

CITY OF BLOOMINGTON

COMMISSION ON SUSTAINABILITY

MEETING PACKET

McCloskey Conference Room — City Hall
Tuesday, January 14, 2025, 6:00 p.m.

Or virtually at:

<https://bloomington.zoom.us/j/84327085962?pwd=naI8LVmKZSoinPUHbXuw3h7oqMyi5g.1>

Meeting ID: 843 2708 5962

Passcode: 034238

CONTENTS

- 1. Agenda**
- 2. Chair Report**
- 3. Sustainability Assessment Outline Draft**
- 4. Email to Commission from City Attorney regarding BCOS Document Access**



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COMMISSION ON SUSTAINABILITY

NOTICE AND AGENDA

Tuesday, January 14, 2025, 6:00 p.m.
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<https://bloomington.zoom.us/j/84327085962?pwd=naI8LVmKZSoinPUHbXuw3h7oqMyi5g.1>

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1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes: December 10, 2024**
5. **Public Comment** **10 min**
up to 3 minutes per person
6. **Reports from Commissioners** **25 min**
 - A. Chair (Justin Vassel) 5 min
 - B. Waste Management Working Group (Matt Austin) 5 min
 - C. Ad-Hoc Committee: Sustainability Assessment Report (Tara Dunderdale) 10 min
 - D. Council Ex-Officio (Dave Rollo) 5 min
7. **Discussion of Topics Not the Subject of Resolutions** **40 min**
 - A. Email from City Attorney Larry Allen re: BCOS Document Access 10 min
 - B. Commission Priorities for 2025 30 min
8. **Resolutions for Second Reading and Discussion** **N/A**
9. **Resolutions for First Reading and Discussion** **N/A**
10. **Report from Staff Liaison (Shawn Miya)** **10 min**
11. **Member Announcements** **5 min**
12. **New Business** **5 min**
13. **Adjournment**

Next Regular Meeting: February 11, 2025 at 6 pm

As a quorum of the Commission or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



CITY OF BLOOMINGTON
COMMISSION ON SUSTAINABILITY

Chair Report

January 14, 2025

Justin Vasel

Upcoming BCOS Calendar (Tentative)

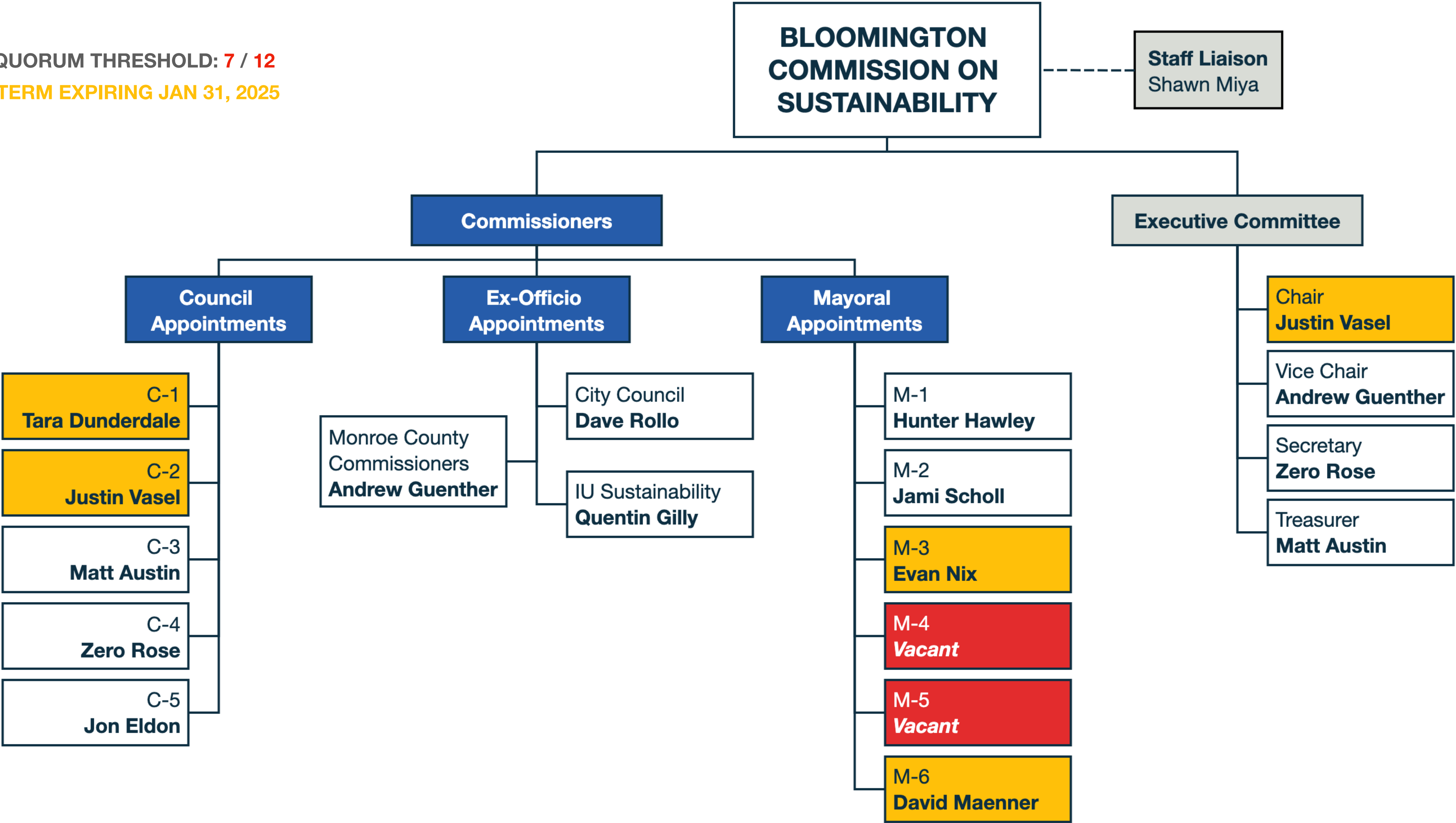
	Date	Event		Date	Event
<i>Today</i>	January 14, 2025	Regular BCOS Meeting		May 13, 2025	Regular BCOS Meeting
	January 28, 2025	BCOS Work Session		May 27, 2025	BCOS Work Session
	February 11, 2025	Regular BCOS Meeting		June 10, 2025	Regular BCOS Meeting
	February 25, 2025	BCOS Work Session		June 24, 2025	BCOS Work Session
	March 11, 2025	Regular BCOS Meeting <i>OFFICER ELECTIONS</i>		July 8, 2025	Regular BCOS Meeting
	March 25, 2025	BCOS Work Session		July 22, 2025	BCOS Work Session
	April 8, 2025	Regular BCOS Meeting		August 12, 2025	Regular BCOS Meeting
	April 22, 2025	BCOS Work Session			

BCOS Organization Chart

CURRENT AS OF NOVEMBER 12, 2024

CURRENT QUORUM THRESHOLD: 7 / 12

YELLOW = TERM EXPIRING JAN 31, 2025



General Updates

- Reminder: Terms Ending Jan 31, 2025 — 2 Council-appointed; 2 Mayor-appointed
 - Please fill out application form again if planning to continue
 - *Note: until the seat is filled (by reappointment or by new appointment), you can continue to serve for up to 90 days even after the term expires^{*}.*

^{*} **BMC § 2.08.020(5):** “If a member's term has expired, but the appointing authority has failed to act, the appointment of the member whose term has expired carries over until the appointing authority reappoints or appoints a successor.”

BCOS Sustainability Assessment 2024

Introduction and Method

The focus of this assessment is the Climate Action Plan Goals for Energy and the Built Environment. The goal identified by the city in this area are:¹

EB1: Increase distributed renewable energy to 250,000 MWH of total generation annually by 2030.

EB2: Increase energy efficiency citywide 16% for electricity and 12% for natural gas of 2018 values.

EB3: Support decarbonization of the local electricity grid.

EB4: Promote “fuel switching” to reduce on-site fossil fuel use in the building sector by 3% of 2018.

EB5: Increase financing options for energy efficiency and renewable energy projects city wide.

Current Progress toward CAP Goals for Energy and the Built Environment

Greenhouse gas emissions produced by the Energy and Built Environment Sector in 2022 returned to almost match 2018 after trending downward in 2019 and 2020.² This rebound after making progress toward emissions goals means greater strides are necessary to meet stated goals. This assessment aims to highlight city code, budget priorities, policies, and initiatives that could support progress toward emission reduction goals, areas for potential improvement, and BCOS recommendations.

Selection of City Initiatives related to CAP Goals for Energy and the Built Environment

City Code

- UDO
 - Native planting requirements
 - Tree mulching
 - Stormwater management

¹<https://bloomington.in.gov/sites/default/files/2021-04/Bloomington%20Climate%20Action%20Plan%20040521%20Reduced.pdf>

² <https://bloomington.climatenavhub.com/65e1e5315460bf7455f261e7>

City Budget

- Parks and rec inflation adjusted budget
- Disaggregated parks and rec spending on greenspaces (GOLF, URBAN GREENSPACE, URBAN FORESTRY)

Other City actions and policies

- From CAP dashboard
 - Renewable energy
 - Energy efficiency
 - Sustainable development policy
 - Green Building Program

From: Larry Allen <allenl@bloomington.in.gov>
Sent: 10 December 2024 3:53 PM EST
To: Andrew Guenther <ajguentherjr@gmail.com>, Dave Maenner <david.maenner@yahoo.com>
Dave Rollo <rollod@bloomington.in.gov>, Jon Eldon <jeldon@indiana.edu>, Evan Nix <ejn528@gmail.com>,
Hunter Hawley <hunterhawley@mac.com>, Jami Scholl <wellbeing@rezenience.com>,
Jami Scholl <jamischoll@gmail.com>, Jolie Perry <jolie.perry@bloomington.in.gov>,
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Rick Dietz <dietzr@bloomington.in.gov>, Audrey Brittingham <audrey.brittingham@bloomington.in.gov>
Taylor Brown <taylor.brown@bloomington.in.gov>
Subject: Commission on Sustainability Documents

Dear Commissioners,

Thank you all for your service as commissioners of the Bloomington Commission on Sustainability (BCOS). We appreciate your passion and engagement with the important work of sustainability within our community. You had inquired whether you could maintain access to the City's internal Google Drive as a shared document repository and co-edit your documents. While we do not believe that shared access can remain for the City's Google Drive, we have worked to find a solution to maintain access to the public documents that have been generated by BCOS.

As we have discussed, the City of Bloomington is required to comply with both the Open Door Law (Ind. Code Chapter 5-14-1.5) and the Preservation of Public Records law for local governments (Ind. Code Article 5-15). To that end, the City works to ensure that all boards and commissions are consistently following requirements of the Open Door Law and properly preserving public records. Upon consultation with the Public Access Counselor and among City staff, we determined that shared access to our Google Drive where each individual had editorial access was not in accordance with the City's policy and likely resulted in violations of the Open Door Law.

In order to comply with the Open Door Law and to keep the integrity of the documents as they have been written and discussed during regular monthly BCOS meetings or BCOS Working Group meetings, we removed editorial access to the shared drive documents. This was consistent with the way all other boards and commissions operate within the City. However, we also recognize that these documents are public documents and are of value to BCOS and the public. Those documents that have been approved by BCOS or have been discussed during a meeting are being uploaded to [BCOS's OnBoard page](#) so that they are available to the public and BCOS members.

In order to maintain compliance with the Open Door Law, if members want to change a document that has been uploaded to OnBoard, those changes should be made and approved through a validly noticed public meeting. Documents that commissioners want to consider, discuss, review, or adopt should be included in a BCOS meeting packet (whether for a regular meeting, committee meeting, or a working group meeting) and publicly posted. Real time changes made to the document can be made during public meetings either using formal amendments following BCOS's bylaws and Robert's Rules, or can be done where the public has an opportunity to hear and observe what is happening (e.g., the document can be projected on a screen so that edits can be seen by the public during the meeting). Drafts of documents must be shared with your staff liaison as well, so that they can become part of the City's repository of documents.

BCOS commissioners should avoid sending group emails (even replying all to emails from staff) discussing BCOS issues or business, because that communication is considered official action that violates Open Door Law. We advise all board and commission members to simply reply to the staff liaison, who can compile input where necessary and present it at the next meeting. As mentioned above, the Public Access Counselor has also advised that simultaneous editing of documents (even where staggered through shared documents) that are not part of properly noticed meetings violates the Open Door Law. Members should also avoid creating documents that are edited by multiple members outside of public meetings. That said, individual commissioner members are free to draft documents on their own and propose their inclusion in the packet for consideration by the board, a committee, or working group at a properly noticed meeting.

We understand that you have set up a private Google Drive where certain BCOS documents are stored with "view only access" that is not maintained by the City. There is no problem with you having access to view the documents as individuals. This Drive would merely be considered a copy of the documents and cannot be considered as compliant with the City's duty to maintain its public records. We ask that in using private tools that you be mindful of your

responsibility as commission members to follow the law and the policies of the City as outlined above. Violation of the law or our policies may result in your removal from the commission. Further, reckless, knowing, or intentional damage or destruction of a public record is a Level 6 Felony in Indiana. *See* Ind. Code § 5-15-6-8.

We appreciate your understanding and cooperation as we try to ensure legal compliance to the best of our ability. We also fully recognize that the work of the City and our boards and commissions in finding lawful but efficient ways of advancing our shared goals is a constant work in progress. We thank you for your cooperation and assistance as we continue to explore these issues.

Additionally, I want to note that the City has formed a task force on Open Governance. While the task force is taking a broad look at all City processes, it will likely also look at the uniform functioning of boards and commissions. That may be a fruitful avenue to advocate for streamlining our work and distribution of information.

Sincerely,

-Larry

LARRY ALLEN *he/him/his*
CITY ATTORNEY

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