

In Indiana on Wednesday, September 08, 2021 at 7:45pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
Special Session
September 08, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [7:45pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [7:45pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:47pm]

Flaherty moved and it was seconded that Resolution 21-27 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 21-27 - Calling for an Increase to Salaries for Members of the Police Department [7:47pm]

Flaherty moved and it was seconded that Resolution 21-27 be adopted.

Rollo presented Resolution 21-27 which addressed the cosponsors' concern regarding the base salary pay of Bloomington Police Department's (BPD) sworn officers. He commented on the number of sworn officers, attrition, recruitment, public safety, and overtime requirements. He provided data regarding Bloomington's population, and the ranking of pay for sworn officers compared with other cities in Indiana. He highlighted the proposed pay increases within Resolution 21-27.

Smith also presented on Resolution 21-27 and stated that it was not an effort to impact the collective bargaining negotiation. He said that BPD was nationally accredited and helped to keep the community safe during a time with significant increase in crime. He commented on shifts, overtime, and salaries compared to other cities. There were several issues that contributed to an unstable workforce, high turnover rates, poor retention rates, and minimum staffing levels. He further commented on training, mandatory overtime, and the ratio of officers to community members. He highlighted the benefits of increasing the base salary pay as well as the negative impacts of understaffing.

Sandberg referenced her appeal to the administration the previous year, and commented on the public safety budget and the need to increase the salary for sworn officers. She spoke about the preliminary budget discussion and council votes for the BDP budget that year. The high turnover rate, and issues with retention and recruitment, contributed to the loss of professional officers during a time where crime was increasing. She strongly supported social workers, Downtown Resource Officers (DRO), and community resource personnel but said they were not equipped to handle criminal behaviors like shootings, violent crimes, break ins, and more. She applauded the administration for embracing 21st Century policing policies. Sandberg further commented on the urgent need to address concerns at BPD, which had not been properly addressed in the past, and provided examples.

Michael Rouker, City Attorney in the Legal Department, said that the data referenced by the cosponsors, listed pension rates and not compensation for officers. It was not a salary list and should not be

used for comparisons. He explained other problems with the list referenced by the cosponsors. He said that in some cases, like with BPD, base compensation mirrored the base compensation on the list. The city's Legal Department and Human Resources Department had drafted a comparable list of base salaries for entry-level sworn personnel in BPD. He presented the list and explained the data as an actual comparison. He further clarified that the data was imperfect because base pay was one part of total compensation. He explained items that constituted extra pay and benefits, and provided examples including specialties, education, training, clothing allowance, sick time, and shift-pay.

Resolution 21-27 (cont'd)

Sgambelluri appreciated Rouker's presentation clarifying the difficulty with comparing compensation. She asked if the extra pay and benefits were unique to Bloomington.

Council questions:

Rouker said that the benefits were not exclusively unique to Bloomington, however the city was very generous with the benefits. The point was that it was difficult to quantify benefits in collective bargaining when comparing agencies. For example, it was simplistic to use the parks pension rate list for comparison of city salaries.

Sgambelluri asked if the benefits existed at other agencies.

Rouker said that was correct, and reiterated that the pension rate should not be used as a list of salaries.

Flaherty thanked the sponsors, and the administration, and asked about the \$5,000 proposed in Resolution 21-27.

Rollo responded that it was a modest increase, and questioned if the current base pay was adequate to prevent attrition.

Flaherty asked how the \$5,000 was determined.

Sandberg explained that it was a starting point, since it was the cosponsors understanding that the city was ranked low. She said that \$15,000 would make the city competitive across the state. The increase was a pragmatic approach to ensuring the retention of well-trained sworn officers. She acknowledged that it was difficult to accurately compare compensation with other cities. She explained that the reason for drafting Resolution 21-27 was because current compensation, including extra pay and benefits, was not sufficient.

Smith added that \$5,000 was a good starting point, but that it was difficult to identify exactly how to stop or reduce attrition.

Rollo stated that the city's base pay was towards the bottom within the state of Indiana.

Rosenbarger asked if the sixty-seven officers who had left BPD included resignation, retirement, and termination.

Smith confirmed that it did.

Rollo noted that five years prior, there were significant numbers that were retiring, but now there were more that were leaving law enforcement or were leaving for other agencies.

Sandberg added that she was not certain there were exit interviews, but that council had received data regarding why those officers left and that it was primarily for other agencies, other departments in the city, or other police departments. This also included an "other" category which included terminations and other reasons. The information included where those officers went.

Smith stated that of the ninety eight officers who left during 2011-2021, 42% left for other another police agency.

Rosenbarger commented that Chief Michael Diekhoff, during the budget hearings, had stated that he had not seen exit interviews leading her to believe there were none. At a previous work session,

she had asked for data on the officers who had left BPD and asked for further clarification on that data.

Smith said that during 2011-2021, 42% of the ninety eight officers went to another police agency.

Rosenbarger said that 58% retired, or went to another career.

Resolution 21-27 (cont'd)

Piedmont-Smith inquired about the responsibilities of the administration versus council regarding collective bargaining with the Fraternal Order of Police (FOP). She expressed concern that council was potentially intruding on collective bargaining negotiations.

Rollo stated that council was signatory to the contract and that it was wrong to categorize Resolution 21-27 as negotiation. Since council oversaw the budget, it was within council's purview to address deficiencies within the budget. He said it was also council's concern to address the health and safety of the community and referenced a recent incident. He reminded council that the resolution was non-binding and was a statement of support.

Sandberg added that council was first approached by the FOP leadership three years ago, and that she had had concerns about being involved with negotiations. She said Resolution 21-27 was part of a cumulative effort to address issues at BPD.

Rouker said that the FOP and the administration designated a bargaining team. He described the process and said that collective bargaining also included other unions.

Sims asked for clarification on where BPD ranked according to the information provided by Rouker.

Rouker reiterated that it was best not to use pension rates for comparison, and that a benefits comparison was better but was not a complete picture. He provided examples of benefits like a take-home car for officers. Benefits did not compare equally across cities. He said that was part of the challenge with collective bargaining.

Flaherty asked if the FOP had approached the city requesting that the current agreement be reopened.

Rouker said that he was not aware of any such request.

Flaherty referenced the Bloomington Municipal Code (BMC) that specified how the city and FOP would pursue collective bargaining. He asked if specifying a salary or raise level entered into the area of collective bargaining.

Rouker agreed that collective bargaining was the exclusive mechanism for negotiating a pay raise. He believed there were also state and federal regulations addressing that too.

Smith said it was a non-binding resolution, and that council could make suggestions.

Rollo said that the status quo was not adequate, and the outcome of collective bargaining had not been sufficient. There was an extreme problem and the base pay salary raise was a modest step forward that did not preclude the bargaining that would follow.

Flaherty stated that his question did not pertain to the substance of Resolution 21-27 or the reason for the proposal. He asked if the cosponsors were interested in proposing a general increase in salary as opposed to specifying numbers.

Rollo said yes, and that it had been done in the past and failed.

Sandberg iterated that she and other councilmembers had approached the administration the previous year to discuss the problems councilmembers saw with BPD staffing. She provided examples of problems with the benefits for BPD.

Rollo added that council's role was to oversee the budget, and that Resolution 21-27 worked within that purview.

Piedmont-Smith asked the cosponsors how Resolution 21-27 would be funded. Resolution 21-27 (cont'd)

Rollo responded that there were American Rescue Plan Act (ARPA) funds available for the immediate need. The administration had committed \$250,000 for recruitment which was now up to \$750,000 [sic]. The administration could redirect the funds from Community Service Officers for sworn officers. He said that the city had budgeted for one hundred and five sworn officers. In the future, Public Safety Local Income Tax (PSLIT) monies could be used.

Smith added that adding resource officers could be delayed and redirected towards BPD officers, as well as using ARPA funds. He said this would help with recruitment and retention.

Sims asked about Mayor John Hamilton's willingness to reopen negotiation with FOP, and asked if both sides needed to agree to renegotiate.

Rouker stated that was correct, and that there were certain conditions that would trigger mandatory renegotiation too.

Sims asked if Resolution 21-27 passed, if it would be considered council's involvement in negotiation, given that it was non-binding.

Rouker stated that it was not appropriate for him to answer that.

Sgambelluri asked for further clarification on things that triggered automatic renegotiation.

Rouker provided examples that would trigger a renegotiation.

Sgambelluri stated that in those cases, the decisions would be binding.

Rouker said that was correct. For example, the tax levy not increasing by an expected amount would trigger renegotiation.

Sandberg stated that Resolution 21-27 was making recommendations. She provided reasons for sponsoring Resolution 21-27 as well as voting against the BPD budget because she felt it was inadequate. She explained that it was an immediate need and that prioritizing decisions needed to be made in the future.

Piedmont-Smith said that it was her understanding, based on a press release from Mayor Hamilton and Chief Michael Diekhoff, that the total amount from ARPA for recruitment and retention of police officers would be increased to \$500,000. She asked if the sponsors would be fine with using that money for salary increases and not for other recruitment and retention efforts.

Rollo responded yes because the base salary increase was key for recruitment, retention, and being competitive.

Sandberg stated that during the budget discussion, it was unclear what the administration's plan was for the \$250,000 recruitment and retention efforts. She said that Resolution 21-27 was very specific in how to use funding.

Rouker clarified that the press release indicated a total of \$500,000 and not \$750,000 as Rollo had referenced.

Rollo thanked Rouker for the clarification.

Jeff Rodgers, a union representative of BPD, spoke in favor of Resolution 21-27 and provided reasons. He said that BPD had very low morale and felt unsupported by Mayor Hamilton. He commented on BPD's benefits, loss of officers to other agencies, and additional problems that BPD faced. He thanked council for considering Resolution 21-27.

Public comment:

Paul Post, President of FOP Lodge 88, commented in favor of Resolution 21-27. He spoke about collective bargaining, retention,

negotiations, and issues at BPD. He said that salary was a primary issue in BPD's ability to recruit and staff officers in a sustainable manner. He provided additional details.

Resolution 21-27 (cont'd)

Greg Alexander said that he was surprised Chief Diekhoff was not involved in the discussion that evening. He wondered why council did not challenge other department heads in the same manner. He provided examples concerning safety in the community like pedestrian and bicycle safety. He said that addressing the root causes of crime would go much further.

Nicole Johnson appreciated that base salaries were a way to attract and retain officers. She spoke about officers leaving law enforcement entirely, the ranking lists, and in favor of not replacing Community Resource Officers.

Melissa Stone, Social Worker at BPD, commented on the difficulties that BPD officers faced including not using sick days, traumatic incidents, the inability to take days off, and more. She commented on what she saw in her line of work.

Kamala Brown-Sparks, Interim Chair of the Community Advisory on Public Safety Commission (CAPS), commented on the incentives offered to police officers. She stated that she was the daughter of the first Black police officer in the city. She spoke about the benefits of having a police officer live and work in their neighborhoods.

Jessica Oswald spoke as a Community Service Specialist (CSS) at BPD and thanked the cosponsors. She commented on the volume of calls, and the role of officers and CSSs. She spoke about the difficulty in building relationships with community members due to being understaffed and underpaid.

Jamie Sholl supported Resolution 21-27 and spoke about her concerns about officers being under-slept and the effects that could have on decision making. She commented on the importance of putting the right BPD staff on a call.

Cody Forston thanked council for considering Resolution 21-27. He discussed his work with training at the academy. He discussed officers being recruited by other agencies, salary, base pay, training, and his experience with BPD over the last twenty-one years.

Smith thanked Stone, Rodgers, Sholl, Forston, and others for their comments. He commented on redirecting funds from resource officers to sworn officers and said that the current social workers were doing a fantastic job.

Council comment:

Flaherty thanked the cosponsors and public speakers. He commented on the challenges on recruitment and retention, and the administration's efforts to address those challenges. He said it was not council's role to specify salary levels of city employees, especially the police union. There was the section in city code specifying the exclusive mechanism for salaries. He said that the council's fiscal oversight did not extend to that level of detail. Resolution 21-27 did affect the collective bargaining negotiation process. He shared the concerns and the desire to address compensation levels, recruitment, and retention. Council was not the best body to be specifying salary levels. He thanked the cosponsors. Flaherty would be voting against Resolution 21-27.

Resolution 21-27 (cont'd)

Rollo said that in order to address recruitment and retention, the focus needed to be on compensation. BPD was training officers via the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) who were then leaving for other agencies with better pay and benefits. He said the proof was in the attrition rate and mandatory overtime. It was worrisome and public safety must take precedence. The city could not afford to have overworked, underpaid, and understaffed police officers. He commented on the value of proactive policing, which was not currently possible and was a disservice to the community. Raising the base pay would result in a more competitive salary. He stated that the administration's memo was provided at the last minute in a possible effort to obscure the value of Resolution 21-27. He reiterated that the proposal was well within council's domain. He said that Resolution 21-27 made the city competitive.

Sgambelluri thanked everyone for the discussion. She said that the administration had outlined recruitment and retention of sworn officers and intentionally investing in non-sworn officers. She commented that council was potentially inserting itself in collective bargaining. Resolution 21-27's language was drafted to support, not require, an approach to recruitment and retention. She explained that Resolution 21-27 did not trigger automatic renegotiation. She acknowledged the administration's efforts to address recruitment and retention concerns. She commented on the ranking of BPD's compensation, pension, and benefits. She also commented on the importance of proactive policing which was not able to occur due to understaffing. She would support Resolution 21-27.

Piedmont-Smith thanked everyone for their input. She said she would be supporting Resolution 21-27 because it was an emergency situation. She said retention and morale were very low. She emphasized that police was only one aspect of public safety, and did not equate to everyone as safe. She explained that in the United States, the police had not traditionally treated people of all races with respect. She commended the mayor for increasing the non-sworn officers and was not in favor of cutting those positions to increase the salary of sworn officers. She thought that the salaries of sworn officers needed to increase. They were doing a dangerous job and needed to be fully trained. She would support Resolution 21-27 since it was non-binding and was legal. She thanked the cosponsors for bringing the legislation.

Rosenbarger stated that she would abstain on Resolution 21-27. She understood the challenges with hiring and retaining officers. She explained that the lack of data, despite being requested at a council work session, and the numbers provided being pension numbers, did not provide her with adequate information to vote for or against Resolution 21-27. She disagreed with using funds for resource officers for sworn officers. That was the opposite of where she thought the city should be moving towards regarding public safety. She said that salary was one reason why officers left BPD and she listed various reasons that were provided by officers. She wanted to research what other cities were doing and she provided some details. Rosenbarger referenced changes in the industry and said that instead of offering a greater salary, it was ideal to reorganize the police department and reallocate duties to take some of the burden from overburdened police officers.

Volan stated that Bloomington was an expensive city to live in which contributed to officers having to live outside of city limits. He

believed that salary negotiation was not the biggest issue, but managing BPD was. He was agnostic about the salary increase and how contract negotiations should occur. He said that council oversight was accurately described during the discussion, and described council's role in the budget process. The cosponsors had been consistently concerned about the issues for years, as well as the police union. Council could cut a portion of the budget to force the mayor to make hard decisions but council could not draft the budget. He said that Resolution 21-27 did not go far enough and would not be binding.

Resolution 21-27 (cont'd)

Sandberg was uncomfortable with council micromanaging department heads, and that Resolution 21-27 was not a vote of no confidence for Chief Diekhoff. She commented on the various people she had met with to discuss the concerns at BPD. She did not want to cut the social work program at BPD, but it was a new program and adding more social workers could be delayed until it was more established with safety protocols, et cetera. It was not ideal to add more social workers to that program at the expense of sworn officers. She described her experience with ride-alongs with officers and said that proactive policing could occur. She had seen police officers help community members out of their own pocket. She iterated the urgent need to address concerns and was disappointed that neither Mayor Hamilton nor Chief Diekhoff were present.

Volan stated that he did not imply that council should cut a portion of the BPD budget. He explained that the entire budget was subject to council's ability to cut funds. The sponsors could look for funding from another department. He further commented on the budget.

Sims thanked sworn officers, non-sworn officers, all public safety personnel, the cosponsors, public speakers, and Rouker for their input in the discussion. As far as he knew, no BPD officers were hired without a four-year college degree. He said that BPD had well-trained officers, but the problem was understaffing and mandatory overtime. He commented on the difficulties with officers' schedule, training, family time, and more. Sims understood that the intent was not to cut the social work program at BPD, which was still being established. He intended to fully fill those positions and said that it would help alleviate the responsibilities of sworn officers. He thanked Flaherty for discussing code but said that Resolution 21-27 was non-binding and the intent was to get the attention of the administration. It also sent the message to officers that council supported them. Sims commented that increasing the base salary pay was a start.

The motion to adopt Resolution 21-27 received a roll call vote of Ayes: 7, Nays: 1 (Flaherty), Abstain: 1 (Rosenbarger).

Vote to adopt Resolution 21-27 [10:17pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [10:17pm]

Sgambelluri moved and it was seconded to adjourn. Sims adjourned the meeting.

ADJOURNMENT [10:18pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this
18 day of _____January_____, 2023.

APPROVE:

ATTEST:



Sue Sgambelluri, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington