Notary Public
Se habla espanol

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Jacob Rossman
Council Attorney
401 N Morton St
Suite 110
Bloomington IN 47404

Re: **Due Process Violations against Commissioner Reynard A. Cross**

Dear Mr. Rossman,

I have been retained by Reynard A. Cross, a current Commissioner on the Bloomington Historic Preservation Commission (HPC). As you know, actions have been taken by the City Council to remove Mr. Cross from this position as a HPC Commissioner. As a result of the Council's actions, Mr. Cross has faced a series of unfair and untrue accusations, as well as other actions that can be perceived as defamatory. In addition, his due process rights under the United States Constitution have also been violated.

Mr. Cross and others who have witnessed this unfairness – and injustice -- strongly urge the City Council – and any other entity with authority – to have all charges against Mr. Cross ***dismissed with prejudice***.

The background of this matter is set against controversies arising from the Seminary Pointe demolition delay release petition. Seminary Pointe is comprised of those buildings located at the corner of 2nd Street and South College Ave, properties that played a major role in the city's plan to add new hotels and "affordable housing" as part of the Convention Center project.

A community organization, "Bloomington Homes for All," ("BH") presented several plans which would allow residential tenants and businesses to remain in the Seminary Pointe properties. One such proposal invoked local historic preservation codes to keep tenants and businesses in their properties *and* forestall the city's plans to demolish those properties. BH sought to have Seminary Pointe designated for historic preservation, citing the properties' history going back to World War II.

Following BH's presentation to the HPC, the commission was to take a vote on whether Seminary Pointe should be granted historic designation. If the designation was granted, the Seminary Pointe

properties would be protected – and allowed to remain intact. If the designation was not granted, the properties would be demolished.

At the HPC meeting on June 25, 2026, BH representatives presented their case for preserving the properties. Mr. Cross and other HPC members respectfully requested a two-week delay in order to gather more information on the historic significance of the buildings. During this meeting, the HPC Chair committed several procedural breaches which violated both HPC guidelines and Robert's Rules of Order (**See**, **Exhibit 1**).

Specifically, the Chair's errors constituted a number of "due process" violations set forth in Robert's Rules of Order, 12th edition and HPC guidelines. For example, the Chair failed to properly acknowledge and rule on points of order made by Mr. Cross. The Chair also failed to act on demolition delay procedures in the HPC guidelines and failed to put into a proper motion express requests for additional time to gather more information. Mr. Cross has provided the city council with a list of other RONR violations, all of which constitute due process violations (**Id.**).

Mr. Cross sought to remedy these breaches via HPC guidelines and Robert's Rules, actions consistent with his role as an advisory member of the HPC. However, the Chair improperly overruled Mr. Cross and committed other breaches of rules and guidelines.

Mr. Cross' due process rights were further violated by the Common Council of Bloomington when the latter sought to remove him for breaches he was alleged to have committed. First, the Council served Mr. Cross with improper notice, which was not properly authorized by the Council. Second, the notice did not list specific charges against him. Third, the notice did not cite the rules which were allegedly breached. Fourth, the notice did not adequately describe how Mr. Cross' actions breached any specific rule. Last, the notice failed to describe how the alleged breaches would prevent Mr. Cross from continuing to serve on the HPC (See, **Exhibit 2**)

Also, Mr. Cross's request for information from the Council has been ignored. He has been deliberately denied the opportunity to speak on his own behalf (**Id**.)

As a member of the HPC, he can only be removed "for cause." The Council has failed to meet this burden and its actions against Mr. Cross constitute substantive violations of his rights.

In Cleveland Board of Education v. Loudermill, (470 U.S. 532), the United States Supreme Court ruled that 14th Amendment due process protections apply to any public employee who could only be terminated "for cause." These protections include adequate notice with language sufficient for Mr. Cross to understand any allegations made against him, including time, place, and the actions leading to termination. For reference, the Loudermill standard has been applied by the Council before, back in 2023 in the matter of Greg Alexander, a one-time Commissioner on the Bloomington Traffic Commission. (See, **Exhibit 3**)

Details of the numerous violations are set forth in the attached exhibits.

These and other violations of Mr. Cross' rights have unleashed unnecessary rancor and bad will among the HPC and the City Council. Any and all allegations against Mr. Cross should be immediately **dismissed with prejudice**. Failure to act will result in continued legal actions.

I look forward to communicating with you in the near future. I am

Respectfully yours,

William R. Morris, Jr.

William Morris
Attorney at Law

Attachments: Exhibit 1 – 3
cc: Members of Bloomington City Council