

City of Bloomington Common Council

Legislative Packet

**23 April 2014
Regular Session**

*For material regarding Ordinance 14-04, please consult the
[26 March 2014 Legislative Packet](#).
All other background material and legislation contained herein.*

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Executive Session** on Monday, April 21st at 5:00 p.m. in the Council Library

Legislation Under Second Readings and Resolutions:

- **Ord 14-04** To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” - Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to Allow for the Discharge of Firearms at the Griffy Lake Nature Preserve for the Purpose of Deer Reduction via Sharpshooting
 - Veto Statement from Mayor

*Contact: Dave Rollo at 339-7916 or rollod@bloomington.in.gov
Andy Ruff at 349.3409 or ruffa@bloomington.in.gov*

Please see the Weekly Legislative Packet prepared for the [26 March 2014 Regular Session](#) for the legislation, summary, and related information and materials.

Legislation and Background Material for First Reading:

- **Ord 14-07** An Ordinance to Amend Ordinance 13-16 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 and to Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” - Re: To Centralize City Accounting and Purchasing Functions by Moving Positions to the Office of Controller and to Authorize the Controller to Appoint a Deputy
 - Memo to Council from Sue West, Controller

Contact: Sue West at 349-3416 or wests@bloomington.in.gov

- **Ord 14-08** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.26 Entitled “Controller’s Department” to Authorize Procedures Necessary for the Fiscal Management and Operations within that Department
 - Memo to Council from Sue West, Controller

Contact: Sue West at 349-3416 or wests@bloomington.in.gov

Minutes from Regular Session:

None

Memo

An Ordinance Ready for a Possible Veto Override and Two Ordinances Ready for Introduction at the Regular Session Scheduled for Wednesday, April 23rd

There are three pieces of legislation on the Regular Session agenda scheduled for next Wednesday. The first is **Ord 14-04** (Griffy Deer) which will return to our agenda in order for the Council to consider a motion to override a Mayoral veto. Please see this packet for the statement from the Mayor and read below for a summary of the procedures surrounding a veto. The second and third are ordinances that address the City’s purchasing and accounting functions. Please see this packet for the legislation and memos, and below for a summary of the proposed changes.

Action to Override Mayoral Veto

Ord 14-04 (Amending Local Code to Authorizing the Discharge of Firearms by Sharpshooters under Permit to Reduce Deer at the Griffy Lake Nature Preserve)

Earlier this week, the Mayor returned **Ord 14-04** unsigned and with a statement of reasons for his action (enclosed).¹ Under IC 36-4-6-16 and BMC 2.04.350, this constitutes a veto of the ordinance. The same result would have occurred had the Mayor done nothing in the 10 days after being presented with the ordinance (on April 10th). These provisions require the Council to pass the ordinance by a 2/3's majority vote at its first Regular or Special Session following that 10th day (which will fall on Sunday, April 20th). A suitable version of the motion would be To Adopt Ordinance 14-04 Over Mayoral Veto. Neither a motion to amend nor a motion to postpone

¹ The last veto was by Mayor John Fernandez in 2001. It related to Ord 01-21 (Establishing the McDoel Conservation District) and was overridden by the Council in February of that year.

would be in order. Failure to attain a 2/3's majority on the motion would result in the ordinance being defeated by veto.

Given the posture of the action (i.e. adopting ordinance over Mayoral veto), the many hours of deliberation on the matter, the many hours of public comment on this issue, and the sponsor's intent to be brief in their presentation, the Council may want to limit public comment to 2 – 3 minutes per person.

First Readings

Item 1 – Ord 14-07 – Amending Ord 13-16 (General Salary Ordinance for 2014) to Centralize Accounting and Begin Centralizing the Purchasing Functions into the Office of Controller and Amending Title 2 of the BMC (Administration and Personnel) to Authorize Controller to Appoint a Deputy

Ord 14-07 amends Ord 13-16 (General Salary Ordinance) for 2014 and Title 2 of the Bloomington Municipal Code (Administration and Personnel).

The amendments to the salary ordinance centralize the accounting functions of the City (i.e. the acceptance of receipts and entering of disbursements) by moving six positions from the Public Works Department (five) and Parks and Recreation Department (one) to the Office of Controller as specified below:

Department/Division (followed by Job Title and number of positions in each Job Title) **Grade**

From:

To:

Controller's Department

Public Works - Administration	Accounting Manager	5
Parks and Recreation	Bookkeeper	4
Public Works - Administration	Accounting Clerk	3
Public Works – Parking Enforcement – Parking Meters, Parking Facilities & Alternative Transportation	Customer Service Representative (3)	3

Those amendments also start to centralize the purchasing authority (i.e. the selection of vendors and requisitioning of funds) by eliminating the Assistant Director – Finance and Customer Relations position in Public Works Administration (Grade 10) and adding a Purchasing Manager (Grade 8) in the

Office of Controller. The memo from Sue West, Controller, indicates that this position will implement and direct the centralizing of the purchase order system.

The ordinance also amends Title 2 of the BMC entitled “Administration and Personnel” by authorizing the Controller to appoint a deputy and to be responsible for the official acts of the deputy. IC 36-4-11-5 states that the Council may, by ordinance, authorize the Controller to appoint a deputy and be responsible for the official acts of the deputy. The salary ordinance already provides for the position of Deputy and this change makes that authority clear by putting it in local code.

Item Two – Ord 14-08 – Amending Title 2 of the BMC (Administration and Personnel) to Authorize Pre-Payment of Certain Claims and the Payment by Use of Electronic Fund Transfers (EFTs)

Ord 14-08 amends Chapter 2.26 of the BMC entitled “Controller’s Department” to authorize some statutorily recognized practices that will improve the operations and management of this department. The first authorizes the payment of certain claims in advance of board approval and the second authorizes the payment of claims via electronic fund transfers (EFTs).

Payment of Claims in Advance of Board Approval

Indiana statute generally requires that municipal claims be paid only after the appropriate board has ordered the issuance of a warrant for the payment of money for that claim. IC 36-4-8 et seq. For the City of Bloomington, claims are processed on an alternate weekly basis, with payrolls done one week and other claims done the next. This bi-weekly cycle does not reconcile easily with frequent and repeated obligations – such as utility bills and payroll checks – and risks the occasional late payment and associated late fees. In order to better time these payments, this ordinance would take advantage of IC 36-4-8-14, which allows the fiscal officer to pay certain claims in advance of board approval if:

- the appropriate board issues prior written approval of this arrangement;
- each payment is “supported by a fully itemized invoice or bill and certification by the fiscal officer;” and
- the appropriate board “reviews and allows the claim at its next regular or special meeting following the pre-approved payment.”

As Sue West notes in her memo, the claims subject to this pre-payment process typically “have been already incurred, have been approved by appropriation, or have been approved contractually by board action.” The types of claims subject to pre-payment are

listed below (*with those added by ordinance under authority of statute set forth in italics*):

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (8) Leases or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll *and benefits*;
- (11) State, federal, or county taxes;
- (12) Expenses that must be paid because of emergency circumstances;
- (13) *Reimbursement to the State of Indiana and any other expenses related to unemployment compensation.*

Use of Electronic Fund Transfers

Electronic Fund Transfers (EFTs) are “direct deposit for vendors” that, with this ordinance, will become the “primary payment source” by the City and, thereby “save money in printing costs, bank processing, and postage.” BMC 2.26.080 already allows receipt of payments via EFT; this ordinance will extend this authority to disbursements. As the memo from Sue West notes, the State of Indiana and IVY Tech have “converted to all electronic payments” and the County is eyeing this practice as well.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, APRIL 23, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

REGULAR SESSION

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. Ordinance 14-04 To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to Allow for the Discharge of Firearms at the Griffy Lake Nature Preserve for the Purpose of Deer Reduction via Sharpshooting

Committee Recommendation (4/2):	Do Pass	5 – 0 – 4
Second Reading (4/9):	Passed	6 – 2 – 1
Return Subsequent to Mayoral Veto (4/23):		

VII. LEGISLATION FOR FIRST READING

1. Ordinance 14-07 An Ordinance to Amend Ordinance 13-16 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 and to Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: To Centralize City Accounting and Purchasing Functions by Moving Positions to the Office of Controller and to Authorize the Controller to Appoint a Deputy
2. Ordinance 14-08 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.26 Entitled “Controller’s Department” to Authorize Procedures Necessary for the Fiscal Management and Operations within that Department

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 – 21 – 26 April 2014

Monday, 21 April

12:00 pm Bloomington Entertainment and Arts District, McCloskey
1:00 pm Board of Public Works Work Session, Kelly
5:00 pm Utilities Service Board – Utilities, 600 E Miller Dr
5:15 pm Farmers Market Advisory Council, Parks
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker

Tuesday, 22 April

4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Board of Public Works, Council Chambers
5:30 pm Bloomington Public Transportation Corporation – Transit Building, 130 W Grimes Ln

Wednesday, 23 April

10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
5:30 pm Traffic Commission, Council Chambers
6:30 pm Metropolitan Planning Organization Citizens' Advisory Committee, McCloskey
7:30 pm Common Council Meeting, Council Chambers

Thursday, 24 April

12:00 pm Monroe County Suicide Prevention Coalition, McCloskey
4:30 pm Bloomington Historic Preservation Commission, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 25 April

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

Saturday, 26 April

8:00 am Bloomington Community Farmers' Market – Showers Common, 401 N Morton St.

Posted and Distributed: Thursday, 17 April 2014

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City Hall

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

MEETING NOTICE

COMMON COUNCIL - EXECUTIVE SESSION

Date, Time & Place

The Common Council will hold an Executive Session on Monday, April 21, 2014 at 5:00 p.m. in the Council Library (Room 110 of City Hall, 401 North Morton Street, Bloomington, Indiana, 47401)

Reason

In accordance with requirements of the Open Door Law (IC 5-14-1.5-6.1[d]), the Common Council specifies the following statutory basis for holding this meeting:

For discussion of strategy with respect to ... Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law (IC 5-14-1.5-6.1[b] [2] [B])

Memorandum of Meeting Required

Pursuant to the Indiana Open Door Law (IC 5-14-1.5-6.1[c] & [d]), the memorandum for this Executive Session will specify the statutory basis for holding this meeting and will certify that no subject matter was discussed therein other than the subject matter specified in the public notice. Any formal action related to matters discussed at this Executive Session must take place at a public meeting.

ORDINANCE 14-04

**TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“PEACE AND SAFETY”**

**Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to allow for the discharge of firearms
at the Griffy Lake Nature Preserve for the purpose of deer reduction via sharpshooting**

- WHEREAS, Griffy Woods is a woodland area composed of approximately 1,200 acres owned by the City of Bloomington known as the “Griffy Lake Nature Preserve,” a 185-acre research facility owned by Indiana University, known as the “Indiana University Research and Teaching Preserve” (IURTP), and adjacent private property;
- WHEREAS, Larger than some Indiana State Parks, Griffy Woods is marked by extraordinary ecological diversity: it includes a 109-acre lake and at least ten distinct ecological communities, ranging from marsh and floodplain forest to dry mesic upland, conifer plantations, and old fields. Griffy is home to more than 500 terrestrial plant species (including 15 plant species identified as endangered, threatened, or rare), over 150 bird species, and numerous reptile, amphibian and mammal species;
- WHEREAS, The existence of such a high-quality forest located so close to an urban core marks Griffy Woods as unique and provides Bloomington with an exceptional and significant natural amenity. Indeed, few cities the size of Bloomington have such a vast, biologically-rich resource in their municipal backyards. The proximity of this resource provides residents with ready access to nature, provides an outdoor classroom for students of all ages, attracts visitors and researchers to the community, and improves our collective quality of life;
- WHEREAS, Griffy Woods is also home to an overabundant deer population. This overabundance is the direct result of human action: we have fragmented the landscape, providing deer with ideal “edge” habitat and we have eliminated all natural deer predators – wolves and mountain lions have been erased from the landscape and hunting by humans has long been prohibited at Griffy Woods;
- WHEREAS, Based on pellet counts, research by scientists at the IURTP suggests that Griffy experiences 11-12 times more deer activity than other comparable area forests where hunting is permitted nearby;
- WHEREAS, In forest ecosystems, deer are able to profoundly and negatively alter the structure and composition of ecological communities. High levels of deer browsing kills or reduces the size of plants, inhibits forest regeneration, redirects forest succession, facilitates invasive plant species, alters nutrient and carbon cycling, and reduces food resources and habitat for other wildlife;
- WHEREAS, High levels of deer browsing can extirpate local plant species and ravage the forest understory. A well-developed understory has several different layers and contains many different species of young trees, shrubs, and wildflowers. A healthy understory provides food and critical habitat to many mammals and to birds and indicates a forest’s ability to renew itself – a key indicator of forest health;
- WHEREAS, Scientific research indicates that the density of deer in Griffy Woods is causing widespread negative ecosystem effects. Griffy Woods is characterized by a depauperate understory, an absence of native tree seedlings, markedly reduced size and abundance of wildflowers, and the predominance of exotic invasive species and plants deer do not eat;

- WHEREAS, Since 2005, IURTP biologists have been using enclosure plots to study the effects of deer browsing at Griffy Woods. Enclosures are designed to keep deer out, but allow other plant-eaters in. IURTP scientists have found that deer herbivory is:
- Decreasing overall native vegetative diversity and density of both woody and herbaceous species;
 - Severely compromising the regeneration of native trees. Since the study's inception, a significant number of native tree seedlings have been observed inside the deer enclosures; however, no native hardwood tree seedlings have been observed in unenclosed control plots;
 - Encouraging the growth of invasive species such as garlic mustard and Japanese stiltgrass and native plants unpalatable to deer, such as spicebush and pawpaw;
 - Causing soil compaction, which reduces water infiltration and causes erosion; and
 - Reducing habitat for terrestrial species such as the white-footed mouse -- a food source relied upon by other animals such as snakes, owls, hawks, skunks, foxes, and coyotes;
- WHEREAS, In Indiana, three plant species have been identified as indicators of the intensity of deer browsing in Indiana forests: white baneberry, sweet cicely, and jack-in-the-pulpit. IURTP scientists have found significant differences in the height and abundance of these species between enclosure and control plots at Griffy Woods;
- WHEREAS, Left unchecked, a deer herd can grow rapidly and can quickly overwhelm the landscape;
- WHEREAS, Left unchecked, deer overbrowsing poses the risk of producing an “alternate stable state” – a condition in which a forest would never return to its natural state, even if browsing pressure were diminished by a permanent reduction in deer densities;
- WHEREAS, As deer overabundance is the result of human action, humans must assume responsibility for preventing deer from severely degrading the ecosystem and for keeping the deer herd in balance with the rest of the forest;
- WHEREAS, Achieving a better balance between deer and the forest they inhabit is in the best interest of both the forest and the deer, allowing both to thrive;
- WHEREAS, Deer overbrowsing can result in ecological simplification and a loss of biodiversity. We are experiencing a rapid loss of biodiversity on a global scale; working toward a better ecosystem balance at Griffy provides us with an opportunity to act locally to stem this loss;
- WHEREAS, We have a responsibility to future generations to be good stewards of Griffy Woods;
- WHEREAS, The Griffy Lake Nature Preserve Master Plan of 2008 observed that deer herbivory and trampling were having a particularly deleterious effect on the Griffy Lake Nature Preserve in the Mesic Upland Forest and Floodplain Forest; the Plan called for further study to determine the effects of deer browse using deer enclosure plots and advised that it may be necessary to introduce deer population controls to reduce the number of deer;
- WHEREAS, The 2012 report of the Joint City of Bloomington-Monroe County Deer Task Force provided further documentation of the deleterious effects of deer overbrowsing at Griffy Woods and recommended the use of sharpshooting by wildlife professionals as the most effective and humane way of reducing the deer population;

- WHEREAS, Deer management at Griffy Woods is supported by numerous community stakeholders;
- WHEREAS, To be effective, deer management must be continually maintained and monitored;
- WHEREAS, The need to manage deer in the interest of forest restoration is not new nor is it specific to Griffy -- the comparative experience of Indiana State Parks indicates that reducing the number of deer results in forest recovery. In Indiana State Parks, herbaceous percent cover, woody stem density, species richness, and species diversity have all increased markedly since hunting was implemented. Indeed, in 1995 the Indiana General Assembly passed legislation *requiring* IDNR to take action where a given species was causing measurable damage to the ecological balance within a State park;
- WHEREAS, As articulated in the Humane Deer Management Policy Statement of the Joint City of Bloomington-Monroe County Deer Task Force, lethal deer management should be used only where it is determined that a problem exists, that is unlikely to be solved using non-lethal means. Where lethal means must be used, the most humane methods should be employed, as prescribed by the American Veterinary Medical Association. The most humane form of lethal action is one that makes death as painless and distress-free as possible;
- WHEREAS, Non-lethal means would not effectively address the current level of deer abundance and deer herbivory at the Griffy Lake Nature Preserve;
- WHEREAS, The most effective, safe, and humane way to reduce the deer population at Griffy Woods is sharpshooting by competent markspersons using firearms. The use of an accurately-delivered gunshot has been determined to be humane euthanasia by the American Veterinary Medical Association;
- WHEREAS, The Indiana Department of Natural Resources (IDNR) exercises exclusive jurisdiction over deer management in Indiana (I.C. §14-22-1-1). IDNR sets the boundaries within which deer management options can be selected, but leaves it up to communities to decide how and if management should occur;
- WHEREAS, The City of Bloomington Board of Park Commissioners exercises jurisdiction over the management of the Griffy Lake Nature Preserve;
- WHEREAS, Members of the Board of Park Commissioners have made clear it that an overabundance of deer at the Griffy Lake Nature Preserve presents an imminent threat to the Griffy ecosystem; these members have asked the Council to take the necessary steps that will allow the Parks Board to move quickly to protect the Griffy Lake Nature Preserve ecosystem;
- WHEREAS, In the interest of restoring ecosystem balance at Griffy Woods, the Common Council supports the reduction of the deer population at the Griffy Lake Nature Preserve through the use of sharpshooting;
- WHEREAS, The Bloomington Municipal Code prohibits the discharge of firearms and hunting at the Griffy Lake and the Griffy Lake Nature Preserve, but provides that the Board of Park Commissioners may, at their discretion, grant permission to engage in select activities otherwise prohibited for “authorized management purposes” (BMC §11.08.040; *see also* BMC §11.08.300);
- WHEREAS, For the Board of Park Commissioners to grant permission for sharpshooting at the Griffy Lake Nature Preserve, Bloomington Municipal Code §14.20.020, prohibiting the discharge of a firearm within the corporate boundaries of the City of Bloomington, must be amended;

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

SECTION 1. Section 14.20.020 of the Bloomington Municipal Code entitled "Discharging Firearms" shall be amended by deleting the existing provision and replacing it with the following:

14.20.020 Discharging firearms.

It is unlawful for any person to shoot any firearm within the limits of the city. However, this section shall not apply to:

- (a) any legally appointed officer in the discharge of his or her duty;
- (b) any person when acting in self-defense; nor
- (c) any contractor of the City of Bloomington Board of Park Commissioners hired for the purpose of deer reduction via sharpshooting at the Griffy Lake Nature Preserve, provided that:
 - (1) the contractor takes such actions in accordance with:
 - (A) a currently valid contract executed by the City of Bloomington Board of Park Commissioners and such contractor; and
 - (B) a currently valid State of Indiana, Department of Natural Resources permit for such actions; and
 - (C) all applicable City of Bloomington laws and regulations; and
 - (D) all applicable State of Indiana laws and regulations; and
 - (2) the discharge of a firearm authorized under subsection (c) shall be limited to areas within the boundaries of the Griffy Lake Nature Preserve as defined by §11.08.010(7) of the Bloomington Municipal Code.

SECTION 2. 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.

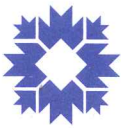
REGINA MOORE, Clerk
City of Bloomington

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

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmembers Rollo and Ruff. The ordinance amends the Bloomington Municipal Code by adding an exception to the general prohibition against discharging a firearm within the City's corporate boundaries. This exception is limited to the Griffy Lake Nature Preserve for the limited purpose of deer reduction via sharpshooting. The ordinance documents the widespread ecosystem damage at Griffy caused by an overabundance of deer. The ordinance points out that the City of Bloomington Board of Park Commissioners exercises jurisdiction over the management of the Griffy Lake Nature Preserve and that members of the Parks Board have requested that the Common Council take the necessary steps to allow the Board to act quickly to protect the Preserve. The ordinance finds that sharpshooting is the most effective, safe, and humane means to reduce the deer population at Griffy in the interest of ecosystem restoration.



**MARK KRUZAN
MAYOR**

CITY OF BLOOMINGTON

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OFFICE OF THE MAYOR

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April 11, 2014

VETO MESSAGE

To Members of the Common Council:

I am returning Resolution 14-04 without my signature.


The proposal's authors and proponents did excellent research and were unfairly characterized by some for their deep-rooted opinions. I respect the stance of every council member on this difficult issue.

As a matter of conscience, I cannot support the killing of deer in the community. Legalizing deer hunting in Bloomington will irreversibly change the nature of the community. I opposed hunting in State of Indiana forests when I served in the state legislature based on the same principle. I've never felt the same about our state parks since hunting was permitted and believe many people will likewise feel differently about the Griffy Nature Preserve once the killing of deer begins.

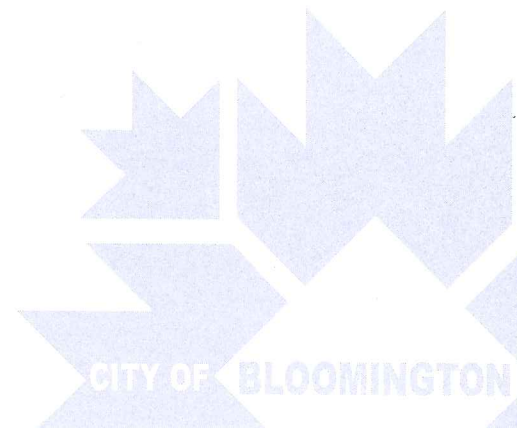
I understand the strongly held belief of individuals and organizations that deer create a problem. I simply see the problem created by the killing of animals as outweighing the problem being caused to plants. That admittedly oversimplified position is based more on emotion than reason, but emotion is a critical component in characterizing the nature of a community.

I fully understand a sufficient number of votes were cast to overturn a veto, but I cannot lend my name to the passage of a pro-hunting law.

Respectfully,



**Mark Kruzan, Mayor
City of Bloomington**



ORDINANCE 14-07

AN ORDINANCE TO AMEND ORDINANCE 13-16 WHICH FIXED SALARIES FOR CERTAIN CITY OF BLOOMINGTON EMPLOYEES FOR THE YEAR 2014 AND TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “ADMINISTRATION AND PERSONNEL” -

Re: To Centralize City Accounting and Purchasing Functions by Moving Positions to the Office of Controller and to Authorize the Controller to Appoint a Deputy

WHEREAS, IC 36-7-4-3 authorizes the Mayor, subject to the approval to the Council, to fix the compensation of each appointive officer, deputy and other employee of the city; and

WHEREAS, Salaries for City of Bloomington employees were set by Ordinance 13-16, which was passed by the City of Bloomington Common Council (“Council”) on October 9, 2013, and approved by Mayor Mark Kruzan (“Mayor”) on October 10, 2013; and

WHEREAS, the Mayor desires to make or change appointments within the Office of the Controller (“Controller”) pursuant to the executive authority granted under IC 36-4-11-3, but which will also require amendments to the salary ordinance; and

WHEREAS, the Mayor and the Controller, the fiscal officer for the city, desire to formalize the appointment of the Deputy Controller by the Council, pursuant to IC 36-4-11-5;

WHEREAS, the changes in appointments, referenced above, will reinforce previously initiated and ongoing efforts by the Mayor and the Controller and will further assist in improving internal control, centralizing financial responsibility and increasing efficiency in fiscal management of the City.

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

SECTION 1. The Ordinance Fixing Salaries shall be amended so that the following seven positions are added in the Controller’s Department:

<u>Department/Division</u> (followed by Job Title and number of positions in each Job Title)	<u>Grade</u>
<u>Controller’s Department</u>	
Purchasing Manager	8
Accounting Manager	5
Bookkeeper	4
Accounting Clerk	3
Customer Service Representative (3)	3

SECTION 2. The Ordinance Fixing Salaries shall be amended so that the following seven positions are eliminated from the following **Departments and Divisions**:

<u>Department/Division</u> (followed by Job Title)	<u>Grade</u>
<u>Parks Department</u>	
Bookkeeper	4
<u>Public Works Department</u>	
Public Works Administration	
Assistant Director - Finance and Customer Relations	10
Accounting Manager	5
Accounting Clerk	3

Parking Enforcement

Parking Meters

Customer Service Representative 3

Parking Facilities

Customer Service Representative 3

Alternative Transportation

Customer Service Representative 3

SECTION 3. Bloomington Municipal Code Section 2.26.000 (Establishment – Appointment of Director) shall be amended to add the following sentence at the end of the section “Pursuant to IC 36-4-11-5, the Controller is authorized to appoint a deputy and is responsible for the official acts of the deputy.” so that the section shall now read:

2.26.000 Establishment – Appointment of Director

There is hereby created a Controller's Department which shall have responsibility, pursuant to statute, for all fiscal affairs of the city. The Controller's Department shall be directed by the City Controller. Pursuant to IC 36-4-11-5, the Controller is authorized to appoint a deputy and is responsible for the official acts of the deputy.

SECTION 4. 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 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by 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

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 this _____ day of April _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends, in part, the 2014 Ordinance Fixing Salaries for the City of Bloomington by adding seven positions in the Department of the Controller and eliminating one position in the Parks Department and six positions in the Public Works' Department, Administration and Parking Enforcement Divisions. The ordinance also amends the local code to formally authorize the fiscal officer for the City to appoint a deputy.



To: City Council
From: Sue West
RE: Ordinance 14-07
Date: April 15th, 2014

The ordinance referenced above is an ordinance to amend the salary ordinance adopted with the 2014 budget.

Six of the seven positions identified are in roles that accept receipts and enter disbursements on behalf of the City. Currently the City has a de-centralized accounting function where accounting functions are performed department-by-department outside the control of the Controller's Office. This proposal is a first step in moving the control of those functions back to the Office of the Controller.

The seventh position is a Purchasing Manager. Currently, the City has a de-centralized purchasing function. Requisitions and vendor selection is on a department-by-department basis. This proposal is the first step in centralizing the City's purchasing authority. The City will be implementing a centralized purchase order system under the direction of the Purchasing Manager in the Office of the Controller.

ORDINANCE 14-08

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” – Re: Amending Chapter 2.26 Entitled
“Controller’s Department” to Authorize Procedures Necessary for the Fiscal Management
and Operations within that Department**

WHEREAS, The City of Bloomington Controller (“Controller”), who serves as the fiscal officer for the city, finds it efficient to use electronic funds transfer as a method of payment of claims and to also transact business with financial institutions and public pension or retirement funds through the use of electronic fund transfers; and

WHEREAS, “Electronic funds transfer”, as defined by IC 36-1-8-11.5, means “*any transfer of funds other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account*”; and

WHEREAS, in some instances the Controller finds it operationally necessary to pay certain claims prior to board approval, as allowed by IC 36-4-8-14; and

WHEREAS, such procedures are fully allowed under Indiana law provided the fiscal body approves of the procedures by resolution or ordinance.

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

SECTION 1. Section 2.26.080 of the Bloomington Municipal Code entitled “Authorized financial instruments,” shall be amended by deleting the first sentence and replacing it with the following:

Pursuant to IC 5-13-5-5, IC 36-1-8-11, and IC 36-1-8-11.5, the city of Bloomington, including the city of Bloomington utilities, is hereby authorized to accept and disburse the following types of financial instruments for payment:

- (1) Cash;
- (2) Check;
- (3) Bank draft;
- (4) Money order;
- (5) Bank card or credit card; and
- (6) Electronic funds transfer.

SECTION 2. Section 2.26.085 shall be added to the Bloomington Municipal Code and shall read as follows:

2.26.085 – Authorized pre-approved payments

The Controller is authorized, pursuant to IC 36-4-8-14, to pay certain types of claims prior to board approval, provided that: the board having jurisdiction over the allowance of such claims has issued prior written approval of these pre-approved payments; each payment of expenses under this section is supported by a fully itemized invoice or bill and certification by the fiscal officer; and, the city legislative body or the city board having jurisdiction over the allowance of the claim reviews and allows the claim at its next regular or special meeting following the pre-approved payment of the expense. These types of claims include:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;

- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (8) Leases or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll and benefits;
- (11) State, federal, or county taxes;
- (12) Expenses that must be paid because of emergency circumstances;
- (13) Reimbursement to the State of Indiana and any other expenses related to unemployment compensation

SECTION 3. 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by 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

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 this _____ day of April _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends BMC 2.26 entitled “Controller’s Department” to take advantage of financial processes authorized under Indiana law that allow the fiscal officer of the City of Bloomington to conduct business with financial institutions and to pay claims via electronic funds transfer and to pay certain types of claims prior to approval by the appropriate body, board, or commission.



To: City Council
From: Sue West
RE: Ordinance 14-08
Date: April 15, 2014

Regarding payment of claims prior to board approval:

State statute (IC 36-4-8-14) permits, and State Board of Accounts Manual (61-43) references, the ability to pay claims in advance of Board Allowance. Currently, claims are processed on a bi-weekly cycle alternating with payroll processing. Frequently, invoices with less than 30-day terms and payroll reimbursements do not fall neatly within the claims cycle period without the possibility of a late payment and, in some instances, a late fee. Most of these claims are for utility payments or payroll-related expenses. We are requesting the ability to pay these claims on the alternate cycle of claims processing prior to board approval. Claims would then be submitted to the board at the next regular meeting. The proposed ordinance mirrors State statute with the exception of adding to payroll (and payroll benefits). It also adds a section that specifies employment claims being reimbursed to the State. The majority of these claims have been already incurred, have been approved by appropriation, or have been approved contractually through by board action.

The list of claims that can be processed in this manner is very restrictive:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (8) Leases or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll and payroll benefits;
- (11) State, federal, or county taxes;
- (12) Expenses that must be paid because of emergency circumstances;
- (13) Reimbursement to the State of Indiana for unemployment claims

Regarding use of EFT:

Electronic Fund Transfers (EFT) or "direct deposit for vendors" allows the City to process claims more cost effectively. The City will use EFT payments as the primary payment source. Paying by EFT will save money in printing costs, bank processing, and postage.

Currently, the State of Indiana and, recently, Ivy Tech has converted to all electronic payments. The County is also in the process of reviewing this form of payment.