



ADDENDUM II

BLOOMINGTON CITY COUNCIL AGENDA

JULY 23, 2012

REMOVED FROM AGENDA

Item 5A. Oath of Office

Item 6K. Lake Lease Transfer Petition at the request of the petitioner's attorney

CHANGE TO THE AGENDA

Item 8C. Amended text amendment. Changes are in italics and/or a double strike through

FOR COUNCIL: July 23, 2012

SUBJECT: Proposed Ordinance Amending Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water and adding Section 36, Water Emergency Response Ordinance, to Chapter 27.

RECOMMENDATION/MOTION: Recommend that Text Amendments to Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water, be amended by removing paragraph (b), Authority to Impose Water Use Restrictions, and relettering the remaining paragraphs (c) through (g), also that the subject matter of the previous Chapter 27, Section 8, paragraph (b), Authority to Impose Water Use Restrictions be moved to and expanded upon, in the new Section 36, Water Emergency Response Ordinance, of Chapter 27, be approved and the Ordinance passed.

BACKGROUND: Staff has prepared a Water Emergency Response Ordinance, which will take the place of Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water and replace it with a much more detailed and specific Water Emergency Response Ordinance. The Water Emergency Response Ordinance is the culmination of several years of research into other municipalities Water Emergency Ordinances and is intended to be utilized whenever a water emergency is encountered, whether it is supply related, such as a drought, treatment related, such as a long term power outage at the water treatment or other pumping facility or a water distribution system or water quality related issue.

The driving force in the Ordinance is the preservation of safe drinking water for human consumption, sanitation, fire protection and other essential needs. It is intended to provide the water customers of the City of Bloomington with the foreknowledge of the actions that will be taken if a water emergency is encountered.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no Community Groups contacted for this petition.

FINANCIAL IMPACT: This petition will have no financial impact on the City of Bloomington.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Craig M. Cummings
Water Director

Barbara J. Adkins
Deputy City Manager

Fiscal Review by:

Legal Review by:

Recommended by:

Patti-Lynn Silva
Finance Director

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE NO. 2012 - ____

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 27

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 27 be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Chapter 27: Section 8: Rules Governing Use of City Water.

The following rules governing the use of City water are hereby adopted:

(a) Waste of Water Not Permitted. Customers shall keep their water service pipes and all plumbing connected with the City's water system in good repair and protected from freezing at their own expense. Hydrants, taps, hoses, water closets, urinals, baths or other fixtures shall not be kept running when not in use. In conditions of extreme cold weather water may be kept running at a trickle to prevent pipes from freezing. If it is found that there is an unreasonable or unnecessary waste of water in any building, structure or premise to which water is supplied from the City's water system, the Director of Engineering & Water may cause the water service to be disconnected to stop the waste of water. (Ordinance No. 1994-43)

~~(b) Authority to Impose Water Use Restrictions. The City Manager may, at any time he determines that the conditions affecting the City's water supply, reservoirs, pumping or distribution facilities make restriction of water use, either on a short term or indefinite basis necessary in the public interest, order cessation or restriction of any one or more of the following activities by City customers, whether inside or outside the City's corporate limits:~~

~~(1) watering of lawns, gardens, trees, shrubs and vegetation, established or new;~~

~~(2) water conservation measures by non-residential or residential users, or both;~~

~~(3) washing of cars, either totally or at certain types of locations;~~

~~(4) filling of swimming or wading pools;~~

~~(5) use of fountains or other decorative water features;~~

~~(6) sales to water haulers;~~

~~(7) service of water to restaurant customers, except on request;~~

~~(8) any other practice which in the City Manager's opinion may be wasteful of water.~~

~~The City Manager shall cause notice of any such restrictions to be included with the next water bill issued immediately following the imposition of any restrictions, except that in case of an emergency, the City Manager shall cause notice of such restrictions to be publicly announced by means of broadcasts or telecasts from a radio station in a normal operating range covering the~~

~~City. All restrictions shall remain in effect from the date notice is given until they are rescinded by the City Manager.~~

~~In the case of sale of water to other public bodies, the City Manager may require the public bodies to adopt and enforce Ordinances or Resolutions imposing restrictions to their water customers consistent with those imposed within the City's corporate limits.~~

~~In addition to any penalties otherwise provided for in this Chapter, the City Manager may order a disconnection of water service to any customer violating any of the foregoing restrictions. Once disconnected the customer's water service may be resumed only after the City Manager determines that future violations by said customer will not occur. (Ordinance No. 1994-43)~~

~~(b)~~ (e) Disconnection of Water Service. In any case where the water service has been disconnected for any reason provided in this Chapter, and the water is found reconnected or when in the opinion of the Director of Engineering & Water the disconnection of the water service by closing the curb shutoff valve is not a sufficient protection against the further use of the water, it shall be lawful to cause the water service to be disconnected by whatever means necessary. Upon a re-application for water service, an additional charge covering all the expenses of disconnecting the water service shall be made. (Ordinance No. 1994-43)

~~(c)~~ (d) Unauthorized Reconnection of Water Service. No customer shall reconnect or cause or allow the reconnection of water service to any premise to which the City has disconnected water service in any manner other than provided in this Chapter. ~~Only the Director of Engineering or Water,~~ *the City Manager, the Water Director*, his officers, and employees may reconnect a water service. Any customer who reconnects water service to a premise contrary to the provisions of this Chapter shall be liable for payment of a fine as provided in Section 15 of this Chapter in addition to any other fees or charges assessed as a result of special measures which must be taken to disconnect the service as a result of the reconnection. In any prosecution charging an unauthorized reconnection of water service, the person lawfully in possession and/or in control of the premises shall be presumed to have made, caused or allowed the reconnection of the water service. (Ordinance No. 1994-43)

~~(d)~~ (e) Right of Entry. The officers, agents and employees of the Water Department shall have free access to all and every part of any building, structure or premises to which water is supplied from the City's water system for the purpose of:

- (i) reading water meters and/or remote reading devices;
- (ii) examining and/or repairing the water pipes, taps, fixtures, hydrants, valves, shutoff boxes and any other appurtenances related or connected to the City's water system; and
- (iii) disconnecting and/or reconnecting water service as provided in this Chapter.

Such officers, agents and employees shall also have the right to take such steps as are necessary to repair pipes, taps, fixtures, hydrants, valves, shutoff boxes and other appurtenances related to or connected with the City water system and/or disconnect or reconnect water service as provided in this Chapter, including but not limited to conducting excavations on the customer's premises.

No person shall in any manner obstruct, or cause to be obstructed or refuse or prevent, the free access of any officer, agent or employee of the Water Department to all or any part of any building, structure or premise for the purposes set forth herein. Any person who so obstructs the access of any such officer or person or who shall refuse to permit such entry or access or who shall do or cause to be done any act or thing for the purpose of preventing such entry or access, shall be punished as provided in Section 1-6 of Chapter 1 of this Code. (Ordinance No. 1994-43)

(e) ~~(f)~~ Separate Storm and Sanitary Drainage Required. No water service shall be provided to any premises where storm water and sanitary drainage are not separated as required by the chapter governing sewers and sewage disposal. (Ordinance No. 1994-43)

(f) ~~(g)~~ Plumbing Code Requirement. No water service shall be provided turned on for service into any premise in which the plumbing does not comply with the Plumbing Code of the City and the requirements of this Chapter. Water service may be provided for construction work in unfinished buildings, subject to the provisions of this Chapter. (Ordinance No. 1994-43)

Chapter 27: Section 36: Water Emergency Response Ordinance.

(a) DECLARATION OF POLICY, PURPOSE, AND INTENT

Purpose: To achieve the greatest public benefit from domestic water use, sanitation, fire protection and to provide water for other purposes in an equitable manner and to preserve water quality, the City of Bloomington, Illinois adopts the following regulations and restrictions on the delivery and consumption of water.

This Ordinance is hereby declared necessary for the preservation of public health, safety, welfare and enhances water supply operational flexibility and shall take effect upon its adoption by the City of Bloomington, Illinois.

Whenever, in the judgment of the City Council of the City of Bloomington, Illinois, it becomes necessary to conserve water in the service area, due to drought, water treatment capacity or other conditions, the City of Bloomington, Illinois City Manager, in consultation with the Water Department Director is authorized to issue a Proclamation that existing drought or other conditions prevail over fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection and other essential needs become endangered.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become more effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during times of water shortage is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The provisions of the Ordinance shall apply to customers within the jurisdiction of the City of Bloomington, Illinois Water Department.

(b) DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls

Commercial and industrial water use: water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Customer: any person, company, or organization using water supplied by the City of Bloomington, Illinois Water Department.

Domestic water use: water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought Alert Phase:

1. Moderate Drought: Combined reservoir water-levels reduced below spillway level by 8 feet or a proclamation that a moderate water emergency exists.

2. Severe Drought: Combined reservoir water-levels reduced below spillway level by 10 feet or a proclamation that a severe water emergency exists.

3. Extreme Drought: Combined reservoir water-levels reduced below spillway level by greater than 12 feet and stream flow in Mackinaw River less than 20 cubic feet per second or a proclamation that an extreme water emergency exists.

Essential water uses: Water used specifically for fire fighting, and to satisfy federal, state, or local public health and safety requirements.

Even numbered address: street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M; and locations without addresses.

Institutional water use: water use by government, public and private educational institutions, public medians and rights of way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use: water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Odd numbered address: street addresses, box numbers or rural numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Water hauling: Water sold by the City of Bloomington at bulk dispensing facility for use at a location other than the location where it was purchased.

Water shortage: lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or deterioration of water quality which causes water supplies to be less than usual.

Wholesale customer: A public body that purchases water in bulk and redistributes it to its own customers.

(c) NON-ESSENTIAL WATER USE

All water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of non-essential water uses follow:

A. Residential and Institutional:

1. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas.
2. Washing down buildings or structures for purposes other than immediate fire protection.
3. Flushing gutters or permitting water to run or accumulate in any gutter or street.
4. Washing any motor bike, motor vehicle, boat, trailer, airplane or other vehicle in public or private garages or elsewhere.
5. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes.
6. Filling or maintaining public or private swimming pools.
7. Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under the Ordinance.

B. Commercial and Industrial:

1. Serving water routinely in restaurants.
2. Increasing water levels in scenic and recreational ponds and lakes.

3. Irrigating golf courses and any portion of its grounds, except greens or as otherwise provided under this Ordinance.

4. Obtaining water from hydrants for any purpose other than firefighting.

5. Serving customers who have been given a 10-day notice to repair one or more leaks and has failed to comply.

6. Expanding commercial nursery facilities, placing new sod on commercial and/or residential sod after the drought proclamation, or planting or landscaping when required by site design review process.

(d) RESPONSES TO MODERATE, EXTREME, AND SEVERE DROUGHT ALERT PHASES

Levels of drought are set forth in this ordinance as moderate, severe, and extreme. Proclamations issued by the City of Bloomington, Illinois *City Manager, in consultation with the Water Department Director* shall coordinate an appropriate response to the level of drought which exists.

Proclamations setting forth responses to the various drought alert phases shall be made by the City of Bloomington, Illinois *City Manager, in consultation with the Water Department Director* and are to be based upon local and/or regional monitoring data.

A. Moderate Drought Alert Phase: If conditions indicate that a moderate drought condition is present and is expected to persist, the City of Bloomington, Illinois *City Manager in consultation with the Water Department Director* shall notify municipal and county governments and issue press releases concerning the drought conditions to the news media. Large or key water users will be contacted directly by the Water Department.

1. Goal:

(a) Public awareness and education of drought procedures and water saving.

(b) A five percent voluntary water use reduction for residential, commercial, industrial, institutional, wholesale and electric power generation purposes in order to extend the water supply for duration of the drought.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of non-essential water uses (SECTION (c)).

(b) Institute an increased water supply system maintenance effort to identify and correct water leaks by initiating a complete leak detection survey.

• Leaks greater than 100 gallons per minute under the control of the Water Department will be corrected within 72 hours of the Department becoming aware of the leak.

(c) Encourage customers of the City of Bloomington, Illinois Water Department to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

• Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

(b) Commercial, Industrial, and Institutional:

• Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

• Water sold for transport elsewhere (“water hauling”) shall have the rate doubled.

(c) Agricultural, Irrigation and Livestock:

• Implement conservation techniques, explore different water saving methods, and use alternative sources.

(d) Electric Power Generation:

• Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

• Prohibit direct water withdrawals from Lake Bloomington

(f) Wholesale customers

- Water use reductions of five percent

4. Water Department Operational Procedures:

(a) Eliminate hydrant flushing, except that flushing necessary to maintain the water quality in the water distribution system.

B. Severe Drought Alert Phase: A drought of this severity requires official declaration and implementation of mandatory water use restrictions by the City of Bloomington, Illinois City Manager, in consultation with the Water Department Director. In such cases, the City Manager, in consultation with the Water Department Director will notify municipal and county governments in the affected drought areas. The Utility will also issue press releases concerning the drought conditions to the news media.

1. Goal:

(a) Generate a public response that helps alleviate drought stress through mandatory water use restrictions.

(b) A ten percent water use reduction for residential, agricultural, commercial, industrial, institutional, wholesale and electric power generation purposes.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper or general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

• Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.

• Restrict landscape watering to Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.
- Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- Water sold for transport elsewhere (“water hauling”) shall have the rate tripled and shall only be sold on Monday, Wednesday and Friday, 8a.m. to 4 p.m.

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.
- Restrict irrigation use from 7:00 p.m. to 7:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington

(f) Wholesale Customers

- Water use reductions of ten percent.

4. Water Department/City Operational Procedures

- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.

- Enact a 24-hour, service-area wide, monitoring system to evaluate the community's response and cooperation to drought procedures.

- Reduce the water supply hydraulic grade-line (levels in water towers) by five feet.

C. Extreme Drought Alert Phase: The City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* will notify municipal and county governments in the affected drought areas, and issue press releases concerning the drought conditions to the news media. Water-use restrictions imposed during extreme drought conditions are mandatory.

1. Goal:

(a) A fifteen percent water use reduction for residential, institutional, agricultural, commercial, industrial, and electric power generation purposes.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

- Reduce domestic water use to minimum levels necessary to maintain health and safety.

- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.

- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.

- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.
- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- Cease selling water for transport elsewhere (“water hauling”).

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.
- Restrict irrigation use from 12:00 a.m. to 4:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington.

(f) Wholesale Customers

- Water use reductions of fifteen percent.

4. Water Department/City Operational Procedures

- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.
- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.
- Prohibit water-based street cleaning.
- Enact a 24-hour Water Department monitoring system to evaluate the community's response and cooperation to drought procedures.
- Reduce the water supply hydraulic grade-line (levels in water towers) by ten feet.
- Eliminate golf course irrigation, except for greens

(e) NEW WATER SERVICE CONNECTIONS

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this Ordinance shall include conditions relating to water shortages.

No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, approved or installed unless such action is in compliance with provisions of this Ordinance.

(f) WATER RATES

In the event of an extreme drought related water shortage, the City of Bloomington, Illinois *City Manager in conjunction with the Water Department Director* is hereby authorized to monitor water use. Under extreme drought conditions the Water Department's drought water rates will be enacted through the duration of the drought for all water users except as otherwise noted in this Ordinance. These water rates are defined as the water rates in effect at the time of the extreme drought declaration multiplied by 1.50.

(g) RATIONING

In the event that a drought or other condition(s) threaten(s) the preservation of public health and safety, the City of Bloomington, Illinois *City Manager, in consultation with the Water Department Director* is hereby authorized to ration water.

(h) FINES AND PENALTIES

Except as otherwise stated herein, violators of any provision of this Ordinance shall be penalized.

Violation Classification Penalty

- First offense infraction in severe drought – Courtesy reminder to implement procedures
- First offense infraction in extreme drought -- \$50.00
- Second offense infraction within the same drought period -- \$100.00
- Third and subsequent offense within the same drought period -- \$250.00
- The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

(i) ENFORCEMENT

Employees of the City of Bloomington, Illinois Water Department, City of Bloomington police officers, firefighters, and plumbing inspectors have the duty, and are hereby authorized to enforce the provisions of this Ordinance and shall have the power and authority to issue written notices to appear when violations of this Ordinance occur during any declared severe or extreme drought or water shortage.

(j) VARIANCES

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within twenty-four hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

Persons requesting exemption from the provisions of this Ordinance shall file a petition for variance with the City of Bloomington, Illinois *City Manager* ~~Water Department~~ within ten days after such curtailment becomes effective.

When the Drought Ordinance has been invoked by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department Director, all petitions for variances shall be reviewed by the City of Bloomington, Illinois *City Manager* in consultation with the Water Department Director. Petitions shall contain the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.

3. Specific provisions from which the petitioner is requesting relief.
4. Detailed statement as to how the curtailment declaration adversely affects the petitioner.
5. Description of the relief desired.
6. Period of time for which the variance is sought.
7. Economic value of the water use.
8. Damage or harm to the petitioner or others if petitioner complies with Ordinance.
9. Restrictions with which the petitioner is expected to comply and the compliance date.
10. Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.
11. Other pertinent information.

In order for a variance to be granted, petitioner must show one of more of the following conditions:

A. Compliance with the Ordinance cannot be technically accomplished during the duration of the water shortage.

B. Alternate methods can be implemented which will achieve the same level of reduction in water use.

The City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director may, in writing, grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more aforementioned conditions is met. The City of Bloomington, Illinois *City Manager in consultation with the* Water Department ~~Water~~ Director shall approve or deny any such variance. Any such variance so ratified may be revoked by later action of the City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director. ~~Any such variance denied by the City of Bloomington, Illinois Water Department Director can be appealed to the City of Bloomington, Illinois City Manager.~~

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance.

Variances granted by the City of Bloomington, Illinois ~~Water Department Director or City Manager~~ shall be subject to the following conditions, unless waived or modified by the City of Bloomington, Illinois ~~Water Department or City Manager~~.

A. Variances granted shall include a timetable for compliance.

B. Variances granted shall expire when the water shortage no longer exists, unless the petitioner has filed to meet specified requirements.

(k) STATUS OF THE ORDINANCE

In the event that any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Bloomington, Illinois and/or State of Illinois.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 23rd day of July, 2012.

APPROVED this ____th day of July, 2012.

APPROVED:

STEVE STOCKTON
Mayor

ATTEST:

TRACEY COVERT
City Clerk



ADDENDUM II
CITY OF BLOOMINGTON
WORK SESSION MEETING AGENDA
JULY 23, 2012

ADDITION TO AGENDA

- Item 2. Updated Managed Competition Draft of Services

Managed Competition Draft of Services for Analysis

July 23, 2012

The following service areas listed below is representative sample of City provided services identified by City Staff for potential review under the Managed Competition Policy and is not intended to be all inclusive:

1. Office of the City Manager
 - General Administrative Services
 - Performance Evaluation Services
 - Grant Research and Submittal Services
 - Project Management Services
2. Public Works
 - Solid Waste Collection Services
 - Electrical Work
 - Traffic Signal Maintenance
 - Traffic Engineering Services
 - Street Striping Services
 - Pavement Marking Services
 - Trench Work Services
 - Snow Removal Services
3. Fire & EMS
 - Emergency Medical Services
4. Parks, Recreation, and Cultural Arts
 - Pepsi Ice Center Management Services
 - Performing Arts Management Services
 - Public Property Mowing Services
5. Planning and Code Enforcement (PACE)
 - Building Inspection Services
 - Janitorial Cleaning Services
 - Parking Enforcement Services
 - Planning Services
 - Code Enforcement Services
 - Community development Block Grant (CDBG) Administrative Services
6. Police
 - Telecommunication Services
 - Grant Writing Services
 - Custodial Services
7. Human Resources
 - Benefits Administration Services

- Recruitment Services
- Payroll Services
- Training Services
- 8. Water
 - Water Treatment Plant Operation Services
 - Lake Lease Management Services
 - Julie Locate Services
- 9. Clerk
 - Transcription Services for City Council, Boards, and Commission Meetings
- 10. Legal
 - Contract Review Services
 - Legal Drafting Services
 - Litigation Services
- 11. Information Services
 - Technology Equipment Management & Maintenance Services
 - Network Infrastructure Maintenance Services
- 12. Finance
 - Revenue Collection Services/Accounts Receivable Services
 - Accounts Payable Services
 - Payroll Services
 - Purchasing Services
 - Account

The criteria to be used for the selection and/or prioritization of a service area identified for analysis shall include:

- A. *Upcoming Vacancies within a Service Area* – special attention will be placed on service areas provided by the City which comprise employees scheduled for retirement and/or relocation from current positions.
- B. *Technological Advancements* – technological advancements will be analyzed to determine if a specific service area should be reviewed based on the availability of alternative modes of service delivery.
- C. *Prominent Presence of Alternative Service Providers* – weight will be given to service areas in which Staff identifies as having a significant presence of alternative private and/or public service providers.