

**To:** Deputy Mayor Renneisen, Public Engagement Dir. Carmichael, Department Heads

**From:** Steve Volan, Councilmember, District VI

**Date:** January 24, 2020

**Re: Response to department heads' concerns over Resolution 20-01**

## **INTRODUCTION**

There has been a great deal of interest in Resolution 20-01, which creates several new standing committees. I appreciate the opportunity to explain the intent of the legislation, and to reassure department heads in particular that the proposed change is not as dramatic as it may have first seemed. This memo contains my responses to the many questions from department heads about the impact of the legislation.

The Organizational Plan that was originally circulated with the resolution has been updated, particularly to remove inflammatory language (such as "impeachment") and to clarify the word "oversight" in what is now Section 1F. The Plan, which is otherwise substantially the same as the one included in the packet on Jan. 3, is attached to this memo for reference.

## **GENERAL QUESTIONS FROM THE ADMINISTRATION**

**1. *What problem/challenge is this proposal trying to solve? Please define the problem/challenge.***

In the opening paragraph of the Organizational Plan, standing committees are "to break down the [Council] workload and allow each [councilmember] to specialize in the topics of greatest concern to them." Sections 1D, 1E, 1F and 1G give other challenges that standing committees solve.

**2. *How would "soliciting information from department heads on relevant topics" be undertaken?***

Not very differently from the way information is solicited now: councilmembers can and do individually ask for information from departments on many topics. Creating a standing committee simply signals to the public that certain councilmembers have been formally appointed by Council to take point on a particular set of topics. Those topics will typically but not exclusively be related to the concerns of a particular city department or division.

The innovation of a standing committee is its ability to hold hearings on items not the subject of legislation. Such a hearing allows research and focus on emergent topics that may eventually require some kind of action by Council. (Take, for example, scooters in fall 2018; a committee hearing could have gathered useful input that might have allowed the city to act earlier than we collectively were able to.) The committee would solicit

feedback not just from departments, but members of the public, businesses, petitioners, and other government entities.

But such a hearing must be coordinated with Council leadership, and the presence of anyone there will be only by invitation, not compulsion. Committees do not have subpoena power, which rests solely with the full Council, and that is not at all the intent of the legislation.

**3. *How would committee meetings be scheduled to minimize the number of meetings city staff might have to attend?***

Standing committees are meant to replace the committee of the whole, not to add another layer. When legislation is referred to any committee, whether standing or of the whole, city code requires that the committee hear the legislation on second and fourth Wednesday nights. Code also requires standing committees to be scheduled serially “so that all members may attend” each one.

If there were three items in one committee night, requiring the attendance of three different departments, Council leadership, in consultation with the administration and individual departments, would estimate how much time each item might need, determine which department needs to go earliest, and then schedule them accordingly.

It’s important to note that no matter who goes first, there will be three separate meetings with start and end times. The other departments will not have to sit through each other’s standing committee hearings; they can go out and come back knowing exactly when and how long they must attend. This scheme assumes that committee of the whole is no longer being used, and that committee chairs respect the time limit for their hearing. I will endeavor to instill this discipline, as it is crucial for success. Also crucial are convenient, easy-to-use timers permanently installed in the Council chamber, which I am pursuing.

**4. *Would council consider a pilot program, with one or two additional committees, to see if the perceived time savings and predictability benefit actually occurs?***

There could not have been a more rigorous pilot program than the Land Use Committee, the subject of a separate memo I’ve circulated in response to Director Terri Porter’s concerns about it. PUDs are the most complicated legislation Council gets on a regular basis. Data collected by Council staff will demonstrate that, in the biennium before and the biennium after the LUC was created, there has been no substantial difference in the number of minutes spent by Plan staff. It is difficult to compare PUDs since they have such wildly varying outcomes, but the average amount of time spent by the LUC on an item referred to it during any given hearing has been just over an hour and a half.

If LUC has been “unpredictable,” it is only because it has had to coexist with the open-ended committee of the whole since there were no other committees to refer other legislation to.

The “time savings” that should appeal to most people is the knowledge that committees must end at a certain time. For the sake of preventing one from bumping into the start time of the next one, I intend to collaborate with committees and departments on scheduling, and to rigorously enforce end times, by legislation if necessary.

## **FROM ALEX CROWLEY ECONOMIC & SUSTAINABLE DEVELOPMENT**

5. ***Bloomington has a reputation for being a difficult place to develop. The Land Use Committee effectively adds another step to the process and complicates with whom a potential developer is supposed to negotiate. Prior to the formation of the Land Use Committee, a developer started the process with City staff, then Plan Commission, then Board of Zoning Appeals (if applicable) and finally Council if it is a PUD. What is the goal of the Land Use Committee and how does it make the above process more predictable for interested developers?***

The LUC has replaced the committee of the whole for PUDs. It typically adds no more than one extra meeting, meaning typically two extra weeks, to the process. The exception to this rule was Century Village, which everyone should agree was an unusually difficult project. (I refer you to section 5e of the memo to Terri Porter.)

The rest of this question is less about committees and more a questioning of the role of Council in land-use decisions, a topic I cover in section 4a of the memo to Director Porter. I urge you to read the entire memo to her, as the topic has proven too broad to answer in a paragraph.

6. ***What data and/or other information have you found that supports the assertion that the Land Use Committee has been successful?***

That depends on who is defining “successful”. I already think the LUC has been successful in limiting the amount of time spent on legislation in committee, and believe that Director Porter’s assertions that somehow more time has been required of staff is not supported by the facts. Again I would refer you to the memo to her. I will also be presenting data collected by Council staff that shows no substantive difference in time spent, and better predictability of meeting end times.

## **FROM CAROLINE SHAW HUMAN RESOURCES**

7. ***I appreciate CM Volan's email where he explains the misuse of the word "supervise" City departments. It would be helpful to have a couple of examples of what "examination" or "inspection" of a City department by standing committee might look like. Is there something CM Volan thinks the department heads haven't done correctly or could have done better that calls for this oversight?***

I appreciate this question, and am sorry to have made people think that I am not generally satisfied with the performance of the various departments. I am generally satisfied.

But sure, I have my gripes. The city website's search function needs work. I still think Sanitation should provide performance data of the new bins now. But these are not particularly big issues. Instead of me going on a crusade over issues like these, the committee system requires me to get at least two other members (three if I'm not on the relevant committee) to agree to "inspect" this issue. With standing committees, we can channel the concerns of individual councilmembers and foster better collaboration among Council and staff.

8. ***I understand the thought that standing committees with set start and end times appear to be more efficient. How is that the case when you have 3-4 sequentially scheduled standing committee meetings and inevitably no one knows how much time is actually needed to discuss a piece of legislation? For example, the first meeting of the night may conclude within a half hour of its start time. The next standing committee then doesn't start for another hour and due to the complexity of their legislation they are unable to make a recommendation to the committee of the whole. This is particularly impactful on staff who have responsibilities to multiple committees, like the Controller. Yes, there are times when staff and the public are waiting for their agenda item, but to me there is a built-in efficiency when one agenda item concludes and the next one can be started immediately following.***

Another good question. At first, we will have to estimate. I estimated the first item sent to LUC as needing one hour. We were barely able to squeeze it all in in one hour, which led me to set 75 minutes as the minimum to hear a petition that has no hint of controversy about it. Typically, when you've presented HR items, they've been relatively brief. I can imagine scheduling a hearing for the Admin committee to hear an HR item in 45 or even 30 minutes.

If a committee takes less time than was scheduled, people get to go home early or schmooze. If it's clear that the committee won't finish its work in the allotted time, it can always go to a second hearing. At worst, the committee will return without having voted on a recommendation, but can still talk about the triage work they did at the full Council.

9. ***If no one is taking minutes in standing committee meetings, is it only the recommendation of that committee that is being presented to the Committee of the Whole? I'm still struggling with how we don't end up repeating the discussion that happened in the committee meeting.***

CM habits will need to evolve with this new model. It will take some time to get that done, but I am confident it can happen. I would point to section 4b of the memo to Director Porter, in which I describe a new way for a standing committee to reduce or eliminate the need for an extra repetition of presentation that the second hearing of a standing committee might seem to dictate. It involves councilmember submitting questions in advance, and being expected to have studied the packet instead of expecting a full presentation by staff.

Remember, standing committees replace the committee of the whole. In the process for a typical, non-controversial item, instead of seeing all nine of us twice, you'd see four of us one or twice, and then the nine of us once. (Maybe you can see now why I'm so frustrated with committee of the whole: it looks just like the Council in regular session, and no one understands the difference.)

No one takes minutes in committee of the whole, either. A brief memorandum of actions written by the Clerk is all that's required. In a standing committee, the chair would be responsible for writing a brief report summarizing the reasons for the vote of the committee (a couple of paragraphs; less than one page), which the chair would present back at Council in regular session after the issue has been presented by staff and petitioner.

## **FROM BEVERLY CALENDER-ANDERSON COMMUNITY & FAMILY RESOURCES**

10. ***Although the Resolution states that the creation of the new standing committees is "meant to allow council members to better manage time and workload..." it seems there has been little thought given to the time and workload of staff. This structure increases the time staff will spend reporting to the four CMs on each standing committee (either individually or as a collective) and then the entire Council; increased meeting attendance for staff; negotiating the needs and desires of staff, councilmembers, commissioners and the public and the responsibility for posting notices (stated under "Open Door" in the Resolution). Furthermore because not all of the stated subcommittees are strictly department-based there is the potential for staff to need to report to multiple subcommittees which would not only add another layer of reporting but also an increased time commitment.***

Again, standing committees replace the committee of the whole. As mentioned earlier, there has been no net increase in time for Land Use, which offers the toughest legislation to triage. Let me illustrate with an example.

If there are three items on the agenda on a committee night and they're being heard in committee of the whole and your item is last, you have to sit through the other two departments' items first. You're at the mercy of the Council's preference to not waste any time between items. You have to be there at 6:30 because you don't know if you have to go up at 8 or 8:45 or 9:15 or worse.

Imagine instead that the three items have been assigned to three different standing committees, and yours is last. One has been scheduled from, say, 6 to 7:30; the second from 7:45 to 8:45; and yours from 9 to 10. Yes, it's relatively late, but you don't have to wait around. You can go out, have dinner, walk the dog, and come back at 9 knowing that we'll wait for you, and we won't go late. Council has scheduled an end time almost never in my experience for a regular session or committee of the whole.

11. ***Do councilmembers anticipate interacting with department heads only or directly reaching out to any staff with whom they feel a need to speak? [Note from***

***Administration: we have a protocol we would like to discuss if the intention is to reach out to staff directly.]***

Councilmembers regularly interact directly with any staff because we can't help it; we run into them every day and have innocuous questions that don't rise to the level of administration policy. The substantive answer to your question, though, is that indeed committees will make formal requests of department or division heads on policy matters. In turn, department and division heads should know that they have a formally-appointed liaison on the council in the form of the relevant committee chair.

**12. *What is the vision for how Council subcommittees will have input into commission and/or departmental goals and priorities?***

"Oversight" as in to "inspect" or "examine" does not mean "to set policy." Committees do not have the power to "kill" legislation. They are basically advisory bodies made up of four councilmembers. Council can only have input on policy by changing city ordinance.

Also, please note that it's just "committee", not "subcommittee." The word "committee" normally means "a subset of councilmembers." Many people have used the word "subcommittee" to describe the proposal. The four-member Land Use Committee could break into two 2-member subcommittees if it wanted, but one can't have a subcommittee without there being a committee first. (This is another reason why "committee of the whole" frustrates me; it was never meant to be used the way Bloomington's council has used it all these years. In New Robert's Rules of Order, Laurie Rozakis writes: "A committee of the whole is ... suitable for organizations with large memberships of over 100 members. Recall that a committee can operate under less stringent rules than those that apply to an entire assembly. Forming the assembly into a committee of the whole allows the members to consider a specific issue with the freedom of a committee." Better, for many reasons, just to create committees.)

**13. *What role will a standing committee have as it relates to departments and/or commissions that do not have much legislation to come before the Council?***

Not much. They would appoint Council seats on the boards or commissions they're responsible for, and they would try to become more familiar with the work of those boards. They may also occasionally hold a special hearing to take input on a topic of emerging public interest, but they wouldn't expect a department head to be there unless they invited her and agreed with her on a day and time.

**14. *How will this process improve or speed up Council appointments to commissions? How will the success of this new model be determined? By whom?***

"By whom" is the best question yet. Council has the right to organize itself as it sees fit. But no one on Council wants to do so heedless of its impact on others, which definitely includes staff.

Unfortunately, many appointments expire January 31 of each year, frontloading a lot of them in one month. If we are going to become more knowledgeable about boards and commissions, we may need to rethink that schedule. It may take a year to determine how well the committee system works in appointing board members faster. The committee will at least become much better acquainted with the needs of a board or commission, which should prevent the dithering of a three-member nominating committee that doesn't know anyone on the board or what it's been doing lately.

## **FROM TERRI PORTER PLANNING & TRANSPORTATION**

**15. *Why is there such a rush to add seven additional committees?***

Because the time to reorganize Council is Organization Day, which was January 8 this year. Also, I believe that a full committee system as a replacement for committee of the whole is profoundly, profoundly less onerous than you believe.

**16. *What are the goals and objectives of each committee - including Land Use?***

This has been answered extensively in the Organizational Plan (see updated version attached) and my separate memo to you regarding the LUC. But perhaps I could ask, "What are the goals and objectives of the committee of the whole? It's a committee too."

**17. *What role will staff play in meeting the goals and objectives of each committee?***

You should think of a standing committee system as a passive development. It is just as well to ask what role staff plays in meeting the goals of the committee of the whole. Committees receive info, deliberate, and recommend.

**18. *Why must committee meetings be held on Wednesday nights? Many communities that have these types of committees hold their meetings during the day. Instead of having a Land Use committee meeting not start before 8pm on a Wednesday, why not have a noon meeting on a Thursday or a 4pm meeting on a Tuesday?***

Because councilmembers are asked to serve the city, but are not considered full-time jobs. The vast majority of councilmembers have to have other work to survive. The reason Allison Chopra stated why she declined to run again was because she could not attend meetings in City Hall during the day, and the schedule overall was punishing for her job in another county and small children at home. Those members who can come to meetings during the day have to have understanding employers. Councilmembers have work/life balance issues too.

Two of my past colleagues on separate occasions have expressed their belief that people should serve on Council for free, because it's an honor to serve. The upshot of that attitude is that only wealthy people can afford to be elected officials.

Our meetings are in the evening not just so that we can attend, but so that most members of the public, who work during "normal business hours," can hope to attend. Holding meetings only during the day is a surefire way to reduce the likelihood of public input.

19. ***Using the Land Use Committee as an example, there was a 2 hour hearing on January 15th and another 2 hour hearing is scheduled for January 29. That's four hours of meeting time. What happens next? If Land Use actually makes a recommendation at a future Council meeting, how will the previous four hours used result in a shorter hearing at Council?***

That's four hours of scheduled meeting time. The Jan. 15 meeting was only an hour and 40 minutes; they meeting of the 29th may not go the full time.

This question, though, presumes that all development petitions are, or should be, the same: straightforward, approved by Plan Commission, not really piquing the interest of Councilmembers, who should just approve it. I'm sure you will admit that the 2018 cohousing project and Century Village were two vastly different projects. What the LUC can guarantee is that it will require no more than 2 hours of Plan staff time in one sitting.

20. ***Why must committee meetings be 2 hours long? These meetings should be laser focused on their topic of discussion. The Land Use Committee is structured like a mini council meeting. The only difference is fewer members and usually only one agenda item.***

Committee meetings do not need to be 2 hours long. I have addressed how they can be made shorter in section 4b of my memo to you about the LUC.

## **FROM MIKE DIEKHOFF POLICE**

21. ***How will the new committees interface or overlap with any statutory duties of the Board of Public Safety? There is a concern that this new reporting structure will blur the existing reporting lines. How will you ensure that this doesn't happen?***

See the answers to questions 16 and 17 above. The short answer is, your department will now have a liaison on Council in the form of the Public Safety Committee, which would hear public-safety-related legislation instead of committee of the whole. Had that committee existed when, say, the Bearcat issue exploded, it might have called the hearing to take input on the uproar.

However, the Council's Public Safety Committee would not overlap with or supersede any statutory duties of the Board of Public Safety, just as the committee of the whole



does not overlap with or supersede any statutory duties of the Board of Public Safety. No standing committee will usurp the responsibilities or statutory authority of any board or commission.

**FROM PAULA MCDEVITT  
PARKS & RECREATION**

- 22. *How will the new committees interface or overlap with any statutory duties of the Board of Parks Commissioners? There is a concern that this new reporting structure will blur the existing reporting lines. How will you ensure that this doesn't happen?***

See the answer to question 21 above. Had the Community Affairs Committee existed when, say, the Farmers' Market issue exploded, it might have called a hearing to take input on the uproar.

However, as above the Council's Public Safety Committee would not overlap with or supersede any statutory duties of the Board of Parks Commissioners, just as the committee of the whole does not overlap with or supersede any statutory duties of the Board of Parks Commissioners. No standing committee will usurp the responsibilities or statutory authority of any board or commission.

- 23. *Parks rarely has issues that come to Council now. Why is this additional committee structure necessary when the Board of Parks Commissioners already exists by statute?***

Committees of four councilmembers do not replace boards and commissions. A structure of standing committees would replace the Council's habit of using a committee of the whole (see question 12 above). The relative lack of legislation from Parks is what led me to assign the Community Affairs Committee to be its liaison, which is where I felt it fit best.

**FROM JEFF UNDERWOOD  
CONTROLLER**

- 24. *How will the success of this new model be determined? By whom?***

Variations of this question have been asked by several people. First, committees can't succeed without time limits on everyone, which includes councilmembers. Once we have permanently installed timers in the Council chamber, success will be determined by how many fewer ultra-late nights Council has, and how much less time anyone — staff, petitioner, citizen — has to spend waiting through other issues for the issue they came to Council to address.

The extra two weeks that referring to a standing committee buys is the time for data to be obtained without pressure, and amendments to be written without disrespect. If the priority of staff is solely to get stuff done faster, that ignores the greater obligation we all have to do

what's best for the people of the city.

- 25. For the departments that will inevitably touch multiple subcommittees (i.e. Office of the Mayor, Controller, Legal, etc.), how will scheduling these various committee meetings occur? Will staff availability (and recognition of attendance at multiple meetings) be considered?**

(See the answer to question 12 above regarding the word "subcommittees.")

Let's say there are three issues on the agenda in a given week, and all of them require input from, or at least the presence of, the Controller. This is not an unexpected situation. If they're all referred to committee of the whole, the Controller will have to be there for as long as it takes to hash out all three issues. For the Controller, this obligation won't change if he has to attend three serial meetings of standing committees, but he'll get breaks in between each committee. Again, that's if he needs to be there for all three. (If he only needed to be there for two, we would strive earnestly to not schedule his issues, say, first and third.)

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