



# City of Bloomington Common Council

## Legislative Packet – Addendum

(Issued on Wednesday, 01 September 2021)

Wednesday, 01 September 2021

Regular Session - 6:30 pm

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

## RESOLUTION 21-26

### TO DECLARE SUPPORT FOR THE GLOBAL ABOLITION OF NUCLEAR WEAPONS AND THE BACK FROM THE BRINK CAMPAIGN

- WHEREAS, former Energy Secretary Ernest Moniz, speaking at Indiana University in 2019, warned that the danger of nuclear war is at the highest point since the Cuban Missile Crisis of 1962;<sup>1</sup> and
- WHEREAS, the Bulletin of Atomic Scientists, who have tracked existential threats to humanity since 1947, have set the Doomsday Clock at 100 seconds to midnight – the closest it has ever been – to warn humanity of the ever-present threat of nuclear war;<sup>2</sup> and
- WHEREAS, President Ronald Reagan and Soviet leader Mikhail Gorbachev declared in 1985 that “a nuclear war cannot be won and must never be fought,”<sup>3</sup> and President Joe Biden and Russian President Vladimir Putin reaffirmed this in June 2021;<sup>4</sup> and
- WHEREAS, the Trump Administration’s Nuclear Posture Review envisaged U.S. nuclear weapons use not only for nuclear deterrence but also aggressively in a variety of hypothetical military situations;<sup>5</sup> and
- WHEREAS, the Trump Administration’s fiscal year 2021 budget included funding for new nuclear weapons programs that would lead to costs of \$634 billion for the period 2021-2030, \$140 billion more than the Congressional Budget Office’s 2019 estimate for the 2019-2028 period;<sup>6</sup> and
- WHEREAS, the Biden Administration, in its 2022 budget request to Congress, retained funding for these new weapons systems proposed by the Trump Administration;<sup>7</sup> and
- WHEREAS, the late U.S. Senator Richard Lugar and other former senior officials wrote to Congress in May 2018 stating: “There is no need for such weapons and building them would make the United States less safe. These so-called ‘low-yield’ weapons are a gateway to nuclear catastrophe and should not be pursued;”<sup>8</sup> and
- WHEREAS Senator Lugar and co-authors added: “Nuclear war cannot be controlled. Perhaps the biggest fallacy in the whole argument is the mistaken and dangerous belief that a ‘small’ nuclear war would remain small. There is no basis for the dubious theory that, if Russia used a ‘low-yield’ nuclear weapon and the United States responded in kind, the conflict could stay at that level;” and
- WHEREAS, a nuclear war would have catastrophic global effects: even a regional war involving a small percentage of global nuclear arsenals could kill billions through climate effects, and war between the U.S. and Russia could eliminate all human and other complex life on Earth;<sup>9</sup> and
- WHEREAS, nuclear war may be initiated not by intention, but by accident or miscalculation, as has been determined by scholars and historians especially during times of diplomatic and military crisis;<sup>10</sup> and
- WHEREAS, grassroots initiatives such as the Nuclear Weapons Freeze Campaign proved effective in slowing the nuclear arms race in the 1980s;<sup>11</sup> and
- WHEREAS, 86 nations have signed the 2017 Treaty on the Prohibition of Nuclear Weapons, and 55 are now parties to it; and under Article VI of the 1968 Nuclear Non-Proliferation Treaty the United States and other nuclear weapons states are obliged to work toward nuclear disarmament;<sup>12</sup> and
- WHEREAS, Bloomington’s Mayor, John Hamilton, is a member of U.S. Mayors for Peace, which works toward “the attainment of lasting world peace by arousing concern among citizens of the world for the total abolition of nuclear weapons;”<sup>13</sup> and

WHEREAS, it is the responsibility of all those elected to representative office in the United States to advocate for the safety of their constituents, in view of both global and local threats to this safety; and the use of nuclear weapons is a threat to the safety of residents of Bloomington;

