

City of Bloomington Common Council

Legislative Packet

27 February 2013

Special Session *immediately followed by a*
Committee of the Whole

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



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Jack Hopkins Social Services Funding Program Committee** on Monday, February 25, 2013 at 6:00 p.m. in the Council Library
- **Notice of Common Council Executive Session** on Wednesday, February 27, 2013 at 5:30 p.m. in the Council Chambers
- **Notice of Common Council Special Session** on Wednesday, February 27, 2013 at 7:30 p.m. in the Council Chambers

Reports from Council Committees at Special Session on Wednesday, February 27th

- **Report from 2012-2013 Council Rules Committee**
Supplemental Materials (*attached to the Report*):
 - Res 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees);
 - Draft Fiscal Impact Statement;
 - Memo from Susan Sandberg - Rules Committee Recommendations on Conduct of Meetings (2008 Memo); and
 - List of Meetings

Contact:

Darryl Neher, Chair of the Committee, 349-3409 or neherd@bloomington.in.gov or Dan Sherman, Attorney/Administrator, 349-3562 or shermamd@bloomington.in.gov

Legislation and Background Material Related to the Aforementioned Report for First Reading at Special Session and Discussion at the Committee of the Whole on Wednesday, February 27th:

- **Ord 13-05** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” -Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013
 - Memo to Committee on Amendments and Related Actions Proposed in Ord 13-06 – Summary of Committee Deliberations (*Attached to Ordinance*);
 - BMC 2.04 (Common Council) (*Attached to ordinance - with proposed revisions highlighted.*)
- **Res 13-07** Standing Committees of the Common Council – Re: To Affirm All Active, Dissolve All Inactive, and Establish One New Standing Committees

Contact:

Darryl Neher, Chair of the Committee, 349-3409 or neherd@bloomington.in.gov or Dan Sherman, Attorney/Administrator, 349-3562 or shermamd@bloomington.in.gov

Memo

Reminders of Meetings

<u>Monday</u>	Jack Hopkins Social Services Funding Program Committee	Council Library at 6:00 p.m.
<u>Wednesday</u>	Executive Session	Council Chambers at 5:30 p.m.
	Special Session	Council Chambers at 7:30 p.m.

**2012-2013 Council Rules Committee Report Presented at Special Session and
Related Legislative Package to be Discussed at the Committee of the Whole
on Wednesday, February 27th**

Council President Neher will be presenting the 2012-2013 Council Rules Committee Report to the Council for approval at the Special Session next Wednesday. Then a related legislative package including Ord 13-05 (which will be introduced at the Special Session) and Res 13-07 will be discussed at the Committee of the Whole later that evening.

2012 – 2013 Rules Committee Report and Related Legislation

In June 2012, Council President Mayer called for the Council Rules Committee (Committee) to convene with Councilmembers Granger, Mayer, and Ruff and with Councilmember Neher serving as Chair. In January 2013, Council President Neher, continued the already constituted Committee into the new year with the same mission. Its purpose was to review Council deliberations and make recommendations to the full Council on ways to improve their overall efficiency and effectiveness. In particular, the Committee focused on:

- The interviewing and nominating functions of the Council;
- Management of the Council Legislative Cycle;
- Lengthy and late meetings; and
- Amendments to BMC 2.04 (Common Council) and other related action to reflect changes in practice and State law since the chapter was last comprehensively reviewed many years ago.

Over the course of nine meetings, the Committee explored the following topics and made the following recommendations. For more information, please read the Report and Memo accompanying the ordinance.

- Interviewing and Nominating Functions of the Council
 - Recommendation to Consolidate Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) from 24, three-Member Committees to three, three-Member Committees (*already approved by the Council on January 18th with passage of Res 13-04*).

- Managing the Council Legislative Cycle
 - Recommendation to Amend Code to Allow President to Announce a Five-Week Legislative Cycle;
 - Means for Structuring Deliberations During a Five-Week Legislative Cycle.

- Length and Lateness of Meetings
 - Committee Discussion of Reasons for Lengthy Meetings, Ways to End Deliberations When Going Late, Starting Meetings Earlier, and Limiting Council Member Comment Without Formal Recommendation to Change Procedures

- Conforming Local Code to Current Practice, Best Practice, or Changes in State Law
 - Recommendation to Consider Ord 13-05, which Amends BMC 2.04 (Common Council) and Takes Other Related Actions; and
 - Recommendation to Consider Res 13-07, which Affirms Four Active, Establishes One New, and Dissolves All Inactive Standing Committees.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION AND
COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, FEBRUARY 27, 2013
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST. (ROOM 115)**

SPECIAL SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. REPORTS FROM COUNCIL COMMITTEES

1. 2012 – 2013 Council Rules Committee Report

IV. LEGISLATION FOR FIRST READING

1. Ordinance 13-05 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013

V. COUNCIL SCHEDULE

VI. ADJOURNMENT

(Then adjourn and immediately reconvene for a)

COMMITTEE OF THE WHOLE

Chair: Chris Sturbaum

1. Ordinance 13-05 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013

Asked to Attend: Sponsor Darryl Neher
Chair, 2012-2013 Council Rules Committee

2. Resolution 13-07 Standing Committees of the Common Council – Re: To Affirm Existing and Active Ones, Establish a New One, and Dissolve All Inactive Ones

Asked to Attend: Sponsor Darryl Neher
Chair, 2012-2013 Council Rules Committee



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 25 February – 1 March 2013

Monday, 25 February

12:00 pm BEAD Advisory Committee, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board, Utilities Board Room, 600 E. Miller Dr.
5:00 pm Bloomington Human Rights Commission, Kelly
6:00 pm Common Council Jack Hopkins Social Services Funding Committee, Council Library

Tuesday, 26 February

4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
5:30 pm Animal Control Commission, McCloskey

Wednesday, 27 February

10:00 am Metropolitan Planning Organization – Technical Advisory Committee, McCloskey
4:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization – Citizens' Advisory Committee, McCloskey
7:30 pm Common Council – Special Session *immediately followed by* Committee of the Whole, Council Chambers

Thursday, 28 February

10:30 am Address Coordination, McCloskey
11:00 am Monroe County Suicide Prevention Coalition – Awareness and Promotion Committee, Kelly
12:00 pm Monroe County Suicide Prevention Coalition, Hooker Room
4:30 pm Bloomington Historic Preservation Commission, McCloskey

Friday, 1 March

There are no meetings scheduled for this date.

Posted and Distributed: Friday, 22 February 2013



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

NOTICE

COMMON COUNCIL JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE

MONDAY, 25 FEBRUARY 2013

6:00 pm

**COUNCIL LIBRARY (#110)
CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Thursday, 21 February 2013



City of Bloomington
Office of the Common Council

MEETING NOTICE

COMMON COUNCIL EXECUTIVE SESSION

**WEDNESDAY, FEBRUARY 27, 2013 AT
5:30 P.M. IN THE
COUNCIL CHAMBERS
(401 N. MORTON STREET – RM 115)**

The Common Council will meet in an Executive Session for purposes set forth in IC 5-14-1.5-6.1(b)(2)(c) and (b)(13). In accordance with the Indiana Open Door Law, it will *not* be open for the public to attend, observe and record what occurs.



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

Meeting Notice Common Council SPECIAL SESSION

**WEDNESDAY, 27 FEBRUARY 2013
7:30 p.m. (Immediately Before the Previously
Scheduled Committee of the Whole)
Council Chambers (#115)
City Hall, 401 N. Morton**

The Common Council will use this opportunity to consider a Report from the 2012-2013 Rules Committee, introduce related legislation, and address issues regarding the Council Schedule.

This meeting constitutes a meeting of the Council under the Indiana Open Door Law and this statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: February 22, 2013

2012 – 2013 Rules Committee Report – February 21, 2013

Members of the Committee

Darryl Neher, District 5 (Chair)
Dorothy Granger, District 2
Tim Mayer, At-Large
Andy Ruff, At-Large

Regina Moore, City Clerk, Secretary and Participant

Dan Sherman, Council Administrator/Attorney
Stacy Jane Rhoads, Council Deputy Administrator/Researcher

Inception and Purpose

In June 2012, Council President Mayer called for the Council Rules Committee (Committee) to convene with the aforementioned members and with Councilmember Neher serving as Chair. In January 2013, Council President Neher, continued the already constituted Rules Committee into the new year with the same mission. Its purpose was to review Council deliberations and make recommendations to the full Council on ways to improve their overall efficiency and effectiveness. In particular, the Committee focused on:

- The interviewing and nominating functions of the Council;
- Management of the Council Legislative Cycle;
- Lengthy and late meetings; and
- Amendments to BMC 2.04 (Common Council) and other related action to reflect changes in practice and State law since the chapter was last comprehensively reviewed many years ago.

Relevant Documents and Their Locations

- Res 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) (*Adopted on January 17, 2013; with signed version attached to the Report*)
- Proposal from City Clerk and Deputy City Clerk to consolidate Council Interviewing Committees (*Available in the Clerk and Council Offices*)
- Ord 13-06 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013 (*Available in Council Weekly Legislative Packet Prepared for the February 27, 2013 Special Session and Committee of the Whole*);
- Memo to Committee on Amendments and Related Actions Proposed in Ord 13-06 – Summary of Committee Deliberations (*Attached to ordinance*);
- BMC 2.04 (Common Council) (*attached to ordinance - with proposed revisions highlighted.*)
- Draft Fiscal Impact Statement (*Attached to Report*)

- Graphs of Meeting Lengths 2007 – 2012 (*prepared by, and available in, the Office of City Clerk – as well as Rules Committee file*)
- Meetings for First Six Months of 2012 – Time Taken on Reports, Presentations, Question and Answers (Q&A), Council Comments, Each Item, Each Meeting, and Each Evening (October 31, 2012) (*Prepared by, and available in, the Council Office*)
- Memo from Council President Sandberg - Rules Committee Recommendations on Conduct of Meetings (2008 Memo) (*attached to Report*);
- List of Meetings (*Attached to Report*)
- Memoranda of Meetings (*Will be available in the Clerk/Council Office once approved by the Committee*)

Summary of Committee Deliberations and Recommendations

Over the course of nine meetings held during mid-to-late 2012 and early 2013 (*See List of Meetings – Attached to the Report - and Minutes when they become available*) the Committee focused on the following topics and took the following steps:

- **Interviewing and Nominating Functions of the Council**
 - **Recommendation to Consolidate Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) from 24, three-Member Committees to three, three-Member Committees (*already approved by the Council on January 18th with passage of Res 13-04*).**
- **Managing the Council Legislative Cycle**
 - **Recommendation to Amend Code to Allow President to Announce a Five-Week Legislative Cycle;**
 - **A Note on Structuring Deliberations During a Five-Week Legislative Cycle.**
- **Length and Lateness of Meetings**
 - **Committee Discussion of Reasons for Lengthy Meetings, Ways to End Deliberations When Going Late, Starting Meetings Earlier, and Limiting Council Member Comment Without Formal Recommendation to Change Procedures**
- **Conforming Local Code to Current Practice and Changes in State Law**
 - **Recommendation to Consider Ord 13-05, which Amends BMC 2.04 (Common Council) and Takes Other Related Actions; and**
 - **Recommendation to Consider Res 13-07, which Affirms Four Active, Establishes One New, and Dissolves All Inactive Standing Committees.**

Interviewing and Nominating Functions of the Council – Recommendation to Consolidate Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) from 24, three-Member Committees to three, three-Member Committees

This recommendation was already forwarded to the Council in January with consideration of Res 13-04. The timing of the resolution allowed the Council to consolidate its Interviewing Committees before the usual citizen appointments expire at the end of that month. Until the Council approved this recommendation in mid-January, there were 24, three-member Interviewing Committees responsible for recommending to the full Council the appointment of citizens to serve the City’s 24 boards and commissions. After hearing a presentation by the City Clerk and her deputy, who facilitate the work of these committees, the Rules Committee was persuaded that the consolidation of this function into three, three-person committees would improve the efficiency and effectiveness process by:

- Reducing the number of meetings necessary to make recommendations;
- Reducing the work necessary to schedule each meeting;
- Allowing Committees to meet simultaneously; and
- Improving communication within each committee.

These Interviewing Committees operate as standing committees of the Council and, as such, are established by resolution of the Council and composed of members of the Council who the president appoints every year after observing as closely as possible the preferences of the members. *(Please see Res 13-04 for a fuller record of the recommendation and Council action.)*

Managing the Council Legislative Cycle – Recommendation to Amend Code to Allow President to Announce a Five-Week Legislative Cycle

The Committee explored the management of the legislative cycle with attention to the length and quality of Council deliberations. The term “legislative cycle” refers to the course of Council meetings typically needed to formally consider legislation. This ordinarily includes a Regular Session, Committee of the Whole and another Regular Session (otherwise known as a three-week legislative cycle) , but might, as discussed by the Committee, be extended to the next Committee of the Whole and Regular Session (otherwise known as a five-week legislative cycle). Please note that the five-week legislative cycle was given consideration largely due to the efforts of Councilmember Volan to promote it over the last few years.

At the start, the Committee acknowledged that the legislative cycle is at the end of what can be a lengthy policy-making process. One important aspect of this process is that the Council has less control over when legislation arrives at the Council, and much more, but not complete control¹ over the time the Council takes to consider it. As a practical matter, this constrains the Council’s room to even out its workflow. The following chart is intended to provide useful context for contemplating the current three-week legislative cycle (highlighted in light-gray) and the possible five-week legislative cycle (highlighted in dark-gray):

¹ The time period the Council has to consider legislation is partly determined by the calendar (the Council does not carry over legislation from one year to the next) and partly determined by various statutes. For example, the Council and Mayor must adopt a budget by November 1st or be stuck operating with the previous year’s budget. (IC 6-1.1-17-3) It also has 30 days after a petition to vacate a right-of-way has been received to hold the required public hearing (IC 36-7-3-12[c]) and must act on certain planning ordinances within 90 days after certification or live with the action rendered by the Plan Commission. (IC 36-7-4-607 & 608)

<u>Time Line</u>	<u>Event</u>	<u>Council Action</u>
Weeks and perhaps months before formal consideration by the Council	Petitioner files application with City	
	City Board(s) or Commission(s) holds Hearing(s) on request or proposal	
	The Council President (and Council Office Staff) discuss legislative schedule with Office of the Mayor	President prepares to make decisions on scheduling legislation
Week 1	Council holds Staff/Council Internal Work Session	Council members hear and discuss staff presentation of upcoming legislation
Week 2	Office of the Mayor submits legislation to the Council Office for release in Council Weekly Legislative Packet	Council Office reviews legislation for formal consideration by the Council
Week 3	Regular Session	Council introduces ordinances under First Readings
Week 4	Committee of the Whole <i>(Three Week Legislative Cycle)</i>	Council discusses ordinances and resolutions and forwards a Do Pass recommendation to the next Regular Session
Week 5	Regular Session	- Council takes formal action on ordinances and resolutions under Second Readings and Resolutions - Council also begins next legislative cycle.

Week 6	+ Committee of the Whole	Council discusses next round of legislation, but could also discuss legislation carried over from the previous legislative cycle.
	<i>(Five Week Legislative Cycle)</i>	
Week 7	Regular Session	Council typically wraps up second legislative cycle, but could also wrap up legislation carried over from the previous legislative cycle.

In this larger context, the Committee considered three options for managing the Council’s legislative cycle:

- Option #1 – Keep the current three-week legislative cycle, but allow the Council at Committee of the Whole to extend discussion of an item to the next Committee of the Whole;
- Option #2 – Keep the current three-week legislative cycle, but allow the President, at First Reading, to announce discussion of an item at a second Committee of the Whole with return of the item to the second Regular Session after its introduction;
- Option #3 – Establish a 5-week legislative cycle, but allow the Committee of the Whole to shorten it by bringing legislation to the Regular Session after one Committee discussion.

After much discussion, the Committee recommended Option #2 – extension of the three-week legislative cycle by the President – in part, for the following reasons:

- the three-week cycle generally provides an adequate opportunity to consider most legislation brought forward to the Council;
- establishing the schedule at the beginning of the cycle informs all affected parties early in the process of plan for hearings;
- the president is in a good position to know of upcoming legislation and the need for extended deliberations; and
- having the president announce it rather than putting it to a vote of the Council avoids opening up a discussion of the merits of the project without the benefit of a presentation of the proposal.

This recommendation calls for amending the BMC 2.04.270 (Ordinances and resolutions – Filing and copies) as noted under recommendation to amend BMC 2.04 (Common Council) (*See below*)

Note on Structuring Deliberations During a Five-Week Legislative Cycle.

In conjunction with this recommendation, the Committee discussed how to structure deliberations which extend over two Committees of the Whole. The elements of those deliberations include: 1) a presentation by staff and, at times, a petitioner; 2) questions by Council and answers provided by staff and petitioner; 3) comment from the public; and, lastly, 4) comment by the Council. Given the experience with some controversial pieces of legislation last spring and the decision, at those times, to move up public comment before the Council had exhausted its questions, the Committee concluded that the first Committee of the Whole should end *no sooner than after* the public has had an opportunity to comment on the proposal.

As in the past, the structure of deliberations at those meetings can be established via consideration of a detailed Motion to Limit Debate that covers all four elements of Council deliberations. This motion should be made before deliberation begins that evening and takes a super-majority to pass. In the event, the Committee of the Whole concludes that discussion at a second Committee of the Whole is not necessary, it can shorten the process by making a recommendation that evening to Rise and Report at the next Regular Session.

Length and Lateness of Meetings – Committee Discussion of Reasons for Lengthy Meetings, Ways to End Deliberations When Going Late, Starting Meetings Earlier, and Limiting Council Member Comment Without Formal Recommendation to Change Procedures

The Committee also discussed the length and lateness of meetings, but made no recommendation for any formal change in procedures. Before beginning those discussions, it reviewed graphs provided by the Office of City Clerk indicating that, since 2007, about 10-12 meetings per year lasted more than 3.5 hours. In further exploring the reasons for long meetings, it also reviewed a chart and memo provided by the Council Administrator/Attorney regarding meetings held during the first half of 2012. That information set forth the time spent on the following parts of Council meetings: Reports from Council, Mayor, Council Committees, and Public; and, Second Readings and Resolutions – Presentation of legislation, Council questions and answers; public comment; and Council comment. Upon review, it indicated that long meetings were associated with one or more of the following: extended public comment; extended questions and answers; more than one lengthy item on the same agenda; and, evenings with two meetings. Given these factors for long meetings, the Committee anticipated that judicious use of the five-week legislative cycle might help alleviate the problem.

Given the frequency of lengthy meetings and the deleterious effect long meetings can have on the deliberations, especially public participation in those deliberations, the Committee considered ways to bring those evenings' deliberations to a close. Currently, the Council invokes the 10:30 Rule, which prohibits the introduction of a piece of legislation after 10:30 p.m., unless a super-majority of the Council votes to proceed that evening. (Per BMC 2.04.420 - Motion to adjourn or recess.) In the alternative, the Committee discussed the invocation at 10:30 p.m. of a Motion to

Adjourn at a Certain Time. This is allowed under current procedures and would provide an opportunity to sort out whether to proceed to a vote that evening or adjourn and pick up those deliberations at a later meeting.

In addition, the Committee discussed starting meetings earlier in the evening, but decided not to pursue that approach, in part, because it:

- may not shorten the evening;
- would interfere with the scheduling of the Interviewing Committees (which are currently held immediately before our usual Wednesday night meetings); and
- would require consultation with affected parties before the Council formally considered such a change.

The Committee also discussed limiting Council comments to no more than five minutes. It calculated that if every Council member took the full five minutes, that portion of the deliberations would take 45 minutes which is longer than what usually occurs. Some members thought that, like Congress, a member with unused time should be able to reserve the time for a second round or cede it to another speaker. Rather than pursue this approach, the Committee recommended the re-issuance of the 2008 Memo on Conduct of Meetings (*attached*) which addressed, among other matters, Council comments.

Conforming Local Code to Current Practice and Changes in State Law – Recommendation to Consider Ord 13-05, which Amends BMC 2.04 (Common Council) and Takes Other Related Actions, and Consider Res 13-07, which Affirms Four Active, Establishes One New, and Dissolves All Inactive Standing Committees.

At the request of the Administrator/Attorney, the Committee reviewed changes to BMC 2.04 (Common Council) to bring some provisions in line with current practice, best practices, or changes in State law since that chapter was last comprehensively reviewed many decades ago.

These changes include amending BMC provisions regarding:

- “Election of officers” and “Regular Meeting” to take advantage of a change in State law which allows the Council to hold its first meeting of the year later than the first Monday in January;
- “Budget meetings” to remove an outdated deadline for action on the City budget and to tie Council budgetary duties to State law;
- “Committee of the Whole” to conform the requirements regarding the recording of votes and the taking of memoranda with State law;
- “Ordinances and resolutions – Filing and copies” to reflect existing practices regarding the manner and timing for submittal of legislation to the Council (*Please note that changes to this provision will also authorize the Council President to extend consideration of certain legislation by referring, at first reading, upcoming legislation to the next two regularly scheduled Committees of the Whole [see above]*);
- “Ordinances and resolutions – Fiscal impact statement required” to make the provision more workable (Please note that provision has not been invoked in decades and that this change is being done in concert with a discussion with the Office of the Mayor regarding its re-implementation. This discussion includes submittal of a draft Fiscal Impact Statement (*attached*);

- “Ordinances and resolutions – Public inspection and publication” to require the Clerk to *provide* rather than *mail* legislation to the Monroe County Public Library and allow for that to be done *no later than* instead of *within* 24 hours of their introduction at the Council; and
- “Motions generally” to allow just one member of the Council or the City Clerk to request that any motion be reduced in writing before it may be considered by the Council.

In addition, the Committee recommends the Council adopt two other actions regarding Council procedures proposed by the ordinance. The first waives any local requirement that Staff/Council Internal Work Sessions be conducted only upon the presence of a quorum of its members. The second declares that, in the absence of any active Standing Committees established to consider pending legislation, the Motion to Introduce legislation made at a regular or special meeting of the Council generally serves as a motion to refer it to the next regularly scheduled Committee of the Whole.

Lastly, the Committee Recommended the Council consider Res 13-07 to affirm four active, establish one new, and dissolve all inactive standing committees.

At the request of the Council Administrator/Attorney, the Committee sought to conform current committee practices to the requirement that all Council standing committees be created and dissolved by resolution. In the absence of a clear legislative history on existing standing committees, the Committee recommends that the Council consider Res 13-07, which affirms four active, establishes one new, and dissolves all inactive standing committees of the Council. In particular, the resolution affirms Council Board and Commission Interviewing and Nominating Committees “A,” “B,” and “C” along with the Jack Hopkins Social Services Funding Program Committee as Council standing committees. It also establishes the Council Sidewalk Committee as a new standing committee and dissolves all other standing committees which, as a matter of practice, have not been convened in over fifteen years.

Recommendations of the Committee:

In conclusion, the Committee:

- 1) Thanks the Council and Mayor for passing and adopting Res 13-04, which implemented the recommendation of the Committee to consolidate the Council Interviewing Committees.**
- 2) Recommends that the Council consider Ord 13-05 which amends BMC 2.04 (Common Council) and takes other actions to conform local code and procedures with current practices, best practices, or changes in State law. One change, in particular, authorizes the President of the Council to announce at the beginning of a legislative cycle that certain legislation will be considered at the next two (rather than one) Committee of the Whole.**
- 3) Recommends that the Council consider Res 13-07 which affirms four active, establishes one new, and dissolves all inactive standing committees.**

4) Reissues the 2008 Memo on Conduct of Council Meetings prepared by President Sandberg for the 2008 Rules Committee

5) Urges the Council to approve the Report.

2012-2013 Rules Committee Report

Relevant Documents and Their Locations

- **Res 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) (Adopted on January 17, 2013; with signed version attached to the Report)**
- Proposal from City Clerk and Deputy City Clerk to consolidate Council Interviewing Committees (*Available in the Clerk and Council Offices*)
- Ord 13-06 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013 (Available in Council Weekly Legislative Packet Prepared for the February 27, 2013 Special Session and Committee of the Whole);
- Memo to Committee on Amendments and Related Actions Proposed in Ord 13-06 – Summary of Committee Deliberations (*Attached to Ordinance*);
- BMC 2.04 (Common Council) (*Attached to ordinance - with proposed revisions highlighted.*)
- **Draft Fiscal Impact Statement (Attached to Report)**
- Graphs of Meeting Lengths 2007 – 2012 (*prepared by, and available in, the Office of City Clerk – as well as in the Rules Committee file*)
- Meetings for First Six Months of 2012 – Time Taken on Reports, Presentations, Question and Answers (Q&A), Council Comments, Each Item, Each Meeting, and Each Evening (October 31, 2012) (*Prepared by, and available in, the Council Office*)
- **Memo from Council President Sandberg - Rules Committee Recommendations on Conduct of Meetings (2008 Memo) (attached to Report);**
- **List of Meetings (Attached to Report)**
- Memoranda of Meetings (*Will be available in the Clerk/Council Office once approved by the Committee*)

Note: Items in bold are attached to the Report.

RESOLUTION 13-04

Passed 8-1 (voter)

**TO CONSOLIDATE THE COUNCIL BOARD AND COMMISSION
INTERVIEWING AND NOMINATING COMMITTEES**

WHEREAS, the Council Rules Committee is currently comprised of Councilmembers Granger, Mayer, Neher (Chair), and Ruff, and has been meeting since June of 2012 to review Council procedures; and

WHEREAS, while intending to continue its deliberations into 2013, the Committee made one recommendation that is best brought forward at this time rather than when the Committee ceases its work and submits a Report to the Council sometime later this year; and

WHEREAS, that recommendation relates to the Council Board and Commission Interviewing and Nominating Committees (Interviewing Committees) that must soon begin the annual task of making recommendations to the full Council regarding the many appointments of citizens to the City's boards and commissions that expire at the end of January; and

WHEREAS, at present, there are 24, three-member Interviewing Committees responsible for recommending the appointment of citizens to serve the City's 24 boards and commission; and

WHEREAS, after a presentation by the City Clerk and her Deputy, who facilitate the work of these committees, the Rules Committee was persuaded that the consolidation of this function into three, three-person committees would improve the efficiency and effectiveness process by:

- Making the scheduling of meetings easier and clearer to manage;
- Allowing Committees to meet simultaneously; and
- Improving communication within each committee;

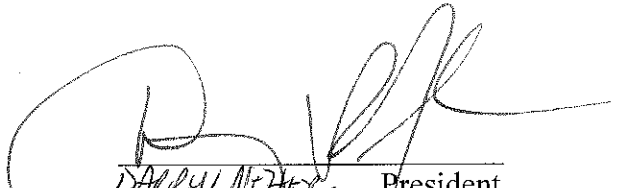
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Common Council's two dozen three-member Board and Commission Interviewing and Nominating Committees (Interviewing Committees) are Standing Committees which shall, henceforth, be consolidated into three, three-member committees. The duty of each committee shall be to review and make recommendations to the full Council regarding the appointment of citizens to the City's boards and commissions. The three Interviewing Committees shall be named and shall divide responsibilities in the following manner:


- (a) Committee "A" shall be responsible for the following boards and commissions:
 - Animal Control Commission
 - Board of Zoning Appeals
 - Commission on Aging
 - Historic Preservation Commission
 - Housing Quality Appeals Board
 - Public Transportation Corporation
 - Redevelopment Commission, and
 - Bloomington Urban Enterprise Association
- (b) Committee "B" shall be responsible for the following boards and commissions:
 - Bicycle and Pedestrian Safety Commission
 - Bloomington Digital Underground Advisory Committee
 - Commission on the Status of Black Males
 - Commission on the Status of Women
 - Environmental Commission
 - Martin Luther King, Jr. Birthday Commission
 - Telecommunications Council, and
 - Traffic Commission

- (c) Committee "C" shall be responsible for the following boards and commissions:
- Bloomington Arts Commission
 - Commission on Hispanic and Latin Affairs
 - Bloomington Commission on Sustainability
 - Commission on Children and Youth
 - Housing Trust Fund Board
 - Human Rights Commission
 - Tree Commission, and
 - Utilities Services Board.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of JANUARY, 2013.

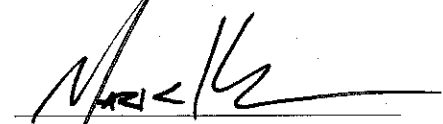

DARRYL NEHER, President
Bloomington Common Council

ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of JANUARY, 2013.

SIGNED and APPROVED by me upon this 17th day of JANUARY, 2013.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Neher, Chair of the Council Rules Committee. It brings forward a recommendation of the Rules Committee to consolidate the Council's 24, three-member Board and Commission Interviewing and Nominating Committees (Interviewing Committees) into three, three-member committees.



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

To: Council Members
From: Susan Sandberg, President
Re: Recommendations from the Rules Committee
Date: April 16, 2008

The Council Rules Committee has met a number of times since the beginning of the year and has a few recommendations that Councilmember Sandberg may institute as President. These recommendations relate to the conduct of our meetings and, in some cases, are intended to bring the Council closer to the procedures set forth in Robert's Rules of Order (*RRO*) which, according to BMC 2.04.080, serve as the rules of procedure unless some other procedure is required by federal, state or local law. In other cases, the recommendations offer suggestions for moving the Reports section of the Regular Sessions along so that the Council gets to the items requiring action in a timely manner. Both categories might also be considered "best practices."

1 Formality. *RRO* is built upon a formality of communication intended to "maintain the chair's necessary position of impartiality and help preserve an objective and impartial approach, especially when serious divisions of opinion arise." *RRO, Newly Revised – 10th Edition, p. 21-22*

a) Presiding Officer as Hub. One key to this formality is the role of the presiding officer as hub for all communications between members and between members and staff and the audience. Please note that the presiding officer refers to the President of the Council during Regular and Special Sessions and the Chair during Committees of the Whole. According to *RRO*, members may only speak after being recognized by the presiding officer and then may only make a request of another person present through the presiding officer. *Id. p. 23*. This means that a request for further information from staff would begin with a phrase something like the following: "Madame /Mr. President/Chair, may I ask a question of Mr./Ms. _____?"

b) Use of Title and Surname. Another key to this formality is the manner in which members address each other as well as staff and members of the audience. In an effort to avoid unnecessary personal conflict, *RRO* prohibits members from addressing another member by their name and from attacking another member's motivations. As a matter of practice, we diverge from the former rule by allowing Council members to address each other, staff, and members of the public by name. However, in order to promote impartiality and avoid the appearance of favoritism, the Committee recommends that everyone be addressed by their title or last name. This would mean that any request of one Council member to another would begin with a phrase something like the following: "Madame / Mr. President, I wonder whether Councilmember X, has thought of the implications of his remarks." Although it will no doubt sound stilted at times, the Committee and President are asking members to keep this manner of speaking in mind when making remarks in future meetings.

2. Designated "Secunder" In order to improve the flow of the introduction of business, the Committee thought it would useful for the Vice President to act as the designated seconder of the routine motions to introduce and read the synopsis of agenda items. However, in the event the Vice

President was not willing to make the motions – as can happen with amendments and other controversial actions - then he or she would need to alert the President in advance.

3. Council Member Questions – Guidelines on Serial Questions. Council members are given an opportunity to ask questions of the petitioner and staff before the matter is open for comment from the public. The Committee recommended that the presiding officer recognize Council members who would then be limited to one question and a follow-up after which the presiding officer would be able to recognize another member who could do the same and so on, until all the questions were exhausted. This should help spread the questions around, encourage better preparation for meetings, and discourage comments (“quomments”) and “rhetorical” questions on matters well covered in the Council material.

4. Reports – Time Limits The Committee also looked at the “Reports” section of Regular Session agenda which is codified in BMC 2.04.380. This section was last changed in 1992 in order to allow public comment on non-agenda items to occur earlier in the meeting which, for the previous four years or so, had been limited to the end of the meeting. (See Ord 92-04) While not codified, much of the understanding about Reports was set forth in the Whereas clauses of that ordinance. Here are some of those understandings and proposals for how the Council may revive them now:

a) **20 Minutes Per Category** - The time taken in Reports, although important, should not cause undue delay for petitioners and public who come to speak about legislation ready for final action that evening. For that reason, each category – Council members, Mayor, Committees, and Public – were to last no more than 20 minutes, with speakers speaking no more than 5 minutes a piece and the President being responsible for enforcing these limits.

This assumed that the majority of Council members, for example, would not take the full 5 minutes (or else it would take the Council a full 45 minutes to work through that one category). The Committee suggested that members who wanted to address a matter for more than 5 minutes – to report on a conference, controversy, or other matter, for example – could contact the President who would consult with the Council Administrator/Attorney (CAA) regarding the whole agenda and decide whether there was time for one and then direct the CAA to insert it as a bullet-point or Special Report under Reports from Council members.

b) **Committee Reports** – This category has been used for a Council member who wanted to report on the work of a Board or Commission he or she belonged to and also for Boards and Commissions who wanted to present a Report – sometimes an annual report – when the Mayor did not wish to sponsor the presentation or to cede time for it. Occasionally, due to the breadth or complexity of the subject and because speakers continued beyond the time limit or arranged for a cohort to carry on the presentation after the initial 5 minutes was through, these presentations have taken more than the allotted time. Here the Committee suggests that presenters be urged to file something in writing and limit their comments to no more than 5 minutes and be discouraged from spreading their presentation over more than one speaker.

c) **Public Reports** – Sometimes there are one or two people from the public who want to speak for more than 5 minutes or there is a long line of people who want their turn at the microphone and don’t want to wait until the end of the meeting to have their say. In some instances - especially if they have A/V presentations – the speakers approach the Council Office in advance to try out their presentation and are told about our procedures and encouraged to follow them. In others, the Clerk or Council Admin/Attorney approach members of the audience to welcome them to the Chamber and explain how and when they may address the Council. On occasion, however, we hear from speakers who have to be informed by the President of the rules in regard to public comment.

Here, the Committee suggested that the Presiding Officer, Clerk and Council Office Staff encourage speakers to follow the 5-minute rule and that staff prepare a brochure for the public to read

at Council meetings which sets forth that and other rules. One of the recommended practices would be to instruct speakers from the public who have A/V presentations to notify the Clerk or Council Office in advance of the meeting in order to assure that time is not wasted setting up the equipment. Members of the public who have not done so would be asked to make their presentation at the end of the meeting when other members of the public have already conducted their business and would not be held up by the delay.

5. Meetings - Starting On Time The Committee also noted that meetings often start after 7:30 p.m. and recommended that all involved - Council members, Clerk and staff - be ready to start meetings at the scheduled time. In accordance with *RRO* and as a courtesy to the public in attendance and those viewing from their home, the presiding officer may start the meeting once the time of the meeting arrives and a quorum is present.

2012- 2013 Rules Committee – List of Meetings

The Committee met on nine occasions during mid-to- late 2012 and early 2013 in the Council Library or McCloskey Room:

June 27, 2012 from 12:05 p.m. to 1:05 p.m.

Present: Committee Members: Neher, Granger, Mayer & Ruff;
Other Council Members: Volan
City Clerk, Regina Moore and Deputy City Clerk, Sue Wanzer
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Kasey Husk, H-T

July 11, 2012 from 12:05 p.m. to 1:25 p.m.

Present: Committee Members: Neher, Granger, Mayer & Ruff;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads;
Public: Kasey Husk, H-T

October 31, 2012 from 12:05 p.m. to 1:32 p.m.

Present: Committee Members: Neher, Granger & Mayer;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads
Public: *None*

November 14, 2012 from 12:00 p.m. to 1:05 p.m.

Present: Committee Members: Neher, Granger & Mayer;
Other Council Members: Spechler
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Larry Jacobs, Greater Bloomington Chamber of Commerce

December 12, 2012 from 12:05 p.m. to 1:12 p.m.

Present: Committee Members: Neher, Granger, Mayer & Ruff;
Deputy City Clerk, Sue Wanzer
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Public: Larry Jacobs, Greater Bloomington Chamber of
Commerce; Sue Mayer

January 9, 2013 from 3:00 p.m. to 4:15 p.m.

Present: Committee Members: Mayer (Temporary Chair), Granger & Ruff;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads
Public: Sue Mayer

January 17, 2013 from 3:00 p.m. to

Present: Committee Members: Mayer, Granger & Ruff;
City Clerk, Regina Moore;
Staff: Dan Sherman and Stacy Jane Rhoads;
Public: Sue Mayer

January 25, 2013 from 1:00 p.m. to 2:26 p.m.

Present: Committee Members: Neher, Granger, Mayer & Ruff;
Other Council Members: Rollo
Deputy City Clerk, Sue Wanzer;
Staff: Dan Sherman and Stacy Jane Rhoads;
Public: Sue Mayer

February 22, 2013 from 2:00 p.m. to 2:50 p.m.

Present: Committee Members: Neher, Granger & Ruff;
Other Council Members: Volan
Staff: Dan Sherman and Stacy Jane Rhoads;
Public: Larry Jacobs, Chamber

ORDINANCE 13-05

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL”**

**– Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the
Council Rules Committee of 2012-2013**

- WHEREAS, the Council Rules Committee was convened in 2012 by then Council President Timothy Mayer and also continued into 2013 by current Council President Darryl Neher;
- WHEREAS, among other matters, the Rules Committee reviewed the conduct of Council meetings and deliberations to make them more efficient and effective, and made recommendations to the full Council to make local code consistent with Council practice and changes in State law; and
- WHEREAS, BMC 2.04.010 (Election of officers) and BMC 2.04.050 (Regular meetings) currently require the Council to meet on the first Monday in January (unless it falls on a legal holiday) to elect officers, as was formerly required by IC 36-4-6-7 and IC 35-4-6-8, and the Rules Committee recommends that these provisions be amended to give the Council the opportunity to hold the first meeting of the year by no later than the second Wednesday in January, which is consistent with State law, and also recommends, as a matter of practice, that the Council continue to use the adoption of the Annual Schedule in the fall of the preceding year as the means for scheduling that and other meetings of the Council for the ensuing year; and
- WHEREAS, BMC 2.04.070 (Budget meetings), which requires the Council to fix the budget, tax rate and tax levy for the civil city for the ensuing year by the last Monday in August, no longer conforms with State Law and should be amended to conform Council practices with IC 6-1.1-17-1 et seq.; and
- WHEREAS, Parts (c)(5) and (c)(6) of BMC 2.04.250 (Committee of the whole), regarding the recording of votes and the taking of memoranda for Committees of the whole, should be amended to comply with the relevant provision of the Indiana Open Door Law (I.C. 5-14-1.5-4); and
- WHEREAS, BMC 2.04.255 (Committees – Scheduling) was inserted into the code with the adoption of Ord 12-10 and provided for the referral of legislation to Committees of the Whole and Standing Committees as well as set forth rules for scheduling those meetings; and
- WHEREAS, In the absence of any active Standing Committees to consider pending legislation, the Council wishes to declare that the Motion to Introduce legislation at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner for considering the legislation; and
- WHEREAS, BMC 2.04.270 (Ordinances and resolutions – Filing and copies) should be amended to allow the Council President to give the Council more time to consider certain ordinances and resolutions by announcing, at the time of their first reading, that certain ordinances and resolutions expected for consideration during that legislative cycle will be discussed at the next two rather than the next regularly scheduled Committees of the Whole; and
- WHEREAS, BMC 2.04.270 (Ordinances and resolutions – Filing and copies) should also be amended to conform with the current practice regarding the manner and deadline for submitting legislation to the Council Office; and

WHEREAS, BMC 2.04.290 (Ordinances and resolutions – Fiscal impact statement required) requires the submittal of fiscal impact statements with certain pieces of legislation, but has not been practiced for decades and should be:

- (a) amended by deleting part (e) which, in part, requires a super-majority of the Council to avoid deferring the legislation when someone asserts that the provision has not, in certain ways, been satisfied, and
- (b) made workable by, if necessary, exercising the power set forth in part (f) to development rules to facilitate implementation of the provision; and

WHEREAS, BMC 2.04.320 (Ordinances and resolutions – Public inspection and publication) requires, in part, that legislation be *mailed* to the Monroe County Public Library (Library) *within* 24 hours after their consideration by the Council, but given the prevalent use of electronic documents and delivery of those documents prior to the 24-hour window stated in the ordinance, the Committee recommends that the provision be amended to require the City Clerk to *provide* copies of legislations *no later than* 24 hours after their introduction at the Council; and

WHEREAS, BMC 2.04.390 (Motions generally) should be amended to allow just one member of the Council or City Clerk to ask that any motion – without exception – be reduced to writing before being considered by the Council; and

WHEREAS, for the past few years, the Common Council has held meetings with the Administration, known as Staff/Council Internal Work Sessions, solely to discuss but take no other action on legislative matters and, while these meetings are conducted in conformance with the Open Door Law (IC 5-14-1.5-1 et seq.), in the event it continues to hold these meetings, the Council wishes to waive any local requirement that a quorum be present for these meetings to proceed;

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

SECTION 1. Bloomington Municipal Code 2.04.010 (Election of officers) shall be amended to read as follows while still preserving the historical citations:

2.04.010 Election of officers.

The council shall hold a meeting no later than the second Wednesday in January, subject to the exceptions noted in Section 2.04.050, to elect from its members a president, a vice president, and a parliamentarian. The length of term for these offices begins with the election in January and ends with the election the following January.

SECTION 2. Parts (c) and (d) of Bloomington Municipal Code 2.04.050 (Regular meetings) shall be amended to read as follows:

2.04.050 Regular Meetings

(c) In accordance with Indiana Code 36-4-6-7, in the year following its election the Council shall hold its first regular meeting at 7:30 p.m. one evening no later than the second Wednesday in January to elect officers. Should the council president of the previous year still be a member of the council, he or she shall preside over the election of new officers. If the President of the previous year is no longer on the council, the majority party shall designate a councilmember to preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.

(d) In accordance with Indiana Code 36-4-6-8, in years subsequent to the year immediately following its election, the council shall meet at 7:30 p.m. one evening no later than the second Wednesday in January to elect officers. The council president of the previous year shall preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.

SECTION 3. Bloomington Municipal Code 2.04.070 (Budget meetings) shall be amended to read as follows while still preserving the historical citations:

2.04.070 Budget meetings.

The Council shall perform its duties in regard to fixing the budget, tax rate, and tax levy in accordance with IC 6-1.1-17-1 et seq.

SECTION 4. Parts (c) (5) and (c) ((6) of Bloomington Municipal Code 2.04.250 (Committee of the whole) shall be amended by:

- First, deleting part (c) (5);
- Second, renumbering (c) (6) as (c) (5); and
- Third, amending the newly relettered part (c) (5) to read as follows:

(c)(5) The clerk shall keep a memorandum of proceedings and recommendations in a manner consistent with I.C. 5-14-1.5-4.

SECTION 5. Bloomington Municipal Code 2.04.270 (Ordinances and resolutions – Filing and copies) shall be amended to read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.04.270 Ordinances and resolutions—Filing, copies and agendas.

Each ordinance or resolution submitted to the council shall be in an editable, electronic form, accompanied by any relevant documents, and filed with the Council Office at least ten days before the meeting at which the legislation is to be introduced. That time frame may be extended by a vote of the Council or at the request of the president. The president shall approve the agendas for committees of the whole, regular sessions and special sessions called by the president or voted upon by the council and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled Regular Session.
(Ord. 83-15 § 1 (part), 1983).

SECTION 6. Part (e) of BMC 2.04.290 (Ordinances and resolutions – Fiscal impact statement required) shall be amended by striking part (e) and re-lettering part (f) accordingly.

SECTION 7. Part (a) of BMC 2.04.320 (Ordinances and resolutions – Public inspection and publication) shall be amended to read as follows:

- (a) For purpose of public inspection, the city clerk shall provide copies of ordinances and resolutions to the Monroe County Public Library no later than twenty-four hours after the legislation has been introduced at the council.

SECTION 8. Part (c) of BMC 2.04.390 (Motions generally) shall be amended to read as follows:

- (c) A motion shall be reduced to writing upon request of any member or City Clerk.

SECTION 9. The Common Council hereby waives any local requirement that Staff/Council Internal Work Sessions be conducted only upon the presence of a quorum of its members.

SECTION 10. In the absence of any active Standing Committees established to consider pending legislation, the Council declares that the Motion to Introduce legislation made at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner of considering the legislation.

SECTION 11. 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 12. 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 Bbomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City ofBloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward recommendations of the 2012-2013 Council Rules Committee to amend BMC Chapter 2.04 (Common Council) to conform it to State law as well as with current local or best practices. These changes include amending BMC provisions regarding:

- “Election of officers” and “Regular Meeting” to take advantage of a change in State law which allows the Council to hold its first meeting of the year later than the first Monday in January;
- “Budget meetings” to remove an outdated deadline for action on the City budget and to tie Council budgetary duties to State law;
- “Committee of the whole” to conform the requirements regarding the recording of votes and the taking of memoranda with State law;
- “Ordinances and resolutions – Filing and copies” to authorize the Council President to extend consideration of certain legislation by referring, at first reading, upcoming legislation to the next two regularly scheduled Committees of the Whole and also to reflect existing practices regarding the manner and timing for submittal of legislation to the Council;
- “Ordinances and resolutions – Fiscal impact statement required” to make the provision more workable;
- “Ordinances and resolutions – Public inspection and publication” to require the Clerk to *provide* rather than *mail* legislation to the Monroe County Public Library and allow for that to be done *no later than* instead of *within* 24 hours of their introduction at the Council; and
- “Motions generally” to allow just one member of the Council or the City Clerk to request that any motion be reduced in writing before it may be considered by the Council.

In addition, the ordinance also takes the following measures regarding Council procedures. First, it waives any local requirement that Staff/Council Internal Work Sessions be conducted only upon the presence of a quorum of its members. Second, it declares that, in the absence of any active Standing Committees established to consider pending legislation, the Motion to Introduce legislation made at a regular or special meeting of the Council generally serves as a motion to refer it to the next regularly scheduled Committee of the Whole.

**Memo to Rules Committee –
Proposed Contents of Ordinance - Amendments to BMC 2.04 (Common
Council) and Other Actions
22 February 2013**

After nine meetings, it appears the 2012 – 2013 Rules Committee is close to wrapping-up its duties. This memo covers recommendations (in some cases – possible recommendations) that would be implemented by ordinance. Along with the most substantive change – which authorizes the President to extend deliberation on pieces of legislation to what would be a five-week legislative cycle - there are other amendments or actions. These other amendments and actions began as a suggestion on my part to make changes to bring the local code in line with State Law or current Council practice. In the course of deliberations, however, the topics grew to include a few more substantive issues that, while not a matter of inconsistency between codes and Council practice, were given some consideration by the Committee.

The remainder of this memo lists amendments, actions, and areas of discussion that are listed in the order they would affect local code. They include proposals to:

- **Change the day for the Organizational Meeting from first Monday to no later than the second Wednesday of the year (given that State law no longer requires that we meet on the first Monday).**
See BMC 2.04.010 (Election of officers) and BMC 2.04.050 (Regular Meetings – Part [c]).
 - Intent of Committee: Keep with current practice and:
 - Establish the second Wednesday in January as the last day for holding the Organizational meeting (which will convene at 7:30 p.m.); and,
 - implicitly allow for the Council vote on the Annual Schedule to set the date for that meeting.

Proposed Change:
2.04.010 Election of officers.

The council shall ~~at its meeting on the first Monday~~ **hold a meeting no later than the second Wednesday** in January, subject to the exceptions noted in Section 2.04.050, **to elect choose** from its members a president, a vice president, and a parliamentarian. ~~all of whom shall serve until the first Monday in January of the next succeeding year, when their successors shall be chosen to serve for one year in like manner.~~ **The length of term for these offices begins with the election in January and ends with the election the following January.**

(Ord. 90-48 § 1, 1990).

2.04.050 Regular Meetings

....
(c) In accordance with Indiana Code 36-4-6-7,¹ in the year following its election the Council shall hold its first regular meeting **at 7:30 p.m. one evening no later than the second Wednesday in January** ~~at seven thirty pm. on the first Monday of the year~~ to elect officers. ~~Should the first Monday of the year fall on a legal holiday as enumerated in Indiana Code 1-1-9-1, the council shall instead meet on the day after the legal holiday.~~ Should the council president of the previous year still be a member of the council, he or she shall preside over the election of new officers. If the President of the previous year is no longer on the council, the majority party shall designate a councilmember to preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.

(d) In accordance with Indiana Code 36-4-6-8,² in years subsequent to the year immediately following its election, the council shall meet ~~on the first Monday of the year of electing~~ **at 7:30 p.m. one evening no later than the second Wednesday in January to elect officers.** ~~Should the first~~

¹ **IC 36-4-6-7 Meetings**

Sec. 7. (a) The legislative body shall hold its first regular meeting in January after its election. In subsequent months, the legislative body shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

(b) A special meeting of the legislative body shall be held when called by the city executive or when called under the rules of the legislative body.

As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.169-2006, SEC.52.

² **IC 36-4-6-8 President; vice president; president pro tempore**

Sec. 8. (a) This subsection applies only to second class cities. At its first regular meeting under section 7 of this chapter, and each succeeding January, the legislative body shall choose from its members a president and a vice president.

(b) This subsection applies only to third class cities. The city executive shall preside at all meetings of the legislative body, but may vote only in order to break a tie. At its first regular meeting under section 7 of this chapter and each succeeding January, the legislative body shall choose from its members a president pro tempore to preside whenever the executive is absent. *As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1982, P.L.33, SEC.23; P.L.349-1983, SEC.3; P.L.169-2006, SEC.53.*

~~Monday of the year fall on a legal holiday as enumerated in Indiana Code 1-1-9-1, the council shall instead meet on the day after the legal holiday. The council president of the previous year shall preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.~~

- **Change the provision which establishes the day and time for Fixing the Budget, Tax Rate, and Tax Levy.**
See BMC 2.04.070 (Budget meetings)

This provision currently requires the Council to take those budget-related actions by 7:30 p.m. on the last Monday in August. This is inconsistent with statute (which requires that this action take place by November 1st and imposes a number of other duties and timeframes for council and other city officials). It is also inconsistent with local practice (which includes a Budget Advance in May, Departmental Budget Hearings in late July along with formal consideration of the budget in September).

- Intent of the Committee:
 - Provide broad and lasting language that ties Council duties to the relevant statute (the text of which has changed in recent years and may change in future years).

Proposed Change:
2.04.070 Budget meetings.

~~Each year on or before the last Monday in August, the council shall meet at 7:30 p.m. local time to fix the budget, tax rate, and tax levy for the civil city for the ensuing budget year. Should a quorum of the council not be present at the convening of the annual budget meeting, the members present shall recess until a quorum is present. The Council shall perform its duties in regard to fixing the budget, tax rate, and tax levy in accordance with IC 6-1.1-17-1 et seq. (Ord. 79-97 § 2 (part), 1979).~~

- **Address an exception to the quorum requirement for Staff/Council Internal Work Sessions - *But please note that it proposes a change in practice rather than change in code.***
(See BMC 2.04.100 (Convening meeting – Quorum))

While the Staff/Council Internal Work Sessions are conducted in compliance with the Open Door Law, the Council currently doesn't require a quorum, which is unusual for deliberative bodies. These meetings allow for discussion of up-coming items, but no other action to be taken. Robert's Rules of Order, our authority on procedure in the absence of other laws or rules, indicates that a quorum consists of a majority of a body's voting membership, unless another rule is included in the bylaws. What is akin to Council bylaws, *BMC 2.04.100 (Convening meeting – Quorum)*,³ calls for a quorum for meetings to be held. Rather than have this question linger, it may make sense to waive any quorum requirement for these meetings in the ordinance.

- Intent of the Committee:
 - Keep these meetings as forums for discussions of upcoming matters, but for no other official action, without codifying the arrangement; and
 - Use the ordinance to waive any local requirement that there be a quorum for these meetings to proceed in the future. (See Section 9 of [Ord 13-07](#).)
- **Review the code for, and conduct of, the Committees of the Whole to:**
 - **Bring the code into compliance with State law by removing:**
 - the prohibition against recording the votes; and
 - the limitation on keeping a memorandum of the meeting;
 - **Modify the *practice* of introducing legislation to conform it with amendments made by Ord 12-10 (Standing Committees), which now require an action of the Council to refer a matter to a Standing Committee or Committee of the Whole rather than just an action to *cancel* the meeting.**

³ **2.04.100 Convening meeting--Quorum.**

(a) The presiding officer shall take the chair at the hour designated for convening and shall call the members to order. The roll shall then be called by the city clerk who shall enter in the minutes of the meeting the names of the members present.

(b) A majority of the members of the council shall constitute a quorum. If the roll call establishes that a quorum is present, the presiding officer shall proceed in the manner and order prescribed by this chapter. In the absence of a quorum, the members present may, by a majority vote of those present, adjourn, set a time at which to adjourn, take a recess, or direct the sergeant-at-arms to procure the attendance of the absent members.

(Ord. 79-97 § 2 (part), 1979).

See BMC 2.04.250 (Committee of the Whole) and BMC 2.04.255 (Committees – Scheduling)

- Intent of the Committee:
 - Delete prohibition against recording votes;
 - Amend limitation on keeping memoranda to match the requirement of the Open Door Law; and
 - Address the need to refer matters to the Committee of the Whole by declaring in the ordinance that, in absence of a standing committee created to hear the pending legislation or other action of the Council, the Motion to Introduce legislation also serves to refer it to the next regularly scheduled Committee of the Whole. (*See Section 10 of Ord 13-07.*)

Proposed Change:

2.04.250 Committee of the whole.

....

(c) When the council resolves itself into the committee of the whole, the rules of the council shall govern except that:

(1) The committee of the whole may consider only matters and questions referred to it, and the only motions in order shall be to amend or adopt, or that the committee rise and report;

(2) No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;

(3) Interested citizens may be heard on the question under consideration if they address the chair and ask permission to speak;

(4) The previous question may not be moved;

~~(5) The ayes and noes shall not be recorded; and~~

~~(6)~~**(5)** The clerk shall keep a memorandum of proceedings and recommendations **in a manner consistent with I.C. 5-14-1.5-4** ; but shall enter into the minutes of the meeting only the recommendations agreed to by the committee of the whole.

(d) When the committee of the whole rises, the presiding officer of the council shall resume the chair, and the chairperson of the committee shall report its recommendations to the council. The question shall then be on agreeing the recommendations of the committee and adopting the action or measures recommended. (Ord. 79-97 § 2 (part), 1979).

- **Amend the Local Code to Authorize the Council President to Set Certain Legislation on the Course of a Five-Week Legislative Cycle and To Make Other Changes to Conform that Provision with Current Practice**

See BMC 2.04.270 (Ordinances and resolutions – Filing and copies)

The Rules Committee spent much time discussing the length of the legislative cycle. The legislative cycle typically spans a series of three Wednesdays - with introduction of ordinances at a Regular Session on the first Wednesday, discussion of those ordinances and any resolutions at a Committee of the Whole on the second Wednesday, and second readings at a Regular Session on the third Wednesday. After considering many possibilities, the Rules Committee recommended that the President of the Council be authorized to announce, at the beginning of the legislative cycle, that certain legislation expected to be considered during that cycle will be placed on the agendas for next two regularly scheduled Committees of the Whole. This procedure had the benefit of alerting everyone to the schedule for legislation early in the process.

Other Changes to That Provision. The code currently provides for the form and timeframe for submitting legislation with the Council Office and the proposed changes bring the code in line with current practice.

- **Committee Intent:**
 - Authorize the President of the Council to announce, at the beginning of the legislative cycle, that certain legislation expected to be considered during that cycle will be placed on the agendas for next two regularly scheduled Committees of the Whole before being ready for second readings at the following Regular Session.
 - In addition, the provision should be amended so that legislation shall be submitted:
 - in “an editable, electronic form” rather than as a typewritten document;
 - to the Council Office (rather than City Clerk);
 - at least 10 days (rather than two weeks) before the meeting it is to be introduced, unless extended by a majority vote of the Council or at the request of the Council President.

Proposed Change:

2.04.270 Ordinances and resolutions—Filing, ~~and~~ copies and agendas.

Each ordinance or resolution submitted to the council shall be ~~typewritten~~ **in an editable, electronic form**, accompanied by any relevant documents, and filed with the ~~city clerk~~ **council office** at least ~~two weeks~~ **ten days** before the meeting at which the legislation is to be introduced. **That time frame may be extended by a majority vote of the Council or at the request of the president.** The president shall approve the agendas **for committees of the whole, regular sessions and special sessions called by the president or voted upon by the council** and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and ~~city attorney~~ **corporation counsel.** **The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled Regular Session.**

(Ord. 83-15 § 1 (part), 1983).

- **Amend the Fiscal Impact Statement (FIS) requirement so that the manner of its exercise is clearly understood and workable.**
See BMC 2.04.290 (Ordinances and resolutions – Fiscal impact statement required)

This is a six-part provision that, in my memory, has never been invoked. It requires departments to submit an FIS (on a form prepared by Council Office staff) in the event a piece of legislation appropriates funds or has a major impact on City appropriations, liability, or funds. If an FIS is not submitted or states the legislation has no major fiscal impact, Council members or staff may ask for statement before final vote is taken. As I understand it, at that point, it would take a 2/3's vote to proceed to final vote that evening. The Committee decided to delete part (e) which imposed the requirement for a super-majority vote to proceed that night. Please note that the last part authorizes the Council to “adopt rules and regulations to effectuate” its purposes, which gives the Council room to clarify the process without amending the code.

- Committee Intent:
 - Work with the Office of the Mayor to develop a procedure to implement this provision;
 - Have staff prepare an FIS form that when ready would be used by departments and the Controller (*attached*);
 - Remove part (e) which, in part, requires a 2/3's majority vote to proceed with the legislation if it is not accompanied by a FIS or is accompanied by a statement declaring there is no major fiscal impact; and
 - Be prepared to exercise the power set forth in part (f) to develop rules to implement the provision.

- **Amend the provision requiring that ordinances be *mailed* to the Monroe County Public Library (Library) *within 24 hours* after introduction.**
See BMC 2.04.320 (Ordinances and Resolutions – Public Inspection and Publication)

We actually put a copy of legislation in the mail for the Library the Friday *before* introduction, which might be construed as a violation of our ordinance. Conversations with staff of the Indiana Room in the Library, indicated their comfort with receiving the packet via email rather than via the USPS, and the Committee recommended that the Clerk be required to *provide* rather than *mail* legislation to the Library and to do so *no later than* instead of *within 24 hours* of their introduction at the Council.

- Committee Intent:
 - The Committee began by seeking to conform code with current practice, but then also recommended dispensing with delivery via USPS in favor of email.

Proposed Change:
2.04.320 Ordinances and resolutions--Public inspection and publication.

(a) For purpose of public inspection, the city clerk shall ~~mail~~ **provide** copies of ordinances **and resolutions** to the Monroe County Public Library ~~within~~ **no later than** twenty-four hours after ~~first reading. The clerk shall also mail copies of resolutions there as well prior to their being considered by~~ **the legislation has been introduced** at the council.

- **Review the limitations local code places on amendments and consider whether further limitations would improve deliberation on amendments – No Change.**

See BMC 2.04.330 (Ordinances and resolutions – Amendment)

Currently the code requires that amendments:

- must be in writing and germane to the primary proposition;
- may not be applied to secondary amendments (i.e. amendments to amendments);
- have the effect of modifying the question before the Council, which are then subject to further amendments; and
- when once rejected may not be moved in the same form at the same meeting without a successful vote to reconsider that rejection.

After interpreting the provision to the satisfaction of its members, the Committee briefly discussed “last-minute amendments” – ones circulated *at* rather than *before* the meeting - and how they can complicate and confuse the Council. Perhaps recognizing that Council members are busy and may not have time to prepare an amendment as early as some would like; it’s rarely too late to rule-out a good idea: and, that the Council already has means whereby a majority of its members may defer matters if needed - the Committee did not find the need to impose further limitations on last-minute amendments.

Committee Intent:

- Not change current practice

- **Clarify what motions need to be reduced to writing at the request of the Council.**

See BMC 2.04.390 (Motions generally)

Currently, the code says that all motions:

- Must be introduced and seconded, stated by the chair, and entered into the record;
- May be withdrawn unless any member objects, in which case, a majority of the Council is necessary to accept the withdrawal; and
- Except procedural motions must be reduced to writing at the request of any members of the Council.

The Committee discussed the latter requirement, because some

procedural – i.e. scheduling – motions can be quite complicated and arguably worth reduction to writing.

Committee Intent:

- Make all motions – without exception - subject to request by any member to be put in writing;
- Include the City Clerk because she is responsible for recording all motion in the minutes.

Proposed Change:

2.04.390 Motions generally.

(a) When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated. The name of the member making the motion or offering any business shall be entered into the minutes.

(b) A motion may be withdrawn by the maker, but if there is any objection to the withdrawal, it may not be withdrawn until a motion to that effect has been passed.

(c) Every motion except procedural motions shall be reduced to writing upon request of any members.
(Ord. 79-97 § 2 (part), 1979).

(c) ~~Every A motion except procedural motions~~ shall be reduced to writing upon request of any members **or the City Clerk.**

**CHANGES TO TITLE 2.04 (COMMON COUNCIL) PROPOSED BY 2012-2013
RULES COMMITTEE AND RELATED COMMENTS
AS PROPOSED IN ORD 13-05**

Chapter 2.04

COMMON COUNCIL

Sections:

Article I. Officers and Employees

- 2.04.010 Election of officers.
- 2.04.020 Duties of president.
- 2.04.030 Duties of sergeant-at-arms.
- 2.04.040 Duties of city clerk.

Article II. Meetings and Rules of Procedure

- 2.04.050 Regular meetings.
- 2.04.060 Special meetings--Emergency meetings.
- 2.04.070 Budget meetings.
- 2.04.080 Parliamentary authority.
- 2.04.090 Amendment and suspension of rules.
- 2.04.100 Convening meeting--Quorum.
- 2.04.110 Seating of members.
- 2.04.120 Limits on debate.
- 2.04.130 Absence from meeting--Leaving meeting in session.
- 2.04.140 Orderliness of members.
- 2.04.150 Conflict of interest.
- 2.04.160 Expressing dissent.
- 2.04.170 Violation of rules.
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Article III. Committees

- 2.04.210 Standing committees--Establishment.
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- 2.04.260 Ordinances--Title and enacting clause.
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- 2.04.280 Ordinances and resolutions--Synopsis required.
- 2.04.290 Ordinances and resolutions--Fiscal impact statement required.
- 2.04.300 Ordinances and resolutions--Readings required.
- 2.04.310 Ordinances and resolutions--Vote required.
- 2.04.320 Ordinances and resolutions--Public inspection and publication.
- 2.04.330 Ordinances and resolutions--Amendment.
- 2.04.340 Ordinances--Repeal or modification.
- 2.04.350 Veto procedure.

Article V. Proceedings and Motions

- 2.04.360 Voting procedure.
- 2.04.370 Appointments to boards and commissions.
- 2.04.380 Order of business.
- 2.04.390 Motions generally.
- 2.04.400 Motions when question is under debate.
- 2.04.410 Motion for the previous question.
- 2.04.420 Motion to adjourn or recess.
- 2.04.430 Division of question.
- 2.04.440 Motion to table.
- 2.04.450 Motion to postpone indefinitely.
- 2.04.460 Motion to reconsider.

Article VI. Council Districts

- 2.04.500 Definition of councilmanic districts.
- 2.04.510 Repeal of former council districts.

Article I.

Officers and Employees

2.04.010 Election of officers.

The council shall ~~at its meeting on the first Monday~~ **hold a meeting no later than the second Wednesday** in January, subject to the exceptions noted in Section 2.04.050, ~~to elect choose~~ from its members a president, a vice president, and a parliamentarian. ~~all of whom shall serve until the first Monday in January of the next succeeding year, when their successors shall be chosen to serve for one year in like manner.~~ **The length of term for these offices begins with the election in January and ends with the election the following January.**

(Ord. 90-48 § 1, 1990).

2.04.020 Duties of president.

The president shall have general direction of the council chambers and shall preserve order and decorum. The president shall rule on all points of order subject to an appeal to the council by any two members, shall state all questions properly proposed, shall put all questions which come to a vote, and shall declare the results of each vote. After any ordinance, resolution, address or order is adopted by the council, the president shall certify such action and certification shall be attested by the city clerk. In the absence of the president, the vice-president shall preside.

(Ord. 90-48 § 2, 1990; Ord. 83-15 § 1 (part), 1983).

Note: BMC 2.04.270 Ordinances and resolutions--Filing and copies – also gives the president power to “approve the agenda.”

2.04.030 Duties of sergeant-at-arms.

The chief of police or his designee shall act as sergeant-at-arms. It shall be the duty of the sergeant-at-arms to preserve order in the council chambers under the direction of the

presiding officer, to act as a messenger of the council under the direction of the city clerk by serving notices of special meetings upon council members, and to procure the attendance of absent members when a quorum is not present. The sergeant-at-arms may request any person in attendance at a council meeting to surrender any dangerous weapon other than a firearm (as defined by the Indiana Code).

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 11-15, § 1, 9-14-2011)

2.04.040 Duties of city clerk.

In addition to any other duties imposed by state law or local ordinance, the clerk shall perform the following duties with respect to the proceedings of the council:

- (1) Serve as secretary of the council and keep an accurate record of all proceedings;
- (2) Cause all notices of regular and special meetings of the council and its committees to be served according to law and the directions of the presiding officer of the council;
- (3) Publish all notices of public hearings and ordinances and post upcoming legislation as required by law;
- (4) Serve as the legal custodian of all records of the council;
- (5) Maintain complete and orderly files containing all papers and documents pertaining to the business of the council and make them available to the council and the public;
- (6) Take roll call, record motions, and perform other statutory functions at council meetings; and
- (7) Obtain necessary signatures and attest to legislation immediately after its passage, and provide copies of signed legislation to all interested persons.

(Ord. 79-97 § 2 (part), 1979).

Article II.

Meetings and Rules of Procedure

2.04.050 Regular Meetings.

(a) With the exceptions noted in subsections (b) through (g), of this section, the council shall meet in regular session on the first and third Wednesday of each month at seven thirty p.m. local time. The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting, but the council shall

meet at least once a month.

(b) The council shall not meet on legal holidays as enumerated in Indiana Code 1-1-9-1. The council may agree by majority vote to meet at an alternative time should such a holiday fall on a Wednesday.

(c) In accordance with Indiana Code 36-4-6-7,¹ in the year following its election the Council shall hold its first regular meeting **at 7:30 p.m. one evening no later than the second Wednesday in January** ~~at seven thirty pm. on the first Monday of the year to elect officers. Should the first Monday of the year fall on a legal holiday as enumerated in Indiana Code 1-1-9-1, the council shall instead meet on the day after the legal holiday.~~ Should the council president of the previous year still be a member of the council, he or she shall preside over the election of new officers. If the President of the previous year is no longer on the council, the majority party shall designate a councilmember to preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.

[Reference to Organizational Meeting – No Longer Conforms with Indiana Code](#)

(d) In accordance with Indiana Code 36-4-6-8,² in years subsequent to the year immediately following its election, the council shall meet ~~on the first Monday of the year of electing~~ **at 7:30 p.m. one evening no later than the second Wednesday in January to elect** officers. ~~Should the first Monday of the year fall on a legal holiday as enumerated in Indiana Code 1-1-9-1, the council shall instead meet on the day after the legal holiday.~~ The council president of the previous year shall preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.

[Reference to Organizational Meeting – No Longer Conforms with Indiana Code](#)

¹ **IC 36-4-6-7 Meetings**

Sec. 7. (a) The legislative body shall hold its first regular meeting in January after its election. In subsequent months, the legislative body shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

(b) A special meeting of the legislative body shall be held when called by the city executive or when called under the rules of the legislative body.

As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.169-2006, SEC.52.

² **IC 36-4-6-8 President; vice president; president pro tempore**

Sec. 8. (a) This subsection applies only to second class cities. At its first regular meeting under section 7 of this chapter, and each succeeding January, the legislative body shall choose from its members a president and a vice president.

(b) This subsection applies only to third class cities. The city executive shall preside at all meetings of the legislative body, but may vote only in order to break a tie. At its first regular meeting under section 7 of this chapter and each succeeding January, the legislative body shall choose from its members a president pro tempore to preside whenever the executive is absent. *As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1982, P.L.33, SEC.23; P.L.349-1983, SEC.3; P.L.169-2006, SEC.53.*

(e) The council shall go into recess upon adjournment of the first regular session in August and reconvene on the first Wednesday in September. No legislation shall be heard for first reading at the August meeting.

(f) The council shall not meet on the Wednesday before Thanksgiving Day. The council may by majority vote decide to combine the meeting scheduled for this date with the meeting scheduled for the previous or following Wednesday.

(g) The council shall go into recess upon adjournment of the second regular session held in December and reconvene in January. No legislation for first reading shall be heard at the last regular session of December.

(Ord. 90-48 § 3, 1990).

2.04.060 Special meetings--Emergency meetings.

(a) Special meetings of the council may be held on call of the mayor, the president or any three members of the council. It shall be the duty of the president or the members calling the special session to notify the city clerk of the meeting, its date, hour, and agenda. The city clerk shall, at least forty-eight hours before the time set for the meeting, notify each member of the council, either in person, by telephone, or by notice left at the member's place of residence. Notice shall also be given at least forty-eight hours in advance of the meeting to the news media and to the public as required by state law.

(b) Emergency meetings may be held provided there is compliance with the notice requirements of state law.

(Ord. 83-15 § 1 (part), 1983).

2.04.070 Budget meetings.

~~Each year on or before the last Monday in August, the council shall meet at 7:30 p.m. local time to fix the budget, tax rate, and tax levy for the civil city for the ensuing budget year. Should a quorum of the council not be present at the convening of the annual budget meeting, the members present shall recess until a quorum is present. The Council shall perform its duties in regard to fixing the budget, tax rate, and tax levy in accordance with IC 6-1.1-17-1 et seq.~~ ³ (Ord. 79-97 § 2 (part), 1979).

³ **IC 6-1.1-17-3 Formulation of local budgets, rates, and levies; public notice; solid waste management district public hearing; township trustee estimate of cost of township assistance**

Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body

shall publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.

IC 6-1.1-17-3.5

County fiscal body review of rates, levies, and budgets of taxing units; deadline for filing; consequence of failure to act by taxing unit or fiscal body

Sec. 3.5. (a) This section does not apply to taxing units located in a county in which a county board of tax adjustment reviews budgets, tax rates, and tax levies. This section does not apply to a taxing unit that has its proposed budget and proposed property tax levy approved under section 20 or 20.3 of this chapter or IC 36-3-6-9.

(b) This section applies to a taxing unit other than a county. If a taxing unit will impose property taxes due and payable in the ensuing calendar year, the taxing unit shall file the following information in the manner prescribed by the department of local government finance with the fiscal body of the county in which the taxing unit is located:

(1) A statement of the proposed or estimated tax rate and tax levy for the taxing unit for the ensuing budget year.

(2) In the case of a taxing unit other than a school corporation, a copy of the taxing unit's proposed budget for the ensuing budget year.

(c) In the case of a taxing unit located in more than one (1) county, the taxing unit shall file the information under subsection (b) with the fiscal body of the county in which the greatest part of the taxing unit's net assessed valuation is located.

(d) A taxing unit must file the information under subsection (b) before September 2 of a year.

(e) A county fiscal body shall complete the following in a manner prescribed by the department of local government finance before October 2 of a year:

(1) Review any proposed or estimated tax rate or tax levy filed by a taxing unit with the county fiscal body under this section.

(2) In the case of a taxing unit other than a school corporation, review any proposed or estimated budget filed by a taxing unit with the county fiscal body under this section.

(3) In the case of a taxing unit other than a school corporation, issue a nonbinding recommendation to a taxing unit regarding the taxing unit's proposed or estimated tax rate or tax levy or proposed budget.

(f) The recommendation under subsection (e) must include a comparison of any increase in the taxing unit's budget or tax levy to:

(1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(2) increases in the budgets and tax levies of other taxing units in the county.

(g) The department of local government finance must provide each county fiscal body with the most recent available information concerning increases in Indiana nonfarm personal income and increases in county nonfarm personal income.

(h) If a taxing unit fails to file the information required by subsection (b) with the fiscal body of the county in which the taxing unit is located by the time prescribed in subsection (d), the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(i) If a county fiscal body fails to complete the requirements of subsection (e) before the deadline in subsection (e) for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the county are continued for the ensuing budget year.

As added by P.L.146-2008, SEC.148. Amended by P.L.182-2009(ss), SEC.115; P.L.137-2012, SEC.24.

IC 6-1.1-17-5

Time for meetings to set local budget, rate, and levy; taxpayer objections; information to be filed with the county auditor by civil taxing units; presentation of information to county board of tax adjustment; carryover of appropriations if budget, rate, and levy not set

Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

(1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) November 1 if a resolution adopted under section 5.6(d) of this chapter is in effect.

(2) The proper officers of all other political subdivisions that are not school corporations, not later than November

1st

The date no longer conforms to Indiana Code nor current Council practice

2.04.080 Parliamentary authority.

All meetings of the council and its committees shall be conducted in accordance with the procedures set forth in "Robert's Rules of Order" except where a different procedure is required by state law, this chapter, or other ordinances of the city. A majority of the members of the council shall decide all matters of procedure not covered by the authorities stated in this section.
(Ord. 79-97 § 2 (part), 1979).

2.04.090 Amendment and suspension of rules.

These rules may be amended only by adopting an amending ordinance. These rules may be suspended by a two-thirds vote of the members of the council. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule. The power to suspend these rules shall not apply to rules which are required by state or federal statutory or constitutional law.
(Ord. 79-97 § 2 (part), 1979).

2.04.100 Convening meeting--Quorum.

(a) The presiding officer shall take the chair at the hour designated for convening and shall call the members to order. The roll shall then be called by the city clerk who shall enter in the minutes of the meeting the names of the members present.

(b) A majority of the members of the council shall constitute a quorum. If the roll call establishes that a quorum is present, the presiding officer shall proceed in the manner and order prescribed by this chapter. In the absence of a quorum, the members present may, by a majority vote of those present, adjourn, set a time at which to adjourn, take a recess, or direct the sergeant-at-arms to procure the attendance of the absent members.
(Ord. 79-97 § 2 (part), 1979).

Note: This appears inconsistent with conduct of Staff/Council Internal Work Session where members often meet without a quorum. Robert's Rules of Order, which serves as our guide for Council procedure in the absence of any other one, presumes that a quorum constitutes a majority of the deliberative assembly, but acknowledges that the deliberative body may follow another practice if it is in their bylaws.

2.04.110 Seating of members.

Members shall occupy the seats assigned them by the presiding officer, but any two or more members may exchange seats by joining in a written memorandum to that effect. (Ord. 79-97 § 2 (part), 1979).

2.04.120 Limits on debate.

No member shall speak more than once upon a question until every other member has had the opportunity to speak. The council may, before debate begins, decide by a two-thirds vote of all members to set time limits on debate upon a particular pending question, but time spent in answering questions shall not be counted against the speaker. (Ord. 79-97 § 2 (part), 1979).

2.04.130 Absence from meeting--Leaving meeting in session.

No member shall be absent from a properly convened meeting of the council without notifying the city clerk. Any member desiring to be excused while the council is in session shall notify the presiding officer. (Ord. 79-97 § 2 (part), 1979).

2.04.140 Orderliness of members.

Members shall confine their remarks to the question under consideration and avoid personalities. (Ord. 79-97 § 2 (part), 1979).

2.04.150 Conflict of interest.

In the event a council member would be required to take any action that would directly affect a financial interest of the member other than an interest of a minimal nature or an interest that is not distinct from that of the general public, the member shall either explain the potential conflict and ask that he be excused from voting, deliberating, or taking action on the matter, or shall explain the potential conflict and state why he is able to participate fairly, objectively, and in the public interest despite the potential conflict. (Ord. 79-97 § 2 (part), 1979).

2.04.160 Expressing dissent.

Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons entered into the record. Such dissent or protest shall be in respectful language and may be filed in writing and presented to the council not later than the next regular meeting following the date of passage of the ordinance or resolution.

(Ord. 79-97 § 2 (part), 1979).

2.04.170 Violation of rules.

If any member, in speaking or otherwise, transgresses the rules of the council or the limits of debate, the presiding officer or any other member may call the member to order and that member shall immediately surrender the floor. The council shall, if there is an appeal by the member called to order, decide the question without debate. Only if the decision is in favor of the member called to order shall the member be at liberty to proceed.

(Ord. 79-97 § 2 (part), 1979).

2.04.180 Address on personal privilege.

The right of a member to address the council on a question of personal privilege shall be limited to cases in which integrity, character, or motives are assailed, questioned, or impugned.

(Ord. 79-97 § 2 (part), 1979).

2.04.190 Expulsion of member.

The council shall have the power to expel any of its members for violation of official duty, including gross neglect, and it may declare the seat of any member vacant by reason of disability to perform official duties. The council shall in such cases first, by resolution, direct the city attorney to draw up a bill of impeachment setting forth the charges and alleged conditions of disability, after which the council shall in special session try the charges, following in such trial the rules of courts of law as closely as possible. A vote of two-thirds of the members of the council shall be required to expel a member or vacate a member's seat.

(Ord. 79-97 § 2 (part), 1979).

2.04.200 Investigatory powers--Removal of officers.

The council shall have the power to supervise and investigate all departments, officers, and employees of the government of the city and to remove any officer or employee against whom charges are sustained. Investigations shall be conducted in accordance with the rules and procedures set forth in state law. A vote of two-thirds of the members of the council shall be required to impeach or remove an officer or employee.

(Ord. 79-97 § 2 (part), 1979).

Article III.

Committees

2.04.210 Standing committees--Establishment.

To facilitate the transaction of business, the council may by resolution establish standing committees and define the duties and responsibilities of each committee. If such committees are established, the presiding officer shall appoint at least three council members to each committee, observing the preference of each member as closely as possible, and shall appoint a chairperson for each committee. Legislation and questions before the council may be referred for investigation and report to the standing committees and the committees may investigate other areas within their jurisdiction. All council members may attend the meetings of any standing committee, but only those members who have been appointed to the committee shall be permitted to vote on questions before the committee. The council may create or abolish standing committees by adoption of subsequent resolutions. (Ord. 79-97 § 2 (part), 1979).

2.04.220 Standing committees--Meetings.

A committee shall meet on call of its chairperson or any two of its members. Notice shall be communicated by the city clerk, who shall keep a record of such notices. A majority of the membership of a committee shall constitute a quorum, which shall be necessary to conduct the business of the committee. The chairperson may act as secretary of the committee or the committee may appoint a secretary, who shall keep a memorandum of the proceedings and the recommendations made at the committee meeting. In committee meetings the rules of debate shall be relaxed in order to encourage discussion but general procedural decorum shall prevail. (Ord. 79-97 § 2 (part), 1979).

2.04.230 Standing committees--Reports.

(a) The reports of standing committees shall be in writing and signed by a majority of the committee. Documents referred to the committee shall be returned with the report.

(b) Matters or questions referred to standing committees shall normally be reported back to the council not later than the second regular session after being referred to the committee, but the council may extend the time for reporting. When a committee to which a matter or question has been referred with instructions to report at a specific time is not ready to report at that time, the matter referred shall, unless further time is granted, be considered as though reported back without recommendation.

(c) The council may agree by majority vote to discharge any committee from further consideration of any matter referred to it. The matter referred shall be brought back before the council and take its proper place in the order of business.

(d) When an ordinance or resolution is reported back from a committee with recommendations, the recommendation of the committee shall have no force unless adopted by the council at a properly convened session.

(e) Any member of a committee may file a minority report and may move that the minority report be substituted for the recommendations of the majority.
(Ord. 79-97 § 2 (part), 1979).

2.04.240 Special committees.

Any three council members or the presiding officer may form a special committee for any specific purpose proper for council consideration. The committee shall cease to function when it has completed its duties and made a report or recommendation to the council.

(Ord. 79-97 § 2 (part), 1979).

Note: This is the provision which dictates the conduct of Rules Committee

2.04.250 Committee of the whole.

Ord12-10 - §1



(a) With the exceptions noted in this section, the council ~~shall~~ **may** resolve itself into a committee of the whole ~~on the second and fourth Wednesday of each month at seven thirty p.m. local time~~ to consider ordinances, resolutions, or other matters with the freedom of committee procedures. The council may decide by majority vote to cancel any such committee meeting or to meet at an alternative date and time. The council may by majority vote resolve itself into a committee of the whole at any other time and for any other legitimate purpose.

Ord12-10 - §2 *(Note: This sentence was modified and moved to the last sentence in BMC 2.04.255(b))*



~~The council shall not meet as a committee of the whole on legal holidays as enumerated in Indiana Code 1-1-9-1 during the month of August, on the Wednesday evening immediately before Thanksgiving Day, or on the fourth Wednesday in December.~~

(b) Whenever the council resolves itself into a committee of the whole the presiding officer shall leave the chair. Chair of the committee meetings scheduled for Wednesday evenings and city budget hearings shall rotate by alphabetical order among all councilmembers except the council president and such rotation will be tracked by the city clerk. Should a councilmember be unable to attend a committee meeting the next member on the rotation shall preside and the rotation shall proceed from that point. The council president will designate the chair for any unscheduled committee meetings.

(c) When the council resolves itself into the committee of the whole, the rules of the council shall govern except that:

(1) The committee of the whole may consider only matters and questions referred to it, and the only motions in order shall be to amend or adopt, or that the committee rise and report;

(2) No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;

(3) Interested citizens may be heard on the question under consideration if they address the chair and ask permission to speak;

(4) The previous question may not be moved;

~~(5) The ayes and noes shall not be recorded; and~~

~~(6)~~(5) The clerk shall keep a memorandum of proceedings and recommendations **in a manner consistent with I.C. 5-14-1.5-4**, ~~but shall enter into the minutes of the meeting only the recommendations agreed to by the committee of the whole.~~

(d) When the committee of the whole rises, the presiding officer of the council shall resume the chair, and the chairperson of the committee shall report its recommendations to the council. The question shall then be on agreeing the recommendations of the committee and adopting the action or measures recommended. (Ord. 79-97 § 2 (part), 1979).

Ord12-10 § 3

► New

2.04.255 Committees--Scheduling

(a) Meetings of standing committees or the committee of the whole convened to consider legislation referred by the Council shall meet on the second or fourth Wednesdays of the month. Motions for referral to a standing committee shall be entertained before a motion for referral to the committee of the whole and shall include the approximate time at which the committee will convene.

(1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any Council members may attend any meeting.

(2) Such standing committee meetings shall not begin before five thirty p.m. or after nine forty-five p.m.

(3) Such meetings of the committee of the whole shall convene at seven thirty p.m. local time.

Ord12-10 - §3 *(Note: This sentence was modified and moved from the last sentence in BMC 2.04.250(a))*

to here and changed as follows)

(b) ~~The A~~ council **committee** shall not meet ~~as a committee of the whole~~ on legal holidays as enumerated in Indiana Code 1-1-9-1 during the month of August, on the Wednesday evening immediately before Thanksgiving Day, or on **or between** the fourth Wednesday in December **and New Year's Eve**.

Article IV.

Ordinances and Resolutions

2.04.260 Ordinances--Title and enacting clause.

Each ordinance to be submitted to the council shall have a title indicating the nature of the subject matter and an enacting clause in substantially the following style: "Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:." (Ord. 79-97 § 2 (part), 1979).

2.04.270 Ordinances and resolutions--Filing and copies.

Each ordinance or resolution submitted to the council shall be typewritten, accompanied by any relevant documents, and filed with the city clerk at least two weeks before the meeting at which the legislation is to be introduced. The president shall approve the agenda and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and city attorney. (Ord. 83-15 § 1 (part), 1983).

Note: The second sentence has been construed to give the president the power to decide what appears on the agenda and the order it appears. Along with conforming code with current practice, the proposed changes would give the president the power to extend council deliberations on an item by referring a piece of legislation to the next two (rather than just the very next) regularly scheduled Committee of the Whole.

Proposed Change:

2.04.270 Ordinances and resolutions—Filing, ~~and~~ copies and agendas.

Each ordinance or resolution submitted to the council shall be ~~typewritten~~ **in an editable, electronic form**, accompanied by any relevant documents, and filed with the ~~city clerk~~ **council office** at least ~~two weeks~~ **ten days** before the meeting at which the legislation is to be introduced. **That time frame may be extended by a vote of the Council or at the request of the president.** The president shall approve the agendas **for committees of the whole, regular sessions and special sessions called by the president or voted upon by the**

council and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and ~~city attorney~~ **corporation counsel**. **The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled Regular Session.**

(Ord. 83-15 § 1 (part), 1983).

2.04.280 Ordinances and resolutions--Synopsis required.

(a) Each ordinance and resolution submitted to the council shall be accompanied by a short, nontechnical synopsis of the legislation which is comprehensible to the average citizen and suitable for publication. The council staff may edit the synopsis to clarify information or standardize format.

(b) The edited synopsis shall be read whenever the legislation it accompanies is introduced at a council meeting for first or second reading and it shall become a part of the official record, but shall not have the legal effect of being part of the legislation.
(Ord. 79-97 § 2 (part), 1979).

2.04.290 Ordinances and resolutions--Fiscal impact statement required.

(a) Any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement. The statement shall describe the effect of the legislation on the financial condition of the city government and shall become a part of the official record of the legislation.

(b) The fiscal impact statement shall be submitted on a form provided by the council staff and shall set forth in as much detail as possible all fiscal data relevant to the legislation, including the effect on the costs and revenues of city government, the funds affected, and factors which could lead to significant additional expenditures in the future.

(c) The fiscal impact statement shall be prepared by the city agency submitting the legislation and shall carry the signature of the responsible city official. If the legislation directly affects city funds, the controller shall complete that part of the statement dealing with information on the funds affected by the legislation. The council staff may edit the statement to clarify information and ensure accuracy and completeness.

(d) The city agency submitting the legislation shall be responsible for determining whether the legislation will have a major impact on the city's financial condition. If the agency determines that the legislation will not have a major fiscal impact, the agency shall submit a fiscal impact statement stating its conclusion and the

basis for it.

~~(e) In the event that a fiscal impact statement is not submitted or the statement states that there is no major fiscal impact, the council staff or any member of the council may request a statement before a final vote is taken by the council. The council shall then either decide, by a two-thirds vote of the members, to accept the statement as submitted or postpone the legislation until the statement is prepared.~~

Note: The meaning and practical effect of this provision is unclear and its removal would allow the usual "majority" rather than a super-majority of the Council to resolve the course of deliberations on that particular piece of legislation.

(f) The council may adopt rules and regulations to effectuate the purposes of this section.

(Ord. 79-97 § 2 (part), 1979).

2.04.300 Ordinances and resolutions--Readings required.

(a) Every ordinance shall be given two readings before a vote may be taken on its passage and no ordinance shall be passed on the same day or at the same meeting as it is introduced except by unanimous consent of the members present, at least two-thirds of the members being present and voting. An ordinance may not be debated or amended at its first reading or introduction unless state or federal requirements provide otherwise.

(b) At each reading of an ordinance the synopsis shall be read and the clerk shall read the ordinance by title only, provided there is unanimous consent.

(c) Each resolution submitted to the council shall be read by title only provided there is unanimous consent.

(Ord. 79-97 § 2 (part), 1979).

2.04.310 Ordinances and resolutions--Vote required.

A majority vote of the members of the council shall be necessary to adopt any resolution, order or ordinance, unless state or federal requirements provide otherwise.

(Ord. 83-15 § 1 (part), 1983).

2.04.320 Ordinances and resolutions--Public inspection and publication.

(a) For purpose of public inspection, the city clerk shall mail copies of ordinances to the Monroe County Public Library within twenty-four hours after first reading. The clerk shall also mail copies of resolutions there as well prior to their being considered by the council.

(a) For purpose of public inspection, the city clerk shall ~~mail~~ **provide** copies of ordinances **and resolutions** to the Monroe County Public Library ~~within~~ **no later than** twenty-four hours after ~~first reading. The clerk shall also mail~~ **copies of resolutions there as well prior to their being considered by the** ~~legislation has been introduced at~~ the council.

(b) Copies of proposed legislation shall be made available to the public prior to and during meetings when the legislation is being considered.

(c) All ordinances and resolutions passed by the council shall be recorded by the clerk and due proof of publication of all ordinances requiring publication shall be obtained by the clerk and attached to the original ordinance. Ordinances and resolutions shall be made available for public inspection and copying at all times during regular business hours.

(Ord. 92-4 § 2, 1992; Ord. 79-97 § 2 (part), 1979).

2.04.330 Ordinances and resolutions--Amendment.

The following rules shall govern the council when considering proposals for amendment of ordinances and resolutions:

- (1) All amendments to resolutions and ordinances must be reduced to writing before they may be considered to be properly before the council;
- (2) An amendment must be germane to the proposition to which it is to apply;
- (3) A primary amendment may be amended, but a secondary amendment (an amendment to an amendment) may not be amended;
- (4) When adopted, an amendment merely modifies the proposition or question to which it applies and the question before the council is then the consideration of the proposition or question as amended;
- (5) An amendment once rejected may not be moved again in the same form in the same meeting of the council without first reconsidering the vote by which the amendment was defeated.

(Ord. 79-97 § 2 (part), 1979).

Note: The Rules Committee reviewed but decided not to change this provision. Of particular concern was the effect of last-minute amendments on Council deliberations.

2.04.340 Ordinances--Repeal or modification.

Whenever an ordinance or a part of an ordinance is repealed or modified by a subsequent ordinance, the part of an ordinance thus repealed or modified shall continue in force until due publication of the ordinance when required, unless otherwise expressly provided. No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed, and recovered as fully as if such ordinance had continued in force, unless it shall be otherwise expressly provided.

(Ord. 79-97 § 2 (part), 1979).

2.04.350 Veto procedure.

(a) In the event the mayor disapproves any ordinance, order, or resolution requiring mayoral approval, such ordinance, order, or resolution shall not become law unless at the next properly convened meeting or special meeting held at least ten days following presentation of the ordinance, order, or resolution to the mayor, the council again passes the ordinance, order, or resolution by two-thirds vote of all members of the council.

(b) Further, in conformance with Indiana Code 36-7-4-609 "Vote Required for Legislative Action," as amended, each zoning ordinance adopted by the city under Indiana Code 36-7-4-606, 36-7-4-607, or 36-7-4-608 may be vetoed by the executive of the city. The executive must exercise the veto:

- (1) In a case in which the legislative body adopted (as certified) the proposal, within ten days after the legislative body acts;
- (2) In a case in which the legislative body amends the proposal and the plan commission approves the amendment or fails to act, within fifty-five days after the proposal is returned to the plan commission for its consideration;
- (3) In a case in which the legislative body amends the proposal and confirms its original amendment by another vote, within ten days after the legislative body confirms its original amendment; or
- (4) In a case in which the proposal is to take effect because of the legislative body's failure to act within a period of days, within ten days after the expiration of that period.

(c) If a city zoning ordinance is not vetoed under subsection (b), it takes effect without any action being taken by the executive of the city.

(d) If a city zoning ordinance is vetoed under subsection (b), it is defeated unless the city legislative body, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds vote. (Ord. 89-14 § 1, 1989; Ord. 86-57 § 1, 1986; Ord. 83-15 § 1 (part), 1983).

Article V.

Proceedings and Motions

2.04.360 Voting procedure.

(a) All votes upon the passage of ordinances and resolutions, upon motions to suspend the rules, and upon motions to reconsider shall be by roll call vote. Any two members may demand a roll call vote upon any question to be voted upon by the council and when such demand is made the clerk shall call the roll.

(b) The council may by a majority vote of the members present adopt any method for tabulating the vote, including a random or alphabetical order of calling the roll.

(c) During a roll call vote on any question, it shall be out of order for any member to offer remarks as the member is voting other than a short and concise explanation of his vote. After a roll call vote, it shall be out of order for any member to offer any remarks on the question that had been voted upon.

(d) Members shall vote on all questions before the council except in situations where there is a conflict of interest or for other good cause. If a member fails to vote upon any matter, any other member may raise the question and insist that the member either vote or state the reason for not voting and be excused.

(e) Any member may change a vote before the result is announced, and afterwards by leave of the council provided that the change will not affect the result. In no case shall a member absent when the question is put be allowed to vote after the result is announced. (Ord. 79-97 § 2 (part), 1979).

2.04.370 Appointments to boards and commissions.

Vacancies on boards and commissions to be filled by the council shall be filled by a majority vote of the members in a properly convened session of the council.

(Ord. 79-97 § 2 (part), 1979).

2.04.380 Order of business at Regular Sessions.

The council shall transact its business in the following order, but it may by majority vote amend the normal order of business and time limits set forth below:

- (1) Roll call;
- (2) Agenda summation;
- (3) Approval of minutes;
- (4) Reports (A maximum of twenty minutes is set aside for each part of this section.):
 - (A) Council members,
 - (B) The mayor and city offices,
 - (C) Council committees, and
 - (D) Public *;
- (5) Appointments to Boards and Commissions;
- (6) Legislation for second readings and resolutions;
- (7) First readings;
- (8) Additional Reports from the Public * (A maximum of twenty-five minutes is set aside for this section of the agenda.);
- (9) Council Schedule;
- (10) 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.

2.04.390 Motions generally.

(a) When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated. The name of the member making the motion or offering any business shall be entered into the minutes.

(b) A motion may be withdrawn by the maker, but if there is any objection to the withdrawal, it may not be withdrawn until a motion to that effect has been passed.

(c) Every motion except procedural motions shall be reduced to writing upon request of any members.

(Ord. 79-97 § 2 (part), 1979).

Note: Some procedural motions are complicated to record and have significant ramifications. This change allows any member of the Council or City Clerk to request that any motion be reduced to writing.

(c) ~~Every~~ A motion ~~except procedural motions~~ shall be reduced to writing upon request of any members **or the City Clerk.**

2.04.400 Motions when question is under debate.

When a question is under debate, no motion other than pertinent incidental motions shall be entertained except to adjourn or recess, to lay on the table, for the previous question, to postpone for a definite time, to refer to committee, to amend, or to postpone indefinitely, which motions shall have precedence in the order above named and only the motions to postpone for a definite time, to refer to committee, to amend, and to postpone indefinitely shall be debatable.

(Ord. 79-97 § 2 (part), 1979).

2.04.410 Motion for the previous question.

The motion for the previous question shall only be admitted when demanded by a two-thirds vote, and until it is decided, shall preclude all further amendments and debate of the main question. The effect of the previous question shall be to bring the council to a vote on the immediate question under discussion.

(Ord. 79-97 § 2 (part), 1979).

2.04.420 Motion to adjourn or recess.

(a) A motion to adjourn or recess shall be decided without debate and shall be in order at any time, except when it is repeated without intervening business or discussion, when a member is speaking, when the previous question has been ordered, or during roll call. A motion to recess shall take precedence over a motion to adjourn.

(b) No legislation may be introduced for council action after 10:30 p.m. local time without a two-thirds vote of the members of the council.

(Ord. 79-97 § 2 (part), 1979).

Note: this indirectly affects the Council Schedule and would be where new language about extending a meeting would likely belong.

2.04.430 Division of question.

Any member may move that a question under consideration covering two or more distinct propositions be divided. If the motion is adopted by a majority of the members present, the question shall be divided.

(Ord. 79-97 § 2 (part), 1979).

2.04.440 Motion to table.

A motion to lay a question under consideration on the table shall take precedence over all amendments or debate of the question. Any matter laid on the table may be taken up by a vote of the council at any meeting after the meeting at which it is tabled. The motion to table may not be debated.
(Ord. 79-97 § 2 (part), 1979).

2.04.450 Motion to postpone indefinitely.

If a motion to postpone indefinitely is adopted or a motion to reconsider a negative vote has been laid on the table, the main question shall be declared defeated and removed from before the council for that session.
(Ord. 79-97 § 2 (part), 1979).

2.04.460 Motion to reconsider.

When any question has been decided in the affirmative or negative, any member voting with the majority may move a reconsideration of the vote before adjournment. Concurrence of a majority of the members present shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is defeated, it shall not again be entertained.
(Ord. 79-97 § 2 (part), 1979).

Article VI.

Council Districts

~~2.04.500 Definition of councilmanic districts.~~

~~The city is hereby divided into six councilmanic districts which shall be known as the First District, Second District, Third District, Fourth District, Fifth District, and Sixth District, which districts are hereby established as follows:~~

~~FIRST DISTRICT: The First Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 87-27, as adopted on January 29, 1988, the legal descriptions of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~———— (a) ——— Bloomington Township Precincts 2, 3, 16, 17 and 23~~

~~———— (b) ——— Perry Township Precinct 1~~

~~———— (c) ——— Van Buren Township Precincts 2 and 7~~

~~———— (d) ——— All that part of the City lying in Van Buren and Richland Townships.~~

~~SECOND DISTRICT: The Second Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 89-27, as adopted on January 29, 1988, the legal descriptions of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~Bloomington Township Precincts 4, 5, 13, 24, 25, 26 and 27~~

~~THIRD DISTRICT: The Third Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 89-27, as adopted on January 29, 1988, the legal description of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~———— (a) ——— Bloomington Township Precincts 6, 11, 14, 19, 28 and 29~~

~~———— (b) ——— Perry Township Precinct 11~~

~~FOURTH DISTRICT: The Fourth Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 89-27, as adopted on January 29, 1988, the legal descriptions of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~———— (a) ——— Bloomington Township Precincts 12, 15 and 31~~

~~———— (b) ——— Perry Township Precincts 4, 12, 13, 16, 23, 24 and 25~~

~~FIFTH DISTRICT: The Fifth Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 89-27, as adopted on January 29, 1988, the legal descriptions of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~Perry Township Precincts 3, 5, 6, 17, 18, 19, 21, 22 and 26~~

~~SIXTH DISTRICT: The Sixth Councilmanic District shall consist of the following designated precincts as they are established by the Monroe County Ordinance 89-27, as adopted on January 29, 1988, the legal descriptions of which are attached to the ordinance codified in this section and made a part hereof as "Exhibit A."~~

~~———— (a) ——— Bloomington Township Precincts 1, 9, 10, 18 and 30~~

~~———— (b) ——— Perry Township Precincts 2, 14 and 28
(Ord. 93-10 § 1, 1993; Ord. 92-63 § 1, 1992; Ord. 90-44 § 2, 1990).~~

2.04.510 Repeal of former council districts.

~~The district boundaries established under Section 2.04.500 of this code replace and supersede council boundaries established by all previous ordinances. (Ord. 90-44 § 3, 1990).~~

RESOLUTION 13-07

STANDING COMMITTEES OF THE COMMON COUNCIL – Re: To Affirm All Active, Dissolve All Inactive, and Establish One New Standing Committees

- WHEREAS, the Council Rules Committee was convened last year by 2012 Council President Timothy Mayer and continued into 2013 by current Council President Darryl Neher;
- WHEREAS, among other matters, the Rules Committee reviewed the operation of Council committees, and has made recommendations to the full Council to conform local legislation with current practice and to improve current practice; and
- WHEREAS, BMC 2.04.210 (Standing Committees – Establishment) provides, in part, that “the council may by resolution establish standing committees and define the duties and responsibilities of each committee. If such committees are established, the presiding officer shall appoint at least three council members to each committee, observing the preference of each member as closely as possible, and shall appoint a chairperson for each committee”; and
- WHEREAS, on January 16, 2013, the Council adopted Resolution 13-04, which was brought forward by the Rules Committee and proposed the consolidation of twenty-four, three-member Council board and commission interviewing and nominating committees into three such, three-member standing committees; and
- WHEREAS, in addition to the three aforementioned Standing Committees, the Rules Committee affirmed that there is one other active Standing Committee – the Jack Hopkins Social Services Funding Program Committee, which was enabled by Resolution 02-16 (as modified by subsequent annual allocation resolutions) to make recommendations to the full Council regarding allocation of certain local social services funds and is composed of five members from the Council assigned by the President of the Council and with as many as two members added by the Committee from other City entities; and
- WHEREAS, the Council Sidewalk Committee is composed of four Council members and has met annually for almost 20 years to recommend the allocation of a portion of Alternative Transportation Fund monies for sidewalk and traffic-calming projects; and
- WHEREAS, along with the aforementioned Standing Committees, the Rules Committee concluded that the Council Sidewalk Committee deserves the status of Standing Committee and has been composed of four members of the Council who were appointed by the President of the Council; and
- WHEREAS, given the existence of inactive standing committees established by the Council over the years, the names and number of which are unknown, the Rules Committee recommends that all Standing Committees not specifically mentioned herein shall be dissolved until such time as the Council decides to establish them by the adoption of a resolution;

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

SECTION 1. The Common Council hereby affirms the existence of the following active Standing Committees:

- (a) Council Board and Commission Interviewing and Nominating Committees “A,” “B,” and “C” established with the adoption of Resolution 13-04; and
- (b) The Jack Hopkins Social Services Funding Program Committee established by Resolution 02-16 (as modified by subsequent annual allocation resolutions).

SECTION 2. The Common Council hereby establishes the Council Sidewalk Committee as a Standing Committee of the Council. This Committee shall be composed of four members of the Council and shall make recommendations to the full Council on the use of Alternative Transportation Fund monies specifically budgeted for Council recommended sidewalk and traffic-calming projects.

SECTION 3. The Common Council hereby dissolves any Standing Committees of the Council not specifically authorized herein until such time as the Council decides to establish such committees by resolution.

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.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

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 _____, 2013.

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution brings forward recommendations from the 2012-2013 Council Rules Committee to conform legislation with current committee practices by affirming four active, establishing one new, and dissolving all inactive Council Standing Committees. In particular, the resolution affirms Council Board and Commission Interviewing and Nominating Committees "A," "B," and "C" along with the Jack Hopkins Social Services Funding Program Committee as Council Standing Committees. It also establishes the Council Sidewalk Committee as a new Standing Committee and dissolves all other Standing Committees which, as a matter of practice, have not been convened in over fifteen years.