COMMON COUNCIL
REGULAR SESSION
March 2, 2016

In the Council Chambers of the Showers City Hall on Wednesday, March 2, 2016 at 7:32 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

ROLL CALL
[7:32pm]

Roll Call: Granger, Sturbaum, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Chopra, Rollo
Absent: None

AGENDA SUMMATION
[7:33pm]

Council President Ruff gave the Agenda Summation.

APPROVAL OF MINUTES
[7:35pm]

February 16, 2016 (Special Session)
February 17, 2016 (Regular Session)

It was moved and seconded to approve the minutes for the Special Session of February 16, 2016 and the Regular Session of February 17, 2016.

Isabel Piedmont-Smith said that she had a typographical correction for the February 17, 2016 minutes. She said that the name of Gwendolen White was spelled incorrectly. Clerk Nicole Bolden assured her that it was checked by looking at her application, and suggested that the minutes be approved with that correction noted if needed.

It was moved and seconded that the minutes be approved with the corrected spelling if needed. It should be noted that the correction was not needed.

The minutes for the Special Session of February 16, 2016 and the Regular Session of February 17, 2016 were approved by voice vote.

REPORTS

- COUNCIL MEMBERS
  [7:36pm]

Dave Rollo spoke about the loss of two members of the community, Carol Krause and Lucille Bertuccio, who had both passed away from cancer. He spoke about Lucille as the co-founder of the Center for Sustainable Living. He talked about Carol's involvement in the community as a writer. He stated that he was sure that they were still watching, and said goodbye.

Allison Chopra reminded the public that she would have a constituent meeting on Saturday, March 5, 2016 at 10am at the Short Stop Food Mart on 10th and Smith. She said that she was looking forward to seeing people there.

Dorothy Granger congratulated the IU women's basketball team on their 14-0 home game winning season and their coach, Teri Moren, who was named Big Ten Coach of the Year. She also congratulated Tyra Buss, who was named first team All Big Ten and Amanda Cahill, who was named second team All Big Ten. She wished that the team did not have so many Wednesday games when she was otherwise occupied.

Tim Mayer announced that the Jack Hopkins grant funding process was underway, and discussed how people could apply. He also thanked Mayor Allison for getting things started with that program. Mayer also spoke about attending the police honors program the previous weekend, and thanked officers for their service. He gave special thanks to Betsy Walsh who was honored by the police for her service on the Board of Public Safety for over 20 years.

COUNCIL MEMBERS (cont'd)

Susan Sandberg said that she got her Shalom Center newsletter. She reported on progress that was made when they updated Martha's House and renamed it Friend's Place. She noted that the name change was to help remove the stigma associated with staying in a shelter, and was one of the ways that the community addressed serious needs with great respect and dignity. She noted that the salvage of the shelter was made possible by grants and partnerships in the community. She also encouraged people to donate if they saw the opportunity to do so when there were matching funds.

Andy Ruff echoed the sentiments expressed by Rollo. He commented that Carol Krause and Lucille Bertuccio embodied the characteristics that made Bloomington a special community. He said they were creative, principled, passionate, and civically active, and committed. He said Bloomington and Earth would miss them both.

Mayer added to his comments that the council would be remiss not to congratulate both the men's and women's teams as they headed into the tournaments, and Go, Hoosiers!

- The MAYOR AND CITY OFFICES [7:45pm]

Caroline Shaw, Director of Human Resources, introduced herself to the council. She said that she was excited to serve the community and that one of her goals was to help the staff do their jobs better so that they could better serve our citizens. She loved the community, and thought that it was a privilege to be a part of it.

- COUNCIL COMMITTEES [7:46pm]

There were no reports from Council Committees.

- PUBLIC [7:46pm]

President Ruff called for public comment.

Mark Haggerty spoke about opiate addiction.

Chaim Julian spoke as a former resident of Martha's House. He said that in his brief time of living as a homeless person, it was a great relief that Martha's House was available.

Danna Jackson stood up to speak about the TPP, and was asked to hold her comments for the appropriate time in the agenda.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:54pm]

It was moved and seconded to appoint Amy Makice to the Commission on the Status of Children and Youth.
The motion was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 16-01 - To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Meter Fund, Fleet Maintenance Fund, and the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2015 for Unmet Needs in 2016). [7:55pm]

It was moved and seconded that Ordinance 16-01 be introduced and read by title and synopsis. Clerk Bolden read the legislation and synopsis, giving the committee recommendation of do pass 8-0. She noted that the public comment on this item constituted the advertised public hearing.

It was moved and seconded that Ordinance 16-01 be adopted.

Controller Jeff Underwood noted that there were three major areas of funding being proposed; training and education, capital replacement, and the Mayor's grant line. He elaborated by saying that training should account for 1% of the budget and it is currently at a half of a percent.

Council Questions:
Piedmont-Smith noted that there had been a great deal of conversation about this legislation in the previous meeting. She then asked about chair replacements, and why it was such a large amount of money. Underwood noted that if all of the money was not used for the conference rooms, it would be used for other equipment in the city.

Appropriation Ordinance 16-01 (*cont'd*)

Chopra asked if there would be a way to obtain an estimate. Underwood replied that it was a quick calculation, but they did not have a formal proposal.

Volan asked if Apple TV, which would allow for presentations from anywhere in the room, was being considered.
Underwood said that he had talked with IT director Rick Deetz and that it was on his list of priorities.

Public Comment:
Maria Velma Davis asked why there was not an itemized listing of the procurement requests.
On behalf of Ms. Davis, Volan asked Underwood the question of an itemized list.
Underwood explained that the current list was based on estimates and a finalized list with exact figures could be added to the packet once it was completed.
Volan suggested that next time it would be preferred to offer a watermarked draft of an itemized list for the public to view, especially since the administration had an expressed desire for transparency.

The motion to adopt Appropriation Ordinance 16-01 received a roll call vote of Ayes: 9, Nays: 0

Appropriation Ordinance 16-01 roll call vote [8:06pm]

It was moved and seconded that Resolution 16-02 be introduced and read by title and synopsis. Clerk Bolden read the legislation and synopsis. There was no committee recommendation.

Resolution 16-02 - Opposing the Trans-Pacific Partnership (TPP) Agreement [8:07pm]

It was moved and seconded that Resolution 16-02 be adopted.

Rollo read Resolution 16-02, *copy attached.*

Ruff presented a short video by Robert Reich, former Secretary of Labor, titled "The Worst Trade Deal You've Never Heard of" (https://www.youtube.com/watch?v=3O_Sbbeqfdw).
Ruff noted that they started working on the TPP resolution over two years ago when they first heard about it. He said that several communities had opposed the TPP. He said that what others called trade barriers, he would call fair labor standards. He remarked that the rules were not being set by countries, but were set by corporations. Further, he said that their agenda was to maximize profits, regardless of the effect on people, environments, and economies.

Public Comment:
David Keppel, coordinator of Bloomington Peace Action Coalition and the Co-Chair of the Just Peace Taskforce with the Bloomington Unitarian Universalist Church, thanked Rollo and Ruff for taking up this issue. He stated that democracy had to begin on a local level, and said that it was appropriate for the council to take up the issue. He expressed three major concerns he wanted to add to the resolution. First, in a time of climate change it was important to

Resolution 16-02 (*cont'd*)

preserve diversity in food choices. The corporate industrial control of food threatened to cause food shortages that could exacerbate the problem of climate refugees. Second, the TPP agreement had a military dimension that perpetuated the US imperial rivalry with China. With increased military spending, there was a greater chance of increased deployments to the Pacific region. Finally, this was a corporate preemption of democracy which left people vulnerable and eroded public faith in democracy. That apathy leads to scapegoating and it's no surprise that there wass a specter of fascism looming over our national politics in 2016. He said we must work to restore full democracy which begins with initiatives such as the resolution proposed tonight. He also called on the council to support the resolution and for all citizens to call their senators to reject the TPP.

Don Lichtenberg felt that the Whereas clauses told why the issues were important to the local community. He expressed that there was nothing more needed and that he supported the resolution.

Joe Varga, Bloomington resident and associate professor of Labor Studies at Indiana University, spoke and dedicated his remarks to Carol Krause and Lucille Bertuccio. He opposed TPP for three reasons. First, there was a bad history of trade deals affecting the American worker; the trade deals promised growth, but typically lead to job loss, wage stagnation, and a loss of political power and influence. The only ones that benefited from trade deals were corporate interests such as lawyers, CEOs, and the politicians that serve them. Second, they were an insult to the democratic process because they were secretive and further the cynicism and lack of faith in the system. Lastly, it gave absolute primacy to investor rights and intellectual property rights and in an age of biotech and genetic engineering control must be kept in the hands of the people and not the corporations.

Ann Kraukamp stated that the TPP was based on expected profits. She asked someone to email the TPP to her.

Maria Velma Davis said that she had lived in Bloomington for 10 years, and that she was proud of the council and the community. She referred to a change in the TPP resolution, and expressed concern about softening the language. And further stated that anyone that signed this trade deal, including the president, is committing an act of treason.

Robert Deppert, chair of Democracy for Monroe County (DFMC) spoke next, and said that it took him back to his days of working on the Frank McCloskey campaign when the NAFTA deal promised many benefits, but ultimately lead to massive job loss in the region. He said that the DFMC had already voted to support the resolution. He thanked the council for taking up the issue.

Milton Fisk, a member of Jobs With Justice, said that the one big theme was that the TPP was a way for laws to benefit big business without any concern of the consequences to the democratic process. He said that we have to defeat it before it puts people from many countries at a greater disadvantage than they already were.

Danna Jackson addressed the issue of fast tracking itself. It prohibited debate and the addition of amendments which was against the democratic process and the council should be very concerned with the concept of fast tracking.

James Allison talked about a deep sense of regret that he felt about watching a debate in 1992 with George H. W. Bush, Bill Clinton, and Ross Perot. He said that only one person in the debate opposed NAFTA-Perot. He reminded the council of the Perot quote 'with NAFTA there would be a great sucking sound of jobs being sucked away'. Allison said that he regretted not having voted for Perot, because he turned out to be right.

Tomi Allison spoke about having passed a resolution against NAFTA. She said that TPP was an issue of sovereignty. This trade agreement meant that the laws of the land could be overturned by suing municipalities.

Council Comment:
Rollo thanked the public for attending, and said that it was a citizen driven effort. He thanked Researcher Stacy Jane Rhoads for her hard work in drafting the resolution. He said that the trade agreement was a means of corporate autocratic control; trade representatives would have the ability to bypass our courts and continue a corporate ascendance in our political system to assert control over our society. No one was meant to be aware that the TPP existed; it was drafted in secret and the public was still very unaware of how dangerous it was.

Chopra spoke about her previous intention to abstain because she did not feel that she understood the issue. She said that the evening gave her the information that she needed to vote on the resolution and thanked everyone for their comments. She stated further that she was grateful for the experts that spoke and helped her learn more about the TPP

Sandberg echoed the earlier statement of James Allison, and said that she remembered the Ross Perot quote about "that great sucking sound" that had great truth and needed to be faced again. She mentioned the high cost of living and the erosion of the middle class and urged everyone to tell our elected officials "no more".

Granger thanked staff for distilling complex information into a straight forward manner that people watching could understand. She noted that it was frightening, and that corporations were not people even if they wanted to believe that they were people. She said that she was proud to support the resolution.

Sturbaum noted that it was important to be on the record opposed to this threat to our sovereignty. He thanked Ruff and Rollo for drafting the resolution.

Piedmont-Smith thanked Rollo, Ruff, Rhoads and Dan Sherman for bringing the issue forward. She thanked the public for coming, and said that she learned a lot from the experts in the community. Piedmont-Smith noted that we were lucky to have such intellectual depth in our community. She commented that in the face of corporate dominance and right wing hatred coming from the media, it was heartening that the City of Bloomington was a place where we could speak our minds, people were concerned for their future and this planet that they would leave behind. She concluded her remarks by democracy started in local politics.

Ruff thanked the members of the public who spoke for their support, and Rhoads for her research. He talked about president Obama scoffing at Elizabeth Warren and those who questioned the

TPP. But after Trans Canada sued the US and the WTO pressured the congress to prohibit country of origin labeling on meat, the president had since stopped scoffing at those who oppose the bill and was no longer speaking about it. He said that he felt that this was a critical time in our history as economic inequality had grown and those with economic power had become clever at wielding that power; trying to influence policy that only further benefited them. The concentration of wealth and power for the few was being syphoned off of the many. It was terrifying to contemplate where this path leads us unabated and we must stop it. He reminded the public that the resolution was not anti-trade, but instead in favor of fair trade practices.

Resolution 16-02 (*cont'd*)

The motion to adopt Resolution 16-02 received a roll call vote of Ayes: 0, Nays: 0

LEGISLATION FOR FIRST READING

Ordinance 16-02 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 305 East Vermilya Avenue Historic District (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 16-02
[9:20pm]

Ordinance 16-03 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection to Establish a Historic District - Re: Greater Restaurant Row Historic District (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 16-03
[9:22pm]

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT

There were no changes to the council schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 9:23 pm.

ADJOURNMENT

APPROVE:

Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington

RESOLUTION 16-02
OPPOSING THE TRANS-PACIFIC PARTNERSHIP (TPP) AGREEMENT

WHEREAS, the Trans-Pacific Partnership (TPP) agreement was signed by the United States and 11 other Pacific Rim nations on February 4, 2016 and is positioned to become one of the world's largest multinational trade deals, attaching to 40 percent of the world's economy[1]; and

WHEREAS, the stated intent of the TPP is to "promote economic growth; support the creation and retention of jobs; enhance innovation, productivity and competitiveness; raise living standards; reduce poverty in our countries; and promote transparency, good governance, and enhanced labor and environmental protections;"[2] and

WHEREAS, while the agreement portends to promote transparency, the agreement has been negotiated in secret for the last seven years; and

WHEREAS, during negotiations, more than 600 official corporate "trade advisors" (including Halliburton, Chevron, PHRMA, Comcast, and the Motion Picture Association of America) were granted access to the draft text and were invited to provide input on its content, while those representing labor, the environment, and human rights offered testimony from the outside, with little influence; and

WHEREAS, the 6,000-page agreement was made public on November 5, 2015; and

WHEREAS, on the same day the document was made public, President Obama notified Congress that he intends to sign the agreement; and

WHEREAS, the agreement will not go into effect until the measure is ratified; and

WHEREAS, the measure has been granted "fast track" authority, restricting Congress to an up-or-down vote, with no amendments; and

WHEREAS, according to a recent working paper issued by the Global Development and Environment Institute at Tufts University, entitled *Trading Down*, in the U.S., the TPP would reduce income by 0.5 percent, reduce employment by almost half a million jobs, and increase income inequality;[3] and

WHEREAS, according to the Tufts report, income flowing to large business owners and shareholders would increase, while income flowing to workers would shrink; and

WHEREAS, a relatively small portion of the TPP is actually about trade – only six of the 30 chapters deal with traditional trade matters – the rest of the agreement sets rules regulating matters such as energy, financial regulation, food safety, procurement policy, patents, and copyright policy, many of which are of direct local concern to our community; and

WHEREAS, the fallout of trade policies drafted by corporate interests is not a disembodied concept whose effects are just felt somewhere else; the effects are felt right here, in our State and in our local community;

In Indiana, more than 93,000 jobs have been lost due to offshoring or imports since the North American Free Trade Agreement (NAFTA) came into force in 1994; indeed, *just last month*, two Indiana plants, Carrier and United

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[1] Signatories include: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam

[2] "Summary of the Trans-Pacific Partnership Agreement," Office of the United States Trade Representative. Press Release, October 2015, https://ustr.gov/about-us/policy-offices/press-office/press-releases/2015/october/summary-trans-pacific-partnership, accessed February 20, 2016.

[3] Capaldo, J. and A. Izurieta. 2016. "Trading Down: Unemployment, Inequality, and Other Risks of the Transpacific Partnership Agreement." Working Paper No. 16-01, Global Development and Environment Institute, Medford, MA.

Technologies Electronic Controls, announced that they are moving operations to Mexico and taking 2,100 Hoosier jobs with them;

In Bloomington, almost 5,000 jobs have been lost since 1994 due to the offshoring of production.[4] Good-paying jobs for Bloomington citizens at General Electric, Thompson, and Otis Elevator have been exported to countries where the labor is cheap, workdays often excessively long, and working conditions often unsafe; and

WHEREAS, the articulated statement of purpose of the agreement notwithstanding, a major purpose and effect of the TPP is to provide extreme investor protections, similar to those of NAFTA. These protections provide special benefits to firms that relocate to low-wage countries. Our experience under NAFTA anticipates the job loss incentivized by the TPP; and

WHEREAS, noted political economist and former US Secretary of Labor, Robert Reich, characterizes the TPP as "NAFTA on steroids;" and

WHEREAS, it's not just the offshoring of jobs that could hurt our community. Other provisions of the agreement directly impinge on the welfare of Bloomington residents: These provisions:

Threaten access to affordable medicine. The TPP gives multinational pharmaceutical companies new rights to increase the price of medication and new monopoly patent rights to keep cheaper generic drugs off the market for a longer period of time. These new rights will negatively affect all Bloomington residents, but would be especially detrimental to our community's most vulnerable residents, such as the poor and the elderly.

Threaten our ability to protect our community. The TPP includes "Investor-State Dispute Settlement" (ISDS) clauses which would empower corporations to challenge national, State, and local laws in private, non-transparent trade tribunals for cash compensation over almost any regulation that corporations allege have the *potential* to reduce their profits. Under this provision, corporations could sue government over laws and policies designed to address issues such as climate change mitigation, reduced fossil fuel consumption, air quality improvement, and land use. Significantly, arbitrators are hired only to hear the case at issue. If arbitrators order governments to pay cash to an investor, the investor can enforce arbitrators' decisions with the full force of domestic courts.