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

SECTION 1. The City of Bloomington hereby states its support for the global abolition of nuclear weapons and the Treaty on the Prohibition of Nuclear Weapons. We call on the United States to lead a global effort to prevent nuclear war by enacting the plan called for by the grassroots national movement Back from the Brink. The United States government should:

1. Sign a legally binding No First Use treaty;
2. End the sole, unchecked authority of any United States president to launch a nuclear attack;
3. Take the United States nuclear weapons off hair-trigger alert;
4. Cancel the plan to replace its entire nuclear arsenal with enhanced weapons; and
5. Actively pursue a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

SECTION 2. The City of Bloomington hereby confirms that none of its public funds are directly invested in corporations involved in the design or manufacture of nuclear weapons. In addition, the City will endeavor to ensure that no City contract shall include companies involved in the design or manufacture of nuclear weapons or the delivery systems of nuclear weapons, unless no alternative company is available to perform needed services at a reasonable price, and insofar as state law allows.

SECTION 3. The City Clerk shall send a copy of this resolution, duly adopted, to the President of the United States, Indiana's U.S. Senators, and Indiana's Ninth District Congressional Representative.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JIM SIMS, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution is sponsored by Councilmembers Flaherty, Piedmont-Smith and Rollo. It recognizes the substantial danger that nuclear weapons pose both locally and globally. Further, it expresses the City of Bloomington's support for: the global abolition of nuclear weapons; the Treaty on the Prohibition of Nuclear Weapons; and the plan called for in the Back from the Brink Campaign. It confirms that public funds are not directly invested in corporations involved in the design or manufacture of nuclear weapons and that the City will endeavor not to contract with companies involved in the design or manufacture of nuclear weapons or the delivery systems of nuclear weapons, unless no alternative company is available to perform needed services at a reasonable price, and insofar as state law allows. It calls on the United States to take steps to lead a global effort to prevent nuclear war.

*Note: This resolution was revised after release in the September 1, 2021 Legislative Packet but before introduction at the September 1, 2021 Regular Session to clarify that the City will endeavor not to contract with companies involved in the design or manufacture of nuclear weapons or delivery systems of nuclear weapons.*

## REFERENCES

- [1] J. Cummings, C. Carney, Indiana University News at IU Bloomington, 03/19/2019, “Former U.S. Energy Secretary Moniz to Headline IU’s Forth America’s Role in the World Conference” <https://news.iu.edu/stories/2019/03/iub/releases/19-americas-role-in-world-conference.html>
- [2] Bulletin of Atomic Scientists Doomsday Clock, 01/22/2021 <https://thebulletin.org/doomsday-clock/>
- [3] Ronald Reagan Presidential Library & Museum, 11/21/1985, “Joint Soviet-United States Statement on the Summit Meeting in Geneva,” <https://www.reaganlibrary.gov/archives/speech/joint-soviet-united-states-statement-summit-meeting-geneva>
- [4] Associated Press, Deutsche Welle, 06/16/2021, “Biden and Putin Agree: ‘Nuclear War Cannot be Won and must Never be Fought’” <https://www.dw.com/en/biden-and-putin-agree-nuclear-war-cannot-be-won-and-must-never-be-fought/a-57921072>
- [5] J. Daniels, CNBC, 02/02/2018, “Trump’s Nuclear Posture Review Shows Greater Willingness to use Nukes First, Say Critics” <https://www.cnbc.com/2018/02/02/trump-nuclear-posture-document-encourages-use-of-nukes-say-critics.html>
- [6] Congressional Budget Office, 05/14/2021, “Projected Costs of U.S. Nuclear Forces, 2021 to 2030” <https://www.cbo.gov/publication/57130>
- [7] K. Reif, Arms Control Association, July/August 2021, “Biden Continues Trump Nuclear Funding” <https://www.armscontrol.org/act/2021-07/news/biden-continues-trump-nuclear-funding>
- [8] William J. Perry Project, 05/23/2018, “Experts Write Letter to Congress to Stop Low-Yield Nuclear Warheads” <https://webmaster-perry.squarespace.com/notes-from-the-brink/letter-to-congress-stop-low-yield-nuclear-weapons>
- [9] J. McDonald, JSTOR DAILY, 08/26/2017, “The Environmental Impact of Nuclear War” <https://daily.jstor.org/the-environmental-impact-of-nuclear-war/>
- [10] See, e.g., <https://www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat;> [https://www.ucsusa.org/sites/default/files/attach/2015/04/Close%20Calls%20with%20Nuclear%20Weapons.pdf;](https://www.ucsusa.org/sites/default/files/attach/2015/04/Close%20Calls%20with%20Nuclear%20Weapons.pdf) [https://nsarchive2.gwu.edu/NSAEBB/NSAEBB75/subchron.htm;](https://nsarchive2.gwu.edu/NSAEBB/NSAEBB75/subchron.htm) [https://www.npr.org/templates/story/story.php?storyId=128337461;](https://www.npr.org/templates/story/story.php?storyId=128337461) <https://nsarchive2.gwu.edu/nukevault/ebb371/>
- [11] L. Wittner, Arms Control Association, “The Nuclear Freeze and Its Impact” [https://www.armscontrol.org/act/2010\\_12/LookingBack](https://www.armscontrol.org/act/2010_12/LookingBack)
- [12] United Nations Office for Disarmament Affairs, “Treaty on the Prohibition of Nuclear Weapons” <https://www.un.org/disarmament/wmd/nuclear/tpnw/>
- [13] Mayors for Peace, <http://www.mayorsforpeace.org/english/members/area/northamerica.html>

# Resolution 21-26

To declare support for the global abolition of nuclear weapons and the Back from the Brink campaign

# THE PROBLEM

- Threat of nuclear war is high
- “Nuclear war cannot be won and must never be fought”
- No such thing as “usable” nuclear weapons
- President Biden is continuing his predecessor’s investment in new nuclear weapons systems

# PUSHING FOR A SOLUTION

- 2017 Treaty on the Prohibition of Nuclear Weapons
- US Mayors for Peace
- Back from the Brink
  - Grassroots campaign seeking the abolition of nuclear weapons and fundamental change in US nuclear weapons policy
  - 54 cities/towns, 3 counties, and 4 states in the US have signed, plus over 100 organizations, 7 Congressional representatives, and over 100 local and state elected leaders, including John Hamilton



# BACK FROM THE BRINK DEMANDS

- Actively pursue a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals
- Renounce the option of using nuclear weapons first
- End the sole, unchecked authority of any US President to launch a nuclear attack
- Take US nuclear weapons off of hair-trigger alert
- Cancel the plan to replace the entire US nuclear arsenal with enhanced weapons

# A LONG-RECOGNIZED PROBLEM

“Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.”

- John F. Kennedy to the United Nations General Assembly, Sept. 25, 1961

# WHY BLOOMINGTON?

- It is the responsibility of all those elected to representative office to advocate for the safety of their constituents, in view of both global and local threats to this safety
- The use of nuclear weapons is a threat to the safety of residents of Bloomington
- Grassroots advocacy can lead to changes in US policy
- We must speak out on issues of life or death, even if the ultimate decisions are made in Washington

THANK YOU!

Our thanks to David  
Keppel and the  
Bloomington Peace  
Action Coalition

Questions?



**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 21-31  
**Reasonable Condition #:** 01A  
**Submitted By:** Cm. Flaherty  
**Date:** 1 September 2021

**Proposed Reasonable Condition:**

1. The developer shall record a written commitment to install a roof covering at least 75 percent of the parking spaces and meet the SRI requirements specified in the Unified Development Ordinance (UDO) Section 20.04.110(d)(2)(A)(iii) Sustainable Development – Covered Parking.<sup>1</sup>

This Reasonable Condition supersedes Reasonable Condition 04, which was imposed a part of Ordinance 20-01 adopted on February 5, 2020.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Flaherty. It requires the developer to record a written commitment to install a roof covering at least 75% of the parking spaces and meet the SRI requirements as set forth in the sustainability provisions of the UDO effective April 18, 2020 (Ordinance 19-24).

**Committee of the Whole Action:** None  
**9/1/2021 Regular Session Action:** *Pending*

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<sup>1</sup> The City of Bloomington Unified Development Ordinance went into effect on April 18, 2020.

**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 21-31  
**Reasonable Condition #:** 01B  
**Submitted By:** Cm. Flaherty  
**Date:** 1 September 2021

**Proposed Reasonable Condition:**

1. The developer shall record a written commitment to install a Cool or Vegetated Roof covering at least 70 percent of the total roof surface, as specified in the Unified Development Ordinance (UDO) Section 20.04.110(d)(2)(A)(iv) (Sustainable Development – Cool or Vegetated Roof).<sup>1</sup>

This Reasonable Condition supersedes Reasonable Condition 04, which was imposed a part of Ordinance 20-01 adopted on February 5, 2020.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Flaherty. It requires the developer to record a written commitment to cover at least 70% of the total roof surface with “cool” or vegetative material as set forth in the sustainability provisions of the UDO effective April 18, 2020 (Ordinance 19-24).

**Committee of the Whole Action:** None  
**9/1/2021 Regular Session Action:** *Pending*

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<sup>1</sup> The City of Bloomington Unified Development Ordinance went into effect on April 18, 2020.

To: Council

From: Steve Volan, Councilmember, District VI

Date: August 27, 2021

Re: **Ord. 21-34, defining a “reasonable hour” for the end of meetings**

### **History of Council meeting time rules**

The 1979 ordinance that last revised the Council's operating procedures contemplated that meetings would be conducted in roughly what television professionals would call “prime time”. Meetings began at 7:30 pm per BMC 2.04.050(a), and 2.04.420(b) called for a supermajority vote to introduce new legislation after 10:30 pm. When items of legislation remaining on the agenda were not introduced and the remainder of the standing agenda (second public comment, Council schedule) were dealt with, the meeting ended before 11 pm.

Since then, Council has been meeting longer and more frequently than the framers of the 1979 ordinance ever imagined. On at least 13 occasions since 2015, Council meetings have lasted longer than five and a half hours. Two of those occasions were this week, during Budget Week. CM Chopra, who was more sensitive to late hours than most CMs, authored Ordinance 16-42, which simply pushed the Council's standard meeting start time back an hour to 6:30 pm. From the minutes of Nov. 16, 2016:

*“[Chopra] said that the reason for the ordinance was that meetings often ended very late. She said that she could not make any guarantees that meetings would not end late, but that the change was a chance to make that less likely to happen. She said late meetings lead to fatigue, insubstantial scrutiny, and shallow deliberations that resulted in poor decisions. She said that several department heads expressed enthusiasm about the ordinance. She said that a good night's sleep was important to the well-being of staff members, who must often stay late and come in early.”*

Vote on that ordinance that night was taken at 1:24 am — the next day — after more than four and a half hours of consideration of the project at Hillside and Henderson now known as Park South. That project was on its *Third Reading*; it was the sole subject of a contentious October committee of the whole that itself lasted almost four hours. The minutes also note that Chopra said that “the behavior of councilmembers and effects of [tonight's] late meeting proved the need for the ordinance.” The meeting that night lasted six hours.

CM Chopra later regretted not also setting a maximum meeting length at that time. This proposal remedies that missed opportunity.

### **Rationale for the ordinance**

This ordinance changes BMC Chapter 2.04 to address the problem of Council meetings that last too long.

In a local deliberative body, deliberations should take place under humane circumstances, which include conducting them during normal waking hours. This body has on numerous occasions conducted meetings into the wee small hours of the night. On March 3 of this year, the Council conducted a meeting that lasted nine full hours, a record for a single meeting.

It does not benefit anyone physically to make decisions at such a late hour--members of the public, petitioners, administration staff, clerk staff, council staff, or councilmembers themselves. In the same way that we limit the amount of time an individual can speak to an issue, we must also consider other kinds of limits on public deliberations.

We heard the Clerk report that the frequency of meetings has increased so much since she took office that she has had to ask for a third full-time employee. She gave her report during this most recent Budget Week, when two of the Council's four meeting nights went longer than five and a half hours. That has happened an average of twice a year since 2015.

### **What the ordinance does**

This ordinance extends the spirit of the 10:30 rule by setting a near-absolute limit on a single meeting in a 24-hour period. It adds paragraph (c) to BMC 2.04.420, defining five and a half hours as the maximum reasonable length of time for a Council meeting, and midnight as a "reasonable hour" for the conclusion of Council meetings.

Meetings do not end automatically under normal rules of order; a member make a motion to adjourn, which is not debatable. A motion to adjourn under this ordinance made after 11:59 pm, or after five and a half hours of meeting time if the meeting begins before 6:30 pm, effectively ends the meeting by requiring unanimous consent of the members present. (An abstention in such a vote is not "consent" and thus would be considered a "no" vote.) The ordinance leaves open the possibility, however unlikely, of continuation. It does not, for example, prevent a member from leaving unilaterally instead of moving to adjourn.

Members who believe the meeting needs to be continued must make a motion to recess, which is debatable and requires a second, so that there is time to consider it before five and a half hours triggers the required-adjournment option. Subparagraph 1 requires that a meeting recessed "to another day" not begin until at least 24 hours after its initial call to order, as such a meeting should not be continued to, say, 9 the next morning. Note that this does not affect the ability to recess within the same day: if members want to take a ten-minute break before midnight, they can as normal.



Subparagraph 2 exempts this new rule from being suspended by a two-thirds majority. The ordinance will not be effective if it can simply be suspended.

### **Effect of the ordinance**

In practice, members should think of meetings as having a five-hour time limit. For one thing, there are the inevitable administrative matters at the end of meetings. More importantly, if it becomes evident that a majority will prefer a recess to another day to a sudden end to the meeting, such a motion is debatable and requires time to discuss. At the five-hour mark of any meeting, all members — and not just the chair — should begin thinking about how to continue its business to another day to avoid the hard limit of five and a half hours.

If a councilmember has concern for members of the public who "stayed all night" to speak to an ordinance that didn't get taken up, this ordinance at least assures those members that they know when the meeting will end, and when the Council resumes it will be at a reasonable hour. They may still have to wait through a long meeting, but it won't be in the wee small hours, and when they get to speak it will at least be "pm" and not 2 or 3 am. The Council could also let people sign up to speak, to better manage the public's expectations. These actions require the Council to anticipate the needs of everyone at the meeting, not just the legislative convenience of CMs.

The official timekeeping device may matter with this ordinance. If it is possible that the exact time is in dispute (the analog clock in the Chambers vs Internet time on people's phones and computers), then the Council should identify an official timepiece for that purpose.

Most importantly, the upshot of this ordinance requires the Council to consider every mechanism at its disposal to better control meeting lengths. Timers in Chambers and on Zoom permit everyone to be limited, including CMs. CMs should be responsible for, if not jealous of, the opportunities given to them by the chair for Q&A — if an answerer rambles or delays, the CM must act to "reclaim their time". Perhaps members should be limited to two Q&A periods per legislative item, requiring them to prepare their questions better before the meeting. Members need to consider the fiscal impact of late meetings on Clerk staff, who are hourly, as well as the "social impact" on everyone, of complicated ordinances or multiple amendments and how they're considered.

### **Conclusion**

Regardless of the various options, it is simply inexcusable for the Council to force members of the public, staff of the Mayor, the Clerk, and the Council office itself, to stay up unsustainably late as frequently as we have. We have taken our agenda and our legislative conduct for granted for far too long. Five and a half hours, frankly, is a compromise, a far cry from the spirit of the 10:30 rule. As long as it's part of a hard limit that will prevent further marathons, though, it will be a significant improvement. # # #