

In Bloomington, Indiana on Wednesday, October 13, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
October 13, 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 [6:32pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

Piedmont-Smith moved and it was seconded to revise the agenda. The motion to revise the agenda received a roll call vote of Ayes: 8, Nays: 1(Rollo), Abstain: 0.

Motion to revise the agenda
[6:35pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:37pm]

Flaherty moved and it was seconded that Appropriation Ordinance 21-03 be 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, giving the do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Appropriation Ordinance 21-03 -
An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2022

Flaherty moved and it was seconded that Appropriation Ordinance 21-03 be adopted.

Vic Kelson, Utilities Director, presented the legislation and provided details on the departmental budget.

Sims asked Kelson to provide more information regarding the rate settlement with the Indiana Utility Regulatory Commission (IURC) which ended up being lower than was proposed.

Council questions:

Kelson said that the original proposal was 22.22% revenue increase and the City of Bloomington Utilities (CBU) received 18.25%. He explained that settling the rate resulted in getting the new rate months sooner. Kelson explained further adjustments that were included in the cost analysis. He stated that the amount of capital expenditures was also changed and provided information about using bonds versus cash.

Public comment:

There was no public comment.

Council comment:

There were no council comments.

Vote to adopt Appropriation Ordinance 21-03 [6:46pm]

The motion to adopt Appropriation Ordinance 21-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Appropriation Ordinance 21-04 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title (there was no synopsis), giving the do-pass recommendation of Ayes: 9, Nays, 0, Abstain: 0.

Appropriation Ordinance 21-04 - Appropriations and Tax Rates for Bloomington Transportation Corporation for 2022

Flaherty moved and it was seconded that Appropriation Ordinance 21-04 be adopted.

John Connell, Bloomington Transit Director, presented the legislation and stated there were no changes since the budget hearings in August.

There were no questions from council.

Council questions:

Sam Dove stated that the bus needed to run on holidays and Sundays.

Public comment:

There were no council comments.

Council comment:

The motion to adopt Appropriation Ordinance 21-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 21-04 [6:52pm]

Mayor John Hamilton thanked council for six months of direct engagement regarding the budget. He said there was input from council, the public, and institutions within Bloomington. Hamilton commented that the 2022 budget reflected the input including major new investments in public safety, climate related infrastructure, transformative new affordable housing programs and levels of investments, unprecedented support for the arts, critical enhancements to basic services, pandemic responses, support for city employees, and more. Hamilton stated that the administration presented a balanced budget for the 2022 city operations, as required by state law, and incorporated shared goals. He presented the three options for council, under state law. Hamilton stated that some councilmembers had expressed their disappointment that particular aspects of the budget were not to their preference. He commented that there were certain parts that were not how he preferred too. He explained that several councilmembers had said to him that if certain changes were not made, that they would not vote for the budget as a whole. Hamilton stated that there was one budget ordinance for the night and strongly urged council to pass the budget ordinance. He said that he looked forward to working with council in the future and provided examples. Hamilton stated that if council did not pass the budget ordinance, the community and city employees, would face a diminished future in 2022. He explained that if the budget ordinance was not adopted for 2022, then the 2021 budget would continue. He stated that there would be a loss of sixteen-and-a-half positions in public safety, and one position in the Office of the City Clerk, loss of all the proposed compensation increases, loss of \$1.4 million in property tax levy, and \$11 million loss in the American Rescue Plan Act (ARPA) and the Coronavirus Aid, Relief, and

Appropriation Ordinance 21-02 - An Ordinance for Appropriations and Tax Rates (Establishing 2022 Civil City Budget for the City of Bloomington) [6:53pm]

Economic Security Act (CARES). Hamilton expressed that the 2022 budget was superior to the 2021 budget and was drafted in a collaborative effort. He said that this was being done while still in a pandemic and with a great deal of stress on city personnel. He hoped council would pass the 2022 budget ordinance.

Appropriation Ordinance 21-02
(cont'd)

Jeff Underwood, City Controller, commented on the budget drafting process and stated that it was a project that lasted ten months out of the year. He explained that it did not make everyone happy. He said that he focused on if the budget met the city's needs, if it could compensate city employees, and if it was balanced and sustainable.

Flaherty moved and it was seconded that Appropriation Ordinance 21-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title (there was no synopsis), giving the do-pass recommendation of Ayes: 3, Nays, 4, Abstain: 2.

Flaherty moved and it was seconded that Appropriation Ordinance 21-02 be adopted.

Underwood presented the legislation and stated that there were no changes since the original proposal.

Piedmont-Smith said there was an itemized form containing each budget category in each department and asked if that was already submitted to the Department of Local Government Finance (DLGF) or if it could be revised.

Council questions:

Underwood stated that it was part of the building process of the budget and explained the forms.

Piedmont-Smith asked if the budget estimates could be revised and meet the timeline.

Underwood stated that there could be changes within the fund up until adoption.

Sandberg commented on the council hesitation to adopt the budget and asked if the administration would be willing to shift priorities. She asked if the administration was willing to continue to negotiate the budget.

Hamilton stated that he would continue to discuss the budget with council though he hoped they would pass the budget ordinance that evening.

Sandberg asked for clarification regarding the Bloomington Police Department (BPD) budget and pay increase that seven councilmembers supported.

Hamilton confirmed that was correct and that he would be willing to meet with council.

Volan stated that Underwood said that there were no changes to the original budget proposal, despite Hamilton stating that his door was always open for discussion on the budget and council requesting changes.

Appropriation Ordinance 21-02
(cont'd)

Hamilton responded that the budget was changed since August when it was originally presented.

Underwood agreed and explained the changes.

Greg Alexander spoke about sidewalks, the budget process, and inequities.

Public comment:

Stephen Lucas, Council Attorney, read a statement submitted via Zoom chat from Juan Moore. The comment discussed the budget and its process.

Rollo expressed deep concern about the lack of attention to the deteriorating situation with BPD. He stated that the majority of council made it abundantly clear that retention and recruitment needed to be addressed by an increase in base pay for competitive purposes. He said that could be done without increasing the budget but rather through transfers. He said that he could not support the budget without addressing that.

Council comment:

Sgambelluri asked if this was the only opportunity to adopt ARPA funds, and if the budget ordinance was not passed, that the city would lose that funding.

Hamilton stated that while the 2022 Budget was built to include ARPA funds in an integrated way, it was not the only mechanism for using ARPA funds and that council would still have the opportunity to pass appropriation ordinances for ARPA funds.

Flaherty thanked the administration for their work on the budget. He stated that he would not support the budget as proposed without specific and fundamental changes, including better addressing the climate crisis and the city's adopted plans and goals. He said that he had communicated that to the administration over the past few months, and had tried to be flexible and creative in meeting priorities. Flaherty said that the city was not ready to implement the Climate Action Plan (CAP) despite climate crisis being a central concern, and a social and equity issue. He explained that it was his duty as an elected official, and the council, as the fiscal body, to focus on critical issues. Flaherty commented that the mayor was not required to consider the priorities of the city council, but that he hoped for better collaboration. He said that a failed budget ordinance was the mayor's shared responsibility, and councilmembers had made reasonable suggestions, and that the mayor had decided not to include them. He said that he would vote no on the legislation.

Appropriation Ordinance 21-02
(cont'd)

Piedmont-Smith said that the mayor had outlined a stark choice, where the council accepts the budget as proposed, or be stuck with the 2021 budget. She explained that there was a third option where the mayor would revise the budget and bring it back to council, though that option was not even considered. She explained that the council had as much responsibility for the budget as the mayor, and should have as much input. Piedmont-Smith said that council had made it clear to the administration that there were strong sticking points for a majority of councilmembers and provided an example that was not incorporated into the budget. She explained the importance of climate crisis and the need for all levels of government to prepare for climate change. Piedmont-Smith asked the administration to revise the budget based on council recommendations. She stated she could not vote on the budget in its current state.

Smith commented on increasing the base pay for BPD and issues within the department. He said that it was important to increase base salaries for BPD for retention and recruitment. Smith said that the budget changed by adding \$1000 in bonus pay for five quarters, but not an increase in base pay. Smith said he was struggling with the budget in its current state.

Rosenbarger said that council still had time to work with the mayor to create a budget that pursued the city's priorities and agreed upon goals. She stated that she did not believe that the council and administration were at a procedural impasse, and that a decent budget needed revision to meet climate and equity goals. She explained that it was important to create a position for a climate director. Rosenbarger stated that she understood that the budget process was not easy, and ten people needed to agree on it, and that there were some sticking points for her. She said that it was not fair to place the onus on one group and that it was more important to compromise. Rosenbarger commented further on the budget process and collaboration. She said that she would not support the budget as proposed.

Sandberg stated that there were some existential issues relating to climate action, and crises with basic city services. She said that council and the administration needed to reprioritize the budget and that there were things that could wait for the following year. She provided examples of things that could be reprioritized to deal with emergency type of issues. Sandberg explained that there were too many things rising to the top, and some that needed to be addressed, like providing competitive wages. Sandberg stated she resented that the budget was presented as needing to be passed or there would be terrible consequences. She expressed the duty to represent constituents and to draft a budget that could be agreed upon.

Volan stated that council could not increase any lines in the budget or transfer money, per statute, and that only the mayor could do so. He commented that the mayor should not assume that all items in the budget were of equal value. Volan explained councilmembers' concerns including the mayor's lack of a base pay increase for police officers, and the unwillingness to take climate crisis seriously enough to appoint a cabinet-level director. Volan referenced the CAP and said that by 2050 the city would experience dramatic changes in the climate, including days above ninety-five degree, of which there would be 49 days. Volan explained that there had not been a vote to reject a mayor's proposed budget and that if it happened that evening, it would be a precedent of local and historical proportions. He clarified that it was in the mayor's control to prevent that outcome. Volan said that councilmembers made it clear what they must have in the budget.

Appropriation Ordinance 21-02
(cont'd)

Sgambelluri commented on the suggested actions for council to take, and the budget. She explained that it was implied that it was entirely up to the council, which was only true if the mayor had no intentions of participating in further conversations with council. She also commented that there were elements of the budget that she didn't like, but that it wasn't enough for her to vote against the entire budget. She clarified that the budget entailed navigating and negotiating tradeoffs and priorities, and there was still room and time for negotiation, and said she felt the sense of urgency. Sgambelluri commented on the general fund monies, non-sworn officers for BPD, ARPA funds to be used as bonuses for police officers, the concerns over recruitment and retention of sworn officers, and the qualitative difference between one time bonuses and ongoing investment to address urgent problems.

Sims stated that there had been changes since the original budget proposal in August but that it wasn't enough to address the core issues of councilmembers. He explained that he was one of seven councilmembers who voted in favor of addressing BPD's base salaries, and said that council was clear on the decision to pass or reject a budget. Sims clarified that it was his duty, as council president, to facilitate the meetings and allow councilmembers the room to make their comments as part of the council process. He said there were councilmembers who were willing to reject the budget which told him that there was still room to further negotiate the budget.

Sandberg moved and it was seconded to recess the Special Session and reconvene at 6:30pm on October 27, 2021 for a continued Special Session. The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

RECESS [7:49pm]

Lucas posted the Zoom information for the reconvening of the meeting that would occur on October 27, 2021.

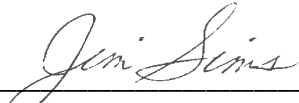
Lucas reviewed the upcoming council schedule. Flaherty noted that the meeting had been in recess since the council voted and that the discussion regarding the schedule had taken place outside of the normal meeting.

Clerk's note

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 20 day of October, 2021.

APPROVE:

ATTEST:



Jim Sims, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington