

MEMORANDUM

To:	Council Members
From:	Reynard Cross, Historic Preservation Commissioner
Re:	The Case against the Process for Removing a Commissioner: A Synopsis
Date:	10 October 2026

Please see the attached Appendix for the full account.

- On 14 October the Council will vote on whether to remove me from the Historic Preservation Commission. This Council has faced a removal situation before, with Greg Alexander, a member of the Traffic Commission, yet has dealt with my case in a vastly different, and substandard way. Alexander was accused of obscene public posts that Bloomington residents said were threatening and harassing. In 2023, the Council's own Special Committee on Council Processes held that no removal could go forward without a narrow, specific motion, written notice, five business days to respond, and evidence connecting the conduct to his fitness to serve. The Report was signed by Councilmembers Flaherty and Piedmont-Smith, who still sit on this Council. When the motion was re-filed on 29 March 2023, it quoted three tweets by date, tied them to the Traffic Commission's duties, stated its grounds, and asked that no decision be made until Mr. Alexander had five business days to respond; the Council voted 9-0 to wait. Greg Alexander's removal from the Traffic Commission was never put to a vote.
- In 2026, both Councilmembers Flaherty and Piedmont-Smith sit on the Council that will vote on my removal; removal which was recommended by Councilmember Piedmont-Smith, who sat on the committee that investigated it. The Notice against me states no provision that it supports with evidence of a breach, and meets none of the other requirements of proper notice. By the 2023 rule which Councilmember Piedmont-Smith and Councilmember Flaherty signed, it could not go forward. Councilmember Piedmont-Smith voted to recommend my removal anyway. Same rule, same Council, same member, different outcome: for Mr. Alexander it meant no vote and him continuing to serve, but for me, a recommendation to remove. That is a glaring double standard, and nothing in the record I have seen explains it. A rule that protects one person and not another is no rule at all, and a removal on those terms is not justice.
- What follows, with further details and citations to the Council's own records, shows why the Council should take no vote on 14 October, and what it should do instead.

Request

- I ask the Council to take no vote on my removal on 14 October 2026, as I have not been granted the due process required for a "for cause" removal from my position on the Bloomington Historic Preservation Commission. I ask that before any vote is taken, my removal be sponsored by a council member, and the grounds for removal be stated on the record; that I receive written notice naming provisions violated in the Code of Conduct, the conduct and dates in question, and its bearing on my fitness to serve. I also ask that I be provided with the information the Notice for Removal says staff received and substantiated, and the records I have requested, which I require to be able to mount a proper defense; that I be given five business days after receiving them to respond in writing, and a hearing; and that any member who is a witness to these events, including the chair of Interview Committee C, step aside as Councilmember Rollo did in the Alexander matter (Appendix ¶ 73–74). The Special Committee's 1 March 2023 Report in the Alexander matter prescribed a specific motion, written notice, stated grounds and five business days. None of the documents I requested have been provided to me.

Why the Council should not vote on 14 October

5. A commissioner who can be removed only for cause is entitled to notice of the charge and a real chance to answer it before an impartial decisionmaker. The Council has already said what that requires. Its Special Committee on Council Processes, which sat for three sessions, and advised by two attorneys, reported on 1 March 2023 that a removal motion must be narrow, specific and clear; must connect the conduct to the appointee's fitness, with evidence; and must be followed by written notice and at least five business days to respond (Appendix ¶ 5, 30).

6. The 21 August Notice does not meet this standard. It quotes five Code of Conduct provisions without saying which I breached. It names two meetings, 9 and 23 July, but does not state an action, omission or statement attributed to me as the basis for the allegation. It says staff "substantiated" three claims but has not provided me with these statements, nor does it attach any evidence demonstrating my unfitness to serve (Appendix ¶ 7, 36–38). I was given five business days to answer unspecified allegations. No member of the Council moved my removal.

The only written account

7. The only account alleging misconduct is an email by Jennifer Crossley, Deputy Clerk of Communications and Outreach, sent to the nine councilmembers at 10:26 p.m. the night before the 16 September Council meeting. This was twenty-five days after the Notice, so it cannot be what the Notice rests on. Her email was not sent to me. I learned of it from the press. I have asked for the records showing how this matter began, but have yet to receive any (Appendix ¶ 55, 70, 73).

The standard this Council set for Mr. Alexander

8. In 2023 this Council faced a motion to remove Greg Alexander from the Traffic Commission for "obscene and inappropriate statements." The record against him was public and documentary: tweets quoted in full, including language residents called sexual violence, and complaints from residents who said he had threatened and harassed them on Twitter and by handwritten letter. Mr. Alexander himself called his posts "stupid" and apologized. The Special Committee on Council Processes, which included Councilmembers Flaherty and Piedmont-Smith, still recommended that the motion be withdrawn because it did not "adequately describe the conduct" at issue, which raised "concerns with respect to fairness and substantive due process." It required a narrow, specific motion, written notice, at least five business days to respond, and evidence tying the conduct to his fitness to serve. Councilmember Rollo withdrew the motion, re-filed it in specific form based on the recommendation from the Committee report, and withdrew it again on 12 April 2023; the Council never voted on removal (Appendix ¶ 33–35).

9. My situation is the reverse. The allegations are that I was "combative," that I interrupted, and that I left a meeting. I have been shown no remark, no date, no recording and no document that supports them, and the minutes do not. The Notice stated no provision that it supported with evidence of a breach, and described no conduct which constitutes a breach of any regulation, and the only written account came twenty-five days later, from a staff member, with no motion behind it. Yet a vote is scheduled for 14 October. Councilmembers who held that a far more serious and fully documented case could not go forward without notice, specificity and evidence are now asked to proceed on far less. I do not ask for special treatment. I ask for the standard they set (Appendix ¶ 36–41).

How Interview Committee C reached its recommendation

10. Interview Committee C met on 24 September. The notice posted on 18 September, as I have it, lists the committee's members and does not mention removal, and I was not told that my removal would be considered. The committee produced no formal minutes. Its only record of the meeting is a one-page memorandum, prepared by Ms. Crossley, my accuser, summarizing the actions taken. It records one relevant action, a 3-0 vote to recommend my removal. It records no discussion, no reasons, no evidence, and no indication of who spoke. To

my knowledge, no public comment was taken, and the only people who addressed the committee were Attorney Allen, who wrote the Notice, and Ms. Crossley, my accuser (Appendix ¶ 10, 15, 18, 31).

11. The committee's chair, Councilmember Zulich, was a witness to the underlying events. I reported the Chair's breaches to her in writing and by telephone months earlier. She encouraged me to keep raising them, and on 13 July she discouraged me from resigning (Appendix ¶ 9–12, 45–49). A person who is a witness to the events ought not to sit as the judge of them; fairness to both the process and the member requires it.

12. Councilmember Piedmont-Smith signed the 2023 Alexander Report. In that matter her committee recommended that the motion before it be withdrawn because it did not adequately describe the conduct at issue, which raised concerns of fairness and due process. It declined to recommend a vote until a compliant motion was made. The motion was withdrawn on 12 April 2023. In 2026 she voted to recommend my removal on a Notice that does not meet the standard she signed. It does not say what conduct is at issue, or which provision it breached. On 16 September she said publicly that other commissioners had also failed to follow Robert's Rules of Order and that I had raised legitimate concerns. Yet I am the only one facing a removal vote (Appendix ¶ 32–41).

What I did, and what was done with it

13. Before any proceeding existed, I used every channel the Commission's rules provide. I raised Points of Order and Points of Information at the meetings. I wrote to the Chair, to the full Commission, to the Committee on Council Processes (31 July), and to this Council. I submitted a documented report of fifteen separate breaches by the Chair of the HPC's rules and Robert's Rules ("RONR"), with a recommendation of censure, "Report on the Procedural Conduct of the Chair" (Chair Report). No response has been provided (Appendix ¶ 24–26, 44). Two of those breaches bear directly on the allegations against me. On 9 July the Chair announced a motion to limit comments as adopted when it received five of eight votes and six were required. On 23 July he cut off my floor time with no motion and no vote.

14. The Council's own committee examined the same pattern on 31 August. Ms. Crossley, who administers commissioner training, told this committee that attendance at the mandatory sessions was under fifty percent. A fellow HPC member said, "I think the failure lies with all of us." No complaint was filed and no referral was made against the Chair or any other member for the same category of conduct (Appendix ¶ 50–54). For every other participant the City treated breaches of Robert's as a training failure and recommended additional training. For me it issued a Notice of removal.

Ms. Crossley's email, point by point

15. Ms. Crossley's email alleges that I violated the Code of Conduct, and quotes five of its provisions. They require a) members to comply with laws and policies; b) to be respectful and courteous; c) not to act in ways detrimental to City operations; d) to respect the chair and follow Robert's; and e) to be mindful of time and avoid unnecessary repetition. She does not say what act on my part breached any of these provisions. Her email supplies none of what the standard requires: the provision, the facts, the connection to fitness, and the evidence. She writes that I was "ruled out of order several times" on 9 July. This allegation is not supported by evidence, and lacks specificity and context. The HPC's 9 July minutes record no rulings at all. They record no point of order, no appeal, no ruling by the Chair and no calling to order of any member. RONR 48:4 (items 10 and 11) says the minutes should show points of order and appeals with the chair's reasons, and any naming of an offending member. The record that should contain a ruling against me doesn't.

16. She writes that a 45-minute exchange on 23 July delayed the meeting. The only delay recorded in the Commission's minutes is the Commission's own: COA 26-23 was held until after DD 26-10 "to allow petitioner time to arrive," and when the petitioner was "still not present" it was denied without prejudice, 5-0. The minutes do not say that any petitioner was kept waiting. What they also record is that I raised a Point of Order that the 9 July vote to limit commissioner comments required a two-thirds vote. That vote failed but was recorded as

passed, and my comment time was limited as a result. Ms. Crossley's email does not mention that failing on the part of the Chair.

17. Even if there was an exchange that lasted as long as she says, an exchange takes two or more people, and only I am blamed for it. Robert's Rules limits a speech to ten minutes only while a debatable motion is pending (RONR 43:8). Points of Information and Commissioner Comments are not debate on a pending motion, and any other limit requires a two-thirds vote on a motion that any voting member may make (RONR 15:5(7)). No such motion was made by the Chair or by any voting member, so the members empowered to judge whether the discussion should continue chose not to curtail it. The Chair Report documents that the Chair, rather than putting a limit to a vote, declined to answer a factual question already answered in the Commission's amended minutes, and cut me off after the first item with no motion and no vote (Breaches 8, 10, 11, 15). Ms. Crossley's email also does not mention these breaches on the part of the Chair. Robert's Rules has no rule against heated debate, and the Code of Conduct's "mindful of time" provision does not make a member responsible for a delay that a) the Commission could have ended by a vote, or b) the Chair by answering a question which Robert's Rules obligates him to answer and which he refused to do.

18. The rest of the email is characterization or hearsay. She calls me "combative" without citing a remark, though her own account of 25 June says my "disappointment" was "not to the level of disrespect." She cites unnamed staff and unnamed commissioners who "are likely to resign." She cites a term that ended on 31 December 2025. She cites an email to city staff "just yesterday" without saying what it was about or how my sending this email constitutes a breach of any regulation. To my knowledge, writing to staff, to commissioners or to this Council about a documented procedural complaint is not a breach of any provision; yet she does not mention that my earlier written points, sent by email to HPC Commissioners, were held by the City Attorney's Office instead of being forwarded to my fellow commissioners (Appendix ¶ 21). Her call with me on 16 July lasted an hour and thirty-four minutes. She raised no concern about my conduct, and the call was amicable (Appendix ¶ 48). Each allegation is answered against its provision in the Appendix (¶ 55–65).

Conclusion

19. The Council cannot fairly weigh a recommendation whose basis has been withheld from the person it concerns. I do not know on what report the Notice was issued, who made it or what the report says, and the records I requested in my response to the Notice of Removal have not been provided to me. The Notice quotes five Code of Conduct provisions but describes no act. The only written account is an email dated twenty-five days after the Notice was sent, and it does not match the City's records: the minutes of 9 July record no ruling against me, and the minutes of 23 July record no 45-minute exchange and no petitioner kept waiting. Its own account of 25 June concedes that no conduct reached "the level of disrespect," and its bottom line is more training, not removal.

20. The committee that recommended removal under these circumstances met under an agenda that did not mention removal, and its memorandum records a 3-0 vote with no discussion, no reasons and no evidence. The Council's Committee on Council Processes, examining the same kind of breaches on 31 August, called them a shared training failure ("the failure lies with all of us") and filed no complaint against the Chair. In 2023 the Council's Special Committee told the full Council what a lawful process requires: the provision breached, the specific conduct, its bearing on fitness, and the evidence.

21. Rules applied unevenly are no rules at all. It is incoherent for a Council to make rules and then decline to apply them, and basic fairness requires that it apply its own rules to everyone they cover. A body that disregards its own rules places its credibility at risk, all the more when those who wrote the rule still sit on the Council that now fails to apply it. A removal on any other terms is not justice. I ask the Council to apply to me the standard it set in 2023, and to take no vote on 14 October until it has.