

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 12, 2022 at 6:30pm, Council President Susan Sandberg presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 12, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:33pm]

Rollo moved and it was seconded that Ordinance 22-25 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 6, Nays: 1, Abstain: 2.

Ordinance 22-25 - An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2023 [6:33pm]

Rollo moved and it was seconded that Ordinance 22-25 be adopted.

Mayor John Hamilton spoke about the importance of the city budget, the Economic Development Local Income Tax (EDLIT), public safety, and investments in the city.

Caroline Shaw, Director of Human Resources (HR), noted that she was available for questions since she had presented in detail at a previous meeting.

Piedmont-Smith asked what the pay rate increase, based on the union agreements with firefighters and police.

Council questions:

Shaw stated the 2023 increase for the fire department was 2% and 12.67% for senior officers in the police department and 13.17% for first class officers. That did not include other additional pay.

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 22-25 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-25
[6:38pm]

Rollo moved and it was seconded that Ordinance 22-26 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 1, Nays: 5, Abstain: 3.

Ordinance 22-26 - An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2023
[6:39pm]

Rollo moved and it was seconded that Ordinance 22-26 be adopted.

Shaw summarized Ordinance 22-26 and highlighted the pay grades and salary ranges for appointed officers, non-union, and American Federation of State, County and Municipal Employees. She provided additional details.

Sgambelluri moved and it was seconded to adopt Amendment 01 to Ordinance 22-26.

Amendment 01 to Ordinance 22-26

Amendment 01 Synopsis: This amendment was prepared at the request of the Human Resources Department to list a previously-created position under the Department of Economic and Sustainable Development that was inadvertently omitted from the ordinance.

Amendment 01 to Ordinance 22-26 (cont'd)

Shaw explained the purpose of Amendment 01 was to correct an accidental omission for the position.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 22-26. received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 22-26 [6:43pm]

Rollo asked for an update on the contract negotiation.

Council questions:

Beth Cate, Corporation Counsel, said that negotiations were ongoing and negotiation meetings were being scheduled. She hoped the negotiations concluded by mid-November.

Piedmont-Smith asked about the \$1000 extra payment, in two payments, and if any employees were not eligible.

Shaw said that sworn police officers were not eligible. Dispatch employees were not ineligible but it was not budgeted for since their budget was drafted much earlier. The city was working to include dispatch employees to amend their department's budget.

Jeff Underwood, Controller, explained that the dispatch budget started about forty-five to sixty days before the city budget because it needed to be agreed upon between the city and county.

Piedmont-Smith asked about fire department employees.

Shaw stated they were eligible.

Steve Robertson spoke about staffing issues and employees leaving the city, contract negotiations, and the low pay for city staff.

Public comment:

Bradley Rushton commented, as President of the local 2487 AFSCME, on contract negotiations, scheduling, budget, timing, and wages for essential personnel.

Stephen French discussed the work of city workers and their important work like utilities, streets, police, fire, and more.

Jeff Morris talked about his experience in working in the Streets department. He noted the labor shortage to the private sector and other municipalities where there were better wages.

Allan Johnson also commented on his experience in the Streets department. He talked about wages, raises in recent years, and impacts on cost of living.

Rollo stressed the need to keep up with the cost of living increases. He discussed the 2008 recession, salary raises, funds, the EDLIT, wages, the budget process, and council's role. He was prepared to vote against non-essential appropriations the following year so that the funds could be used for wages. He did not have much faith in the administration's efforts in the contract negotiation. He would be voting in favor of Ordinance 22-26 and urged council to vote against fixing the salaries for elected officials because there was not a union contract yet. He encouraged all to work together on a solution.

Council comments:

Ordinance 22-26 (cont'd)

Volan said that it would be better if the contracts were completed before the budget. He commented on council's role to not interfere with contract negotiations. He discussed his involvement with the plan, authored by Public Works, to update the sanitation division in 2016 and 2017 though it had challenges and shortfalls. He noted that the rates that were set five years in the past were not high enough to fund the program. Volan talked about the benefits of having a truck arm lift the bins instead of an employee. He hoped to see a rate ordinance by the end of the year, and noted that an appropriation ordinance could be considered to fully fund the salary of union members. He would support Ordinance 22-26.

Smith supported fair and equitable pay for staff, especially with the high cost of living. He had been a union member for many years in the past. Smith commented on the staffing shortages and said that the employees needed to be fairly compensated.

Piedmont-Smith said that Rollo correctly explained the predicament of councilmembers wanting to support essential employees, but were not made aware of contract negotiation details. If Ordinance 22-26 did not pass, then non-union employees would not receive a raise. She supported Ordinance 22-26 and urged the administration to compensate appropriately and prioritize those already working for the city, prior to hiring new employees.

Rosenbarger planned to vote in favor of Ordinance 22-26 and was encouraged that there might be a new agreement by mid-November. She was discouraged that union representatives felt that there was a gap in communication between the negotiators. The best step forward was to approve the legislation and express support for the union and their right to collective bargain. She commented on the importance of living where one worked and employees should be compensated fairly. She supported the union members with the negotiation efforts.

Flaherty agreed that Rollo summed up the challenges clearly. He was concerned about employee retention and compensation in the face of inflation. There were different mechanisms that were in place to work to adjust salaries. He discussed benefits in the salary ordinance, like the 5% increase bonuses, and savings matching. He hoped that the contract resulted satisfactorily for all, and noted that it harmed the city to not retain employees. Council played a limited role in the strict and well-defined contract negotiations and asserted that there would be funding for any agreement that was reached. He commented further on options council could take to impact salaries. He discussed the importance of non-union employees, too, and referenced an anonymous uReport, from a city employee, that stated that they were not paid enough to live in Bloomington. Flaherty was interested in benchmarking salaries to compete with surrounding governmental units and the private sector. He noted the importance of retention, quantitative data, gender and racial pay equity, and more.

Sims thanked the union members in attendance and expressed support for working people's unions. He discussed his experience at Indiana University (IU) and working with unions. He said that if the Ordinance 22-26 did not pass, the salary would revert to the current year. Sims had spoken with the administration in support of the negotiation. He commented on council's role and the importance to not interfere with the negotiation process. He discussed cost of

living allowance, and fair and equitable salaries. He planned to support Ordinance 22-26.

Ordinance 22-26 (cont'd)

Sgambelluri appreciated the discussion and said it was better to say essential city services as opposed to basic services. She discussed the work that essential workers did to provide essential city services. She acknowledged the limitations in council's role and the importance of not interfering in the negotiation process. Many councilmembers had emphasized the importance of essential city services to the administration. She spoke about the interconnectedness of financial decisions in the city and that it was important to invest in staff and employees in the city.

Sandberg thanked the public for their attendance and staff for sharing information about their work and responsibilities. She commented on staffing shortages, essential services, and non-union employees. It would be fiscally irresponsible to not vote in favor of the salary ordinance. She urged staff not to leave the city and said there would be funds available to fully fund a new agreement.

The motion to adopt Ordinance 22-26 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-26 as amended [7:36pm]

Rollo moved and it was seconded that Ordinance 22-27 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 5, Nays: 3, Abstain: 0.

Ordinance 22-27 - To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2023 [7:37pm]

Rollo moved and it was seconded that Ordinance 22-27 be adopted.

Shaw briefly described Ordinance 22-27 and stated she was available to answer questions.

Council questions:

Sandberg asked why there was a recommendation from an HR viewpoint.

Shaw noted that consistency was important and referenced a compensation study in 2017 when council did not increase their compensation.

Sgambelluri asked for the total increase for councilmembers.

Shaw said the current salary was \$20,146 and that the increase would be 95% of that amount.

Sgambelluri estimated that it would be roughly \$1000 each, at about \$10,000.

Stephen Lucas, Council Attorney, stated that Ordinance 22-27 also set the salary for the mayor and city clerk.

Piedmont-Smith asked if the compensation study was done in 2017 and if it was correct that the council did not implement the recommendation until the next election year.

Shaw confirmed that was correct, and that the study began in 2016.

Dave Askins wondered the impact if Ordinance 22-27 did not pass.

Public comment:

Piedmont-Smith asked what would happen if Ordinance 22-27 did not pass.

Council comments:

Underwood believed the salary would revert to the current year's amounts.

Sgambelluri asked what would happen to the funds if the legislation did not pass.

Ordinance 22-27 (cont'd)

Underwood said the funds were in category 1 so could only be used there, and any monies not used would revert back to the fund they were budgeted in.

Volan understood that council could only set the salary for one year at a time.

Lucas confirmed and believed it was true for most expenses, too.

Volan stated that he was curious if the salary could be secured for a term versus just a year.

Lucas said he would research that option.

Rollo expressed his frustration with the budget regarding salaries. He said it was ideal to not approve an increase in salary for council. It was the under the mayor's purview to increase city staff salaries. He would vote for Ordinance 22-27 because there were other elected officials, like the city clerk, salaries in the legislation too.

Sandberg appreciated Rollo opting to vote in favor of Ordinance 22-27 because it was prudent to follow the recommended formula, especially because there were other elected officials.

Bolden asked if council wanted to amend Ordinance 22-27 to exclude council's salaries and vote separately against increasing it.

Sandberg stated that she did not want to complicate the process.

Volan asked if there could be two separate votes to separate the council's salary from the clerk and mayor.

Lucas responded that state code called for the legislative body to affix the annual compensation of all elected city officials. He would research the option of separating the salaries. He recommended postponing action on Ordinance 22-27 as opposed to separating the salaries that evening.

Volan commented on council salaries and noted that it was not a full time position, despite increasing demand from the public, and on councilmembers' time. It was prudent for council salaries to be a living wage. Otherwise only certain people would be able to serve on the city council.

The motion to adopt Ordinance 22-27 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-27 [7:56pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-02 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Appropriation Ordinance 22-02 - An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2023 [7:56pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-02 be adopted.

Vic Kelson, Director of Utilities, briefly summarized the legislation.

Volan asked when the next rate case would be, and specifically about the next water rate case would be.

Council questions:

Kelson said that it would be in November and in 2024 for water.

Sims supported Appropriation Ordinance 22-02 and reminded all of the EDLIT, a referendum for the Monroe County Community School

Corporation (MCCSC), possible trash rate increase, and higher assessed values. He noted the compounding effect on residents.

Appropriation Ordinance 22-02
(cont'd)

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Appropriation Ordinance 22-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 22-02 [8:02pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-03 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Appropriation Ordinance 22-03 - Appropriations and Tax Rates for Bloomington Transportation Corporation for 2023 [8:03pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-03 be adopted.

John Connell, General Manager for Bloomington Transit (BT), stated that there was no change in the budget.

Piedmont-Smith asked what the total budget request was. Connell stated that it was \$35,039,251.

Council questions:

Volan said that the budget was larger than in the past and asked what the following year's budget might be.

Connell said that the current request was up 131%, and anticipated that, with federal dollars, the budget would decrease to \$30 million.

Volan stated that was encouraging.

There were no public comments.

Public comment:

Volan pointed out that the local income tax had a dramatic impact on transit service. He commented on BT's budget and said he was excited about BT's future.

Council comments:

Rollo asked what sort of infrastructure was needed to have a fully electric bus fleet.

Connell said the challenge was the size of the property. There would be an analysis of how to best provide the electrical infrastructure for electric buses. He would share the information with council.

Flaherty thanked Connell and clarified that it was substantially cleaner to use electric vehicles. He provided data from the Union of Concerned Scientists which found that the average new battery for electric vehicles produced 50% less pollution. He discussed tail pipe emissions which were a driver of early death.

Rollo added that electric vehicles should be used and also the footprint of mining lithium, and more.

The motion to adopt Appropriation Ordinance 22-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 22-03 [8:10pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and

Appropriation Ordinance 22-01 - An Ordinance for Appropriations and Tax Rates (Establishing 2023 Civil City Budget for the City of

synopsis, giving the committee do-pass recommendation of Ayes: 0, Nays: 6, Abstain: 3.

Bloomington) [8:10pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-01 be adopted.

Underwood presented Appropriation Ordinance 22-01 including a budget, with property tax caps, of \$129,435,299 across thirty four funds, but did not include Utilities and Transit department. It was an increase of \$22.4 million.

Sgambelluri moved and it was seconded that Amendment 01 to Appropriation Ordinance 22-01 be adopted.

Amendment 01 to Appropriation Ordinance 22-01

Amendment 01 Synopsis: This amendment is sponsored by Cm. Sgambelluri and would reduce the Jack Hopkins Fund (#9508), Category 3 (Other Services and Charges) in the Council’s Department budget, by \$100,000. The intent behind this reduction is to give explicit guidance on an Emergency Reproductive Health Care Grant Program proposed for 2022 and 2023. As is proposed in Appropriation Ordinance 22-04 for 2022, this amendment is meant to indicate that any such grant program for 2023 should be funded and administered by the Community and Family Resources Department rather than out of the Jack Hopkins Fund.

Piedmont-Smith asked for clarification on Amendment 01.

Council questions:

Sgambelluri stated that the Jack Hopkins Social Services Fund (JHSSF) provided funding for a broad spectrum of services, assisting with food or housing insecurity. It was not ideal to earmark \$100,000 for one specific purpose in JHSSF.

Sandberg added that it made it clear that the funding would be managed by the Community and Family Resources (CFRD) department.

Lucas asked for clarification from Piedmont-Smith on her question.

Piedmont-Smith clarified that she was asking if Amendment 01 reduced the overall budget or if it removed the transfer from the General Fund into JHSSF.

Lucas said the intent was to just remove the transfer and leave the \$100,000 in CFRD.

Piedmont-Smith asked if it was appropriate to maintain the funding in CFRD.

Underwood responded that it was and since the money was coming from the General Fund, it needed to be appropriated. He provided additional details.

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 Appropriation Ordinance 22-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Appropriation Ordinance 22-01 [8:19pm]

There were no council questions.

Council questions:

Joseph Wynia called for ending the general subsidy in the Sanitation budget and the proposed rate increase. There was disparity in those providing the subsidy and those benefiting from it. He said that it was not ideal to subsidize the hauling of waste, because of the

Public comment:

carbon footprint, pollution, and energy and pollution to landfill the waste. He provided additional details.

Appropriation Ordinance 22-01 as amended (*cont'd*)

Dave Askins asked what happened if council did not pass Appropriation Ordinance 22-01 by the end of the month, and commented on property tax rates, revenue, the appropriation of the funding, and timing. He also discussed the AFSCME agreement, salaries, and processes.

Volan stated that he agreed that those who generated waste should be responsible for disposing of it, and should be aware of the carbon footprint to do so. He commented on size of waste bins, and the process for disposing of waste. He supported Appropriation Ordinance 22-01.

Council comments:

Smith noted that 53.7% of the General Fund was funded by property taxes, and homeowners paid for their trash disposal. Decreasing the subsidy would not decrease pollution. If the bins were smaller, it would not help much. He questioned if property taxes needed to be reduced, or homeowners given a rebate. He agreed on the need for a smaller carbon footprint, but the city was de-incentivizing home ownership. He said that homeowners funded solar energy in parks, bicycle paths, and more. He said paying for trash when it was thrown out was ideal but removing the subsidy was not.

Flaherty pointed out that everyone paid property taxes, even renters via rent. He said that only one portion of the city got the benefit of a city service that everyone used. There was no subsidy available for trash service for multifamily housing units. He said the social and racial injustice that was born out in the empirical data that concerned him the most.

Volan agreed that everyone paid property taxes so it was irrelevant that property taxes funded half of the General Fund, and those funds could go towards other city services. Private hauling of waste was more expensive than the city fee which was a third the cost of private companies. In the five years since the modernization plan was implemented, the amount of trash had gone up nearly 60%. He had been pursuing paying for waste only when it was thrown out for a long time, with pushback, that pointed out legitimate issues. He said that the administration and city staff were continually bettering service and solving issues.

Piedmont-Smith looked forward to a discussion on the Sanitation department budget. It would be fiscally responsible to increase rates to cover the increase in cost or possibly reduce pickups to every two weeks. She expressed support for an overall focus on sustainability in the budget and provided examples like directly funding the implementation of the Climate Action Plan, supporting public transit, allocation for affordable housing, a commitment to convert a surface parking lot to affordable housing, changes to the leafing program, economic equity fund, local foods, the arts, and boosting salaries. She supported the budget that evening.

Sims thanked everyone for their work. He spoke about community good and believed that the budget could be transformative. He also commented on innovation and results. Everyone wanted to reduce trash and its disposal and noted that waste also included packaging. Sims discussed recycling changes in the city, regional efforts for sustainability, impacts, and appreciating the good that the administration and city staff were achieving.

The motion to adopt Appropriation Ordinance 22-01 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 22-01 as amended [8:46pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:46pm]

Sims moved and it was seconded to adjourn. Sandberg adjourned the meeting.

ADJOURNMENT [8:47pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval