

In the Common Council Chambers of the Municipal Building, held on Thursday, September 4, 1975, with Councilpresident De St. Croix, presiding, meeting began 7:30 p.m.

REGULAR SESSION  
COMMON COUNCIL

Present: Richard Behen, Flo Davis, Brian De St. Croix, Wayne Fix, Pat Kinzer, Sherwin Mizell, Jack Morrison, Al Towell, Charlotte Zietlow.

ROLL CALL

There were about 40 others present, including members of the press.

City Officials present:  
Karel Dolnick, City Clerk;  
Bill Wilson, Parks & Recreation;  
Martha Sims, Controller; John Komoroske, Council Attorney;  
Chief Gose, Fire Department;  
Chief Chambers, Police Department; Larry Owens, City Attorney; Frank McCloskey, Mayor; Steve Richardson, Ass't to the Mayor; Leo Burke, Human Resources; Pat Patterson, Redevelopment Dept; Tom Crossman, Engineering; Marvard Clark, Engineering; Bruce Wackowski, Human Rights; Barb Cox, Deputy Controller.

CITY OFFICIALS PRESENT

Councilpresident De St. Croix:  
On tonight's agenda, we have a number of items for consideration. For second reading we have an Honorary Resolution, we have Resolution 75-26, Budget Transfer; we have Resolution 75-27, for Emergency Vehicle Bids; Resolution 75-29 regarding temporary loans; Appropriation Ordinance 75-6, Community Development Block Grant Fund; Appropriation Ordinance 75-8, for the Board of Works; Resolution 75-4, Contract Compliance; Salary Ordinance 75-41; Resolution 75-23, Affirmative Action; Resolution 75-25, Geological Commendation; Ordinance 75-48, Animal and Environmental Control Commission membership; Ordinance 75-50, Bicentennial Commission; and Ordinance 75-47, Descriptive Terms. We will also be considering requests for two Sunday liquor permits, and at first reading tonight we'll have Appropriation Ordinance 75-9; Ordinance 75-51, Zoning; Ordinance 75-52 on sewers; 75-53, Restricted Parking; 75-54 on the Sign Ordinance; 75-55, Permit Fees. First we'll start with Messages from Councilmembers.

AGENDA SUMMATION

Councilwoman Zietlow: Yes. Starting on the 27th of September, Saturday, in two weeks, the International Women's Year Festival for the City of Bloomington will begin. The four weeks of celebration

MESSAGES FROM COUNCIL MEMBERS

are being organized by a number of different groups and individuals throughout the community. As you have read in the newspaper, the Indiana Committee on the Humanities has given the City of Bloomington and their International Women's Year Organizing Committee an \$11,000 grant and the program is extensive and very varied. The first week will be Women as a Historical Force, the second week will focus on Women as an Economic Force, the third week will focus on Women as a Creative Force and the fourth week will be Women as a Political Force. A number of widely known outside speakers will be coming, the Superintendent of Education from Washington D.C.; the Vice President of the U.A.W., Edith Van Horn; Sissy Farenholdt, who ran for Governor in Texas, and a number of other speakers speaking on a wide variety of issues from a wide variety of points of view. It's the intention of the committee that as many people as possible be included in the programs. There will be wide spread publicity; if people have questions they should address themselves to the Human Resources Department. I think the International Women's Year Office in Washington D.C. wrote a letter to the organizing committee commending them for having the most extensive program that they have seen in the country and probably in the world. The Indiana Committee for the Humanities commended the program for being one of the most interesting and broadly based programs that they have seen. Still, there is room for people to participate in the organization, in the last minute details. Also, there will be many opportunities to come to the programs throughout the days and evenings for four weeks. There will be tours to New Harmony, historical tours and so forth. I want to say as a Councilmember, I feel that we should commend the Women's Commission for instigating the program and for involving so many different groups in the community. This is to be an educational effort to make people aware of the participation and potential of women in the community and in the world and I think it is something that is well worth while.

Councilmember Davis: I would read the letter from people in the community. "As a member of the Workable Program and also as a resident o Miller Drive, my husband would like to join me in taking this opportunity to announce to the City of Bloomington that Wednesday afternoon, September 3, work began on the Miller Drive sewers. This has been a dream since 1969. It has now become a reality for the residents of this area and personally, and I think I can speak for all the residents, I would like to say thanks to the Mayor and his staff, the City Councilmembers, the Utilities Director and the Utilities Service Board and anyone else that has made this possible. Our next goal is that every resident in the neighborhood can hook-on to the sewer line and obtain sanitary facilities through our Community Development grants and loans." Signed, Dylan and Jean Maye. I'm very pleased that work has begun on the sewer line. Everyone in the City is pleased about this.

Councilmember Kinzer: I would like to make some brief comments. As you know, when I was appointed to the Council I came on in the midst

of budget considerations and I spent most of my energies in that area. In the process, I learned a great deal about what was going on in various departments. One of the things I'm concerned about now is the matter of communication. We have the process for getting citizen input into decisions that are made by Commissions and by the Council. So often, though, people are aware of what's coming up for action too late to really get the kind of input they would like into the decision. I have received calls from people saying that they don't know why this is being done and why can't I say something about this and why can't I be heard. The answer has apparently been that you've had your chance, it has been through an open hearing and so forth. This is very true, but I think where we are falling down is in informing the public not only of what's coming up but of what the implications are. Our media has done a tremendous job of informing the public about upcoming events and actions. What I would really like to see, systematically letting people know what's about to happen and how it might affect them. The example I would like to use, maybe we can operate on it tonight, we have a large agenda and we have a number of ordinances coming up for First Reading and some coming up for Second Reading. As I understand it, the process is First Reading and Second Reading, in order to give people a chance to respond to ordinances that may be passed on Second Reading. Very often we have First Reading on these Ordinances by title only. This saves a tremendous amount of time and I'm in favor of it but I think it would be a good move to have an explanation of what the ordinance is all about and kinds of implications that it might have for people. I don't know if this is something that we can do informally or whether we need to pass an ordinance that would suggest written into every ordinance, we should have an explanation and brief outline of that ordinance so that if we do read it by title only, we would include that explanation.

Councilmember Towell: I would like to just respond to that comment. It's something that I've been interested in, citizen participation and opportunities for open discussion. One of the things I have been willing to do on the Council is to make a motion, when I hear new sentiment from the floor, so that the Council does consider the point of view, even if I don't agree with it. I just want to say that one disappointment of mine with the Council Committee structure is that often these committee meetings are in private homes or else they are known only to the committee members. I personally, as chairman of one committee, try to schedule meetings about ordinances of wide public interest in the evening in the Chambers, where the public can reach the committee. I don't think that's the general practice. I think that that was the intent when we began. So, I would just like to chide the Council a little on these matters. The other point that I would like to bring mainly to the attention of the Council is the County Council tells me that they are one day from having a final budget for the County. Some of their decisions do effect the City. In particular, one, evidently there is a package more or less agreed on by officials of the City

and the County to have a new County Court in the present quarters of the City Court with what they think is very favorable terms for the City. The reason I bring it up is that they believe that we should give some indication of our feelings about this tonight. Since their last day for budget considerations is tomorrow this might be a good idea. I personally heard about this when it was being made public at a discussion of theirs and I came in and asked quite a few questions. I wanted to know why this was being done, what the offer was, in what way it would help the City, what we might get out of this in the interests of the residents of the City. I think sometime tonight we ought to have a sufficient presentation that we can give some indication about our feelings about this to help them in their budget considerations.

Councilpresident De St. Croix: I'd just like to thank the Council for their strenuous, serious effort in putting the City budget together with the cooperation from the Mayor's Office and their staff, and the Council staff and the assistance received from the various heads of departments throughout the City. Sorry that I couldn't be here for the last Council meeting. I'd like to thank the Councilmembers for indulging, and I'm glad to be back.

Mayor Frank McCloskey speaks from the floor: Thank you Councilpresident De St. Croix. I'd also like to say that it's good to have you back; however, as I indicated to you last evening, Councilman Dehen did an excellent job chairing the meeting this week, complete with the spirit of an opening tirade. I really don't think that anything is lost. In passing, I would like to say that I agree basically with the spirit and substance of several comments that Councilman Towell made both about problems of notice of access to meetings and people more often having a better idea of the decisions pending between the City and County governments. There are numerous things right now that could really affect both the finances and services of City government to say nothing of County government having severe implications over the next several years. One of them is the County/City ambulance service. These problems are so important. We are working closely with County government, the Council and the Mayor's Office, myself. It would be better if we had better, more open and controlled communication. I do commend you for that Councilman Towell. I do think tonight is a very significant and historic night in the areas of human rights, social justice and affirmative action. Without being defensive, I think there have been problems with the City contract compliance and personnel policies. I think we have come a long way as far as social justice and human quality just on the basic practices such as the institution of the human rights attorney, the opening of the Police Department and other departments to regularized hiring of women. It hasn't been as tied down as it should be. It hasn't been as systematic and perhaps it hasn't been as imaginative and progressive as it should have been. With the help of the Council over the last several months, Steve Richardson has done a lot of work in both of these areas,

MESSAGES FROM  
THE MAYOR

Bruce Wackowski, Dee Kelly and various others such as Bill Finch. I think we have two very good ordinances up in these areas tonight. The Affirmative Action and Contract Compliance. I note particularly in the area of Affirmative Action, this is a working and flexible document. I would point particularly to the institution of the Advisory Board, a very independent and broad based Board, to advise the administration and the Council, to hear the public and the employees and to recommend and implement changes in the Ordinance and various City policies as we go. No doubt as conditions change the City administration will also be changing over the months and years. I'm so glad, as a matter of social justice and practicality, that we're moving along in this area. I would note that it does not look only to the concerns of blacks and women, but specifically points out the problems and needs for expanded opportunities in the area of veteran's rights, low-income rights, disadvantaged hiring. I talked with Bruce Wackowski and I think perhaps the problems of the disadvantaged and disabled should be specifically written into our Human Rights Ordinance. I'm sure we'll have further detailed discussion and quite frankly, I'm glad it is getting done. It is an excellent product and document. I'd also note that the words and resolve really mean nothing unless we're willing to administer programs and really fund them. So, if we had language in that document for counseling of City employees, a real concern for their individual motivations and success, in forming education opportunities and so forth. That seems to mean a better personnel, better educational and staff function and probably at least one or two more City employees. I hate to mention the bureaucratic mushroom, but if we really mean it we're going to have to assign personnel in the near future to do it. We prefer to do it and do it right and really have an excellent Affirmative Action personnel system. I'd also like to commend the Council and the Parks Department, particularly the efforts of Bill Wilson and Sherry Mizell over the last two months in working out what I think is a really good neighborhood parks package which does cap off our bond program started some two years ago. I think it does prove that this administration does have a broad based concern in dealing with parks. I'd also note that coming soon as part of the capital developments project will be the decision as to the Winslow Road Sports Complex improvement and expansion and also in passing, that would be a major recreational area for use in the Miller Drive area. Also in line with what Councilperson Davis had to say, I'd like to note that that may have been the third or fourth positive citizen communication in three years and as such, should be cast in bronze. We will be doing appropriation work tonight on the Community Development Ordinance. As it stands now, it just will include salaries as far as the capital projects and decisions as to the social agency funding, I would hope that that would await discussion through the next several days. One problem that we've been informed of within the last week, I believe the Council has copies of Theodore Sendak's opinion that is a sterling example of Hoosier jurisprudence, that we can not fund social service programs with any

City money. I question this. I've dispatched the City Legal Department and others to prepare for the Council a really comprehensive memorandum as to the law and policies. With the Council and myself and really good legal input, I hope that we can decide this question in the very near future. This would have very serious policy implications. If the Sendak opinion holds up, I think we should petition the Indiana General Assembly immediately to be able to provide and help social service agencies in these areas when we have the ability. Other than that, as the night wears on and the months go by, I'd like to commend the Planning Department and Planning Commission and anyone who had anyone to do with the final resolution of the Sign Ordinance. It got a little bit jubilant towards the end with various members of our Plan Commission and Chamber of Commerce working together and I would that attitude and philosophy could continue. Thank you so much.

Councilpresident De St. Croix: Thank you, Mayor McCloskey. The first item on Second Reading tonight is Resolution 75-28.

Councilmember Zietlow: Mr. President, I move that Resolution 75-28 be introduced and read by the Clerk.

RESOLUTION 75-28  
Don Owens Memorial

Councilmember Morrison: Second.

Resolution 75-28 was then read by Clerk Dolnick in entirety.

Councilmember Zietlow: I move that Resolution 75-28 be adopted.

Councilmember Mizell: Second.

Councilmember Zietlow: I think that should be by acclimation.

Councilpresident De St. Croix: By acclimation. Before the Council acts on this, I'd just like to say on behalf of the Council that we very much are saddened by the loss of Detective Captain Owens. In spite of members of the Councils' occasional disagreement with members of the Bloomington Police Department, perhaps a normal citizen chagrin at being stopped for running a stop sign from time to time, that Don Owens' gift to this community will not be forgotten, and that I'm sure that we stand behind his family in any way that we can help them. I don't think that much more can really be said about it. We have a motion for adoption by acclimation.

Resolution 75-28 was then adopted by acclimation.

Councilpresident De St. Croix: Next item on the agenda is Resolution 75-26.

Councilmember Zietlow: I move that Resolution 75-26 be introduced and read by the Clerk.

RESOLUTION 75-26  
Budget Transfer

Councilmember Morrison: Second.

Resolution 75-26 was then read by Clerk Dolnick in entirety.

Councilmember Zietlow: I move that Resolution 75-26 be adopted.

Councilmember Behen: Second.

Councilpresident De St. Croix: Do we have any Committee Reports on this? I don't find a Committee Report in my packet here. Do we have any? I know this was considered. I believe the Appropriations Committee gave it a do pass. The explanations are attached. Discussion from the Council.

Councilmember Towell: Yes. I'm interested in the information and explanation for the \$9,000, the Parking Meter Fund from Salaries to 324. I wasn't aware that, it says it's for gasoline, I'm sorry. It doesn't say what it's for. It says where it comes from but as far as I can tell it doesn't say what it is for. Police Department from 111M to 324M.

Councilpresident De St. Croix: I don't see it on the budget transfer.

Councilmember Towell: Is it still in the Resolution? It's in the letter.

Martha Sims speaks from the floor: (inaudible)

Councilmember Towell: Well then, I guess we don't have to consider it. Carl, if you want it to be put in, you'd better talk about it.

Chief Carl Chambers speaks from the floor: The request for the transfer, in the Police Department we have the regular line item and and then we have an M account that goes to the Meter Division. We used squad cars in collecting and policing of the Meter Division. Now where my problem is, is in fuel consumption and the cost of fuel increasing. Now, normally we deplete our regular line item in the Police Department and as that is depleted we go into the Meter Account. We don't divide the two accounts when we're trying to pay the bills that come into the Service Center. This is the reason we're asking for transfers in the Salary Division in the M account into our 27 account, which we pay for fuel out of. I don't know what happened to it on the the transfer but perhaps I didn't explain it completely in my letter of explanation to the Council. We're operating at about \$20,000 in the red on fuel. This is compared to what I budgeted for in 1974 for 1975. I didn't anticipate the increases in fuel that we had. At that time gasoline was some where in the neighborhood of 34¢ a gallon and now it's jumped to 57¢, and for one of the biggest fuel users, this really overtaxed my budget.

Councilmember Mizell: Do petroleum dealers consider volume discount now at all?

Chief Chambers: I'm sorry, I can't really answer that. The Service Center buys at the best bid they can get at bulk, then the departments get it from them.

Councilmember Fix: Do they mark it up to you?

Chief Chambers: I think at the present time I've been paying 57¢ for premium and 54¢ for regular. I don't know what their bulk rate is.

Councilmember Zietlow: That's the consumer price, that's about what we pay at a gas station. That's about what we pay at a gas station, 62¢.

Chief Chambers: Well, the Service Center has to have somebody there 24 hours a day to service the vehicles. This perhaps explains the difference in the cost factor.

Councilmember Towell: I'd like to move to amend to insert the, from 111M \$9,000 to account number 324M. That will be under Police Department.

Councilmember Zietlow: Second.

Councilpresident De St. Croix: It's been moved and seconded that transfer from line item #111M \$9,000 to account #324M. Is there discussion.

Resolution 75-26 was amended by a ROLL CALL VOTE Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Ordinance 75-26 be adopted as amended.

Councilmember Behen: Second.

Resolution 75-26 was then passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Resolution 75-27 be introduced and read by the Clerk.

RESOLUTION 75-27  
Emergency Vehicles  
Bid

Councilmember Behen: Second.

Resolution 75-27 was then read by Clerk Dolnick in entirety.

Councilmember Zietlow: I move that Resolution 75-27 be adopted.

Councilmember Behen: Second. I feel that this Resolution needs very little discussion. This is a crisis within the community to be dealt with quickly. These are my feelings.

Councilmember Mizell: I agree with Councilmember Behen. The urgency does exist and it should be taken care of as quickly as possible. The only thing that I would be concerned with is the legality of bypassing the sealed bid process. I'd like to have a legal opinion on that.

Councilpresident De St. Croix: There's some question as to whether there are any legal issues regarding Resolution 75-27 allowing for sealed bid purchase of the ambulances.

Larry Owens speaks from the floor: Under the Public Purchases Act there is no position in the statute for this kind of procedure. I might emphasize that under the Public Works Division in the state statute there is this kind of emergency situation contemplated. In consulting with the State Board of Accounts they advise that should the Common Council find that there is an emergency here, they should pass an appropriate resolution to that effect and (inaudible) the procedure set out in Public Works emergency provision, that is the keeping of unsealed bids from three dealers of the type that sell the product. They, in any future



audit would not elicit the violation of the state statute concerned. I think what the Council has to do in this particular case is to make the determination of whether they feel there is in fact a true emergency situation here and pass the appropriate resolution.

Councilmember Towell: I'm wondering about the history of this in the Council Office, has the committee had time to look at it? Oh, do pass, I see.

Councilmember Behen: The only concern I have over Councilman Mizells' questioning of the Legal Department of what we're confronted with as laymen in the legal areas is that every time we are given recommendation from the Legal Department, and we question your abilities, then I have great apprehension as to why you are even being questioned. If we can't put faith in the Legal Department, and put firm footing on the ground, that you are advising us in the right way then I'm lost, brother. That's exactly the way I feel. To see this on the floor like this really upset me to a real great degree. I would not have even sat in on committee on whether we needed to buy additional ambulances or not if the Legal Department had not said we could sidestep Burns Statutes to do this. If we have to have legal advice on everything that we're doing, maybe I'm sitting in the wrong seat.

Councilmember Morrison: I pretty well echo Dick's sentiments. You're very well protected in this Resolution because three different companies bid on it. I see no conflict whatsoever.

Councilmember Zietlow: I just want to know, what is the implication here in terms of time? The sealed bid process takes how long? Four weeks?

Councilpresident De St. Croix: I think that we probably gain a week and a half worth of time by doing it this way.

Councilmember Zietlow: Could the Chief speak to that?

Chief Gose: We'll probably gain about three months time. I have about five bids in my office right now. Immediate delivery, their demonstrators are not built to our specifications. When we send our specifications out, that means they have to build them the way that we want them built. These ambulances that we interested in now meet all the regulations and specifications and everything that they need to have. Right now I have one ambulance and one station wagon tonight until an ambulance gets back from Indianapolis for the County and the City.

Resolution 75-27 was then passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Resolution 75-29 be read by the Clerk.

Councilmember Behen: Second.

Resolution 75-29 was then read by Clerk Dolnick in entirety.

Councilmember Zietlow: I move that Resolution 75-29 be adopted.

Councilmember Davis: Second.

Councilmember Behen: For a Committee Report on this one we recommend a do pass. I don't think I have to go into it any more extensively than that.

Councilmember Towell: Well, the Controller assures us that this is needed.

Councilmember Zietlow: This is a temporary loan.

Martha Sims speaks from the floor: It's the first mistake I've ever made. (inaudible) it should be \$140,000. I'm not allowed to run any account in the red (inaudible).

Councilmember Kinzer: I move that Resolution 75-29 be amended to read from Local Road and Street Fund, \$140,600.

Councilmember Davis: Second.

Councilmember Towell: This doesn't have to be voted on. It's in the nature of a bookkeeping error.

Councilpresident De St. Croix: Do any Councilmembers have any more comments. The motion is the adoption of Resolution 75-29.

Resolution 75-29 was then passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilpresident De St. Croix:  
Next item on the agenda is Appropriation Ordinance 75-6.

APPROPRIATION ORDINANCE  
75-6 Community Development  
Grant Fund

Councilmember Zietlow: I move that Appropriation Ordinance 75-6 be introduced and read by the Clerk by title only.

Councilmember Behen: Second.

Councilpresident De St. Croix: It's been moved and seconded that Appropriation Ordinance 75-6 be introduced and read by the Clerk by title only.

Clerk Dolnick read Appropriation Ordinance 75-6 by title only.

Councilmember Zietlow: I move that Ordinance, Appropriation Ordinance 75-6 be adopted.

Councilmember Davis: Second.

Councilpresident De St. Croix: Do we have a committee report on this please?

Councilmember Behen: We felt that it would be best for it to be a committee as a whole of the Council within the Council Chambers to discuss this and let it go from that viewpoint.

Councilpresident De St. Croix: O.K. Councilman Towell.

Councilmember Towell: I understand that this was assigned to my committee. I didn't know that another committee had taken it up. Our sentiments were close to the same. We felt that there should be additional information and that there ought to be a work session of the Council before there would be a discussion at a meeting. I was personally going to do a lot of the background information for that work session but I haven't had much time. I've had various conversations with people. I also investigated the amount of rush involved, whether we need to do this immediately or whether we have time to do this more thoroughly, and I stand to be corrected, but there is still no check, right? and there are certain routine matters that need to be done, and I think we still have time to be more careful in our consideration of this.

Councilpresident De St. Croix: I believe the Mayor's office is going to offer a proposed

amendment to this item. The assignment I think Council Affairs handed down on this was a joint assignment to two committees, I don't think there was any preemption of your committee on this. Mr. Richardson, would you like to speak to this item.

Steve Richardson speaks from the floor: Yes, it was our proposal that it would be in accordance with the two committees, that is that we would offer that you split the question and allow the appropriation this evening of the salaries account to make sure that we can meet, when we do receive the letter of credit, we're facing a very serious cash flow situation like Parks and Recreation. We would hope that you are still in accordance so that we can be paid; however, we would ask that you split everything but the appropriation to number one account, Services Personal and pick up the discussion when we go into a meeting on capital projects generally on Saturday. We have a very extended memorandum that accompanied this appropriation initially, and we stand ready to answer any questions. I know that Al was concerned about this.

Councilmember Towell: I feel that the Council should have a work session about this. We should consider what we're doing. At the time we passed the Community Development proposal, we talked about additional planning that needed to be done and so on, and the urgency of getting the application done. I'd just like to see us do some of that work we put off then. I'm not saying how it will come out, it'll be up to the Council to determine whether there needs to be a successive number of appropriations or not. I didn't even speculate in that direction. I know that various questions have come up, for example, how the citizen's participation appropriation will be spent, or if it will be spent. That's become a very hot issue. Then there are other things we expected more planning on by this time. So, I think we ought to have a work session on this, gather all the information together and come back and have a discussion and appropriate what we think is appropriate.

Councilpresident De St. Croix:  
Thank you.

Councilmember Behen: Did you really mean to say it as you said it, all of this. Are you excepting the Services Personal aspect of it?

Councilmember Towell: I seconded the motion.

Councilpresident De St. Croix: The motion then is to divide the question on Appropriation Ordinance 75-6. The motion is to divide the question in order to allow consideration under Section One for Services Personal, and to divide out numbers 2, 6, 7, under Section One for consideration at a later date.

Appropriation Ordinance 75-6 was amended unanimously by a voice vote.

Councilpresident De St. Croix: Do we have a motion for adoption of this amendment?

Councilmember Towell: I move that we adopt Services Personal in the amount of \$63,000.

Councilmember Mizell: Second.

Councilmember Morrison: I have a question for Steve Richardson. I was reading this Services Personal. What NDP #2.

Steve Richardson: NDP #2 is a program that we have been running for some twenty-five months now, the NDP program that did the west-side improvements.

Councilmember Morrison: When did it get the number 2?

Steve Richardson: That's a designation from the Federal Government. It just means the program year. NDP #2 is...

Councilmember Morrison: NDP program is the second year because the first half application was NDP #1.

Steve Richardson: Well, the first NDP program was number one and the second NDP year which is now going into its twenty-sixth month, is NDP #2.

Councilmember Morrison: Oh, I see, they're using Roman numerals for number two. I didn't understand.

Steve Richardson: That's just their nomenclature.

Councilmember Morrison: Some nomenclature.

Councilmember Zietlow: Mr. Richardson, could you please list for us the people whose salaries will be covered by this?

Steve Richardson: Myself, Mr. Patterson, who is the Director

of Redevelopment and Equal Opportunity Employment Officer, let me see if I can get the titles exactly right. The Housing Administrator, Mr. Miracle; the Financial Analyst, Ms. Merriman; the two secretaries in the Redevelopment Department, Ms. Aynes and Ms. Meeker; the Housing Code Enforcement Officer, Mr. Smith; and Mr. Hanson, who is the Rehabilitation Specialist.

Councilmember Zietlow: And this amounts to their salaries for the entire year?

Steve Richardson: The \$63,000 is the amount needed to take the salaries from July 1, 1975 to December 31, 1975. It may be necessary for us to pay back to NDP #2 some of these salaries. We've expended the money, we didn't have the letter of credit yet. We hope to have it in two weeks.

Councilmember Morrison: Mr. President, I have a question. Steve, I'm a little bit misled on this NDP program. I was under the assumption that as of July 31 of this year, the NDP program was deceased, yet, we're appropriating a Salary Ordinance here for NDP program as you say, second year, but we've already finished the second year on the NDP program.

Steve Richardson: Well, there is no close-out yet on NDP. We can't close-out NDP under Federal regulation until we've dispensed all of our property. As you know, we still hold three parcels of property, one on Sixth and Morton, and two residential lots on the west-side project area. NDP will continue until that close-out is made. The program activities were something like 99.2% of expenditure under the program but we need to comply now with the audit requirements of the Federal government. We won't be closed-out until that audit is done.

Councilmember Morrison: In other words then, you're just carrying out the first year application.

Steve Richardson: Yeah. We're finishing all of our obligations under law. When we made the application and received the money, some \$1,700,000, we're now basically filling change orders in the various projects to make sure the projects are in compliance with the plan and the local code. We're preparing for audit by the Federal Government. It takes a while to get that audit done. Physically, they can't move from city to city.

Councilmember Morrison: In essence

then, all you're doing is completing the original application. Everything you're speaking about was in the original application that I helped draw up.

Steve Richardson: Yes.

Councilmember Morrison: Fine, I've got you now.

Councilpresident De St. Croix: Thank you. Further discussion or questions? Councilman Towell, could you please state the motion please, I don't understand the motion to improve...

Councilmember Towell: Well, we divided the question. So then we had to have a motion to approve the first part of our division. I assume we'll have a motion to table on the other part.

Councilmember Zietlow: I just want to say for the record that this doesn't include the \$10,000 that we discussed at the time of the application for the Economic Development Coordinator. Is that correct?

Steve Richardson: No. As I mentioned, in the supporting memorandum that I gave to the Council in mid-July on this particular Ordinance, that there were certain questions outstanding at that time. The bottom line on this appropriation is \$935,205,000. We have \$1,004,000. There were certain questions where we didn't have enough information to fit them into the Indiana budget form. The Federal budget form is much different; it has sixteen line items, we have only seven in Indiana. So, there's this translation. We didn't have sufficient information to translate.

Councilmember Towell: I thought it was twelve in Indiana.

Steve Richardson: That's a different statement. We're talking about the different budget categories.

Councilpresident De St. Croix: Further discussion. The motion is on the approval of Services Personal under Section One. Is that correct? Clerk Dolnick please call the roll. I'm sorry. Is there further discussion? I didn't see your head behind there.

Rona Jenkinson speaks from the floor: It's mostly information for my part. Mr. Richardson and some of the other people I assume are paid by the City. What I would like to know is why are you changing it over to community development funds? I don't understand.

Steve Richardson: The explanation is that we are now paid by NDP #2. We are all employees paid by money supplied by the federal government pursuant to the project, or basic work load. What we have done is pay people out of NDP #2 as long as we could. We now have to shift those to CD succession in the program. There is no shift, we are not tax-based employees. However, in 1975 numbered among us will be tax-based employees.

Councilpresident De St. Croix: Thank you. Let's start the roll call all over again. Clerk Dolnick.

The motion on the divided question to approve under Section One, Services Personal is approved by a ROLL CALL VOTE of Ayes: 9, Nays: 0. Councilman Towell, do you have another motion?

Councilmember Towell: Yes, I'd like to move that the rest of the question be tabled.

Councilmember Morrison: Second.

Councilpresident De St. Croix: The motion is that the rest of the question, those items under Section one; number two, Services Contractual; six, Current Obligations; and seven, Properties, be tabled. Further discussion. Clerk Dolnick, please call the roll.

Appropriation Ordinance 75-6 was amended to table under Section One, numbers 2, 6, and 7, by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Morrison: Mayor McCloskey, I'd like to ask you a question, sir. When does the City anticipate buying the old library and the parking lot from the Redevelopment Department. I would like to get this from Frank.

Mayor McCloskey speaks from the floor: We have purchased the old library site at Sixth and Morton. It is now in the hands of the Redevelopment Department, and will be disposed of in a reasonable amount of time as I understand it.

Councilmember Morrison: Well that's true, and that's what I'm saying. The City will have to buy from the Redevelopment Department the lot at Sixth and Morton, as I understand the first application. This has never taken place, so I'm asking you a question. When do you



anticipate taking over...

Mayor McCloskey: One thing that I should point out Jack, is that there has been discussion of a City/County Housing Authority, a City/County Building downtown. We have contacted other people in that area about property. There is the Fireside question, the County government had talked about it a month ago, the possibility of buying the Fireside. I would hope that we could work on this very soon and resolve this.

Councilmember Morrison: Well, the reason why I asked this is because I've had numerous businessmen in that area approach me and ask me when the City was anticipating buying it from the Redevelopment Department. People don't realize that the City itself doesn't own that. The Redevelopment Department is a separate function of the City. I wish this would be pointed out.

Mayor McCloskey: We have the old library site in the Civil City now.

Councilmember Morrison: Oh, we do?

Mayor McCloskey: Right.

Councilpresident De St. Croix: But the redevelopment of the library site itself.

Councilmember Behen: Can I move that Appropriation Ordinance 75-6 be adopted as amended?

Councilmember Towell: No, we would adopt it. We did not really amend. All we did was to divide the question. So if we had amended either part, we would have had to had a motion.

Councilmember Behen: I withdraw my motion then. You're the Parliamentarian. I thought it was a necessary thing to do.

Councilmember Towell: I hope not.

Councilpresident De St. Croix: Next item on the agenda then is Appropriation Ordinance 75-8.

APPROPRIATION ORDINANCE 75-8  
Board of Works

Councilmember Zietlow: I move that Appropriation Ordinance 75-8 be introduced and read by the Clerk by title only.

Councilmember Behen: Second.

Appropriation Ordinance 75-8 was read by title only.

Councilmember Zietlow: Mr. President, I move that Appropriation Ordinance 75-8 be adopted.

Councilmember Behen: Second.

Councilpresident De St. Croix:  
It's been moved and seconded  
that Appropriation Ordinance  
75-8 be adopted. Do we have  
a committee report on this?

Councilmember Behen: Yes,  
we do have. The suggestion  
from the committee report was  
to delete the first paragraph  
of the Police Department's  
request for the Revenue  
Sharing monies, because it  
would not be necessary. I  
assume most of you have the  
committee report in front of  
you as I did not. At this  
time I would just like to  
make a motion that the Revenue  
Sharing Trust Fund be deleted  
from Appropriation Ordinance  
75-8.

Councilmember Davis: Second.

Councilpresident De St. Croix:  
Do we have discussion on that?  
I believe it is a request from  
Chief Chambers. Chief Chambers,  
could you please give a brief  
explanation why you don't need  
the money as appropriated?

Chief Chambers speaks from the  
floor: In the discussion with  
the Council on preparing the  
1976 budget, we were trying to  
establish for the civilian person-  
nel time and a half for working  
on the holidays. I was on vacation  
when the Council introduced this  
Resolution. With my supporting  
facts on my budget transfer, I  
think it would explain why I  
have a surplus in salaries.  
I did not deplete all of this  
surplus, due to the fact the  
remainder will give me enough  
to pay for these seven remaining  
holidays. Therefore, I did  
not need additional appropriation.  
I do appreciate very much the  
Council's going ahead and seeing  
to this when I wasn't here to  
request it.

Councilpresident De St. Croix:  
Further discussion. Clerk  
Dolnick please call the roll.  
The motion is on the deletion  
of Revenue Sharing Trust  
Fund from the Police Depart-  
ment.

Appropriation Ordinance 75-8  
was amended unanimously by a  
ROLL CALL VOTE OF Ayes: 9, Nays: 0.

Councilmember Zietlow: I  
move that Appropriation Ordi-  
nance 75-8 be adopted as  
amended.

Councilmember Behen: Second.

Appropriation Ordinance 75-8 was adopted as amended unanimously by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: Mr. President, I move that Resolution 75-23 be introduced and read by the Clerk.

Councilpresident De St. Croix: There's a mix-up. We don't have amended agendas. The next item on the agenda I believe is Ordinance 75-41. I'd like to exchange items 7 and 8 on the agenda.

ORDINANCE 75-41  
Salary Ordinance  
Controller's Office

Councilmember Kinzer: I move that we adopt Ordinance 75-41.

Councilmember Mizell: Don't we have to insert it on the agenda first?

Councilpresident De St. Croix: I believe it was scheduled to be here. Perhaps it would be appropriate to move to expand the agenda.

Councilmember Mizell: I move that the agenda be expanded to include Ordinance 75-41.

Councilmember Davis: Second.

The agenda was then expanded to include Ordinance 75-41 by a unanimous voice vote.

Councilmember Kinzer: I'd like to so move that we introduce Ordinance 75-41.

Councilmember Davis: Second.

Ordinance 75-41 was then read by Clerk Dolnick by title only.

Councilmember Zietlow: I move that Ordinance 75-41 be adopted.

Councilmember Davis: Second.

Councilpresident De St. Croix: Do we have a Committee Report? No Committee Report.

Councilmember Zietlow: I take it, Mrs. Sims, that the additional salary that is involved here will be picked up by Utilities; it doesn't require additional appropriations by the City?

Martha Sims: (inaudible)

Councilmember Mizell: I'm a little concerned. This is an Ordinance that requires Second Reading doesn't it?

Councilpresident De St. Croix: It was introduced some time back.

Councilmember Mizell: I was wondering why it was being read the second time.

Councilpresident De St. Croix: It is Second Reading. It was supposed to be on the agenda, it was just overlooked.

Councilmember Towell: I find part of your explanation very interesting, Mrs. Sims. You mean that Utilities is trying to hire away our good City employee at a higher salary? If this keeps up, we may have to take drastic action, perhaps reduce some salaries at Utilities.

Martha Sims: (inaudible)

Councilmember Behen: I don't find that unusual where competitive forces vie for good employees. If I am to affix my name to this Ordinance, as the Mayor must affix his name to it, I would suggest that some secretary along the line clean up the language and learn how to spell "Common Council". It looks so ridiculous to have an "e" on the top of it.

Councilpresident De St. Croix: It did not get marked out. It shows indifference to those of us with funny last names. It's Hoosier french.

Ordinance 75-41 was then adopted by a ROLL CALL VOTE OF Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Resolution 75-23 be introduced and read by the Clerk in entirety. This is the Affirmative Action Resolution. It's backwards on the agenda I believe.

RESOLUTION 75-23  
Affirmative Action

Councilmember Towell: Second.

Resolution 75-23 was then read by Clerk Dolnick in entirety.

Councilpresident De St. Croix: Do we have a Committee Report?

Councilmember Zietlow: The Committee met on Tuesday with Mr. Richardson and Mr. Mackowski and our staff. We recommended amendments to the Affirmative Action Plan. Also, I have an amendment for the Resolution itself. You have this before you, the proposed amendment to Resolution 75-23. The amendments that are recommended to the plan itself were drawn up by Mr. Richardson. The amendment to the Resolution, the Committee recommended passage of the Resolution.

Steve Richardson speaks from the floor: As to the amendment to the Resolution, I would like to touch on briefly the amendments that you have before you this evening.

Councilpresident De St. Croix: Perhaps it would be appropriate at this time that we introduce the amendments if you have no general comments on the Affirmative Action Plan.

Steve Richardson: On the Affirmative Action Plan generally, yes. This is the product of several months work. We think it is a good workable plan. It sets out the basic framework of Affirmative Action for our employees. It sets out the basic framework for the Employees Advisory Committee, which will have the difficult and very important job of setting up goals and timetables. We feel that the framework that we have set here is very broad and very comprehensive. We are quite satisfied with its scope and its intent. There were amendments, if you would like to have those amendments introduced, I do have some comments on the amendments.

Councilmember Zietlow: Should we give the Resolution first or the plan itself.

Councilpresident De St. Croix: Which ever you wish.

Councilmember Zietlow: I would like to move that Resolution 75-23 be amended to include the following wording: "Whereas, it is the public policy of the City of Bloomington, Indiana in order to enact equal opportunity policies", did we leave out a few words here? "To take extraordinary measures wherever indicated by the findings of the Affirmative Action Advisory Board of the City of Bloomington, to recruit or to promote minority or handicapped individuals, veterans, women and members of other disadvantaged groups as herein defined to achieve full utilization of such groups in the work force of the City of Bloomington proportional to their representation in the geographical area from which they are solicited." That is a motion.

Councilmember Towell: Second.

Councilpresident De St. Croix: It's been moved and seconded that the forementioned amendment to Resolution 75-23 be amended.

Councilmember Zietlow: I want to make one distinction. I think it's very important to realize that equal employment opportunities and affirmative action are very closely related but are not the same thing. Affirmative Action is a means to achieve equal employment opportunity in a situation where equal employment opportunity has not been a practice of the past and sometimes involves an active recruitment of people who perhaps have been discriminated against. This Resolution states the intent of the City to undertake affirmative action if it appears necessary by the findings of the Advisory Board. I think it is important that the City go on record that they are in favor of affirmative action as well as equal employment opportunity if we are to adopt the Affirmative Action Plan. The wording of this Resolution comes, to a great extent, from the Affirmative Action Plan. I think it is very important to define that in the Resolution.

Councilmember Kinzer: May I ask where this would be entered?

Steve Richardson: I believe this is the third whereas clause.

Councilmember Mizell: I believe I agree with the intent. I am a little concerned about the phrase towards the end "proportional to their representation in the geographical area". This is not to be misconstrued as setting quotas.

Councilmember Zietlow: This is expanded on in the golden time table section of the Affirmative Action Plan. The wording comes directly from that.

Councilpresident De St. Croix: Could we please have a description of the...

Councilmember Behen: May I speak first? I'm really confused. After the Resolution was read and your committee approved it, I don't have the amendment in front of me that you just read. Oh, perhaps I'm deluged in too much paper. I don't understand this. If your committee approved this, and all these amendments are coming at this hour.

Councilmember Zietlow: This is an amendment since the committee met. First, I went home and reread the Plan. I received it three weeks ago before the Council meeting. We'd gotten to budgets and I, quite frankly, did not get involved in reading this thing very thoroughly. Tuesday night we met and discussed this, but we talked about specifics. In talking with some people and in reading over the Indiana University Affirmative Action Plan, I realized that I thought we should focus and state specifically that this is affirmative action as well as equal employment opportunities. I think although it is implicit and the mechanism for it is set up in the plan, it is not explicitly focused on.

Councilmember Behen: I've long had an identity of not trying to compare Bloomington, Indiana with Indiana University. For that reason, I would like to reread, if this is your amendment that John (Komoroske) just brought up here. I hate to take all of your time, but I want to know.

Councilmember Towell: Mine was with my agenda on the table right here. I don't know if everybody else's was. I felt there was a need for some additional emphasis on what Affirmative Action was and I was very surprised that it wasn't more spelled out, although we have something titled Affirmative Action, it was left pretty much to the board in the plan to come up with short range goals that could be implemented. I think it is important to have a more umbrella type goal that we can address.

Councilmember Behen: I think my big hang-up is that if we are to implement an Affirmative Action program within the community, we have to start somewhere. If amendments to that have to be made in the future, then I would wholeheartedly support them if I have time to consume them within my own mind. For it to be thrust upon me for an amendment to a Resolution at this late time, then I really have a big-hang up with it.

Councilmember Zietlow: We're adopting an Affirmative Action Plan tonight. This Resolution is a statement of intent and of the way we feel about Affirmative Action and about equal employment opportunities. I think that the Resolution clearly states how the City feels about equal employment opportunity. I do not think that it explicitly states how the City feels about Affirmative Action. They are two different things. Affirmative Action itself is a more complex and controversial thing. We are adopting the plan for Affirmative Action possibly. This is the eventuality that exists. It's not necessarily, perhaps if we find no need for it, but if we are adopting an Affirmative Action Plan I think we should say so in the Resolution; say that we are willing to accept the implications of Affirmative Action if they should come through.

Councilmember Behen: The resolution, then, should have been dove-tailed perhaps on the Affirmative Action.

Councilmember Zietlow: It is. What we are saying is that we are adopting the plan.

Councilmember Behen: Then we are going to

have the discussion all over again.

Councilmember Zietlow: No, I don't think so.

Councilpresident De St. Croix: I have one question that I'd like to have answered that hasn't been answered yet about the proposed amendment. I would like an explanation of the term "geographical area from which they are solicited". I would like to know (a) what our geographical area is for the solicitation of minorities, handicapped individuals, veterans, women, and members of other disadvantaged groups. Is that the Bloomington civil city, is that Monroe County, does it include the state of Indiana so far as we just recently hired someone from Gary, Indiana, or what. Making the term "proportional to their representation in the geographical area from which they are solicited" seems to me to be somewhat fuzzy language and probably raises real questions as to whether or not we are saying what we mean to say, at least in my head.

Councilmember Zietlow: As I said, this is derived directly from the Goals and Timetables Section. Perhaps Mr. Richardson would like to speak to that.

Steve Richardson: I think that that is a function in part of the employees themselves. What this whereas clause does is synthesize several ideas that are running through the Affirmative Action Plan. We certainly cannot direct residency requirements that would be in contravention of federal or state laws. I think that there are, and perhaps Bruce (Wackowski) can answer this better than I, certain types of questions that are raised in equal opportunity and affirmative action. One of them is whether or not the result of your Affirmative Action Plan is complying with the basic proportions of the community. Whether you have a profile of the community. Whether you have a profile of the people available to the work force. Certainly the work in the work force in the City of Bloomington is much greater within the corporate bounds of the City. We have 6,000 employees that commute in daily. We cannot erect residency requirements or affective of what would be proportional in a geographical area that would be a lesser portion than is generally attracted within the work force.

Councilpresident De St. Croix: Perhaps it would be appropriate then to just delete that "proportional to the representation of the geographical area from which they are selected". It seems to really not follow. I cannot make the motion.

Councilmember Behen: I was going to offer a friendly motion to the amendment to this 75-3 and that would be on line 6, after the word "women" be added "men" and members. I didn't hear a second but.

Councilmember Davis: I'll second it.

Councilmember Towell: If that an official amendment I'd like to speak to it. In the early 60's when I was active in the civil rights movement, I had various friends who went around forming National Associations for

for the Advancement of White People and that sort of thing. I don't want to play games of that sort. I think this is not very good.

Councilmember Behen: I have no intention of playing games, Councilman Towell. These are just facts of life that I'm confronted with daily and I presumed that you were too.

Councilpresident De St. Croix: We have one minute remaining.

Councilmember Zietlow: I would like to ask Mr. Richardson why we are adopting an Affirmative Action Plan.

Steve Richardson: In answer to Ms. Zietlow's question, there's a very important reason. First of all, as a matter of practical policy and as a matter of real functionality for the City of Bloomington to continue to process federal funds, we are required to come forth with an Affirmative Action Plan. Among the legislation that we are now bound to by the federal government are listed on pages one and two of the Affirmative Action Plan. Those include Executive Order 11246, the Title 7 of the 1964 Civil Rights Acts, the Indiana Civil Rights Law of 1965, the Bloomington Human Rights Ordinance, which also requires us to pass an Affirmative Action Plan. The Federal Equal Pay Act of 1963, the Federal Age Discrimination and Employment Act of 1967, Title 6 of the 1964 Civil Rights Act, State and Local Fiscal Assistance Act of 1972, the 14th amendment to the United States Constitution, the Rehabilitation Act of 1973, the Vietnam-era of Veterans Readjustment Act of 1973. All of these acts basically pin upon the City of Bloomington the obligation to come forth with an Affirmative Action Plan to truly be an equal opportunity employer. As Charlotte pointed out earlier, equal opportunity and employment is one thing, and Affirmative Action and extraordinary measures is another thing. I'd like to ask Mr. Wackowski, if I could, to come forward and explain briefly the question that Councilpresident De St. Croix raised concerning the last sentence of the proposed whereas amendment to Resolution 75-23.

Councilpresident De St. Croix: If Mr. Wackowski could wait one moment, through oversight on my part we did not start the second portion of the meeting with Petitions and Communications. Since that is our regular practice and it is approaching the 9:30 mark, do we have any Petitions and Communications from the floor? The Council has two petitions before it, that is the request for signatures of five or more Councilmembers to approve that the Indiana Alcoholic Beverage Commission act on the application of the Cork N' Cleaver and Bear's Place for Sunday Liquor Permits. I believe it has been the Council's procedure in the past to sign these and pass them on to the state for their approval or rejection. I'll just pass them out this way for people to sign if they choose.

PETITIONS AND  
COMMUNICATIONS

Councilmember Towell: I'd just like to announce that there will be a public hearing on the Sign Ordinance next Wednesday at 7:30 p.m. by the Council Committee.



Councilpresident De St. Croix: Councilman Towell chairs the Council Committee of Planning and Community Development, which will be holding that hearing.

Frank McCloskey: If I may interject one point adding to Steve's excellent summary of the legislative and practical policy requirements. I would say that the main reason that this should be done as a matter of social justice even if there weren't a dime available. This has come upon us as human beings, I think somehow that's overlooked in the federal funding scramble.

Bruce Wackowski: In answer to Councilpresident De St. Croix's question about the phrase "proportional to their representation in the geographical area from which they are solicited", that is in the Affirmative Action Plan itself on page 13. It is a modifier of full utilization. It's a yard stick to measure whether or not the particular amount of employees you have or the particular significant group or ethnic make-up in the work force is in fact, full utilization. The term "geographical representation, geographical area from which they are solicited" could be looked at in several ways. It is a flexible term. Under Recruitment on page 12 it talks about initially focusing on solicitation in the Bloomington, Monroe County area. On the other hand, the City does advertise for different jobs and solicit differently. For instance, a particular, unique, specialized position might be advertised nationally. National statistics might be (inaudible) of that particular position. On the other hand, if you are talking about secretarial or clerical skills, those will probably be all the time available in the Bloomington, Monroe County area. Maintenance skills, or things of nature will be probably the geographical area from which they are solicited, and that will be the Bloomington, Monroe County area. On the other hand, they may be divided even further depending on how sophisticated an analysis the Advisory Board wishes to make. You may have a particular skill in the work force that is more largely represented in a particular ethnic, racial or sexual break-down. This may be an argument that geographical area should be further divided and talks about for particular categories of positions based on the amount of particular people who have that particular skill in the Bloomington, Monroe County area. It can be as sophisticated or general as the Advisory Board has the time and the effort to make the particular qualification function. It is vague for a specific purpose.

Councilpresident De St. Croix: Thank you. You say it is vague for a specific purpose. Does it also have a specific problem with this vagueness?

Bruce Wackowski: Yes. The problem is that the Advisory Board will be dealing with competing, I would imagine, claims in terms of what is the correct proportion. What is the correct proportion in the geographical area. What are we talking about. It will depend upon the Advisory Board taking different arguments into consideration rather than without having this information, making a flat ad hoc rule that can never be changed. In other words, the Advisory Board will be subject to input from

many different sources to be able to make this determination and whether or not to break it down into specific skills.

Councilpresident De St. Croix: Is this statement in the Resolution important to the Affirmative Advisory Board's ability to wrestle with that question?

Bruce Wackowski: The Advisory Board... (TAPE BREAK)

Councilmember Zietlow...that the Advisory Board is created and they will review and the process of the (inaudible) is outlined. The situation for employment in the City will be looked at and will come up with recommendations and they will not have an easy job but they will have the job of making the definition, and that's deleted from the plan itself.

Councilmember Fix: I don't see that as a problem, although I think it is something to consider. We'll just assist the Affirmative Action Plan that we have here, the natural evolution of it. It would be a desirable aspect rather than a problem.

Councilpresident De St. Croix: The question before the Council is the proposed amendment to Resolution 75-23.

Fred Horning speaks from the floor: If I may make one short statement. I'd like to suggest as a member and a professional for a long time, I've been dealing with this. It's certainly in my capacity for dealing with the Monroe County Community Action Program, we've long advocated a measure of this sort and I would like to say that my conversations with the authors of the Ordinance and the people who are concerned about it, I am excited and pleasantly surprised by both, the Ordinance as presented. The amendment as currently put before the Council clearly brings the City into a vanguard with this sort of work at best. It's a very ambiguous situation to get involved in Affirmative Action. As a professional and a member of the community who is concerned about the contractual implications of this, I would strongly urge the Council to act positively in passing the document itself. This amendment just further brings Bloomington and this community into Affirmative Action. I've been very pleased.

Councilmember Towell: I think we ought to clarify that the amendment before us right now, to add men to the amendment.

Councilpresident De St. Croix: Is there discussion on the amendment to amend to insert the term "men" behind "women" prior to the term "and members of other disadvantaged groups".

Councilmember Towell: I'll just say that I don't consider with the employment situation in the City and in the local community that the men are a minority.

Fred Horning: I would like to point out that I was speaking to the earlier amendment.

Councilpresident De St. Croix: Thank you, Mr.

Horning. Glad you've made it perfectly clear.

Councilmember Behen: Just so everyone knows what they're voting on, and I presume you do, you may consider this an assinine friendly amendment. I don't think it is at all. I just want to make it perfectly clear what we are voting on here. I did not make it in at attitude that Councilman Towell mentioned that I might be making it in. Nor did I make it in a direction of trying to be comical. We are going to come to the realization that men and women are going to be treated in the same fashion eventually in this country. I'm not trying to downgrade the Women's Lib movement in any way, shape or form. I just have a genuine concern, having been a bread winner for over a quarter of a century, and I'm not belittling myself in that role either. I do want the Council to know that this is what we are voting on and I did not make it as a joke.

Councilmember Zietlow: I took it seriously, which is why I asked what the Affirmative Action Plan was about. We're talking about equal employment opportunity on the one hand and affirmative action on the other and the historical facts which may or may not be something that the Advisory Board will come up with. Generally, it has been these people who are mentioned here who have had more difficulty than others. I think that if we are going to talk about affirmative action at all, it's going to be directed at those individuals or groups of individuals who have had difficulty achieving full employment.

The amendment to Resolution 75-23 to add "men" failed by a ROLL CALL VOTE of Ayes: 2, Nays: 7. Nays: Councilmembers Towell, Mizell, Fix, Zietlow, Davis, Kinzer and De St. Croix.

Councilpresident De St. Croix: Next item is the amendment itself.

The amendment to Resolution 75-23 concerning the whereas clause passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Resolution 75-23 be adopted as amended.

Councilmember Mizell: Second.

Councilmember Towell: I'm very proud of the Council for their vote in that last amendment.

Councilmember Zietlow: Since the Resolution includes adopting the Affirmative Action Plan, that's what it's all about, maybe we should deal with the amendments to the Plan itself.

Councilpresident De St. Croix: We have not taken the roll on the earlier motion. Would the mover and the seconder like to withdraw the motion? O.K., the motion is withdrawn.

Steve Richardson: In meeting with the Council Committee on Economic Development and Employment Tuesday evening, there were three specific areas as listed in the amendment that you have on your table this evening. I'd like to run through those briefly. First of all, in the definition of City of Bloomington, it was felt by some of the Councilpersons that we had not been inclusive enough. The applicability was not inclusive enough.

We then tried to reconstruct that definition. That is found on page four, sentence (d), page three, excuse me. It reads "presently the City of Bloomington shall mean all departments, boards, units, branches and subdivisions of the City of Bloomington". We initially thought that was rather expansive. What we have added now, that sentence would read as follows "The City of Bloomington shall mean all departments, boards, units, branches and subdivisions of the City of Bloomington, or any other quasi-independent institutional arrangements created by the City of Bloomington of the state of Indiana including but not limited to the Utilities Service Board, all authorities, all agencies and all commissions." The remainder of that definition would remain the same.

Councilmember Zietlow: I move that this expansion of the definition be included under Section D. Section Three, subcategory D.

Councilmember Davis: Second.

Councilpresident De St. Croix: I have a question. Where it says "all authorities, all agencies and all commissions", would that include county commissions?

Steve Richardson: No. What the intent is, it says "The City of Bloomington shall mean" what we are trying to do is pick up where the fractionalized employment or executive authority in Indiana law is...

Councilpresident De St. Croix: I understand that. I'm not a lawyer but it sounds to me like it is saying "or any other quasi-independent, institutional arrangements created by the City of Bloomington". Quasi-independent could be a contractual agreement between the City of Bloomington and county government, created by the City of Bloomington or the state of Indiana; county commissioners are created by the state of Indiana. Then "all authorities, all agencies and commissions". My concern is that perhaps a joint governmental contract could be entered into between the City and another local unit of government which chooses not to meet its responsibilities in the Affirmative Action area. Also that under the authority granted to the City under Public Law 250, we could enter into that or the Inter-local Government Act, and find that the Affirmative Action Plan would prohibit us from entering such an institutional agreement.

Steve Richardson: I believe that would be the impact. That was the intent of the Committee. As long as you've raised that particular issue we should probably deal, for the purposes of time, with the amendment to general policy adding a section 8 on General Policy which would read as follows; "The City of Bloomington shall refrain from participating in or entering into any associations, contracts or institutional arrangements with any unit, agency or institutional arrangement of a regional, county, state or national nature, which is not an Equal Opportunity Employer or does not have an Affirmative Action Plan for its individual employees." I believe that both of these

additions could be construed, the first being also for the fractionalized executive authority which we do have, but a part of it flowing to this question that this would be a policy where we are limiting ourselves from dealing with parties which are, who are not, equal opportunity employers nor unbound by affirmative action.

Councilmember Davis: That's a little scary. That would mean, then that our mutual agreements with the county, ambulance, with parks, with etc. etc. all the things we've been working on trying to have a more agreement type situation in a working relationship. We cannot do that if they do not have an Affirmative Action Plan, and I don't believe they do. If the state doesn't have an Affirmative Action Plan like this...

Steve Richardson: Yes, that would be the impact..

Councilpresident De St. Croix: What about regional planning, criminal justice, all of the counties involved do have Affirmative Action Plans or don't.

Steve Richardson: They don't.

Councilmember Towell: I'd just like to point out that this is a federal policy and the constitution of the United States is a general policy too. The Affirmative Action Plans that the various agencies of the federal government have entered into have sometimes been over-ridden by the very strong policy commitments in another direction, while they were being honored. What it has done, to adopt a policy like this on a national level, is to call for some more justification for entering into such agreements, then merely rational agreement to a goal to make it a matter of that has to be pretty nearly the way to achieve some important public goal. In other words, if some other fundamental goal that you have is over-riding your commitment to Affirmative Action in a particular instance then that can be an exception. Do you see what I'm talking about? It sort of, at least as a commitment of the City, and this is a matter of self regulation, would make it harder to enter into such agreements and would make us want to try to persuade those other agencies, whether they be local or regional or whatever, I'm speaking to the general policy part, to try to persuade them to adopt a similar kind of policy as the one we have.

Councilpresident De St. Croix: Mr. Wackowski, could you please explain under what procedures of the Affirmative Action Plan that we are adopting, the Council or the City could enter into some sort of an agreement on a regional basis or with another unit of government that does not have an Affirmative Action Plan?

Bruce Wackowski: As the policy is written, they could do that. As the amendments are listed here, I don't believe they could.

Councilpresident De St. Croix: Then there is in fact no way in which the City of Bloomington could participate.

Bruce Wackowski: As I read these amendments, the general policy amendments, that is the correct interpretation.

Councilpresident De St. Croix: Then my concern, in reference to Councilman Towell's remark, is not so much in those cases where another county on a regional basis wants to join with us in an effort because they have an interest, but in those instances which I have seen occur in which the City has a vested interest and it chooses to participate with another unit of government on a regional basis and that unit of government because it's in disagreement with the municipal government could choose not to adopt the Affirmative Action Plan merely to forestall an inter-local government, or regional governmental involvement by the City. That does concern me.

Councilmember Zietlow: I think this is not an easy question. It really gets into basic battles of priorities. I think it is worth getting at now. Remember that the Affirmative Action Plan has something to do with contracting, but the Affirmative Action Plan yet has to develop, if there will be one.

Councilmember Kinzer: I have a question on the wording of this. When it reads "which is not an Equal Opportunity Employer or does not have an Affirmative Action Plan" does this mean that it must have both, or one or the other.

Steve Richardson: You need both. If I might take an opportunity to read some of the ambiance of what is going on with the Council. Perhaps what we need to do with this particular clause is temper it somewhat with a reasonability clause. I think that the remarks that Councilman Towell made were that we need to have certainly the educational function. This is an important function and I think and hope as an employee and personally, I agree with that function. However, there are very grave, well, there are some political practical costs which would run with this. We could temper this with some kind of resonability clause. The City of Bloomington shall reasonably refrain or shall within reasonable limits refrain from participating. I think that that would achieve the policy that Mr. Towell was eluding to. We do have to justify that the reasons for transcending governmental interest, the interests of mutual benefit flowing to the citizens of the City of Bloomington and to the county citizens, regional citizens or whatever. I think that this would then give us this valve of escape, yet we do have the alternative to go two ways. We should, I would think the policy as stated then, pursue and attempt to educate anyone who would do business with, but this is the policy and it is a very strong policy of the City of Bloomington. But we do have the flexibility, in a practical sense, wait until they come along. Mr. Crossman just corrected me, Region X has already adopted the Affirmative Action Plan. That is one agency that we could, even with this policy, continue to deal with.

Councilmember Mizell: This is pretty much the dilemma that I'm in here. I feel without any qualms at all, that is the responsibility of the City to take the leadership in both equal opportunity and affirmative action and I hope it is perfectly clear to everyone what the differences are. They are both valid and justified clauses. I think we have and I'm pleased with the amendments that we have just approved to the

Resolution itself stating more clearly what is in fact within the document itself. However, as strongly as I feel about equal opportunity employment and affirmative action employment, I hope we don't get in the position of cutting off our nose despite our face. There are other priorities that we are faced with as a Council in deciding to enter into agreements and so on which will benefit the whole of the community. I hope that it would not come to the point where we would have to choose between affirmative action and some other thing, because affirmative action is quite high, extremely high on my order of priorities. I would hate to put the corporate City in a position where we could accrue benefits to the general population and actually have this sit as a stumbling block in front of us. If a reasonability clause is put in, I think this would be moderated to the extent that yes, we will do everything in our power to convince every other body that we engage in any activity with to develop their own equal opportunity and affirmative action programs. If it ever came down to the point where we reach an impass with somebody that is not in favor of this, for whatever reason there may be and I cannot in my own mind see any justification for that point of view. My responsibilities to the corporate City is that I would have to put us in that bind.

Steve Richardson: Following on Mr. Mizell's remarks, I now have proposed a reasonability clause that I would like to read for you. This follows upon the sentence as presented, we would add this "until the City has made a good faith effort to persuade such units, agencies and institutions to pursue equal opportunity and affirmative action". What this does is allow us this reasonability outlet. It does achieve the goal that Mr. Mizell spoke of that when we do come to an impass, then perhaps the interests of the corporate City over-weigh us, demanding that other agencies or institutional arrangements abide by the same policies to which we are regulated ourselves. As long as we've made this effort to persuade and so forth, then we could do what Mr. Towell had suggested earlier. We could find that such a situation was in the interests of the City withstanding the fact that we would be contracting with parties who did not comply with the self regulation matters which we wish to.

Councilmember Davis: Would you reread your amendment please?

Steve Richardson: Yes.

(Steve Richardson then read the amendment)

Councilmember Towell: Well, I think there's a great issue in that approach except that I would still like to see it stated that it is a policy of the City of Bloomington only reluctantly to enter into such relationships. That is said here except that one interpretation is that we couldn't if we adopt this. I'm not sure that I believe that. What you are saying is that there will be an attempt to persuade before we enter into such obligations and I think that is very good. I still think we need a statement of policy to encourage as well as specifying how we would go about it, namely trying to persuade or

whatever.

Councilmember Fix: I like it the way it is. I have a low tolerance level for people who do not want to do something like this. I would leave it just the way it is, and if that situation ever comes, then we can change it then if we find that it is more important to change it at that given point.

Steve Richardson: I would offer that that situation already does exist. The ambulance service is an example.

Councilmember Fix: Have we gone as far as you said on the extra words that you were going to add. Are we done with that?

Steve Richardson: No. I think we are taking the first step in doing that this evening. I think that one, what we have done, we do have a statement of policy. A statement of policy has been qualified only with the ability to get us into a situation where first of all we state very distinctly. It is our policy to refrain from participating or entering into associations, contracts or institutional arrangements. Then the qualifier comes afterwards, being that we are also under the duty, and perhaps we should phrase it that we at the same time have a duty to pursue, to make good faith effort to persuade such units, agencies and institutions to pursue these policies. I don't know that given the situation where we will all have to disband certain arrangements which are already in effect.

Mayor Frank McCloskey: I probably won't be able to clarify anything that hasn't already at least been hinted at. I think there are obviously numerous benefits as the Affirmative Action Plan is being discussed tonight. It is a good faith and binding pledge to provide first of all by the City of Bloomington to have its house in order. To be really a stellar example. As far as contract compliance, there's the economic factor that anyone really wanting to make a dime off the City in the contract area are going to have to submit and have approved Affirmative Action proposals. As far as for example, I have a concern right now with talking with the county government about the county court space, the ambulance service problem, park relations, police relations, you name it. I have talked personally with various county officials and I submit that most of them are Democrats, John Irvine and various members of the County Council about the desirability and indeed the need for equal employment opportunity and Human Rights Commission and attorney services to go county wide. I think that has to be done. I think there are, however, serious technical, ethnical questions as to the best way to do that. I see a qualitative difference between a joint program on an ambulance service saving wise regardless of politics and regardless of the political and social mores of say a particular county constituency in not rewarding someone who wants to make money off the City. I would be willing to go to the County, but I think that if we are going to have a rather simplistic resolution that says that we are not even going to associate with governments



that do not have this procedure in effect. I think in fact it could be endangering lives in the City and in the County and I caution against it.

Councilmember Fix: Are we to understand, then, that the County is definitely against being an equal opportunity employer in developing an Affirmative Action Plan?

Steve Richardson: No. They simply have not done it yet and I think our own experience in trying to come to grips with this very complex problem indicates that it may be a good while if they decide tomorrow to do it before they can actually achieve it.

Councilmember Fix: I would definitely like to indicate that we could enter into these agreements if we were in the process of developing one.

Steve Richardson: I think with the amendment you did say that you made that effort. You've made a good faith effort to try to persuade them to pursue, and the word pursue means that they are in the path of doing this.

Councilmember Zietlow: Yes. I wonder if we couldn't make a grandfather clause for something like the ambulance service for example. I think if we add the good faith effort to persuade and pursue that that is simply a way out.

Councilpresident De St. Croix: If I understand correctly, under the grandfather clause means that any contract entered into prior to that time would be in effect. Has the City and the County come up with an contractual arrangement for 1976 on ambulance service yet?

Steve Richardson: No.

Councilpresident De St. Croix: That means if this is adopted tonight that ambulance service would not be covered?

Councilmember Zietlow: Unless there were a special provision made.

Steve Richardson: I would counsel against making ad hoc exceptions without being able to look at the number of arrangements that may be involved.

Councilmember Towell: I understand it that what a policy does is to state our intent and what we intend to carry out to the best of our abilities. If that is so, then I think we can retain the language. We're not legally prohibited from having this policy and also entering into relationships that are contrary to it as long as we are trying to implement the policy as best we can. I mean a good faith effort. I think that's the sort of thing that comes into play with the constitution, I tried to make that analogy. So, am I wrong about that, or is that the effect of the general policy?

Steve Richardson: I think you are correct about the effect of the general policy but I would go further to say that I think that it is necessary that it would be expressed in that yes, there are means out of it. If we adopt the policy as a flat statement of policy and then ignore it, we are in fact ignoring a part of the Affirmative Action Plan and we are setting up the precedent to ignore any other specific policy in the Affirmative Action Plan, including the recognition of certain minority groups. I'm just proposing that a better means of doing that is to yes, recognize that this is our official policy stated and then qualify it and operate under that qualifier when necessary. In other words, if we are going to adopt a policy which is a brick wall against this, then we are going to step around the wall, then let us do it expressly.

Bruce Wackowski: I would have a comment on that also. One thing, Mr. Richardson has mentioned, but I'd like to make it more strongly and that is if there is something in the Affirmative Action Program that does have a flat statement such as "shall refrain" and it is treated as merely good faith effort without the language of good faith effort, then opens up the chance that the Advisory Board can make a recommendation as to certain policies, could be adopted by the Mayor, could be added to the Affirmative Action Program, and then if it is not done then you could say, well we tried. I think that that's what the Affirmative Action Program says it is trying to do. It says we are going to do it and when it is adopted as part of the plan, that is that. Also, you are using this plan as a guideline for contractors who are going to be bidding on City contracts. If you treat the language with some disrespect for your own Affirmative Action Program, you are opening it up for contractors to have Affirmative Action Programs with language in it they can fuzz around with also. My only suggestion is that whatever the policy be, it be stated specifically and exclusively.

Councilpresident De St. Croix: Do members of the Council feel that they have a clear understanding of the issue at hand here.

Councilmember Zietlow: Could Mr. Richardson please read the amendment again.

Steve Richardson: In its entirety, the City of Bloomington shall refrain from participating in or entering into associations, contracts or institutional arrangements with any unit, agency or institutional arrangement of a regional county, state or national nature, which is not an Equal Opportunity Employer or does not have an Affirmative Action Plan for its individual employees until the City has made a good faith effort to persuade such units, agencies and institutions to pursue Equal Employment Opportunity and Affirmative Action.

Councilmember Mizell: While we are still discussing it, let me offer another possibility. This would be a separate sentence to follow the sentence ending "individual employees". This would read "this policy shall hold in all

cases, unless the strongest possible attempt has been made to have those units, agencies and institutions adopt Equal Opportunity and Affirmative Action Plans have failed and the associations, contracts and arrangements to be entered into are overriding in importance." How does that grab you?

Councilmember Towell: I think there is a nugget there.

Councilmember Mizell: In other words, we are going to move in the strongest possible way to encourage these people to adopt Equal Opportunity and Affirmative Action Plans until we finally come to that spot where we see that we are not going to move them and we have to make a decision as to whether one is overriding the other.

Councilpresident De St. Croix: Do Councilmembers think they can cope with that? If not, I feel that we may have to recommend that this be returned to committee. We have a number of other items to deal with tonight. We have been working on this for an hour and a half.

Councilmember Towell: How about accepting the wording that we have and then adding a sentence which I hope will be short and direct that, "such relationships shall be, where persuasion fails, or however you want to say that, such relationships shall be entered into only with great reluctance and for overriding practical reasons".

Steve Richardson: Could we rephrase that, "such relationships shall only be entered into with great reluctance upon a finding of overriding importance."

Councilmember Towell: Yes, that would be fine. That would imply some sort of process for public discussion.

Councilpresident De St. Croix: O.K. we have three choices so far. Do we have another one? Can we have each author of the proposed ones state them again so that we can make our choices for whoever wants to move for amendment? General policy as yet has not been introduced as an amendment.

Councilmember Towell: Perhaps we can proceed with the third section up there. Three (d).

Councilpresident De St. Croix: I prefer at this time while people's interest is still focused on this issue that we restate all three potential motions so that we can then feel with that and then we won't have to come back and reexplain it again. Why don't we start with the first one that was offered by Mr. Richardson. Choice "A".

Steve Richardson: (read amendment)

Councilpresident De St. Croix: O.K. this is choice number two or "B".

Councilmember Mizell: This will be a separate sentence. "This policy shall hold in all cases except where the strongest possible attempts have been made to have these units, agencies or institutions adopt Equal Opportunity and Affirmative Action Plans have failed and the

associations, contracts and arrangements to be entered into are overriding in importance.

Councilpresident De St. Croix: O.K., and here's choice "C".

Councilmember Towell: Mine is just an additional sentence to the first one. My problem with the second one is the policy has been qualified with persuasion. Oh, I see, you are keeping the original statement.

Councilmember Mizell: The original statement is there. This is simply a second sentence.

Councilmember Towell: I think we are very close.

Steve Richardson: As I have Councilman Towell's additional sentence it would read "such associations, contracts or institutional arrangements shall only be entered into with great reluctance and upon a finding of overriding practical concern".

Councilpresident De St. Croix: O.K. Before we take the vote or ask for the amendment could we have a sense of the Council. How many here like choice Number One? Choice Number Two? Is there any sense? Do you prefer one of those?

Councilmember Fix: I think I would choose the second one because it does call attention to the specific contract we are entering into.

Councilpresident De St. Croix: Al, (Towell) do you feel that Number Two speaks to the issue you were talking about?

Councilmember Towell: I think the meaning is very close to the same. It's a matter of wording.

Councilmember Mizell: I move that under Four, General Policy, in addition to Sentence 8, we add the sentence "this policy shall hold in all cases except where the strongest possible attempts have been made to have these units, agencies or institutions adopt Equal Opportunity and Affirmative Action Plans have failed, and the associations, contracts and arrangements to be entered into are overriding in importance."

Councilmember Zietlow: Second.

Councilpresident De St. Croix: We are now two motions deep, I imagine we can go three deep and enact all three at the same time, is that correct?

Councilmember Towell: Well my problem with the procedure now is that as I understand it, the Three (d) amendment is what we have before us so I'd like to vote on that and then come back to this. I'll state right now my support for Mr. Mizell's amendment.

Councilpresident De St. Croix: You've heard the motion on four, would it be acceptable practice to the Council that we thrash out the third amendment here and just have a series of roll calls after we work them out? Is that reasonable?

Councilmember Zietlow: I move that the Affirmative Action Plan as presented be amended under Section Three, category (d) to include to read as follows:

"the City of Bloomington shall mean all departments, units, branches and subdivisions of the City of Bloomington, or any other quasi-independent institutional arrangements created by the City of Bloomington, including but not limited to the Utilities Service Board, all authorities, all agencies and all commissions. All non-elected employees...etc.

Councilpresident De St. Croix: Let's deal with Three (d). I thought what we'd do is to work them all out. The motion before us then...

Councilmember Zietlow: We've got discussion for Number Four because there seemed to be little discussion for Three and...

Councilpresident De St. Croix: O.K., let's just knock off Three and Four. The motion before us, Mr. Parliamentarian, we will deal with Three (d) and then Four (a). We are now on Three (d), Definitions. Written as presented before you.

Steve Richardson: I believe that the phrase "or the state of Indiana" is unnecessary. That is, that basically the state of Indiana gives us enabling legislation by which we do the act of creating and only through our optional version of choosing to create various institutional arrangements, including the Utilities Service Board or other authorities, agencies or commissions. I believe that that language may be ambiguous with the inclusion of the state of Indiana. Bruce (Wackowski) and I as the drafters of that, think that it would be much better and it would still be meeting its original intent...

Councilpresident De St. Croix: Mover and seconder, would you consider that a friendly amendment?

Councilmember Towell: I have a question. It seems to me when we have "or state of Indiana" that we are still dealing with quasi-independent institutional arrangements, that is parts of the City in a different sense than the previous sentence. I don't think it hurts, "the state of Indiana" might say, all of you might have to have such and such.

Steve Richardson: Yes, but we would still have to have local enabling legislation.

Councilmember Towell: We don't have to have one for the City Attorney or certain basic departments of the City. I don't know if we have them all, but we are told to have them. I don't care, I just think it is probably all right the way it is.

Steve Richardson: I think if we are trying to pin it down it would probably be better with "or the state of Indiana" out.

Councilpresident De St. Croix: Do you accept this as a friendly amendment? O.K. The motion before the Council is the acceptance of Three (d) definition, the underlined part.

The amendment Three (d) to the Affirmative Action Plan was then passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilpresident De St. Croix: The next item is an amendment to Section Four, General Policy, (a).

The amendment to Section Four of the Affirmative Action Plan was passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that the Affirmative Action Plan be amended, Section Six, Internal Grievance Procedure to include a new paragraph on page nine. "The grievance procedure shall remain private and confidential in nature, provided that the Advisory Board shall have access to any written decisions of the Equal Opportunity Officer or the Mayor, and may discuss such decisions in Executive Session". The intent of this is to protect the privacy of the grievant.

(Tape Break)

Councilmember Mizell: Second.

The amendment to Section Six of the Affirmative Action Plan was passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Zietlow: I move that Resolution 75-23 be adopted as amended.

Councilmember Towell: Second.

Resolution 75-23, Affirmative Action Plan, was passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Davis: I move that Resolution 75-25 be introduced and read by the Clerk.

RESOLUTION 75-25  
Geological Com-  
mendation

Councilmember Mizell: Second.

Resolution 75-25 was then read by Clerk Dolnick in entirety.

Councilmember Davis: I move that Resolution 75-25 be adopted.

Councilmember Mizell: Second.

Councilmember Davis: I'd like to fill you in. There has been no really good publicity on this but by calling the police agencies you can get names of rescuers, you promptly call them and they locate the cave that the people are lost in, rescue them and generally perform a service that I don't think very many people know about. One night after a Council meeting I went home and found my nine year old son was still in a cave someplace in the area. I didn't know what cave and they even located the cave for me. It is a group of people who do all of this very nice volunteer work and I think they need a lot of recognition.

Resolution 75-25 was passed by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Davis: I move that Ordinance 75-48 be introduced and read by the Clerk by title only.

ORDINANCE 75-48  
Animal Control  
Commission Member-  
ship

Councilmember Mizell: Second.

Ordinance 75-48 was then read by Clerk Dolnick by title only.

Councilmember Davis: I move that Ordinance 75-48 be adopted.

Councilmember Zietlow: Second.

Councilpresident De St. Croix: Do we have a Committee Report?

Councilmember Fix: We don't have one attached but the committee did meet. Councilman Mizell and myself met. What this does is to eliminate the Councilmember from being named to the Commission. We were not fully informed as to the boundry of doing this so we decided to leave this to the Council to act upon as a whole.

Councilmember Mizell: I've been informed that this is in line with the Council's move towards subcommittee actions and removing the Councilmembers from active participation in the commissions, but rather having them in the subcommittees. It's following the general reorganization of the Council which took place January 1.

Councilpresident De St. Croix: What we have attempted to do is rather than making one member of the Council the liaison with the commissions and boards and whatnot, and carry the responsibility of expressing the diverse opinions of the nine members of the Council to a multi-member board and then taking back the diverse opinions of the multi-member board, translating that to a multi-member Council to try and have these commissions report directly to the Council committees, which have three members of the Council on it. This perhaps provides a better information flow.

Ordinance 75-48 was adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember Fix: Might I add, after that vote that we are putting a lot of faith into the committee structure.

Councilmember Zietlow: I move that Ordinance 75-50 be introduced and read by the Clerk by title only.

ORDINANCE 75-50  
Creation of Bicentennial Commission

Councilmember Davis: Second.

Ordinance 75-50 was then read by Clerk Dolnick by title only.

Councilmember Davis: I move that Ordinance 75-50 be adopted.

Councilmember Behen: Second.

Councilmember Kinzer: I'd like to make a motion for a minor amendment. This would be for Section Three since the Commission is doing more than just supporting or sanctioning activities, to add this "the following objectives, and shall provide leadership in developing effective bicentennial programs".

Councilmember Zietlow: Second.

The amendment to 75-50 was adopted by a unanimous voice vote.

Councilmember Davis: I move that Ordinance 75-50 be adopted as amended.

Ordinance 75-50 was adopted by a ROLL CALL  
VOTE of Ayes: 9, Nays: 0.

Councilmember Davis: I move that Ordinance  
75-47 be introduced and read by the Clerk  
by title only.

ORDINANCE 75-47  
Descriptive Terms

Councilmember Zietlow: Second.

Ordinance 75-47 was then read by Clerk  
Dolnick by title only.

Councilmember Davis: I move that Ordinance  
75-47 be adopted.

Councilmember Behen: Second.

Councilmember Zietlow: I would like to speak  
against this Ordinance. I think that I  
understand the problem of language and the  
implication of discriminatory language. We  
get letters every day addressed to the three  
women who own our store addressed "gentlemen"  
and it gets old after a while. I think the  
intent of language of this sort is really is to  
get people to recognize this as a possibility  
to have people of both sexes included in most  
situations. However, I think to go through the  
Code and to change every instance of man to  
man and woman and every instance of he to he  
and she and so forth reduces the question to  
an absurdity and I think we could equally make  
the same point by simply inserting at the  
beginning of the Municipal Code a note of  
some sort such that "the City of Bloomington is  
an Equal Employment Opportunity and an Affirm-  
ative Action Employer with a firm commitment  
to civil rights in every instance in this Muni-  
cipal Code of the City of Bloomington where the  
conventional linguistic pronoun he or his appears,  
it is understood that persons of both sexes are  
intended." I think that wouldn't need an Ordinance,  
we could just insert that.

Councilmember Kinzer: I'd like to support that  
view. I feel exactly the same as Charlotte does  
on it and if I may, I'd like to make a motion to  
amend, would that be the proper procedure?

Councilpresident De St. Croix: No, the proper  
procedure would be to defeat the Ordinance and  
then when the Council has the Code recodified,  
to request in our recodification that that opening  
statement be included there. It is not a statement  
of law, it is merely a statement of the City's  
ongoing policy, and I don't think that that  
would require legislative action by the Council.  
The Council is going to have to deal with the  
question of recodification of the Code very  
shortly. We have had Council staff looking into  
that, checking into prices and that sort of thing  
right now. It would appear to me then that the  
question before the Council is whether or not  
the use of he, him or her or whatnot is significant  
enough in the Code to warrant a change in the  
codification.

Councilmember Zietlow: My statements were not  
to the question of going back and changing the  
Code at this time or putting in new language,  
it is to not do it at all. I think a blanket  
statement would have the same effect and I do  
think this gets to be very silly.



Steve Richardson speaks from the floor: This Ordinance was drawn up by our office to come along with the Affirmative Action Plan and the discussion. We think that there is a direct policy benefit and an educative policy if no more. It should be apparent every place where someone reading through the Code would see it. I speak directly to an instance or an example, that is if you are looking to employment practices or to one specific section of the Code, one is not likely to turn to the beginning of the Code to find what the general policies are. It is our intent rather than make it a matter of policy that is assumed, to make it a matter of education. People should realize that these functions could be served by either he or she. That indeed, we are dealing with persons. The Fourteenth amendment to the Constitution speaks not with man, not with woman but with persons. We are trying to ground this as a matter of law rather than going on an ad hoc basis and relying on our own vigilance each time we come up with a Salary Ordinance or whatever. We proposed the use of the word man, the use of the word woman, that it be the policy of the City to always use this language. Language that says person rather than man or woman or persons instead of men or women. The alternative version of the personal pronoun would be used.

Councilmember Fix: We had a committee meeting on this. The result of our conversation was that it was not worth it to go back and change the Code just for this particular purpose. Another thing, this almost eliminates the possibility of using man or woman when we may want to.

Steve Richardson: I think that specific exceptions can be made when there's a bona fide policy reason and certainly in our Affirmative Action Plan the use of the word "woman" is recognized as a suspect classification or a minority group. When we recognize those particular instances when the use of the word is beneficial, that in and of itself with the legislative record can be kept for the use of the word. We are trying to take advantage of the opportunity to use the recodification as a means of going back through and systematically eliminating the words which may be stigmatizing or whatever.

Councilmember Towell: In classical and early modern times when geometry was the standard of science in the world, the distinction between the intelligence of man or woman and the intelligence of God usually was made in terms of God would understand all of the theorems from the axioms, that mankind would have to go through each step to come to a conclusion. I'm afraid of adopting a general editing procedure when I can't understand all of the consequences. I remember a few years ago there were demonstrations on campus. One of the Ordinances that was used quite frequently do haul away demonstrators was saying an obscene or four letter word in the presence of a woman. I wonder how that one would work out with this Ordinance. There may be other things in the Ordinance book that would not turn out too well and we might even be invalidating some Ordinances in some way. I don't know, and that's my problem. I prefer to make amendments as we discover they are necessary.

Councilpresident De St. Croix: Do Councilmembers feel that they have a sense of the issue now?

Councilmember Zietlow: Basically the issue is whether or not people are conscious of including people of both sexes in most situations here. I think that by and large, the pronoun "he" is accepted as a convention which does not apply to sex. I know that there are women's groups that wouldn't agree with me, maybe men's groups too, but I think they would. The important thing is to get the consciousness that we are considering always different people of both sexes when we are talking about this. I really think that to stress it, to point this out always with a slash doesn't contribute much to that sensitivity.

Councilmember Davis: We just got through talking about holding all the other agencies and governmental agencies in the area noses to the grindstone on Affirmative Action and I see this as part of Affirmative Action, how we address people, how we use terms. Every day in lecture I'm very guilty of using the term "man" to mean all people. I have a couple students who immediately let me know I do this. I think this does have something to say about that. I think it is supporting what we just passed.

Councilmember Morrison: It's nature for a lady to think of a man and a man to think of a lady. I'm sure Adam sure found out who Eve was.

Councilpresident De St. Croix: Eve may have found out who Adam was first.

Councilmember Kinzer: The way I read this, the word "person" for each and every occurrence, this would be without exception. We just talked about an Affirmative Action Program that specifies "woman" in one place. Now what would happen to this. Would that be affected by it?

Steve Richardson: The Affirmative Action Plan is not a part of the Bloomington Municipal Code.

Councilmember Kinzer: O.K. Are there statements in the Code that could be taken in the same manner?

Steve Richardson: We passed a Resolution which I take it does become part of the record if not part of the Code.

Councilmember Kinzer: The point is that we spent time talking about whether to include man along with woman in that and it seems to me that we are saying that we are not going to talk about this. The other thing is, if we are going to try and balance this out, why is his before her with a slash. Why not at least take turns and put she/he on the second one?

Councilmember Behen: I have a feeling that Council is of strong opinion on the Ordinance and I call for the question.

Ordinance 75-47 failed by a ROLL CALL VOTE of Ayes: 1, Nays: 8. Ayes: Councilmember Davis.

Councilmember Mizell: I move that Appropriation Ordinance 75-9 be introduced and read by the Clerk by title only.

APPROPRIATION  
ORDINANCE 75-9  
Emergency Funds

Councilmember Zietlow: Second.

Appropriation Ordinance 75-9 was then read by Clerk Dolnick by title only.

Councilmember Mizell: Let's explain that for the record.

Councilpresident De St. Croix: This will allow money from the Federal Revenue Sharing Trust Fund, deposit it in Parks and Recreation; money from Cumulative Capital to the Board of Works; money from Federal Revenue Sharing to Department of Public Transit. The break-downs are on the Ordinance if anyone is interested.

Councilmember Mizell: I move that Ordinance 75-51 be introduced and read by the Clerk by title only.

ORDINANCE 75-51  
Amend Zoning 17th  
and Madison

Councilmember Behen: Second.

Ordinance 75-51 was then read by Clerk Dolnick by title only.

Councilpresident De St. Croix: This changes the zoning at 17th and Madison from the present RS (Single Family) to BA (Business Arterial).

Councilmember Mizell: I move that Ordinance 75-52 be introduced and read by the Clerk by title only.

ORDINANCE 75-52  
Sewers

Councilmember Behen: Second.

Ordinance 75-52 was then read by Clerk Dolnick by title only.

Councilpresident De St. Croix: This Ordinance affects the City's policy regarding sewers in the City, abatement of septic systems, date for connecting to sewer and septic systems, notice to connect, charges for connection and compliance, and failure to comply.

Councilmember Mizell: I move that Ordinance 75-53 be introduced and read by the Clerk by title only.

ORDINANCE 75-53  
Restricted Parking

Councilmember Behen: Second.

Ordinance 75-53 was then read by Clerk Dolnick by title only.

Councilpresident De St. Croix: This will put under the area of restricted parking, West Fourth Street, north side between Rogers Street and the first alley running north and south.

Councilmember Mizell: I move that Ordinance 75-54 be introduced and read by the Clerk by title only.

ORDINANCE 75-54  
Sign Ordinance

Councilmember Behen: Second.

Ordinance 75-54 was then read by Clerk Dolnick by title only.

Councilpresident De St. Croix: What this does is change the Sign Ordinance. It's the hot one. This has been discussed for some time and this is the result of the final compromise. This is just for on-premise signs.

Councilmember Mizell: There will be a public hearing by the Council Committee on Planning and Community Development to be held next Tuesday, or Wednesday that is at 7:30 p.m.

Ron Alsop: I think it will be on Tuesday.

Councilmember Towell: O.K. I can do it on Tuesday, but I thought it was on Wednesday. O.K. It is Wednesday at 7:30 p.m.

Councilmember Mizell: I move that Ordinance 75-55 be introduced and read by the Clerk by title only.

ORDINANCE 75-55  
\$5 Permit Fee

Councilmember Behen: Second.

Ordinance 75-55 was then read by Clerk Dolnick by title only.

Councilpresident De St. Croix: This increases from the 25¢ fee for street cuts to \$5.00, which begins to approximate the cost per permit to the City.

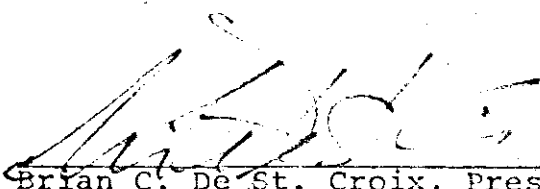
Councilpresident De St. Croix: Adjourn.

ADJOURNMENT

ATTEST:

Nora M. Connors  
Deputy City Clerk

APPROVE:

  
Brian C. De St. Croix, President  
Bloomington Common Council

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Common Council SUBJ: Temporary Loans  
FROM: City Controller DATE: 9/2/75

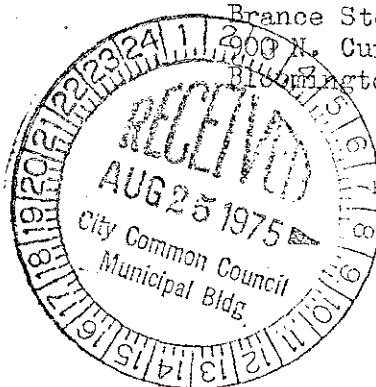
The Local Road & Street Fund has money available which can be loaned to Parks & Rec. (\$100,000), Police Pension (\$18,600) and Fire Pension (\$22,000) until our tax draw is available. We do not propose to transfer these loans except as needed; if we are able to get advance tax draws, these total amounts might not have to be borrowed.

We would appreciate the Council acting in this matter before the end of September, so our balances will not show a deficit at the end of the month.

*Martha*

(3)

City Council of Bloomington  
Municipal Building  
Bloomington, Indiana 47401



Dear Council,

As a future home owner in the greater Bloomington area I am compelled to write this letter. In regard to the up coming bill of forcing all persons living within 300 feet of a sewer line to hook on, this is unnecessary to some of the existing homes. True it can be considered a health problem, but only if the existing septic system is unsuitable. It would be an unnecessary expense to some people and in some cases an unaffordable. I hope it will be your intention to put such a limitation on the bill that only in cases of extreme health hazard that such an action could force the hook-on.

Sincerely yours,

*Brance Stogsdill*

Brance Stogsdill

CITY OF BLOOMINGTON

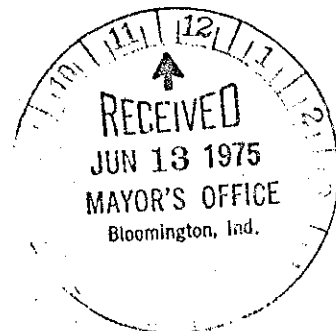
Interdepartmental Memo

TO: Mayor McCloskey                      SUBJ: Salary Ordinance  
FROM: Martha Sims, Controller              DATE: 6/10/75

Frank: As you know, I have been able to raise the salaries of two girls in my office - Sharon as Deputy Controller from Machine Operator - \$3.10 @ hr. to \$3.60@ hr) This is in line with her duties; also, Louise has been transferred to Machine Operator (\$3.00 @ hr. to \$3.10 @ hr.) I was able to put her on the machine because of Terry, who is our CETA VI employee (who is doing an excellent job, but will be leaving in September).

Barbara, my present deputy, is really underpaid for her duties and performance. I have talked with Walt Sorg at Utilities, and they are willing to pay more on her salary, because she does a lot for Utilities, and he recognizes this (in fact, wanted her to come to work for them at a much higher salary than she is getting now). She is more of an Assistant Controller than Deputy. At the time the budget was made for the year 1975, she had not yet resumed the duties of all investments, which she assumed when Walt left our office. She is doing a very excellent job, and is making money for the City every week. She is the mainstay in the office, familiar with the Machine operations, as well as all the rest. The only way I can change her salary is with a new Salary Ordinance, which I am attaching with the hope that you will see fit to send to the Council. I am hoping, also, that some of her salary might be paid from Community Development Revenue Sharing Funds.

*Martha*



COMMITTEE REPORT SHEET

COMMITTEE NAME APPROPRIATION

ORDINANCE/~~RESOLUTION~~ APPROPRIATION ORDINANCE 75-6  
(Name and Number)

DATE SUBMITTED \_\_\_\_\_

PERSON OR DEPARTMENT ORIGINATING MAYOR'S

SUBJECT MATTER COMMUNITY DEVELOPMENT GRANT FUND

DATES OF COMMITTEE MEETINGS 9/2/75

DATES AND LOCATIONS OF PUBLIC HEARINGS \_\_\_\_\_

COMMITTEE DISCUSSION:

Mayor's representative, Steve Richardson, stated the money needs to be appropriated to get the program functioning. He suggested the Council pass an amended version of the Ordinance to cover the \$63,000 for salaries, or at least a part of it, so the programs could begin- and then the Cumulative Capital programing will be discussed in detail in the meeting on Saturday, 9/6/75. It was decided that the Mayor's office should come up with an amended version of the Ordinance to offer at the Council meeting, should the Council not be prepared to appropriate the entire sum at this time, and that further discussion of this matter would be brought up at the Saturday meeting.

COMMITTEE RECOMMENDATIONS:

No recommendation at this time.

MINORITY REPORT ATTACHED YES    , NO    , NOT APP.    

SIGNATURES OF COMMITTEE MEMBERS

CHAIRPERSON

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE REPORT SHEET

COMMITTEE NAME \_\_\_\_\_

ORDINANCE/RESOLUTION 75-9  
(Name and Number)

DATE SUBMITTED 4/21/75

PERSON OR DEPARTMENT ORIGINATING Human Rights Com-

SUBJECT MATTER Contract Compliance

DATES OF COMMITTEE MEETINGS 4/21/75

DATES AND LOCATIONS OF PUBLIC HEARINGS 4/21/75 committee

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

*Hold until receipt of affirmative  
Action Guidelines -*

MINORITY REPORT ATTACHED YES\_\_\_, NO\_\_\_, NOT APP. \_\_\_

SIGNATURES OF COMMITTEE MEMBERS

*Dick Baker*  
*Wayne Dix*  
*[Signature]*

CHAIRPERSON



COMMITTEE REPORT SHEET

COMMITTEE NAME Council Appropriations

ORDINANCE/RESOLUTION Appropriation 75-8 Board of Works  
(Name and Number)

DATE SUBMITTED \_\_\_\_\_

PERSON OR DEPARTMENT ORIGINATING \_\_\_\_\_

SUBJECT MATTER \_\_\_\_\_

DATES OF COMMITTEE MEETINGS September 2, 1975

DATES AND LOCATIONS OF PUBLIC HEARINGS \_\_\_\_\_

COMMITTEE DISCUSSION:

Due to a recommendation by the Mayor's office, the Ordinance should be amended to delete \$2,500 from the Police section. This was for salaries for non-sworn personnel. The Police Department is not at 100% employment at this time, and will not be at the end of the year. It was decided that the additional appropriation of money was not needed.

COMMITTEE RECOMMENDATIONS:

MINORITY REPORT ATTACHED YES \_\_, NO \_\_, NOT APP. \_\_

SIGNATURES OF COMMITTEE MEMBERS

CHAIRPERSON

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\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE REPORT SHEET

COMMITTEE NAME Council Appropriations

ORDINANCE/RESOLUTION Appropriation 75-9 Emergency Funds  
(Name and Number)

DATE SUBMITTED \_\_\_\_\_

PERSON OR DEPARTMENT ORIGINATING \_\_\_\_\_

SUBJECT MATTER \_\_\_\_\_

DATES OF COMMITTEE MEETINGS September 2, 1975

DATES AND LOCATIONS OF PUBLIC HEARINGS \_\_\_\_\_

COMMITTEE DISCUSSION:

Jim Ray reiterated backup. The appropriation is designed to bring transportation current. Additional monies are needed due to inflation, i.e. parts are up 25%. This money will be used to finish up 1975; 1976 will start even. This is seen as an amendment to the 1975 budget. Brian asked that Mr. Wray meet with Utilities/Public Facilities. The Ordinance will be supported on first reading, but further discussion is needed. The entire Council should discuss Board of Works, the rest going to Flo Davis and her committee. Community Resources met and discussed the Parks and Recreation transfer, which they approved.

COMMITTEE RECOMMENDATIONS:

Do pass with further discussion.

MINORITY REPORT ATTACHED YES , NO , NOT APP.

SIGNATURES OF COMMITTEE MEMBERS

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\_\_\_\_\_  
\_\_\_\_\_

CHAIRPERSON

COMMITTEE REPORT SHEET

COMMITTEE NAME Council Appropriations

ORDINANCE/RESOLUTION 75-29 Temporary Loans  
(Name and Number)

DATE SUBMITTED \_\_\_\_\_

PERSON OR DEPARTMENT ORIGINATING \_\_\_\_\_

SUBJECT MATTER \_\_\_\_\_

DATES OF COMMITTEE MEETINGS September 2, 1975

DATES AND LOCATIONS OF PUBLIC HEARINGS \_\_\_\_\_

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

Do pass.

MINORITY REPORT ATTACHED YES , NO , NOT APP.

SIGNATURES OF COMMITTEE MEMBERS

CHAIRPERSON

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE REPORT SHEET

COMMITTEE NAME Council Appropriations

ORDINANCE/RESOLUTION 75-27 Emergency Vehicles Bids  
(Name and Number)

DATE SUBMITTED \_\_\_\_\_

PERSON OR DEPARTMENT ORIGINATING \_\_\_\_\_

SUBJECT MATTER \_\_\_\_\_

DATES OF COMMITTEE MEETINGS September 2, 1975

DATES AND LOCATIONS OF PUBLIC HEARINGS \_\_\_\_\_

COMMITTEE DISCUSSION:

COMMITTEE RECOMMENDATIONS:

Do pass.

MINORITY REPORT ATTACHED YES , NO , NOT APP.

SIGNATURES OF COMMITTEE MEMBERS

CHAIRPERSON

\_\_\_\_\_  
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