

In the Council Chambers of the Showers City Hall on Wednesday, August 1, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
August 1, 2012

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

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for February 15, 2012, June 27, 2012 and May 16, 2012 (Special Session) were approved by a voice vote after a minor correction to Councilmember Rollo's statement of 5-16-2012.

APPROVAL OF MINUTES

Steve Volan noted that the IU semester began a week earlier than usual and noted that the hustle and bustle of school year traffic would begin soon.

REPORTS:  
COUNCILMEMBERS

Timothy Mayer asked citizens to conserve water at this time and in preparation for more people coming to Bloomington for the fall semester thus adding pressure to the Utilities system.

There were no reports from the Mayor's Office

MAYOR and CITY OFFICES

There were no reports from council committees.

COUNCIL COMMITTEES

Mayer asked for public comment but there was none at this meeting.

PUBLIC INPUT

There were no appointments at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Resolution 12-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Resolution 12-10 be adopted.

LEGISLATION FOR SECOND  
READING  
Resolution 12-10 To Adopt a  
Nepotism in Contracting Policy in  
Conformance with State Law

Margie Rice, Corporation Counsel, noted that both resolutions discussed at this meeting were the result of state legislation passed earlier in 2012. She said that the city could still contract with a relative of an elected official but would have to follow certain procedures. She noted that the city added the following to the list of relatives that the state legislation defined: brother-in-law, sister-in-law, cousin, registered domestic partner, mate and grandparent. She listed the procedures as

- a filing of full disclosure by the elected official with the city under penalty of perjury,
- council acceptance of the disclosure at a public meeting before the final action,
- filing of the public disclosure with the State Board of Accounts and the Clerk of the Circuit Court no later than 15 days after final action, and
- certification of statement affirming that the purchase price or contract was the lowest amount or explain why the vendor was selected by the appropriate city agency.

She added that each year the elected official was in office, these filings had to be submitted to the Mayor and City Clerk by December 31. She asked that the resolution be supported so that the city would be in compliance with state law.

Volan asked Rice to read the definition of 'mate.' Rice said that 'mate' and 'domestic registered partner' were close in definition but that the latter had the added stipulation that there actually be a registration of the partnership with the Human Resources Department. She read:

*Mate is an individual who is in a committed relationship of indefinite duration with a city employee with an exclusive mutual commitment similar to that of marriage. The partners share in the necessities of life, and agree to be financially responsible for each other's well-being including basic living expenses. Individuals are not married to anyone else. They reside within the same residence, do not have another mate or domestic partner, and are not related by blood.*

Volan asked and Rice confirmed that this was a city personnel policy, and that the city included the definition in both of the resolutions discussed at this meeting. Volan asked if the only difference between mate and registered domestic partner was the registration portion of the city. He contemplated aloud ways to avoid the law related to this term. Daniel Grundmann, Director of Human Resources, noted that the reason for registering as domestic partners would be for health benefits, and he said that wasn't common. He said the reason for definition of 'mate' within city policy would be for reasons of supervision within the workplace.

Mayer noted that maybe the term 'house' or 'room' be used in conjunction with the term mate for clarification.

Mayer asked why the City Clerk was specifically exempted from this ordinance by law. Rice noted, while not knowing the specific arguments in the deliberation of the law, it may have been perceived that Clerks have less opportunity for conflict than the legislative or executive branches of government.

Spechler asked if the city could not hire anyone related to a council member. Rice said it could be done, as long as all the procedures were followed as the idea was transparency. She said that the next resolution dealt with employment, and that the state insisted that two separate resolutions be adopted.

Volan asked if another definition of 'mate' could be 'significant other' or 'person of opposite sex sharing living quarters.' Grundmann said his personal definition was 'primary emergency contact.' Volan said it was not the same thing as housemate or roommate and the distinction needed to be made.

There was no public comment on the issue.

Granger said that she was in support of the legislation.

Volan said that he was pleased that the city was adopting a more stringent policy on nepotism. He noted his concern about not mentioning grandchildren in the law as well as grandparents.

Volan asked city staff if they opposed the addition of the term 'grandchild.' Grundmann said that the language of the city's written policy in the Personnel Manual said "including but not limited to." He said that in terms of employment policy, grandchildren would be covered, that the policy included, but does not mention specifically grandchildren. Volan said he was content with that interpretation.

Resolution 12-10 received a roll call vote of Ayes: 6, Nays: 0.

It was moved and seconded that Resolution 12-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Resolution 12-11 be adopted.

Resolution 12-11 To Adopt a Nepotism in Employment Policy in Conformance with State Law

Margie Rice, Corporation Counsel, said that the resolution used the same definitions as the first one considered, but was related to employment rather than contracting. She noted that one relative should not be in the direct line of supervision of another relative. She said that 'direct line of supervision' was defined as:

*An elected officer or employee who is in a position to effect the terms and conditions of another individual's employment including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. It does not include the responsibilities that the executive or the legislative branch fiscal body has regarding budgets and salary ordinances or the executive in terms of personnel policy.*

Rice said that the state law allowed the city to be stricter, and that the city mandated that regular part time and full time employees may not have relatives hired to work within the same division of a city department or within the same department for smaller departments. She noted that the police and fire departments were exempt from this in the city policy because of their long legacy of having family members working in the professions. Hiring the relative of a city employee to work outside of the incumbent employee's division or department requires approval of Human Resources. She noted that this was a very consistent policy and that the city had operated under this policy for over 16 years.

Rice noted that a state law provision copied by this resolution stated that if one was already employed on the date that a relative became an elected official, that person would not be fired. She also noted this would not apply if a person left the city and came back. She noted that under the state law and the new resolution, the practice would require certification in writing under penalty of perjury.

She said that if there was no policy, the State Board of Accounts would report this to the Department of Local Government Finance who in turn, would not approve the city's budget.

Volan noted that his brother was a department head when Volan was elected, and asked if he would, under this policy, not be eligible for promotion. Rice said that she did not believe that the promotion was in effect with hiring policy at that time. Rice noted, too, that the council action in reviewing the budget did not put department heads in the direct line of supervision – that the council was setting compensation packages for the whole city, not one specific employee.

There was no comment from the public on this resolution.

Volan said that he supported this resolution.

Spechler asked if this applied in the case of a 'high public official,' who accepted an appointment in the direct line of his supervision such as a large public university. 'Probably not,' he mused, answering his own question.

Resolution 12-11 received a roll call vote of Ayes: 6, Nays: 0.

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST  
READING

President Mayer noted that at the conclusion of this meeting, the  
Common Council would be in recess until the regular session of  
September 5, 2012.

COUNCIL SCHEDULE

Glen Carter, noted that his comment might not be appropriate since it  
was included in the legislative agenda for the evening, nevertheless said  
that there would be a question if a contractor hired by the city was  
allowed to employ a close relative of someone employed by the city. He  
said that the situation would worry him.

PUBLIC INPUT

The meeting was adjourned at 8:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Timothy Mayer, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington