

In Bloomington, Indiana on October 27, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
October 27, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:38pm)
Councilmembers absent: none

ROLL CALL [6:32pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

Sims referenced Bloomington Municipal Code (BMC) section 2.32.060 which allowed council to designate a representative to the police collective bargaining sessions. The first meeting was on October 28, 2021 at 10:30am. Sims explained that the agenda that evening had been amended to provide an opportunity for council to consider a motion to designate a representative. In the past, council staff had attended the sessions as an observer.

DESIGNATION OF COUNCIL
REPRESENTATIVE FOR POLICE
COLLECTIVE BARGAINING
[6:36pm]

Sims nominate Susan Sandberg as council's representative for police collective bargaining.

Sgambelluri moved and it was seconded to formally designate councilmember Susan Sandberg as its representative for the upcoming police collective bargaining sessions.

Rollo asked council staff to describe the role of the representative.

Council discussion:

Stephen Lucas, Council Attorney, said that council staff had typically sat in on the sessions as an observer. He explained that the representative would not be able to speak for the full council aside from any formal statements that council had made. The representative would be able to ask questions, observe, and share information back to the full council. Lucas said it should be done with the ground rules of the negotiations and mindful that council speaks for itself.

Smith asked if another councilmember could attend a meeting if the designated representative was unable to.

Lucas recommended that the designated representative make the full effort to attend the sessions, and explained the benefits of having one person attend.

Volan requested that the motion be repeated.

Sgambelluri repeated the motion.

Piedmont-Smith inquired about the extent to which the council and its representative had a say in the negotiations.

Lucas said that the representative could not speak for council and would be there as an observer to report back to the full council.

Rollo asked if the appropriate means for council to express their collective opinion was in the form of a resolution.

Lucas said potentially yes, as well as the bargaining agreement that would be before council for consideration.

Volan noted that the council designee typically attended the sessions and asked if the representative would be allowed to speak at the meeting in addition to reporting back to the full council.

Lucas explained that he had attended one session and did have the opportunity to speak. He said that staff could not advocate either way in the negotiation nor could they speak for the full

council other than what has already been collectively stated by the council.

Mike Rouker, City Attorney, stated that Lucas was correct and that the representative need not be mute and could ask questions, get clarification, and assist with interpretation.

Volan asked Sandberg to speak to the role of the designated council representative, as described.

Sandberg stated that she would be a fair observer. She had looked at the ground rules and would abide by them and felt strongly that a council observer was needed. Sandberg confirmed that she would be able to attend the scheduled negotiation sessions and report back. She wondered what the best mechanism for reporting back to full council would be.

Lucas stated that he would go over the ground rules with the representative, including the scope of what could be reported.

Volan asked if councilmembers could reach out to the representative for information and not reveal privileged information.

Lucas explained that the type of information that could be shared, with council or the public, was standard in the rules.

Rollo asked if councilmembers would be able to discuss the negotiations with the administration outside of the sessions, based on the information reported back from the representative.

Lucas believed councilmembers were free to communicate as needed. Lucas would review the ground rules with council in detail at a later date.

Rouker cautioned that the process of negotiations was done by the bargaining team and council's primary role was to ratify, review and ratify, or not ratify the agreement. He asked what type of communication Rollo was referring to.

Rollo stated that he was inquiring to what extent councilmembers could participate since council had been passive in the past.

Sims understood that the council representative was not a part of the negotiation and that the ground rules guided confidentiality and what information could be reported. Sims explained how the designation of a representative be considered that evening.

Sandberg said it would be her honor to be a part of the process and that she would be as confidential as needed. She would take careful notes and would be available to speak with councilmembers throughout the process. She was cautiously optimistic about the process and stated that she would primarily be a silent observer.

Sims clarified that the designation of a council representative would occur independent of council's consideration on the budget.

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Sandberg, Volan).

DESIGNATION OF COUNCIL
REPRESENTATIVE FOR POLICE
COLLECTIVE BARGAINING
(cont'd)

Vote to designate representative
[6:56pm]

Mayor John Hamilton spoke about the 2022 budget and summarized agreeable components as well as concerns, including public safety and the Bloomington Police Department (BPD), labor negotiations, climate crisis and investing in steps towards sustainability, bonding, internal city efforts, and recover forward during the pandemic. He urged council to support the budget that evening and thanked staff for their work on it.

Sims thanked Sandberg for being council's representative for police collective bargaining.

Sims noted that the Special Session that evening served as a continuation of the adoption meeting that began on October 13, 2021 for Appropriation Ordinance 21-02, the 2022 Civil City Budget. He explained that per Indiana code, November 1, 2021 was the last day for council to adopt a 2022 budget and to fix salaries for all employees including elected officials. He noted two amendments, that needed a sponsor, to the salary ordinances to be considered brought by Human Resources. Sims stated that he would sponsor the amendments.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:03pm]

Flaherty moved and it was seconded that Appropriation Ordinance 21-02 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. The committee do-pass recommendation was Ayes: 3, Nays: 4, Abstain: 2.

Appropriation Ordinance 21-02 -
An Ordinance for Appropriations
and Tax Rates (Establishing 2022
Civil City Budget for the City of
Bloomington) [7:03pm]

Flaherty moved and it was seconded to adopt Appropriation Ordinance 21-02.

Jeff Underwood, City Controller, urged council to pass Appropriation Ordinance 21-02.

Piedmont-Smith asked about the official paperwork for the creation of a new position in the Economic and Sustainable Development (ESD) department to implement the Climate Action Plan (CAP). She said that the department budgets were itemized and asked if council needed to see the funding transferred from Sanitation to ESD.

Council questions:

Underwood explained that a formal amendment was not needed for Appropriation Ordinance 21-02 since the documentation was only supporting documents. He confirmed that the money would shift from the General Fund Sanitation budget to the ESD budget.

Sgambelluri asked how the debt level and debt per capita would be affected by the proposed legislation.

Underwood stated that the bonds in the proposal were general obligation bonds and would go to council for a vote as resolution and bond ordinances. The subsequent property tax rate that would support the bonds at a five year payback would minimize the interest payments. He provided additional details.

Sgambelluri asked for further clarification about the debt per capita.

Underwood said it was 19.18.

Sgambelluri wondered if there was an upper limit that was acceptable.

Underwood explained how the debt was analyzed and provided details. He said that the city had a low property tax debt partly because of the 2% limit, excluding the Parks Department. He provided additional details about the city's debt.

Rollo asked how the bonds would be serviced.

Underwood stated that since they were general obligation bonds, they would be property tax based and if the bonds were approved by the council, and were sold, then an application to the Department of Local Government Finance (DLGF) would be submitted.

Volan inquired about debt in other cities in Indiana.

Underwood said that at the top end of the scale was Carmel, with \$300-500 million in debt. He said that Bloomington fell much less than that.

Volan referenced the city of Fishers' debt.

Underwood agreed, and said Bloomington was on the lower end of the scale. He explained how Bloomington approached debt and maintained the debt rating.

Volan asked how much debt could be taken on without affecting the bond rating.

Underwood said it depended on the type of debt that was issued and explained some additional details.

Volan asked what the current bond rating was.

Underwood said it was AA.

Appropriation Ordinance 21-02
(cont'd)

Flaherty asked for clarification on how any changes in reallocating funding were reflected in the budget.

Underwood explained that the appropriation ordinance would not change. There were five business days after council's vote to submit all the forms including the signed ordinance, assuming a positive vote that evening. He said he would update the forms and send them to council staff.

Flaherty asked if it was not in the packet because the changes were announced the previous day while the packet had been publicized the previous Friday.

Underwood confirmed that was correct, that it was a timing issue.

Flaherty asked if there was anything different about the salary ordinances.

Underwood stated that there would be an amendment to the salary ordinance due to the job evaluation committee process.

Greg Alexander commented on the previous bonding done for the Parks Department. He also said that ESD was stonewall climate activism.

Public comment:

Rollo supported the proposal by the mayor to incorporate \$5000 in the base salary for police officers, but more was required in order to be competitive. He commented on annexation, council's representative for negotiating, and about a cabinet-level position for the climate proposal. He noted that the first greenhouse gas study was done in 2007 by the Environmental Commission (EC) and Commission on Sustainability (COS). He said that it was necessary to follow the Climate Action Plan (CAP) and would support the proposal.

Council comment:

Sandberg appreciated movement forward with regard to police salaries, and applauded Chief Michael Diekhoff and BPD's certification. There was a sense of urgency in addressing the staffing shortages at BDP. She commented on the twenty nine applicants which only resulted in three that were qualified to make offers to. She also commented on retention of police officers, public safety issues, and said she would be supporting the proposal.

Sims would support Appropriation Ordinance 21-02 and spoke about the fire department's award on Insurance Services Office's (ISO) first class rating. He said that progress occurred with collaborative and meaningful dialogue. The budget was not perfect but had improved through discussions with the administration. He provided some examples including the \$5000 for police officers. He said that while a cabinet level climate action position was requested, it was not granted. Instead a position was created to work with the climate action employee in ESD.

Piedmont-Smith thanked the mayor, Underwood, and all department heads for their work on the budget. She appreciated that council and the mayor had more communication than in the

past which allowed for more council input. She hoped it continued to be that way in the future, and stated that she would support the budget that evening. Piedmont-Smith commented on the insistence by some councilmembers to have a high level position on climate action and the existential urgency of climate action. She commented on the need for reviewing progress like with adopted plans, such as the Sustainability Action Plan (SAP). The city was behind on completing the plans. She was disappointed that the high level position was not in the proposal but appreciated an additional dedicated employee. Piedmont-Smith described the council's and the administration's efforts in the budget process. She commented further on items that were requested by councilmembers but were not in the proposal and provided examples.

Appropriation Ordinance 21-02
(cont'd)

Rosenbarger commented on certain priorities including Phase One goals of the CAP. She mentioned the hiring of a new employee to focus on sustainability, expanding and subsidizing solar power beyond residential specifically in single family homes, decreasing food insecurity in most-needed areas, corridor studies, pay-as-you-throw program, and facilitating the building of Accessory Dwelling Units (ADUs). Rosenbarger also mentioned the parking cash-out program, supporting investments for citywide adopted plans and goals like the high priority bike network and sidewalk connectivity. She noted the two big issues for her; climate crisis which would not be ending soon, and that there was a population in Bloomington that felt unwelcome. Addressing those two issues was important for Rosenbarger. She said that while there were good moves in the current budget, bolder moves were needed. She further commented on the housing crisis, and said that making changes could be uncomfortable and difficult. Rosenbarger said she would support the budget.

Volan stated that councilmembers had already shared sentiments he agreed with, and that there were many reasons to be proud of Bloomington. He also said that there were significant shortcomings and provided examples. Volan added that this was the first time in a decade or more that he had seen councilmembers recognize the limits of council's ability to directly change a budget, and to express a willingness to vote against the budget in order to effect change. He was pleased with that effort and stance and was also encouraged that the mayor had been willing to listen to council's feedback. Volan said that council needed to advocate for changes in the budget despite competing concerns of councilmembers. He wished there were more changes in the budget reflecting councilmembers' wishes.

Smith stated that everyone should be proud of their participation in the budget process. He thanked the Mayor John Hamilton, Deputy Mayor Don Griffin, Controller Jeff Underwood, and all the staff that presented to council. He explained that government was incremental and while the budget was not perfect, it had been a good process. He appreciated that the administration respected the issues that council advocated for and were passionate about. He said the outcomes were great though the process was bumpy.

Flaherty stated that he would support Appropriation Ordinance 21-02 and highlighted two items. He appreciated all the hard work by city staff in producing departmental budgets, working with the administration and council, and refining the budget based on priorities. He thanked Underwood and Hamilton and their staff. Flaherty appreciated reaching a middle ground between council

priorities and what the mayor had originally presented. Flaherty said that there was still room for refining the process which had gone better than the previous year. He provided examples of some improvements with the process. The mayor and council were co-equal branches of government but the mayor had a much bigger role in developing a budget. He said that councilmembers kept a limited set of critical, and important issues to focus on with regards to the budget. Flaherty believed council was within its boundary, as the body with fiscal oversight, to adhere to the city's goals and plans. He believed there were promising ideas shared by the mayor regarding climate crisis and, for example, the transportation infrastructure which was capital intensive. He commented that there should be a cabinet-level position, or Director, to oversee CAP goals, and clarified that it was not a criticism of the Assistant Director of Sustainability or the Director of Economic and Sustainable Development (ESD) department. It was an issue of capacity in order to implement and administer the CAP. He provided examples of his reasoning behind supporting a Director level position including examples from other cities that were leading the cause. The city was taking good steps forward and it was necessary to continuously review and assess progress.

Sgambelluri commented that the budget was about negotiation, navigating tradeoffs, and finding an optimal balance in priorities. The previous two weeks allowed for improvements in the budget. She explained that there were elements in the budget that were not ideal, but it was not sufficient reason to vote against the budget. Sgambelluri said that, for example, city staff still deserved raises and the Jack Hopkins grants still needed to be available the next year. It was important to keep up with vehicle replacement, maintenance and certifications, and to not compromise the quality of basic city services. She commented on the mayor's press release on the proposed 2022 budget including the \$5000 retention bonus over the next fourteen months and an increase in base salary [for BPD]. She thanked Mayor Hamilton, department directors and staff, and councilmembers. She mentioned that the administration had been more responsive despite the discussions being difficult at times.

The motion to adopt Appropriation Ordinance 21-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Ordinance 21-39 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 and synopsis. The committee do-pass recommendation was Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded to adopt Ordinance 21-39.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 21-39.

Amendment 01 Synopsis: This amendment was prepared at the request of the Human Resources Department to list the position of Supervisory Sergeant as eligible for additional pay under the proposed Section II B and to clarify when retention payments shall be paid under the proposed Section II F.

Caroline Shaw, Director of Human Resources, explained Amendment 01 and provided details.

Appropriation Ordinance 21-02
(cont'd)

Vote to adopt Appropriation Ordinance 21-02 [7:54pm]

Ordinance 21-39 - An Ordinance to Amend Ordinance 20-22, Which Fixed Salaries for Officers of the Police and Fire Departments for the Year 2021 - Re: Pay Grade Changes for Police Lieutenants and Captains, Additional Pay, and Retention Pay [7:55pm]

Amendment 01 to Ordinance 21-39

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 21-39 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-39 [8:01pm]

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 21-39.

Amendment 02 to Ordinance 21-39

Amendment 02 Synopsis: This amendment was prepared at the request of the Human Resources Department to correct the twenty years longevity pay, which increased from \$100 per year to \$125 per year with the most recent police collective bargaining agreement.

Shaw summarized Amendment 02.

Sims asked if Amendment 02 was a housekeeping amendment.
Shaw confirmed that was correct.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 02 to Ordinance 21-39 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 21-39 [8:05pm]

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-39 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-39 as amended [8:07pm]

Flaherty moved and it was seconded that Ordinance 21-36 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 and synopsis. The committee do-pass recommendation was Ayes: 4, Nays: 0, Abstain: 5.

Ordinance 21-36 - An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2022 [8:08pm]

Flaherty moved and it was seconded to adopt Ordinance 21-36.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 21-36.

Amendment 01 to Ordinance 21-36

Amendment 01 Synopsis: This amendment was prepared at the request of the Human Resources Department to list the position of Supervisory Sergeant within the Police Department as eligible for additional pay under the proposed Section II B.

Shaw presented Amendment 01.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 21-36 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-36 [8:12 pm]

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 21-36.

Amendment 02 to Ordinance 21-36

Amendment 02 Synopsis: This amendment was prepared at the request of the Human Resources Department to correct the twenty years longevity pay, which increased from \$100 per year to \$125 per year with the most recent police collective bargaining agreement.

Shaw summarized Amendment 02.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 02 to Ordinance 21-36 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 21-36 [8:15 pm]

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-36 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-36 as amended [8:17pm]

Flaherty moved and it was seconded that Ordinance 21-37 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 and synopsis. The committee do-pass recommendation was Ayes: 2, Nays: 5, Abstain: 2.

Ordinance 21-37 - An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2022 [8:18pm]

Flaherty moved and it was seconded to adopt Ordinance 21-37.

Shaw stated that she had presented Ordinance 21-37 in detail on August 29, 2021.

Piedmont-Smith asked what the living wage would be in 2022.

Council questions:

Shaw said it would be \$14.01.

Piedmont-Smith asked if that was reflected in the lowest wages.

Shaw confirmed that was correct.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-37 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-37 [8:22pm]

Flaherty moved and it was seconded that Ordinance 21-38 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 and synopsis. The committee do-pass recommendation was Ayes: 7, Nays: 0, Abstain: 2.

Ordinance 21-38 - To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2022 [8:23pm]

Flaherty moved and it was seconded to adopt Ordinance 21-38.

There were no council questions.

Council questions:

There was no public comment.

Public Comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 21-38 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-38 [8:27pm]

Lucas reminded council that signatures were needed in a timely manner for the budget legislation, and reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:27pm]

Bolden stated that clerk staff would be sending councilmembers an email in the morning coordinating the signatures.

Sgambelluri asked if Bolden knew approximately when the document would be available.

Bolden stated they would be available by the following day.

Sims commented on the 2022 budget process, and thanked councilmembers, the administration, department heads, and all others that contributed. He believed that teamwork was key.

Sims adjourned the meeting.

ADJOURNMENT [8:29pm]

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