



**City of Bloomington  
Office of the Common Council**

**Memorandum**

To: Councilmembers  
From: Stephen Lucas  
Date: 30 January 2023  
Re: Removal of member from board/commission  
\*Attorney Client Communication\*

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**Summary of Issue:**

Mr. Greg Alexander, an appointee to the City's Traffic Commission, made several statements on a social media platform that prompted complaints from the public and from a number of councilmembers. After several members of the public spoke at the Council's January 25<sup>th</sup> Regular Session about these statements, Mr. Alexander himself wrote to Council President Sgambelluri to make clear what statements he had made. The statements submitted by Mr. Alexander are attached hereto for your review.

Several councilmembers have asked whether the Council is able to remove Mr. Alexander from the Traffic Commission in response to these statements. At least two potential legal issues arise from this situation – first, whether the Council has “cause” to remove Mr. Alexander from the Traffic Commission as required under local code; and second, whether Mr. Alexander could successfully challenge his removal. Councilmembers should also consider the precedential effect of removing a commission appointee for this kind of cause.

**Rules Governing Removal**

Bloomington Municipal Code [2.08.020](#) includes a list of general provisions that apply to all city boards and commissions unless some other rule is specified in state statute or local ordinance. The fourth item on that list reads as follows:

(4) Removal for Cause. Except for appointees who serve at the pleasure of the mayor, a member of a board, commission or council may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly scheduled meetings of the board, commission, or council or four regularly scheduled meetings in any twelve-month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal.

The Traffic Commission is a locally-created commission with its governing provisions contained at [BMC 2.12.070](#). Nothing in this code section addresses removal of members. The Commission's own Rules and Procedures (attached) are also silent on removal of members. For this reason, BMC 2.08.020(4) applies and provides that Traffic Commission members may be removed "for cause".

BMC 2.08.020(4) states that cause includes, but is not limited to, failure to attend a specified number of meetings. Beyond absenteeism, local code does not define what constitutes cause for removal. Here, Indiana case law is instructive when it comes to the "for cause" standard. In a 2022 Indiana Court of Appeals case, *Waller v. City of Madison*, 183 N.E.3d 324 (Ind. Ct. App. 2022), the mayor of the City of Madison revoked a member's appointments to the city's plan commission and board of zoning appeals after a heated exchange at a meeting of the city's board of public works. The court analyzed the meaning of removal "for cause" as contained in Indiana Code §§ 36-7-4-218(f) and - 906(f) (applicable to plan commissions and boards of zoning appeals, respectively).

The court held that because appointments to boards and commissions have set terms, they resemble employment, so the definition of "for cause" mirrors its meaning in the employment context. 183 N.E.3d at 330. **The court concluded that an appointee removable "for cause" may be removed only for acts or omissions that diminish the appointee's ability or fitness to perform the duties of the appointment. 183 N.E.3d at 332.**

Under [BMC 2.12.070](#), the duties of the Traffic Commission are "to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations."

**If the Council believes Mr. Alexander's acts and statements have diminished his ability or fitness to perform the duties of his appointment, removal from the Traffic Commission may be appropriate.**

#### Due Process

Due process typically requires notice and an opportunity to be heard and requires that government actions not be arbitrary or capricious. For removal due to absenteeism, BMC 2.08.020(4) includes an opportunity for any board/commission member to explain absences and extenuating circumstances in writing to the appointing authority before a formal decision to remove is reached. I recommend that a similar opportunity also be provided in cases of removal for other causes.

If a member wishes to make a motion for Mr. Alexander's removal from the Traffic Commission, I recommend that such a motion be made during a Regular Session under the agenda item "Appointments to Boards and Commissions." If the motion is seconded, I recommend that the Council delay final action on the motion until Mr. Alexander can be formally notified that the Council plans to consider his removal. Mr. Alexander should then be given an opportunity to respond in writing before the Council votes on his removal. If the

Council wishes, it could also provide Mr. Alexander an opportunity to comment at the meeting ahead of any vote on his removal. A motion to remove Mr. Alexander from the Traffic Commission would require a second, would be debatable, and would require a majority vote to pass.

Cm. Volan suggested other possible actions the Council might take short of removal in a January 25<sup>th</sup> email to councilmembers. The processes mentioned (taking down words and censuring) are disciplinary actions that a deliberative body might pursue against one of its own members. However, these actions apply within a deliberative body rather than between one deliberative body and another. It's unclear how the process of taking down words might proceed, as that action typically occurs immediately after comments are made at a meeting of the deliberative body. Since Mr. Alexander's statements were made outside of a public meeting, this process seems inapplicable. However, Cm. Volan's suggestion here seems to be to provide Mr. Alexander with an opportunity to justify recent words or actions, and be given an opportunity to clear up misunderstandings. This purpose might largely be served by inviting Mr. Alexander to respond in writing to any motion made for his removal.

A motion to censure might be more applicable, though still odd, as Mr. Alexander would not be a member of the deliberative body doing the censuring. A censure typically indicates the body's displeasure at some behavior and can serve as a warning that future violations could lead to removal.

If a motion to remove Mr. Alexander is successful, a letter should be sent notifying him of his removal and the reasons for it. The letter should explain the basis for the Council's action so that no substantive due process concerns are raised. Substantive due process ensures that government action is not arbitrary or capricious regardless of the fairness of the procedures used. Typically, only the most egregious official conduct is considered "arbitrary or capricious." The standard is whether the official conduct "shocks the conscience" and violates the "decencies of civilized conduct." *Melton v. Indiana Athletic Trainers Board*, 156 N.E.3d 633, 659-60 (Ind. Ct. App. 2020).

Here, so long as the Council provides reasons for Mr. Alexander's removal that amount to sufficient cause, he likely would not have a substantive due process claim. So long as there is a rational basis for his removal and it is not random or because the Council simply dislikes him, then it would likely be upheld. Providing a list of reasons for his removal would help show this rational basis has been met.

In 2021, the Council removed an appointee to the CAPS Commission for cause (absenteeism, in that case). The letter sent after the Council voted to remove the CAPS Commission member is attached hereto.

### **Possible Issues with Removal**

In an email sent on January 25<sup>th</sup>, Mr. Alexander stated: "I do not intend to procedurally challenge whatever measure you come up with to un-appoint me. I have no idea what struggle you face on that front but just in good faith I want you to know I do not doubt the authority of the council to un-appoint me and I promise to you personally that I will not challenge that authority."

Despite this assurance, the Council should consider the issues identified below, at the very least because it may face similar situations in the future.

Should Mr. Alexander seek legal recourse in response to Council action to remove him from the Traffic Commission, he might pursue various legal claims. First, he could argue that there was insufficient cause to remove him from the Traffic Commission. Second, he could argue that he was punished by the Council for constitutionally-protected speech. His success on such claims depends on whether the Council provides sufficient cause for his removal and whether a court believes that he was removed for the content of his speech rather than inappropriate behavior or other sufficient grounds for removal.

#### Sufficient Cause for Removal

Under the *Waller* case mentioned above, when an appointing authority is allowed to remove an appointee “for cause”, removal is not within the appointing authority’s complete discretion (unlike situations where an appointee serves at the pleasure of the appointing authority). Cause for removal must amount to something that goes to the heart of the appointee’s duties or ability to participate on the board. 183 N.E.3d at 331-32. The court in *Waller* analyzed what removal “for cause” meant under the plan commission and board of zoning appeals statutes in state code, which is instructive, as the general provision in local also provides for removal for cause.

In this case, Mr. Alexander’s social media posts must seriously undermine his ability to serve on the Traffic Commission and represent the interests of the City if they are to be the basis for removal. In 2020, the Mayor removed a member of the Parking Commission for social media postings that he said were “antithetical to the City of Bloomington’s subscription to the principle that all members of our community deserve consideration and respect.” In a letter notifying the Council of his action (attached), the Mayor said he believed the appointee’s “actions will seriously undercut his ability to be an effective Commissioner and represent the best interests of the City” and that the appointment had been rescinded.

Here, it is arguable that the graphic and implied sexual nature of Mr. Alexander’s posts do not represent the best interests of the City. To the extent that any of the posts are read to threaten specific community members, especially in regard to traffic safety, these actions likely rise to the level of misconduct that would interfere with his ability to serve on a public-facing City commission dedicated to the traffic safety of all members of the community.

Considering that the *Waller* court analyzed removal of an appointed commission member by looking to relevant definitions within employment law, it might also be helpful to consider whether Mr. Alexander’s conduct would violate the City’s personnel manual.

The city’s personnel manual lists several offenses that may result in immediate discharge under Section 11.09, which include “threatening and/or intimidating employees or other persons while on the job;” “immoral or indecent conduct or use of abusive language while on the job;” and “any action that, whether or not a violation of a regularly established rule, regulation, or policy, is so deleterious to efficient City operations or to the public interest that discipline or discharge could reasonably be expected to result.”

### Free Speech Claim

Mr. Alexander might also challenge his removal under a free speech theory under both state and federal constitutions. While the Council is not attempting to censor Mr. Alexander's speech online, he could argue that punishing him with an adverse action (removal) was retaliation for engaging in protected speech critical of city government.

Case law on retaliation for speech usually deals with the government as an employer engaging in an adverse employment action (demotion or dismissal) for an employee's speech. In *Waller*, the Court was presented with a free speech retaliation claim by an appointed commission member. In that case, the Court said the "*Pickering* test" should be used to analyze the claim, which comes from a U.S. Supreme Court case, *Pickering v. Bd. of Educ.*, 391 U.S. 563, (1968) and subsequent cases. Under the *Pickering* test, there is a threshold question that asks whether the public employee spoke on a matter of public concern defined as a matter of larger societal significance or importance. If so, a court would then proceed to a balancing test where it would weigh the employee's (or appointee's) right to free speech against the employer's (or appointer's) interest in an efficient, disruptive-free workplace. The *Waller* court noted that *Pickering's* applicability to unpaid government appointees is an open question that has not been fully resolved, but nevertheless instructed the trial court in that case to analyze the free speech claims under that rubric.

It is likely that most of Mr. Alexander's posts are protected under the state and federal constitutions, but Mr. Alexander's interests in using his social media platform to criticize city governance and members of the public in a vulgar and obscene manner may be outweighed by the City's interests in community safety and civility.

This balancing test is very dependent upon the circumstances of each individual case, however, so it is difficult to predict what a court might decide. It is likely that most of the posts merely critical of city governance or other residents are protected. Should any of his speech be found unprotected, it is likely the posts that directly or indirectly threaten residents or the posts that contain content that is obscene or vulgar.

### Was the adverse action taken because of the protected speech or some other reason?

In the employment context, even if speech is protected, a government employer may still be insulated from liability if the adverse employment action was taken mainly due to some reason other than the protected speech.

Notably, Mr. Alexander makes several posts critical of the government—the Council cannot retaliate against Mr. Alexander for the content of any of these posts. A number of posts, however, use vulgar language or use terms associated with sexual violence. Based on public comments made at the Council's January 25<sup>th</sup> Regular Session, it seems a number of posts have been perceived by some residents as threatening.

Obscenity is not protected speech, though most case law surrounding obscenity analyzes whether the government can censor it rather than punish a government actor for it with an adverse employment action. If Mr. Alexander is removed from the Traffic Commission, the Council

should make it clear that his removal is not for any comments made that were critical of the city or the Council. The Council should make clear it has just cause to remove Mr. Alexander from the Commission even if he had not made statements critical of the Council or city governance on his private social media site. Obscene depictions, vulgar insults, and threatening interactions with residents of the community are likely sufficient cause to remove him without bringing any of his protected speech (posts critical of city governance) into play.

**Suggestion for the Future:**

Councilmembers should consider how they might respond in future cases where a board/commission member's social media posts contain similar language. To help guide future decisions, the City might consider creating a code of conduct applicable to all members of boards and commissions so that issues like this can be dealt with according to a uniform standard applicable to individuals serving on a City board or commission. Principles discussed in this memo have largely been drawn from the public employer-employee context, which has its limitations.

[BMC 2.08.020\(8\)](#) does provide that “[m]eetings of all boards, commissions and councils shall be conducted according to procedures set forth in Roberts Rules of Order.” To the extent that Robert’s could be considered a guide to the behavior of appointed board/commission members outside of public meetings, it says disciplinary procedures should generally be regarded as a drastic step reserved for serious situations or those potentially so. It also says that behavior tending to injure the good name of the organization, disturb its well-being, or hamper in its work is a serious offense properly subject to disciplinary action.

Dear Mrs. Lee -

January 19, 2023

After last night's council meeting, there are a few things I wanted you to know:

\* whenever the council takes symbolic action, it is an insult to everyone who advocates for substantive action.

\* as is typical for Rollo-sponsored legislation, some members of the public were privileged above others. I was not offered a second chance to speak, but you were.

\* when you describe a bunch of liberals taking a feel-good symbolic stand as "a good moment," you make my point for me. Thanks!

\* I am 42 years old. Your generation needs to stop calling my generation "young man."

Sorry about the tone. I'm trying to accomplish something important and you briefly became an example of the sort of process that makes progress difficult.



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**FakeGregA**  
@GregAlexander8

i've never seen so much cowardice as when Isabel Piedmont-Smith votes. never has someone so convincingly explained that they understand what a deep betrayal their vote is to all that they hold dear. and so often!

12:17 AM · Nov 3, 2022



**natalia5727** @natalia5727 · Nov 3, 2022

Replying to @GregAlexander8

Why don't you actually empower marginalized neighbors? Your arguments are performative; you care about the marginalized when it suites you. Where are you when you can actually help? That's cowardice.



2



2



**FakeGregA** @GregAlexander8 · Nov 3, 2022

Replying to @natalia5727

please don't talk to me about marginalized neighborhoods when you're literally representing elm heights



1



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**FakeGregA**  
@GregAlexander8

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**49ers at Eagles**



Trending in United States

**Mr. Beast**

36.7K Tweets

Trending in United States

**Winter Storm Warning**

2,187 Tweets

Sports · Trending

**#NFLRigged**

36.7K Tweets

Sports · Trending

**Cancelo**

47.7K Tweets

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**FakeGregA** @GregAlexander8 · Nov 3, 2022  
last december, a couple bought a house in elm heights for \$622,000. and less than a year later, the wife was able to go to the council and was allowed to make a 28 minute presentation about the intersection in front of the house she just bought. [...]

**Regina Moore** @clerkmoore · Nov 3, 2022  
Replying to @GregAlexander8  
Perhaps you were bored because the traffic commission, on which you serve, heard her presentation, voted down her request, but also hasn't come up with ANY solutions. And did you hear folks who lived in the area for 30+ years? You clearly are not concerned about safety.

**Mary Hrovat** @mary\_hrovat · Nov 3, 2022  
Replying to @clerkmoore and @GregAlexander8  
Maybe I shouldn't barge in, but I'm beyond astonished at your statement. I can't think of anyone else who has advocated as tirelessly for ped & cyclist safety in Bloomington. He's talking about the fair apportionment of limited resources.

**Regina Moore** @clerkmoore  
Replying to @mary\_hrovat and @GregAlexander8

You should see what's planned for Hawthorne from 3rd south, punching through to Weatherstone and on to Hillside. \$300,000 that's not needed or wanted. Let's figure out where that \$\$ would do more good for bike and ped safety!

4:00 PM · Nov 3, 2022

🗨️ ↻️ ❤️ ↗️

**FakeGregA** @GregAlexander8 · Nov 3, 2022  
Replying to @clerkmoore and @mary\_hrovat  
what are they punching through with?

**FakeGregA** @GregAlexander8 · Nov 5, 2022  
Replying to @GregAlexander8 @clerkmoore and @mary\_hrovat  
@clerkmoore i would really like to know. it sounds like they are going to savagely penetrate your neighborhood and i want to know what they're going to use to do that?

🗨️ 1 ↻️ ❤️ ↗️  
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- Regina Moore**  
@clerkmoore [Follow](#)
- Mary Hrovat**  
@mary\_hrovat [Follow](#)  
Writer with a scientific background and a tendency toward the lyrical. I'll be on Twitter till it goes dark. Toehold on Mastodon: @maryhrovat@zirk.us
- FakeGregA**  
@GregAlexander8 [Follow](#)  
i'm trying to impersonate greg alexander, who is excitable and stupid and has a B.S. degree

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NFL · Yesterday  
**49ers at Eagles**



Trending in United States  
**Winter Storm Warning**  
2,285 Tweets

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**Enzo**  
165K Tweets

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**FakeGregA**  
@GregAlexander8

one of the reasons i suck at organizing is i want to tell people "go to the council and ask for improvements in your neighborhood to help me make the political point that the current fucknuts on there only care about elm heights". real powerful incentive there

12:40 PM · Dec 16, 2022 · 91 Views

2 Likes



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Trending in United States

**Winter Storm Warning**

2,335 Tweets

Sports · Trending

**#NFLRigged**

37.1K Tweets

Trending in United States

**Calvin Klein**

190K Tweets

Sports · Trending

**Cancelo**

49.3K Tweets

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**FakeGregA**  
@GregAlexander8

haters gonna hate and bloomington democrats gonna lick the shit out from between elm heights' neighbors ass cheeks

9:11 AM · Nov 16, 2022

2 Likes



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2,442 Tweets

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**#NFLRigged**

37.2K Tweets

Sports · Trending

**Cancelo**

49.8K Tweets

Trending in United States

**Calvin Klein**

190K Tweets

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**FakeGregA**  
@GregAlexander8

you all understand that i'm petty enough i'm counting down the days until i can go collect video of prominent elm heights neighbors running the stop sign they just bought

4:35 PM · Nov 5, 2022



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Sports · Trending  
**#NFLRigged**  
37.3K Tweets

Trending in United States  
**Winter Storm Warning**  
2,442 Tweets

Trending in United States  
**Linda Ronstadt**  
3,995 Tweets

Politics · Trending  
**Maxine Waters**  
7,332 Tweets

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FakeGregA  
@GregAlexander8

i've been collecting images like the first one to show the way drivers treat the stop sign & crosswalk just west of @fairviewmccsc, and it occurred to me to wonder if a zillion megapixels is enough to see the phone in her left hand. yup. barely.



9:46 AM · Oct 19, 2022

4 Likes



Justin @UliKunkelsEar · Oct 19, 2022

Replying to @GregAlexander8 and @Fairviewmccsc

Not to mention the 4-way stop the next block south of there. I almost got taken out by an @collegemovers truck that decided 15mph = full stop.



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2,496 Tweets

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**#NFLRigged**

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**Linda Ronstadt**

4,051 Tweets

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**City of Bloomington Traffic Commission**  
**Rules & Procedures**

**Section I. Purpose and Duties.**

It shall be the duty of the Traffic Commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the Common Council and to appropriate City officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

**Section II. Appointments.**

The Traffic Commission shall consist of the following nine members:

- A. A designee of the Transportation and Traffic Engineer;
- B. A designee of the Director of Public Works;
- C. A designee of the Chief of Police; and
- D. Six additional members who shall be appointed by the Common Council by majority vote in a properly convened session of the Council.

All terms shall be for two years.

**Section III. Qualifications.**

Each Common Council appointee shall be a resident of the City with preference being given so that each council district is represented.

**Section IV. Meetings.**

Annual regular meeting dates and times will be scheduled prior to the end of each calendar year.

- A. Changes to dates and times may be approved prior to each scheduled meeting by staff or the Chairperson (including cancellations and the scheduling of special meetings).
- B. A quorum for Traffic Commission meetings shall be five members or alternates (a majority of the membership).
- C. All Traffic Commission meetings are open to members of the public, absent an executive session held in accordance with the provisions of Indiana law.

## Section V. Procedure(s).

### A. Voting.

1. All votes shall be by simple voice vote, unless a member specifically requests a roll call vote.
2. If a member fails to vote upon any matter, any other member may raise the question and insist that the member either vote or state the reason for not voting and be excused.
3. Any member may change a vote before the result is announced.

### B. Agenda. Staff shall provide a meeting packet with the date, time, location, agenda, and summary of minutes for each regular meeting at least 48 hours prior to their regular meeting. The Traffic Commission shall transact its business in the following order, but it may, by majority vote, amend the normal order of business and time limits set forth below:

1. Call to Order;
2. Approval of minutes;
3. Communications from Commission;
4. Public Comment\*;
5. Reports from Staff;
6. Old Business\*;
7. New Business\*;
8. Traffic Inquiries\*;
9. Commission Schedule; and
10. Adjournment.

\*The Chairperson may limit the length of time and number of times an individual may comment during public comment. The Chairperson shall explain these limits prior to hearing any public comment. This also may include limitations on repetitive or redundant comments to help ensure each individual has an opportunity to provide their comments.

### C. Chair and Vice-Chair. The Traffic Commission members shall nominate and elect a Chairperson from among the members of the commission.

1. The Chairperson shall conduct all Traffic Commission meetings and help ensure each agenda item is given the opportunity for the Commission to sufficiently conduct their monthly business and to direct staff on future business items to consider.
2. In the Chairperson's absence, the Vice-Chairperson shall conduct meetings.
3. Elections for the Chairperson and Vice-Chairperson shall take place annually at the second meeting of the calendar year.
4. The Traffic Commission members may elect such other officers as it deems necessary.

### D. Motions.

1. When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated.

2. The name of the member making the motion or offering any business shall be entered into the minutes.
3. Unless otherwise provided by law, approval of any action shall be by simple majority of those members present and voting.



**NICOLE BOLDEN  
CLERK**

CITY OF BLOOMINGTON

401 N Morton St, Suite 110  
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408  
clerk@bloomington.in.gov

November 04, 2021

Matthew Diaz  
3013 S Stratford Drive  
Bloomington, IN 47401

Dear Mr. Diaz,

I regret to inform you that you have been removed from the Community Advisory on Public Safety (CAPS) Commission. Per the CAPS Commission bylaws, the removal of members is as follows:

A member may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly scheduled meetings of the Commission or four regularly scheduled meetings in any twelve-month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing body puts the member on notice that further excessive absenteeism shall result in removal.

Becky Boustani, staff liaison to CAPS Commission, contacted you on July 26, 2021, and again on October 19, 2021 inquiring on your lack of attendance. Additionally, you were copied on correspondence including meeting dates, agendas, packets, and reminders. Ms. Boustani has confirmed that you have not replied to the inquiries. Therefore, the Common Council has accepted the recommendation to remove you as a commissioner to CAPS due to non-attendance.

Sincerely,

Nicole Bolden, City Clerk  
City of Bloomington

cc: Stephen Lucas  
Rebekka Boustani  
Celeste Wolfinger



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CITY OF BLOOMINGTON



Jennifer Lloyd &lt;jennifer.lloyd@bloomington.in.gov&gt;

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**Fwd: Statement Regarding Removal of Officer**

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Jennifer Lloyd <jennifer.lloyd@bloomington.in.gov>  
To: Jennifer Lloyd <jennifer.lloyd@bloomington.in.gov>

Thu, Jan 7, 2021 at 12:47 PM

----- Forwarded message -----

From: **Philippa Guthrie** <guthrie@bloomington.in.gov>  
Date: Wed, Jan 6, 2021 at 9:48 AM  
Subject: Statement Regarding Removal of Officer  
To: Stephen Lucas <lucass@bloomington.in.gov>

Hi, Stephen. Would you please pass this message along to the members of the City Council. Thank you.

To the Members of the City Council:

On December 8, 2020, Mayor John Hamilton sent a letter notifying Joseph Bortka that he would be appointed to fill a vacancy on the Parking Commission, which is a City Commission authorized by Section 2.12.110 of the Bloomington Municipal Code. Within hours of sending the letter and before Mr. Bortka could take his place on the Commission, the Mayor's office became aware of social media postings by Mr. Bortka that are antithetical to the City of Bloomington's subscription to the principle that all members of our community deserve consideration and respect. The Mayor believes that Mr. Bortka's actions will seriously undercut his ability to be an effective Commissioner and represent the best interests of the City and therefore Mr. Bortka was notified that his appointment was rescinded.

IC 36-4-11-2 (d) provides the following with regard to Mayoral appointment of officers:

The executive may suspend or remove from office any officers, deputies, or other employees of the city appointed by the executive or a prior executive, by notifying them to that effect and sending a written statement of the reasons for the suspension or removal to the city legislative body.

This letter serves as the Mayor's written statement of the reasons for Mr. Bortka's removal as required under IC 36-4-11-2(d).

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--  
**Jennifer L. Lloyd**  
Assistant City Attorney  
City of Bloomington  
(812) 349-3555

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