

In the Council Chambers of the Showers City Hall on Wednesday, September 12, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
SEPTEMBER 12, 2007

Roll Call: Wisler, Diekhoff, Sabbagh, Volan, Rollo, Mayer, Sturbaum, Sandberg, and Ruff.

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Ordinance 07-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 07-17 be adopted.

LEGISLATION FOR SECOND
READING

Ordinance 07-17 An Ordinance
Fixing the Salaries of Officers of the
Police and Fire Departments for the
City of Bloomington, Indiana, For the
Year 2008

Director of Employee Services Daniel Grundmann noted the ordinance followed the collective bargaining agreement with Police and Fire units. In summarizing the ordinance he said that the Fire Fighter 1st Class Sergeant and Captain positions would receive a pay increase of 3.5% as would the rest of the positions. He said that PERF contributions would increase from 2% to 2.5%, unscheduled duties and mandatory training pay would increase from \$22.50 to \$25, and holdover compensation would increase from \$11.25 to \$12.50.

Grundmann summarized the FOP unit by saying that the police officer positions would receive an increase of 3% at base salary and the remaining positions would receive the same. He said that the uniformed officers' maximum annual total unit pay increased from \$4500 to \$4600. Grundmann said that neither of these agreements included the Police Chief or Fire Chief, positions that were subject to the Non-Union Employee Compensation Plan.

There were no questions from the council and no comments from the public on this item.

Parliamentarian Mayer noted that contrary to appearing to not to have deliberated on the budget items, the council had actually had extensive hearings in July and a committee hearing the previous week where most questions had been answered and their concerns addressed. Mayer thanked the city police and fire fighters for keeping the city safe.

Ordinance 07-17 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Diekhoff did not vote on this item and had filed a conflict of interest form due to his position as Captain of the Bloomington Police Department.)

It was moved and seconded that Ordinance 07-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-2. It was moved and seconded that Ordinance 07-18 be adopted.

Ordinance 07-18 An Ordinance
Fixing the Salaries of Appointed
Officers, Non-Union and
A.F.S.C.M.E. Employees for All the
Departments of the City of
Bloomington, Monroe County,
Indiana, for the Year 2008

Grundmann noted that this salary ordinance was almost identical to the 2007 ordinance with the following exceptions:

The word "Utilities" was added to the assistant director titles to more accurately reflect their position in the organization. The Web Information Manager was moved from engineering to accounting and finance to reflect organizational structure. He said that there had been a memorandum of understanding between the City of Bloomington and Local 2487 of the American Federation of State, County and Municipal Employees Union which would increase base pay \$.44 for each position in each longevity step. He added that changes in Parking Enforcement would include the elimination of three unfilled security and maintenance attendant positions (the duties of which had been transferred to REI the

Ordinance 07-18 (cont'd)

new managers of the city garages). He also said that there were a few title changes in the Community and Family Resources Department that would more accurately reflect the organizational structure and design.

There were no council questions at this time, and there was no public comment on this item.

Mayer noted that this budget was about the folks in the city who pave streets, build sidewalks, and maintain park programs-all the things that make Bloomington a great place to live. He said that he was happy that people such as police and firefighters could be rewarded with salary increases which have not always been possible. He thanked Grundmann for all his work.

Sabbagh said he agreed with Mayer's comments that these were hard working city employees paving streets, paving potholes and collecting garbage, and he said he wanted to complement them. He said that the mayor's office was padded unnecessarily, taking funds away that could be used for these aforementioned employees or invested in sidewalks for school children, and he wanted to show his disapproval by voting no on this budget. He said he wanted to be perfectly clear that his no vote was because of too many employees and too big a budget for the mayor's office, which he said had increased by 60% over four years.

Diekhoff echoed Mayer's comments, noting that there were many hardworking, dedicated city employees that worked everyday to serve the citizens of Bloomington. He said he would gladly support this budget.

Sturbaum said that his first city council budget was very tight, and the employees of the city took a low salary increase that didn't keep up with the cost of living. Travel and departmental budgets were cut, and the council shared the same belt tightening. He said that salaries proposed were barely exceeding the cost of living increases, but that things were a little better now. He stated that the city should do more than paving streets and picking up garbage. He added that he worked with the folks in the mayor's office regarding economic development, arts, and creative ideas for the downtown along with cooperating with other downtown groups and said there was good work coming from that effort. He said this was not volunteer stuff and commended the mayor for providing much more than a 'paving the streets' kind of leadership.

Sandberg, said that as someone who is taking a leadership role in the Bloomington Entertainment and Arts District (BEAD) strategic plan, she wanted to echo Sturbaum's comments. She said the city was doing more than the basics and was pleased that the city had the resources to do so.

Ruff said his perspective was different than Councilmember Sabbagh's. He said that the city's social service fund, sidewalks and parks were possible because Bloomington is a thriving community that attracts investment. He said it is driven by cultural amenities and other progressive initiatives brought forth by this and past administrations and council members. He noted the healthy, vibrant community was a result of programs and initiatives in the arts and recreation areas. He said efforts in sustainability had brought national attention to the community. He noted that in addition to the mayor's office expanding, the IT and Planning departments had also changed to reflect changing time, technology and priorities of the city in new progressive and productive endeavors that better the community.

Rollo noted that in the past, economic development was defined as

Ordinance 07-18 (cont'd)

having a large major employer in the community, but that this administration had broadened that definition to include the arts, social service agencies, and sustainable economic development with a small business component. He applauded the mayor for his focus on diverse economic development in the community.

Ordinance 07-18 received a roll call vote of Ayes: 8, Nays: 1 (Sabbagh).

It was moved and seconded that Ordinance 07-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-1-1. It was moved and seconded that Ordinance 07-19 be adopted.

Ordinance 07-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2008

Grundmann said that this ordinance increased the salary for elected officials by 3.5% over 2007 ordinance levels. He said pay increases were determined with the merit market salary adjustment grid, as had been used for the last 9 years to set elected officials salaries. He noted the anticipated increase in non-union salaries for 2008 was between 3.5% and 3.8% and was to be determined in December.

Wisler asked if the cost of living index was 2.7%. Grundmann noted that it was between 2.4% and 2.7% depending on the dates of examination. Wisler noted that it was probably safe to say the increase was well above the cost of living increase.

Sturbaum noted that the middle grade on the rating system was used for figuring the salary increase and it didn't mean that the council was mediocre, but that it was an average because council members were not rated. Grundmann said he was part of the team that chose that particular cell on the merit market grid, and that it was meant to be a consistent apolitical way to set salary increases for elected officials based on something tangible and predictable.

There was no public comment on this item.

Wisler said that serving on the council was an honor and privilege, and shouldn't be done for the money. He added that salaries of elected officials shouldn't be raised in order to attract people to the job. He said that this would attract career politicians rather than people who would take on the job out of a genuine concern for their community. He noted that City Clerk Regina Moore had proposed that the council consider elected official salaries in four year blocks that would not take effect until after the next election. He said that the US Congress was mandated to do this and it would make sense that we do the same. He indicated that he would not be supporting this ordinance.

Sturbaum said when he first ran for city council he was surprised that there was a salary associated with position. He said however, that he spent a lot of time on his council member duties, and also ran a business. He said long meetings take time away from his business. He said it had been decided long ago that the job of council member was worthy of some compensation, even though it did not meet the minimum wage or the living wage, and added that there was nothing prohibiting a council member from giving their salary back to the general fund. He said that he would support the ordinance to make the statement that what the council does is worthy of some level of compensation.

Ordinance 07-19 (cont'd)

Sandberg said she had no problem approving a raise that is in line with other communities and that has been thoroughly vetted by the Employee Services department. She said that all council members were active outside of their council responsibilities, have important jobs and volunteer in other ways, too. She noted that the career politician issue was not true in her case, as her main job was at IU.

Sabbagh said the issue at hand was not the amount of compensation, but that the council was voting on their personal interests. He said if Mike Diekhoff was uncomfortable (and recused himself) in voting on the police budget, council members should, perhaps, be uncomfortable voting on their own salaries. He noted that he has voted "yes" on this item in years past, but that Wisler's argument made him rethink the issue. He noted that if 3.5% was the average amount of increase, some city employees would be receiving less than that in an increase. He stated that he thought there should be a blue ribbon panel to determine city council salaries, and said he would not be voting on his own salary.

Diekhoff clarified that he had voted on the police budget that included salaries. He said he had no problem doing that, and that a potential conflict of interest form had been filed to let everyone know that is what he would be doing.

Ruff said the cost of living portion was a salary adjustment and that the actual increase would be about \$100-\$200 per council member and was not a real issue. He said, the philosophy of the issue for him was connected to an opportunity cost. He said that no one could make a living serving on the council, and there was an opportunity cost in trading council work for working a second job to provide for a family. He said by not compensating council positions, the city would be eliminating a whole economic class of people from policy making. He said that the country had enough of this problem in other levels of government, and this should not be a factor in local government.

Ordinance 07-19 received a roll call vote of Ayes: 7, Nays: 2 (Sabbagh, Wisler)

It was moved and seconded that Appropriation Ordinance 07-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-2. It was moved and seconded that Appropriation Ordinance 07-04 be adopted.

Appropriation Ordinance 07-04 An Ordinance for Appropriations and Tax Rates (2008 Civil City Budget for the City of Bloomington)

Controller Susan Clark noted that the budget had been discussed at several previous meetings, but she reviewed the basics of the process.

She noted that the changes in the budget since the July budget hearings were changes requested by council members for the Planning budget. They included a lease payment for a new pumper truck to the fire department budget that had been inadvertently omitted in the previous version of the budget. She said the total addition to the budget at this time was \$126,343 and was within the general fund.

She said that the net proposed budget expenditures for 2008 would be \$56,624,000, a 2% increase over the 2007 adjusted budget. She noted that the adjusted budget included the additional appropriations that had been approved all year. She predicted the balance of the general fund at the end of the 2008 budget to be about \$5M and with the general and rainy day funds, the projected ending balances would be about \$8.4M. In comparing 2007 with 2008, she showed that fund balances were used for 2008, a decision that the administration was comfortable with after several years of careful scrutiny into departmental expenditures.

Appropriation Ordinance 07-04 (cont'd)

Clark reviewed revenue streams, explaining that the major share of revenue to the city is in the form of taxes, and showed figures from various taxes other than property tax. She noted that the change or increase allowed by the state each year was tied to the pending six year average of the non-farm personal income growth. After reviewing these figures, she said that she projected a 3.7% increase for 2008, representing less than \$800,000 for the city.

Clark noted the 2008 budget focused on physical, fiscal and personnel infrastructure and the use of budget balances was exclusively for one time capital costs with concentration on fiscal efficiency that began with this administration. Clark listed major infrastructure projects that would be funded with this budget, including roads and engineering funds, maintenance budgets and alternative transportation. She then outlined anticipated personnel expenditures, including insurance and pension fund increases.

Wisler asked about the fire department funds. Clark reiterated that the ordinance itself and new page additions to the budget book included the new figure. Wisler asked about a decrease in the 'other services and charges' category for the fire department. She said that the decrease was happening because there was only one firefighter in the Deferred Retirement Option Program and there were three or four in 2007. She said that the DROP program allowed fire fighters and police officers to get a lump sum payment if they determined their exact retirement date early enough to allow the department to plan ahead. Wisler asked if it could be determined now for 2009 or 2010. Clark said the amounts would depend on when the officers applied. She said that the decrease that Wisler had questioned was based entirely on this program and it was a large amount because pensions were figured on a 'worst case' scenario basis according to the statute.

Wisler asked if the total net tax rate for each \$100 of taxable property was .7391, which Clark verified. Wisler asked if that was based on the relationship of the total levy to the net assessed valuation. Clark replied that it was, and that it was a very conservative estimate. She noted that if the net assessed value was overestimated, the rate necessary to collect the levy that we needed would be underestimated. Clark said this would hopefully prevent a revenue shortfall and was an acceptable method used statewide. Wisler asked how Clark arrived at the figure of \$3.3B of net assessed value for 2008 over the figure of \$2.6B for 2007. Clark said trending figures from the County Assessor's office indicated a little growth over the 2007 figure. Wisler noted that if this net assessed value increased from 2007 to 2008, the city's portion of the property tax rate would decrease. He noted that last year's tax rate was projected to be .9352 and asked Clark what the actual rate ended up being. She noted that it was .72 and agreed with Wisler that the 2008 projection was a little higher, as indicated by his first statement on tax rates alone.

Sabbagh asked about the total budget figure. Clark said the total net budget (after taking out the internal service funds) was proposed at \$56.6M for the Civil City (not including Utilities or Transit budgets). Sabbagh asked about the reserves figure, to which Clark said the reserves, including the rainy day fund, were \$8.4M.

Rollo asked if there was less gasoline consumption or state action to precipitate declining gasoline tax revenue. Clark said that the state of Indiana, specifically Governor Daniels, instituted the Major Moves Program last year. She said the payments in 2006 and 2007 translated to roughly \$478,000 as a result of this shift.

There was no public comment at this time.

Sturbaum noted that this was the fourth budget he had worked through, and in that time the council had gone from crisis to comfort. He said the administration was proposing one time infrastructure expenses and was not increasing spending each year. He said he was proud to be part of good budget work and sound management.

Mayer noted that this was the part of the budget, with money for social service funding, street paving, sidewalks and all the things that make the city a good place to live and work. He thanked the mayor and his staff, the department heads and all the people who work for the city for the work that it takes to get to this point in the budget process. He noted that the process began in May when the council receives financial projections and priorities of the administration and provides some of their own priorities for the next budget year. He noted that this budget reflects the council priorities, stemming from citizen priorities.

Diekhoff noted that this was his last of nine budgets to vote on, and noted that it took much work to go through the whole process of preparing the budget. He said that money was limited and that it was difficult to balance funding, and noted his support of this last budget.

Wisler said a great deal of work went into the whole budget process. He said that on the whole the budget was professionally done, and was reasonable. He credited the Parks and Recreation Department with demonstrating a tremendous amount of responsibility in their approach to the zero based budget. He said he was disappointed that there was not more debate on the tax and revenue side of the budget. He said that through talking to the County Assessor and City Controller and through independent research, the budget was responsible and would decrease the tax rate. He said he wished he could vote yes on the tax rate portion of the budget and no on the expenditure side of the budget. He suggested that some priorities were off base in the expenditure side of the budget, and took issue with how the city dealt with elected official pay. He also took issue with reliance of what he called arbitrary user fees, (trash tags) revenue that had not increased at the level that was expected when the cost was 'arbitrarily' doubled. He noted that the growth of recycling volume had slowed in the same period. Wisler said, for the record, he would like to see a commitment to changing the city's approach to recycling, particularly glass. He said that trucking glass out of the community is not the best financial and environmental decision.

Wisler said he supported the fire training facility, and the purchase of a trolley for downtown, but added that there wasn't a corresponding allocation for funds programming, maintenance and operations. He said that the trolley expenses didn't include a driver and gas and that a complete solution was needed.

Wisler noted that the decrease in the fire department budget was not reallocated to other needs in that department and he would have liked to have seen the savings discussed earlier allocated to more training and overtime issues within the fire department.

Wisler said he appreciated the work on the budget and that Bloomington was not as beset with financial issues as other communities, but still would have allocated funds differently, and would be voting against the budget to highlight this fact.

Sturbaum said that getting more people to recycle was a priority and hoped that because there was a cost for trash tags, the free recycling program would encourage folks to do that.

Appropriation Ordinance 07-04 (cont'd)

Volan noted that contrary to popular opinion, he did not hate cars, but

recognized that it costs money to provide infrastructure allowing citizens to use cars so effortlessly. He said he had gone on record a number of times as being against further subsidy of private motor vehicles especially at the expense of public transit, sidewalks and bike paths. He said that revenues from parking enforcement had never covered the expenses of structured parking management. Each space costs the city \$890 a year to own and maintain, and future garage spaces will cost \$1000 a year. He said that until July of this year, the cost of a yearly 24/7 reserved space was \$675. He asked people who use cars to acknowledge the mutual responsibility to change this priority.

Volan said that he had no illusions about the lack of jurisdiction that the city had over the IU campus, but thought that the state had an illusion of how much it costs to be the host city for their flagship campus. In his second point, IU has failed to see that the campus is a de facto city. For example, he noted that 10,000 people live in relatively close quarters on state property with its own police force and bus system. He said that the city has the ability to assess the burden of IU, and one third of all noise violations are in District 6, a predominantly student district. He noted that IU police worked in front of the Bluebird and were perfectly capable of policing off campus, and he encouraged overlapping jurisdictions. Between 25 & 50% of all BPD officers have come from IUPD. He noted the shift of BPD officers, escalating from 50 full time officers in the early 1970s to 90 current full time officers. However, in that same period the IUPD went from 125 to 55 full time officers. He said the student body was now 30% larger, and that the amount of residents living on campus had dropped.

Some of the city's tallest buildings are within the campus boundaries and Volan noted that IU does support one fire station as well as having contributed to the purchase of a city ladder truck. But the percentage of runs made to IU from 2002 to 2006 as a portion of the BFD budget amounted to \$7.5M, while IU contributed only \$2.5M to the fire department's operating costs. He said that false alarms outside the campus were 17% of all calls, but on campus false alarms were 52% of all calls.

He said that as long as IU fails to recognize their responsibility to the Bloomington community and that they are a community with all the civic responsibility pertaining to them, he must raise this issue in the budget yearly process.

He thanked the mayor, staff and all the employees of the city, saying that he supported and was pleased with this budget.

Sabbagh said he thought the proposed budget had some good features – increases in social services funding, raises for city employees, fire training facilities and other increases for police and fire departments – however he said it was important to consider the entire budget before voting. He said that in analyzing this budget, he went back to the first budget proposed by the current administration. He said the city council was told during the hearings for the 2005 budget, that the city was a financial crisis caused by previous budgets, ones that he had participated in. He said he felt that the council had performed its review function well and that city finances in 2004 were sound. He said that raising the cry of financial crisis had another purpose. He said he felt this fallacious financial crisis spin was used as an argument to deny raises to city employees and deny parks and recreation funding and to reduce capital and infrastructure projects. He said that the administration sought to increase taxes to pay for these things, and then used the new money to support new personnel in the mayor's office. He said that as a result, the B-LINE, affordable housing, jobs, infrastructure maintenance and repair of city assets and training for fire and police officers were ignored. He read newspaper headlines to support his opinions on the above issues. He said sidewalks were unsafe or are non-existent, the west Third Street project has not yet begun, students spend more time on school buses

Appropriation Ordinance 07-04 (cont'd)

because a certain bridge is not deemed safe, police and fire personnel are not able to upgrade their positions, and that cross town traffic frustrates citizens.

He said that most of the budget was fine, but excesses needed to be pared down and essentials needed to be included, therefore he would vote against the budget.

Ruff addressed the issue of the council rubber stamping the mayor's budget. He noted the mayor's statement at the committee meeting that council members were all architects of this year's budget. Ruff noted that feedback continues all year long, not just in formal hearings, but in comments and discussions at regular council meetings and in communications with the mayor and city staff members. He said these conversations identify problems and issues, and shape what ultimately comes through in the budget proposal addressing the current needs of the community and moving legislation forward. As an aside to these comments, he also noted the salary increase for council members would amount to \$.24 per day, and said he supported this budget.

Sturbaum noted that the implication that the council was misled about the crisis of the budget in 2005 was reprehensible and indicated he didn't believe that Sabbagh really believed that.

Sabbagh noted that City issues should be addressed and that council should refrain from ad hominem attacks.

Rollo said it was easy to look at the community and describe what was lacking, but responded to Sabbagh's charge of not taking care of public infrastructure, public safety, affordable housing and health care. He said that the affordable housing at Evergreen Village was a visionary project that would win awards, and since it used photovoltaic's, green appliances and insulation, it would be cheaper to maintain than the normal household for many years to come.

He said that this administration had been committed to sidewalks and streets, and increased these budgets and employed storm water funds to meet these increases.

He noted that public safety was a priority and that funding Volunteers in Medicine exemplified the administration's commitment to health care for citizens.

He noted that the perceived crisis was actually averting a potential problem of drawing down funds in the long term. He said that this administration was economically conservative in recognizing the budgetary priorities and constraints for the long term. He said that the City's current fiscal health was a testimony to the administration's handling of the potential problem in its first budget process. He thanked them along with the controller for that forethought.

He took exception with Wisler's comments about simultaneously opposing tax rates while complaining about trash tag fees. Rollo said that the 'pay as you throw' is a more equitable method of distributing costs, as it gives incentive for minimizing trash and increasing recycling.

Appropriation Ordinance 07-04 received a roll call vote of Ayes: 7,
Nays: 2 (Sabbagh, Wisler)

It was moved and seconded that Appropriation Ordinance 07-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-2. It was moved and seconded that Appropriation Ordinance 07-05 be adopted.

Utilities Director Patrick Murphy said that this was a balanced budget of \$26.8M maintaining 2007 expenditure levels with increases placed in the personnel lines including PERF contributions, and liability insurance. He noted a minimum of 3% pay increase is included for 162.25 Full Time Employees. He said the department would maintain the \$20,000 commitment to the South Central Community Action Program to assist the Utility in qualifying customers that cannot pay their bills. He noted that \$36,000 was committed to the labor/management committee that runs the Blucher Poole and Dillman Plants. Murphy said that increasing the appropriation for sidewalk work from \$100,000 to \$125,000 continues that commitment to work with the civil city on those projects. He noted lastly that the budget was funded by the ratepayers of the Utility.

Sturbaum asked Murphy to update the council on the status of a second intake pipeline. He said that after a lengthy public hearing, the board requested the staff proceed with reviewing the proposal of the second pipeline. He said the southeast water system improvements that would include a second pipeline, expansion of the distribution system, and second storage facility. He said the board had directed the preparation for receiving proposals and included a review of engineering costs associated with that project. He characterized this as a second set of eyes, and hoped it would be back for the board shortly to use as a blueprint for further action.

Murphy said, in response to Sturbaum's question, that the terrain for the route would not lend itself to trails.

Sabbagh asked if the proposed budget included anything regarding a second pipeline. Murphy said it did not have anything to do with construction of the project, except \$1.5M for the extensions and placements budget for southeast water system and plant improvements expansion. He said this was a pay-as-you-go item and would be used for design work once it received approval from the peer review and board.

Rollo asked about a timeline for the second pipeline project. Murphy said the peer review process was ordered by the board and that the parameters for that were being developed.

Mayer, the council's ex officio representative to the Utilities Service Board, said that the proposal for the extension of the water line and facilities was from Black and Veatch Engineering in consultation with Crowe Chizek and Company Accounting.

Wisler asked if the Black and Veatch report had been made public or put on the website. Murphy said that the 2002 report was online, but would check for the most recent PDF to supplement the original.

Murphy said that Wisler had asked in the committee hearing about mapping the community storm drains and reported that about 87% were mapped at this time. Wisler asked if the remainder were more difficult

Appropriation Ordinance 07-05 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2008

Appropriation Ordinance 07-05 (cont'd)

or if they just hadn't been gotten to yet. Murphy said that the second camera truck had just come on line and they were playing catch up, with the goal being 100% mapped.

There was no public comment on this item or further council comments on this item.

Appropriation Ordinance 07-05 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 07-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 07-20 be adopted.

Bloomington Transit General Manager Lew May was present to answer questions about the \$9.3M budget that had been discussed at the previous hearing and July hearing.

Volan asked May if he was dealing with the bus route mentioned earlier in the evening, and May said he was.

There was no public comment or council comment on this item.

Ordinance 07-20 received a roll call vote of Ayes: 9, Nays: 0. (Note: original vote was 8-0, with Sturbaum out of the room, but his "yes" vote was added before the end of the meeting.

It was moved and seconded that Resolution 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis noting that there was no Committee Do-Pass Recommendation on this item. It was moved and seconded that Resolution 07-10 be adopted.

President Dave Rollo read the entire text of the resolution. Ruff, as co-sponsor of this resolution, said that Attorney Dan Sherman's memo in the council packet summed up the Employee Free Choice Act (Senate Bill 1041 and House Resolution 800) which would amend the National Labor Relations Act (NLRA) and gave supporting evidence and reasons for why this was brought before the council. Ruff said the bill had strong bi-partisan support but was defeated in the US Senate and that the White House had issued a statement opposing the Act.

He said several state legislatures had taken a formal position supporting this Act and asked their federal representatives to pass it. He said that many other groups and legislative bodies across the country have also endorsed this action. He said that the City of Bloomington Common Council's statement on national policy that affects our community is made by way of a resolution. He noted that this Act would make it easier than under current NLRA laws for workers to form a union. It also provided that if an employer and union couldn't reach an agreement for their first contract either party could refer the dispute to the Federal Mediation and conciliation Service, currently not allowed under the FLRA. He said the third amendment would require stronger penalties for violations, while employees are attempting to organize or obtain a first contract. Ruff noted that much research had been done by bi-partisan congressional committees in preparation for this legislation. Ruff quoted Eric Mann, a UAW member and writer, in encouraging our congressional leaders to pass this act. This quote from the New York Times in 1990:

America faces a litany of social problems: illiteracy, crime, drug abuse, and homelessness, an escalating environmental decay in the cities, rampant cultural and spiritual barrenness and growing

Ordinance 07-20 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2008

Resolution 07-10 Supporting the Employee Free Choice Act

Resolution 07-10 (cont'd)

concentrations of economic and political power. Why is it that the politicians, academics and religious leaders who can see so clearly the corrosive effects of oppression in communist countries are virtually blind to the connection between social decay and continued attacks upon unions and workers rights here at home?

He noted there were several union members in the audience and asked for council questions.

Rollo noted that union membership had declined and that unions had been under attack for a number of years. It had been well established that the ability to form and have a union was directly correlated to the benefits and wages received by members and their job security. He noted that 93% of union workers were covered by health care, and eliminating these unions would pass the burden of health care back to the taxpayer. He said that the loopholes of firing an employee rather than letting them form a union would be closed with this Act.

Jackie Yenna, President of the White River Central Labor Council, said that the resolution and packet along with Ruff's summation were very good. He said he was present to ask the council to support the resolution, and in doing so the council would show the federal government that the council supports the American worker and their right to choose.

Citizen Peter Kaczmarczyk said that the Bloomington Common Council passed Resolution 97-11 saying for the city of Bloomington what the resolution at hand would say to the federal government. He said this was the next logical step. He felt that local employers ignored the 1997 resolution but that the Federal bill would be stronger. He gave an example of members of a local company who wanted to organize a union, and were able to qualify for this action under the Employee Free Choice Act. However, instead of the council resolution inspiring the company to accept the union, the owner went on an anti-union campaign, firing workers and screening new hires. Before the union election the number of pro-union employees had dropped. He said that documentation showed that 27 employees, a quarter of workers there, had been fired or quit during that time. The business owner then moved the company to another state, doing what he threatened to do in his intimidation and harassment. Kaczmarczyk said this legislation was sorely needed on a federal level and urged passage of this resolution.

Tom Szymanski, International Brotherhood of Electrical Workers Local 725, commended the city and council for bringing a resolution forward that would support the working men and women of the country and working people of Bloomington. He thanked the council on behalf of the IBEW. He said that the Employee Free Choice Act was an opportunity for Congress to level the playing field in the labor management relationship. He noted that the United States has the least amount of protection and justice of any industrialized nation in regards to labor and worker's rights. He said it wasn't a coincidence that our country lacks health care coverage, time off, and decent wages for its workers. He said the National Labor Relations Act of 1935 guaranteed the right to organize and join a union, yet the international labor organizations cite the US as one of the most blatant violators of enforcing these rights. The Employee Free Choice Act allows an alternative avenue in seeking union representation and recognition through workers signing union authorization cards. He said this would prevent employees from being harassed or threatened at their jobs for supporting union. He said the three rights above need to be respected. He thanked the council for their support this resolution and of working families.

Resolution 07-10 (cont'd)

Sandberg said that some of the greatest American heroes had been organizers for labor and it was no insignificant fact that some of those had been women who had fought very hard. She named Mother Jones and Florence Kelly and said her father was named after Eugene Debs, a hero to working immigrants. She said that she was concerned about an ongoing attack on the middle class, and said as we turn to low paid jobs in the service industry it becomes more important to organize and support the rights of workers so that women who are sole heads of households can make wages that can support their families. She said quality of life could be improved with attention to the rights of workers. She stated that she whole heartedly supported the resolution and thanked Rollo and Ruff for proposing it.

Sturbaum said he was pleased to support this resolution. Mayer said he would be voting for it also.

Ruff noted that this resolution had broad support across the United States. He said the council and city should be proud to add its voice to this movement. He said that in large part it was the unions that built the middle class in this country, by bringing improvements to working conditions. He said that as labor was weakened and undermined by policies and administrative actions we also saw the undermining of the middle class and quality of life of working people.

He specially thanked council staff Dan Sherman and Stacy Jane Rhodes for their quick and efficient work on this resolution.

Mayer said it was clear that in America, the balance had been shifted to favor the wealthy and it was time to rebalance the scales and give people the opportunity to regain something. He offered his support.

Rollo thanked the citizens and labor leaders in the community for their advocacy in making council members aware of this legislation and said it was very important to send a signal up through the levels of government that this was a priority. He said working conditions were going backwards and it didn't honor those who worked so hard for workers' rights in the past to let the eroding of these rights go on. He said there were companies that did support this legislation.

Resolution 07-10 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Sabbagh, Wisler).

The meeting was adjourned at 9:55 pm

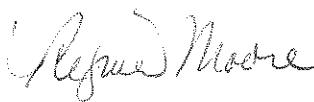
ADJOURNMENT

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT
Bloomington Common Council



Regina Moore, CLERK
City of Bloomington