



# City of Bloomington Common Council

## Legislative Packet

Regular Session

20 February 2008

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

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## Packet Related Material

### Memo

### Agenda

### Calendar

### Notices and Agendas:

*None*

### Legislation for Final Action:

- **Res 08-05** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2008  
*Contact: Lisa Abbott at 349-3576 or [abbottl@bloomington.in.gov](mailto:abbottl@bloomington.in.gov)*

*Please see the [13 February 2008 Council Legislative Packet](#) for the legislation and materials regarding this item.*

### Legislation and Background Material for First Reading:

- **Ord 08-02** To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Section 2.12.100 Entitled "Bloomington Commission on Sustainability" to Change Residency Requirements and Clarify the Voting Status of the Ex Officio Member  
- Memo to Council from Adam Wason, Assistant Economic Development Director for Small Business and Sustainable Development; BMC 2.12.100 with Changes Highlighted  
*Contact: Adam Wason at 349-3419 or [wasona@bloomington.in.gov](mailto:wasona@bloomington.in.gov)*

### Minutes from Regular Session:

*None*

## Memo

### **One Item Ready for Final Action and Another Ready for Introduction at the Regular Session on February 20<sup>th</sup>**

There is one resolution ready for final action and one ordinance ready for introduction at the Regular Session next Wednesday. The resolution (**Res 08-05**) allocates CDBG funds for 2008 and can be found in the [13 February 2008 Council Legislative Packet](#). The ordinance (**Ord 08-02**) makes minor changes to the enabling legislation for the Bloomington Commission on Sustainability (BCOS) and is included and summarized herein.

#### **Ord 08-02 – Amending BMC 2.12.100 (Bloomington Commission on Sustainability) by Allowing Four Appointees to Reside within the County and by Clarifying the Voting Status of the Common Council Ex Officio Appointment**

**Ord 08-02** makes two changes to the enabling legislation for the Bloomington Commission on Sustainability (BCOS). According to the memo from Adam Wason, Assistant Economic Development Director for Small Business and Sustainable Development, these changes are minor and intended to make the BCOS function better.

The first change allows as many of two of the appointments from the Mayor as well as the Council (who each have six appointments) to reside outside of the City but within Monroe County. As Wason notes in his memo, the scope of sustainability is wider than the corporate boundaries of the City, and allowing membership from this larger area will help BCOS address its broad mission.

The second change merely clarifies that the one *ex officio* appointment from the Council is a voting member of the Commission. Again, as Wason notes in his memo, the term *ex officio* merely refers to members of a deliberative body who serve by virtue of another office or position they hold and they generally have the same rights and duties as the other members of that body. BCOS has already allowed the Council *ex officio* member to vote and this change merely codifies that decision.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, FEBRUARY 20, 2008  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

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

**IV. REPORTS FROM:**

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

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

1. Resolution 08-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2008

Committee Recommendation: Do Pass 6 – 0 – 1

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 08-02 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Section 2.12.100 Entitled “Bloomington Commission on Sustainability” to Change Residency Requirements and Clarify the Voting Status of the Ex Officio Member

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

**IX. ADJOURNMENT**

City of  
Bloomington  
Indiana

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



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To: Council Members  
From: Council Office  
Re: Calendar for the Week of February 18-22, 2008

**Monday, February 18, 2008**

4:00 pm Council for Community Accessibility, McCloskey  
5:00 pm Farmers' Market Advisory Council, Showers Building, Suite 250  
5:00 pm Utilities Service Board, Board Room, 600 E. Miller Dr.  
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room  
6:00 pm Bloomington Commission on Sustainability, McCloskey  
7:00 pm *Home Construction & Remodeling for Energy Conservation* – Seminar provides information on high-performing, energy-efficient homes for both prospective and current homeowners who want to cut energy bills and carbon emissions, Bloomington Convention Center, 302 S. College Ave.

**Tuesday, February 19, 2008**

4:00 pm Board of Public Safety, McCloskey  
4:00 pm Community and Family Resources Commission, Hooker Room  
5:00 pm Environmental Commission/Bloomington Commission on Sustainability Greenhouse Gas Reduction Committee, Kelly  
5:30 pm Animal Control Commission, McCloskey  
5:30 pm Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Lane  
5:30 pm Board of Public Works, Council Chambers

**Wednesday, February 20, 2008**

4:00 pm Martin Luther King Jr., Birthday Commission, McCloskey  
7:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council Regular Session, Council Chambers

**Thursday, February 21, 2008**

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room  
4:00 pm Bloomington Digital Underground Advisory Council, McCloskey  
5:30 pm Board of Zoning Appeals, Council Chambers  
7:00 pm Environmental Commission, McCloskey

**Friday, February 22, 2008**

12:00 pm Economic Development Commission, Hooker Room  
1:30 pm Metropolitan Planning Organization Technical Advisory Council, McCloskey

**Ordinance 08-02**

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

**Re: Amending Section 2.12.100 Entitled “Bloomington Commission on Sustainability” to  
Change Residency Requirements and Clarify the Voting  
Status of the Ex Officio Member**

WHEREAS, on May 4, 2005 the City of Bloomington adopted Ordinance 05-15, which established the Bloomington Commission on Sustainability; and

WHEREAS, the purpose of the Bloomington Commission on Sustainability is to promote sustainable socio-environmental-economic well-being of Bloomington and all its inhabitants; and

WHEREAS, sustainability issues reach beyond the typical boundaries of corporate city limits and to fulfill its purpose, the Bloomington Commission on Sustainability feels it to be necessary to have members who are citizens living in the City of Bloomington and also those who live outside corporate city limits in the immediately surrounding area of Monroe County;

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

Section 1. Section 2.12.100(3) entitled “Appointments” shall be amended by renaming the section and adding residency and ex officio provisions so that the section shall read as follows:

**(3) Appointments and Residency.**

The Commission shall consist of twelve members, six appointed by the Mayor, and six appointed by the Common Council. No more than two of the Mayor’s appointments and no more than two of the Common Council appointments may be citizens who live outside the corporate city limits of Bloomington and within Monroe County. One of the six Council appointments shall be a member of the Common Council who shall serve as an ex officio member with a vote. Members shall serve without compensation.

Section 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2008.

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

SIGNED and APPROVED by me upon this \_\_\_\_ day of \_\_\_\_\_, 2008.

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

#### SYNOPSIS

This ordinance makes two changes to Chapter 2.12.100 of the Bloomington Municipal Code entitled "Bloomington Commission on Sustainability." The first change renames a section and provides for no more than four members to live outside of the City but within the County, two of whom may be appointed by the Mayor and two of whom may be appointed by the Common Council. The second change clarifies that the ex officio appointee from the Common Council is a voting member of the Commission.



## Memorandum

**To:** City Council  
**CC:** Dan Sherman, Danise Alano, Maria Heslin, Mark Kruzan  
**From:** Adam Wason, Assistant Economic Development Director, Office of the Mayor  
**Date:** February 13, 2008  
**Re:** Ord 08-02 – Updates to Bloomington Commission on Sustainability

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### **Background**

As the staff liaison to the Bloomington Commission on Sustainability (BCOS) this memo will serve as an explanation of the desires of BCOS to update its enabling legislation.(BMC 2.12.100)

Two minor changes have been requested and approved by BCOS that would enable it to function better. The first change involves allowing appointments of individuals who reside outside the corporate city limits, and the second change clarifies the status of the “ex-officio” member as a voting member of this body.

### **County Resident Inclusion**

With the wide scope defining the term sustainability, BCOS desires to allow for no more than a total of four of its members to reside outside of the corporate boundaries of the City of Bloomington. Currently the City Council and Mayor each have six appointments to the commission.

BCOS requests that the members of City Council approve this amendment to allow both the City Council and Mayor to appoint up to two individuals that reside within the county limits to the commission.

### **Defining Ex-Officio Status of Council Representative**

This is more of a housekeeping detail to the ordinance that will more clearly define the role of the ex-officio member of the commission. Ex-officio on many boards and commissions is often understood to be non-voting, although the legal definition does not necessarily impose this restriction. Since the inception of BCOS, it has been approved by the members of BCOS that the ex-officio member has voting privileges, so this change aligns the ordinance with the commission’s practice.

The request of BCOS is to formally adopt this measure into the ordinance as a simple matter of clarification.



~~strike~~ – proposed deletion  
**bold** – proposed addition  
▶ -- relevant section

**TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “ADMINISTRATION AND PERSONNEL”**

**AS AMENDED BY ORDINANCE 08-02**

**Section 1 of Ord 08-02** amends Section 2.12.100(3) entitled “Appointments” by renaming the section and adding residency and ex officio provisions.

**Title 2**

**ADMINISTRATION AND PERSONNEL**

Chapters:

- 2.02 Boards and Commissions
- 2.04 Common Council
- 2.08 Executive Branch
- 2.09 Board of Public Works
- 2.10 Department of Public Works—Establishment
- 2.11 Department of Public Works—Divisions
- 2.12 Boards, Commissions and Councils
- 2.13 Plan Commission
- 2.14 Planning Department
- 2.15 Advisory Board of Zoning Appeals
- 2.16 Historical Preservation Commission
- 2.17 Board of Public Safety
- 2.18 Bloomington Redevelopment Commission
- 2.19 Housing and Neighborhood Development
- 2.20 Bloomington Board of Park Commissioners
- 2.21 Department of Law
- 2.22 Employee Services Department
- 2.23 Community and Family Resources Department
- 2.24 Utilities
- 2.25 Information and Technology Services Department
- 2.26 Controller’s Department
- 2.27 Ordinance Violations Bureau
- 2.28 Bloomington Living Wage Ordinance
- 2.29 (Reserved)
- 2.30 Statutory Boards and Commissions
- 2.31 (Reserved)
- 2.32 Police Collective Bargaining
- 2.33 (Reserved)
- 2.34 Firefighters Collective Bargaining
- 2.44 Airports
- 2.52 Property Sales
- 2.56 Miscellaneous Provisions
- 2.76 Bloomington Public Transportation Corporation

## 2.12.100 Bloomington Commission on Sustainability.

(1) Public Policy and Purpose. A sustainable community seeks to enhance the socio-environmental-economic well-being of the community while taking precautions not to compromise the quality of life of future generations. Toward that end, it reduces its use of nonrenewable natural resources and its production of wastes, while at the same time improving livability. The mission of the Bloomington Commission on Sustainability is to promote sustainable socio-environmental-economic well-being of Bloomington and all its inhabitants.

(2) General. This chapter is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.

► (3) Appointments **and Residency**. The commission shall consist of twelve members, six appointed by the mayor, and six appointed by the common council. **No more than two of the mayor's appointments and no more than two of the common council appointments may be citizens who live outside the corporate city limits of Bloomington and within Monroe County.** One of the six council appointments shall be a common council member who ~~will~~ **shall** serve as an ~~in~~ **ex officio status member with a vote**. Members shall serve without compensation.

(4) Qualifications. Sustainability is an interdisciplinary concept. As such, the commission's membership shall reflect environmental, social and economic perspectives, unified by the common interest of sustainability. The commission shall draw its members from government, business, academia, not-for-profits and neighborhood associations.

(5) Officers. Officers shall be selected by vote of the commission members annually.

(6) Meetings. The commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting.

(7) Staffing. The city's assistant director of economic development shall serve as staff liaison to the commission. The liaison will research and pursue funding opportunities for sustainable development, engage in education and outreach, and identify "best practices." The city administration shall provide general administrative support for the commission.

(8) Powers and Duties. The commission shall have the following powers and duties:

(A) To coordinate ongoing and to propose and promote new sustainability initiatives among residents, businesses, governmental, nongovernmental agencies and educational organizations through education and outreach programs;

(B) To advise and make recommendations to the Bloomington common council, city administration, and city boards and commissions on policies and programs that infuse the work of city government with an operating philosophy based on sustainability;

(C) To determine, in cooperation with other city boards and commissions, Bloomington's current and future sustainability status by developing and monitoring a set of sustainability indicators;

(D) To provide, in cooperation with other city boards and commissions, an annual "sustainability assessment" based on said indicators. The assessment shall be included in an annual report and provided to the common council, mayor and the public;

(E) To advise, consult and cooperate with other agencies, boards and commissions of the city of Bloomington, the state, other local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups on matters of sustainability;

(F) To adopt administrative rules and regulations for the conduct of its business;

(G) To research and apply for grants or other funds or gifts from public or private agencies for the purpose of carrying out any of the provisions or purposes of this chapter. (Ord. 05-15 § 1, 2005).