

City of Bloomington Common Council

Legislative Packet

Wednesday, 03 December 2014

Regular Session

*For legislation and background material regarding
Ordinance 14-24 and Ordinance 14-25 please consult the
[12 November 2014 Legislative Packet](#)*

*For legislation and background material regarding
Appropriation Ordinance 14-06 please consult the
[19 November 2014 Legislative Packet](#)*

All other material contained herein.

Office of the Common Council
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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Council Sidewalk Committee Meetings** in December 2014
- **Notice of Staff-Council Internal Work Session** on Friday, December 5th at Noon in the Council Library

Legislation for Second Reading:

- **App Ord 14-06** To Specially Appropriate from the General Fund, Parks General Fund, Fire Capital Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Fire Pension Fund; and, Appropriating Additional Funds from the Arts Commission Operating Fund, Risk Management Fund, BMFC Showers Bond, 1998 Street Bond II, Golf Course Bond, BMFC 1998 Street Lease and Rental Inspection Program Fund)
Contact: Jeffrey Underwood at 349-3416 or underwoj@bloomington.in.gov

Please see the Legislative Packet issued in interest of the [19 November 2014 Regular Session](#) for legislation and supporting information regarding [App Ord 14-06](#).

- **Ord 14-24** To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and Chapter 4.30 (Pushcarts - *added*)
*Contact: Patty Mulvihill at 349-3426, mulvihip@bloomington.in.gov
Jason Carnes at 349-3419, carnesj@bloomington.in.gov*

- **Ord 14-25** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

*Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov
Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov*

Please see the Legislative Packet issued in interest of the [12 November 2014 Regular Session](#) for legislation and supporting information regarding [Ord 14-24](#) and [Ord 14-25](#).

Legislation and Background Material for First Reading:

- **Ord 14-26** To Amend Title Two of The Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)
 - Memo from Regina Moore, City Clerk;
 - Proposed Board and Commission Term Expiration Dates – Tables 1 (with numbered seats and correction of out-of-sync terms) and 2 (with numbered seats and no correction of expiration dates); and
 - Title 2 of BMC – with Changes Annotated

Contact: Regina Moore, at 349-3408 or moorer@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Three Ordinances Ready for Second Reading and One Ordinance Ready for Introduction at the Regular Session on Wednesday, December 3rd

The agenda for the Regular Session next Wednesday includes three ordinances under Second Readings and Resolutions and one ordinance under First Readings. The legislation and information for the ordinances under Second Readings can be found in the last two weekly packets and online as indicated above. The legislation and information for the ordinance under First Reading are included in this packet and summarized later in this memo.

December Schedule

The last legislative cycle of the year usually involves meetings on the first three Wednesdays of December. This year there is one ordinance ready for consideration during this cycle. It brings forward suggestions from the City Clerk to re-institute staggered terms for many appointments to boards, commissions, and councils that have gotten out-of-sync over the years. The change is explained below and, given its simplicity, the Council may want to consider foregoing a Committee of the Whole and holding a Special Session on Wednesday, December 10th to take formal action on the proposal along with an Interim Sidewalk Report and wrap up the year a week earlier than usual. The Interim Sidewalk Report would be distributed in the next packet and make recommendations to reallocate funds given the status of various initiatives at this time.

First Readings:

Item One – Ord 14-26 – Amending Three Provisions of Title 2 (Administration and Personnel) Regarding Boards, Commissions, and Councils - To Re-Institute Staggered Terms, Conform the Expiration Date for Appointments to the Commission on Aging to Other Local Commissions, and Make Housekeeping Changes BMC 2.08.020

Ord 14-26 is being brought forward, in large part, at the request of the Office of City Clerk after consultation with the Office of the Mayor and the recommendation of the Council Rules Committee. The Office of the City Clerk facilitates Council appointments to City's boards, commissions, and councils, and works with the Office

of the Mayor and other appointing authorities to coordinate those appointments. Over the last year or more, Regina Moore, and one of her deputies, Sue Wanzer, have been reviewing that process and have proposed some changes regarding terms of appointments to these entities. In addition, upon review of the affected sections, staff proposed some housekeeping changes.

The desire to be ready for the next round of appointments scheduled for early in the New Year largely shaped the timing and substance of this ordinance. That is because the Clerk's Office found that the expiration dates for many appointments to city boards, commissions, and councils are out-of-sync with City code. In particular, the expiration dates do not achieve the staggered terms called for in the various enabling legislation and the "General Provisions" set forth in BMC 2.08.020(2). The errors arose with the multitude of appointments, resignations, vacancies, and reappointments that occurred over the last three decades since that section was last amended and cannot be identified without great time, effort, and uncertainty.

In order to fix the problem, the Office of the City Clerk prepared a table of Proposed Board and Commission Term Expiration Dates. This table assigns a numbered "seat" to each appointment and an adjusted expiration date that spreads those dates more evenly between appointing authorities and over all of the appointments. The assignment of a "seat" to each appointee is intended to separate the "person" from the "appointment," hopefully, not confuse them in the future.

To further address the problem, the ordinance, in turn, rewrites Section 2.08.020(2) to:

- state that the terms to boards, commissions, and councils shall be for staggered, two-year terms, that expire on January 31st;
- adopt the proposed table¹ for such entities in effect on December 1, 2014; and
- require ordinances establishing such entities after December 1st to set forth the manner by which staggered terms shall be achieved and spread the expiration dates as evenly as is practicable between the appointing authorities and over all the appointments;

The ordinance also changes the expiration date for the appointments to the Commission on Aging to conform to Section 2.08.020, and, therefore, ends those dates on January 31st instead of December 31st. With this change, all but a few statutory boards, commissions, and councils will end on that date.

¹ The ordinance also incorporates the proposed table by reference into the code and, in accordance with IC 36-1-5-4, states that two copies of it are available in the Office of City Clerk for public inspection.

Lastly, the ordinance takes advantage of this visit to Section 2.08.020 to make some housekeeping changes. These changes:

- revise the introductory sentence and one provision in order to set forth a general exception for statutes and ordinances that *specify*² a different manner for exercising these powers at the beginning of the section and remove a redundant reference to that exception which appears in the part on Parliamentary Procedure (BMC 2.08.020[8]);
- remove an out-of-date reference to “areas intended for annexation” which appears in the Residential Requirements (BMC 2.08.020[3]); and
- recognize the current practice that some boards, commissions, and councils appoint a non-member to serve as secretary (BMC 2.08.020[9] – Officers).

Happy Birthday Heather Finn (Council Intern) – December 2nd

² The term “specify” is used instead of “require” or “provide” in order to track IC 36-1-3-6, which sets forth the “specific manner” by which home rule entities may exercise its powers.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, DECEMBER 03, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: *None*

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Appropriation Ordinance 14-06 To Specially Appropriate from the General Fund, Parks General Fund, Fire Capital Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Fire Pension Fund; and, Appropriating Additional Funds from the Arts Commission Operating Fund, Risk Management Fund, BMFC Showers Bond, 1998 Street Bond II, Golf Course Bond, BMFC 1998 Street Lease and Rental Inspection Program Fund)

Committee Recommendation: Do Pass 7 – 0 – 0

2. Ordinance 14-24 To Amend Title 4 of The Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and, Chapter 4.30 (Pushcarts - *added*)

Committee Recommendation: Do Pass 4 – 1 – 2

3. Ordinance 14-25 To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

Committee Recommendation: Do Pass 7 – 0 – 0

VII. LEGISLATION FOR FIRST READING

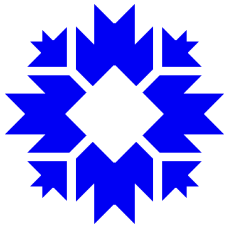
1. Ordinance 14-26 To Amend Title Two of The Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 01-06 December 2014

Monday, 01 December

12:00 pm Board of Public Works – Work Session, Kelly
4:30 pm Plat Committee, Hooker Room
5:00 pm Utilities Service Board, Utilities
5:30 pm Plan Commission, Chambers

Tuesday, 02 December

12:00 pm Common Council -- Sidewalk Committee, Council Library
5:30 pm Board of Public Works, Chambers
5:30 pm Bloomington Public Transportation Corp. Board of Directors, Transit

Wednesday, 03 December

12:00 pm Bloomington Urban Enterprise Association, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council -- Regular Session, Chambers

Thursday, 04 December

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

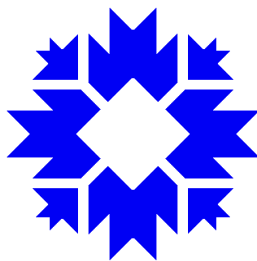
Friday, 05 December

12:00 pm Common Council -- Internal Work Session, Library

Saturday, 06 December

There are no events scheduled for this day.

Posted and Distributed: Wednesday, 26 November 2014



**City of Bloomington
Office of the Common Council**

NOTICE

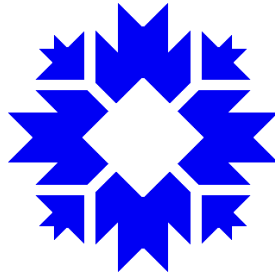
**THE COUNCIL SIDEWALK COMMITTEE
WILL CONVENE ON THE FOLLOWING
DATES:**

**Tuesday, December 02, 2014
Thursday, December 11, 2014
Tuesday, December 16, 2014**

**12:00 p.m.
COUNCIL LIBRARY (ROOM#110)
CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



**City of Bloomington
Office of the Common Council**

NOTICE

Council-Staff Internal Work Session

**FRIDAY, DECEMBER 05, 2014
12:00 p.m.
COUNCIL LIBRARY (SUITE 110)
CITY HALL, 401 N. MORTON**

Posted and Distributed: Tuesday, 25 November 2014

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

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ORDINANCE 14-26

**TO AMEND TITLE TWO OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL”
(Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment,
Membership, and Operation of Boards, Commissions, and Councils, and
Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line
with Other Such Local Entities)**

- WHEREAS, the Office of the City Clerk works in concert with the Office of the Mayor to coordinate and facilitate appointments to the City’s two dozen boards, commissions, and councils; and
- WHEREAS, the Office of City Clerk has found over the years that the expiration date for many appointments to the City’s boards, commissions, and councils do not coincide with the scheme of staggered terms set forth in the Bloomington Municipal Code (BMC); and
- WHEREAS, Section 2.08.020 (2) of the BMC, entitled “Terms,” established staggered, two-year terms ending on January 31st for the City’s boards, commissions, and councils, unless state Code or city ordinance specify otherwise; and
- WHEREAS, that provision was part of the repeal and re-enactment of many sections of Title 2 in 1983 and, after the establishment of additional boards, commissions and councils, and hundreds of resignations, vacancies, appointments and re-appointments over the last three decades, the reconstruction of that history in order to correct those terms cannot be done without great time, effort, and uncertainty; and
- WHEREAS, in order to return to staggered terms and after consultation with the Office of the Mayor, the Office of City Clerk prepared a Proposed Board and Commission Term Expiration Dates (Proposal), which was presented to, and approved by, the Council Rules Committee; and
- WHEREAS, the Proposal lists the: board, commission, or council; length of appointments; legislative authority; numbered “seats” for each appointing authority; and,
- WHEREAS, along with the goal of reinstating staggered terms, the proposed expiration dates were also assigned with the goal of not reducing the term of any appointment and not allowing a term of any appointment to exceed four years; and
- WHEREAS, in addition the Office of City Clerk identified one local commission which does not expire on January 31st in conformance with all other local commissions; and
- WHEREAS, along with the foregoing changes, the ordinance also addresses housekeeping issues arising from a review of 2.08.020 (General Provisions) that:
- revise the first sentence to rephrase the general exception for statutes and ordinances that specify a different manner for exercising powers via boards, commissions, and councils and removes a redundant reference to this exception in BMC 2.08.020(8) (Parliamentary Procedure);
 - remove an out-of-date reference to “areas-intended-for-annexation” in BMC 2.08.020(3) (Residential Requirements); and,
 - authorize boards, commissions, and councils to appoint a non-member to serve as secretary;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. BMC 2.08.020 entitled “General Provisions,” shall be amended by deleting the phrase “, the statutory” and replacing it with the phrase “and the city’s” and deleting the word “provided” and replacing it with “specified” as they appear in the first sentence, so that the sentence shall read:

For the executive branch and the city’s boards, commissions and councils, the following general provisions apply unless otherwise specified by statute or ordinance.

SECTION 2. BMC Section 2.08.020, part (2), entitled “Term,” shall be deleted and replaced with the following:

- (2) Terms. The terms for all boards, commissions, and councils established under this title shall, after having been established in a staggered manner, be for a period of two years and expire on January 31st. For all such boards, commissions, and councils in effect on December 1, 2014, the terms shall be as set forth in the Proposed Board and Commission Term Expiration Dates, which is hereby adopted and incorporated by reference into the code. In compliance with IC 36-1-5-4, two copies of the Proposal shall be on file in the office of City Clerk for public inspection. For all boards, commissions, and councils established after December 1, 2014, the manner for achieving staggered terms shall be set forth in the enabling legislation and shall spread the expiration dates as evenly as is practicable between the appointing authorities and over all of the appointments.

SECTION 3. BMC Section 2.08.020, part (3), entitled “Residential Requirement,” shall be amended by deleting the phrase “and those residents of the areas intended for annexation as defined by the city planning department,” as it appears in the first paragraph, and by deleting the phrase “and its area intended for annexation” as it appears in the second paragraph, so that the part shall read as follows:

- (3) Residential Requirement. All appointments to city boards, commissions and councils shall be made from residents of the city except those positions that are directed otherwise by state law or city ordinance. If a city employee is appointed to a city board, commission or council by virtue of the employment position, the residency requirement may be waived.

In the event a member of a board, commission, or council no longer resides in the city, the member shall resign immediately and notify the appropriate appointing official or body.

SECTION 4. BMC Section 2.08.020, part (8), entitled “Parliamentary Procedure.” shall be amended by deleting the phrase “, except where a different procedure is required by state law, this ordinance, or other ordinances of the city” as it appears at the end of that provision, so that part (8) shall read as follows:

- (8) Parliamentary Procedure. Meetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order.

SECTION 5. BMC Section 2.08.020, part (9), entitled “Officers.” shall be amended by adding the following sentence at the end of that provision:

Such entity may appoint a non-member to serve as secretary.

SECTION 6. BMC 2.23.090, part (d), regarding the terms of appointments to the Commission on Aging, shall be deleted and replaced with the following:

- (d) Terms. The terms of the appointments shall be in accordance with BMC 2.08.020(2).

SECTION 7. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____

day of _____, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward changes to the City's boards, commissions, and councils at the request of the Office of City Clerk after consultation with the Office of the Mayor and a positive recommendation of the Council Rules Committee. It also makes other minor housekeeping changes that arose after a staff review of the affected provisions. The changes proposed by the City Clerk conform the misalignment of expiration dates to the requirement of staggered terms (BMC 2.08.020[2]) and conform the expiration date of the Commission on Aging to those for other local commissions (January 31st). Given the long history of resignations, vacancies, appointments, and re-appointments, the reinstatement of staggered terms is accomplished by the adoption of a Proposed Board and Commission Term Expiration Dates which is incorporated by reference into the BMC.

The housekeeping changes proposed by staff affect Section 2.08.020 (General Provisions). These changes revise the first sentence to rephrase the general exception for statutes and ordinances that specify a different manner for exercising powers regarding boards, commissions, and councils and remove a redundant reference to this exception in BMC 2.08.020(8) (Parliamentary Procedure). These changes also remove an out-of-date reference to "areas-intended-for-annexation" in BMC 2.08.020(3) (Residential Requirements) and authorize boards, commissions, and councils to appoint a non-member to serve as secretary.

MEMORANDUM
from the
Office of the City Clerk

Date: November 26, 2014
To: Council Members
From: Regina Moore, CLERK
RE: Proposed Board and Commission Term Expiration Dates

In January of 2014, in preparation for helping council members make appointments and reappointments to boards and commissions, we became concerned about the fact that board and commission term expiration dates were no longer staggered as was prescribed in the enabling legislation for each board or commission.

This issue was brought to the attention of the council Rules Committee, and it was decided that our office would research the issue to see the extent of the problem, and also propose a solution.

Since that time, Deputy Wanzer has compiled information on each board or commission: the enabling legislation, the original plan for staggered terms, term limits, term expiration dates, current expiration dates of members, term lengths, appointing bodies. A proposal was created that focused on the years that each person's term ended.

At this time my major concern is the reestablishment of correctly staggered terms to prevent the majority (or all) of an appointing body's appointments expiring at the same time. This will also reestablish the turnover of members to create some continuity as was originally intended when the board or commission was created. Ordinance 14-26 accomplishes this task along with a few housekeeping tasks.

The proposal as presented to the Rules Committee identified each seat with a code number to indicate the appointing body and seat number rather than a person's name. This will help in preserving the correct expiration of a term when someone is appointed to fill out an unexpired term. In reestablishing the evenly staggered terms, we are proposing lengthening a seat's term (usually by one year) rather than shortening them. It is intended that all persons who hold these seats and the corresponding staff would be individually notified of these changes.

I asked the Rules Committee to begin, at a later date, to look at other differences in locally created boards and commissions to consider differences in term limits, extra members that may be casual, advisory or associate in nature – their appointments and duties, and residency requirements.

Attached:

Proposed Board and Commission Term Expiration Dates -

- Table 1: Adding Seat Numbers and Adjustment of Term Expiration Dates
- Table 2: Adding Seat Numbers only -- No Term Expiration Date Adjustment Needed

Proposed Board and Commission New Term Expiration Dates
TABLE 1 – Adding Seat Numbers and Adjustment of Term Expiration Dates

		Term Expirations			Notes
		Current		Proposed	
Animal Control Commission – 2 year term					BMC 2.12.010
M-1	Dr. Sarah Nickel	1.31.16		1.31.16	
M-2	Susie Rearick	1.31.16		1.31.16	
M-3	Kathy Cochard	1.31.16		1.31.17	
C-1	Shirley Davies	1.31.14		1.31.16	
C-2	Sarah Delone	1.31.15		1.31.15	
MCC	Valerie Pena	1.31.16		1.31.17	
Bicycle and Pedestrian Commission – 2year term					BMC 2.12.080
M-1	Jacob Sinex	1.31.16		1.31.16	
M-2	Carl Zager	1.31.16		1.31.16	
M-3	Anne Phillips Holahan	1.31.16		1.31.17	
M-4	Mitch Rice	1.31.15		1.31.15	
C-1	Paul Tory Nash	1.31.15		1.31.15	
C-2	vacant	1.31.15		1.31.15	
C-3	Jim Rosenbarger	1.31.14		1.31.16	
Bloomington Digital Underground – 2 year term					Res 3-28
C-1	Mike Allen	1.31.14		1.31.17	**BDU is governed by resolution, not BMC (res 3-28). Only a 2 year term length is stated. It is not a board or commission, but an advisory committee . Is it subject to BMC requirements for Boards and Commissions?
C-2	Chris Kurtz	1.31.14		1.31.14	
BPW-1	Dennis Cromwell	1.31.14		1.31.17	
BPW-2	Mike Trotzke	1.31.14		1.31.17	
BPW-3	Mark McMath	1.31.14		1.31.14	
BPW-4	Matt Davy	1.31.14		1.31.14	
BPW-5	Nina Onesti	1.31.14		1.31.14	
Bloomington Human Rights Commission – 2 year term					BMC 2.21.010
C-1	William Morris	1.31.14		1.31.17	
C-2	Valeri Haughton	1.31.14		1.31.16	
C-3	Rev. Byron C. Bangert	1.31.14		1.31.16	
M-1	Birk Billingsley	1.31.16		1.31.16	
M-2	Beth Applegate	1.31.15		1.31.16	
M-3	Carloyn Calloway-Thomas	1.31.15		1.31.15	
M-4	Michael Molenda	1.31.15		1.31.15	
Bloomington Urban Enterprise Association - 4 year term					IC 5-28-15-13
C-council member	Chris Sturbaum	1.31.16		1.31.16	C- Council member with most or all of zone C- Zone Business C- Zone Resident C- Zone Resident Zone residents can't be same political party No mention of stagger in statute
C-business owner	Allison Chopra	1.31.15		1.31.15	
C-resident 1	Jean Kautt	1.31.15		1.31.17	
C-resident 2	Vacancy	1.31.16		1.31.18	
M	Danise Alano-Martin	1.31.16		1.31.16	
M	Ron Stanhouse	1.31.16		1.31.16	
M	Margarete Disque Nowak	1.31.16		1.31.19	
M	Roger Kent	1.31.18		1.31.18	
M	Paul Tory Ash	1.31.16		1.31.17	

Board of Housing Quality Appeals – 2 year term					BMC 2.19
C-1	Eric Spoonmore	1.31.15		1.31.15	
C-2	Ryan Strauser	1.31.14		1.31.16	
C-3	Susie Hamilton	1.31.15		1.31.15	
M-1	Nikki Johnson	1.31.15		1.31.16	
M-2	Megan Binder	1.31.15		1.31.16	
M-3	Elizabeth Gallman	1.31.15		1.31.15	
M-4	Kris Floyd	1.31.15		1.31.15	
Board of Zoning Appeals – 4 year term					BMC 2.15 IC 36-7-4
M-1	Sue Aquila	1.6.18		'18	
M-2	Barre Klapper	1.7.17		'17	
M-3	Joe Hoffman	1.5.15		'16	
M-alternate	Jenny Southern	1.6.14		'14	alternate
Plan Comm	Scott Burgins	1.7.15		'15	
C-1	Jo Throckmorton	1.7.18		'18	
Commission on Hispanic and Latino Affairs – 2 year term					BMC 2.23.080
C-1	Vacant	1.31.16		1.31.16	
C-2	Luke Wood	1.31.15		1.31.15	
C-3	Carlos Bakota	1.31.15		1.31.15	
M-1	Sandra Santana Ballestro	1.31.16		1.31.16	
M-2	Gracia Valliant	1.31.16		1.31.16	
M-3	Israel Fernando Herrera	1.31.16		1.31.17	
M-4	Socorro Vallejo	1.31.15		1.31.15	
Economic Development Commission – 4 year term					BMC 2.30.010 IC 36-7-12-5
M-1	Kurt Zorn	1.31.17		1.31.17	**Mayor appoints all five, but one shall be nominated by City Council and one by County Council See notes for term length requirements
M-2	Vanessa McClary	1.31.17		1.31.17	
M-3	Malcolm Webb	1.31.16		1.31.15	
M-4 city council	Darryl Neher	1.31.14		1.31.16	
M-5 county council	Amanda Nickey	1.31.14		1.31.15	
Commission on the Status of Women – 2 year term					BMC 2.23.060
C-1	Amanda Barge	1.31.14		1.31.14	
C-2	Beth Kirk	1.31.14		1.31.14	
C-3	Jacqueline Fernette	1.31.14		1.31.15	
C-4	Cathi Crabtree	1.31.15		1.31.15	
M-1	Lee Ann Jourdan	1.31.15		1.31.15	
M-2	Toby Strout	1.31.15		1.31.15	
M-3	Nicole Griffin	1.31.14		1.31.14	
M-4	Debra Vance	1.31.14		1.31.14	
M-5	Rebecca Fisher	1.31.14		1.31.14	
MLK Birthday Commission – 2 year term					BMC 2.12.090
M-1	Wendy Bernstein	1.31.16		1.31.17	
M-2	David F. Hummons	1.31.16		1.31.16	
M-3	Nicole Griffin	1.31.16		1.31.16	
C-1	Mary Tourner	1.31.15		1.31.16	
C-2	Landon Jones	1.31.15		1.31.15	
C-3	Barbara Fuqua	1.31.15		1.31.15	
NAACP	William Vance				

Environmental Commission – 2 year term					BMC 2.12.050
C-1	Andrew Carty	1.31.14		1.31.15	
C-2	Norm Crampton	1.31.14		1.31.15	
C-3	Carrie Albright	1.31.14		1.31.15	
C-4	Sean Gorman	1.31.14		1.31.14	
C-5	Carissa Moncavage	1.31.14		1.31.14	
C-6	Dedaimia Whitney	1.31.14		1.31.14	
M-1	Michael Litwin	1.31.15		1.31.15	
M-2	Kriste J. Lindberg	1.31.15		1.31.15	
M-3	Diane Jung	1.31.16		1.31.17	
M-4	Chaim Julian	1.31.16		1.31.16	
M-5	Louise Sharrow	1.31.16		1.31.16	
M-6	Deborah Myerson	1.31.16		1.31.16	
Public Transportation Coporation – 4 year term – expires July 31					BMC 2.76.050 IC 36-9-4-15
C-1	Nancy Obermeyer	07.31.15		07.31.16	**Term staggering is 1 and 2 years for mayoral and 2, 3, 4 years for council
C-2	Kent McDaniel	07.31.14		07.31.15	
C-3	Alex Cartwright	07.31.14		07.31.17	
M-1	Ray McConn	07.31.16		07.31.15	
M-2	Gloria Hasler	07.31.15		07.31.14	
Telecommunications Council – 2 year term					BMC 2.12.060
M-1	Duane Busick	1.31.11		1.31.15	Telecommunications Council shall be responsible to Board of Public Works in reviewing and evaluating the performance of city franchise agreements. Board of Public Works shall furnish Telecommunications Council with rules and regulations for administration of the Council
M-2	Carl Zager	1.31.14		1.31.16	
C-1	vacant	1.31.14		1.31.15	
C-2	vacant	1.31.14		1.31.14	
C-3	Eric Ost	1.31.14		1.31.14	
Tree Commission – 3 year term					BMC 2.20.150 Ord 08-05
M-1	Mia P. Williams	1.31.17		1.31.18	
M-2	Debra Beck	1.31.17		1.31.17	
C-1	George Hegeman	1.31.16		1.31.17	
C-2	Tom Coleman	1.31.16		1.31.16	
Park Comm	Laurel Cornell	1.31.15		1.31.15	
BPW	Kerry Bridges	1.31.14		1.31.14	
EC	Diane Jung	1.31.14		1.31.14	
Utilities Service Board – 4 year term – expires January 1st					BMC 2.24.020 IC 8-1.5-3-3
M-1	Tom Swafford	1.1.16		1.1.16	Mayor appoints for 1,2,3,4 years, and Council for 2,3,4; expiration is January 1 st according to BMC 2.24. IC says not more than 2/3 same political party, no more than four year term, staggered. Formerly IC 8-1-2-100
M-2	Jason Banach	1.1.15		1.1.17	
M-3	Julie Roberts	1.1.18		1.1.18	
M-4	Jim Sims	1.1.15		1.1.15	
C-1	Pedro Roman	1.1.14		1.1.16	
C-2	Jeff Ehman	1.1.14		1.1.17	
C-3	Sam Frank	1.1.14		1.1.18	
Ex officio	Tom Micuda	mayor		mayor	
Ex officio	Tim Mayer	council		council	

Commission on the Status of Children and Youth – 2 year term					BMC 2.23.050
C-1	Mary Balle	1.31.14		1.31.14	
C-2	Angela Smith-Walgenbach	1.31.14		1.31.14	
C-3	Kristy LeVert	1.31.15		1.31.15	
C-4	vacant	1.31.15		1.31.15	
M-1	Denise Travers	1.31.15		1.31.15	
M-2	Michael Goodman	1.31.16		1.31.17	
M-3	Donna Bernens-Kinkaid	1.31.16		1.31.17	
M-4	Yevonne Jones	1.31.16		1.31.16	
M-5	Teresa Grossi	1.31.16		1.31.16	
Housing Trust Fund Advisory Board					Ords 95-75, 97-12, 00-21
					All are two year terms. Limit of two terms.
M-1	Jason Banach	12.31.14		1.31.16	(IU)
M-2	Tim Mayer	12.31.15		1.31.16	(city government)
M-3	Sarah Rogers	12.31.15		1.31.16	(banking)
M-4	Vacancy	1.31.15		1.31.15	(for profit housing sector)
M-5	Vacancy	1.31.15		1.31.15	(low income)
C-1	Vacancy	1.31.14		1.31.16	(banking)
C-2	Vacancy	1.31.14		1.31.16	(low income)
C-3	Vacancy	1.31.15		1.31.15	(not for profit housing development)
C-4	Vacancy	1.31.15		1.31.15	(social services)
CF	John West			1.31.16	(community foundation)
CC	Iris Kiesling			1.31.15	(county commissioners)
Commission on Aging					BMC 2.23.090 Ord 09-94
C-1	Julie Hill	12.31.15		1.31.16	Extend terms by one month to change expiration date to Jan 31.
C-2	Sophia Hauserman	12.31.15		1.31.16	
C-3	Jack Kahn	12.31.14		1.31.15	
C-4	Alice Oestrich	12.31.14		1.31.15	
M-1	Lauren Cowan	12.31.14		1.31.15	
M-2	Georgia Schaich	12.31.14		1.31.15	
M-3	James McClary	12.31.14		1.31.15	
M-4	Susan Snider Salmon	12.31.15		1.31.16	
M-5	Mary Boutain	12.31.15		1.31.16	

**Proposed Board and Commission New Term Expiration Dates
TABLE 2 – Adding Seat Numbers Only -- No Term Expiration Date Adjustment Needed**

Appointing Authority and Corresponding Seat Number	Member	Term Expiration
Bloomington Arts Commission		
C-1	Paul Sturm	1.31.15
C-2	Martina Celerin	1.31.15
C-3	Alain Baker	1.31.16
C-4	Sally Gaskill	1.31.17
C-5	Lynn Schwartzberg	1.31.17
M-1	Jean Kautt	1.31.16
M-2	Peter Jacobi	1.31.15
M-3	Jan Grant	1.31.17
M-4	Craig Widen	1.31.17
M-5	Frances Sobrer	1.31.15
M-6	Abby Henkel	1.31.16
Bloomington Redevelopment Commission		
C-1	David Walter	12.31.14
C-2	Sue Sgambelluri	12.31.14
M-1	John West	12.31.14
M-2	Elizabth Kehoe	12.31.14
M-3	Kelly Smith (mccsc)	12.31.14
Bloomington Commission on Sustainability		
C-1	Randy Cassady	1.31.15
C-2	Gary Charbonbeau	1.31.15
C-3	Joseph Kielar	1.31.16
C-4	Andrea Jobe	1.31.16
C-5	Vacant	1.31.16
C-from council	Dave Rollo	1.31.15
M-1	Vacant	1.31.16
M-2	Cynthia Schultz	1.31.16
M-3	Jeff Jewel	1.31.15
M-4	Molly O'Donnell	1.31.15
M-5	Jana McGee	1.31.16
M-6	Jessica Pittman	1.31.15
IU Sustainability	Bill Brown	
MC Commissioners	Vacant	

Historic Preservation Commission			
A-C-1	Vacant	12.31.15	
A-C-2	Duncan Campbell	12.31.16	
A-C-3	Derek Richey	12.31.14	
A-C-4	Jeff Goldin	12.31.14	
A-C-5	Leslie Abshier	12.31.15	
M-1	Doug Bruce	12.31.15	
M-2	Jeannine Butler	12.31.14	
M-3	Chris Sturbaum	12.31.15	
M-4	Sam DeSollar	12.31.16	
M-5	David Harstad	12.31.14	
M-6	John Saunders	12.31.14	
M-7	Marjorie Hudgins	12.31.16	
M-8	Chris Cockerham	12.31.15	
M-9	Marleen Newman	12.31.16	
Commission on The Status of Black Males			
C-1	Gregory Tourner	1.31.15	
C-2	Beverly Smith	1.31.16	
M-1	Eric Love	1.31.15	
M-2	Cedric Harris	1.31.16	
M-2	Cornelius Wright	1.31.15	
BHRC	Valeri Haughton	1.31.16	
MLK	David Hummons	1.31.15	
Traffic Commission			
		Council District	
C-1	Scott Wickersham	5	01.31.16
C-2	Mike Avila	4	01.31.15
C-3	Sarah Ryterband	1	01.31.16
C-4	Ryan Cobine	3	01.31.15
C-5	Judi Maki	4	01.31.15
C-6	Abigail Pietsch	4	01.31.16

Amendments to Title 2 (Administration and Personnel) Proposed by Ord 14-26

Strikeout = deleted text

Bold text = new text

2.08.020 General provisions.

Ord 14- 26 – Section 1 (Unless Specified by Statute or Ordinance)

For the executive branch,~~the statutory~~ **and the city's** boards, commissions and councils, the following general provisions apply unless otherwise ~~provided~~ **specified** by statute or ordinance.

- (1) Appointments. All department heads shall be appointed by the mayor, subject to commission or board approval when required by this title, and serve at the pleasure of the mayor. Department heads shall appoint deputies and other employees within their departments with the approval of the mayor.

Ord 14- 26 – Section 2 (Staggered Terms)

- ~~(2) Terms. Membership on all boards, commissions and councils established under ordinances repealed by this ordinance terminate on the effective date of this ordinance. Initially members shall be appointed for staggered terms unless specified otherwise by statute. If the appointing authority is authorized to make one appointment, the appointee's term shall expire on January 31, 1984; two appointments, the second appointee's term shall expire on January 31, 1985; three appointments, the third appointee's term shall expire on January 31, 1984; four appointments, the fourth appointee's term shall expire on January 31, 1985; five appointments, the fifth appointee's term shall expire on January 31, 1984. Any additional appointment shall alternate in a similar manner. Thereafter, all terms shall be for two years, expiring on the thirty-first day of January unless otherwise specified by state Code or city ordinance.~~
- (2) Terms. The terms for all boards, commissions, and councils established under this title shall, after having been established in a staggered manner, be for a period of two years and expire on January 31st. For all such boards, commissions, and councils in effect on December 1, 2014, the terms shall be as set forth in the Proposed Board and Commission Term Expiration Dates, which is hereby adopted and incorporated by reference into the code. In compliance with IC 36-1-5-4, two copies of the Proposal shall be on file in the office of City Clerk for public inspection. For all boards, commissions, and councils established after December 1, 2014, the manner for achieving staggered terms shall be set forth in the enabling legislation and shall spread the expiration dates as evenly as is practicable between the appointing authorities and over all of the appointments.**

Ord 14-26 – Section 3 – Remove Reference to “areas intended for annexation in Residential Requirements

- (3) Residential Requirement. All appointments to city boards, commissions and councils shall be made from residents of the city ~~and these residents of the areas intended for annexation as defined by the city planning department~~, except those positions that are directed otherwise by state law or city ordinance. If a city employee is appointed to a city board, commission or council by virtue of the employment position, the residency requirement may be waived.

In the event a member of a board, commission, or council no longer resides in the city ~~and its area intended for annexation~~, the member shall resign immediately and notify the appropriate appointing official or body.

- (4) Removal for Cause. Except for appointees who serve at the pleasure of the mayor, a member of a board, commission or council may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly scheduled meetings of the board, commission, or council or four regularly scheduled meetings in any twelve month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal.
- (5) Vacancies by Death, Resignation—Failure to Appoint. In the event that a vacancy occurs in the membership of a board, commission, or council through resignation or death, the appointing authority shall appoint a person to fill the unexpired term of the resigned or deceased member. If a member's term has expired, but the appointing authority has failed to act, the appointment of the member whose term has expired carries over until the appointing authority reappoints or appoints a successor.
- (6) Majority Vote. Majority vote means a majority of the members of a board, commission or council who are present and voting.
- (7) Quorum. Unless otherwise specified, a majority of the members serving on a board, commission or council, excepting the nonvoting ex officio members, constitute a quorum for purpose of conducting the official business of the board, commission or council.

Ord 14-26 – Section 4 – Remove Redundant Reference to Exceptions Set Forth in Statute and Ordinance.

- (8) Parliamentary Procedure. Meetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order; ~~except where a different procedure is required by state law, this ordinance, or other ordinances of the city.~~

Ord 14-26 – Section 5 – Allow Board, Commission, or Council to Appoint Non-Member to Serve as Secretary

- (9) Officers. Each board, commission and council shall elect a chairperson, secretary, treasurer, and such other officers as may be necessary. **Such entity may appoint a non-member to serve as secretary.**
- (10) Duties of the Secretary. The secretary of each board, commission or council shall keep for every meeting written minutes in which the results of any vote are recorded and, when appropriate, specific findings of facts and conclusions are set forth.
- (11) Special Meetings. A special meeting of a board, commission or council may be called by the chairperson, the mayor, or by a majority of the members then serving on the board, commission or council requesting such meeting in writing. Upon receiving such request, the chairperson shall thereafter call a special meeting to be held within twenty days.
- (12) Office Space and Staff. Provision of office space and staff to boards, commissions and councils shall be at the discretion of the mayor, subject to common council appropriation approval.
- (13) Budget. All departments, divisions of departments, boards, commissions and councils shall prepare and submit annual budgets in accordance with the forms, timetables, and procedures promulgated by the mayor.
- (14) The intentional display of firearms is prohibited at any public meeting of the city's boards, commissions and councils.

(Ord. 97-03 §§ 1, 2, 1997; Ord. 83-6 § 2 (part), 1983).

(Ord. No. 11-15, § 3, 9-14-2011)

2.23.090 Commission on aging.

The Bloomington Commission on Aging is hereby established.

- (a) Members. The commission shall be composed of nine members.
- (b) Appointments. Five members shall be appointed by the mayor and four by the common council.
- (c) Qualifications. Commission members shall be residents of Monroe County. Preference for appointments shall be given to people with expertise in, or representing, one or more of the following areas: senior issues, health and wellness, recreation, employment, social services, transportation and affordable housing.

Ord 14-26 – Section 6 – Tying the Terms for this Commission to the Requirements of BMC 2.08.020(2) and Thereby Change Expiration Date from December 31st to January 31st

- (d) Terms. ~~The initial commissioner terms of three mayoral and two council appointments shall expire on December 31, 2010. The terms of the remaining initial appointments shall be for two years and shall expire on December 31, 2011. All subsequent terms shall be for two years.~~ **The terms of the appointments shall be in accordance with BMC 2.08.020(2).**
- (e) Purpose and Duties. The commission may do the following:
 - (1) Develop study committees addressing concerns of seniors in health and wellness, housing, transportation, employment, social services and recreation; and
 - (2) Encourage the development of programs of particular benefit to senior citizens; and
 - (3) Apply for grants as may contribute to the strengthening and refining of a coordinated program to benefit senior citizens, upon approval of such grant applications by the appropriate city official (s); and
 - (4) Serve as a catalyst to promote positive public and private remedies to the multi-faceted challenges confronting seniors in our community and the resulting effects on the entire community; and
 - (5) Network with like-minded groups such as the AARP, Active Aging Coalition, Area 10 Council on Aging, RSVP, and other relevant local agencies, sharing ideas, information, data and future plans; and
 - (6) Celebrate the contributions seniors make to the Bloomington community; and
 - (7) In the pursuit of these purposes, the commission may appoint additional volunteers and commission associates.

- (f) Procedure—Rules and Regulations. The commission may adopt rules, regulations and by-laws for the conduct of its affairs, which are consistent with the purpose of this section. Such rules, regulations and by-laws and amendments thereto may be adopted by the commission after a public hearing by a majority vote of the commission. The rules, regulations and by-laws of the commission shall be available to the public at the office of the commission.
- (g) Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of December of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organization or its purpose also shall be addressed in this report.

(Ord. No. 09-24, § 1, 12-16-2009)