



**City of Bloomington
Common Council
Legislative Packet**

Wednesday, 18 July 2012

*Please consult the [Legislative Packet](#) issued in interest of the
03 July 2012 Common Council meeting for legislation and background material*

All other material for this week's Council meeting is contained herein.

Office of the Common Council
P.O. Box 100
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Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:

None

Legislation for Second Reading:

- **Ord 12-16** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District - Re: Elm Heights Historic District (Bloomington Historic Preservation Commission, Petitioner)
 - **Am 01 (Spechler)** – To Remove Jacobs Property from the Historic District - *Forthcoming*
Contact:
Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Please see the [Weekly Legislative Packet](#) for the 3 July 2012 Regular Session for the legislation, summaries, and related materials

Legislation and Background Material for First Reading:

Introductory Material for Res 12-10 and Res 12-11

- Memo to Council from Margie Rice, Corporation Counsel
- *Contact:*
 - *Margie Rice at 349-3426 or ricem@bloomington.in.gov*
- **Res 12-10** To Adopt a Nepotism in Contracting Policy in Conformance with State Law
- **Res 12-11** To Adopt a Nepotism in Employment Policy in Conformance with State Law

Minutes from Regular Session:

- July 3, 2012

Alert to Meetings the Following Week

- Departmental Budget Hearings Begin Week After Next (at 6:00 p.m. Monday – Thursday)

Memo

Two Meetings Next Wednesday Night (July 18th) – Regular Session (with One Ordinance Ready for Second Readings) Immediately Followed by a Committee of the Whole (with Two Resolutions Ready for Discussion)

There are two meetings next Wednesday night. The first is a Regular Session where **Ord 12-16** (Establishing the Elm Heights Historic District) is ready for second reading and where no items are ready for first reading. The one ordinance can be found online as indicated in the first page of this memo. The second meeting is a Committee of the Whole, which will immediately follow the first meeting and will include discussion of two resolutions. Those resolutions can be found in this packet and are summarized herein.

Elm Heights Historic District – Amendment to Remove the Jacobs Property Anticipated

Councilmember Spechler expressed an interest in sponsoring an amendment that would remove the Jacobs property from this historic district. While I believe the Council has authority to amend the ordinance without anything more than a written amendment, I have asked City Legal for their opinion. With that in mind, you can anticipate an amendment for next week's meeting to be distributed before Wednesday.

Resolutions for Discussion at the Committee of the Whole

Two resolutions are coming forward for consideration at the Committee of the Whole next week. They are intended to bring the City in conformance with an anti-nepotism law (HEA 1005) which went into effect on July 1st and requires localities

to adopt policies that are at least as strict as the ones set forth in statute.¹ Please note that failure to adopt and implement these policies will result in very harsh penalties for non-complying entities – To wit: non-approval of the ensuing calendar year’s annual budget and additional appropriations.

Res 12-10 concerns nepotism in contracting and **Res 12-11** concerns nepotism in employment.

Both resolutions share the same definition of “relative,” which means a(n):

- spouse
- parent or stepparent
- grandparent
- brother, sister, step-siblings, and siblings sharing one parent (half-blood siblings)
- daughter (and son) -in-law
- brother (and sister) -in-law
- aunt and uncle
- cousin
- mate
- registered domestic partner
- child or stepchild (including adopted ones)
- niece or nephew

In addition, there are two other requirements set forth in both resolutions:

- First, every elected official² must file a certification with the City Clerk³ by the end of the year, which states, under penalty of perjury, that the official has complied with the policy;
- Second, the Mayor must include in the Annual Report, which is already required to be filed with the State Board of Accounts, a statement whether the City has implemented a policy under IC 36-1-21 (Contracting with a Unit) and IC 36-1-20.2 (Anti-Nepotism).

¹ Please note that this law also no longer allows City employees to serve as elected officials of the City.

² Please note that the City Clerk is not considered an elected official for purposes of the anti-nepotism in contracting provisions per IC 36-1-21-2.

³ Please note that the City Clerk will relay those certifications by the end of the year to the Mayor in accordance with IC 36-1-20.2-16 and IC 36-1-21-6.

Res 12-10 - Anti-Nepotism in Contracting

Currently the only policy the City follows in regard to nepotism in contracting is the conflicts of interest provision under IC 35-44-1-3.⁴ This statute prohibits public servants from having a “pecuniary interest” in contracts or purchases of the entity they serve unless, in certain cases, they disclose the conflict. Please note that it applies to “dependents”⁵ and not “relatives.”

The new law and local policy now:

- allow the City to enter into or renew a contract ⁶ for:
 - the procurement of goods and services; or
 - public works;
- when a party to the contract is:
 - an individual who is a relative of an elected official ⁷; or
 - is an entity wholly or partially owned by a relative of an elected official;
- but only if certain conditions are met.

Those conditions are multi-fold:

- First, the elected official must file with the City a full disclosure, which must:
 - be in writing and be affirmed under penalty of perjury;
 - describe the contract or purchase as well as the relationship of the elected official with the party to the contract or purchase;
 - be submitted and accepted by the Common Council at a public meeting before final action on the contract or purchase; and
 - be filed with the State Board of Accounts and Monroe County Clerk of the Courts no later than 15 days after final action on that contract or purchase.
- Second, the appropriate City entity must provide a certified statement regarding the contract or purchase that either states:
 - that the price was the lowest amount or price bid or offered; or
 - the reasons why the vendor or contractor was selected.

⁴ IC 35-44-1-3 was repealed and recodified as IC 35-44.1-1-4 this year by P.L.126-22012, Section 54.

⁵ IC 35-44.1-1-4 defines dependents to include spouses, unemancipated children under the age of 18, and persons living in the household with more than one-half of their support provided by the public servant.

⁶ Please note that this prohibition does not apply to the initial term of contracts in effect at the time the elected official enters office.

⁷ Please note that IC 36-1-21-2, by definition, excludes the City Clerk as an elected official.

- Third, the City must satisfy any other requirements under IC 5-22 (Public Purchasing) or IC 36-1-12 (Public Works Contracts).
- Fourth, the elected official must comply with IC 35-44-1-3 if applicable (which, as noted above, sets forth the conflict-of-interest and disclosure provisions that are now found under IC 35-44.1-1-4).

Res 12-11 – Anti-Nepotism in Employment

Currently the written policy of the City prohibits members of an employee’s “family” from being “employed in situations where one member is in a position of supervision and control over the other.”⁸ The definition of family is not as broad as the statute in that it does not include half-blood siblings, aunts, uncles, and cousins.

HEA 1005 sets forth a policy that prohibits employees of the local governmental units from being in “direct line of supervision” of another relative. As you will see below, the City has decided to adopt a policy that largely comports with current practice and is more strict than that set forth in statute.

The relevant definitions include:

- “Employed” which means individuals who are:
 - employed by the City on a full-time, part-time, temporary, intermittent, or hourly basis or under an employment contract; but
 - not holding an elected office with the City;
- "Direct line of supervision" which means:
 - an elected officer or employee who is:
 - in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation;
 - but those decisions do not include ones made by the executive, legislative body, or fiscal body of the City, as provided by law, regarding salary ordinances, budgets, or personnel policies of the City.

⁸ Section 4.12 of the City Personnel Manual

There are three exceptions (or exemptions) to the State prohibition for:

- individuals who are employed by the governmental unit on July 1, 2012 and do not suffer a “break”⁹ in employment; and
- individuals who are employed with the governmental unit after July 1, 2012 and work for the governmental unit at the time a relative begins serving a term in an elected office within that governmental unit, as long as the employee is not promoted (unless the promotion is through a merit system within the Police and Fire department and not contrary to other provisions of this law); and
- individuals who are parties to an employment contract in effect at the time a relative takes office as an elected official;¹⁰

In a step more stringent than State law and without regard to actual lines of reporting, local policy prohibits (with certain exceptions) all regular full- and part-time employees from being hired to work:

- in the same division as another relative; or
- in the case of departments without divisions, in same department as another relative.

There are, however, two exceptions to the local policy:

- First, given the unique nature of our Fire and Police departments (with three shifts which equate to separate divisions and a culture of relatives serving in same profession), local policy excepts hiring in those departments from this rule as long as the hiring complies with State prohibition against hiring relatives within a direct line of supervision;
- Second, the Mayor may, given extenuating circumstances, approve a hiring decision that comports with State law, but not local rule.

Please note that local policy requires the Director of Human Resources and Mayor to approve the hiring of a relative even if done outside of same division or department of the other relative.

⁹ A “break” in employment does not include: (1) an individual absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation; or 2) an individual's employment with the City that is terminated followed by immediate reemployment by the City, without loss of payroll time.

¹⁰ The provisions, in actuality, forbid the abrogation of those contracts.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION FOLLOWED BY COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, 18 JULY, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

REGULAR SESSION

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** 03 July 2012, Regular Session
- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
 - 1. Councilmembers**
 - 2. The Mayor and City Offices**
 - 3. Council Committees**
 - 4. Public ***

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 12-16 To Amend Title 8 of The Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: Elm Heights Historic District (Bloomington Historic Preservation Commission, Petitioner)

Committee recommendation: Do Pass 9 -- 0

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT (and immediately followed by)

COMMITTEE OF THE WHOLE

Chair: Marty Spechler

1. Resolution 12-10 To Adopt a Nepotism in Contracting Policy in Conformance with State Law

Asked to attend: Margie Rice, Corporation Counsel

2. Resolution 12-11 To Adopt a Nepotism in Employment Policy in Conformance with State Law

Asked to attend: Margie Rice, Corporation Counsel

* 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.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 16 – 21 July 2012

Monday, 16 July

12:00 pm BEAD Advisory Committee Meeting, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks
5:00 pm Utilities Service Board Meeting, Utilities Board Room, 600 E. Miller Drive
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, 17 July

11:30 am Plan Commission Work Session, Kelly
4:00 pm Bloomington Community Farmers' Market, Madison St. between 6th and 7th
4:00 pm Board of Public Safety Meeting, McCloskey
5:00 pm Commission on the Status of Children and Youth Meeting, Hooker Room
5:30 pm Board of Public Works, Council Chambers
5:30 pm Animal Control Commission, McCloskey
5:30 pm Bloomington Public Transportation Corporation Board of Directors, Public Transportation Center, 130 W. Grimes Lane

Wednesday, 18 July

12:00 pm Tree Commission, Bryan Park
1:00 pm Domestic Violence Awareness Conference Planning, Hooker Room
4:00 pm Board of Housing Quality Appeals, McCloskey
7:00 pm Council Interview Committee for Public Transportation Board, Council Library
7:30 pm Common Council Meeting *Regular Session and Committee of the Whole*, Council Chambers

Thursday, 19 July

8:00 pm Bloomington Housing Authority Board of Commissioners, BHA 1007 N. Summit, Community Room
3:30 pm Bloomington Municipal Facilities Corporation, Dunlap
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 20 July

12:00 pm Domestic Violence Task Force, McCloskey

Saturday, 21 July

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, 13 July 2012

**Res 12-10 To Adopt a Nepotism in Contracting
Policy in Conformance with State Law**

and

**Res 12-11 To Adopt a Nepotism in Employment
Policy in Conformance with State Law**

Introductory Material

**Memo to Council from
Margie Rice, Corporation Counsel**

TO: Members of Bloomington Common Council

FROM: Margie Rice, Corporation Counsel

RE: Resolution 12-10 and Resolution 12-11

DATE: 7/10/12

Recent changes in state law require that the legislative bodies of local governmental units adopt policies on nepotism. If local governments fail to do so, the state will not approve their budgets. Thus, it's imperative that you approve resolutions that comply with the new state law.

The nepotism rules apply to contracting and employment.

Resolution 12-10 provides that if the City wants to enter into a contract with a relative of an elected official, certain procedures must be followed. "Relative" is defined as the spouse, parent, step-parent, child, stepchild, adopted child, adopted stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law, son-in-law, brother-in-law or sister-in-law, cousin, registered domestic partner, mate or grandparent. "Elected official" means a member of the City Council or the Mayor.

The procedures that must be followed in such a case are as follows:

- the elected official has to file a full written disclosure with the City, under the penalty of perjury;
- the Council has to accept the disclosure at a public meeting before final action;
- the disclosure has to be filed with the state board of accounts and with the county clerk; and
- the appropriate City agency has to make a certified statement affirming that the contract amount or purchase price was the lowest amount or price bid offered or explain why the vendor or contractor was selected.

Resolution 12-11 provides that a relative of a City employee may not work under the direct supervision of that related employee. "Relative" is defined in the same way as in Resolution 12-10. In most cases, we've gone beyond what the state law requires by saying that relatives may not work in the same division of a City department regardless of reporting lines. For smaller departments without multiple divisions, relatives may not

work in the same department. Relatives may work in the same department, not division, of larger departments or for other departments only if the director of human resources and the Mayor approve, and only if doing so is otherwise in compliance with the state law. The Mayor may make exceptions to this policy if he or she believes extenuating circumstances exist that show an exception would be beneficial to the City and if such an exception would not be a violation of applicable law.

The Police and Fire Departments will have to comply only with the state law and not with our more strict policy for other departments. We've made exceptions for these two departments for historical reasons and with respect for the unique nature of these departments.

In practice, neither of these resolutions will cause major changes in how the City conducts business. The City has long adhered to a nepotism in employment policy that is very similar to what the State now requires. And the City has long gone beyond the technical requirements of the State's conflict of interest disclosure requirements. But again, it is necessary for you to put your official stamp of approval on these resolutions to comply with HEA 1005.

RESOLUTION 12-10

TO ADOPT A NEPOTISM IN CONTRACTING POLICY IN CONFORMANCE WITH STATE LAW

WHEREAS, the Indiana General Assembly adopted HEA 1005 in the 2012 Regular Session, which added IC 36-1-20.2 to the Indiana Code regarding nepotism; and,

WHEREAS, IC 36-1-20.2-9(a) requires a local unit of government to adopt a nepotism in contracting policy that includes at a minimum the requirements set out in the statute; and,

WHEREAS, the Bloomington Common Council has considered the requirements of the Act and wishes to comply with its provisions:

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

Section I. The Bloomington Common Council adopts the following policy on nepotism in contracting:

NEPOTISM IN CONTRACTING

Section 1. DEFINITIONS

A. "Relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild, including an adopted child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister, including a brother or sister by half blood.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.
- (8) A brother-in-law or sister-in-law.
- (9) A cousin.
- (10) A registered domestic partner.
- (11) A mate.
- (12) A grandparent.

B. "Elected official" means:

- (1) the Mayor of the City of Bloomington
- (2) a member of the Bloomington Common Council

Section 2 CONTRACTING POLICY

A. The City may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

B. The City may enter into a contract or renew a contract with an individual or business entity described in Subsection (A) if all of the following are satisfied:

- (1) The elected official files with the City a full disclosure, which must:
 - (a) be in writing;
 - (b) describe the contract or purchase to be made by the City;
 - (c) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - (d) be affirmed under penalty of perjury;

- (e) be submitted to the Common Council and be accepted by the Common Council in a public meeting prior to final action on the contract or purchase; and
 - (f) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
 - (i) the state board of accounts; and
 - (ii) the clerk of the circuit court in the county where the City takes final action on the contract or purchase;
 - (2) The appropriate agency of the City:
 - (a) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (b) makes a certified statement of the reasons why the vendor or contractor was selected; and
 - (3) The City satisfies any other requirements under IC 5-22 or IC 36-1-12.
 - (4) The elected official complies with the disclosure provisions of IC 35-44-1-3, if applicable.
- C. This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the City begins.

Section 3. CERTIFICATION.

- A. Each elected officer of the City shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this Policy. An officer shall submit the certification to the Clerk of the City not later than December 31 of each year.
- B. The annual report filed by the City with the State Board of Accounts under IC 5-11-13-1 shall include a statement by the Mayor of the City stating whether the City has implemented a policy under IC 36-1-21.

SECTION II. If any sections, sentence or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION III. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

TIMOTHY MAYER, 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 _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is intended to bring the City of Bloomington in compliance with newly-enacted state standards regarding nepotism in contracting. It prohibits the City from entering into contracts with relatives of elected officials unless certain conditions are met, including public disclosure, certification that the contract was the lowest bid offered or that the appropriate City agency explained why the vendor or contractor was selected and approval by the Common Council.

RESOLUTION 12-11

TO ADOPT A NEPOTISM IN EMPLOYMENT POLICY IN CONFORMANCE WITH STATE LAW

WHEREAS, the Indiana General Assembly adopted HEA 1005 in the 2012 Regular Session, which added IC 36-1-20.2 to the Indiana Code regarding nepotism in employment; and,

WHEREAS, IC 36-1-20.2-9(a) requires a local unit of government to adopt a nepotism in employment policy that includes at a minimum the requirements set out in the statute; and,

WHEREAS, the Bloomington Common Council has considered the requirements of the Act and wishes to comply with its provisions:

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

SECTION I. The Bloomington Common Council adopts the following policy on nepotism in contracting:

NEPOTISM IN EMPLOYMENT

Section 1. DEFINITIONS

A. "Relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild, including an adopted child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister, including a brother or sister by half blood.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.
- (8) A brother-in-law or sister-in-law.
- (9) A cousin.
- (10) A registered domestic partner.
- (11) A mate.
- (12) A grandparent.

B. "Employed" means an individual who is employed by the City of Bloomington on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the City.

C. "Direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the City, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the City.

D. "Member of the fire department" means the fire chief or a firefighter appointed to the department.

E. "Member of the police department" means the police chief or a police officer appointed to the police department.

Section 2 EMPLOYMENT POLICY

- A. Individuals who are relatives may not be employed by the City in a position that results in one (1) relative being in the direct line of supervision of the other relative.
- B. For regular full-time and regular part-time employees, relatives may not be hired to work within the same division of a City department irrespective of reporting lines. In the case of smaller departments without multiple divisions, relatives may not be hired to work within the same department. As long as the Police and Fire Departments otherwise comply with state law and Section 2(A) of this Policy, the Police and Fire Departments are not subject to the aforementioned restrictions on family members working within the same City department or division. Hiring the relative of a City employee to work outside of the incumbent employee's division or department requires approval of the Director of Human Resources and the Mayor or their designees. In extenuating circumstances where deemed beneficial to the City, the Mayor may approve exceptions to the aforementioned unless otherwise prohibited by state or federal law.
- C. This subsection applies to an individual who:
 - (1) is employed by the City on the date the individual's relative begins serving a term of an elected office of the City; and
 - (2) is not exempt from the application under Section 3 of this Policy.

Notwithstanding, Subsection 2(A), an individual may remain employed by the City and maintain the individual's position or rank even if the individual's employment would violate this Policy. However, an individual described in this subsection may not be promoted, unless such promotion is within the merit ranks of a merit fire or police department, if the promotion would otherwise violate this Policy.

- D. This policy does not abrogate or affect an employment contract with the City that:
 - (1) an individual is a party to; and
 - (2) is in effect on the date the individual's relative begins serving a term of an elected office of the City.

Section 3. EXEMPTIONS

- A. An individual who is employed by the City on July 1, 2012, is not subject to this policy unless the individual has a break in employment with the City. The following are not considered a break in employment with the City:
 - (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
 - (2) The individual's employment with the City is terminated followed by immediate reemployment by the City, without loss of payroll time.

Section 4. CERTIFICATION

- A. Each elected officer of the City shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this Policy. An officer shall submit the certification to the Clerk of the City not later than December 31 of each year.
- B. The annual report filed by the City with the State Board of Accounts under IC 5-11-13-1 must include a statement by the Mayor of the City stating whether the City has implemented a policy under IC 36-1-20.2.

SECTION II. If any sections, sentences or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION III. This resolution shall be in full force and effect from and after its passage by the common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

DATED this _____ day of _____, 2012.

TIMOTHY MAYER, 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 _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is intended to bring the City of Bloomington in compliance with newly-enacted state standards regarding nepotism in government employment. It prohibits City employees from directly supervising relatives and prohibits employment of relatives of City employees in other situations unless certain conditions are met.

In the Council Chambers of the Showers City Hall on Wednesday, July 3, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 3, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Sturbaum,
Absent: Volan, Granger, Spechler

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Dave Rollo commented on the unusually dry weather and the high temperatures. He said the Guardian newspaper had recently published an article that linked weather events with climate change in which the National Center for Atmospheric Research in Colorado was cited. He said extremes in temperatures and weather affected farmers most, but greater awareness might negate the effect nay-sayers on climate change.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum said that health care for all was not a radical idea but one of compassion. He said the Supreme Court decision on this issue was welcome as a step in the right direction. He said he was proud to be part of the thinking in a country that wants to have health care for everyone.

Tim Mayer said that the City Utility department was pumping water out of Lake Monroe at a rate of 24-25 million gallons a day, the maximum capacity. He said it was early in the season to have this demand, and asked people to think about this as a machine running at full speed for a long time, and warned that it would not last forever. He asked folks to let their lawns go brown and conserve water.

Julie Ramey, community relations manager for the Parks and Recreation Department, reminded the council about the online voting contest "Bark for Your Park" that would award a grand prize of \$100,000 for a dog park. She said that the city had a plan and land for a dog park and urged citizens to vote online every day to help get the award from PetSafe. Susan Sandberg asked if folks could vote twice a day, and Ramey said they could, both on Facebook and the PetSafe website.

MAYOR and CITY OFFICES

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

Kalina Gilbert talked about BloomingTeens, a not-for-profit musical theater group for Bloomington teens 12-17 and adult volunteers, with a mission of providing youth with a positive learning experience while enriching the community. She said that making the community aware of teen issues was also a goal of the project. She invited citizens to their Harmonic Hoopla performances at Rhino's and the Monroe County Public Library.

PUBLIC INPUT

There were no appointments made at this meeting.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Resolution 12-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0. It was moved and seconded that Resolution 12-08 be adopted.

LEGISLATION FOR SECOND
READING

Adam Wason, Assistant Director of the Department of Economic and Sustainable Development, asked for approval in transferring ownership of the American Recovery and Reinvestment Act Bonds. They were

Resolution 12-08 Resolution of the City of Bloomington, Indiana, Consenting to a New Borrower in Connection with the "Economic Development Recovery Zone Facility

issued for a project on South Rogers Street, and the sale of the property would necessitate the transfer of bonds from one entity to another. He said that the legal department had not found any issues regarding this transfer. He said the use of the property would remain the same.

Bonds, Series 2010 (1302 South Rogers, LLC Project), of the City and Approving Certain Amending Financing Documents in Connection Therewith

There were no council questions or public comment on this item.

Resolution 12-08 received a roll call vote of Ayes: 6, Nays: 0.

It was moved and seconded that Ordinance 12-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-1. She announced that the public comment portion of this deliberation would serve as the legally advertised public hearing on the Ordinance. It was moved and seconded that Ordinance 12-15 be adopted.

Ordinance 12-15 To Reauthorize the Cumulative Capital Development Fund

The Public Comment portion of this deliberation served as the legally advertised public hearing.

Mike Trexler, City Controller, said that the ordinance would begin the process of reestablishing the rate for the Fund and outlined the process of public hearing, advertisement and reporting on the fund reauthorization. He said that the request for this new rate needed to be filed with the Department of Local Government Finance (DLGF) by August 1st of this year. He said the DLGF would set the rate annually if the city did not request a certain rate, and thus this request. He said the current rate was 2.7 cents; the city proposal was for 5 cents, which would mean \$23 for a \$100,000 valuation, and would generate about \$750,000 additional money for the Fund. He outlined the specific allowed uses for the fund according to state statute.

Neher asked if this could be characterized as enabling legislation. Trexler said it was. Neher asked if the city was compelled to raise the rate if the ordinance passed. Trexler said it would set the cap on the rate, and that the council could then choose any rate up to that amount during the budget approval process. Neher asked Trexler to discuss the relationship between this fund and the general fund. Trexler said that this was one of five capital funds that the city used for bricks and mortar, sidewalks, streets. He said the general fund could be used for those purposes, but budgeting for operating costs has edged out any capital expenses from the general fund.

There was no public comment during this 'legally advertised public hearing' portion of deliberation.

Neher said that he had passed on his committee vote but was ready to support this ordinance because he was troubled about increasing the rate without it being tied to any specific project. He said since it was enabling legislation, he was supportive of the ability to have the discussion.

Sturbaum said the city had great needs in bike path and sidewalk work, and would like to see some of the fund used for those projects.

Sandberg said that the allowed uses for the fund are deserving of the attention of the council and said it was responsible to set the cap at this level to have the tool to use for projects the city needs.

Mayer thanked Trexler for his work in getting this ordinance developed and brought forward. He said that the city needs to develop revenues that will cover construction projects that the city needs. He said that today's needs with transportation have changed from those of twenty years ago.

Ordinance 12-15 received a roll call vote of Ayes: 6, Nays: 0.

Ordinance 12-16 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District - Re: Elm Heights Historic District
(Bloomington Historic Preservation Commission, Petitioner)

LEGISLATION FOR FIRST
READING
Ordinance 12-16

Dan Sherman, Council Attorney/Administrator noted that the weekly packet contained the schedule for the budget week, and noted the chairs were posted for the meetings that would begin at 6:00 pm.

COUNCIL SCHEDULE

There was no public comment at this portion of the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval