

Annotations to Bloomington Local law Chapter 2.04 - COMMON COUNCIL by Dave Askins, B Square Beacon
Sections:

Article I. - Officers and Employees

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, [a] to elect from its members a president, a vice president, and a parliamentarian. [b] 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).

(Ord. No. 13-05, § 1, 3-6-2013)

2.04.020 - Duties of president. [c]

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. [d] 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. [e]

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

2.04.030 - Duties of sergeant-at-arms. [f]

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 [g], 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, [h] 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 6:30 p.m. local time.^[j] 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.^[j] (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 6:30 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.^[k] 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.^[l] (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 6:30 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.^[m] (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.^[n] (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.^[q] (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.^[q]
(Ord. 90-48 § 3, 1990).

(Ord. No. 13-05, § 2, 3-6-2013; Ord. No. 16-42, § 1, 11-16-2016)

2.04.060 - Special meetings—Emergency meetings.^[q]

(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.

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

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 3, 3-6-2013)

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”^[r] 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.^[s]

(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.^[t] 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.^[u] 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^[v] to procure the attendance of the absent members. (Ord. 79-97 § 2 (part), 1979).

2.04.110 - Seating of members.

Members shall occupy the seats assigned them by the presiding officer,^[w] 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.^[x]

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.^[y]

(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. ^[z]

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. [\[aa\]](#)

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. [\[ab\]](#) 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).

2.04.225 - Intentional display of firearms prohibited.

The intentional display of firearms is prohibited at any public meeting of the council.

(Ord. No. 11-15, § 2, 9-14-2011)

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. [\[ac\]](#) (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. [ad] 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).

2.04.250 - Committee of the whole. [ae]

(a) With the exceptions noted in this section, the council may resolve itself into a committee of the whole 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. (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. © 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 clerk shall keep a memorandum of proceedings and recommendations in a manner consistent with Indiana Code § 5-14-1.5-4. (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).

(Ord. No. 12-10, §§ 1, 2, 5-2-2012; Ord. No. 13-05, § 4, 3-6-2013)

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 Wednesday 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. [af] (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 5:30 p.m. or after 9:45 p.m. (3) Such meetings of the committee of the whole shall convene at 6:30 p.m. local time. (b) A council committee shall not meet 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.

(Ord. No. 12-10, § 3, 5-2-2012; Ord. No. 16-42, § 2, 11-16-2016)

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, 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. [ag] 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 [ah] and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. [aj] 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 [aj] 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).

(Ord. No. 13-05, § 5, 3-6-2013)

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^[ak] 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) The council may adopt rules and regulations to effectuate the purposes of this section. (Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 6, 3-6-2013)

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^[al] 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.^[am] (c) Each resolution submitted to the council shall be read by title only provided there is unanimous consent.^[an]

(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 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. (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).

(Ord. No. 13-05, § 7, 3-6-2013)

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;^[ao] (2) An amendment must be germane to the proposition to which it is to apply;^[ap] (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).

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^[a] 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.^[ar] (e) Any member may change a vote before the result is announced^[as], 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] 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^[au]; (3) Approval of minutes; (4) Reports (a maximum of twenty minutes is set aside for each part of this section): (A) Council members^[av], (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^[aw] 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.

(Ord. 92-4 § 1, 1992; Ord. 85-2 § 1, 1985).

(Ord. No. 10-14, § 1, 9-23-2010)

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) A motion shall be reduced to writing upon request of any member or city clerk.

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 13-05, § 8, 3-6-2013)

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. [\[ax\]](#)

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. [\[ay\]](#)

(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).

2.04.430 - Division of question. [\[az\]](#)

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. [\[ba\]](#)

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. [\[bb\]](#)

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. [\[bc\]](#)

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 of Bloomington 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. A copy of the map of these districts and the associated precinct populations are attached to this ordinance (Ordinance 12-29) as Exhibit "A." These districts shall consist of precincts as they were set forth in the "Order of the Monroe County Commissioners Regarding Additional Information or Corrections to the Precinct Boundaries and Submission of Corrected IEC-8 Forms" dated December 30, 2011. This Order and the associated precinct map, list of precincts with the component census blocks in each precinct, and the IEC-8 forms are incorporated by reference into this ordinance and, in accordance with IC 36-1-5-4, two copies of this material shall be kept on file in the office of the city clerk and council for inspection by the public. These districts and their component precincts are as follows:

FIRST DISTRICT. The First Councilmanic District shall consist of the following designated precincts:

(a) Bloomington Township Precincts 2 & 6; (b) Perry Township Precincts 1, 3, 5 & 29; (c) Richland Precinct 9; (d) Van Buren Township Precinct 2.

SECOND DISTRICT. The Second Councilmanic District shall consist of the following designated precincts:

(a) Bloomington Township Precincts 5, 7, 13, 14, 17 & 23.

THIRD DISTRICT. The Third Councilmanic District shall consist of the following designated precincts:

(a) Bloomington Township Precincts 9, 10, 16, 21 & 22; (b) Perry Township Precincts 20 & 21.

FOURTH DISTRICT. The Fourth Councilmanic District shall consist of the following designated precincts:

(a) Bloomington Township Precincts 8 & 18; (b) Perry Township Precincts 14, 15, 16, 17, 18, 19 & 26.

FIFTH DISTRICT. The Fifth Councilmanic District shall consist of the following designated precincts:

(a) Perry Township Precincts 6, 8, 9, 10, 11, 12, 13, 28, 31 & 32.

SIXTH DISTRICT. The Sixth Councilmanic District shall consist of the following designated precincts:

(a) Bloomington Township Precincts 1, 3, 4, 19 & 20; (b) Perry Township Precincts 7 & 30.

(Ord. 93-10 § 1, 1993; Ord. 92-63 § 1, 1992; Ord. 90-44 § 2, 1990).

(Ord. No. 12-29, § 1, 12-19-2012)

2.04.510 - Reserved.

Editor's note— Ord. No. 12-29, adopted Dec. 29, 2012, § 1, repealed § 2.04.510 in its entirety. The former § 2.04.510 pertained to the repeal of former council districts and derived from Ord. No. 90-44, § 3, 1990.

[a] This section conflates two separate issues: (1) the requirement that the council elect officers and (2) the timing of the election. Reference to "Section 2.04.050" is not as transparent as, say, "Section XX, which covers the council's calendar." If the council president were to resign or die mid-year, the election of the officers would be tied to a specific time in a way that would be unhelpful in addressing the need to elect a new president.

[b] State statute does not require election of a parliamentarian. In actual practice, the city council's attorney is the person who provides guidance parliamentary matters during city council meetings. The three officers (president, vice president, and parliamentarian) are commonly called "Council Leadership" and there are currently various implied duties performed by Council Leadership, including to meet with the administration, to help set the legislative schedule. When the council elects the three officers, it is effectively appointing a committee of three that should hold its meetings subject to Open Door Law, which it currently does not. City code does not define any duties for Council Leadership. Duties of the parliamentarian and vice president are not currently defined anywhere in city code.

[c] The duties described in this section are not exhaustive of the president's duties. Others include the duty to review and approve the council's meeting agendas. If the president's duties are not described exhaustively in one section of the code, it makes it a barrier to efficient assessment of all the president's duties.

[d] In past practice (2019), the parliamentarian has declared the results of votes. What does the council want here? It's conceivable that the clerk would be in the best position to give the tally, given that the clerk calls the roll. Practically, it makes sense for the clerk to call the roll, because the clerk has to keep a record, and the clerk can ensure they call the roll at a pace that is comfortable for record keeping. Giving the tally could be a separate task from declaring the result. Some votes require a 2/3 majority, so a 5–4 tally on some occasions will pass, and on others fail.

[e] Is presiding over meetings the only duty that the vice president can perform in the absence of the president? Where are the duties of the vice president enumerated?

[f] State law on local government does not mention a sergeant at arms for city councils. It's not clear if the current city council desires that a police officer always be in attendance at their council meetings. The city code on the sergeant-at-arms is vague, because it's not clear if it applies to meetings of standing

committees. It's also not clear if the city council has the authority to assign this role to the chief of police.

[g] It's not clear if the city council has the power to subject the police chief, as an appointee of the executive branch, to direction by another official.

[h] This clause implies that the duties of the clerk listed out in city code are not included in state statute. In fact, state statute says, "(1) Preserve the legislative body's records in the clerk's office. (2) Keep an accurate record of the legislative body's proceedings. ..." The city clerk is an independent elected official, whose existence depends on state statute. An important legal question is whether a city council can impose additional duties on a city clerk that are not included in state statute.

[i] The goal of this section appears to be: to provide information that allows for setting the council's annual calendar. But the word calendar does not appear anywhere in this section. If step-by-step instructions were given for setting the annual calendar, they would not need to list "exceptions."

[j] This is redundant with the earlier "The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting"

[k] The description of the procedure for election officers does not fit with this section of city code, which is about when the election is supposed to happen, not about the procedure for the election.

[l] This is redundant with the earlier "The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting..."

[m] This whole subsection (d) appears to be mostly redundant with the preceding (c).

[n] A "summer recess" is not required under state statute. It's unclear what purpose this "summer recess" serves. If it's supposed to provide the public with some assurance that no legislative activity will take place during this period, so that the public does not need to watchdog the council during this period, then it should not be possible to suspend the rules and meet during recess. In any case, this part of city code is arguably not subject to "suspension of the rules". Yet, in the past, when the council has set its calendar, it has set it in a way that's at odds with the code on "summer recess" without even bothering to suspend the rules. The council already has authority to change dates on its annual calendar and arrange its schedule for the next few months in a way that reflects its current legislative burden.

[o] This is vague. Current city council legal counsel takes this to mean that "meeting" can refer to a committee meeting or a meeting of the full council. What purpose does this sentence serve?

[p] The same commentary for "summer recess" applies to "winter recess." A "winter recess" is not required under state statute. It's unclear what purpose this "winter recess" serves. If it's supposed to provide the public with some assurance that no legislative activity will take place during this period, so that the public does not need to watchdog the council during this period, then it should not be possible to suspend the rules and meet during recess. In any case, this part of city code is arguably not subject to "suspension of the rules". Yet, in the past, when the council has set its calendar, it has set it in a way that's at odds with the

code on "winter recess" without even bothering to suspend the rules. The council already has authority to change dates on its annual calendar and arrange its schedule for the next few months in a way that reflects its current legislative burden.

[q] Missing from this section of code is a definition of a "special meeting" or an "emergency meeting." What is the difference between a special meeting and an emergency meeting?

[r] Which edition of Robert's Rules is intended here?

[s] It's not clear why Robert's Rules would be assigned this kind of legal status. According to this part of the code, it would not be possible for the council to agree unanimously that a councilmember can ask another councilmember a question, because asking a question of another member is not allowed under Robert's Rules. In actual practice, the council decides routinely to flout Robert's Rules. As current described, Robert's Rules are not merely a guide, but are the law.

[t] It's not clear what the referent is for "these rules." Ordinarily, suspension of the rules would apply to just the rules of meeting procedure. Article II includes sections on meetings and sections on procedure. Yet the council has in the past treated the parts of Article II on meetings as suspend-able. It's not clear why some of the city council rules of meeting procedure are ensconced in a city ordinance, when they could be expressed in a separate set of bylaws. If the rules of meeting procedure are laws, then failure to follow them is punishable by the general provision of ordinance enforcement in Title I of city code (BMC 1.01.130). It's not clear that's the desire of the city council.

[u] This is presented as if it is peculiar to Bloomington, when it is just what state statute says. [IC 36-3-4-9]

[v] As currently defined in city code, the sergeant-at-arms is the chief of police. It's not clear if the city council has the power to direct the police chief, as an appointee of the executive branch, to do anything.

[w] It's not clear why an obvious objective standard would not be chosen, instead of giving the presiding officer this kind of fairly petty authority. Seating members from left to right by District number with at-large seated alphabetically, would be one objective way to set the seating order. It's not clear if the assignment has to be made once and for all at the start of the year, or if the presiding officers could arbitrarily choose to make different assignments at the start of a given meeting or even in the middle of a meeting. The choice of "presiding officer"—instead of "president"—suggests that for a meeting of the "committee of the whole" whichever councilmember is chairing the meeting (in rotation) could assign different seats. The status of seating assignment as a part of local law, instead of just bylaws, seems dubious.

[x] Is this local law routinely followed?

[y] Why use this antiquated term "personalities" for "personal attacks"?

[z] When is the last time that this section of city code has been used?

[aa] Is it really the desire of the council to allow a councilmember to address their colleagues any time they think their character or motives have been questioned? Is this limited to occasions when one member questions another's motives during a meeting? Or

does it extend to public remarks at meetings? Or to statements made outside of meetings?

[ab] Does the city council actually have the power to remove employees of the executive branch?

[ac] The current council generally interprets the "reports" of a committee (including a committee of the whole) to require the result of a committee vote on a "do pass" recommendation on the legislation that the council referred to it for consideration. These are known informally as straw polls, and have no legal impact. Legislation does not move forward or not based on these votes. Councilmembers often "abstain" from these votes, or vote no in a way that is susceptible to abuse for political purposes. A councilmember can vote no on a budget proposal in committee, not attend the meeting when the actual vote is taken, but then still claim to have voted against the budget. Straw polls sow confusion for the public. The frequent abstentions on straw polls contribute to a culture where abstentions are acceptable even on actual votes that have legal force. The report from a committee, which the committee could vote (with legal force) to adopt, could simply be a statement along the lines of: "The committee recommends that the council get answers to the following outstanding questions, before voting on Ord XX-YY: ..."

[ad] According to this wording, any three councilmembers can form their own committee. How is that done? Do they just announce it at a city council meeting? If three councilmembers agree to work together on a piece of legislation, does that form a de facto committee? (E.g., Flaherty, Piedmont-Smith and Rosenbarger work on ordinance about homeless encampment protections.) If so, isn't that committee subject to Open Door Law?

[ae] The irony of this section is that under Robert's Rules, the idea behind the committee of the whole is to allow for the council "to give detailed consideration to a matter under conditions of freedom somewhat like those of a committee." But under the time limits described in this section, "no member may speak for longer than five minutes at a time." City code does not impose any time limits on speaking turns for councilmembers at regular meetings. So it should default to the 10-minute limit in Robert's Rules. That means the committee of the whole, as used by Bloomington's city council, gives less, not more freedom for discussion. The idea that committee-of-the-whole sessions are scheduled as stand-alone events is bizarre in the context of Robert's Rules, which imagines them to be an on-the-fly kind of event, where the assembly resolves itself into the committee of the whole so that things can proceed for a short while in more relaxed fashion, but then comes out of committee of the whole and back into the regular session, where the assembly has all of its usual powers. Bloomington's city council sometimes finds itself in a committee of the whole session, unable to effectuate the will of all nine members present, because the committee does not have the powers of the council. In addition, it's not clear to the public what its looking at: These are all nine members of the council meeting together, yet you say it's not a city council meeting?? What value is seen in having the council meet as the committee of the whole instead of as the full council on an "off week"? One speculation is that it's a way of giving a piece of legislation a thorough discussion by all councilmembers, but at the same time, it erects a legal barrier to adopting the legislation, thus preventing passage of new laws "too quickly" or counter to expectations of the public,

who are accustomed to seeing legislation adopted on the first and third Wednesdays of the month. The committee of the whole is a kludge to address this concern.

[af] Establishing the order of motions in this fashion is a bizarre take on the idea of precedence in Robert's Rules. The order in which these two motions are entertained will not have any impact on the outcome, as measured by which committee has the legislation referred to it. Robert's Rules of order are literally about which motions are in order and which are not, at any given time in the course of the assembly's business. All other things being equal, members of the assembly and the chair have an interest in efficiency, which in this case translates into an interest in considering first the motion for referral they believe has the greatest chance of success in winning majority support. Of course, beliefs on this point could differ. What this ordering of motions in local law does is force the assembly to endure the potentially dilatory tactic of a two-member minority (one to move and one to second) whose motion for referral can easily be predicted to fail based on known positions of members of the assembly. A potential argument—that proponents of referral to a standing committee referral would never be allowed to argue their case, unless a motion for referral to a standing committee were entertained—would founder on the rocks of the brute fact that motions to refer are debatable. So upon a motion to refer an item to the committee of the whole, a proponent of instead referring the item to a standing committee would have the chance to argue for exactly that.

[ag] This 10-day requirement appears to be rarely, if ever, enforced. And to the extent that it is ever enforced, it might be a source of friction between council and administration, because it might be applied unevenly for administration compared to councilmembers. If it were enforced, it would mean the council staff has all documents on Monday morning, for a Wednesday city council meeting the following week. On that scenario, it's not clear why a meeting information packet for that Wednesday meeting cannot be prepared by council staff by the end of the day on Monday. That would give the public, and the council Tuesday and Wednesday to submit written questions, and allow Thursday and Friday for responses to questions to be submitted to the council office, for posting of a packet addendum at the end of the day on Friday. That would give a weekend plus three days for consideration of the questions plus answers before the first reading. That might allow councilmembers the chance to assess whether it's necessary for the legislation to be considered by a committee on an "off week."

[ah] This has been interpreted to mean that the council president has the power to decide what is and what is not on the agenda. A different interpretation would be that the president has a ministerial function to perform on the agenda, which has been constructed according to an objective procedure, with various parties exercising "agenda rights." Example: The administration might have the right to place any ordinance for first reading on the agenda for the council's consideration, assuming certain conditions are met. But the city code does not describe the way items get added to an agenda. The only prescription about the city council's agenda is the order of the items. It would make sense for the administration to have the right to place items on the agenda, if certain conditions are met, because there are certain statutory requirements the administration has to fulfill, in connection with the annual budget,

for example. Surely it should not be possible for the council president to block the administration's proposed annual budget by not allowing it to appear on the agenda. But under the wording of the current city code, that interpretation seems to be available.

[aj] Why is the public left out of the mix?

[aj] This is the only mention of "legislative cycle" in local code. It is ambiguous and is not defined anywhere in state statute or local code. However, it is frequently used in conversation by council staff—in a way promotes obfuscation, not clarity.

[ak] Common usage for Bloomington's city council is to call the consideration of an ordinance on any occasion an "introduction" of that ordinance. It's a source of bafflement for outsiders and causes legal confusion. (Cf. The bewilderment and concern expressed by city's outside legal counsel at the May 19, 2021 meeting when ordinances that were introduced in 2017 were again "introduced.")

[al] The state statute does not use the notion of a "reading." It merely says: "A two-thirds (2/3) vote of all the elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance of a legislative body on the same day or at the same meeting at which it is introduced."

Explicitly requiring the "reading" of an ordinance promotes tedium in various contexts. For example, in a one-step process, this requires reading text aloud, then reading the same text aloud a few seconds later.

[am] The effect of this requirement is that if a single councilmember objects to reading by title and synopsis, the whole ordinance has to be read aloud. Is that what the city council wants? Why does the clerk have to read anything aloud? State statute does not require the clerk to do this—can the council require the clerk to perform this action? To ensure that titles and synopses get read aloud, without using the notion of a "reading," one approach would be to set forth in city code a requirement like: "A question involving legislation is not properly put in front of the council, until the presiding officer reads aloud its title and synopsis."

[an] Why is the clerk not required to be the one to read the title of resolutions, but is required to be the one to read the title of ordinances? Why are resolutions and ordinances treated separately?

[ao] Currently, there is no requirement that an amendment, when it's reduced to writing, be available to the public in advance of the meeting, nor that the writing be available to the public during the meeting. As stated, "reduced to writing" doesn't require that the writing be distributed even to councilmembers. Under current code, amendments can be held secret from everyone until they are introduced, just before a final vote on a local law.

[ap] Councilmembers have not treated this part of city code as if it exists.

[aq] Why does this need more than just one member? Later in the city code, "a motion shall be reduced to writing upon request of any member." Why is a demand to have a roll call different from a demand that a motion be reduced to writing?

[ar] Why is "other good cause" a possible reason for not voting? Why aren't councilmembers required to vote, unless they are not allowed to vote due to conflict of interest? Councilmembers have

adopted the practice of "abstaining" from votes without ever explaining the "good cause" and their colleagues never ask what the good cause is.

[as] Why on earth should someone be allowed to change their vote?

[at] The order of business, because it can always be amended by a vote of the council, is not as crucial to spell out as the way items get added to the agenda. Who can add an item to the agenda? Elsewhere in the city code, there's mention that the council president has some say, but is this more than just a ministerial function? "The president shall approve the agendas for committees of the whole, regular sessions and special sessions..." Surely the administration should have the right to place on the council's agenda certain statutorily required items, like the annual budget. Surely the council president cannot block a new annual budget just by refusing to put it on the agenda.

[au] Typically the council president has read all legislation verbatim by title, as if it were a "reading of the legislation." This serves to obfuscate, not illuminate what's going to happen during the meeting, and takes longer. Consider this: "Under first readings we'll be considering: Resolution 21-18 – A Resolution Extending the Term of Ordinance 20-11 and Calling for the Continuation of Other Temporary Regulations and Resolution 21-20 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize an Abatement Period for Real Property Improvements - Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner)" Compared to: "We'll be considering Resolution 21-18, which would allow continued use of Kirkwood for restaurant seating, parklets and those type of things. And we'll be considering Resolution 21-20 will would grant a tax abatement for the property at 1730 S. Walnut Street, for an affordable housing project near the entrance to Switchyard Park."

[av] Reports from councilmembers have been interpreted to mean "an opportunity to opine on various city, state, and world matters." A different and more useful interpretation would be: "a chance to summarize the activities undertaken since the last meeting, by a member as part of their service as a councilmember." On that interpretation, "no report" would mean: "I did nothing to earn my paycheck as a councilmember since last meeting." Different wording to describe this part of the agenda could lead to different actual uses of this time that is allotted to city councilmembers.

[aw] This has been interpreted to mean that the public is not allowed to use either of these public comment times for items that are on the agenda. The idea is that the general comment time shouldn't be used for items that are on the agenda, because there's opportunity to comment on items that appear on the agenda, when the council reaches those items on the agenda. But there are myriad items on the agenda about which a chance for public comment is not offered. (E.g., ordinances for first reading.) The effect is: the council infringes on the public's ability to talk about some topics during city council meetings—namely those topics that appear on the agenda, but about which the council chooses not to offer public comment.

[ax] Regurgitation of Robert's Rules is odd to place in city code.

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