In the Council Chambers of the Showers City Hall on Wednesday, December 9, 2015 at 7:32 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 9, 2015

Roll Call: Rollo, Ruff, Mayer, Volan, Granger, Neher, Spechler, Sandberg
Absent: Sturbaum

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Sessions of April 23, 2014; June 18, 2014; June 25, 2014; and July 16, 2014 and Special Sessions of March 27, 2013 and May 8, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

LEGISLATION FOR SECOND READING

Ordinance 15-28
To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Chapter 2.21 Entitled "Department of Law" to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation Discrimination and Gender Identity Discrimination

It was moved and seconded that Ordinance 15-28 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.

It was moved and seconded that Ordinance 15-28 be adopted.

Neher chose just to read the WHEREAS clauses of the resolution because of his extensive comments in the committee meeting the week prior. He said it was an easy change to move the city forward in LGBT protections, and he thanked staff for their work in crafting the language.

Council Questions:
Spechler asked what cases supported the interpretation in the ordinance. Stacy Jane Rhoads, Deputy Administrator/Researcher said that federal district court and federal agency decisions had upheld the interpretation that the ordinance was based on. She added that there was a case before the 7th Circuit Court regarding the issue.

Volan asked if the city or state would have jurisdiction over the IU Foundation. Rhoads said that the IU Foundation would be subject to the city's jurisdiction because it was not one of three exempt types of employers.

Volan asked if a contractor with the university would be subject to the city's jurisdiction. Rhoads said that as long as those employees were working for the contractor, the ordinance would apply.

Volan asked who would have jurisdiction over IU Employees. Rhoads said that a federal or state commission would have jurisdiction. She added that when time allowed, the City's Human Rights Director helped people complaining against IU fill out paperwork for submission to the EEOC and/or Indiana Civil Rights Commission.

Public Comment:
Daniel McMullen spoke against the ordinance and suggested an amendment.

Council Comment:
Spechler said that the ordinance was a good move, but he felt that future judicial findings and actions by the general assembly may require further review.

Granger said that she was excited that the city was able to move forward on the legislation.

Volan noted a grammatical error in the ordinance. He drew attention to the list of classes that were protected by Bloomington Municipal Code.

Sandberg said that she was glad to see activism from pro-LGBT organizations across the state. She said that the ordinance would reinforce

local opinion and respect.

Ordinance 15-28 *(cont'd)*

Mayer said that he thought the ordinance was the right thing to do. He thanked community members for their comments on the ordinance, and he hoped that the ordinance would send a message to the state.

Neher warned that the general assembly could pass legislation that would undo the ordinance. He said he hoped the community would rally to celebrate the liberal thinking that defined the community. He said he hoped people would push the hands of Republicans in the Statehouse away from legislation like the Religious Freedom Restoration Act.

Rollo said that the ordinance was historic. He said he was looking forward to the day that we lived in a community free from prejudice and discrimination.

Ordinance 15-28 received a roll call vote of Ayes: 8, Nays: 0

Volan asked when the ordinance would take effect. Dan Sherman, Council Attorney/Administrator, said that the ordinance would take effect as soon as it was signed by the president of the council and mayor.

COUNCIL SCHEDULE

It was moved and seconded to allow Councilmember Neher to make additional comments. The motion was approved by a voice vote.

Neher said that he would not be able to attend the last council meeting of the year. He said he was grateful for the opportunity to serve the city, and he commented on the gravity of the work the council did. He said that the council needed to look forward to what they could do next to continue helping the community; and he thanked Mayor Kruzan, Clerk Moore, and Councilmembers Rollo and Mayer. He thanked his colleagues for making him think harder and be a better councilmember. He said he would stay involved in the Growth Policies Plan and Unified Development Ordinance as a citizen.

Volan thanked Neher for his comments, and said it was a privilege to serve with him.

Mayer said he had worked with Neher on legislation, and he said he learned a lot in the process.

Sandberg said she would miss Neher's collegiality, passion, and ability to find common ground.

Spechler praised Neher's work on sexual orientation and gender identity and the appearance of the downtown.

Ruff said that Neher was a collaborator, communicator, and thoughtful person.

Rollo said that Neher was a good teacher, and he had learned a lot.

ADJOURNMENT

The meeting was adjourned at 8:32 pm.

APPROVE:

Dave Rollo, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington