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From: **Stephen Lucas** <lucass@bloomington.in.gov>

Date: Tue, Mar 17, 2020 at 10:18 AM

Subject: Re: On Coordinating Policy under COVID-19

To: Susan Sandberg <sandbers@bloomington.in.gov>

Cc: Dan Sherman <shermant@bloomington.in.gov>, Matt Flaherty <matt.flaherty@bloomington.in.gov>, Stephen Volan <volans@bloomington.in.gov>, Jim Sims <simsji@bloomington.in.gov>, Isabel Piedmont-Smith <piedmoni@bloomington.in.gov>, Kate Rosenbarger <kate.rosenbarger@bloomington.in.gov>, Ron Smith <ron.smith@bloomington.in.gov>, Dave Rollo <rollod@bloomington.in.gov>, Sue Sgambelluri <sue.sgambelluri@bloomington.in.gov>, Nicole Bolden <boldenn@bloomington.in.gov>, Sofia McDowell <sofia.mcdowell@bloomington.in.gov>

Hi all,

A few things to keep in mind:

A daily conference call of councilmembers (assuming Steve didn't mean a daily caucus conference call) would be a meeting under the Open Door Law. That means we would need to post notice of the meeting at least 48 hours in advance, and make the meeting accessible to the public. Our local code contemplates such emergency meetings in BMC 2.04.060, which states: "Emergency meetings may be held provided there is compliance with the notice requirements of state law." If councilmembers would like to hold and participate in a daily conference call, I can post a notice today for such a meeting on Thursday at 4pm (and daily at the same time, if so desired).

Also, councilmembers should be mindful about unintentionally holding unnoticed serial meetings under the ODL. As a reminder, a serial meeting occurs when members of a governing body participate in a series of at least two meetings and all of the following conditions are met:

- One gathering is attended by at least three members but less than a quorum;
- The other gatherings include at least two members of the governing body;
- The sum of different members participating at least equals a quorum;
- The gatherings concern the same subject matter and are held within a period of seven days; and
- The gatherings are held to take official action on public business.

I know that we are trying to be responsive to a rapidly changing set of circumstances, but it's important that we don't run afoul of any rules under applicable state or local code.

Dan's suggestion to communicate among yourselves and staff is a good one, but doing so in any manner (conference calls, Zoom meetings, etc.) that allows for simultaneous participation of a majority of the Council would need to comply with the Open Door Law.

I'll start preparing a notice for a meeting to be held via conference call on Thursday at 4pm, but I'll wait to post it until I've heard back from the Council President to confirm.

Thanks,
Stephen

On Tue, Mar 17, 2020 at 8:34 AM Susan Sandberg <sandbers@bloomington.in.gov> wrote:

Thank you, Dan, we all need to communicate in a consolidated fashion to keep things on a singular and productive track!
Susan

On Mon, Mar 16, 2020 at 10:14 PM Dan Sherman <shermant@bloomington.in.gov> wrote:

At this early stage, where a free flow of ideas is beneficial, I suggest that you communicate among yourselves and staff. These communications do not constitute a meeting, but are valuable. If you wish to bring in Administrative staff, please include the department head and Mick, so that they know what you're thinking. If you would rather feel free to expound without fear of creating a disclosable public record, your speculative communications within the City may well be withheld as deliberative material. Although no guarantee that your words won't be disclosed, you may want to include "deliberative" in the heading, so that your attorneys will know what you intended in that regard.

Once ideas have percolated - and a list develops - then coordination would be easier to arrange.

Some thoughts on policy (for what it's worth). In thinking about actions the City could take, it's good to focus on those actions that are within our control and where the likely consequences are within our understanding (e.g. parking, CoB shut-offs). It also helps to think about what other entities (e.g. the state and federal governments) are or will be doing and how the City can coordinate with or complement those efforts. Lastly, please think about our limits and how we make the most of we can offer.

Respectfully,

Dash

On Mon, Mar 16, 2020 at 9:12 PM Matt Flaherty <matt.flaherty@bloomington.in.gov> wrote:

Hi all,

Wondering what might be best to coordinate among Council on any policy changes that are needed in response to the ongoing public health crisis. Obviously the Administration is spearheading things here, but there may be things we want to advocate for or things that would require us to take legislative action. For instance, see the [Change.org petition](#) in the email forwarded from Sue. It recommends reallocation of Food & Beverage Tax dollars to local businesses* (which has substantial implications), along with other smaller measures like suspending parking meters for the time being. You've likely all heard other policy proposals from constituents, some of which may require legislation from us.

Another thought I had is to suspend all disconnections for nonpayment from CoB water for now (if this isn't already being done). Basically anything we can do to insulate people — many of whom are now functionally out of work, facing increased expenses, etc. — from additional burdens while we all weather this.

So again, my question is how to best coordinate Council efforts here. Perhaps just through Council leadership and/or Dave with the Office of the Mayor? Trying to avoid duplicative or wasteful effort here. Thanks, all.

-Matt

* For another proposal related to F&B Tax dollars (as an alternative suggestion to the loan proposal of the Change.org petition), see the below email from the Inkwell owners, sent this evening to John, MC, Jane Kupersmith:

We own The Inkwell on the square. As you are probably aware, there is a petition circulating about reallocating the 1% Food and Beverage tax to small businesses as interest-free loans and grants to help keep our small businesses alive during this crisis.

While I strongly support using FAB revenue to support small businesses, I want to encourage the Mayor's office to consider providing immediate funding to service-industry workers who would otherwise qualify for unemployment compensation and whose employers apply for funds on their behalf. I speak for many local restaurants when I say that we want to continue to employ our employees and we want to continue to serve high-quality food to our community, but with business down by more than 80% (and that was before we temporarily closed to move to carryout only), we simply cannot operate.

Thank you for your consideration. Despite our very best efforts to provide more than a living wage and work closely with our staff to deal with this issue ourselves, they still live paycheck to paycheck and will be unable to meet their basic needs and continue to be our employees in the months ahead. Therefore, if there is anything creative our community can do to prioritize them now, we would appreciate it. They make the city Bloomington.

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Matt Flaherty
Bloomington City Council, At-Large
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