter or rescue organization into a different BMC section to remove confusion.

- *Reasoning:* This provision becomes unenforceable as to dogs due to state preemption. However, the sponsors still wish to encourage pet shops to use their spaces to house animals from shelters/rescue organizations. The sponsors suggested putting requirements for the display of shelter/rescue dogs and cats in a different section now that the sale of dogs is permissible. Requirements about not having an ownership interest in any of the rescue/shelter animal's dogs would have been confusing if left in the same section as the prohibition on only the sale of cats.
- Institute a new fee for obtaining a commercial animal establishment in order to sell dogs, which would be \$750, as well as distinguish the fees for a "pet shop that does not sell dogs" from a "pet shop that sells dogs".
 - *Reasoning:* The fee would increase from \$500, which was the price prior to Ordinance 21-45. The reason for this would be to adjust for the AC&C staff time needed to conduct inspections and enforce the applicable BMC provisions. The new fee amount comes on the advice of the AC&C Director.
 - In addition, in order to avoid needing to define "pet shop that sells dogs" throughout the ordinance (as the sponsors hoped to avoid), this chart clearly differentiates between the permits associated with a "pet shop that does not sell dogs" and a "pet shop that sells dogs" to be more clear.
- Delete the \$0 fee for private or nonprofit "nonmunicipal animal shelter/sanctuary" listed in 7.54.030(a) and instead insert the words "nonmunicipal animal shelter/sanctuary" in the next subsection that lists the exceptions to the fee requirement, in order to list the fee exceptions in the same place.
- Clarify the penalties for violations of 7.16.070 (re: the continued prohibition on sale of cats) would only be for unauthorized sales of cats, not cats and dogs.
- Institute a uniform penalty for fines that are "double" or "triple" the permit fee specifically for permits that cost \$0.
 - *Reasoning:* Currently, any of those fines that cost "double" or "triple" the permit fee would cost \$0 for violations where the permit-holder paid \$0 for their permit. This change comes at the request of the AC&C Director.

The Council Office has inquired with ACC Director Sauder about the expected fiscal impact of this ordinance and will supplement these materials with that information once available.

Contact

Councilmembers Isabel Piedmont-Smith, Dave Rollo, and the Office of the Common Council, 812-349-3409, council@bloomington.in.gov

Virgil Sauder, Animal Care & Control Director, 812-349-3492, sauderv@bloomington.in.gov

ORDINANCE 2024-14

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ANIMALS”**

**– Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54
(Fees); and Chapter 7.56 (Enforcement Procedure)**

WHEREAS, Title 7 of the Bloomington Municipal Code (“BMC”) sets forth provisions regarding the care and control of animals through the Animal Care and Control Department for the City of Bloomington (City); and

WHEREAS, House Enrolled Act (HEA) 1412 was passed by the Indiana General Assembly and then signed by Indiana Governor Holcomb on March 4, 2024;

WHEREAS, HEA 1412 adds a new section to Indiana Code (I.C. 15-21-6-2) that expressly preempts local units of government from prohibiting retail pet stores from selling dogs acquired from specific types of dog breeders and dog brokers; and

WHEREAS, any ordinance prohibiting retail sales of dogs under these terms will become void and unenforceable when HEA 1412 goes into effect, on July 1, 2024;

WHEREAS, the City of Bloomington Common Council passed Ordinance 21-45 on December 1, 2021, and it was signed by the Mayor on December 3, 2021; and

WHEREAS, Ordinance 21-45 prohibits the retail sale of both dogs and cats within City limits; and

WHEREAS, pursuant to HEA 1412, portions of Ordinance 21-45 will become void and unenforceable on July 1, 2024; and

WHEREAS, this ordinance updates the Bloomington Municipal Code in conformity with the mandates of state law;

WHEREAS, HEA 1412 does not prohibit local units from adopting an ordinance or regulating a retail pet store for inspections, business licenses, or other applicable local ordinances, as long as the ordinances do not outright prohibit the sale of dogs; and

WHEREAS, the issues presented by Ordinance 21-45 still exist, and in bringing back the ability for retail stores to sell dogs, the City still wishes to regulate all that is permissible under state law, including a continued prohibition on the sale of cats; and

WHEREAS, in conformity with the mandates of HEA 1412, this ordinance reinstates the consumer protection requirements that were previously included in the Bloomington Municipal Code before their repeal by Ordinance 21-45 and updates these requirements in conformity with state code; and

WHEREAS, this ordinance institutes a new fee to obtain a commercial animal establishment permit to sell dogs, in accordance with the additional city staff time that will be required to conduct inspections and enforce applicable provisions of the Bloomington Municipal Code; and

WHEREAS, this ordinance clarifies the existing requirements to display dogs and cats from a shelter or rescue organization now that the sale of dogs will be allowed within the City subject to a permitting process; and

WHEREAS, this ordinance also institutes a uniform fine for offense violations for which the permit is free because currently such offenses correspond with fines that amount to \$0;

WHEREAS, the Animal Care and Control Commission supported passage of this ordinance at its meeting on May 13, 2024;

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

Section 1. Title 7 (“Animals”) of the Bloomington Municipal Code (BMC) shall be amended by adding a new Section 7.16.015 “Applicability of state laws.” to state as follows:

7.16.015 - Applicability of state laws.

Every commercial animal establishment and nonmunicipal animal shelter/sanctuary that obtains a commercial animal establishment permit shall be subject to the state laws concerning animals as set out in Title 15 of the Indiana Code.

Section 2. BMC Section 7.16.040, entitled “Standards for commercial animal establishments”, shall be amended by inserting a new subsection (f) and renumbering subsequent subsections as follows:

(f) If it is a pet shop that sells dogs, post the name and address of the breeder of all dogs for sale on the dog’s kennel;

Section 3. Title 7 (“Animals”) of the BMC shall be amended by adding a new Section 7.16.045 “Consumer protection requirements” to state as follows:

7.16.045 - Consumer protection requirements.

- (a) This section applies to the sale of dogs by pet shop permit holders.
- (b) Pet shops that sell dogs shall provide a purchaser of a dog with a health record for the animal at the time of sale. The health record shall include the following:
 - (1) The dog’s breed. If the breed is unknown or mixed, the health record shall so indicate. If the dog is advertised or represented as registerable, the following information shall be provided: the breeder’s name and address; the name and registration number of the dam and sire of the purchased dog’s litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
 - (2) The dog’s age and date of birth;
 - (3) The dog’s sex, color, and markings;
 - (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person, business, or entity who administered them, if known, up to the date of sale;
 - (5) A record of any known disease, illness, or condition with which the dog is or has been afflicted at any point while in possession of the pet shop;
 - (6) A record of any veterinary treatment or medication received by the dog;
 - (7) The date, dosage, and type of any anti-parasitic medicine, if known, that was administered;
 - (8) Disclosure that the dog has been microchipped; and
 - (9) The name, address, and signature of the pet shop permit holder’s representative.

Section 4. BMC Section 7.16.070 “Sale of dogs and cats by pet shops prohibited” shall be amended by removing the prohibition on the sale of dogs in the title of the section and in subsection (a) and by deleting all remaining subsections except subsection (e), which is to be relettered to subsection (b), such that the entire section now reads as follows:

Section 7.16.070 - Sale of cats by pet shops prohibited.

- (a) No pet shop shall sell cats or offer cats for sale.
- (b) Each sale or offer for sale made in violation of subsection (a) of this section shall constitute a separate violation subject to the penalties set forth under Chapter 7.56.

Section 5. Title 7 (“Animals”) of the BMC shall be amended by adding a new Section 7.16.080 “Display of shelter or rescue dogs and cats by host pet shops.” to state as follows:

Section 7.16.080 - Display of shelter or rescue dogs and cats by host pet shops.

- (a) A pet shop, offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, may display the animal shelter’s or rescue organization’s dogs and cats for adoption.
- (b) No part of any fees associated with the display or adoption of dogs or cats from a municipal animal shelter or animal rescue organization, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.
- (c) The host pet shop shall not have any ownership interest in any of the dogs or cats from a municipal animal shelter or animal rescue organization displayed for adoption.

Section 6. BMC Section 7.54.030, entitled “Commercial animal establishment permit fees”, is amended by adding the words “that does not sell dogs” to the sixth commercial animal establishment permit listed, deleting the last commercial animal establishment permit “for each nonmunicipal animal shelter/sanctuary,” and adding a new commercial animal establishment permit “for each pet shop that sells dogs” and corresponding permit fee to the table contained in subsection (a):

(6) For each pet shop that does not sell dogs	\$250.00
(7) For each pet shop that sells dogs	\$750.00

Section 7. BMC Section 7.54.030, entitled “Commercial animal establishment permit fees” is amended by inserting, within subsection (b), the words “nonmunicipal animal shelter/sanctuary,” after the words “municipal animal shelter” such that it reads as follows:

- (b) No fee shall be required of any municipal animal shelter, nonmunicipal animal shelter/sanctuary, research laboratory, or government-operated zoological park.

Section 8. BMC Section 7.56.030, entitled “Penalties”, is amended by removing references to “sale of dog” in the violation table contained in subsection (b), such that the following violation now reads as follows:

Sale of cat by pet shop in violation of Section 7.16.070	\$500.00
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Section 9. BMC Section 7.56.030, entitled “Penalties”, is amended by adding a new subsection (c), and renumbering subsequent subsections, with the new subsection to read as follows:

- (c) For any of the above-described offenses in which the fine is double or triple the applicable permit fee, and for which the applicable permit fee is \$0, the fine for the first of any such offense shall be \$50. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

Section 10. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 11. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmembers Piedmont-Smith and Rollo. It comes in the wake of action by the Indiana General Assembly, which has preempted local units from prohibiting the sale of dogs by retail pet shops through passage of House Enrolled Act 1412, which will go into effect July 1, 2024. This ordinance reinstates the requirements, present in the Bloomington Municipal Code before passage of Ordinance 21-45, with which pet shops must comply in order to sell dogs. This ordinance updates those requirements in conformity with the newly-enacted state code. It also clarifies the continued prohibition on the sale of cats and the requirements for the display of shelter or rescue animals by host pet shops; institutes a new permit fee for pet shops that wish to sell dogs; and clarifies the penalties for violations of Title 7, including instituting a uniform penalty for violations in which the permit is free or costs \$0.

To: Members of the Common Council
Mayor Kerry Thomson

From: Isabel Piedmont-Smith, Council Member for District 1

Date: May 31, 2024

Subj: Ordinance 2024-14, To Amend Title 7 of the Bloomington Municipal Code Entitled
“Animals”

In September 2020, a group of local animal advocates reached out to some Common Council Members to encourage the Council to adopt what they called a humane pet shop ordinance, which would ban the sale of dogs by local pet shops. Their motivation was to reduce the demand for animals from puppy mills, breeding operations where conditions are documented to be inhumane. Their work was supported by the Humane Society of the United States, Indiana Chapter, and after further discussion, both the local and the state groups of advocates encouraged the inclusion of kittens/cats in the proposed ban as well, since many of these animals are also raised in inhumane conditions.

During 2021, a second motivation arose among supporters (and myself) for passage of the humane pet shop ordinance. Our local and regional animal shelters and animal rescue organizations have more dogs and cats available for adoption than the number of people who want to adopt them. Removing the pet store option to obtain dogs and cats would make it more likely that people would turn to an animal shelter or rescue organization to adopt a pet. Council Members Susan Sandberg, Dave Rollo, and I decided to co-sponsor the legislation. After much conversation with local advocates, review by the Animal Care and Control Commission, outreach to local pet shops, and significant public comment, the Council adopted Ordinance 21-45 on December 1, 2021, and it was signed by Mayor Hamilton two days later. The ban on the sale of dogs and cats went into effect on January 1, 2023.

Unfortunately, in March 2024 the Indiana General Assembly passed House Enrolled Act (HEA) 1412, “Canine standard of care,” which was signed by Governor Holcomb on March 4, 2024. This bill pre-empted Bloomington’s local ban on the sale of dogs. Although the legislation purportedly protects the welfare of dogs through pet store registration with the board of animal health and inspection by that entity, the board of animal health did not receive any additional staff or funding to follow through with enforcement. Regardless, this state legislation necessitates a change in the Bloomington Municipal Code regarding the sale of dogs. (The legislation does not address cats.)

I have worked with Deputy City Council Attorney/Administrator Ash Kulak and Animal Care and Control Director Virgil Sauder on Ordinance 2024-14, and it has been discussed twice by the Animal Care and Control Commission, which approved the draft legislation on May 13. In addition to repealing our local ban on the sale of dogs, Ordinance 2024-14 restores and

enhances BMC 7.16.045 “Consumer Protection Requirements” to identify the dog’s breeder and the breeder’s state registration, detail the health records of the animal, ensure microchipping of the animal, and meet other requirements as outlined in HEA 1412. The ordinance also instates a higher local permitting fee for pet shops that sell dogs (\$750) as compared with those that do not sell dogs (\$250) due to the increased city staff time involved in ensuring that the Consumer Protection Requirements are met. Other sections of the ordinance clarify existing rules and refer to the recently adopted changes to the state’s regulations (Title 15 of Indiana Code).

To provide further context for the concerns that led to the initial ban on dog sales, and that continue to underly the strict guidelines in BMC Title 7, I include a few paragraphs from the Common Council staff memo from the council packet for the Dec. 1, 2021 meeting below. If you have any questions, please feel free to reach out to me. I hope you will vote in favor of Ordinance 2024-14 to continue to protect, as best we can, the welfare of domestic animals in our community.

* * * *

Ordinance 21-45 proposes to prohibit the sale of dogs and cats by pet shops because prohibiting the retail sale of dogs and cats is likely to decrease the demand for dogs and cats bred in puppy and kitten mills.¹ Decreasing demand is one component of reducing or eliminating puppy/kitten mills altogether.

A puppy/kitten mill is a commercial breeding facility that ignores the needs of parent animals and their progeny in favor of high-volume births in order to generate maximum profit.² The abuses endemic to puppy/kitten mills are well-documented.³ Further, it is widely accepted that poor care of the parent animals contributes to poor health and behavior problems in the offspring.⁴

The Humane Society of the United States estimates that there are 10,000 active puppy mills in the United States with approximately 500,000 dogs kept solely for breeding purposes, and that 2.6 million puppies originating from a puppy mill are sold each year. The majority of dogs sold in pet stores in the United States are from puppy mills.⁵

The Animal Welfare Act passed by Congress in 1966 is the only federal law regulating the standard of care for animals bred for commercial resale. Pursuant to the Act, any person who is an animal dealer must have a USDA license. A dealer is defined as any person who buys and sells any dog for use as a pet, research or teaching subject, or sells dogs wholesale for hunting,

¹ Humane Society of the United States; Internal Audit of the Animal and Plant Health Inspection Service, *Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers*

² PAWS, <https://www.paws.org/resources/puppy-mills/>; The Humane Society of the United States, <https://www.humanesociety.org/>;

³ The Humane Society of the United States

⁴ The Humane Society of the United States

⁵ The Humane Society of the United States

security, or breeding. However, retail pet stores are not considered dealers, unless they sell dogs to research facilities, exhibitors, or other pet stores.⁶

The Animal Welfare Act is enforced by the Animal and Plant Health Inspection Services (APHIS). There are currently 120 inspectors nationwide who are experts in animal care and husbandry and have received formal training in animal related fields. These inspectors are responsible for performing pre-licensing inspections, unannounced compliance inspections, and follow-up inspections after public complaints. Loopholes and inefficiencies in the Act in addition to funding and staffing shortages make it a relatively ineffective tool for regulating puppy/kitten mills.⁷

Indiana has anti-cruelty laws intended to prevent neglect and mistreatment of dogs. These laws apply to commercial breeders and commercial dog brokers. However, there is no requirement that commercial breeders or commercial dog brokers submit to inspections. Without a mechanism for regular inspection, it is all but impossible to ensure compliance with any requirement or standard.

Federal and state regulations set forth minimum standards for survival, but not for humane care. These minimal standards of care, the lack of commercial breeding facility inspections, and low accountability for noncompliance contribute to the poor care received by animals that are kept, bred, and sold in puppy/kitten mills where parent animals live the entirety of their lives in cage without the opportunity for socialization with other animals, tender care from humans, and/or proper veterinary care.⁸

⁶ Animal and Plant Health Inspection Service, https://www.aphis.usda.gov/animal_welfare/downloads/breeders/commercial-dog-introduction-aphis-animal-care-and-regulatory-process-slides.pdf

⁷ Internal Audit of the Animal and Plant Health Inspection Service, *Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers*

⁸ The Humane Society of the United States, PAWS

Amendments to the Bloomington Municipal Code Title 7
proposed by Ordinance 2024-14 in context.
(Additions are shown in **Bold**, deletions are shown in ~~strikeout~~)

Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Ordinance 2024-14

Section 1 of Ordinance 2024-14

7.16.015 - Applicability of state laws.

Every commercial animal establishment and nonmunicipal animal shelter/sanctuary that obtains a commercial animal establishment permit shall be subject to the state laws concerning animals as set out in Title 15 of the Indiana Code.

Section 2 of Ordinance 2024-14

7.16.040 - Standards for commercial animal establishments.

In order to be eligible to obtain a permit, a commercial animal establishment must:

- (a) Be operated in such a manner as not to constitute a nuisance;
- (b) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
- (c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
- (d) With respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, animal care, of this title providing for the general care of animals;
- (e) Not sell dogs and/or cats which are unweaned, less than eight weeks of age, or obviously diseased;
- (f) If it is a pet shop that sells dogs, post the name and address of the breeder of all dogs for sale on the dog's kennel;**
- ~~(g)~~ **(g)** If it is a pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two years after the date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department-;
- ~~(g)~~ **(h)** Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations-; **and**
- ~~(h)~~ **(i)** Be in compliance with all zoning laws.

Section 3 of Ordinance 2024-14

7.16.045 - ~~Reserved.~~ Consumer protection requirements.

- (a) This section applies to the sale of dogs by pet shop permit holders.
- (b) Pet shops that sell dogs shall provide a purchaser of a dog with a health record for the animal at the time of sale. The health record shall include the following:
 - (1) The dog's breed. If the breed is unknown or mixed, the health record shall so indicate. If the dog is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
 - (2) The dog's age and date of birth;
 - (3) The dog's sex, color, and markings;
 - (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person, business, or entity who administered them, if known, up to the date of sale;
 - (5) A record of any known disease, illness, or condition with which the dog is or has been afflicted at any point while in possession of the pet shop;
 - (6) A record of any veterinary treatment or medication received by the dog;
 - (7) The date, dosage, and type of any anti-parasitic medicine, if known, that was administered;
 - (8) Disclosure that the dog has been microchipped; and
 - (9) The name, address, and signature of the pet shop permit holder's representative.

Section 4 of Ordinance 2024-14

7.16.070 - Sale of ~~dogs and~~ cats by pet shops prohibited.

- (a) No pet shop shall sell **cats** or offer **cats** for sale ~~a dog or a cat~~.
- ~~(b) This section shall not prohibit a pet shop from offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, to display dogs and cats for adoption.~~
- ~~(c) No part of any fees associated with the display or adoption of dogs or cats, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.~~
- ~~(d) The host pet shop shall not have any ownership interest in any of the dogs or cats displayed for adoption.~~
- ~~(e)~~ (b) Each sale or offer for sale made in violation of subsection (a) of this section shall constitute a separate violation subject to the penalties set forth under Chapter 7.56.

Section 5 of Ordinance 2024-14

7.16.080 - Display of shelter or rescue dogs and cats by host pet shops.

- (a) A pet shop, offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, may display the animal shelter's or rescue organization's dogs and cats for adoption.
- (b) No part of any fees associated with the display or adoption of dogs or cats from a municipal animal shelter or animal rescue organization, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.
- (c) The host pet shop shall not have any ownership interest in any of the dogs or cats from a municipal animal shelter or animal rescue organization displayed for adoption.

Sections 6 & 7 of Ordinance 2024-14

7.54.030 - Commercial animal establishment permit fees.

- (a) Fees for commercial animal establishment permits shall be as follows:

(1) For each riding school or stable	\$100.00
(2) For each auction	\$500.00
(3) For each zoological park	\$500.00
(4) For each circus or animal exhibition—transient	\$1,000.00 per day
(5) For each animal exhibition—permanent	\$500.00 per year
(6) For each pet shop that does not sell dogs	\$250.00
(7) For each pet shop that sells dogs	\$750.00
(7) For each nonmunicipal animal shelter/sanctuary	\$0.00 private/\$0.00 nonprofit

(b) No fee shall be required of any municipal animal shelter, **nonmunicipal animal shelter/sanctuary**, research laboratory, or government-operated zoological park.

Sections 8 & 9 of Ordinance 2024-14

7.56.030 - Penalties.

(a) Any first offense violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than \$2,500.00 for each such violation for a first violation, and any second or subsequent violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than \$7,500.00 for each such second or subsequent violation. These financial penalties are in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.

(b) The following violations of this title shall be subject to the fines listed in the below table.

Falsification of Application for a Commercial Animal Establishment Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
Commercial Animal Establishment's Violation of Animal Care Standards in Section 7.16.040	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
Commercial Animal Establishment's Violation of Chapter 7.16	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Operation of a Commercial Animal Establishment without a Permit	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Falsification of Application for a Kennel Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.
Kennel Permittee's Violation of Animal Care Standards in Section 7.21.040; 7.21.050; or 7.21.057.	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most recent offense.

Kennel Permittee's Violation of Chapter 7.21	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Operation of a Kennel without a Permit	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Falsification of Application for a Breeder Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses shall be double the fine associated with the most recent offense.
Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.035	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Breeder Permittee's Violation of Chapter 7.22	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Breeding without a Permit	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to Restrain an Altered Animal	\$20.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to Restrain an Unaltered Animal	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense, unless the owner has the animal altered, in which case the fine shall be that which is associated with restraint on an altered animal.
Allowing an animal to be a public nuisance	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Giving animals as prizes	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

Poisoning animals	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two-year period. \$7,500.00 for a third and all subsequent offenses in a two-year period.
Cruelty, abuse or neglect of an animal resulting in serious injury or death to the animal	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two-year period. \$7,500.00 for a third and all subsequent offenses in a two-year period.
Torturing, beating, mutilating or neglecting an animal which result in injury or pain to the animal	\$1,500.00 for the first offense. \$3,000.00 for a second offense in a two-year period. \$6,000.00 for a third offense in a two-year period. \$7,500.00 for a fourth and all subsequent offenses in a two-year period.
Failure to report hitting a dog or cat with a motor vehicle	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Using a device to induce an animal to perform	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two-year period. \$7,500.00 for a third and all subsequent offenses in a two-year period.
Violations of General Animal Care Standards in Section 7.36.050	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Violations of Provisions for Animals Used to Draw Vehicles in Section 7.36.060	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Abandonment of Animal	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two-year period. \$7,500.00 for a third and all subsequent offenses in a two-year period.
Wild Animal Violations in Chapter 7.40	\$500.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Reptile Violations in Chapter 7.40	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

Failure to Vaccinate an Animal Against Rabies	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to Quarantine an Animal in Accordance with Section 7.44.020	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to restrain a female in heat	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to restrain a potentially dangerous or vicious animal.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to post warning signs for a potentially dangerous or vicious animal.	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to notify City of Bloomington Animal Care and Control Department of a change in status for a potentially dangerous or vicious animal.	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to prevent potentially dangerous or vicious animal from breeding.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to alter potentially dangerous or vicious animal in accordance with this Title.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Failure to comply with a provision of Chapter 7.26 not specifically addressed in this Table.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

Failure to comply with an Order of the Animal Control Commission.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Habitual offender.	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.
Sale of dog or cat by pet shop in violation of Section 7.16.070.	\$500.00
Deer feeding violations in Chapter 7.40	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

(c) For any of the above-described offenses in which the fine is double or triple the applicable permit fee, and for which the applicable permit fee is \$0, the fine for the first of any such offense shall be \$50. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.

~~(e)~~ **(d)** Any of the above-described fines can be waived at the discretion of the director of the animal care and control department, or their designees, or by the city's legal department.