

City of Bloomington Common Council  
Committee on Council Processes, Monday, May 12, 2025, 12:15 pm  
Allison Conference Room (#225), Showers Building, 401 N. Morton Street

The public may also access the meeting at the following link:  
<https://bloomington.zoom.us/j/81856368669?pwd=yZJcXAhq7Fy1vCUJjCZb8VvS1TqpgX.1>

AGENDA

Chair: Isabel Piedmont-Smith

- 1) Agenda review and approval
- 2) Discussion of public comment process at regular sessions of Council
  - a) First amendment context
  - b) Recommendations from Clerk Bolden
  - c) Discussion
  - d) Public Comment
  - e) Next steps
- 3) Proposal to allow discussion of legislation at First Reading  
See CCP notes from 3/10/25
- 4) Review status of old business
  - a) Proposal for the planning and scheduling of deliberation sessions
  - b) Proposal for Councilmember liaisons to boards and commissions
  - c) Request to mayor's administration for update on operationalizing equity
  - d) Title 2 overhaul and Administrative Manual
- 5) General public comment - 1:35 pm
- 6) Adjournment – 1:45 pm

Next meeting will be Tuesday, June 3, 5:30 pm in the McCloskey Room



## City of Bloomington Office of the Common Council

### Memorandum

To: Councilmembers  
From: Stephen Lucas  
Date: 30 April 2024  
Re: Review of current Council rules and practices related to public comment; First Amendment considerations

---

Currently, the City Council provides two opportunities for public comment on non-agenda items during its Regular Session meetings. Speakers are allowed up to five minutes to speak on any matter of community concern. Over time, the nature and positioning of public comment has shifted. A history of the Council's Regular Session Order of Business is below. Prior to 1985, comment was allowed both at the beginning and at the end of the meeting. From 1985-1992, comment was only provided at the end of the meeting. In 1992, the Council passed [Ordinance 92-04](#) to again allow for comment at both the beginning and at the end of the meeting, which is still the case.

On August 4, 2010, the Council considered a Rules Committee report and recommendations, which are included herein. This report was the culmination of discussions by the former Rules Committee over the course of several meetings. Through this report, the Council learned of permissible and impermissible regulations that could be applied to periods of general public comment.

The report was adopted by the Council on August 4, 2010 (the relevant portion of meeting minutes are included herein) and was followed by the adoption of [Ordinance 10-14](#) in September 2010, which is the last amendment to the Council's Order of Business. After adoption of this report, the Council also began publishing its [Rules for Making Public Comment](#), a document published on the Council webpage and made available in paper copy at Council meetings.

Beyond the two opportunities for general public comment, the Council's current practice is to generally offer opportunities for public comment on each item of legislation appearing on the Council's agenda, except for items listed for first reading. When opportunities for public comment are offered, members of the public are able to speak either from the dais in the Council Chambers or via Zoom, if attending remotely. The opportunity for members of the public to participate in meetings electronically is part of the [Council's Electronic Meetings Policy](#), adopted in 2021.

As noted in the 2010 Rules Committee Report, the Council creates a limited public forum when it offers opportunities for public comment at its meetings. In a limited public forum, the government may put certain restrictions on speech. However, any restrictions must be viewpoint neutral and reasonable in light of the forum. In past cases (some dealing with public meetings, others addressing different contexts), courts have upheld rules that regulate the subject matter (comments limited to agenda items), class of speakers (e.g., residents), time allowed (per speaker and/or overall time), frequency of speaking, and manner in which speakers are recognized (for example, through pre-registration or a lottery system). In addition, Courts have also allowed rules that prohibit the use of language that would incite an immediate breach of the peace (fighting words), disruptive speech (that would interfere with the conducting of business), obscenities, extended discussion of irrelevancies, and personal attacks against private individuals unrelated to the City.

The Council's current rules cover many of these types of speech and mention that a person who violates the rules will be declared out of order by the Chair and may be removed from the meeting if they persist in violating the rules. This is legally permissible so long as their removal is because they are disrupting or threatening to imminently disrupt the meeting, *not* because of the content or viewpoint of their message. Courts have held that council meetings have a purpose and agenda to be addressed, which justifies putting in place content-neutral public comment rules that allow for removal from a meeting for disruptions, usually after one or more warnings.

Given the 14-year gap since the Council last had a major revision to its Order of Business and to the rules applicable to public comment (aside from allowing electronic public comment), this topic is likely ripe for reconsideration.

#### **1979 Order of Business (adopted via [Ordinance 79-97](#))**

- (1) Roll call;
- (2) Messages from council members;
- (3) Messages from the mayor;
- (4) Reports from city bodies;
- (5) Petitions and communications from the public;
- (6) Second readings of legislation in the following order:
  - a. Committee report on proposed legislation with synopsis and fiscal impact statement;
  - b. Statement by sponsor of legislation;
  - c. Opening comments by council members
  - d. Statement by person or groups directly affected by legislation;
  - e. Comments from the public;
  - f. Debate and vote by council members;
- (7) First readings of ordinances;
- (8) Approval of minutes;
- (9) Adjournment.

#### **1985 Order of Business (adopted via [Ordinance 85-02](#))**

- (1) Roll Call;
- (2) Agenda Summation;
- (3) Approval of Minutes;

- (4) Reports from:
  - a. Councilmembers
  - b. The Mayor and City Offices
  - c. Council Committees
- (5) Legislation for Second Readings and Resolutions
- (6) First Readings
- (7) Privilege of the Floor (This section of the agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)
- (8) Adjournment

**1992 Order of Business (adopted via [Ordinance 92-04](#))**

- (1) Roll call;
- (2) Agenda Summation;
- (3) Approval of minutes;
- (4) Reports from:
  - (A) Councilmembers,
  - (B) The Mayor and city offices,
  - (C) Council Committees,
  - (D) Public;
- (5) Legislation for second readings and resolutions;
- (6) First Readings;
- (7) Privilege of the floor (this section of the agenda will be limited to twenty-five minutes maximum, with each speaker limited to five minutes);
- (8) Adjournment.

**2010 Order of Business (adopted via [Ordinance 10-14](#))**

- (1) Roll call;
- (2) Agenda summation;
- (3) Approval of minutes;
- (4) Reports (A maximum of twenty minutes is set aside for each part of this section.):
  - (A) Council members,
  - (B) The mayor and city offices,
  - (C) Council committees, and
  - (D) Public\*;
- (5) Appointments to Boards and Commissions;
- (6) Legislation for second readings and resolutions;
- (7) First readings;
- (8) Additional Reports from the Public\* (A maximum of twenty-five minutes is set aside for this section of the agenda.);
- (9) Council Schedule;
- (10) Adjournment.

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



**NICOLE BOLDEN  
CLERK**

CITY OF BLOOMINGTON

401 N Morton St, Suite 110  
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408  
clerk@bloomington.in.gov

10 April 2024

To the Bloomington Common Council:

I would like to see changes made in the way the council operates, specifically around the issue of public comment.

On April 3, 2024, the Regular Session of the Bloomington Common Council saw several speakers spew hate-filled speech during public comment. Comments about “mud babies”, “white power”, “hail Hitler”, anti-Jewish rhetoric, and anti-Palestine rhetoric were spoken in the course of the evening.

Some commentators and reporters have focused on where the comments came from. Whether it was from the podium or Zoom and whether the speakers were residents or not. It may be a comfort to think that comments made under the veil of anonymity are not really folks from our community. The problem with that view is that it ignores the very real impact on those listening to the rhetorical violence directed at them.

The current council process allows the council to listen to comments, but not directly engage. While this allows members of the public to speak, it does not create a healthy dialogue. We saw that play out in real-time on April 3rd. There were multiple times when the council could or should have spoken up. But the council remained silent.

While members of the public had several minutes to speak at length about their belief in white supremacy, the council seemed frozen under the weight of its processes. By the end of the evening council members had less than one minute each to speak on their thoughts related to an issue that many of you felt passionate about.

We can do better. We should expect better. We can ask our council to revisit their procedures related to public comment. There are several options available to the council, which include:

1. Time limits. Every speaker should be limited to the same amount of time, regardless of the number of speakers.
2. Technology. Provide tools for written comments for all attendees and then publish those comments as a part of the meeting record.
3. Talk! I believe the council does not want to allow nastiness to continue unabated and unaddressed. Saying something can make a big difference for people.

The Special Committee on Council Processes is one place where the council could begin to address the systemic issues that it currently faces. The council could also have a work session to get ideas and workshop the issues. The council could schedule a series of listening sessions or constituent meetings to see what the people of Bloomington would like to see in how the council conducts its meetings.

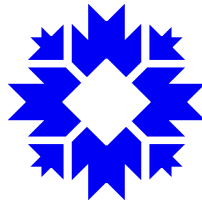
Rather than chastising speakers who specifically direct their comments toward council members, the council could direct that energy at speakers who specifically direct their hate toward our community. Public service does not have to mean accepting public abuse. The council does not have to remain silent, especially since you do not seem to want that either. The council can use all of the tools at its disposal to make comprehensive changes in its meeting procedures and policies to ensure a safe, equitable, and effective forum for the City of Bloomington.

Thank you for your time and attention,

A handwritten signature in blue ink, appearing to read "N. Bolden".

Clerk Nicole Bolden, *JD, IAMCA, MMC*





## **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).

## Committee on Council Processes

March 10, 2025

Meeting Notes

**Committee members present:** Sydney Zulich, Isabel Piedmont-Smith (Chair), Matt Flaherty (via Zoom), Courtney Daily (joined 1:04 pm via Zoom)

**Staff present:** Council Attorney/Administration Lisa Lehner, Deputy Clerk Jennifer Crossley

### Proposal: Councilmember liaisons to boards and commissions

#### Discussion

SZ presented a proposal to designate council members as liaisons to resident boards and commissions that she worked on with IPS

MF: We already have ex officio seats on some boards and commissions, so it would make sense to have that CM be the liaison

SZ: We could exclude the 4 commissions that have ex officio members from the liaison assignment processes

MF: Then how would the 4 ex officio members share info from their commissions?

IPS: Maybe ask for regular reports to the full council (quarterly?)

MF: All the other city bodies that CMs sit on – CMs should report to the full Council on those too. Also, it's a two-way communication: Chair of the commission/board should reach out to Council liaison with info about the commission's work just as the liaison should touch base with the commission.

#### Public comment

Terry Amsler offered some revisions to the proposal document. Said liaisons should try to engage commissions with upcoming legislation, commissioners should help inform legislative work.

Commissions are more than just their annual reports

#### Concluding discussion & action

MF: Should we have more formal guidelines for bringing legislation through boards & comms before it advances? Refer legislation to a commission for a recommendation?

#### Action item

It was decided that SZ and IPS would revise and expand on the proposal based on today's discussion, and bring it back to the committee at the next meeting.

### Discussion: Allowing presentation and discussion of legislation at first reading

#### Problem statement

IPS presented a draft problem statement: *Currently, ordinances only receive one guaranteed discussion by the Common Council and therefore CMs do not have the benefit of guaranteed time between initial discussion (which may raise legitimate points) and final vote. Such time may be necessary to consult with staff, further study an issue, and/or consult with constituents.*

#### Discussion

SZ: Agrees, but with specific time limit on first discussion. Doesn't want to go through all the details twice. Could be good to get ideas for amendments. Perhaps ½ hour time limit.

MF: Yes, we would need a set of guidelines to go with this change. Don't want to repeat Committee of the Whole problem of repetition. Would the staff presentation be at first reading? Of course, a 3<sup>rd</sup>



reading is possible currently. BMC 2.04.300 would have to be revised too – requires unanimous vote to hear and pass something the same meeting. [See textbox next page.] A counter-argument has been made that first reading is part of public notice of a topic – a heads up that discussion and vote are coming.

### Citation from BMC

#### **2.04.300 Ordinances and resolutions—Readings required.**

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

### Potential guidelines if we were to allow discussion at first reading:

- 1) SZ: Limit the time per item of legislation (overall time limit, or time limit per CM questions/comments?). The goal is to get enough information to make an informed decision at the following meeting.
- 2) IPS: Perhaps 20 minutes for presentation, 3 minutes per CM for comment/questions, 20 minutes public comment (for each item of legislation).
- 3) MF: Problem with public comments being duplicative, so it would be good to limit public comment time.
- 4) SZ: Second reading would be responses to questions posed during first reading. CMs could also submit questions via email to staff within a few days of first reading – questions that can then be answered at 2<sup>nd</sup> reading.

### Action item

SZ and MF will work on a proposal for our next committee meeting

### Deliberation sessions with the public

(CD arrived 1:04)

#### Discussion

IPS said that there was some confusion about who could propose topics and format for deliberation sessions. What is the job of this committee?

CD: We could make a recommendation to the council or the council president. As far as topics, we could discuss early-stage legislation that CMs are thinking about.

MF: One topic could be obstruction of sidewalks by snow and ice. Maybe we could recommend some balance of types of deliberative sessions in a given year.

SZ: The convention center deliberation session in February was more Q&A, whereas the January council committees discussion was more deliberative. Snow on sidewalks is a topic that a lot of people are concerned about.

IPS: Any CM could suggest a deliberation session. What's this committee's role?

MF: Internal guideline document could be developed. We could look back at the text that proposed the CBAs [Consensus Building Activities – June 2024]. We could develop norms about the deliberation sessions (scheduling, how to suggest topics, format).

SZ: On a related note, the council's upcoming schedule should be more public.

IPS: It's a balancing act between wanting to engage the public and not releasing drafts/titles/summaries of legislation before it's ready. Some topics are controversial – no need to ignite public alarm before the CM decides on a semi-final iteration.

#### Action item

CD and IPS will work on draft proposal

### Planning to tackle other priorities

#### Discussion of possible Administrative Manual

IPS recounted other internal Council procedures the committee mentioned in February, such as

- Who is allowed to put what in Council packets
- Process of working on legislation with staff and colleagues
- Guidelines for working with staff in general

MF: Could be part of Administrative Manual. A "how to" guide for CMs, including a section for the council president.

SZ: This is something to do later in the year.

**Action item:** IPS agreed to start a Google doc to brainstorm what such a manual should include.

#### Boards and commissions

JC reported she is still working on appointments for expired seats. She got an annual report template from Shatoyia Moss, Director of CFRD. She is attending commission meetings to get them to focus on their purpose in BMC.

#### Equity in city government

MF would like to establish what the next step is. He proposed two options:

- (1) Get an update from the mayor's administration on their equity assessment. Mayor said during the budget Q&A last year that they want to assess the state of equity internally before further action.
- (2) Bring a proposal to the full Council on next steps toward the equity goal.

**Action item:** MF & IPS will email about inviting a member of the mayor's admin to next mtg.

### General public comment

Terry Amsler: The issue of what you will talk about in the next public deliberation session is very important. In general, this committee has the opportunity to get broad input on what the Council should do. As a CJAM volunteer – they have a small grant to facilitate communication in the community. There may be money for staffing available "out there" to pull off public engagement/deliberation. Think about the capacities of the boards and commissions. These entities are important to bringing public in to participate in their government.

Meeting was adjourned at 12:45 pm

Notes submitted by Isabel Piedmont-Smith, Chair