2020 Council

Organizational Plan

- **Establish a Full Slate of Standing Committees**

- **Implement Time Limits in All Meetings**

- **Proposal for Slate of Committees**

**January 24, 2020
(updated from version of January 3)**

– adds letters to each subhead in Part 1

– removes outdated/inflammatory language and clarifies "oversight" in section 1F

– includes councilmembers as "people who cannot [continue to] speak as long as they want" in section 1G

– updates the appendix with the proposed slate of standing committees to reflect Resolution 20-01, and clarifies language within it; removes other proposed slates

– Reduces type size and page count

1. Create a Full Slate of Standing Committees

The first piece of legislation in 2020, on Organization Day (Jan. 8), should be a resolution to create several permanent, or "standing", committees of four members each, to break down the workload and allow each CM to specialize in the topics of greatest concern to them.

A. A committee's objective: triage

In most Indiana cities, a committee cannot kill legislation. The objective of a subset of members studying an ordinance is to triage: what are minor issues that can be dealt with easily, what are major issues (if any) that should be left for the whole Council to decide, and what issues can the committee handle on behalf of the whole Council? This is theoretically what the Committee of the Whole (CoW) does, but there are so many cases of ordinances where not every member of Council needed to hear it twice, or to weigh in on it twice. (Often members weigh in during CoW and say nothing at regular session, where minutes are kept.)

B. Why committees of four?

Four members is an advantageous number: five would be a majority of council, which might make people think that "the decision has been made" if they reach unanimity on a piece of legislation. Three members, on the other hand, would create a potential quorum problem whenever any two members run into each other. (Note: there is a "chance meeting" statute that protects against unintentional encounters between members be.)

A 4-member standing committee also underscores its advisory nature. It takes at least 3 members to give a positive or negative recommendation, as the table below demonstrates.

Y-N-A	Y-N-A	Y-N-A	Recommendation
4-0-0	**3**-0-1	**3**-1-0	**Approval**
2-0-2	2-1-1	1-0-3	(Lean Approval)
2-2-0	1-1-2	0-0-4	Neutral
1-2-1	0-1-3	0-2-2	(Lean Disapproval)
1-**3**-0	0-**3**-1	0-**4**-0	**Disapproval**

C. The slate of committees should reflect Council's workload

Together, the total set of committees would broadly cover every typical issue that might come before Council. Council should eschew Committee of the Whole except at budget time. Individual committees can be changed, renamed, or merged from year to year as issues change.

D. Committees should reflect Council's priorities, too

Committees do not have to strictly track the departments of the administration. The administration governs as it sees fit, as does Council. Council may thus prefer to put more emphasis on, say, sustainability than the administration does, or spread the divisions of Public Works across several committees. Some departments, like Parks, have very little legislation that comes before Council; others, like HAND, put many items on the agenda.

E. Replacing nominating committees

Council has previous divided into three teams to handle the nominations it must make to almost 40 boards and commissions. The CMs on each team, and the portfolio of commissions each team receives, were chosen randomly several years ago. There was no thought given to the expertise or knowledge of the members making such decisions.

Each board or commission should instead be assigned to the standing committee whose mandate most closely matches. The members of a Housing committee would be much more familiar with the HAND department than three random CMs who don't think about the Board of Zoning Appeals more than once or twice a year.

F. A mechanism for oversight

Council is a co-equal branch of Indiana city government with the Mayor. According to Bloomington Municipal Code §2.04.200, it has authority to oversee – that is, to inspect or examine – all operations of the executive branch.

The standing committee is the best vehicle to implement that

Most Common Categories of Committees among Indiana's 2nd-Class City Councils	
Finance/Budget	18
Public Safety	16
Land Use	15
Public Works	15
Parks & Rec	10
Health	9
Rules	8
Utilities	7
Economic Development	4
Personnel	4
Transportation	4
Administration	3
Education	3
Human Resources	3
Community Affairs	3
Ordinance	3
Animal Shelter	2
Arts & Culture	2
[Tax] Abatements	2
Ethics	2
License	2
Waters & Harbors	2
Investigation	2
Social Services Fund	2

authority, and to act as the primary liaison between that department and Council. If there is a Public Safety committee, for example, the chair of that committee is duly appointed to be Council's primary point person on fire, police, and animal control.

When Council creates a committee permanently, the members of the committee may independently solicit information from a department with the endorsement of Council. The committee may hold fact-finding hearings on emergent topics which are not the subject of legislation referred to it. (The CoW, in contrast, is a temporary mechanism. It only hears legislation referred to it, and dissolves each time it concludes a meeting. It is by definition not "standing.")

G. Standing committees manage time better

According to city code, hearings of standing committees that have had legislation referred to them must be scheduled serially on second and fourth Wednesdays so that all members may attend any hearing. They can begin no earlier than 5:30 and no later than 9:45 pm. This means that, unlike Committee of the Whole, committee chairs must manage the time of the hearing. People, including councilmembers,

cannot speak as long as they want, for another committee is soon to follow. So Wednesday night committee hearings must have hard start and stop times. This makes it much more predictable when an issue will be heard, and easier to attend without having to sit through the entire evening's agenda of the CoW.

2. Implement Time Limits in All Meetings

Council is notorious for its very long meetings. While Council limits how long each member of the public may speak, it rarely limits the total period of public comment on an item of legislation. It also has no requirement for limits on the number of opportunities CMs have to ask questions on an item, on the question or comment periods, or a CM's speech.

Referral to committees may help somewhat to reduce time spent on legislation, because BMC 2.04.255 requires that standing committee hearings be limited so that they can be scheduled serially on even-numbered Wednesday nights,. Over the past two years, the Land Use Committee has successfully shown that meeting times can be limited to two hours or less on even the most complex Planned Unit Development. (Serial scheduling of committees also makes those hearings much more predictable: one need not sit through two or three other issues, but can come at a set time to address a specific issue while in committee.)

But the solution must be across the board: everyone's time to speak must be limited — public, petitioners, city staff and CMs alike.

It will mean regularly moving to suspend the rule in BMC 2.04.120, for question periods can run very long however legitimate the questions. (They run long most often when a CM tries to persuade before the debate period through "quomment", a poorly-disguised comment during question period. Because debate is limited, this technique allows a CM to get extra time to persuade, rather than allow members to fully understand the issue at hand. It is a behavior that must be gaveled more robustly in the future.) The following are the only parts of city code that specify time limits.

> **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).

> **2.04.250 - Committee of the Whole. (c)(2) -** No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;

While some of the following solutions should be permanently implemented through ordinance, they can be implemented ad hoc with a two-thirds majority.

A. Limit presentation periods

The default amount of time for a presentation to be made to Council by city staff or a petitioner should be 20 minutes for an ordinance or resolution. An amendment to legislation should have a default of 10 minutes. (During the 2019 UDO hearings, staff were given 5 minutes to reply to the presentation of an amendment, which they rarely needed.)

More can be had with permission, but the default should no longer simply be "as much time as one wants."

B. Limit question/debate periods

Question periods before and after public comment on the item, and the debate period before a vote, should all be limited by default to no more than 30 minutes. (During the UDO, 20 minutes proved to be enough for most members to have their questions on amendments answered satisfactorily.)

C. Limit public comment

During consideration of the food truck ordinance in 2014, one member of the public spoke for 21 minutes, followed by another who spoke for 10. Each of these gentlemen had about 5 minutes of ideas. Because there was no rule at the time limiting public comment, Council heard more than 20 minutes of repetitive argument. 5 minutes is the default maximum that members of the public should have to speak to an issue – a number that Council has been, and should continue to be, very willing to reduce when an issue is popular. 30 minutes should be the default for public comment on an item (20 on an amendment).

D. Limit CM time to question

Within a question period, members should have no more than two opportunities of three minutes each to ask questions. This, however, requires that CMs be vigilant, because the answer from staff or petitioner counts against that time. A member may "reclaim their time" from a respondent who is dithering, or who may be intentionally wasting the CM's time.

E. Limit CM time to persuade

The final period of an item of legislation has typically been called "comment from CMs." But this is when CMs should be able to seek to persuade the other members, and thus must have an opportunity to rebut each other. The period should be called "debate," and each CM should have two opportunities to speak by default. (The first sentence of BMC 2.04.120 reads "No member shall speak more than once upon a question until every other member has had the opportunity to speak." This means the Chair should not wait for others to make a 2nd-round comment before he or she speaks first; CMs should be able to rebut everyone.)

In debate, no member should have more than two five-minute periods as a matter of course. Council may find three minutes per statement as more preferable.

F. Install timing equipment

The dais has cutouts from long ago when CRT devices were installed for CMs to see presentations. A tablet running a simple timing app can be installed between parliamentarian and president for the time to be managed. In addition, a screen on the wall and a tablet on the public podium should also be installed to project the timer to the public and the speaker, respectively – and respectfully.

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PROPOSED SLATE OF STANDING COMMITTEES

ADMINISTRATION

Acts as liaison to the following departments and divisions
- Controller
- Human Resources
- Info. Technology Svcs. (ITS)
- Legal/Risk Mgmt.
- Public Works (PW): Facilities
- PW: Fleet

Appoints seats to the following
- Digital Underground Advisory C,
- Public Works B

COMMUNITY AFFAIRS

Acts as liaison to the following departments and divisions:
- Community & Family Resources (CFRD)
- Parks & Recreation

Appoints seats to
- Aging C
- Hispanic & Latino Affairs
- Human Rights C
- Farmers' Market Adv C
- MLK Birthday Celebration C
- Parks C
- Status of Black Males C
- Status of Children & Youth C
- Status of Women C
- Tree C

HOUSING

Acts as liaison to the dept. of
: Housing & Neighborhood Development (HAND)

Appoints seats to:
- Historic Pres. C
- Housing Authority B
- Housing Quality Appeals B
- Sidewalk C

LAND USE*

Acts as liaison to the division of
- P&T: Planning

Appoints seats to:
- Plan C
- Plat C
- Zoning Appeals B

PUBLIC SAFETY

Acts as liaison to the following departments and divisions:
- PW: Animal Control
- Fire
- Police

Appoints seats to:
- Animal Control C
- Dispatch Policy B
- Public Safety B
- PS LIT Cmte of MC LIT

SOCIAL SERVICES*

Appoints seats to:
- Jack Hopkins Social Services Funding C
- CDBG Funding Ctzn Adv C

SUSTAINABILITY, CLIMATE ACTION, & RESILIENCE

Acts as liaison to the dept. of
- Economic & Sustainable Development (E&SD)

Appoints seats to:
- Arts C
- Economic Development C
- Environmental C
- Industrial Dev't Adv C
- Redevelopment C
- Urban Enterprise Association
- Sustainability C

TRANSPORTATION

Acts as liaison to the following departments and divisions:
- Bloomington Transit
- P&T: Transportation
- PW: Streets

Appoints seats to:
- Bicycle.& Pedestrian Safety C
- MPO Citizens Adv Cmte
- MPO Policy Cmte
- MPO Technical Adv Cmte
- Parking C
- Traffic C
- Transit Corp

UTILITIES & SANITATION

Acts as liaison to the following departments and divisions:
- PW: Sanitation
- Utilities

Appoints seats to:
- Utilities Svc B

*committee already exists