

REPORT ON THE PROCEDURAL CONDUCT OF THE CHAIR

Bloomington Historic Preservation Commission

*In the Matter of: DD 26-08 and DD 26-09 (Seminary Pointe) and Related Proceedings
Meetings of 25 June 2026, 9 July 2026, and 23 July 2026, and the Chair's Subsequent Non-Response to Formal
Requests for Information*

Prepared for the Commissioners of the Bloomington Historic Preservation Commission
In support of censure and of formal proceedings to remove the Chair from that office (RONR 12th ed. §62–§63)

Report Completion Date: 15 August 2026

Findings are grounded directly in the HPC Rules and Procedures, Robert's Rules of Order Newly Revised (12th ed.), Indiana Code, the Bloomington Municipal Code, and the Commission's own amended minutes and meeting recordings. All Robert's Rules citations have been independently verified against the official 12th-edition text.

TO:	The Commissioners of the Bloomington Historic Preservation Commission — Jeremy Hackerd (Chair), Andrew (Jack) Baker, John Butler, Ernesto Castaneda, Melody Deusner, Karen Duffy, Jeff Goldin, Daniel Schlegel
FROM:	Reynard Cross, Commissioner, Bloomington Historic Preservation Commission
RE:	Procedural Conduct of Chair Jeremy Hackerd — Findings and Recommendation for Censure and Removal from the Office of Chair
CC:	Noah Sandweiss, Program Manager (HAND); Anna Holmes, Senior Assistant City Attorney; Anna Killion-Hanson, Director, HAND; Jennifer Crossley, Deputy Clerk
PURPOSE:	To compile, in a single record grounded in primary authority and the Commission's own record, the documented procedural breaches by the Chair across three consecutive meetings and their aftermath, to assess his individual culpability for each, and to provide the evidentiary and legal basis for (1) a motion to censure the Chair and (2) initiation of formal proceedings under RONR (12th ed.) §62–§63 to remove him from the office of Chair.

I. Executive Summary

1. This report examines the conduct of Chair Jeremy Hackerd across three consecutive meetings of the Bloomington Historic Preservation Commission ("HPC" or "the Commission") — 25 June 2026, 9 July 2026, and 23 July 2026 — and his continued non-response since, all concerning, or arising directly out of, the Demolition Delay matters DD 26-08 and DD 26-09 (Seminary Pointe, 422/424 S. College Ave. and 222 W. 2nd St.). It is written for review by the Commission in support of a motion to censure and the ultimate removal of the Chair.
2. The Commission operates under two sources of binding procedural law: its own Rules and Procedures, adopted pursuant to Indiana Code 36-7-11-4(f), and Robert's Rules of Order Newly Revised, 12th ed. ("RONR"), which Article I(L) of those Rules adopts as the Commission's binding parliamentary authority. The Chair's authority is not free-standing; Article II(B) confines it to presiding over and administering these rules, not overriding them. This report finds that the Chair's conduct departed from both sources of authority — not once, but repeatedly, and not randomly, but in a single, consistent direction.
3. Fifteen distinct procedural breaches, each independently grounded in the record, are documented below, organized under the meeting at which each occurred. They range from a failure to perform the basic chairing duty of putting an informally phrased motion into proper form (25 June), to presiding over and personally voting for a motion that was announced as adopted despite failing RONR's own two-thirds threshold (9 July), to a sequence of direct refusals — to let a staff member answer a directed question, to confirm on the record whether a commissioner had requested a continuance, and to have the Commission's own minutes read aloud to correct the point — at the 23 July meeting.
4. Every finding below is supported by two things: the specific provision of the HPC Rules and Procedures, Robert's Rules of Order (12th ed.), Indiana Code, or Bloomington Municipal Code that the conduct breached, and the specific record — the Commission's own amended minutes or its meeting recordings — establishing that the conduct occurred. Every Robert's Rules citation in this report has been checked directly against the official 12th-edition text; none rests on a secondary characterization of what that text says.
5. The harm documented in this report is not abstract, and it did not fall only on the Chair's most visible critic. Three commissioners were denied the ability to gather information they had specifically identified as necessary before casting an irreversible vote, which prevented them from discharging their own duties as commissioners with the information the process exists to provide. One of them was separately cut off mid-presentation, refused direct answers to two independent factual requests, and refused correction of a record the Commission's own amended minutes already establish was inaccurate — a pattern that, left unaddressed, tells every commissioner what to expect the next time they ask a hard question or contest the Chair's account of events. The cost is not confined to those who spoke up. Every commissioner now sits on a body whose vote was reached through a process this report documents as procedurally unfair — a fact that attaches to the Commission's institutional record, and by extension to every commissioner who serves on it, regardless of how each individually voted or objected.

6. The public was harmed by this conduct as directly as the Commission was. Members of the public, including representatives of a local affordable-housing advocacy organization, appeared and presented a preservation alternative — a community land trust plan placing 21 units at 45% AMI, unanimously endorsed by City Council on 3 June 2026 — and a request from their attorney for a few days to present further research met the same fate as the commissioners' own requests. The thirty-day window for judicial review that has since closed was not only the Commission's opportunity to correct course; it was the public's. And the durable cost extends beyond this one case: a demolition-delay hearing is the public's assurance that an irreversible decision receives genuine scrutiny before it is finalized. A record showing that testimony, evidence, and requests for time can be set aside regardless of their merit discourages the next petitioner, the next advocate, and the next neighbor from believing their participation is worth the effort — a cost the Commission would bear at every future hearing, not only this one.

7. Not every consequence of this record remains within the Commission's power to fix. The thirty-day window for third-party judicial review has closed, and demolition, if it proceeds, cannot be undone; this report does not suggest otherwise. What does remain within the Commission's power is everything this report is built to support: whether the record is corrected where correction is still possible; whether the Chair's rulings are allowed to stand as the precedent future meetings are conducted by; and whether the commissioners and members of the public who raised legitimate objections on 25 June, 9 July, and 23 July paid a lasting price for doing so — one that would be paid again by the next commissioner, or the next petitioner, who tries. **Declining to act does not merely preserve the status quo; it ratifies, by silence, the conduct this report documents, and hands any future chair a precedent already shown to be tolerated.**

8. Individually, several of these breaches would already warrant correction. Together, they establish a pattern: in each instance, the practical effect of the Chair's action or inaction ran toward the outcome he had already committed to by his own vote or stated position, and away from the commissioners contesting it — a pattern that, as of the date of this report, has extended into the Chair's continued silence in the face of a formally invoked, RONR-grounded request for information. This report concludes that the severity, directness, and sustained duration of this record are sufficient on their own to support immediate censure of the Chair, initiation of formal proceedings to remove him from the office of Chair, and interim suspension of his presiding authority while those proceedings are pending. Allowing the Chair to continue presiding on this record would place every decision made under his gavel going forward under the same cloud this report documents.

II. Scope, Sources, and Methodology

9. This report is grounded exclusively in primary authority and the Commission's own record: the HPC Rules and Procedures; Robert's Rules of Order Newly Revised, 12th ed.; Indiana Code; the Bloomington Municipal Code; the Commission's own amended minutes; and the Commission's meeting recordings. Every citation below has been independently traced to, and verified against, the primary source those submissions themselves relied on — principally the HPC Rules and Procedures, RONR, Indiana Code, the Bloomington Municipal Code, the amended minutes, and the meeting recordings — so that the report stands on primary authority rather than on any commissioner's characterization of it.

10. Two categories of citation appear throughout the Findings section. An “Authority” citation identifies the specific rule, statute, or ordinance provision the conduct breached. A “Record Basis” citation identifies the specific portion of the Commission's own record — its amended minutes or its meeting recordings — establishing that the conduct occurred. Where a factual finding rests on conduct captured only in the meeting recording and has been independently confirmed against that recording, that is noted with a distinct callout, since it reflects a higher tier of factual confirmation than a finding drawn from the written minutes alone.

11. This report addresses only the Chair's own procedural conduct as presiding officer. It does not resolve, and does not depend on resolving, the merits of DD 26-08 or DD 26-09, the sufficiency of the City Attorney's legal opinion on rescission, or the separate questions raised concerning the independence of that opinion's co-author. Those matters are addressed in Section IX below, grounded in the independent primary sources available for them, and are not treated as grounds for censure of the Chair in this report.

III. The Chair's Role, Authority, and Duties

Authority Under the HPC Rules and Procedures

12. **Article II(B): HPC Rules and Procedures:** "the Chair may preside and decide points of order and procedure, but only within the Commission's rules"
13. Article II(B) is the source, and the limit, of the Chair's authority. It authorizes the Chair to administer the Commission's rules; it does not authorize the Chair to override, narrow, or decline to apply them. Every finding in Section V below is, at bottom, an application of this Article: a specific instance in which the Chair either exceeded this administrative authority or failed to exercise it as the Rules and RONR required.
14. **Article I(K): HPC Rules and Procedures:** "no Demolition Delay case will be considered a petition, however members of the Commission may decide to delay the discussion until enough information is presented"
15. This is an enumerated right belonging to the members of the Commission — the text says members "may decide," not that the Chair may decide on their behalf. It is not a grant of Chair discretion.
16. **Article I(J): HPC Rules and Procedures:** "the final disposition of any request... shall be in terms of a motion to grant, deny, or continue by the Commission"
17. Article I(J) requires **that any request** — a term the Commission's own minutes apply to Demolition Delay matters — be closed out through one of three formal dispositions. "Continue" is one of three outcomes the Chair is required to bring before the body when a request for continuance is made.
18. **Article I(L): HPC Rules and Procedures:** "Meetings shall be conducted according to procedures set forth in Robert's Rules of Order"
19. Article I(L) makes compliance with RONR a requirement of the Commission's own governing document, not merely a courtesy. A breach of RONR is, by operation of Article I(L), simultaneously a breach of the HPC's own Rules and Procedures.
20. **Article I(F): HPC Rules and Procedures:** "All decisions, votes, recommendations, motions and communications of the Commission shall be by roll call. The secretary and/or HAND staff shall record the vote of each member of the Commission in the records of the Commission and in the minutes."
21. **Articles I(H) and I(I): HPC Rules and Procedures:** "minutes and recordings are public records requiring prompt availability and preservation"
22. Article I(M) establishes the Commission's framework for removal for cause and is the governing provision under which the censure or removal motion this report supports would be brought.

Duties of the Presiding Officer Under RONR — Verified Against the 12th Edition

23. Because Article I(L) makes RONR binding, RONR's own description of a presiding officer's duties defines what "administering the rules" under Article II(B) actually requires. Every provision below has been checked against the official 12th-edition text and is quoted verbatim.

The enumerated duties of the presiding officer — RONR 47:7

24. **RONR (12th ed.) 47:7: Duties of the Presiding Officer:** "It is the duty of the presiding officer of an assembly: ... (4) To state and to put to vote all questions that legitimately come before the assembly... and to announce the result of each vote... (6) To enforce the rules relating to debate and those relating to order and decorum within the assembly... (7) To expedite business in every way compatible with the rights of members. (8) To decide all questions of order... subject to appeal... (9) To respond to inquiries of members relating to parliamentary procedure (Parliamentary Inquiry, 33:3–5) or factual information (Request for Information, 33:6–10) bearing on the business of the assembly."
25. Duty (9) is decisive for several findings below: it makes answering a member's factual inquiry — not merely tolerating it — an enumerated duty of the chair, on the same footing as counting votes accurately and enforcing decorum.

The duty to put an informal but clear motion into proper form — RONR 4:16–4:18

- 26. **RONR (12th ed.) 4:17: *Handling of Motions*:** "When a member who has legitimately obtained the floor offers a motion which is not in order, the chair may be able, in certain instances, to suggest an alternative motion which would be in order and would carry out the desired intent to the satisfaction of the maker."
- 27. **RONR (12th ed.) 4:18: *Handling of Motions*:** "If a motion is offered in a wording that is not clear or that requires smoothing before it can be recorded in the minutes, it is the duty of the chair to see that the motion is put into suitable form—preserving the content to the satisfaction of the mover—before the question is stated."
- 28. **RONR (12th ed.) 43:31, 43:33: *Assistance in Framing a Motion*:** "a member can first request information, or briefly indicate the substance of a desired proposal and ask for the chair's assistance in wording an appropriate motion... brief informal consultation or discussion of a subject may assist a member in framing a proper motion"

The Request for Information (also called Point of Information)

- 29. **RONR (12th ed.) 33:6: *Request for Information*:** "A Request for Information (also called a Point of Information) is a request directed to the chair, or through the chair to another officer or member, for information relevant to the business at hand but not related to parliamentary procedure."
- 30. The 12th edition itself preserves "Point of Information" as the traditional and still-current alternate name for this device, and this report uses that term for consistency with the Commission's own record and the submissions that first raised these issues.

The two-thirds threshold for any restriction on debate

- 31. **RONR (12th ed.) 15:5(7): *Standard Descriptive Characteristics — Limit or Extend Limits of Debate*:** "Requires a two-thirds vote—because it suspends the rules, and because limiting debate takes away the basic rights of all members to full discussion and may restrict a minority's right to present its case."
- 32. **RONR (12th ed.) 15:4: *Limit or Extend Limits of Debate*:** "If a motion proposing to change the regular limits of debate (for any length of time or during the consideration of one or more particular subjects) is made while no question is pending, such a motion is not the subsidiary motion to Limit or Extend Limits of Debate, but is an incidental main motion (although it requires a two-thirds vote for its adoption, just as the subsidiary motion does)."
- 33. This threshold applies identically whether the restriction is framed as a general rule change or scoped to a single meeting or agenda item.

Impartiality and protection of a recognized member's floor time

- 34. **RONR (12th ed.) 3:9: *Customs of Formality*:** "Customs of formality that are followed by the presiding officer and members under parliamentary procedure serve to maintain the chair's necessary position of impartiality and help to preserve an objective and impersonal approach, especially when serious divisions of opinion arise."
- 35. **RONR (12th ed.) 43:29: *Rule Against the Chair's Participation in Debate*:** "the impartiality required of the chair in an assembly precludes his exercising these [ordinary member] rights while he is presiding. Normally, especially in a large body, he should have nothing to say on the merits of pending questions... To participate in debate, he must relinquish the chair."
- 36. **RONR (12th ed.) 42:18: *Interruption of a Member Assigned the Floor*:** "When a member has been assigned the floor and has begun to speak... he cannot be interrupted by another member or by the chair except for one of [nine enumerated] purposes, and then only when the urgency of the situation justifies it."
- 37. The nine enumerated exceptions are: a Call for the Orders of the Day; a question of privilege; a Point of Order (including the chair's calling a member's attention to a failure to observe the rules of speaking); a call for a separate vote on a divisible question; an urgent request or inquiry; and, in special circumstances, an Appeal, an Objection to the Consideration of a Question, or a Division of the Assembly. General commentary on the substance, length, or character of what a member is saying is not among them.
- 38. **RONR (12th ed.) 49:21(7): *Procedure in Small Boards*:** "If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions."
- 39. This provision modifies 43:29 for a board meeting of not more than about a dozen members present — a threshold the HPC's eight-member composition falls within. This report does not resolve whether HPC meetings should be governed

by this small-board modification notwithstanding their character as public government proceedings; where it bears on a specific finding below, that finding addresses the qualification directly rather than relying on the general 43:29 rule alone.

Timeliness of points of order and the continuing-breach exception

40. **RONR (12th ed.) 23:5: *Timeliness Requirement for a Point of Order*:** "The general rule is that if a question of order is to be raised, it must be raised promptly at the time the breach occurs."

41. **RONR (12th ed.) 23:6: *Continuing Breach*:** "The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach... regardless of how much time has elapsed."

42. The 12th edition limits this exception to five specific categories: (a) a main motion conflicting with the organization's bylaws or constitution; (b) a main motion conflicting with a still-effective prior main motion; (c) any action taken in violation of applicable procedural rules prescribed by federal, state, or local law; (d) any action violating a fundamental principle of parliamentary law; or (e) any action violating a rule protecting absentees, ballot secrecy, or a basic right of an individual member. The HPC's Rules and Procedures are not "bylaws" in RONR's technical sense, so category (a) does not cleanly apply. Two other categories do: category (c), because the HPC's Rules and Procedures exist because Indiana Code 36-7-11-4(f) directed the Commission to adopt them, and the demolition-delay framework they implement is itself set by the Bloomington Municipal Code (BMC 20.06.050) — both state and local law within the meaning of 23:6(c); and category (e), because Article I(K)'s continuance right is framed as belonging to individual members ("members may decide"), making a denial of it plausibly a violation of "a rule protecting a basic right of an individual member." This report relies on categories (c) and (e), not on a general claim that any breach of the Commission's written rules qualifies.

The right to have a document before the assembly read on request

43. **RONR (12th ed.) 33:20–21: *Request to Read Papers*:** "whenever any member requests that a document that is before the assembly be read — obviously for information and not for delay — and no one objects, the chair normally should direct that it be read. If there is an objection, a majority vote is required to order that it be read."

44. Combined with HPC Rules and Procedures Article I(F) (roll-call recordkeeping) and Articles I(H)–(I) (minutes as public records), this establishes that once the Commission's own minutes are before it — as they are at every meeting for approval, and as they were when a commissioner has asked that a specific portion be read to resolve a factual dispute — a member's request that they be read triggers exactly two lawful responses: direct that they be read, or put the question to a vote if objected to. Declining outright is not an option.

The duty to confine staff and other non-members to recognized, responsive participation

45. **RONR (12th ed.) 3:30: *Obtaining and Assigning the Floor*:** "Before a member in an assembly can make a motion or speak in debate—the parliamentary name given to any form of discussion of the merits of a motion—he must obtain the floor; that is, he must be recognized by the chair as having the exclusive right to be heard at that time."

46. **RONR (12th ed.), §25 n.7: *Suspend the Rules*:** "the rules may be suspended to allow a nonmember to speak in debate"

47. This confirms that, absent such suspension or specific authorization, a nonmember has no independent right to address the assembly at all. Read together with HPC Rules and Procedures Article II(D) — which authorizes designated staff to appear and "assist the Commission by presenting factual opinion on significant issues," a scoped and recognized role, not an open-ended one — and with the Chair's 47:7(6) decorum-enforcement duty, this establishes that the Chair's obligation to enforce order extends specifically to ensuring staff and other non-members do not address the Commission except when recognized, and that when recognized — for example, to answer a member's directed question — their remarks are confined to that purpose rather than extending into unprompted commentary on a member's conduct.

Established custom, and the object of rules of order

48. **RONR (12th ed.) 2:25: *Established Custom*:** "a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if it were prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization, such an established custom is adhered to unless the assembly, by a majority vote, agrees in a particular instance to do otherwise."

49. **RONR (12th ed.) 2:14: Rules of Order:** "The object of rules of order is to facilitate the smooth functioning of the assembly and to provide a firm basis for resolving questions of procedure that may arise."

50. Taken together, these duties describe a specific, checkable standard: administer the process impartially; assist members in exercising rights they are entitled to, even when imperfectly phrased; count and announce votes accurately; answer members' factual inquiries as an enumerated duty, not a courtesy; protect a recognized member's floor time except for the specific reasons RONR itself allows; and do all of this without personally arguing the merits of what is before the body. Section V measures the Chair's conduct against this standard.

IV. Chronology of Events

51. The following chronology is drawn from the Commission's own amended minutes, its meeting recordings, and the dates on which the written submissions identified in Section II were served on the Chair and the Commission.

Table 1. Timeline of Meetings and Communications

#	Date	Event
1	3 Jun 2026	City Council unanimously endorses a community land trust preservation plan for the Seminary Pointe properties (29 affordable units).
2	25 Jun 2026	HPC hears DD 26-08 and DD 26-09. Commissioners Butler, Cross, and Schlegel request a two-week continuance for staff research; the amended minutes attribute these requests by name. The Chair does not present the request as a motion. Both matters proceed to a vote and pass 4-2 to release. Closing comments record disappointment that the extension request "did not happen," and a statement — made by the Chair — that "voting procedure was followed."
3	9 Jul 2026	A motion to limit Commissioner Comments to three minutes receives 5 of 8 votes — the Chair voting in favor — and is announced and treated as adopted, though RONR 15:5(7) requires six. The restriction departs from an unbroken prior practice of no time limit on this agenda item, and applies for the first time on the evening the commissioners who opposed the 25 June release are next scheduled to speak.
4	25 Jul 2026	The 30-day statutory window under Indiana Code 36-7-4-1605 for third-party judicial review of the 25 June votes closes.
5	23 Jul 2026	Commissioner Cross is recognized to raise Points of Information and is stopped after the first item. The Chair declines to permit Program Manager Sandweiss to answer a question directed to him, and separately refuses to confirm whether Commissioner Butler had requested a continuance on 25 June. A Point of Order on the chair's refusal to allow Cross to continue with his POI is not sustained. Non-members Anna Killion-Hanson and Anna Holmes interject without recognition while the commissioner holds the floor; the Chair does not call either to order. When asked that the DD 26-08 minutes be read aloud to correct the record, the Chair personally says "no." In closing comments, the Chair states that Points of Order must be raised at the meeting where the issue arose and characterizes the commissioner's presentation as involving "theatrics."
6	30 Jul 2026	Commissioner Cross sends the written Points of Information to Program Manager Noah Sandweiss, requesting that it be forwarded to the Chair, the Commissioners, and Attorney Holmes, consistent with the Commission's past practice for similar communications, and that the Chair provide written responses by 6 August 2026.
7	31 Jul 2026	Commissioner Cross submits a briefing to the City Council Committee on Council Processes.
8	4 Aug 2026	With the requested forwarding still not completed, and having learned this was connected to the City Attorney's office's wish to review the document before distribution, Commissioner Cross sends the Points of Information directly to the Chair, the Commissioners, and Attorney Holmes himself. He maintains the original 6 August deadline notwithstanding the five-day delay in the document actually reaching its intended recipients.
9	6 Aug 2026	The requested response deadline for the Points of Information passes. No response, and no acknowledgment of any kind, is received from the Chair.
11	13 Aug 2026	The next regularly scheduled HPC meeting is cancelled for lack of quorum.
12	14 Aug 2026,	With no response of any kind received in the week since the 6 August deadline for the 28 July Points of Information — itself preceded by a full week from service to that deadline — Commissioner Cross serves a final written notice on the Chair. The notice does not request substantive answers within the day; it

#	Date	Event
		requests that the Chair state, by 4:00 PM that same day, only whether he intends to respond to the Points of Information at all.
13	14 Aug 2026	The final-notice deadline passes. The Chair does not state that he intends to respond, does not state that he does not intend to respond, and does not respond in any other way.
14	15 Aug 2026 (date this report was completed)	No response of any kind has been received from the Chair to either the 28 July Points of Information or the subsequent final notice.
15	24 Aug 2026	Commissioner Cross submits a written performance assessment evaluating the Chair's conduct across all three meetings against RONR's standards for a presiding officer.

V. Findings: Breaches of Procedure and the Chair's Culpability

52. Each finding below states what occurred, the specific Authority the conduct breached, the Record Basis establishing that it occurred, and why the breach is attributable to the Chair personally rather than to the Commission as a body or to Commission staff.

The 25 June 2026 Meeting

53. Breach 1 — Failure to Put a Clearly Expressed Continuance Request Into Proper Motion Form

- a. **What occurred:** Three commissioners — Butler, Cross, and Schlegel — separately stated on the record that they wanted a two-week continuance to obtain research staff had confirmed was feasible. No formal motion to postpone or continue was ever stated, seconded, or voted on. The Commission proceeded directly to a vote to release, which passed 4-2.
- b. **Authority:** RONR (12th ed.) 4:17–4:18 (duty of the chair to see that an unclear or informally worded motion is put into suitable form before the question is stated, and to suggest an in-order alternative that carries out the maker's evident intent); RONR (12th ed.) 43:31, 43:33 (member's right to request the chair's assistance in wording a motion; chair's authority to permit brief consultation to help frame one); HPC Rules and Procedures Article I(J) (requiring a motion to grant, deny, or continue); Article I(L) (incorporating RONR as binding).
- c. **Record Basis:** Amended Minutes, 25 June 2026, DD 26-08 Commissioner Comments.
- d. **Why this is the Chair's failure, not the body's:** The duty to see an informal but clear request put into suitable form belongs to the presiding officer, not to the members raising it. Three commissioners on the record is not an ambiguous or borderline case; it is close to the paradigm case 4:17–18 exists to address. This was a step in the Chair's own process that did not occur at all.

54. Breach 2 — Denial of the Article I(K) Right to Delay Without Bringing the Question to the Body

- a. **What occurred:** Article I(K) gives Commission members — not the Chair — the right to decide to delay discussion of a Demolition Delay matter until enough information is presented. The Chair treated the three commissioners' clearly stated requests as something he could simply decline to act on, rather than a right requiring the body's disposition.
- b. **Authority:** HPC Rules and Procedures Article I(K); Article II(B) (Chair confined to administering, not overriding, the rules).
- c. **Record Basis:** Amended Minutes, 25 June 2026, DD 26-08 Commissioner Comments.
- d. **Why this is the Chair's failure:** Article I(K)'s text is unambiguous: members “may decide,” not the Chair. By treating the matter as resolved by his own inaction rather than putting it to a vote, the Chair substituted his own judgment for the members' enumerated right — precisely the kind of override Article II(B) forecloses.

55. Breach 3 — Exceeding the Bounds of Article II(B) Authority

- a. **What occurred:** By denying the continuance request through personal ruling rather than putting the question to the Commission, the Chair exercised a form of unilateral control over the outcome that Article II(B) does not confer.
- b. **Authority:** HPC Rules and Procedures Article II(B).
- c. **Record Basis:** Amended Minutes, 25 June 2026.
- d. **Why this is the Chair's failure:** This finding is the doctrinal frame for Findings 1 and 2: whatever the precise procedural label for what should have happened, the common defect is that the Chair, rather than the Commission, decided the matter.

The Meeting Record

56. Breach 4 — Incomplete and Delayed Recordkeeping

- a. **What occurred:** The 25 June minutes required correction to attribute the DD 26-08 continuance discussion to the specific commissioners who made it; that correction has since been made. The corresponding DD 26-09 discussion remains unattributed as of this report.
- b. **Authority:** Article I(F) (mandatory roll-call recording of decisions, votes, motions, and communications); Articles I(H) and I(I) (minutes as public records requiring prompt availability and preservation).
- c. **Record Basis:** Amended Minutes, 25 June 2026 (DD 26-08 corrected; DD 26-09 uncorrected).
- d. **Why this implicates the Chair:** Article I(F) recordkeeping is a joint responsibility of the secretary and HAND staff, and this report does not attribute the initial drafting omission to the Chair personally. But the Chair presides over the meeting at which the record is approved and at which correction is requested, and holds ultimate responsibility for ensuring the record required by Article I(F) is complete. The Chair's own, separate refusal to have a disputed portion of the record read aloud on 23 July is addressed as its own, more serious finding below (Finding 15).

The 9 July 2026 Meeting

57. Breach 5 — Announcing a Motion as Adopted Despite Failing the Required Threshold

- a. **What occurred:** A motion to limit Commissioner Comments to three minutes received 5 of 8 votes present. RONR 15:5(7) requires a two-thirds vote for any motion restricting debate; two-thirds of 8 is 5.33, which rounds up to a mandatory 6. The motion received 5. It was nonetheless announced and treated by the Chair as adopted.
- b. **Authority:** RONR (12th ed.) 15:5(7) (two-thirds threshold, “because it suspends the rules, and because limiting debate takes away the basic rights of all members to full discussion and may restrict a minority's right to present its case”); RONR (12th ed.) 47:7(4) (duty to state, put, and accurately announce the result of a vote); HPC Rules and Procedures Article I(L).
- c. **Record Basis:** Meeting Record, 9 July 2026 (vote tally recorded as 5 of 8, with the Chair's vote among the five in favor).
- d. **Why this is the Chair's own action:** This is not a matter of interpretation or discretion — it is arithmetic. The Chair's duty under 47:7(4) is to count and announce results accurately; the Commission's own record confirms the Chair cast one of the five votes in favor of the motion he then announced as adopted. He was not a passive bystander to an error made elsewhere in the room; he was a participant in the vote and the officer who announced its result.
- e. **Aggravating factor — self-interest:** The motion whose vote count the Chair mis-announced was one he had personally voted for, and one that would restrict the floor time of the same commissioners who had voted against his position on the 25 June release three weeks earlier.

58. Breach 6 — Unexplained Departure from Established Custom

- a. **What occurred:** “Commissioner Comments” is a standing agenda item with no built-in time limit and had never previously carried one. The 9 July restriction was the first departure from that unbroken practice, adopted specifically for that meeting only, without any vote of the body to change the custom itself.
- b. **Authority:** RONR (12th ed.) 2:25 (an established custom is adhered to “unless the assembly, by a majority vote, agrees in a particular instance to do otherwise”), binding through Article I(L).
- c. **Record Basis:** Meeting Record, 9 July 2026; HPC Rules and Procedures (containing no provision authorizing a time limit on this agenda item).
- d. **Why this is the Chair's failure:** The presiding officer administers the meeting's customary order of business; permitting an unprecedented, unvoted departure from custom on the single evening it would first apply to his critics is a failure to apply 2:25 as RONR requires, and — combined with Finding 5 — compounds rather than mitigates the threshold defect.

59. Breach 7 — No Practical Justification for the Restriction, Timed to Precede the Dissenting Commissioners' Turn to Speak

- a. **What occurred:** The comment-limiting motion was proposed at approximately 6:30 p.m., with Commissioner Comments the last agenda item of the evening — meaning no other business remained once the restriction was imposed. HPC meetings have historically run up to four hours.
- b. **Authority:** RONR (12th ed.) 2:14 (“the object of rules of order is to facilitate the smooth functioning of the assembly... and to provide a firm basis for resolving questions of procedure”) read together with the 15:5(7) and 2:25 breaches above.
- c. **Record Basis:** Meeting Record, 9 July 2026 (agenda and timing).
- d. **Why this bears on the Chair's culpability:** This finding does not depend on establishing what the Chair intended. It establishes that no scheduling or practical necessity required the restriction, which removes the most obvious innocent explanation for it.

The 23 July 2026 Meeting

60. Breach 8 — Unilaterally Curtailing a Recognized Member's Floor Time Without a Motion or Vote

- a. **What occurred:** Commissioner Cross was recognized to raise Points of Information and was told, after the first item, that he could not continue. No motion to limit debate was made; no vote was taken. A Point of Order concerning the refusal was not sustained.
- b. **Authority:** RONR (12th ed.) 15:5(7) (any restriction on a member's speaking time requires a formal motion adopted by two-thirds vote); RONR (12th ed.) 47:7(4), 47:7(7) (duty to put legitimate questions to the assembly; duty to expedite business in a manner compatible with members' rights).
- c. **Record Basis:** Meeting recording, 23 July 2026.
- d. **Why this is the more serious of the two floor-time violations:** On 9 July, the Commission at least attempted a vote and fell one vote short of the threshold. On 23 July, no vote was attempted at all — the Chair simply declared that the commissioner could not continue.

61. Breach 9 — Interrupting a Member Holding the Floor Outside RONR's Enumerated Exceptions

- a. **What occurred:** While Commissioner Cross held the floor, the Chair stated he would not permit him to “continue to filibuster,” stated the proceeding was “not a trial,” that the commissioner was “not a prosecutor,” that the Chair was “not a witness to be examined,” and separately stated “this has gone on long enough.”

- b. **Authority:** RONR (12th ed.) 42:18 (a member assigned the floor may be interrupted only for the nine enumerated purposes described in Section III.B.5 above; general commentary on the substance or length of what a member is saying is not among them).
- c. **Record Basis:** Meeting recording, 23 July 2026.
- d. **Why this is the Chair's own conduct:** These are the Chair's own words, spoken while he held no independent right to interrupt on this basis. None of RONR's nine enumerated exceptions to 42:18 covers editorial commentary on a member's use of properly recognized time.

62. Breach 10 — Declining to Instruct Staff to Answer a Directed Request for Information

- a. **What occurred:** While holding the floor, Commissioner Cross directed a specific factual question to Program Manager Noah Sandweiss. The Chair did not permit or instruct Sandweiss to answer it.
- b. **Authority:** RONR (12th ed.) 33:6–33:9 (a Request for Information, also called a Point of Information, may be directed to the chair or, through the chair, to another officer or member); RONR (12th ed.) 47:7(9) (the chair's enumerated duty to respond to members' factual inquiries bearing on the business of the assembly).
- c. **Record Basis:** Meeting recording, 23 July 2026.

d. **INDEPENDENTLY CONFIRMED:** *This episode has been independently confirmed against the meeting recording.*

- e. **Why this is a distinct finding from Finding 8:** This is not simply a further instance of curtailing Cross's own floor time. It is a separate, enumerated right — a member's Request for Information directed through the chair to a named staff member under 33:6 — and a separate, enumerated duty of the chair to facilitate an answer under 47:7(9). The Chair's inaction here is a failure of a specific duty distinct from his handling of Cross's own speaking time.

63. Breach 11 — Direct Refusal to Confirm Whether Commissioner Butler Had Requested a Continuance

- a. **What occurred:** Commissioner Cross asked the Chair directly, on the record, whether Commissioner Butler had requested a two-week continuance on 25 June. The Chair refused to answer — notwithstanding that the amended minutes for DD 26-08 already attribute exactly such a request to Butler by name.
- b. **Authority:** RONR (12th ed.) 33:6 (Request for Information); RONR (12th ed.) 47:7(9) (chair's duty to respond to a factual inquiry bearing on the business of the assembly).
- c. **Record Basis:** Meeting recording, 23 July 2026. Amended Minutes, 25 June 2026, DD 26-08 Commissioner Comments (confirming the underlying fact the Chair declined to affirm).

d. **INDEPENDENTLY CONFIRMED:** *This episode has been independently confirmed against the meeting recording.*

- e. **Why this compounds Finding 15 below:** This finding and Finding 15 document the Chair declining two separate, low-cost, independent avenues for confirming a single true fact already established in the Commission's own amended minutes — within the same meeting. That pairing is a stronger basis for finding deliberate avoidance than either instance alone.

64. Breach 12 — Failure to Enforce Decorum Against Non-Member Interruptions

- a. **What occurred:** While Commissioner Cross held the floor, HAND Director Anna Killion-Hanson and Senior Assistant City Attorney Anna Holmes — neither recognized by the Chair to speak — interjected several times to include: Killion-Hanson commented on the commissioner's conduct, and during the exchange over reading the minutes, Killion-Hanson stated “that's enough,” Holmes stated, “no, this is enough,” and Killion-Hanson repeated “this is enough.” The Chair did not call either speaker to order on either occasion.
- b. **Authority:** RONR (12th ed.) 47:7(6) (affirmative duty to enforce the rules of debate, order, and decorum, including preventing interruption of a recognized member by anyone not entitled to the floor).

c. **Record Basis:** Meeting recording, 23 July 2026.

d. **Why this is a failure to prevent, not a direct act:** The Chair did not himself make these statements. But 47:7(6) imposes an affirmative duty to prevent exactly this. The Chair's inaction on both occasions is itself a breach of that duty.

65. **Breach 13 — Misstating RONR's Own Timeliness Exception for Points of Order**

a. **What occurred:** In closing comments, the Chair stated that Points of Order must be raised at the meeting where the issue arose.

b. **Authority:** RONR (12th ed.) 23:5–23:6 (continuing-breach exception, applying “regardless of how much time has elapsed” where the underlying action is null and void as a violation of law, as described in Section III.B.6 above, including category (c) — violation of procedural rules prescribed by state or local law — and category (e) — violation of a rule protecting a basic right of an individual member); Article I(L) (binding the Chair to apply RONR accurately).

c. **Record Basis:** Meeting recording, 23 July 2026 (Chair's closing statement).

d. **Why this compounds rather than merely repeats the earlier breaches:** This is the Chair, while presiding, misstating the content of the Commission's own binding parliamentary authority — on the one occasion that authority would have subjected his own 25 June and 9 July conduct to scrutiny. Note that the content of the POI concerned categories (c) and (e), as described in sub-para b above.

66. **Breach 14 — Editorializing on the Merits and Conduct of the Proceeding While Presiding**

a. **What occurred:** In closing comments — while the Chair, not the commissioner, held the floor — the Chair characterized Commissioner Cross's presentation of Points of Information as involving “theatrics” and “wasting everybody's time”.

b. **Authority:** RONR (12th ed.) 3:9 (customs of formality exist “to maintain the chair's necessary position of impartiality”); RONR (12th ed.) 43:29 (general rule that a presiding officer may not exercise ordinary member rights, including commenting on the merits of pending questions, while presiding, without first relinquishing the chair).

c. **Record Basis:** Meeting recording, 23 July 2026 (closing comments).

d. **A qualification, addressed directly:** RONR 49:21(7) modifies the general 43:29 rule for a board meeting with not more than about a dozen members present, permitting the chair, without leaving the chair, to “speak in informal discussions and in debate.” The HPC's eight-member composition falls within that threshold, and this report does not resolve whether HPC meetings should be treated as “small board” proceedings within RONR's meaning notwithstanding their character as public government meetings. This report does not rest this finding on the general 43:29 rule alone for that reason. Even under 49:21(7), the permission granted is to participate in “informal discussions and... debate” on the substance of a pending question — not to characterize a member's manner of presentation as “theatrics” and “wasting everybody's time”. That characterization is not debate on the merits of anything pending; it is commentary on another participant's conduct and credibility, which is outside what 49:21(7) authorizes even if the HPC is treated as a small board for every other purpose.

e. **Why this is a direct impartiality breach:** This was not an interruption — the Chair held the floor when he made the statement — but it is participation in the character of a member's conduct, not the merits of a pending question, which RONR's impartiality principle preserves regardless of a board's size.

67. **Breach 15 — Direct, Personal Refusal to Have the Record Read Aloud to Correct It**

a. **What occurred:** When Commissioner Cross asked that the DD 26-08 minutes be read aloud to correct the Chair's own restated position that no continuance request had been made on 25 June, the Chair personally said “no.”

b. **Authority:** RONR (12th ed.) 33:20–21 (whenever a member requests that a document before the assembly be read, the chair must either direct that it be read, absent objection, or put the question to a vote if objected to — a

personal, unilateral refusal is neither); Article I(F), I(H), I(I) (recordkeeping and public-record obligations); RONR (12th ed.) 47:7(9) (duty to respond to a factual Request for Information).

c. **Record Basis:** Meeting recording, 23 July 2026. Amended Minutes, 25 June 2026, DD 26-08 Commissioner Comments (directly contradicting the position the Chair maintained).

d. **INDEPENDENTLY CONFIRMED:** *The Chair's verbal refusal has been independently confirmed against the meeting recording. The refusal was the Chair's own, direct, and personal act — not a staff decision the Chair merely failed to override.*

e. **Why this is the Chair's own direct action, not a failure to prevent:** This finding differs from Finding 4 above in kind, not merely degree. Finding 4 concerns an incomplete written record, a joint staff/secretary responsibility the Chair failed to ensure was corrected. This finding concerns the Chair's own spoken refusal, in the moment, to have the Commission's own already-approved record read aloud to resolve a factual dispute he himself had just created by restating a position the amended minutes directly contradict.

f. **Why the Chair was not the proper person to rule on this request at all:** RONR's general principle is that a question concerning the presiding officer himself, in a capacity not shared by ordinary members, is not the presiding officer's to decide — the clearest illustration being that a motion to declare the chair vacant requires the chair to hand the gavel to another officer for that specific question rather than ruling on it himself. Whether the minutes should be read to correct the Chair's own disputed prior statement is exactly that kind of question. The Chair had a personal stake in the outcome and was not the proper decision-maker for this specific request, independent of whether his answer to it was otherwise correct.

VI. Pattern and Directionality

68. No single finding above depends on any other to stand on its own terms. But a Commission weighing censure or removal is entitled to consider the findings together, and together they describe more than a series of isolated errors.

69. Several independent duties — the duty to put an informal motion into proper form (25 June), the duty to count and announce a vote accurately (9 July), the duty not to interrupt a member holding the floor (23 July), the duty to answer a factual Request for Information (23 July, twice), and the duty to apply RONR's own timeliness rule accurately (23 July) — were each breached in this record. Each breach is doctrinally distinct: a Chair who simply did not understand RONR would be expected, across three meetings and this many unrelated rule categories, to err in both directions roughly as often as not.

70. That is not what this record shows. In every instance, the practical effect of the Chair's action or inaction ran toward the outcome he had already committed to by his own vote or stated position, and against the commissioners contesting it:

- a. On 25 June, the unaddressed continuance request meant the release vote — which the Chair himself then cast in favor of — proceeded without a competing motion ever reaching the floor.
- b. On 9 July, the Chair's own vote was one of the five needed to reach the (mis-announced) threshold restricting the floor time of the same commissioners who had voted against his 25 June position.
- c. On 23 July, the Chair declined two separate, independent, low-cost avenues — answering directly, and having the minutes read — for confirming a single true fact the amended minutes already established (Findings 11 and 15).
- d. On 23 July, the Chair's stated timeliness rule for points of order — stricter than RONR's own continuing-breach exception — applied on the one occasion that exception would have subjected the Chair's own 25 June and 9 July conduct to scrutiny.
- e. As of the date of this report, the Chair's silence in response to a formally invoked Request for Information — which RONR 47:7(9) makes an enumerated duty to answer — extends the same pattern past the three meetings and into the present.

71. This directional consistency bears on culpability. RONR states plainly that impartiality is a standard of conduct, not of professed intent: the customs of formality exist “to maintain the chair's necessary position of impartiality,” and a presiding officer's performance either meets that standard or it does not, independent of what he privately believed while presiding. On the pattern documented above, the Commission has a reasonable basis to conclude the Chair did not preside with the impartiality RONR requires — a conclusion resting on the pattern and its documented, repeatedly self-favoring effects, not on any claim this report is positioned to make about the Chair's private intentions.

72. This report does not treat the concentration of these findings in a single matter as a weakness requiring a broader inquiry before removal can be considered. Article I(M) defines cause as including, but not limited to, two named categories; it imposes no requirement that misconduct recur across unrelated matters or extend over any particular length of time before it can constitute cause. Fifteen documented breaches, the substantial majority of them the Chair's own direct and personal acts, escalating rather than correcting across three meetings, and continuing as of the date of this report in the form of an unanswered, formally invoked Request for Information — is not a thin or borderline record. The severity, directness, and sustained duration of the conduct documented in a single matter is sufficient, on ordinary disciplinary standards, to support a finding of cause. Nothing above should be read as foreclosing further inquiry if the Commission wishes to pursue it; it is simply not a precondition this report treats as necessary.

VII. The Chair's Culpability: Direct Action Versus Failure to Prevent

73. For purposes of a censure or removal motion, it is useful to separate the findings above into categories, because they support somewhat different arguments and remedies.

Breaches that are the Chair's own direct action (Findings 1, 2, 3, 5, 8, 9, 10, 11, 13, 14, 15)

74. Eleven of the fifteen findings involve something the Chair himself said, ruled, voted for, or personally declined to do in the exercise of his own presiding authority: declining to put the continuance requests into proper form; denying the Article I(K) right by personal ruling; announcing a failed vote as adopted after voting for it himself; unilaterally cutting off a recognized member with no motion; his own interruptions of that member; declining to instruct staff to answer a directed question; his personal refusal to confirm the Butler continuance request; his misstatement of RONR's timeliness rule; his own editorial characterization of a commissioner's conduct; and — independently confirmed against the meeting recording — his personal, verbal refusal to have the record read aloud. These are the strongest basis for censure because they require no inference about anyone else's conduct — the record attributes each directly to the Chair.

Breaches arising from the Chair's failure to prevent or correct conduct by others (Findings 4, 12)

75. Two findings involve conduct — an incomplete written record, and unrecognized staff interjections — that the Chair did not personally commit but had the authority and the affirmative RONR duty (47:7(6)) to prevent or correct and did not. These are properly understood as failures of the Chair's supervisory and enforcement duties, not as excusing the underlying staff conduct, which may separately warrant the Commission's or the Council's attention through other channels.

Findings 6 and 7: context that aggravates Finding 5 and Finding 8

76. The unexplained departure from established custom and the absence of any practical justification for the 9 July restriction do not independently identify a rule the Chair personally broke beyond those already listed in Findings 5 and 8. Their significance is as context: they remove the innocent explanations that might otherwise mitigate those findings.

VIII. Aggravating Considerations

77. **Irreversibility of the underlying decision.** Demolition cannot be undone. The procedural safeguards the Chair bypassed — Article I(K)'s delay right, Article I(J)'s continuance disposition, and RONR's motion-framing duty — exist specifically because the decision they govern cannot later be corrected on the merits.

78. **Self-interest in the 9 July vote.** The Chair was one of the five votes producing the mis-announced threshold, on a motion restricting the floor time of the commissioners who had just opposed his own position.
79. **Escalation rather than correction.** Each meeting introduced a new category of departure from RONR rather than correcting the last, culminating in direct, personal refusals — not staff-mediated omissions — on 23 July.
80. **Continued, unremedied non-response to a formally grounded request — including a refusal to say even whether a response is coming.** RONR (12th ed.) 47:7(9) makes responding to a member's Request for Information an enumerated duty of the chair, independent of any deadline a commissioner sets. The written Points of Information served 28 July 2026 — provided for in RONR (12th ed.) 4:5 — requested substantive responses by 6 August 2026, a full week later; none were received, and none was acknowledged. A full week after that, on 14 August 2026, a final written notice asked only that the Chair indicate — by 4:00 PM that day — whether he intended to respond at all. The Chair did not say yes, did not say no, and did not respond in any other way. This is not a compressed deadline the Chair had no reasonable opportunity to meet; it is two full weeks of silence followed by a refusal to answer even the threshold question of whether an answer was coming. That refusal is itself the continuation, into the present, of the same pattern documented in Findings 10, 11, and 15 above: declining to answer a factual inquiry the Chair has an enumerated duty under 47:7(9) to answer.
81. **Foreclosure of the Commission's own corrective mechanism.** The 23 July misstatement of RONR 23:6's continuing-breach exception, if allowed to stand uncorrected, would establish a stricter timeliness bar on Commission members raising points of order than RONR itself imposes — a bar that would apply with particular force to any future point of order concerning the Chair's own conduct.

IX. Matters Related to, But Outside the Scope of, This Report

82. Four related issues remain relevant to the Commission's and the Council's broader response to these events, but are not treated here as grounds for censure of the Chair, because the record does not establish the Chair's personal role in any of them:
- a. **The timing and sufficiency of the City Attorney's opinion.** The opinion concluding the HPC lacks authority to rescind the 25 June votes — relying principally on *Monroe County Board of Zoning Appeals v. Bedford Recycling, Inc.*, 269 N.E.3d 831 (Ind. 2025) — was circulated to commissioners shortly before the 9 July meeting at which it bore directly on a noticed rescission motion being stood down. Whether that reliance fully accounts for the case's own reserved questions and for Bloomington Municipal Code 20.06.050(F)(ii) is not resolved here. This bears on the Commission's and Council's assessment of whether the underlying votes can still be corrected, but the record does not show the Chair controlled the timing of the City Attorney's office's own internal deliberations.
 - b. **The independence of the opinion's co-author.** Assistant City Attorney Dana Kerr, who co-authored the 9 July opinion, also serves as the Redevelopment Commission's ("RDC") standing legal counsel, per the RDC's own 1 June 2026 meeting memorandum and contemporaneous reporting in *The B Square Bulletin* (16 June 2026). A 10 July 2026 letter from five sitting City Council members to the RDC states that Kerr personally received, on 7 July 2026 — two days before co-authoring the 9 July opinion — an email conveying a new appraisal of the Seminary Pointe property directly relevant to the RDC's pending decision on the related College Square/Seminary Pointe land swap. Whether this was disclosed to the HPC at or before the time the opinion was presented is an open question this report does not resolve; it is relevant to the Commission's broader response but is not a basis attributed to the Chair's own conduct.
 - c. **The undisclosed RDC leadership role of the HAND Director** present at the 23 July meeting. Anna Killion-Hanson, HAND Director, is listed on the Redevelopment Commission's own official records as its Executive Director (RDC meeting agenda, 23 February 2026). This role was not disclosed to the HPC in connection with her presence or conduct at the 23 July meeting, so far as the record reflects. It bears directly on Finding 12: her unrecognized interjection — “that's enough,” repeated after Attorney Holmes's “no, this is enough” — occurred during the specific exchange over whether the minutes should be read to confirm a continuance request had been made on the Seminary Pointe matter, the same matter connected to the RDC's pending College Square/Seminary Pointe land swap

addressed above. Whether this role influenced her conduct at that moment is an open question this report does not resolve; it is relevant to the Commission's broader response, but, as with Kerr's role, is not treated here as a basis attributed to the Chair's own conduct, since the record does not show the Chair was aware of or directed it.

d. **The City Attorney's office's role in delaying distribution of the written Points of Information to fellow commissioners.** Commissioner Cross sent the written Points of Information to Program Manager Noah Sandweiss on 30 July 2026, with a request — consistent with the Commission's past practice for similar communications — that it be forwarded to the Chair, the other commissioners, and Attorney Holmes. As of 4 August 2026, that forwarding had not occurred, five days after the original request and just two days before the 6 August deadline Cross had set. Cross states he was informed the delay was connected to the City Attorney's office's wish to review the document's contents before it was distributed. A Point of Information under RONR is directed to the Chair, but is raised on the floor before the full body, whose members are its intended witnesses to both the question and the response; a legal-department review of a commissioner's written communication to fellow commissioners, occurring before those commissioners had seen it, sits uneasily with that framework, and no stated basis for such a review appears in the record. Cross ultimately distributed the document directly to the Commission himself on 4 August rather than wait for the review to conclude. This report does not resolve why the review occurred, whether it reflects an established practice or a departure from one, or what role, if any, the Chair played in it.

83. These matters are better pursued through the separate channels already available rather than folded into this report so that the strength of the record specifically documenting the Chair's own conduct is not diluted by questions this report is not positioned to resolve.

X. The Rights at Stake, and the Cost of Leaving Them Uncorrected

84. Every breach documented in this report is also the denial of a specific right the HPC Rules and Procedures or RONR give to every commissioner, not only to the ones named in these findings. The table below states each right as Section III establishes it, and the finding showing it was denied in practice.

Table 2. Rights Denied, Mapped to Findings

#	Right Denied	Source	Finding(s)
1	Right to delay a Demolition Delay matter until enough information is presented	Art. I(K)	Findings 1–3
2	Right to have an informal but clear motion put into proper form	RONR 4:17–18	Finding 1
3	Right to an accurate vote count and announcement	RONR 47:7(4)	Finding 5
4	Right to debate free of restriction absent a two-thirds vote	RONR 15:5(7)	Findings 5, 8
5	Right not to be interrupted outside RONR's nine enumerated exceptions	RONR 42:18	Finding 9
6	Right to a response to a Request for Information, whether directed to the Chair or to Staff	RONR 33:6–10, 47:7(9)	Findings 10, 11
7	Right to have a document before the assembly read on request	RONR 33:20–21	Finding 15
8	Right to a presiding officer who does not participate in debate on the merits or character of a member's conduct while presiding	RONR 3:9, 43:29	Finding 14
9	Right to decorum enforcement against interjections by non-members not recognized by the Chair (HAND Director Killion-Hanson, Attorney Holmes)	RONR 47:7(6)	Finding 12

85. **None of these rights were denied once. Each was denied in a specific, repeatable way — and RONR is explicit about what repetition does. An established practice, “followed without objection,” becomes “equal to a rule” (RONR 2:25) even absent any formal vote to adopt it. Separately, and more directly, a chair's ruling “serve[s] as a precedent for future reference by the chair and the assembly... the weight given to precedent increases with the number of times the same or similar rulings have been repeated and with the length of time during which the assembly has consistently adhered to them” (RONR 23:10). Neither of these mechanisms requires the Commission's agreement to take hold — only its silence.**

86. This does not mean these rights are gone the moment they are set aside once, or that they could never be reclaimed. RONR itself confirms a precedent “may be overruled... by a later ruling of the chair or a decision of the assembly” (23:11), and an established custom holds only “so far as it has been followed without objection” — meaning a timely objection now stops it from ever ripening into custom at all. **But every meeting this record goes uncorrected adds to the weight the Chair's rulings carry as precedent, and narrows the “without objection” record that is currently the only thing standing between what happened here and its becoming simply how the HPC does business. The cost of correcting this grows with every meeting it is deferred; it does not stay fixed.**

XI. Conclusion and Recommendation

87. The record — the Commission's own amended minutes, its meeting recordings, its governing Rules and Procedures, RONR (12th ed.), Indiana Code, and the Bloomington Municipal Code — supports the following conclusions:

- a. The Chair committed at least eleven distinct breaches of the HPC Rules and Procedures and RONR, each independently grounded in the record, through his own direct action or ruling (Findings 1, 2, 3, 5, 8, 9, 10, 11, 13, 14, and 15).
- b. The Chair failed to discharge his affirmative RONR duty to enforce decorum and protect the integrity of the record on at least two further occasions (Findings 4 and 12).
- c. **These breaches were not randomly distributed; in every instance, the practical effect favored the outcome the Chair had already committed to by his own vote or stated position and disfavored the commissioners contesting it.**
- d. The pattern escalated rather than corrected itself, culminating in direct, personal refusals on 23 July — independently confirmed against the meeting recording — and has since continued, as of the date of this report, in the form of unbroken silence in response to a formally invoked Request for Information the Chair has an enumerated RONR duty to answer.

88. None of these conclusions depends on whether DD 26-08 or DD 26-09 should have been decided differently on the merits. A presiding officer can run a meeting fairly and reach a result any given commissioner disagrees with; the question for the Commission here is only whether the meetings were run fairly, and on this record, they were not. Allowing the Chair to continue presiding after a documented record of this severity would place every future decision he presides over under the same cloud, regardless of that decision's own merits, and would signal to the public and to future commissioners that the conduct catalogued above carries no consequence.

Recommended Action — Censure

89. This report recommends that the Commission adopt a motion of censure against the Chair without delay. RONR does not require formal disciplinary procedure for censure: “it is also possible to adopt a motion of censure without formal disciplinary procedures.” A censure motion is an ordinary main motion, properly noticed, and can be brought and adopted at the next meeting at which a quorum is present. It requires no investigating committee, no charges, and no trial. The fifteen findings in this report, and the authorities and record basis supporting each, are an adequate evidentiary basis for that motion as it stands.

Recommended Action — Removal from the Office of Chair, With Interim Suspension of Presiding Authority

90. This report recommends that the Commission pursue the Chair's removal from the office of Chair.

91. The HPC's Rules and Procedures do not separately address removing a commissioner from an office such as Chair. RONR governs this gap by operation of Article I(L): because Article II(A) sets the Chair's term as a fixed one-year term, RONR (12th ed.) 62:16 provides that removal from that office requires cause, established through a formal process set out in RONR §63. In general terms, that process requires an investigation into the conduct this report documents, formal charges if the investigation finds substance to them, an opportunity for the Chair to respond and defend himself, and a majority vote of the Commission to remove him from the office of Chair. RONR does not permit an individual member to bring formal charges alone; that step belongs to the Commission as a body.

92. Two facts bear on how this process should begin. First, Article II(B)'s ordinary successor to the Chair, Vice-Chair Jack Baker, is himself involved in conduct this report documents (Finding 5, independently confirmed against the meeting recording) and should not be assumed to run this process by default. Second, this report is submitted by Commissioner Cross as complainant and witness, not as a prospective member of any committee the Commission appoints — consistent with ordinary practice, the person bringing a complaint does not also sit in judgment of it.

Interim suspension of presiding authority pending trial

93. This report separately recommends that the Commission suspend the Chair's authority to preside over meetings while removal proceedings are pending. This is not a request to prejudge the outcome: the conduct at issue is not a closed historical episode, since the Chair's silence in response to a formally invoked request for information continues as of the date of this report, and every meeting he continues to preside over in the interim carries the same risk to the Commission's credibility this report documents. RONR itself contemplates suspension of this kind as part of the same process that leads to a trial.

94. This report's own role should be understood precisely. It compiles the evidentiary record and the governing authority; it is not a substitute for the Commission's own process, including the Chair's opportunity to respond before anything is finally decided.

Timing

95. This report recommends that the Commission act promptly on both tracks. The 30-day window for third-party judicial review of the 25 June votes has already closed; the scheduled 13 August meeting did not occur for lack of quorum; and the Chair's continued, unremedied silence in the face of a formally invoked request for information is itself an ongoing breach, not a static one. **Every additional week allows the 9 July legal opinion and the 23 July procedural rulings to harden into unchallenged precedent for how the Commission conducts its business, independent of whether either was correct and allows the Chair to continue presiding — with the attendant risk that every decision made under his gavel in the interim carries the same taint documented in this report — while the formal process runs its course.**

XII. Table of Authorities

Table 3. Governing Authorities and Citations

#	Authority	Citation	Relevance
1	HPC Rules and Procedures	Art. I(F)	Roll-call recordkeeping requirement
2	HPC Rules and Procedures	Art. I(H), I(I)	Minutes as public records; prompt availability and preservation
3	HPC Rules and Procedures	Art. I(J)	Requires disposition of any request as grant, deny, or continue
4	HPC Rules and Procedures	Art. I(K)	Members' right to delay Demolition Delay discussion until enough information is presented
5	HPC Rules and Procedures	Art. I(L)	Adopts RONR (12th ed.) as binding parliamentary authority
6	HPC Rules and Procedures	Art. I(M)	Defines “cause” (open-ended, not limited to named examples); governs removal of a member by the Commission's appointing authority, not removal from an office such as Chair
7	HPC Rules and Procedures	Art. II(B)	Defines and limits the Chair's authority to administering, not overriding, the rules
8	RONR (12th ed.)	2:14	Object of rules of order is to facilitate the assembly's smooth functioning
9	RONR (12th ed.)	2:25	Established, unbroken custom carries the force of a rule absent a majority vote to depart
10	RONR (12th ed.)	3:9	Formality exists to preserve the chair's impartiality
11	RONR (12th ed.)	4:17–4:18	Chair's duty to suggest an in-order alternative and put an informal motion into suitable form
12	RONR (12th ed.)	14:1	Motion to Postpone to a Certain Time
13	RONR (12th ed.)	15:4, 15:5(7)	Two-thirds vote required to limit or extend limits of debate, general or scoped
14	RONR (12th ed.)	23:5–23:6	Timeliness of points of order; five-category continuing-breach exception
15	RONR (12th ed.)	3:30	General principle that only a member recognized by the chair may speak
16	RONR (12th ed.)	§25 n.7	Nonmembers have no independent right to speak in debate absent suspension of the rules
17	RONR (12th ed.)	33:6–33:9	Request for Information (also called Point of Information)
18	RONR (12th ed.)	33:20–21	Right to have a document before the assembly read on request
19	RONR (12th ed.)	42:18	Nine enumerated exceptions permitting interruption of a member assigned the floor
20	RONR (12th ed.)	43:29	General bar on the chair exercising ordinary member rights while presiding

#	Authority	Citation	Relevance
21	RONR (12th ed.)	43:31, 43:33	Chair's authority to assist a member in framing a proper motion
22	RONR (12th ed.)	47:7(4),(6)–(9)	Core duties of the presiding officer: state/put/announce questions; enforce decorum; expedite business; decide questions of order; respond to members' inquiries
23	RONR (12th ed.)	49:21(7)	Small-board modification permitting the chair to speak in debate without relinquishing the chair
24	RONR (12th ed.)	56:28	Fixed-term officer wording and its consequence for removal from office
25	RONR (12th ed.)	47:11(1), (3)	Disqualification of a vice-president who is involved in the matter; election of a chairman pro tem
26	RONR (12th ed.)	62:16	Removal of an officer from office; fixed-term wording requires cause and the §63 procedure
27	RONR (12th ed.)	63:2, 63:8–13	Investigating committee; confidential investigation; preferral of charges; bar on an individual member preferring charges
28	RONR (12th ed.)	63:22	Trial committee with its own chairman may be named directly in the resolution preferring charges
29	RONR (12th ed.)	63:14–17	Model resolution preferring charges, including the option to suspend the accused's rights pending trial
30	RONR (12th ed.)	63:28–33	Formal notification, executive session, and trial procedure, including the accused's defense rights
31	RONR (12th ed.)	63:34 n.1	Censure may be adopted without formal disciplinary procedure
32	Indiana Code	36-7-11-4(f)	Directs the Commission to adopt its own rules for the transaction of business
33	Indiana Code	36-7-4; 36-7-11-4(h)	Judicial review of HPC decisions as board of zoning appeals decisions
34	Indiana Code	36-7-4-1605	30-day window for third-party judicial review of a release vote
35	Bloomington Municipal Code	BMC 20.06.050	Demolition-delay framework implementing the state-mandated HPC rules
36	Case Law	Monroe County Bd. of Zoning Appeals v. Bedford Recycling, Inc. (Ind. 2025)	Agency authority to reconsider a final decision; footnote reserving the pre-judicial-review-window question
37	Public Record	City of Bloomington Redevelopment Commission meeting agenda (23 Feb. 2026)	Official RDC membership listing identifying Anna Killion-Hanson as Executive Director

Appendix A: Summary Table of Breaches

Table 4. Summary of All Fifteen Findings

No.	Date	Breach	Culpability	Authority
1	25 Jun	Failure to put continuance request into proper motion form	Direct	RONR 4:17–18, 43:31/33; Art. I(J), I(L)
2	25 Jun	Denial of Art. I(K) right without vote	Direct	Art. I(K), II(B)
3	25 Jun	Exceeding Art. II(B) authority	Direct	Art. II(B)
4	25 Jun–23 Jul	Incomplete/uncorrected written minutes (DD 26-09)	Failure to prevent/correct	Art. I(F), I(H), I(I)
5	9 Jul	Announcing a failed vote as adopted; Chair voted for it	Direct + self-interest	RONR 15:5(7), 47:7(4)
6	9 Jul	Unvoted departure from established custom	Context/aggravating	RONR 2:25
7	9 Jul	No practical justification for timing	Context/aggravating	RONR 2:14
8	23 Jul	Unilateral curtailment of floor time, no vote	Direct	RONR 15:5(7), 47:7(4),(7)
9	23 Jul	Interrupting a member holding the floor	Direct	RONR 42:18
10	23 Jul	Declining to instruct staff (Sandweiss) to answer	Direct — confirmed	RONR 33:6–9, 47:7(9)
11	23 Jul	Direct refusal to confirm Butler's continuance request	Direct — confirmed	RONR 33:6, 47:7(9)
12	23 Jul	Failure to enforce decorum against non-members	Failure to prevent	RONR 47:7(6)
13	23 Jul	Misstating RONR's point-of-order timeliness rule	Direct	RONR 23:5–6; Art. I(L)
14	23 Jul	Editorializing ("theatrics") while presiding	Direct	RONR 3:9, 43:29
15	23 Jul	Direct, personal refusal to have minutes read aloud	Direct — confirmed	Art. I(F); RONR 47:7(9)