

In the Council Chambers of the Municipal BUILDING, Wednesday, October 10, 1973 at the hour of 6:15 p.m., with Councilpresident Charlotte T. Zietlow presiding.

SPECIAL SESSION
COMMON COUNCIL
CITY OF BLOOMINGTON
INDIANA

Present: Alfred Towell, Sherwin Mizell, Hubert Davis, Jim Ackerman, Wayne Fix, Charlotte Zietlow.

Absent: Jack Morrison. ~~Marvard Behen,~~
Brian De St. Croix

Mayor ~~Meehoskey~~; Grace Johnson, City Clerk; Bill Wilson, Director of Parks and Recreation; Lloyd Olcott, Chairman, Park Board; Marvard Clark, Assistant City Engineer; Mr. Duncan, Cemetery Sexton; Martha Sims, Controller; Brance Stogsdill, Accountant.

CITY OFFICIALS PRESENT

About 3 people including members of the press.

OTHERS PRESENT

Councilman Ackerman moved that ordinance No. 73-66 be advanced to second reading and read by the clerk by title only. Councilman Mizell seconded the motion. The motion was carried by a unanimous voice vote.

Second reading of ordinance 73-66

Park Bond Ordinance

In the absence of the City Clerk, Amy Mann, read Ordinance No. 73-66 by title only.

Councilman Ackerman moved that Ordinance No. 73-66 be adopted. Councilman Mizell seconded the motion.

Mr. Olcott: I think that our only statement is that I believe - and I hope the council realizes - that we have, Mr. Wilson and the department have put on a good show. And obviously the citizens of Bloomington have backed us - we are not overwhelmed with demonstrators either for or against. But we do appreciate your moving it up and putting it on a special basis because this does enable us to move a little faster in our projects and our actual production.

Councilpresident Zietlow: With the passage of the bond ordinance by the council the next step is the floating of the bonds.

Mr. Wilson: The next thing is it goes to the state tax commission.

ORDINANCE NO. 73-66 WAS APPROVED BY A ROLL CALL VOTE OF AYES 6, NAYS 0.

In voting, Councilman Towell said: I am very happy to be voting for this.

Councilman Ackerman moved that Resolution No. 73-59 be introduced and read by the clerk. Councilman Davis seconded the motion. The motion was carried by a unanimous voice vote.

RESOLUTION NO. 73-59
Budget Appeal

Grace E. Johnson, City Clerk, read Resolution No. 73-59, in its entirety.

Councilman Towell moved that Resolution No. 73-59 be adopted. Councilman Ackerman seconded the motion.

Councilman Davis: The only whereas I would have added would with ~~to do~~ with the right of an appointed board to tamper ~~with the budget.~~

Councilpresident Zietlow: Would you like to propose an amendment?

Councilman Davis: No, it is not ~~needed~~.

Councilpresident Zietlow: I think that is a ~~very~~ important point that should at least be recorded in the minutes. ~~The~~ Council, as an elected body, did pass the budget...

Councilman Towell: For whatever reasons...

Councilpresident Zietlow: Yes, with greater or lesser joy; and it was signed by the elected mayor and it was presented to an appointed board. I feel strongly, as an elected official, that we should have the final statement as far as policy goes. And this is certainly a reflection of that policy.

Mrs. Sims: I did say something to the state board of tax commissioners one day to one of the members - I did feel that that appointed board really doesn't know what the city needs or what the county needs or the townships and it seemed wrong to me that they could cut it if this was a budget. And they said well the board does have a purpose.

Councilpresident Zietlow: Yes, the board does have a purpose and I think it is quite unclear just what that purpose is. Apparently it could be interpreted - the purpose could be interpreted to be one of accounting and prevention of real malfeasance and embezzlement and fraud and that sort of thing.

Mrs. Sims: Kind of a watchdog.

Councilpresident Zietlow: Yes, and adding things up right and so forth but there was a big discussion of this at the Indiana Association of Cities and Towns - in the second and third class cities meeting. And there was some discussion as to whether or not - and I think Councilman Towell brought it out very clearly - as to whether these appointed boards are still operating with the Dillon Rule before public law 250 and the cities are beginning to think more in terms of home rule. I think it is a matter of real dispute.

Councilman Ackerman: I am not sure when the board of tax adjustment was appointed - but to my recollection only Mr. Najam of anyone on the board ever attended any of the budget hearings to make any attempt to inform themselves.

Councilpresident Zietlow: I believe they were appointed before the Council held its final hearing on the budget.

Ann Smith - C-T Managing Editor: I think they started appointing people in the spring. They are appointed every year, though I think most of them are the same members as last year.

Councilman Mizell: I believe that even Mr. Najam, eventhough he attended quite a few of the budget hearings was not in attendance at all of the hearings that the council had with department heads and so even his information was lacking in some areas.

Councilman Towell: And I would like to point out that the voters preferred me by almost two to one to Mr. Stipp, one of the appointments to the tax board.

Councilpresident Zietlow: Who was one of the opponents to the Council in the budget.

Councilman Towell: I wonder if any of the other members could run for office.

Councilman Ackerman: One could almost designate that action as irresponsible sniping, rather than watchdogging - what the tax adjustment board has done.

Councilpresident Zietlow: And definitely policy-making. No doubt about it when some items of some budgets are cut and others are left unquestioned.

Councilman Fix: Why, I might say that as we went through the budget, item by item there was a few things that I voted no upon and the tax adjustment board didn't agree with me on any of those. They picked out others so I am not in complete agreement with their cuts.

Councilman Towell: Perhaps there is one other point to be made and that is I heard one of the members speak of a twelve percent rule - that he liked to cut budgets by twelve percent. And I would submit that is fairly arbitrary after all the trouble we went to with this budget in considering various items and so on.

Mrs. Sims: I didn't hear the twelveper cent but I did hear that Mr. Schrader had said, after talking with the state board of tax commissioners that they recommended that the operating balance be one twelfth of the year's budget.

Councilman Towell: Well we had some discussion of that particular item with the state board of accounts ourselves and it seems that they were willing for us to have a larger one considering the taxdecrease and other circumstances so that I would doubt that that general rule is of any merit whatsoever in this case.

Councilpresident Zietlow: I would think also for the record we might point out that the city of Bloomington, in any case, is going to have a forty three cent tax cut where our levy is frozen and we could have gone up - we could have maintained our previous tax rate and I think to further cut it - I think we have a very strong appeal to the state board to just not cut it as much as was recommended by these appointed people.

Mayor McCloskey came into the meeting and asked if he could say a few words before a vote was taken: I would just like to say for the record and in the context of our previous discussion I think it is a matter of general knowledge to the council and the public that the city legal department has advised me about the problem in Indiana statelaw of the council only being able to hire an attorney or a legal researcher position being limited to (problem with transcription - tape unclear for a few words) city legal department and I would like to stress again as I have at the beginning of this administration that I think a full-time staff support is necessary and desirable for the council. I do believe in that. I also would say that the Indiana law will have to be complied with come January first and to my understanding at this timeit will most likely have to be, if it's on a full-time basis, an attorney.

Councilpresident Zietlow: I think, once again, that - you want to put that in the record?

Mayor McCloskey: Yes, all I am saying is, in essence, that I believe in and endorse that I do believe the council should have the support but that we must be in compliance come January first with Indiana state law.

Councilpresident Zietlow: Well, I believe that we should be in compliance with the Indiana State law too and I think that in the next few months we will have to be studying that state law very carefully to find out exactly what various interpretations are.

Councilman Towell: Well, whoever we hire as of January first the question before us is whether we will have an aide. And it is not a question of any particular person. If I read the papers tonight that wasn't clear.

Mayor McGloskey: No, not at all.

Councilpresident Zietlow: But is is clear.

Councilman Towell: But it would have to be clear, to do justice to our present aide I think.

Councilman Ackerman: Yes, I think the basis for my vote is that I don't see - although I obviously would want to stay within the law - I don't see that it is the role of the council to know precisely what the law is - I think we have to do as we did with the landlord tenant ordinance when we were advised by the attorney that there might be some questionable parts of the landlord tenant ordinance that we went ahead and tried to vote what we thought was right and hope that the interpretation of the law as it would be brought out in the courts or in Indianapolis that we would be vindicated in that so I am hoping that someday the law can be interpreted that will allow us to keep our aide.

RESOLUTION NO. 73-59 WAS ADOPTED BY A ROLL CALL VOTE OF
AYES 6, Nays 0.

There being no further business, the meeting
was adjourned at 6:40 p.m.

ADJOURNMENT

ATTEST:

Charlotte T. Zietlow "
Charlotte T. Zietlow, Councilpresident

Amy G. Mann
Amy G. Mann, Secretary