

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 30, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 30, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: Dave Rollo, Andy Ruff
Councilmembers absent: none

ROLL CALL [6:31pm]

Piedmont-Smith summarized the agenda and gave a land and labor acknowledgement.

AGENDA SUMMATION [6:32pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:35pm]

Stosberg moved and Zulich seconded that Resolution 2024-18 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 2024-18 – To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Bloomington Metropolitan International Association of Fire Fighters, Local 586 [6:35pm]

Stosberg moved and Zulich seconded to adopt Resolution 2024-18.

Margie Rice, Corporation Counsel, described the negotiation process for the collective bargaining agreement. It had been productive and constructive. The city and union representatives had mutual goals including hiring and retaining career firefighters.

Flaherty asked how the decision was made for salary increases.

Council questions:

Rice said union representatives had researched salaries in Indiana. Staff analyzed where firefighters left the city for.

Flaherty asked if there was quantitative data regarding staff turnover or retention challenges.

Fire Chief Roger Kerr said over the last year and a half there were thirty one vacancies. Four positions were being filled, and because of the pending agreement, two retirees ended up not retiring. Other firefighters who were going to another jurisdiction stayed. It was important to have competitive salaries.

Stosberg discussed holiday pay which currently only included Christian holidays. She asked for inclusion of other religions.

Rice said local code required the city to follow the state holidays. She commented on floating holidays and other options.

Asare asked about sustainability and any impact from annexation.

Rice clarified that with annexation, fire coverage was not expanded because of the fire territory district boundaries, but police would serve those areas.

Jessica McClellan, Controller, discussed factors like full-time salaries and a reduction in overtime pay. Staff believed it was fully sustainable going forward.

Piedmont-Smith asked for clarification on the \$1.2 million payment from Utilities.

McClellan said the city had an interlocal agreement with Utilities. Utilities had to pay for all of their expenses and some expenses were incurred by the city, so Utilities reimbursed the city.

Rice clarified it was actually an interdepartmental agreement which did not need to go before council.

Piedmont-Smith asked what the city paid into retirement funds. McClellan said it had to be at least 18% but was currently 21.2%. That information came from the state. Piedmont-Smith asked about the \$500 clothing allowance and what the department would pay for. Kerr said most everything was covered by the department, but if uniforms were required, the state mandated a clothing allowance. Piedmont-Smith asked about the increase to pension payment. Rice explained that the pension was always based on officer first class plus twenty years, so increasing base pay increased pensions. Kerr gave additional details on the formula.

Dave Askins wondered if any councilmembers attended the negotiations as allowed by local code.

Wes Martin, Bloomington Firefighter, noted the union’s support for the agreement. He thanked Deputy Mayor Gretchen Knapp, Rice, McClellan, and Mayor Kerry Thomson. He commended the city and the negotiation process.

Zulich said she was willing to attend negotiation meetings. She noted her recent experience with the Fire Department and firefighters.

Asare thanked firefighters for their service. He commented on his conversation with Battalion Chief Scott McKnight who noted his son, Tony McKnight, was also a firefighter.

Stosberg was pleased that negotiations went well that year. She urged the city to keep the Area Median Income (AMI) in mind when determining salaries for professionals.

Piedmont-Smith appreciated the mutual respect and trust during the negotiation process. She was proud of the new headquarters. She said there should be a competition to name the Dalmatian sculpture outside of the station. It was important to honor Indigenous Peoples’ Day and she found it not ideal to say Columbus day in the agreement.

The motion to adopt Resolution 2024-18 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Stosberg moved and Zulich seconded that Resolution 2024-19 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Stosberg moved and Zulich seconded to adopt Resolution 2024-19.

Rice presented the legislation. The negotiation process was reopened to provide for 3% raises as well as a \$12,000 base pay increase for Officer First Class and Senior Police Officer. Adjustments were made to other positions to avoid compression in salaries.

Flaherty asked if there were issues with staffing, retention, and recruitment.

Rice said yes and added that being understaffed cost the city more through overtime pay.

Police Chief Mike Diekhoff noted that the state changed the residency requirements. Officers could live anywhere and travel to

Resolution 2024-18 (cont’d)

Council questions:

Public comment:

Council comments:

Vote to adopt Resolution 2024-18 [7:06pm]

Resolution 2024-19 – To Approve and Authorize the Execution of an Amended Collective Bargaining Agreement Between the City of Bloomington and the Fraternal Order of Police, Don Owens Memorial Lodge 88 [7:07pm]

their place of work. Hiring sworn officers saved training time; there would be new officers soon.

Resolution 2024-19 (cont'd)

Council questions:

Stosberg asked how many vacancies there were and what happened if those positions were not filled.

Diekhoff said there were sixteen.

McClellan said there were funds for overtime pay and new officer salaries. It would be problematic to continue to pay for overtime in the long term.

Deputy Mayor Gretchen Knapp noted that had been discussed. There would be some time where overtime pay would be expensive until the positions were filled.

Stosberg asked about a recruitment plan.

Diekhoff said police staff was working with Human Resources (HR) on a marketing plan.

Rollo asked where Bloomington ranked with other cities.

Rice did not know but would find out.

Paul Post, President of the Fraternal Order of Police 88 (FOP), did not have the exact number. He believed the city was 68th at the time.

Asare asked how the negotiation process had gone and if there was anything council could do to support the process.

Knapp clarified that the firefighter agreement process was different since it was up for renewal. The police agreement did not have a full negotiation process. There was a focus on problem solving of recruitment and retention issues.

Piedmont-Smith asked about the police headquarters.

Rice said facilities mattered for recruitment and retention. There were ongoing discussions on collaboratively addressing the police headquarters. Allowing take-home vehicles helped too.

Post said brief math indicated that the city would rank 36th. He appreciated the efforts made by the administration including the salary ordinance, Taser program, and the take-home vehicle program. He thanked those who supported the Bloomington Police Department (BPD). He was pleased that there was a unanimous vote in support of the agreement by union members.

Public comment:

Geoff McKim, Monroe County Council, hoped council would support the proposal. He noted the county would have to address the Sheriff Department's salaries in order to be competitive and retain highly qualified officers. He thanked the administration for their work.

Christopher Emge, Greater Bloomington Chamber of Commerce, said the chamber supported the proposal. He praised BPD officers. He gave reasons in support of the legislation.

Rollo thanked the administration and union for the productive negotiation process. He would support the legislation.

Council comments:

Asare appreciated BPD officers and their families. It was important to focus on the people, and the effects of overtime work on officers. He praised those involved in the process.

Stosberg reiterated it was important to have competitive salaries, and attract and retain high quality officers. She was concerned with the high cost of overtime pay and stress associated with overtime work.

Piedmont-Smith supported the amended collective bargaining agreement. She spoke about city employees who could not afford to live in the city. She urged drafters of city documents use the pronoun “they” and not “his/her.”

Resolution 2024-19 (cont’d)

Council comments:

The motion to adopt Resolution 2024-19 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Ruff not onscreen)

Vote to adopt Resolution 2024-19 [7:34pm]

Stosberg moved and Zulich seconded that Ordinance 2024-19 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Ruff not onscreen). Bolden read the legislation by title and synopsis.

Ordinance 2024-19 - An Ordinance Fixing the Salaries of Officers and Employees of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2025 [7:35pm]

Stosberg moved and Zulich seconded to adopt Ordinance 2024-19.

Rice presented the legislation and noted the budget process was prescribed by the state. She gave a brief description and noted the last step in the process of bringing a salary ordinance to council.

Sharr Pechac, Director of HR, said the legislation would place all the fire and police department positions into the new salary ordinance. There were recommended grade changes as a result of the salary study and the collective bargaining agreement. Dispatch employees could also train new dispatchers and be compensated for that.

Piedmont-Smith moved and Asare seconded to adopt Amendment 01 to Ordinance 2024-19. Pechac briefly presented the amendment.

Amendment 01 to Ordinance 2024-19

Amendment 01 Synopsis: This amendment is sponsored by [CM sponsor needed] [sic] and is being brought forward at the request of city staff to fix three typographical errors in the ordinance.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 2024-19 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 [7:44pm]

Stosberg asked for clarity on a paramedic and an office manager having the same job grade.

Council questions:

Pechac said the process had the department head or their designee evaluate the position with a rubric for the salary study.

Kelsey Gregory, HR consultant, said the proposal relied on the work done by Crowe and the salary study. She gave additional details on the refinement of the salary study and job grading. Job grades contained very different jobs, and varying compensation. She noted state data and medians.

Stosberg asked if Bloomington’s AMI and high cost of living was included in the analysis.

Gregory said yes, but more reliance was on the medians.

Piedmont-Smith asked about “differential” for fire stations.

Kerr gave examples of the differences like the downtown fire station setting up barricades, festivals, and more.

Piedmont-Smith asked about the category called “Other” and the chart, reassignment pay, and off duty pay.

Rice said that applied to the sworn contractual positions, and some administration positions.

Kerr said that the reassignment pay was a \$10 stipend for being reassigned to another station and taking gear.

Diekhoff stated that the off-duty pay related to overtime pay and had a two hour minimum.

Knapp said it was for attending court or doing paperwork.

Piedmont-Smith asked about grades assigned to officers who were actually contractual workers and did not have job grades.

Pechac clarified that was for the purpose of the salary ordinance and the new pay structure.

There was an additional discussion on grades and compensation.

Stosberg asked what Community Specialists did.

Diekhoff said they responded to minor calls for service.

Shaun Huttenlocker, Secretary-Treasurer, Firefighters Local 586, read a testimonial from a firefighter in support of the salary ordinance. The testimonial included a robust list of improvements to the Fire Department.

Jordan Canada, President, Firefighters Local 586, read testimonials thanking the city and administration for the improvements to the Fire Department, and compensation.

Piedmont-Smith supported the increase to fire and police salaries.

The motion to adopt Ordinance 2024-19 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Stosberg moved and Zulich seconded that Ordinance 2024-22 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Stosberg moved and Zulich seconded to adopt Ordinance 2024-22.

Bolden presented the legislation and described the process of drafting the ordinance.

Zulich moved and Asare seconded to adopt Amendment 01 to Ordinance 2024-22. Zulich presented Amendment 01. Bolden added an explanation of the two types of certifications.

Amendment 01 Synopsis: This amendment is sponsored by Cm. Zulich and would insert a new section into the ordinance to compensate the appointed deputies and employees of the Bloomington City Clerk commensurate with their advanced certifications. There are two types of certifications that appointed deputies and employees within this ordinance are able to receive, one from the Indiana League of Municipal Clerks & Treasurers (ILMCT), and one from the International Institute of Municipal Clerks (IIMC). Within each of those organizations, there are more basic and more advanced forms of the certification. Pursuant to the ILMCT's rules, the Advanced certification (IAMCA) replaces the Clerk certification (IAMC), and that later designation is dropped. Pursuant to the IIMC's rules, the Master certification (MMC) replaces the Certified certification (CMC), and that later designation is dropped. Should a deputy or employee receive a more advanced certification during the year for which they were already compensated for the less advanced certification, the deputy or employee is entitled to receive the difference between the two

Ordinance 2024-19 (cont'd)

Council questions:

Public comment:

Council comments:

Vote to adopt Ordinance 2024-19 as amended [8:15pm]

Ordinance 2024-22 - To Fix the Salaries of Appointed Deputies and Employees of the Bloomington City Clerk for the City of Bloomington, Monroe County, Indiana for the Year 2025 [8:15pm]

Amendment 01 to Ordinance 2024-22

amounts. The maximum amount a deputy or employee can receive under this new section is \$3500.

Amendment 01 to Ordinance 2024-22 (cont'd)

Asare asked if the certification needed to be maintained or once attained, nothing further was needed.

Council questions:

Bolden said there were ongoing educational requirements and gave examples.

Piedmont-Smith asked if the deputy clerks received the compensation when they obtained the certification, or every year thereafter. She asked if that needed to be added to the amendment.

Lisa Lehner, Council Attorney/Administrator, believed that the amendment as written was sufficient.

Bolden said language could be added to include the requirement to maintain the certification.

Zulich moved and Daily seconded to amend Amendment 01 to Ordinance 2024-22 to include language regarding maintaining the certification. There was brief council discussion.

Flaherty asked if council was allowed to bring an amendment regarding compensation, given that state code granted the authority of fixing the salaries of clerk staff to the clerk.

Lehner stated that the amendment was brought forth by the City Clerk, and was sponsored by a councilmember.

Bolden clarified that there was a discussion on certification pay for deputy clerks during the budget process.

Flaherty asked if Clerk Bolden consented to the amendment since it was under her purview to fix salaries.

Bolden confirmed yes.

Flaherty asked if the amendment would stand if the clerk disagreed with the proposal.

Bolden clarified that the current motion on the table was to amend Amendment 01.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to amend Amendment 01 to Ordinance 2024-22 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Amendment 01
[8:32pm]

Piedmont-Smith asked how the certification pay was determined.

Council questions:

Bolden responded that it was based off of another second class city, Mishawaka. There was great variance of pay in Indiana.

Knapp stated that Amendment 01 and certification pay was very contentious. No other employee received certification pay except union members, and was intensely negotiated. It was not proper to single out three employees that worked closely with council. She urged council to be impartial. It was inequitable to offer only clerk's staff certification pay.

Public comment:

Rice said the administration had discussed salaries and certification pay and if the deputy clerks were city employees or clerk employees. While the clerk was a separate elected official, Rice opined that the deputy clerks were city employees since the city covered HR, information technology (IT) services, and more. She felt it was a last minute amendment for something that had not been discussed.

Bolden clarified the question of having certification pay was first raised in August by a councilmember. She had met with the administration to clarify what authority was granted, by state code, to the three separate branches of local government. She had agreed to work with the administration by going through the Workforce Evaluation and Realignment Committee (WERC) process in addition to fixing the salaries of her staff. It was not a last minute amendment and she had discussions with the administration on her authority based on state code. Bolden stated it would not be a good use of city funds for clerk staff to use different HR and IT services.

Amendment 01 as amended
(*cont'd*)

Council discussion:

Pechac respected the request for certification pay for clerk staff but echoed Knapp and Rice due to concerns about equity across the city. She stated that she had to obtain and maintain certifications and did not receive certification pay.

Ash Kulak, Deputy Attorney/Administrator, read a statement submitted via Zoom chat by an unnamed resident regarding job grades and pay.

Public comment:

Rollo asked when the administration became aware of the amendment.

Council comments:

Knapp said it was when the packet addendum was released.

Zulich said she was in favor of compensating employees for their educational attainments. She reiterated that council could not increase salaries but the clerk could. She noted inequities between the corporation counsel's and department head job grades of thirteen and fourteen, while council's attorney was graded at twelve. The assistant city attorneys were graded at twelve and eleven, while council's assistant attorney was graded at ten.

Flaherty appreciated the discussion. There were public meetings in August where the issue was discussed and the administration was in attendance. Amendments were often drafted for consideration during the time legislation was being discussed, and sometimes even submitted via an addendum. That was council's duty; to consider, pass, and amend legislation. Stating that the amendment was last minute was irrelevant. He reiterated that the clerk's office was distinct since the clerk was an independently elected official. Council also used the city's HR and IT services, though councilmembers were separately elected officials. He preferred deference to the clerk to run her office as she saw fit. He did not believe the clerk's office was the same as other departments. He would support the proposal. He said some of the characterizations and unspoken implications about council and others were unwarranted and some were false, and he rejected them.

Stosberg said certifications were important and should be compensated. That it was not done across the city was odd and maybe should be reconsidered by the administration. It could help with staff retention. She discussed the current certification pay for firefighters and police. She felt she did not know enough about the certifications and she was leaning towards voting no. She understood that the clerk's office was different and deserved different consideration.

Rollo believed he was lacking information about what the proper compensation should be. He was distressed that it appeared that there had not been discussions on the topic with the administration. It appeared to be favoritism by council. While he was not opposed to

certification pay, he believed more discussion was needed. He would not support the amendment.

Amendment 01 as amended
(*cont'd*)

Daily stated that it was not fair to assume that supporting the amendment implied that councilmembers were not impartial. It was what was before council's consideration at the time. It was important to reward education and certifications. She agreed it was important to have equity across departments. Salary discussions were difficult. She regretted certification pay for all city employees was not the issue at hand. She hoped to revisit certification pay for all staff in 2025. She would support the amendment.

Council comments:

Zulich pointed out that Bolden had been discussing certification pay since March. It was important to reward people's work. She hoped to discuss certification pay for all city staff.

Asare said it was problematic to say that clerk and clerk's staff were city employees because they used city services. It was important to not create divides about city branches of government. He noted that the clerk and deputy clerks had all received certifications and during the budget hearings, the question was raised about certification pay. He supported certification pay but did not believe that an amendment was the appropriate mechanism. He did not see a clear outcome with the proposal.

Piedmont-Smith said certifications were important. It had been a good discussion earlier that year when it was noted that all clerk staff had been certified. Council did not receive reports from other departments about staff certifications. She would not support the amendment. She noted that the clerk's office was different but she was concerned about equity for other employees with certifications.

Bolden thanked council for the thoughtful discussion. In response to councilmembers who did not understand the certifications, she explained some details like one certification taking at least two years to attain. She had requested to report to council about her staff's certifications because there was no natural place for clerk reports per council's agenda; there was space for the mayor and city offices. There was not a natural space for reports from the clerk. Bolden had to ask for time during a meeting while other departments always had time on the agenda. She agreed that all city staff should be able to receive certification pay and reiterated that the administration set the salaries for city staff, and the clerk fixed salaries for her staff. It was problematic for the clerk to defer to HR for setting clerk staff's salaries and other compensation. Doing so was akin to asking another branch of government to assume authority over the clerk's office, going against state code. She appreciated council's discussion especially during an already lengthy meeting.

Stosberg understood that it took time to obtain certifications but it was not explicitly stated in the amendment.

Rollo clarified that he intended to say that a broader discussion on certification pay for all city staff was needed, not that HR should set the compensation for clerk staff.

Flaherty said if the administration believed having certification pay in some departments and not others was inequitable, then that went against practice since the city chose to negotiate with unions. It was a specious argument and he did not believe it was inequitable.

The motion to adopt Amendment 01 as amended to Ordinance 2024-22 received a roll call vote of Ayes: 4 (Daily, Flaherty, Rosenbarger, Zulich), Nays: 4 (Asare, Piedmont-Smith, Rollo, Stosberg), Abstain: 0. FAILED (Ruff not onscreen)

Vote to adopt Amendment 01 as amended to Ordinance 2024-22
[9:09pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Stosberg asked about the maximum base salary and if the actual salary could be lower than what was listed.

Council comments:

 Bolden explained the base salaries and longevity pay.

 Stosberg asked if it should just say salary. Or, if there was staff turnover, then the starting salary would just be lower.

 Bolden said it was applied to all positions and said for new staff it would be lower.

The motion to adopt Ordinance 2024-22 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Ruff not onscreen, Daily out of the room)

Vote to adopt Ordinance 2024-22
[9:14pm]

Stosberg moved and Zulich seconded that Ordinance 2024-20 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Ruff not onscreen). Bolden read the legislation by title and synopsis.

Ordinance 2024-20 - An Ordinance to Fix the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2025
[9:15pm]

Stosberg moved and Zulich seconded to adopt Ordinance 2024-20.

Pechac presented the legislation and said there was an amendment.

Asare moved and Stosberg seconded to adopt Amendment 02 to Ordinance 2024-20.

Amendment 02 to Ordinance 2024-20

Amendment 02 Synopsis: This amendment is sponsored by [CM sponsor needed] [sic] and is being brought forward at the request of city staff and the administration to reflect changes in pay grades for certain positions after the corresponding department appealed the initial determinations of grades and Human Resources investigated the appeals.

Flaherty asked about the administration's process for the recommended changes.

Council questions:

 Pechac said the new administration continued the salary study that began under the previous administration. First a rubric was determined, then department heads evaluated themselves. Knapp also evaluated them. Next, department heads evaluated the positions in their department. Erica DeSantis, Director of Compensation and Benefits, then analyzed the resulting data and determined if the grades were appropriate. An independent consultant, Kelsey Gregory, reviewed the information too. The administration had meetings with department heads for a final check. Additionally, there was an appeal process.

Knapp added the grading process was based on the current job description and used the rubric created by Crowe. There were a lot of thoughtful discussions prior to the original salary ordinance. Current job descriptions and department organization (org) charts did not correctly reflect many departments. Tenure was a factor as well. The next step was to analyze org charts, job descriptions, direct reports, grading, and more.

Stosberg asked about a change that lowered a job grade.

Gregory said it had been recommended by the department head. She noted there were internal evaluations comparing jobs within the city. There was the opportunity to do more external evaluations with jobs outside of the city.

Amendment 02 to Ordinance 2024-20 (cont'd)

Council questions:

Zulich asked when the amendment was submitted.

Pechac stated that it was that day.

Zulich noted that it was sent to council along with Amendment 01 to Ordinance 2024-22, which had been perceived as last minute by some councilmembers and some members of the administration.

Pechac said she did not know when the amendment was sent to councilmembers but that staff had started working on it that day.

Zulich asked why it was acceptable for HR to submit amendments the day of a council meeting, but not for councilmembers.

Pechac believed it was a fair question and noted she had followed the appropriate process.

Flaherty asked if it was correct that there were appeals relating to fifty jobs, and that only five were in the amendment. He asked if there were appeals pending and if so, what the timeline was.

Pechac said that was correct; five were in the amendment. She said it was more accurate to view the other appeals as updating a job description first and then going through the WERC process.

Flaherty asked if it was concerning that only 10% of appeals were addressed in the amendment. He appreciated the process and efforts for equity, but expressed concern that so few appeals were included in the amendment.

Pechac said the administration believed the process had been equitable and fair, but not perfect. Staff believed the results were as expected. She reiterated that next steps included updating job descriptions, which would address many appeals.

Flaherty asked about the timeline for the next steps.

Pechac said it would be after the first of the year; possibly within the first six months. DeSantis was currently working on the schedule. Pechac noted that it was a priority.

Stosberg said that meetings with department heads ended in early October and asked about the timeline of appeals.

Pechac stated the meetings had ended in late September and appeals were to be submitted by October 25 at 5:00pm. There had been one request to appeal, and in order to ensure equity, an appeals process was created for all department heads. That was communicated to department heads by October 21st or 23rd.

Stosberg said that October 25th was the previous Friday, and noted that was not a lot of time for department heads to process. She asked for clarification on the appeals process and the low number of appeals that were included.

Pechac clarified that staff had received appeals throughout the month of October with about twenty more when department heads were reminded of the appeals opportunity.

Gregory added that she had thoroughly reviewed all the appeals. She was passionate about that type of work and had experience with things like compensation structure overhaul. Employees benefitted from that work. She gave some details.

There was no public comment.

Public comment:

Stosberg would support the amendment but believed the timeline for appeals was short and appeared flawed.

Zulich would support the amendment and encouraged the administration to hold the same standard for department heads as councilmembers regarding amendment timelines.

Amendment 02 to Ordinance 2024-20 (*cont'd*)

The motion to adopt Amendment 02 to Ordinance 2024-20 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Ruff not onscreen)

Vote to adopt Amendment 02 to Ordinance 2024-20 [9:46pm]

Rosenbarger moved and Stosberg seconded to adopt Amendment 03 to Ordinance 2024-20. She presented the amendment and gave reasons in support of the proposed changes.

Amendment 03 to Ordinance 2024-20 [9:46pm]

Stosberg cosponsored the amendment because she had worked with the Planning and Transportation (PT) department as the councilmember on the Plan Commission. She gave reasons in support of the proposed changes.

Amendment 03 Synopsis: This amendment is sponsored by Cms. Rosenbarger and Stosberg and proposes a set of “rightsized” pay grades that would position the Planning and Transportation Department to compete with peer cities for planning talent, and would better align staff pay grades with the grades of comparable positions in peer city departments as well as comparable positions across the City of Bloomington's departments - achieving departmental pay equity. In addition, by bolstering staff retention, these “right-sized” pay grades would increase department performance across its full range of activities, functions and duties. This amendment is supported primarily by comparing Bloomington’s Planning and Transportation Department compensation figures with those of a wide variety of regional peer cities’ planning departments, and also with similar positions in peer City of Bloomington departments.

David Hittle, Director of PT, appreciated the support of Rosenbarger and Stosberg and for bringing the amendment for consideration. He was somewhat uncomfortable singling out PT but believed the pay grade recommendations were appropriate. He did not believe that PT staff was compensated appropriately.

Rosenbarger understood that Hittle had believed it was zero-sum so in order to increase some paygrades, others had to be reduced.

Stosberg clarified that some jobs had been recommended by HR to be graded at level nine, but were reduced to eights due to a misunderstanding, and the appeal requested that they return to the recommended level nine grade. The appeal had been denied.

Pechac stated appeals had been received for about one month, and she could provide that information to council. She was not clear where the data pertaining to Amendment 03 came from. She urged council to trust HR and the consultants. The recommendations were in the best interest of the city. The administration did not want any employees to feel undervalued.

Piedmont-Smith asked about the timeline for the Bicycle and Pedestrian Coordinator position and if it was the only position brought up with Hittle

Pechac believed it was discussed during the initial department head meeting in late September. She did not recall if it was the only position discussed but there were comprehensive discussions. Daily asked about the timeline for updating job descriptions.

Pechac believed it would be in the first six months of 2025, for all departments.

Daily asked when the changes would take effect.
Pechac stated it could take effect in 2025 or later.

Amendment 03 to Ordinance 2024-20 (cont'd)

Rollo asked what the cost was for the changes in pay grades.

Council questions:

Stosberg noted that information was shared with council and totaled \$140,000.

Rollo asked if the sponsors had evaluated other departments.

Rosenbarger explained that no market research was done for departments that were already done. She had asked department heads about the pay grades.

Stosberg added that the amendment was drafted based on the appeal submitted by Hittle. She said council was told that the lowest grades would be addressed first, due to budget constraints.

Pechac said they did not currently know the exact cost of the study at the time.

Gregory said all positions in PT, except the office manager, were recommended to increase at least one grade. She gave details on the current job grades. It was important to use aggregated data when doing salary comparisons. There were other factors to use including cost of living and city sizes. She and staff had looked at Bureau of Labor Statistics Indiana Median for senior planning jobs.

Lehner asked if Amendment 03 sought to change grades or salary.

Rosenbarger stated it was grades, compensation had not been set.

Rice noted that by changing job grades, compensation would then also change. She said an additional appropriation could be done to reallocate funds for the study. There was a November 1st deadline for the salary ordinance, per state law.

Asare asked Rosenbarger and Stosberg if all fifty appeals had been reviewed and why only PT was included in the amendment.

Rosenbarger said no, that she had reached out to department heads and most were fine with their staff's job grades. She reiterated that she read the packet and had a conversation with Hittle who noted he was appealing the recommendations.

Asare asked if the sponsors believed it was council's role to evaluate the appeals.

Rosenbarger preferred that it would have been handled by HR and Crowe, and council could review the recommendations.

There was additional discussion on actions council could take regarding job grades, the salary ordinance, the administration's recommendations, and jobs within PT.

Jackie Scanlan, Development Services Manager in PT, commented on PT's salary study, and appeals which were not handled properly. The department's jobs were graded very low and the professionals in those jobs were not appropriately compensated for their work, despite working with every construction project in the city. She noted that she and Ryan Robling immediately identified issues with the job grades recommended by the administration. They were told it was too late to change them, though the Bicycle and Pedestrian Coordinator grade was changed. That was not equitable. She explained that PT staff were not going to raise concerns because their pay would increase regardless. She noted the peer cities in the amendment were the same ones submitted by the coordinator, whose appeal was granted. Fifteen of the fifty appeals had come from PT. She loved her job and only wanted to help make the department, and therefore the city, better. Urban Planning was a professional field and should be treated as such.

Public comment:

Ryan Robling, Planning Services Manager, echoed Scanlan. He said the Long Range Planner in PT was three grades lower than her male counterpart; the Bicycle and Pedestrian Coordinator. He had supervised both positions and the jobs were tasked identically. It was inequitable to only change the coordinator position. He described flaws with the process including that the only approved appeal was for a young, white male and not for others.

Amendment 03 to Ordinance 2024-20 (*cont'd*)

Public comment:

Knapp reiterated that the current proposal in the legislation was not the last step with salary reviews. There were other departments that had also appealed. She stated that it was odd that Rosenbarger had zeroed in on only one department and noted that her sister used to work in PT. She said that former employee was also Flaherty's wife.

Flaherty made a point of order that speculating on councilmembers motivations and rationale was not appropriate, it was out of order, and he rejected Knapp's assertion.

Mayor Kerry Thomson said she was advised that if the salary ordinance passed with an amendment, she could not sign the legislation because it was in violation of the code. In that case, the city would revert back to the 2024 salary ordinance for all staff. She said it was her counsel's opinion that the amendment was not legal.

Kulak read a comment submitted by an unknown resident via Zoom chat regarding the discussion that evening.

Flaherty asked for clarification on the legality of the amendment as well as an amended salary ordinance.

Council comments:

Lehner said she was not entirely sure nor was she able to point to case law regarding job grade changes and amendments brought by council.

Rollo asked for the administration's response to a staff member's concerns about possible gender and race discrimination.

Pechac said the administration did not agree that there was discrimination. The review had looked at the positions, not the person. There was also an external consultant who did not know city staff. She noted there had not been opportunity to review equity across the city but looked forward to doing so.

Rosenbarger asked if the administration would sponsor the amendment since there were questions about council doing so.

Knapp said no because it singled out one department. The updates would be brought to council including all departments.

Flaherty noted the difference with PT, referencing Rosenbarger's conversations with department heads, and the number of appeals that had come from PT. The memo from Hittle was compelling and while the process was imperfect, there were other opportunities to make improvements. The downgrading of positions due to a misunderstanding, as well as the administration's refusal to correct the error, was concerning. He believed the mayor's signature of the ordinance clarified the legal ambiguity. He discussed the administration's dismissal of low morale, staff turnover, and other inequities within PT. The ordinance was better with the amendment than without.

Zulich said she would vote against the amendment because she did not want to revert salaries to 2024 levels. She expressed concern for those who felt they were underserved with the salary study.

Amendment 03 to Ordinance 2024-20 as amended (*cont'd*)

Council comments:

Asare appreciated Rosenbarger's and Stosberg's efforts with the amendment. He concurred with Flaherty and stated that it was difficult to have discussions about salaries and potentially disgruntled staff. He appreciated Scanlan for her comments. He did not believe amendments were the proper process. He wanted to trust the process taken by the administration. He would vote no.

Rollo said he would vote no because he was unclear about the legality of it. He noted that Mayor Thomson stated she would veto the ordinance. He said compensation could be worked on.

Stosberg clarified that the ordinance set a job grade and salary range, not a specific salary. She understood how the salary range would be utilized, with longevity and other factors. She reiterated the legislation did not prescribe how the administration would use the salary range. She noted problems with the appeals process and gender or race inequities. It was important to analyze inequities in all processes.

Daily believed everyone wanted the best outcome. She thanked Rosenbarger and Stosberg for their effort. She understood it was demoralizing for PT to not be fully staffed. She believed the administration would make the proper corrections in 2025. She would vote against Amendment 03 because she did not want to risk other salaries. She agreed that PT was undervalued and the city was at risk of losing excellent staff. She recognized that there was anger and mistrust that evening, and wanted to reset the tone.

