

In the Council Chambers of the Municipal City Building, on Monday, March 31, 1975, 7:30 p.m., with Councilpresident Brian C. De St. Croix, presiding.

SPECIAL SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON

Present: James Ackerman, Richard Behen, Flo Davis, Wayne Fix, Sherwin Mizell, Jack Morrison, Brian C. De St. Croix, Al Towell.

ROLL CALL

Karel Dolnick; City Clerk.

CITY OFFICIALS PRESENT

About 11 others, including the press, were present.

Councilpresident De St. Croix began with an explanation of the agenda of the meeting. This is a special session with only one item on the agenda, that is Salary Ordinance 75-12, which will set the salaries of elected city officials for the next four years. State law requires that Common Councils in the year of the Municipal primary adopt prior to April 1st, the salaries schedule for the positions of Mayor, City Clerk, and City Judge, as well as members of the Common Council for four years. That is for people who will be voted on in this primary, and with the November elections will start their terms in January. Because it is a special meeting of the Council, and the requirements of advertising and calling a special meeting, the only item for consideration is items that have been advertised, and that is Ordinance 75-12.

AGENDA SUMMATION

Councilman Morrison: I move that Ordinance 75-12 be introduced and read by the Clerk in its entirety. The motion was seconded by Councilman Ackerman. The motion was passed by a unanimous voice vote of the Council. Salaries Elected Officials

LEGISLATION FOR DISCUSSION/
VOTE
Ordinance 75-12

Councilman Morrison moved that Ordinance 75-12 be adopted. Councilwoman Davis seconded the motion.

Councilpresident De St. Croix: I would just like to point out at this time, as we enter discussion, that the Ordinance we have before us, are the recommendations of a citizens commission, that was requested to look into the area of the salary schedule of the elected officials. The commission appointed was bi-partisan, as a matter of fact carried a majority membership of Republicans in so much that this Council is primarily Democrat, in order that we might take avoid some of the political questions that might be involved otherwise. We go from here.

Councilman Towell: Well, I think there are a number of important considerations, I've given you a memo on mine. The one most important to me, is the City Judge position. The City Judge actually spends 3/4 of his time with the small claims court, and the figures in the memo which start at \$20,250.00 are simply adding a half to the proposal.

I don't feel strongly about those figures, but I do feel strongly about a salary for a 3/4 position. On the salaries for Council members, we have two principles possible. We can either make it a public service position with a nominal salary, and I think in that case it should still be more, or it should be compensation for time spent. I don't know what to compare the Council position with, in terms of city government, or elsewhere to make compensation. I think the previous commission did try to make compensation. The ratio of their salary of \$3,500.00 to the then-starting salary of the Mayor, of \$18,500.00, which has been incremented through the years, was five point three times. If we multiplied it out for the proposed beginning salary this time, that would be a salary of \$4,250.00, so by the standards of the last commission, the salary of Council members should be \$4,250.00. I think it would be fairer, in terms of compensation, since the Council comes close to being a half-time position, even if we stick to legislative matters. One might use the standards for department heads, or professional people, and come up with a higher figure, I'm not proposing that, but I'm pointing out that is, perfectly reasonable. The social effects of the Council position are important because we'd like to have a broadly representative body, for the legislative body, and we come to the question, who can afford to serve? I think we ought to come closer to a salary of compensation, in order that people can really afford to serve. Community service means "Community Service" to a small amount of people, it is too costly for others. Some people would serve if the salary were a dollar, but I don't think they would be representative of the community. On the matter of the Council president receiving extra salary, I think the president should be one among equals, I deplore the situation where the president is used nominally to voice an opinion on every subject, regardless of whether it is his interest or not, as a figure-head for the Council. That is not a criticism of this Council. So, I would try to make the salaries equal. I would also suggest increments for the position of City Clerk, since we do have this thing called inflation. This salary has been and is terribly low, and maybe we can help this through increments. Those are my sentiments, and my proposals are listed here on the sheet (included at end of minutes). I would like to make them into amendments, or try them out on you when the time comes.

Councilman Ackerman suggested as a method of procedure, to consider the salary ordinance in a series of sections, rather than as a whole. Each position would be decided upon, before moving on to the next position. He made this into a formal motion, that the question be divided by salary structure. The motion was seconded by Councilwoman Zietlow. The motion was passed by a unanimous voice vote of the Council.

Council president De St. Croix announced the first position for consideration was that of the Mayor.

Councilwoman Zietlow asked a general question of what had happened at the salaries hearing. Was there a unanimous report at the hearing, was there a minority report, or majority report, or what?

Councilpresident De St. Croix explained that the Committee decided among the membership, concerning what procedure would be made. They decided not to publish any vote, and work for a unanimous report. They also decided on those positions where there was a minority position, that these feelings would be indicated in the report. It is my understanding, that it was the feeling of the members of the Committee that they were very pleased with the results in terms of content of the report, and also the way it was written and the way it was stated. Some members of the Commission chose to act otherwise afterward, and I suppose that it a matter for the Commission to deal with.

Councilman Behen brought it to the attention of the public, that this Ordinance was not reviewed by only the Appropriation Committee of the Council, with recommendations etc.; it was rather considered with input from all the Council members. This being the case the need for a Committee Report on this Ordinance was waved as a superfluous document.

Councilpresident De St. Croix reiterated this point, indicating that the Council was acting as a Committee of the whole in considering this Ordinance, rather than assigning it to a specific Council Committee.

Councilman Fix: Just for openers on the Mayor position, I would like to state I think it is time the Mayor notget involved in legislative matters.

Councilwoman Zietlow replied, I think it is high time he did.

Councilman Towell moved to approve the Mayor's salary as stated in the Ordinance. The motion was seconded by Councilman Ackerman.

Councilman Fix stated that he felt the salary should be set at one figure for the entire four year period under consideration. The Council has no way of knowing the rate of inflation for the next few years, and the method of setting increments which leave the final salary at \$25,500.00 was seen as unnecessary.

Councilman Morrison concurred on this point with Councilman Fix, stating he also wanted to set the salary at a fixed rate for the entire four years.

Councilman Behen stated if this is the feeling of the Council, then the Council is faced with the easiest problem facing the Council all year. The simplest thing to do would be to take the suggested salaries of all the positions, add them all up, and divide them by four.

The motion to approve the suggested salary as written failed by a ROLL CALL VOTE of AYES 4, NAYS 5. NAYS: Morrison, Mizell, Behen, Fix, Zietlow. Comments were made by Councilman Behen during the voting, concerning the procedure. He expressed confusion over what was being voted upon, and the possibility of having

amendments made, as opposed to passing the salary as stated in the Ordinance.

Councilman Fix moved that the salary of the Mayor be set at \$23,500.00 for the entire four years. Councilman Morrison seconded the motion.

Councilman Towell stated that there was a tendency to set the salary lower when the salary is the same for four years.

Councilman Ackerman spoke against the amendment, favoring the method of giving increments. He stated that given even an uncertain amount of inflation, that the increments listed would in fact result in a salary that was in reality the same in terms of buying power, and in that sense set. He noted the end salary of \$25,500.00 did sound like a rather large salary, and was high in terms of second class cities, but reflected that the job of Mayor has appreciably increased in scope and responsibilities, and this factor should be seen in terms of salary.

Councilman Morrison suggested that the salary of the Mayor be raised to \$24,000.00 as set for a four year period. He noted that the Mayor could reap the benefits of the increase at the beginning of the four year period, and saw this amount as fair and equitable. He proposed this to Councilman Fix as a friendly amendment to the previous motion.

Councilman Fix withdrew his motion, and Councilman Morrison withdrew his second.

Councilman Morrison moved that the salary of the Mayor be set at a flat rate of \$24,000.00 for the four year period. The motion was seconded by Councilman Behen.

Councilwoman Davis questioned the rational of setting the money at a flat rate, if the end amount remains the same? She noted that if the salary were given with increments, at least the Mayor would feel like he was getting a raise, which with inflation, we can all use...

Councilwoman Zietlow expressed the same question...

Councilman Behen stated, why don't we put the shoe on the other foot? Why is it better the other way? If we get used to living on a set income...why must we feel the necessity for a 5% increase for elected positions? Must we assume this? I don't think so. I think we are making a mountain out of a molehill with this. I will be happy to do it either way.

Councilman Ackerman asked whether the Council members intended to freeze the salaries of all the positions in the Ordinance?

Councilman Morrison replied that appointed officials could be given increments, but that elected officials should be given set salaries.

Councilman Ackerman said he didn't see why.

Councilman Towell stated that one advantage of fixed salaries, was that it raised expectations at the beginning of the term, and then in the later years would have to look for extra money somewhere else.

Councilman Fix: I would submit, and I think that businessman Morrison would agree, that \$24,000.00 given at the beginning would give the Mayor more in pocket money, than increments.

Councilpresident De St. Croix stated the Mayor would also get a larger tax bite.

Councilwoman Davis stated that she hoped we would not go the way of the Mayor of Terra Houe (Reading from memo), where the Mayor receives 2% of all the salaries of all city employees for his use, and then the \$4,000.00 called Civic Promotion Fund, talking about getting money from other places...I know if inflation increases he would get more money by starting with \$24,000.00, but it seems better psychologically with the increase, as the Committee recommended.

Councilwoman Zietlow remarked concerning the Mayor of Terra Houe, stating that the Committee tried to get information concerning the fringe benefits of Mayors from other cities, and facts were received from Columbus and Terra Houe, as a basis of comparison. They compare favorably with ours, when you consider the total salary of the Mayor, and I would refer you to this memo.

Mr. Tom O'Brien, spoke from the floor, suggesting that the Council do as the Unions do, and install an escalator clause, cost of living, then you won't have to worry about inflation.

Councilpresident De St. Croix: I don't think that is allowable under state law. I think we have to give a set figure for each year.

Councilman Ackerman, to quote Councilman Behen, I think we are making a mountain out of a molehill, and I'd like to call for the question.

Councilpresident De St. Croix commented, I think setting a flat rate seems to be a simple solution to a difficult question, and we are going to face this as we go through all these salaries, in so far, as the only person at this table who has had the wisdom not to seek an elected position, is seated to my left, and as stated what I might state an interesting editorial in tonight's paper, the intent to put the pressure on elected officials in making these decisions. I would hope the Council would be making these decisions in some sort of practical or realistic base, I don't think a flat rate is realistic. I don't think Mr. Morrison would set a flat rate for his salary for a four year period, I don't think that I would, choose, if had some way, I don't think the Unions would set wages the same for four years. I think the cost remains the same, things cost more money. I don't think a thousand dollar incremental is unreasonable. I think in terms of taxes, and with the ongoing costs the way they are, we are talking about the same amount of money, I think in parceling the amount over

a four year span in such a way to allow somebody an ongoing spending power. I think that Councilman Towell's point is a fair one, I think a graduated basis is realistic, and the merit of a flat rate escapes me.

Councilman Fix: I see no difference between a flat rate for years, or four figures for four years, they are all flat rates, they are all fixed.

Councilwoman Zietlow commented that the Council was being called upon to set their own (hopefully) salaries, and that of the Mayor's, and she stated that she did not feel it was a conflict of interest to carry out her Councilmanic duty in this respect.

The motion to set the Mayor's salary at \$24,000.00 at a flat rate for four years passed by a ROLL CALL VOTE of AYES 5, NAYS 4. NAYS: Zietlow, Davis, Ackerman, De St. Croix.

Councilpresident De St. Croix next called for a motion concerning the salary of City Clerk.

Councilman Fix suggested that the Council instead consider the position of City Judge because previous discussion had revealed the position was in a period of transition, and this might affect the position of City Clerk.

Councilpresident De St. Croix asked the Parliamentarian whether this was possible under a divided question. Upon an affirmative answer, with the concurrence of the Council, it was decided to consider the position of the City Judge as the next item of business.

Councilwoman Zietlow moved that the salaries of City Judge be approved as written, 1976; \$13,500.00, 1977; \$14,000.00, 1978; \$14,500.00, and 1979; \$15,000.00. Councilman Ackerman seconded the motion.

Councilman Towell moved that the salary of City Judge be set: 1976; \$18,250.00, 1977; \$19,000.00, 1978; \$19,750.00, and 1979; \$20,500.00. Councilman Ackerman seconded the motion. Councilman Towell said he suggested this increase because the position of City Judge was now a three-quarters position.

Councilwoman Davis responded that she understood that present City Judge Andrews was on the Committee, and asked whether he had expressed any sentiments as to the position now being a three-quarters position.

Councilpresident De St. Croix replied he was not sure exactly of the opinions of various members of the Committee, but he did know all members of Citizens Salary Committee did agree upon the final rate. I didn't take notes on what different people felt, the Committee felt that individual opinions were not what the Council wanted, but rather a Committee action.

Councilman Ackerman asked City Clerk Dolnick her opinion as to how many hours the City Judge puts in a week.

City Clerk Dolnick: If you want my frank opinion, I'll give it to you. I do think it is ludicrous to call this a half-time position. The Judge spends far more time than what you would call a half-time position. From my being there and working with him, and hearing him make comments, I did discuss the salary with him, and I believe he did feel the salary should be a little higher, and I think he feels the position is worth more than what was recommended.

Councilman Morrison; I think if as Al (Towell) says it is a three-quarters position, I think we may as well go full time. At the salary Al (Towell) has suggested, it is more than a three-quarters position.

Councilman Behen: So many times when positions in the City are considered, as the salaries are tonight, and people throw 5% around rather handily, all any of you need do is a little arithmetic, and you see 5% or what increase % you are talking about in this position. I was all in favor of voting to work the City Judges position up to \$15,00.00 level, which I felt, because he still can practice law, which the other Judges cannot do, he still can derive additional income. But we are going beyond 5% by some good three or four times by what we are being here asked to do.

Councilwoman Zietlow: I think it is important to realize that the duties of the City Judge have increased considerably over the past few years, with the institution of the small claims court. I think Judge Andrews does sit and hear most of those small claim decisions. I have sat in and heard some of the hearings which take several hours, for a small amount, but it obviously a big claim on time, which adds, and makes the salary not comparable to the one voted on four years ago. The position really has altered in its nature.

Councilman Ackerman: I am in sympathy with the intent of Councilman Towell's motion, and I'd like to support it, but now I'd like to request that the Council adopt a consistent posture on this, since my vote was overruled on the Mayor's salary, could we amend the amendment to a level salary throughout.

Councilman Towell as the mover agreed to amend his motion to a set salary of \$19,250.00 over the four year period. Councilman Ackerman agreed to this as the second.

Councilman Morrison stated that according to his way of thinking, number one, any person seeking an elected office, knows what the salary is going to be, how long the term is before he ever seeks the office, therefore there is no way you can say what is, is this comparable to what he is going to make in private life. This person has chosen to seek the position he wants, be it Mayor, Judge, whoever it is. They themselves know what their capabilities are, compared to what they make in private life, so therefore

I don't feel like any decision I make here tonight is detrimental to anybody. I am just going to make a good common sense decision, that is what I hope to make.

Councilman Behen; As usually the case, I have, after listening to the Committess as to what they passed on to us, the degree to which we have above the increase, is ignoring the increase they have passed on to us. I'd still reiterate that full-time judges salaries, and that is what we are approaching, that salary which is what we take at \$19,500.00. I had high hopes of getting the Judges salary up to about \$15,000.00, or therabouts, but I certainly was not thinking of the degree of what we are speaking aboutnow, especially in that he is still allowed to practice law, within the community.

Councilman Fix: I'm glad we got it down to one figure, but the next thing I want to discuss is the fact, that by this level we are recognizing that this court has almost full jurisdiction, and I don't think it has full jurisdiction, or that it should be. At least it shouldn't be by our actions here, if the state wants to make it full jurisdiction fine, but I don't think we should do it here. I think a small claims court might even be damaged by raising the salary to that point. I think it is exactly a small claims court, and it should be kept that way. I think it is a court of equity, rather than a court of alot of nickel research that needs to be done outside of the courtroom.

Councilman Mizell: Was there any discussion at all during the Committee hearing about the time that was allotted for the City Court?

Councilpresident De St. Croix: Yes, it was discussed whether or not half-time was adequate, why the current Judge spending so much more time than in the past by other Judges, and Judge Andrews indicated very strongly that he felt that allowing a big backlog is detrimental in a City Court, and detrimental not only in citizens being able to have problems solved, and also in terms of their attitude toward the justice system. If people have to wait for the wheels of justice to turn, for an extended period of time, that people tend to develop a sense of distrust and disrespect for the judicial process. I think we are getting into too many arguments.

Councilman Ackerman: I must confess, that even though I seconded this amendment, and even though I do think it is a fair salary, that I did gasp at the results and would almost have to push for the conclusion, that if we did pay the City Judge this kind of fee, it should be a full time position. I don't think the Council should make that kind of move. I don't think it would be fair to the candidates themselves. Maybe when they filed they expected to be able to continue their own practice. I would like to propose a flat fee of \$16,000.00 for the four year period with the acknowledgment that this is a part-time position. Councilman Fix seconded the motion.

Councilpresident De St. Croix: I wonder if I may point out a few things. First of all, it is my understanding that the salary of the Circuit Judge is \$22,500.00 a year. Is that correct? It was affirmed from the floor to be under \$30,000.00, but somewhat higher than \$22,500.00. Secondly, it is also my understanding, the state legislature has demonstrated their ability to keep the inertia of government going, has been considering the dissolution of JP courts, Municipal courts, and rolling them into a new County court, which could conceivably mean that this position, in the foreseeable future would no longer exist. I think those are a few facts people ought to keep in mind.

Councilwoman Zietlow: Is it accurate that the present salary of the City Judge is \$13,000.00? It was given from the floor as \$12,500.00. She further noted the large difference with the proposed salary of \$19,500.00, and reflected upon the amount of commitment involved.

Councilman Mizell: I would like to agree with what Councilman Ackerman has said. I think we should set a flat figure for the four years, but I would like to speak against the figure of \$16,000.00, and rather do the same as we did with the Mayor's salary and average what the four years amount was, which comes out to \$14,250.00, which gives us the same total figure.

Councilpresident De St. Croix noted that we had several motions on the floor, and suggested we clear the floor before accepting any more motions.

Councilman Ackerman called for the question.

Charles Hendricks, citizen, spoke from the floor. I happened by chance to attend the state legislature on the day they were debating the bill to create these new County courts, if the bill is passed. The proposal was to set the salary of these County court Judges, who would have the same jurisdiction as the Circuit court Judges, at the same salaries. This will not take effect until the end of the term of the coming four years judges, but I think you should take this into consideration. I think the time that the person puts in should be taken into consideration. If the City court Judge is putting three-quarters of the time of the Circuit court Judge, I think he should be paid three-quarters of that salary, if it is half, then half of what the Circuit court Judge is paid. I think you might want to consider what the State legislature is looking at it as...

Councilpresident De St. Croix: We would also be assuming all the duties of the Justice of the Peace...

Charles Hendricks: There would certainly be more duties...

Council president De St. Croix: And their jurisdiction will certainly be broader, as Councilman Fix pointed out, the weight and stature of the court will alter...

Charles Hendricks: Right, so I certainly am not arguing they be paid the same as the Circuit court Judge. But the proportion of duties that he performs should be dealt with, and the point I am trying to make, is that the State legislature feels that the work a City court Judge does in small claims is equally important, and should be equally well paid as the Circuit court Judge. While the City court Judge does less than the Circuit court Judge, he should, while he is working, have the same hourly pay.

Councilman Morrison: I can't see the time factor being involved so much in this position. If we are going to attach so much importance to it, let's take the position of the City Council and the Mayor. We spend an abundance of time making the legislative laws, and the Mayor spends an abundance of time governing the City. So I don't see where that Judges salaries, should be more than a Mayor's who runs a multi-million dollar corporation. That is the way I see it.

The motion to set the City Judge's salary at a flat rate of \$16,000.00 for four years failed by a ROLL CALL VOTE of AYES 3, NAYS 6. NAYS: Morrison, Mizell, Behen, Fix, Davis, and De St. Croix.

The motion to set the City Judge's salary at a flat rate of \$19,250.00 for four years failed by a ROLL CALL VOTE of AYES 1, NAYS 8. NAYS: Morrison, Mizell, Behen, Fix, Zietlow, Davis, Ackerman, and De St. Croix.

The motion to pass the salary of the City Judge as presented, 1976; \$13,500.00, 1977; \$14,000.00, 1978; \$14,500.00 and 1979; \$15,000.00, was again presented for consideration.

Councilman Mizell moved that the salary of the City Judge be set at \$14,500.00 at a flat rate over four years. Councilman Morrison seconded the motion.

Councilman Ackerman: It seems to me that supporting this motion is disregarding the drastic change in the position, since it was established four years ago by Judge Andrews, who since he is not running next term, and therefore is qualified as a disinterested party, I think his opinion should be regarded. Clerk Dolnick has already told us, that this is more than a half-time position. We are simply saying that the business of City court, we are in a sense, the actions of the Council are undercutting the additions that the Council has made to the City Judge in the last four years. We are in effect saying the pay should remain the same as for position when it was four years ago.

Councilman Fix: In various circles of the legal profession, the use of a City Judge is determined alot by the Judge himself. Alot of the time is going to be set by the Judge, and whether the time is half or full time is going to be up to the Judge on how they are going to handle that court. It could be that no one will choose to go to that court,, they may choose to go to a different one. I think when they decide to run for a Judge, they are deciding to do the job, whatever time it takes, and they had an idea of the work when they decided to run for office.

City Clerk, Karel Dolnick: May I add? We are seeing an increasing amount in small claims court, even since I've been there. It is increasingly becoming more demanding, both on my time, and on the part of the Judges. We are having more and more cases filed all the time. The work load is increasing tremendously, not only in the last four years, but in the next four years we are also going to see a tremendous increase. Things are really moving in the small claims court.

Councilman Ackerman: In the light of our discussion, I would also point out that if the Circuit court Judges make in the area of \$27,000.00, we should also pay the City Judges something that adheres to the principal of someone who sits in on court getting the similar type of pay, for their time. If we do pay \$14,000.00 we are in effect paying him half of the Circuit Court Judge.

Councilwoman Zietlow: It seems to me if we are going to have to hire an assistant to the judge, it will cost, if the Judge cannot be paid an adequate wage to the Judge himself. (total comment inaudible)

Councilman Mizell: The distinction, as I understand it, I may be wrong in my understanding, is that the reason that it is a half-time position, is that it is not in fact a full court, that there are only certain types of cases that can be presented. In a Circuit Court or Superior Court, they cover the full range of legal problems.

Councilman Towell: But the types of cases it does provide for, are the most numerous. I would consider a vote for this amendment as a vote against the small claims court.

Councilman Ackerman: I agree.

The motion to set the salary of City Court Judge at \$14,500.00 passed by a ROLL CALL VOTE of AYES 6,, NAYS 3. NAYS: Towell, Zietlow, and Ackerman. Comments were made during the voting by Councilman Fix: I would like to explain my vote here. I am going to vote yes, and in no way do I think this is going to destroy the small claims court, as I said before, it might go the other way. As courts become more sophisticated and organized the small person walking in with a small case feels out of place. I

feel as we get more organized with the higher courts, we are going to be less of service to the small person. Councilwoman Zietlow also commented, voting no, and adding she did not feel it was a vote against the small claims court.

Councilman Behen: In the position of the City Clerk, we do have a precedent to go by, and if we could follow the recommendations of Councilman Towell, which I would support, but to break it down and do the same thing which we have done in the two previous situations, and get an annual pay, and again not make it a changing salary, if someone would come up with the average of what that would be, I would like to make that a motion. It was ascertained to be \$10,250.00, and made into a formal motion. The motion was seconded by Councilman Ackerman.

Councilpresident De St. Croix called for discussion on this salary.

Councilman Behen pointed out that we could get into the very same discussion on the very same points, that we have the two previous, and I feel this brings the salary of the City Clerk on the level I feel it should be, and I find it almost unforgivable that an elected official is being paid less than the Mayor's secretary at this time.

Charles Hendricks spoke from the floor, I would like to know, what was this the average of? How did you determine this figure?

Councilmembers informed Mr. Hendricks that the figures came from the suggested salaries indicated by Councilman Towell in a memo to the Councilmembers on this position, which amounted to a \$500.00/ year increase from the amount suggested in the Ordinance, and the average of these figures came to \$10,250.00.

Charles Hendricks: I would like to suggest that a higher salary be set. In particular, I think it should be set at least at \$10,500.00, which is the state average (actually \$10,535.00). When you are setting the salaries for the other positions, particularly the position of Mayor, you are setting the salary \$4,000.00 higher than the average for second class cities. It seems to me, in the discussion for the salaries for Councilmembers, the proposal was to set it higher than the average, not much higher, but higher the average for second class cities. Yet for Clerk, you set lower than the average. It seems to me this is an anomaly, and I don't really understand, and I don't think it is justified, and I think there is one point which ought to be made on this, and perhaps...there are two women who are running for this office, and there are no other offices which are just women candidates, and I think it would be very poor of the City Council to set the salary below the state average for that one office which is women candidates, and above for those with male candidates.

Councilman Fix: On the state average for a Mayor's salary, that in no way reflects the in pocket money which the Mayor gets, we got them from Terre

Haute and Columbus, in the way of fringe benefits. The Mayor is entitled, if there is no Utilities Service Board, a portion of all the bonds, and everything that is left for utilities. This does not show up on any Mayor's salaries. That is not the case in Bloomington. That is one reason we can justify it, but I don't like the idea that our Clerk is paid less than a County official, what is the lowest they have? About \$13,500.00? I think if you want a really successful small claims court, I hold it is held in the hands of the Clerk not the Judge.

Councilpresident De St. Croix: I would like to point out one thing, in relation to Mr. Hendricks' observations. I would assume that the Council would not be making decisions based on the sex of the person holding office, running for office. There are women running for the office of Mayor, there are women running for the office of Common Council, and I don't think that has entered into our consideration. I think to say the least a specious argument.

Councilwoman Zietlow: We have been trying somewhat hopelessly to get a somewhat equitable wage scale in the city, and I think the salary of the City Clerk should be considered in relation to other jobs in the city. She definitely has a very responsible position, and is in an administrative position in many ways, and I think should be on par with the highest paid secretaries, which is at least \$11,000.00.

Councilman Behen: I agree. I will accept a friendly amendment, because I have firsthand seen the frenzied activities of the small claims court. The responsibilities are not small, and I realize that.

Upon agreement between the mover, Councilman Behen, and the seconder, Councilman Ackerman, the motion now stands as amending the salary of the City Clerk to a flat rate of \$11,000.00 for a four year period.

The motion passed by a ROLL CALL VOTE OF AYES 9, NAYS 0.

Councilman Behen: As has been the case in all the previous positions we have discussed, could we go down down the line and express the way we feel, and why we feel that way, and then suggest motions. We could argue all night on positions we covet as our own. I am somewhat upset in seeing so few people seeking office, for the particular job that we now occupy, in that I think they of themselves ought to have some input and some degree of responsibility, but they apparently thought otherwise. Would that be in order, instead of another hour of arguing?

Councilpresident De St. Croix: The chair is willing to entertain suggestions like that. Is the Council willing to follow that procedure?

Councilman Ackerman: In order to standardize what we have done on the other positions, I would like to move that we take the average of the suggested figures, which is \$3,150.00, as the set salary of the members of the Common Council for the four year period. Councilwoman Davis seconded the motion.

Councilman Behen: Quite obviously we are not going to follow any format that I might have

suggested. I would like to express my feelings on this particular area we are dealing with, because it will affect some of us, we hope, if we are re-elected. I have always felt the position of Councilperson was an honorarian position, that it was a great honor to serve the community, and the amount of money paid the person was a pretty insignificant thing, in regard to the remarks of the quality of people that you are going to attract, well we've got enough people attracted into running for Council this time, as is usually the case. I don't think that has any validity, as to the quality of people who will be attracted to seeking the office of Council. The one thing that does frighten me to a greater degree, is that we are getting into an area that is mighty close to some people's total income. Are we bordering on, what was laughingly referred to as a full-time position? Do we want a City manager instead of a City Mayor, and let's get those offices of Council open for nine people. I don't think the community is ready for it, and I'm certainly not. I talked to a man last week who makes less than \$200.00 a week, and he was told that his pay would be cut by \$41.00 per week, or else shuffle out the door. The guy has been working there for eight years. There is no question in my mind, that we are in a very difficult economic situation, and I think if we can save the taxpayers some \$30,000.00 odd dollars, through the next few years, we ought to do it, and serve with honor, and pride, rather than be so all-fired worried what the remuneration for the job, and the compensation for the job might be. I feel very strongly on that, and I will not support any motions to up this to double what it is now.

Councilman Towell: I pointed out in my opening remarks, that we might talk about public service, as the basis for compensation, or compensation for time spent. Those are two possibilities. If we speak in terms of public service, as the newspaper has, and the Committee has, then we have to ask, who can afford to serve? I watched the previous Council reject the \$3,500.00, as was suggested by their blue ribbon advisory. As I looked across the board I saw as they rejected it, that they could afford to be paid a lower salary, but I would like to see a Council that is representative of the community, and I think we have to give some compensation along with service, or else people can't afford to serve, who should be able to serve, including some of the candidates perhaps. If public service we still have to face the question of who can afford to serve, I'd say then why argue \$1,500.00 or \$3,150.00 or whatever, if you want that kind of people why not make it a dollar?

Councilman Fix: Some people might have thought I said it in jest when I said that the Mayor should stay out of legislative functions, but that is not too much of a jest. When you look at the amount of things the Council has to deal, and vote upon, almost everything that happens in the City the Council has to vote upon, in fact one of the candidates put that in his display ad. I think this Council has been known to spend a lot of time, and will spend a lot more time in legislative matters, a lot of the time it is because the administrative arm of our

government wrote our legislation, gave it to us, then we had to figure out what in the world it was all about. I submit that the legislative body should develop their own legislation, and to do so takes a tremendous amount of time, and I think time spent that way is going to save the City a lot of money, and the money is well spent. I think the Council should be paid as high as the County Commissioner, and the County Commissioner is underpaid. I think the Council spends more time, does spend more time than the County Commissioner. I am in favor of just compensation.

Councilwoman Zietlow: Even if this were considered a token salary, the value of a token has also changed in view of the inflation. What really has changed in the City, the roles of the Council have changed in regards to what they are allowed and required to do in terms of state law. Councilman Fix has stated that the Council has a responsibility and a duty, to create its own legislation, and a major part of the Council's contribution has been to create its own legislation. I think this is unusual, and I think if the Council continues to function in the City of Bloomington in this manner, is not comparable to many city councils in this state. It has taken on itself the duties given it by state law, unlike many of the other cities. I think to assign it a token salary, and say to the Council we want you to be a token, to be a rubber stamp Council, I think that indication is quite clear, and it certainly has been taken quite seriously by many Councils in the state in the past. I feel fairly strongly that the Council should be supported at least, even tokenly in some fashion. As I pointed out in my memo, even a much higher salary would not compensate for the time we have put in. That is not what we are asking, and not what we are suggesting, that anybody be repaid for the time spent, but I think in the society we do live in, we do recognize monetarily, or on larger or smaller tokens, our respect. I strongly suggest we pass a reasonable salary.

Councilwoman Davis: If I recall correctly, one of the reasons that salaries of members of the Utilities Service Board members was set at \$2,000.00 a year, was so that we could, quote, get people who would serve and be willing to give their time, am I correct? I think if you expect Council people to serve a large amount of time, I think they shouldn't lose money. I don't see the point of setting say \$2.00 or \$3.00 an hour, but I don't think the person should lose because they serve. Speaking as a woman on this Council, if you have children, or if you want women to serve, I do believe the City does have a number of women. I think they are responsible for the care of their children, and I think to come to meetings, and participate, they do have to provide for child care, and that is not free. I don't see being reimbursed in a large amount, but I do think we should break even. I would like to break even.

Councilman Ackerman: Could the Council define child care? Could the Council members be given token payment for this service, or something like that? Councilman continued to read from a memo which he submitted to the Advisory Commission. (text included at end of the minutes)

Councilman Morrison: I would merely like to echo what Councilman Ackerman has just said. This salary (\$3,500.00) was proposed four years ago, and an interesting point of view. Four years ago our economy was fantastic. I wonder what the editorial was four years ago when this was proposed? as opposed to what was in Mr. Schraeder's editorial today? I think it might be interesting to compare them.

Councilman Towell moved that the salary of the Councilmembers be set at a flat rate of \$3,500.00 for the four year period (as suggested by the Blue Ribbon Advisory four years ago). The motion was seconded by Councilman Fix.

Councilpresident De St. Croix: I would like to make an observation as a member of the Council. There has been a lot of discussion here tonight, in the media, among people of the community, I have talked with, and I think a couple of things come to my mind. The concept of public servant does not encompass the term lackey, slave or somebody you milk for service that is unreasonable. \$1,500.00 has been the salary of the Council for the last eight years. We have heard a great deal about inflation, the cost of living, and the like, we have heard the pro and con argument of whether or not people can afford to serve at a rate of \$1,500.00 a year. It has been pointed out that it has not stopped a healthy number of people from seeking the support of the people of this community for the position of Common Council member. I don't believe the members of the community are interested in penalizing people for serving this community. It has been my experience that the people of Bloomington have always felt that they wanted to reward people for helping this community. Now that reward is not always monetary, sometimes it comes in the form of seeing someone on the street and saying hey, that's a good man, he's done a lot for this town, or hey, that's a good woman, she's done a lot for this town. But I think this Council has established an important role for the Common Council. We are not a rubber stamp for the executive branch of the government. I think the people of the community, regardless of their political persuasions, or their philosophical views, feel that they can come before the Council and they will be heard. They may not be agreed with, but they will be heard. They may not get enacted the point they are trying to make, but they will be heard. I think they also know that decisions are made with public participation, in the open. I think anyone who has attended a Council meeting, knows this Council does not come rolling in here with their minds already made, and then sit for three or four hours and do it for the heck of it, to convince people that their minds were not already made up. I've sat in here in meetings and watched decisions go back and forth, by the minute; we have done it tonight. I think it's also important

to point out, that every citizen has four members of the Council to be directly responsible to them. This is the member of the Council that is elected from their district, and the three at-large Council members. Every person has at least four members to represent them. I think that means that the function of the Council is a very important one. It means that we have nine sets of ears, nine telephones to call, and nine people to stop on the street to get your point across, to try to bring about a point of view, and be heard, to try and get action. This Council is responsible for acting on all matters concerning money, all matters concerning the laws of this community, all matters concerning policy that is enacted through the administration of this city, to carrying out the actions of this Council, in deliberating the issues and the priorities set before it. I think the position of Council member is as important as any other position within City government. I am not saying that the position should be full time, there are many members of this Council who have for more than one week in a row, have essentially worked it as a full time position, in carrying out their responsibilities. I don't think they did it for the fun of it, I think they did it because they are trying to be responsible. I don't think anyone is trying to make a profit off of this position, but I do think that people should be compensated for the time involved. I don't believe that \$3,150.00, \$3,500.00 is out of the range of a reasonable salary rate for people who are willing to listen, and to act, and to act in the best interests of everybody in the community. I think it is an important safeguard for the people of this community, and it guarantees that no small group of people, no one person, is going to make the decisions for all the people of the community. You people ought to keep that in mind.

Councilwoman Zietlow: I have a figure, the difference between the recommended salary of \$3,150.00 per year and \$3,500.00 per year, times nine times four would be \$12,800.00, which would be one point four cents over four years, which would be point three cents, which for a house my size, it would be, let's see... It would mean something like seventy cents a year for me.

Councilman Ackerman: I would just like to add, that in my memo to the Blue Ribbon Advisory, I began the pay with \$3,500.00 and ended with \$4,000.00, so I would be in support of this amendment.

Councilman Towell: I think I am proposing a very minimal figure.

Charles Hendricks, speaking from the floor, I think it would be nice to hear someone from the floor speak. I would like to say that sometimes people think when the "Herald Telephone" speaks, the City of Bloomington speaks, and I don't think that is true at all. I think that there should be a variety of opinions on this issue, and I think we have heard a variety of opinions from the Council. The success of the Council members on the past elections, indicates that the City is behind them, and I think the City is behind the Mayor too.

The motion to set the salary of the Common Council members at a flat rate of \$3,500.00 for the next four years passed by a ROLL CALL VOTE of AYES 8, NAYS 1. NAYS: Behen. Councilman Behen commented during the vote, Being branded as a rubber stamp, I shall vote no.

Councilman Ackerman moved that the Council-president's position be given an additional salary of \$400.00 over and above the salary of the other Council members. The motion was seconded by Councilwoman Davis.

Councilman Behen: We are all aware, or we should be, of the responsibilities of the president of the Council. I just don't see where the long discussion will resolve much of anything in our minds. I'd like to call for the question on it.

Councilman Ackerman: I do think Councilman Behen is right in that. I know three of us could speak a little bit to that. I can appreciate Councilman Towell's feeling that the president should not be the sole speaker for the Council, and I think we have consistently tried to do that. I think now with the Committee system, we are having responsibilities spread out a little more, so that Committee Chairmen do get called a little more on issues, but I do think the office of president involves extra work, there is just no getting around it. It will always be the case, and may anyone who votes against this, may I wish that he become president.

Councilman Towell: My comments are not a campaign speech, for president of the Council. I know the Council-president spends alot of time, but so do other Council members. We have spoke to the level of legislation, and I know when I was engaged in developing one rather large piece of legislation, I spent more than full time. There have various times when we have all spent that kind of time. So I really disagree, and I do think that pay in our society is a badge of respect, and this is more symbolic than actual remuneration. I oppose this, I am not about to set up some kind of symbol.

Councilwoman Zietlow: I owuld like to support Councilman Towell's statement, especially in legislation. I know as president of the Council I did feel that I did have just so much time, and that I did have to devote it to administrative fiddling, and couldn't sit down and concentrate very often on just working through one project or another. So I think his point is very well taken.

Council-president De St. Croix: I agree with Councilman Ackerman, that being president of the Council is a tremendous responsibility, not only in terms of expectations and trust that other members of the Council place in you, but also in terms of day to day things, interms of what is going on, who is doing what,

trying to mediate conflict, concerns, set up meetings, put people and information together, keep an ongoing information flow with various city departments and the Council, etc. etc., the number of requests one receives from various groups to sepak and what not, the phone calls...I spoke at the Commission in opposition to the extra pay for the position of president, not because I don't believe the position does not deserve additional compensation for the responsibility, in terms of time, chicken and peas, snickerdoodles one consumes while trying to keep up with the hectic pace, which alone probably cost more than \$400.00 a year. However, I also believe the president of the Council, when he runs for that office, should be willing to assume, should other members of the Council ask them to take on that responsibility. In other words, I believe every member of this Council has whatever responsibility the chair has, the chair's primary responsibility is to be traffic cop, in the Council meetings, trying to keep discussion going, trying to keep people on target in terms of what we are discussing, and trying to bring about some resolutions. I also believe it is the sort of position that should be rotated among the different members of the Council, and I would hate to have the carrot there that would either by raising up the stature of the position, cause people to want to hang onto the position, or what not. Perhaps by being through the hassle of being Councilpresident for a year and not getting additional compensation it will cause people to learn to rotate the position among various members of the Council. But I don't think the president should be set aside from other members of the Council. The workings of the Council are only as good as the workings of all the members, and I think they should all be paid the same.

Councilman Towell moved that the section providing the additional pay for the Councilpresident be deleted. Councilman Morrison seconded the motion.

The motion to delete this section from the Ordinance passed by a ROLL CALL VOTE of AYES 8, NAYS 1. NAYS: Ackerman.

Councilman Morrison moved that Ordinance 75-12 be adopted as amended. Councilman Behen seconded the motion.

Councilman Towell: I find only one action that we have taken very unsatisfactory. In effect, what we have said is that the City Judge, and small claims court, with takling on all that extra responsibilities, has taken on only \$2,000.00 worth of value. I think that is a travesty, and I stick by my earlier remark, taht it goes against the small claims court. By any reasonable compensation, that is a travesty.

The motion to adopt Ordinance 75-12 as amended passed by a ROLL CALL VOTE of AYES 8, NAYS 1. NAYS: Behen. Comments were made by Councilman Mizell during the vote: I do not feel the vote for the City Judge salary was a vote against the small claims court.

There being no further business, the meeting was adjourned at 9:10 p.m.

ADJOURNMENT