Using similar rules in other free trade agreements, corporations have launched more than 500 cases against 95 governments. In January 2016, TransCanada filed suit against the United States under the ISDS provision of NAFTA for failure to approve the Keystone XL pipeline. TransCanada is suing the U.S. for $15 billion, a bill to be paid by U.S. taxpayers. According to Nobel-winning economist Joseph Stiglitz and legal scholar Laurence Tribe, if ISDS forces countries to pay high enough fines, countries will be chilled into voluntarily abandoning health, safety, labor, and environmental laws that big corporations view as impediments to the maximization of their profit-making.[5]

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[4] Indiana and Bloomington job loss figures from Department of Labor, Trade Adjustment Assistance program.
[5] Resnick, "Open Letter." Resnick, Renoso, Sarokin, Stiglitz, and Tribe to Majority Leader McConnell, Minority Leader Reid, Speaker Boehner, and Minority Leader Pelosi. April 30, 2015.

Expose Bloomington residents to unsafe food and products and potentially raise health care costs. Under the TPP, food safety rules could be challenged by foreign corporations as "illegal trade barriers" if found to be more stringent than standards in the TPP, thus threatening the health of Bloomington residents and potentially raising health care costs. Indeed, the World Trade Organization's recent ruling against the U.S.'s policy requiring the labeling of meat sold in the U.S. to inform consumers of the country from which the meat was derived, highlights how trade agreements can undermine domestic public interest policies.

Threaten free speech. The TPP makes substantive changes to copyright law, including the impairment of the Fair Use Doctrine. The intellectual property changes proposed by the TPP are wide-sweeping and affect consumers, creators, and technology companies. Notably, many of the TPP's intellectual property provisions mirror the proposals found in the Stop Online Piracy Act – a measure that has *not* been successful in Congress. This effectively creates an end-around our democratic processes.

Expunge "Buy American" and "Buy Local" policies.
The TPP's procurement chapter requires that all firms operating in any signatory country be provided access equal to that of domestic firms to U.S. government procurement contracts over a certain dollar threshold. To implement this requirement, the U.S. would agree to waive "Buy American" procurement policies for firms operating in the TPP countries. This impairs our ability strengthen our own local economies and create local jobs through "Buy American" and "Buy Local" policies.

Accelerate Global Warming
The offshoring of manufacturing increases air and sea transport around the Pacific Rim, thereby increasing greenhouse gas emissions.

WHEREAS, the TPP is an open "docking agreement" -- eventually, every country in the region (including China) may be included, thereby significantly magnifying the economic, social, and environmental harms of the agreement; and

WHEREAS, over 1,500 labor, health, and environmental organizations have expressed their opposition to the TPP, including: the AFL-CIO, the Sierra Club, Greenpeace, the Natural Resources Defense Council, Doctors Without Borders, Physicians for Social Responsibility, and Defenders of Wildlife; and

WHEREAS, U.S. trade policy *can* be a tool for creating fair-wage jobs, protecting the environment, protecting consumers, and improving quality of life but the TPP does just the opposite; and

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

SECTION I. We oppose the TPP because it will diminish the City's ability to act in the best interests of our residents, our workforce, our local businesses, and to protect our shared environment.

SECTION II. The City of Bloomington supports fair international trade agreements, agreements that respect labor rights, are protective of the environment, do not diminish the ability of local, State, and federal governments to protect their citizens, do not further exacerbate economic inequality, and that improve the quality of life for the citizens of all participating and, by extension, the entire globe.

SECTION III. We call upon other local communities to express their opposition to the TPP.

SECTION IV. We direct the City Clerk to send a copy of this resolution, duly adopted, to our Congressional delegation, to the President of the United States, and to the United State Trade Representative, Michael Froman.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2 day of March, 2016.

ANDY RUFF, 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 3rd day of March, 2016.

NICOLE BOLDEN Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 3rd day of March, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Rollo and Ruff and opposes the Trans-Pacific Trade Partnership (TPP) multinational trade agreement. Documenting the lack of transparency, the offshoring of jobs, and the environmental, labor, health, and human rights harms of the TPP, the resolution calls upon the Congress to reject the TPP. The measure further resolves that the City of Bloomington supports fair international trade agreements, agreements that promote equality, protect labor, protect the environment, protect human health, and protect human rights. The resolution directs the City Clerk to send the legislation to the President of the United States, the Indiana Congressional delegation, and the United States Trade Representative.

Note: This resolution was revised slightly after it was issued in the legislative packet to clarify language in the 15th "Whereas" clause.