Rosenbarger appreciated the discussion and council's comments. She understood that some councilmembers believed that there was legal ambiguity. She agreed with Stosberg that the amendment did not set compensation, so it was an option for council to use. An amendment was the only way to address the concerns at the time. The process had been rushed and could have been done better by increasing salary in 2024 and then adjusting pay grades through the end of the year. The administration could have brought the legislation when it was properly ready or could have sponsored the amendment to avoid any legal ambiguity. She apologized to Scanlan for her having to explain that urban planning was a profession. Rosenbarger's father was a planner for New Albany, IN for forty seven years so she understood the lack of respect and proper compensation for planning staff. She apologized to PT staff for being paid substantially less than their counterparts in other cities and other Bloomington staff, especially since the cost of living in Bloomington was so high. She expressed disdain for Knapp's comments regarding Rosenbarger's sister, who had worked in PT for ten years and accomplished great work.

Piedmont-Smith agreed the job grades were incorrect in PT. Having the discussion the day before the due date of November 1st was not ideal. She would have preferred that the administration bring the ordinance sooner. She did not believe that it was council's role to do HR's job because HR were the experts. She noted that PT came to council's attention for various reasons but other departments had also appealed. She would not support Amendment 03.

Rosenbarger withdrew Amendment 03 with no objections.

Withdrawal of Amendment 03

Daily moved and Rosenbarger seconded to adopt Amendment 01 to Ordinance 2024-20. Daily presented the legislation.

Amendment 01 to Ordinance 2024-20

Amendment 01 Synopsis: This amendment is sponsored by Cms. Rosenbarger and Daily and would increase the grade levels of Common Council positions. The intent behind this amendment is to establish more parity between the grade levels of the attorneys and researcher in the Common Council's Office with attorney and research positions in other city offices. The adjustment makes the grade levels of the positions commensurate with the job duties that are currently performed by Council staff.

Daily asked if the administration would sponsor the amendment in order to avoid any legal ambiguity.

Knapp said no.

There was brief discussion on council's ability to determine compensation or pay grades for city employees.

Rosenbarger said it appeared that the administration was not allowing council to debate increasing council staff salary. In the past, salary adjustments were done in collaboration with the administration, which was in the process of being done with the former Council Attorney, Stephen Lucas.

Daily withdrew Amendment 01 with no objections.

Withdrawal of Amendment 01

There were no council questions.

Council questions:

Bolden, speaking as a city resident, understood the salary study process was going to be imperfect. She appreciated that there was an appeals process and noted that the clerk's office had not been made aware, otherwise they would have appealed. She was highly disappointed with the dog-whistling, and impugning of people's motives, character, and competence. There was opportunity to do better.

Public comment:

Kulak read a comment submitted via Zoom by an anonymous person stating that their department, Utilities, had not been made aware of the appeals process.

Kulak noted that council was allowed to hire attorneys and legal assistants so perhaps a separate piece of legislation was ideal.

Stosberg said that the ordinance was a good start. She was disappointed with PT's results but understood the salary study was a huge undertaking. It was sad that the city paid employees poverty wages, so the legislation was a start at correcting that. She commented on grades, compensation, and job responsibilities. She believed that the administration's efforts were good and improvements could be done.

Council comments:

Asare noted there were many positive outcomes from the study and highlighted some examples. It was important to build upon those.

Rollo wished Asare a happy birthday and would support the legislation. He appreciated council's and the administration's efforts.

Piedmont-Smith said that the salary study occurred when the council attorney position was vacant. She evaluated the Deputy Attorney/Administrator and Legal Researcher/Assistant Administrator. Corporation Counsel Rice evaluated the Council

Attorney/Administrator. She was disappointed by the outcome. She stated that council's Deputy Attorney/Administrator should be at the same grade as assistant City Attorneys and gave reasons in support. She would upgrade the job description for review in January. She noted that department heads were graded at thirteen or fourteen yet the Council Attorney/Administrator was graded at twelve. Additionally, the Legal Researcher/Assistant Administrator had received a recommendation of seven, but was a five in the ordinance. She had submitted an appeal for the Legal Researcher/Assistant Administrator which was denied. She said that councilmembers had legislative priorities that needed legal research and council staff was undervalued. Council might lose one or two staff members. She hoped the administration would address the issues as soon as possible.

Ordinance 2024-20 as amended
(cont'd)

Council comments:

The motion to adopt Ordinance 2024-20 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Ruff not onscreen)

Vote to adopt Ordinance 2024-20
as amended [11:48pm]

Piedmont-Smith reviewed the upcoming council schedule.

COUNCIL SCHEDULE [11:48pm]

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [11:49pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this
19 day of February, 2025.

APPROVE:

ATTEST:



Hopi Stosberg, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington