



# MADISON *Indiana*

## City Council Agenda

**MEETING DATE:** Tuesday, September 3, 2024, at 5:30 PM

**MEETING PLACE:** City Hall, 101 W. Main Street, Madison, IN 47250

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of roll & notice of absentees
- C. Reading, approving, correcting, or disposing of minutes from prior meeting.
- D. Presentation of petitions, memorials, remonstrance's, introduction of motions and guests
- E. Resolution or Bills
  - Ordinance 2024-8: Amending the Zoning Map, 1221 Clifty Dr. Sponsor J. Wilber  
*Renders a decision on a proposal made in the plan commission to rezone a parcel of land from (M-1) to (GB).*
  - Ordinance 2024-9: Amending Salary Ordinance 2023-15 Sponsor J. Wilber  
*Amends the existing salary ordinance for 2024 to convert a current position within Madison Police Department from a stipend paid position to a full-time position. No new appropriations needed.*
- F. Reports, recommendations, other business from standing/select committees of the city council.
- G. Reports of city officials
- H. Bills on third reading
  - Ordinance 2024-7: Amending the Zoning Map Sponsored by P. Thevenow  
*Renders a decision on a proposal made in the plan commission to rezone six parcels of land from (R-4) to (AG) and nine parcels of land from (RA) to (AG).*
- I. Bills on second reading
  - Ordinance 2024-6: Amending Common Council Rules Sponsors Schafer and Wilber: Tabled on 8/20/24: *Updates meeting procedures of Common Council, reduces number of readings for a bill from three to two, and clarifies privileges of citizens during public comment.*
- J. Miscellaneous
- K. Public comments
- L. Mayor's comments
- M. Next Council Meeting: Tuesday September 17, 2024, at 5:30 PM @ City Hall Council Chambers
- N. Motion to adjourn.



# MADISON *Indiana*

## Common Council Minutes

**MEETING DATE:** August 20, 2024

**MEETING PLACE:** Hunter Hall Event Space

The Common Council of the City of Madison, Indiana met in regular session at 5:30 P.M. at Hunter Hall, 400 W Vaughn Drive, Madison, IN 47250.

Mayor Bob Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**Present:** Wilber, Bartlett, Schafer, Krebs, Thevenow, Storm, and Dattilo were present (7-0). However, due to illness Bartlett was absent during a portion of the meeting.

**Minutes:** Thevenow moved to approve the August 6, 2024, seconded by Dattilo. All in favor, motion carried (7-0).

**Presentation of petitions, memorials, remonstrances, introduction of motion & guests:** None.

**Resolutions or bills:** None.

**Reports, recommendations, and other business from standing/select committees of City Council:** None.

**Report of city officials:** None.

**Bills on third reading:** None.

**Bills on second reading: Ordinance 2024-6: Amending Common Council Rules (Sp. Wilbur/Schafer):**

**Motion:** Krebs moved to table Ordinance 2024-6, seconded by Thevenow. Councilman Thevenow and Councilwoman Dattilo conveyed they were opposed to reducing the number of readings from three to two so that more time was available to consider proposed ordinances. **Roll Call Vote:** Thevenow – Y, Krebs – Y, Dattilo – Y, Schafer – Y, Storm – Y, Bartlett – Y, Wilber – Y. All in favor, motion carried (7-0).

**Suspend Regular Council Meeting**

**Open Public Hearing re. Proposed Change of Zoning Map from LDR (R4) to Agriculture (AG)**

**Open discussion re. Proposed Change of Zoning Map/Deputy Pike, N 300 W, W Chicken Run:**

A full record of the meeting including all speakers may be found on the City of Madison YouTube channel.

AYPA presented to the council and the public on their intended use of the area and provided information about solar energy, should the rezoning be approved.

Numerous members of the public signed the attendance sheet and spoke publicly providing the council with an overview of their positions—either in opposition to or in support of Ordinance 2024-7. In addition, Sue Cline presented the mayor with a signed petition opposing the rezoning. For further reference, a copy of the sign-in sheet, a list of speakers, and the petition can be found in the Clerk-Treasurer's office.

Councilwoman Lucy Dattilo provided a statement sharing her thoughts and perspectives on Ordinance 2024-7 during the meeting and why she opposed the rezoning. Councilman Thevenow provided a statement sharing his thoughts and perspectives on Ordinance 2024-7 and why he opposed the rezoning. Councilman Storm provided a statement sharing his thoughts and perspectives on Ordinance 2024-7 acknowledging Councilman Thevenow and Councilwoman Dattilo's concerns.

**Close Public Hearing re. Proposed Change of Zoning Map**

**Reconvene Regular Council Meeting**

**Bills on Second Reading continued: Ordinance 2024-7: Amending the Zoning Map (Sp.**

**Thevenow/Bartlett):** Thevenow moved to suspend the rules and move to third reading, seconded by Dattilo.

**Roll Call Vote:** Thevenow – Y, Krebs – Y, Dattilo – Y, Schafer – N, Storm – Y, Bartlett – absent, did not vote, Wilber – Y. The motion failed to pass due to the requirement for unanimous approval. (5-1-1).

**Miscellaneous:** None.

**Public comment:** None.

**Mayor's comments:** Mayor Courtney thanked those who spoke during the public meeting for their decorum and information presented to the council.

The next regular meeting will be Tuesday, September 3, 2024, @ 5:30 pm.

**Adjourn:** Krebs moved to adjourn, seconded by Dattilo. All in favor (6-0).

Attested:

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**Mayor**

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**President Pro Tempore**

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**Shirley Ryneerson, Clerk-Treasurer**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA AMENDING THE ZONING MAP OF THE CITY OF MADISON, INDIANA**

WHEREAS, there has been a favorable recommendation made by the City of Madison Plan Commission to the Common Council of the City of Madison, Indiana to amend the zoning map of the City of Madison, Indiana.

WHEREAS, the Madison Plan Commission has voted to favorably recommend to the Common Council of the City of Madison, Indiana that the zoning of the following described property be changed from Light Manufacturing District (M-1) to General Business (GB):

<u>Address:</u>	<u>Parcel No.</u>
1221 Clifty Dr	39-08-21-000-0.25.000-007

WHEREAS, it is in the best interest of the City of Madison, Indiana, and its citizens that the zoning map be amended; accordingly, and

WHEREAS, the Common Council of the City of Madison, Indiana concurs with the favorable recommendations submitted to it by the Plan Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that:

Section 1. The City of Madison zoning map be amended so that the zoning for the following described property be changed from Light Manufacturing District (M-1) to General Business (GB):

<u>Address:</u>	<u>Parcel No.</u>
1221 Clifty Dr	39-08-21-000-0.25.000-007

Section 2. That this ordinance shall be in full force and effect from and after this date.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Shirley Rynearson, Clerk-Treasurer

MEETING NOTIFICATION  
PROPOSED CHANGE OF ZONING MAP

The Plan Commission of the City of Madison has forwarded to the Common Council of the City of Madison a favorable recommendation for the request that the City of Madison Zoning Map be modified so as to change the zoning of the following listed properties from the current zoning classification of Light Manufacturing District (M-1) to General Business (GB).

Address

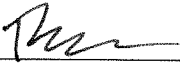
Parcel I.D.

1221 Clifty Dr

39-08-21-000-025.000-007

The proposal is included in the agenda of the City of Madison Common Council for September 3rd at 5:30 p.m. in City Hall, 101 W. Main Street, Madison, IN 47250.

You are hereby advised that a copy of said proposal is on file for examination before the hearing in the Office of Planning, Preservation & Design, 101 W. Main Street, Madison, IN 47250. Written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered. Oral comments concerning the proposal will be heard at the September 17th at 5:30 p.m. City Council meeting in City Hall, 101 W. Main Street, Madison, IN 47250. The hearing may be continued from time to time as may be found necessary.



\_\_\_\_\_  
Raymond Dibaya, Associate Planner/Secretary  
Madison City Plan Commission

**AN ORDINANCE AMENDING ORDINANCE 2023-15 FIXING SALARIES OF APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF MADISON, INDIANA, FOR THE YEAR 2024**

**Amendment to the SALARY SCHEDULE AS PRESCRIBED**

**BY**

**MAYOR BOB G. COURTNEY**

**2024**

**TO THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA**

I, the undersigned, Bob G. Courtney, Mayor of the City of Madison, Indiana, as required by IC 36-4-7-3, hereby fix the salaries, and pay schedule for appointed officers and employees of the City of Madison, Indiana, beginning January 1, 2024, and continuing thereafter until changed, and request such salary rates be approved by the Common Council.

Ordinance 2023-15 was passed and adopted by Common Council, City of Madison, Indiana at a regular meeting held on the 17<sup>th</sup> day of October 2023. The position of Police Operations Command is being converted to a full-time position from a part-time stipend position.

The following amendment is to be made to this salary ordinance:

		Minimum	Maximum
Police Operations Command	Police	\$35,000	\$60,000

\_\_\_\_\_  
Mayor Bob G. Courtney

\_\_\_\_\_  
Councilman

(SEAL)

ATTEST

\_\_\_\_\_  
Shirley Rynearson, Clerk Treasurer

## ANNUAL RATE SCHEDULE BY JOB CLASSIFICATION

2024

<u>JOB CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
MAYOR'S EXECUTIVE ASSISTANT	MAYOR	\$40,000.00	\$60,000.00
DEPUTY MAYOR/CHIEF OF STAFF	MAYOR	\$45,000.00	\$72,000.00
HR GENERALIST	MAYOR	\$30,000.00	\$40,000.00
1 <sup>ST</sup> DEPUTY	CLERK-TREASURER	\$35,000.00	\$55,000.00
2 <sup>ND</sup> DEPUTY-BOOKKEEPER	CLERK-TREASURER/SEWER	\$35,000.00	\$55,000.00
3 <sup>RD</sup> DEPUTY-PAYROLL/COMPUTER SYSTEMS	CLERK-TREASURER 13%	\$4,290.00	\$7,150.00
	SEWER 87%	\$28,886.00	\$47,850.00
	TOTAL	\$33,176.00	\$55,000.00
4th DEPUTY-BUDGET/RECORDS	CLERK-TREASURER 50%	\$15,143.70	\$22,050.60
	SEWER 30%	\$9,086.00	\$13,230.80
	WATER 20%	\$6,057.70	\$8,819.80
	TOTAL	\$30,287.40	\$44,101.20
OFFICE MANAGER	SEWER/WATER/JC SEWER	\$34,320.00	\$52,000.00
ASSISTANT OFFICE MANAGER	SEWER/WATER/JC SEWER	\$28,600.00	\$47,500.00
BOOKKEEPER/CASHIER	SEWER/WATER/JC SEWER	\$27,799.20	\$45,000.00
UTILITY MANAGER	SEWER/WATER/JC SEWER	\$48,840.00	\$84,700.00
ENGINEER/INSPECTOR	COUNCIL	\$21,450.00	\$85,800.00
COMMUNITY RELATIONS DIRECTOR AND LEGISLATIVE AID	COMMUNITY RELATIONS	\$40,000.00	\$65,000.00
COMMUNICATIONS ASSISTANT	COMMUNITY RELATIONS	\$25,000.00	\$45,000.00
PART TIME ADMIN	COMMUNITY RELATIONS	\$18,000.00	\$25,000.00
ECONOMIC DEVELOPMENT DIRECTOR	ECONOMIC DEVELOPMENT	\$55,000.00	\$90,000.00
COMMUNITY OUTREACH COORDINATOR	ECONOMIC DEVELOPMENT	\$28,000.00	\$48,825.00
ECONOMIC DEVELOPMENT ADMIN. ASST.	ECONOMIC DEVELOPMENT	\$18,000.00	\$35,000.00
ASSOCIATE ECON. DEV. OFFICER/PROJECT MANAGER/GRANT ADMINSTRATOR	ECONOMIC DEVELOPMENT	\$35,000.00	\$50,000.00
PROJECT MANAGER/GRANT ADMINISTRATOR	ECONOMIC DEVELOPMENT	\$35,000.00	\$50,000.00
DIRECTOR OF PLANNING, PRESERVATION & DESIGN PLANNING, PRESERVATION & DESIGN OFFICE COORDINATOR	PLANNING, PRESERVATION & DESIGN	\$50,000.00	\$75,000.00
BUILDING INSPECTOR	PLANNING, PRESERVATION & DESIGN	\$30,000.00	\$47,132.00
HISTORIC PRESERVATIONIST	PLANNING, PRESERVATION & DESIGN	\$40,000.00	\$60,000.00
ASSOCIATE PLANNER	PLANNING, PRESERVATION & DESIGN	\$30,000.00	\$55,000.00
CODE ENFORCEMENT/NUISANCE OFFICER/MS4 COORDINATOR	PLANNING, PRESERVATION & DESIGN	\$35,000.00	\$50,000.00
AIRPORT MANAGER	PLANNING, PRESERVATION & DESIGN	\$30,000.00	\$45,000.00
AIRPORT ASSISTANT MANAGER	AVIATION	\$35,000.00	\$60,000.00
FIRE MARSHALL	AVIATION	\$30,000.00	\$55,000.00
FIRE CHIEF	FIRE	\$22,000.00	\$47,300.00
POLICE CHIEF	FIRE	\$22,000.00	\$47,300.00
SECRETARY	POLICE	\$55,000.00	\$75,000.00
RECORDS CLERK	POLICE	\$30,000.00	\$45,000.00
MAJOR	POLICE	\$30,000.00	\$40,000.00
CAPTAIN	POLICE	\$42,000.00	\$68,000.00
LIEUTENANT	POLICE	\$38,500.00	\$63,000.00
SERGEANT	POLICE	\$36,850.00	\$58,000.00
PATROLMAN	POLICE	\$35,750.00	\$55,000.00
PATROLMAN 1ST CLASS	POLICE	\$33,550.00	\$54,000.00
<b>POLICE OPERATIONS COMMAND</b>	<b>POLICE</b>	<b>\$35,000.00</b>	<b>\$60,000.00</b>
ANIMAL CONTROL OFFICER	POLICE	\$35,200.00	\$55,000.00
PARKS DIRECTOR/SUPT.	POLICE	\$28,600.00	\$45,000.00
GOLF PRO	PARK	\$39,710.00	\$65,000.00
PROGRAM SUPV/NATURAL	PARK	\$40,000.00	\$65,000.00
SENIOR CITIZENS PROGRAM DIRECTOR	PARK	\$34,430.00	\$46,274.80
MAINTENANCE SUPERVISOR	PARK	\$27,799.20	\$41,269.80
ADMINISTRATIVE ASSISTANT	PARK	\$35,200.00	\$55,000.00
GREENSKEEPER	PARK	\$30,000.00	\$50,000.00
GOLF COURSE SUPT.	PARK	\$32,560.00	\$46,503.60
ASST. DIRECTOR/EVENT MANAGER	PARK	\$34,320.00	\$54,225.60
SPORTS COORDINATOR	PARK	\$34,650.00	\$54,797.60
STREET SUPER.	PARK	\$34,000.00	\$55,000.00
SANITATION SUPER	MVH/BPW/TSO	\$45,000.00	\$75,000.00
MVH CLERK	MVH/BPW/TSO	\$41,030.00	\$58,195.50
	MVH/BPW/TSO	\$27,799.20	\$50,000.00

CITY WIDE MAINTENANCE COORDINATOR	ALL DEPARTMENTS	\$2,860.00	\$20,000.00
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**JOB CLASSIFICATION**

**ANNUAL RATE BY JOB CLASSIFICATION**

	<u>DEPARTMENT</u>	<u>YEARLY RATE</u>
DEPUTY CHIEF EMS OPERATIONS	FIRE	\$25,000.00
DEPUTY CHIEF FIRE GROUND OPERATIONS	FIRE	\$11,000.00
DIVISION CHIEF TRAINING	FIRE	\$5,940.00
BATTALION CHIEF(S)	FIRE	\$5,000.00
DIVISION CHIEF FIRE INVESTIGATIONS	FIRE	\$880.00
SCHOOL PATROL	POLICE	\$4,400.00
PENSION SECRETARY	POLICE	\$1,760.00
CAMPSITE ATTENDANT	PARK	\$8,470.00
BOAT RAMP ATTENDANT	BPW/PARK	\$2,200.00
CITY ATTORNEY	ALL DEPTS.	\$15,532.00
ATTORNEY	PLAN COMMISSION	\$13,000.00
ATTORNEY	AVIATION	\$4,510.00
SECRETARY	AVIATION Minimum 2,028.00 Maximum	\$6,125.00

**JOB CLASSIFICATION**

Distribution & Collection System

**HOURLY RATE BY JOB CLASSIFICATION**

DEPARTMENT

**2022**

MINIMUM

**2024**

MAXIMUM

Meter Reader	Water/Sewer	11.50	26.00
Maintenance Person	Water/Sewer/Parks	11.50	26.00
Supervisor	Water/Sewer	17.96	29.15
<b><u>WPCF</u></b>			
Plant Operator	Sewer	11.50	25.03
Lab Tech	Sewer	15.00	26.02
Operations Manager	Sewer	17.96	28.04
Pretreatment Coordinator	Sewer	15.00	28.57
Supervisor	Sewer	19.54	30.31
<b><u>Office</u></b>			
Clerk / Parttime	All Departments	10.00	19.80
Project Manager	All Departments	14.00	30.80
<b><u>ALL DEPARTMENTS</u></b>			
Street Labor	BPW/MVH/TSO	12.50	25.00
Sanitation Driver	TSO	11.61	30.00
TSO Operator	TSO	14.79	30.00
Equipment Operator	BPW/MVH/TSO	15.00	25.00
Concrete / Tree Maintenance	BPW/MVH/TSO	14.57	25.00
Garage Mechanic	BPW/MVH/TSO/PARK/AVIATION	14.79	30.00
Crew Leader	BPW/MVH/TSO/PARK/AVIATION	15.15	30.00
Street Operations Deputy Supervisor	BPW/MVH/TSO	17.25	30.00
Sanitation Supervisor	TSO/MVH/BPW	17.96	30.00
Street Supervisor	MVH	19.40	30.00
Temp. / Summer	All Departments	7.65	18.70
On Call Stipend	All Departments		\$30/week
Sewer Stipend	Sewer	\$20/week	\$60/week
ERC (for INDOT) Stipend	All Departments	\$10/week	\$30/week
Personal Cell Phone Stipend	All Departments	\$5/week	\$10/week
General Labor	All Departments	8.00	\$20.46
Evidence Clerk P/T	Police	10.00	\$20.00

**SEASONAL HOURLY RATE BY JOB CLASS**

**2022**

**2024**

TEMP MAINTENANCE	All Departments	7.91	\$16.50
LEAGUE DIRECTOR	Park	7.25	\$13.20
CONCESSION SUPERVISOR	Park	7.25	\$15.40
CONCESSION CASHIER	Park	7.25	11.00
SCOREKEEPER	Park	7.25	\$10.18
UMPIRES-REFEREES	Park	7.25	\$10.45
SWIM SUPERVISOR	Park	9.00	\$15.40
LIFEGUARD	Park	7.25	\$13.75
POOL MANAGER	Park	10.00	\$16.50
ASST. POOL MANAGER	Park	9.00	\$15.95
ACTIVITY DIRECTOR	Park	7.25	\$16.50

The City of Madison provides \$1000 per full-time employee or \$2000 per family per year in an insurance "Health Savings Account" that is maintained by the City's insurance provider.



**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA AMENDING THE  
ZONING MAP OF THE CITY OF MADISON, INDIANA**

WHEREAS, a proposal has been submitted to the Common Council of the City of Madison for the zoning of the following described property be changed from Low Density Residential (R-4) to Agriculture (AG).

<u>Address:</u>	<u>Parcel No.</u>
3247 W DEPUTY PIKE RD	39-08-19-000-003.000-006
3201 + W DEPUTY PIKE RD	39-08-19-000-001.000-006
2601 + W DEPUTY PIKE RD	39-08-20-000-004.001-006
3247 W DEPUTY PIKE RD	39-08-19-000-009.000-006
3621 N 300 W	39-08-18-000-008.001-006
3000+ W CHICKEN RUN Rd	39-08-19-000-008.002-006

WHEREAS, a proposal has been submitted to the Common Council of the City of Madison for the of the following described property be changed from Residential Agriculture (RA) to Agriculture (AG).

<u>Address:</u>	<u>Parcel No.</u>
4321 W DEPUTY PIKE RD	39-07-24-000-002.000-014
3901 + W DEPUTY PIKE RD	39-08-19-000-005.000-006
3356 W DEPUTY PIKE RD	39-08-18-000-009.000-006
3600 + W 400 N	39-08-18-000-003.000-006
3500 + W 400 N	39-08-18-000-003.001-006
3621 N 300 W	39-08-18-000-002.000-006
3621 + N 300 W	39-08-18-000-007.000-006
3750 W DEPUTY PIKE RD	39-08-18-000-010.000-006
3356 W DEPUTY PIKE ROAD	39-08-18-000-003.004-006

WHEREAS, there has been an unfavorable recommendation made by the City of Madison Plan Commission to the Common Council of the City of Madison, Indiana to amend the zoning map of the City of Madison, Indiana;

WHEREAS, by voting against this Ordinance, the Common Council believes that it is not in the best interest of the City of Madison, Indiana and its citizens that the zoning map be amended as requested and it therefore concurs with the unfavorable recommendation of the Plan Commission; and

WHEREAS, a positive vote herein is an affirmation that the Common Council hereby allows the zoning map to be amended as requested in the proposal.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that:

Section 1. Upon the denial of this Ordinance, the City of Madison zoning map shall not be amended, and the Common Council concurs with the unfavorable recommendation submitted by the Plan Commission.

Section 2. Upon a vote to approve this Ordinance, the City of Madison zoning map shall be amended as requested and the Common Council adopts the proposal submitted to the Plan Commission.

Section 3. That this ordinance shall be in full force and effect from and after this date.

The foregoing Ordinance was adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Shirley Ryneerson, Clerk-Treasurer

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA REPEALING AND REPLACING CHAPTER 30  
OF THE CODE OF ORDINANCES REGARDING COMMON COUNCIL  
PROCEDURES**

WHEREAS, the City of Madison Common Council is governed by IC 36-4-6 which sets forth, among other things, the manner in which the Common Council conducts business on behalf of the citizens of the City of Madison. In addition to the Indiana code, the city has adopted a local ordinance governing meetings, approval of ordinances and resolutions, order of business, rules for procedure, privileges of citizens, councilmanic districts, standing committees, and meeting participation by electronic means of communication and has amended such ordinance in 1966, 2005, 2015, 2022 and in 2023.

WHEREAS, the City of Madison Common Council now finds it is necessary to repeal and replace the current ordinance with new provisions that will allow it to more effectively and efficiently perform its duties on behalf of the City of Madison and such changes are attached hereto as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA that Chapter 30 Common Council be repealed and replaced to reflect Exhibit A attached hereto, and that this ordinance shall become effective immediately upon passage by the Common Council of the City of Madison, Indiana, and the required signatures by the City officials.

The foregoing Ordinance was passed and adopted by the Common Council of the City of  
Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Shirley Rynearson, Clerk-Treasurer

**EXHIBIT A**  
**CHAPTER 30: COMMON COUNCIL**

Section

<a href="#">30.01</a>	Definitions
<a href="#">30.02</a>	Governing Authority
<a href="#">30.03</a>	Meetings
<a href="#">30.04</a>	Quorum
<a href="#">30.05</a>	Ordinances
<a href="#">30.06</a>	Order of business
<a href="#">30.07</a>	Rules for procedure
<a href="#">30.08</a>	Privileges of citizens
<a href="#">30.09</a>	Councilmanic districts
<a href="#">30.10</a>	Standing Committees
<a href="#">30.11</a>	Select Committees
<a href="#">30.12</a>	Expulsion of a Member / Vacation of Seat
<a href="#">30.13</a>	Meeting participation by electronic means of communication

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Cross-reference:

Code of ethics, see [Ch. 36](#)

**§ 30.01 DEFINITIONS.**

"Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the issuing body exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency. (IC 5-1-5-1(7))

"Presiding Officer" means the person responsible for calling to order, moderating, and otherwise running the meetings of the Council.

"Resolution" an instrument by which the Council may take formal action on matters which do not require an ordinance; including, but not limited to the transferring of funds, adoption of operating policies, recognition of people/places/events, etc.

## § 30.02 GOVERNING AUTHORITY

The authority, powers, structure, and rules of the Common Council in this chapter are derived from IC 36-4-6 and other applicable sections of Indiana Code. As such, nothing in this chapter shall be construed to supersede IC 36-4-6 or other currently applicable Indiana Code, and in the event of any conflict between this chapter and Indiana Code, Indiana Code shall prevail. Further, the Common Council may exercise other powers not enumerated in this chapter which have been granted under IC 36-4-6 or other currently applicable Indiana Code as long as such exercise is in accordance with state law.

## § 30.03 MEETINGS.

(A) The Common Council shall hold its first regular meeting in January after its election. In subsequent months, the Common Council shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

(B) A special meeting of the Common Council shall be held when called by the Mayor or when called under the rules of the Common Council.

(IC 36-4-6-7)

## § 30.04 QUORUM.

A majority of all the elected members of the Common Council constitutes a quorum.

(IC 36-4-6-10)

## § 30.05 ORDINANCES.

(A) All ordinances, until passed, shall be designated as bills, and all bills shall be sponsored by at least one member of the Common Council.

(B) Every bill shall receive two readings in Council prior to passage; provided, the first reading shall be by title and summary unless a full reading is requested by a member of the Council, the second reading may be by title only, and, that no bill shall receive its second reading, or be passed, at the same meeting at which it was introduced, except by a suspension of the rules as hereinafter provided.

(1) The first reading of the bill shall be in order to commit, to amend, to lay upon the table, to postpone, to reject, or to pass to its second reading; after commitment and report, and at any time before its final passage a bill may be re-committed." If no opposition be made, or if any motion(s) to reject, table, postpone, or commit are negatived, the bill shall go to its second reading, but if a motion to reject prevails, the bill shall not be in order for one month thereafter.

(a) All action taken upon a bill at first reading shall be by an affirmative "aye" ("yes") and "nay" ("no") vote of a majority of members of the Council present and voting,

(2) Upon the second reading of a bill it shall be in order to commit, to amend, to lay upon the table, to postpone, or to pass into law, , and; after commitment and report, and at any time before its final passage a bill may be re-committed.

(a) All action taken upon a bill at second reading shall be by an affirmative "aye" ("yes") and "nay" ("no") vote of a majority of members of the Council present and voting, except for final passage which shall require a majority vote of elected members by roll call.

(IC 36-4-6-12)

(IC 36-4-6-12)

(C) When a bill is passed it shall be recorded by the Clerk in the book of ordinances, and signed by the Mayor and Council President Pro Tempore, or the bill's sponsor if the President Pro Tempore is absent, and attested by the Clerk of the date of passage by the Council. When a bill is vetoed by the Mayor, the message of veto, together with the bill, shall be reported and read to the Council by the Clerk after which the presiding officer shall ask the Council whether the bill shall be passed over the Mayor's veto and the vote thereon shall be taken by calling the roll, and if two-thirds, or more, of all members of the Council vote "aye" ("yes") when their names are called, the bill shall be deemed passed; otherwise it shall be deemed rejected.

(IC 36-4-6-14, IC 36-4-6-15, IC 36-4-6-16, IC 36-4-6-17)

(D) Suspension of the rules to allow passage of an ordinance at its first reading shall only occur with the unanimous consent of the members present to consider the ordinance and with a two-thirds majority vote. This requirement does not apply to zoning ordinances or amendments to zoning ordinances adopted under IC 36-7.

(1) Zoning ordinances adopted under IC 36-7 shall only require majority consent of those members present and voting.

(IC 36-4-6-13)

('66 Code, § 30.01(22))

### **§ 30.06 ORDER OF BUSINESS.**

The following order of business shall be observed by the Common Council at each meeting thereof:

- (A) Opening the meeting
- (B) Calling the roll and noting absentees.
- (C) Reading, approving, correcting, approving, or otherwise disposing of, the minutes of the preceding meeting.
- (D) Presentation of petitions, memorials, remonstrances, and introduction of motions, resolutions, or bills.

- (E) Reports, recommendations, and other business from the standing committees of the Common Council.
- (F) Reports of select committees.
- (G) Communications and reports from city officers.
- (H) Bills on third reading.
- (I) Bills on second reading.
- (J) Unfinished business.
- (K) Miscellaneous.
- (L) Public comment
- (M) Mayor and Council comments
- (N) Adjournment

('66 Code, § 30.02)

#### **§ 30.07 RULES FOR PROCEDURE.**

The following rules are adopted and enacted for the government of the Common Council of the city, its officers and committees:

- (A) Preparations for meetings.
  - (1) The Mayor's assistant is to receive all proposed resolutions prior to the close of business on the fifth day preceding the Council meeting.
    - (a) Resolutions are to be placed on the agenda with their title and sponsoring Council member(s);
    - (b) Resolutions should be presented to Council members, in their printed form, on the fourth day prior to the Council meeting; and
    - (c) A resolution may be proposed at any time following the cut-off date if it is approved by the Council President Pro Tempore or the Mayor.
  - (2) The Mayor's assistant is to receive all proposed bills prior to the close of business on the fifth day preceding the next Council meeting.
    - (a) Proposed bills are to be placed on the agenda with their title and sponsoring Council member; and
    - (b) Proposed bills should be presented to Council members, in their printed form, on the fourth day prior to the Council meeting.
  - (3) If a department head has a written report, they should make every effort to present it to the Mayor's assistant five days prior to the Council meeting.
  - (4) City Council member packets and the supporting documents should be presented to Council members no later than four days prior to a meeting.



(B) The Mayor shall preside over all meetings of the Common Council. In case of the absence of the Mayor during any meeting, or in the event that they should be disqualified to preside by the application of any law of the state or ordinance of the city at any meeting thereof, then the President Pro Tempore, who shall be elected at the first regular meeting of the Council held after their election as such Council, shall preside.

(IC 36-4-6-8)

(C) The presiding officer of the Common Council shall call the members to order promptly at the date and hour appointed for the meeting thereof. During the session the presiding officer shall preserve order and decorum and shall decide all questions of order. An appeal from any decision rendered by the presiding officer may be taken by any member whereupon the Clerk- Treasurer shall call the roll of members, and those who favor sustaining the decision of the presiding officer shall vote "aye" ("yes"), and those who oppose sustaining such decision shall vote "nay" ("no") and if a majority of the members present vote "nay," the decision of the President shall be deemed overruled. Otherwise, it shall be deemed sustained.

(D) The presiding officer shall state all questions distinctly and ask that all who are in favor say "aye" ("yes"), and after the affirmative voice is expressed, ask all who are opposed say "nay" ("no"), and then shall decide whether the question is carried by affirmative or negative vote. However, if a decision is called for by any member, the Clerk-Treasurer shall call the roll, and each member, when their name is called, shall respond "aye" ("yes"), to vote for the affirmative of such question, and "nay" ("no"), to vote for the negative thereof. The result of the vote as thus cast shall be announced by the Clerk-Treasurer to the President who shall then decide whether such question has been passed by a majority vote of all the other members present and voting.

(E) All questions relating to the priority of business shall be decided without debate.

(F) If any member transgresses the rules of the Common Council, or commits any other breach of order or decorum, the presiding officer shall call them to order, either on their own motion, or at the instance of any member who shall call attention to the same by voicing a point of order. In such a case the member so called to order shall refrain from further comment immediately unless permitted by the presiding officer to explain their remarks or action. If the transgression of the rules or other breach of order or decorum is serious enough in the judgment of the Council, the member so offending may be censured or fined by vote of the Council. On all points of order the member affected shall have the right to appeal the decision of the presiding officer.

(G) When two or more members speak at once the presiding officer shall decide which shall proceed, and the recognized member shall have the privilege of the floor.

(H) When the presiding officer is putting a question to vote, when any member is speaking, when the vote is being taken, or any other business requiring the attention of the Common Council is being transacted, no member shall engage in private discourse, walk out of or across the room, or in any other manner create confusion or disturb the proceedings.

(I) When any motion is made and seconded it shall be stated by the presiding officer before debate, and every motion shall be presented in writing, if demanded by the presiding officer or any member.

(J) After a motion is stated by the presiding officer it shall be deemed to be in possession of the Common Council, but may be withdrawn by the mover, by consent of the second thereof, at any time before decision or amendment.

(K) When any question is pending, or under debate, no motions shall be in order but the following: to adjourn, to lay on the table for the previous question, to postpone, to commit, or to amend, which several motions shall have precedence in the order in which they are here arranged.

(L) When any question has been once decided, any member voting in the majority may move for a reconsideration thereof at the same, or the next, regular meeting of the Common Council, and resolutions adopted may be rescinded by subsequent resolutions. Ordinances may be repealed by subsequent ordinances, and ordinances may be suspended for a time definitely stated by subsequent ordinances. Reports and all other papers and documents properly before the Council may be committed and recommitted at the pleasure of the Council. When the reading of any paper is called for, if objections are made, it shall be decided by the Council, and no paper shall be read, if objected to, without the consent of the Council.

(M) Motions to adjourn shall always be in order, except that when one motion to adjourn has been decided in the negative, it shall not be in order to entertain another motion to adjourn until some other business has intervened. All motions to adjourn, to lay on the table, and for the previous question, shall be decided without debate.

(N) When any matter is indefinitely postponed by the Common Council, such action shall be taken to mean that such matter shall be regarded as postponed for the time being, and shall be brought to the attention of some member, which motion shall be seconded by some other member, and which may be made at any subsequent meeting of the Council.

(O) The votes on the final passage of any ordinance or resolution shall be by calling the roll and recording the "ayes" ("yesses") and "nays" ("noes"). Any member may demand the "ayes" ("yesses") and "nays" ("noes") to be taken on any motion or question, and when so demanded the questions shall be so put and recorded.

(P) In all votes taken where there is a tie, the presiding officer, shall give the vote in order to break the tie.

(Q) The Mayor, when presiding over the Common Council as the presiding officer thereof, shall have the right to speak on any question before the Council and while so addressing the Council, shall be subject to all rules governing the Council.

(R) No one who is not a member of the Common Council shall be permitted to address the same except by petition, unless by the unanimous consent of the Council; however, any city officer may, when called upon, make a verbal report.

(S) No rule of the Common Council shall be suspended except upon motion, and an affirmative "aye" ("yes") and "nay" ("no") vote of two-thirds of all the members of the Council. The rule shall not be suspended for the second or third reading of a bill, or the passage thereof, except upon an affirmative "aye" ("yes") and "nay" ("no") vote of all the members of the Council present and voting.

(T) The Mayor shall appoint all standing and select committees of the Common Council.

(U) The Chief of Police, or designee, shall preserve order and decorum in the Council chamber during the meetings of the Common Council; they shall act as the sergeant-at-arms for the Council, and as such shall obey the orders of the presiding officer;

(V) The passage of resolutions shall require a majority "aye" ("yes") and "nay" ("no") vote by a majority of elected members.

('66 Code, § 30.01(1) - (19), (23) - (26)) (Ord. passed 4-25-05; Am. Ord. 2015-13, passed 12-22-15)

### **§ 30.08 PRIVILEGES OF CITIZENS.**

When the call is made for that purpose, citizens present in the Council chambers shall have the privilege of presenting petitions, memorials, remonstrances, and the like, either written or verbal, and such matter shall be referred to the proper committee/department/board or otherwise disposed of before any further business is transacted. After such action, the order of business shall proceed as set forth in § 30.04.

(A) The presiding officer shall have the option to require speakers to sign-in, in advance, if they intend to speak during public comment and/or impose a 4 minute time limit for any speaker. Either the presiding officer or the majority of present and voting Council members may waive the 4 minute time limit.

('66 Code, § 30.05) (Ord. passed 4-25-05)

### **§ 30.09 COUNCILMANIC DISTRICTS.**

The city shall be divided into five Councilmanic districts designated and defined as follows:

(A) First District.

<i>Tract</i>	<i>Block</i>
966400	4005
966400	4016
966400	4017
966400	4018
966400	4019
966400	4020
966400	4021

966400	4022
966400	4023
966400	4024
966400	4025
966400	4044
966400	4049
966500	1002
966500	1093
966500	1094
966500	1095
966500	1096
966500	4006
966500	4007
966500	4008
966500	4009
966500	4010
966500	4011
966500	4012
966500	4013
966500	4014
966500	4015
966500	4019
966500	4020
966500	4021
966500	4022
966500	4023
966500	4024
966500	4025
966500	4026
966500	4027
966500	4028
966600	1000
966600	1001
966600	1002
966600	1003
966600	1004
966600	1005
966600	1006

966600	1007
966600	1008
966600	1009
966600	1010
966600	1011
966600	1012
966600	1013
966600	1014
966600	1015
966600	1016
966600	1017
966600	1018
966600	1019
966600	1020
966600	1021
966600	1022
966600	1023
966600	1024
966600	1025
966600	1026
966600	1027
966600	1028
966600	1029
966600	1030
966600	1031
966600	1032
966600	1033
966600	1034
966600	1035
966600	1036
966600	1037
966600	1038
966600	1039
966600	1040
966600	1041
966600	1042
966600	1043
966600	1044

966600	1045
966600	1046
966600	1047
966600	1048
966600	1049
966600	1050
966600	1051
966600	1052
966600	1053
966600	1054
966600	1055
966600	1056
966600	1057
966600	1058
966600	1059
966600	1060
966600	1061
966600	1062
966600	1063
966600	1064
966600	1065
966600	1066
966600	1067
966600	1068
966600	1069
966600	1070
966600	1071
966600	1072
966600	1073
966600	1074
966600	1075
966600	1076
966600	1077
966600	1078
966600	1079
966600	1080
966600	1081
966600	1082

966600	1083
966600	1084
966600	1085
966600	1086
966600	1087
966600	1088
966600	1089
966600	1090
966600	2000
966600	2001
966600	2002
966600	2003
966600	2006
966600	2010
966600	2019
966600	2020
966600	2021
966600	2022
966600	2023
966600	2024
966600	2025
966600	2026
966600	2029

(B) Second District.

<b>Tract</b>	<b>Block</b>
966400	4000
966400	4001
966400	4002
966400	4003
966400	4004
966400	4006
966400	4007
966400	4008
966400	4009
966400	4010
966400	4011

966400	4012
966400	4013
966400	4014
966400	4026
966400	4027
966400	4028
966400	4029
966400	4030
966400	4031
966400	4032
966400	4033
966400	4034
966400	4035
966400	4036
966400	4037
966400	4038
966400	4039
966400	4040
966400	4041
966400	4042
966400	4043
966400	4045
966400	4050
966500	1092
966500	2014
966500	2025
966500	3000
966500	3001
966500	3009
966500	3010
966500	3011
966500	3012
966500	3013
966500	3014
966500	3015
966500	3016
966500	3017
966500	3020



966500	3022
966500	3023
966500	3024
966500	3025
966500	3026
966600	2004
966600	2017

(C) Third District.

<i>Tract</i>	<i>Block</i>
966400	2006
966400	2007
966400	2008
966400	2009
966400	2010
966400	2011
966400	2012
966400	2013
966400	2014
966400	2015
966400	2016
966400	2017
966400	2018
966400	2019
966400	2020
966400	2021
966400	2022
966400	2023
966400	3064
966400	3065
966400	3066
966400	3067
966400	3068
966400	3082
966400	3083
966400	3084
966400	3085

966400	3086
966400	3087
966400	3088
966400	3089
966400	3090
966400	3091
966400	3093
966400	3094
966400	3095
966400	3096
966400	3097
966400	3098
966400	3099
966400	3100
966400	3101
966400	3102
966400	3103
966400	3104
966400	3105
966400	3106
966400	3107
966400	3108
966400	3109
966400	3110
966400	3111
966400	3112
966400	3113
966400	3114
966400	3115
966400	3116
966400	3117
966400	3118
966400	3119
966400	3120
966400	3121
966400	3122
966400	3123
966400	3124

966400	3125
966400	3126
966400	3127
966400	3130
966400	3131
966400	3132
966400	3133
966400	3134
966400	3151
966400	3152
966400	3153
966400	3154
966400	3155
966400	3156
966400	3162
966400	3163
966400	4015
966400	4046
966400	4047
966400	4048
966500	1097
966500	1098
966500	1099
966500	2021
966500	2022
966500	2023
966500	2024
966500	3002
966500	3003
966500	3004
966500	3005
966500	3006
966500	3007
966500	3008
966500	3018
966500	3019
966500	3021
966600	2005

966600	2007
966600	2008
966600	2009
966600	2011
966600	2012
966600	2013
966600	2014
966600	2015
966600	2016
966600	2018
966600	2027
966600	2028

(D) Fourth District.

<b><i>Tract</i></b>	<b><i>Block</i></b>
966000	2051
966000	2052
966000	2053
966000	2058
966500	1008
966500	1009
966500	1010
966500	1011
966500	1012
966500	1013
966500	1014
966500	1015
966500	1016
966500	1017
966500	1018
966500	1019
966500	1020
966500	1024
966500	1025
966500	1043
966500	1044
966500	1045

966500	1046
966500	1047
966500	1048
966500	1049
966500	1050
966500	1052
966500	1053
966500	1054
966500	1055
966500	1056
966500	1057
966500	1058
966500	1059
966500	1060
966500	1061
966500	1062
966500	1063
966500	1064
966500	1065
966500	1066
966500	1067
966500	1068
966500	1069
966500	1070
966500	1071
966500	1072
966500	1073
966500	1074
966500	1075
966500	1089
966500	2011
966500	2012
966500	2013
966500	2015
966500	2016
966500	2017
966500	2026

(E) Fifth District.

<i>Tract</i>	<i>Block</i>
966100	1221
966100	1222
966100	1223
966400	1002
966400	1003
966400	1005
966400	1010
966400	1011
966400	1012
966400	1013
966400	1014
966400	1015
966400	1016
966400	1017
966400	1018
966400	1019
966400	1020
966400	1021
966400	1022
966400	1023
966400	1024
966400	1025
966400	1027
966400	1028
966400	1029
966400	1030
966400	1031
966400	1032
966400	1033
966400	1034
966400	1035
966400	2000
966400	2001
966400	2002
966400	2003

966400	2004
966400	2005
966400	3000
966400	3001
966400	3002
966400	3003
966400	3004
966400	3005
966400	3006
966400	3007
966400	3008
966400	3010
966400	3011
966400	3012
966400	3039
966400	3040
966400	3041
966400	3042
966400	3043
966400	3044
966400	3045
966400	3046
966400	3047
966400	3048
966400	3050
966500	1028
966500	1029
966500	1030
966500	1031
966500	1032
966500	1033
966500	1034
966500	1035
966500	1036
966500	1037
966500	1038
966500	1039
966500	1040

966500	1041
966500	1042
966500	1051
966500	1079
966500	1080
966500	1081
966500	1082
966500	1083
966500	1084
966500	1085
966500	1086
966500	1100
966500	1101
966500	2000
966500	2001
966500	2002
966500	2003
966500	2004
966500	2005
966500	2006
966500	2007
966500	2008
966500	2009
966500	2010
966500	2018
966500	2019
966500	2020

(Ord. 1995-1, passed 1-17-95; Am. Ord. 2002-14, passed 10-22-02; Am. Ord. 2012-22, passed 12-18-12; Am. Ord. 2022-20, passed 10-20-22)



### **§ 30.10 STANDING COMMITTEES.**

(A) The Standing Committees of the Common Council shall consist of three members each, to be appointed at the first regular meeting held by the Council or thereafter, and such Committees shall not be changed, except by the death, resignation, or removal from office of the members composing them, during the term for which such Council is elected. The Standing Committees as follows:

- (1) Fire and Health.
- (2) Harbor, Levees, and Parks.
- (3) Traffic.
- (4) Finance.
- (5) Schools.
- (6) New Projects.

('66 Code, § 30.03)

(B) All references to Standing Committees may be made by the Common Council, upon motion, or by the presiding officer without motion when no objections are made, and all questions so referred shall be reported to the Council by Committee at the next regular meeting of the Council, unless, upon request, the Council grants the Committee further time. ('66 Code, § 30.04)

### **§ 30.11 SELECT COMMITTEES.**

(A) Select Committees may be convened by either the Mayor or the President Pro Tempore to deal with matters of limited duration or special circumstance and in accordance with state law. Select Committees shall consist of three members to be appointed by the convening officer at the time when the committee is convened and shall be disbanded upon conclusion of their business or revocation by the convening officer.

(B) All references to Select Committees may be made by the Common Council, upon motion, or by the presiding officer without motion when no objections are made, and all questions so referred shall be reported to the Council by Committee at the next regular meeting of the Council, unless, upon request, the Council grants the Committee further time.

### **§ 30.12 EXPULSION OF A MEMBER / VACATION OF SEAT.**

The Common Council may, with a two-thirds majority vote of elected members by roll call, expel any member for violation of an official duty; or declare the seat of any member vacant if the member is unable to perform the duties of the member's office.

(IC 36-4-6-6)

**§ 30.13 MEETING PARTICIPATION BY ELECTRONIC MEANS OF COMMUNICATION.**

- (A) (1) The provisions of IC 5-14-1.5-1 et seq. ("the Act"), including definitions, apply to this section.
- (2) This section shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council, Board of Public Works and Safety, Historic District Board of Review, Redevelopment Commission, Board of Zoning Appeals, Board of Park Commissioners, PACE Program Review Board and Plan Commission.
- (B) (1) Subject to divisions (C) and (E) below, any member may participate in a meeting by any electronic means of communication that:
- (a) Allows all participating members of the governing body to simultaneously communicate with each other; and
  - (b) Other than a meeting that is an executive session, allows the public to-simultaneously attend and observe the meeting.
- (2) A member who participates by an electronic means of communication:
- (a) Shall be considered present for purposes of establishing a quorum; and
  - (b) May participate in action only if the member can be seen and heard.
- (3) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.
- (C) (1) At least 50% of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than 50% of the members may participate by an electronic means of communication at that same meeting.
- (2) A member may not attend more than 25% of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:
- (a) Military service;
  - (b) Illness or other medical condition;
  - (c) Death of a relative; or
  - (d) An emergency involving actual or threatened injury to persons or property.
- (3) A member may attend two consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:
- (a) Military service;

- (b) Illness or other medical condition;
- (c) Death of a relative; or
- (d) An emergency involving actual or threatened injury to persons or property.

(4) A member may not attend a meeting by electronic means if the member lacks the technological wherewithal to accomplish this.

(D) The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

(1) Identify each member who:

- (a) Was physically present at the meeting;
- (b) Participated in the meeting by electronic means of communication; and
- (c) Was absent; and

(2) Identify the electronic means of communication by which:

- (a) Members participated in the meeting; and
- (b) Members of the public attended and observed the meeting if the meeting was not an executive session.

(E) No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:

- (1) Adopt a budget;
- (2) Make a reduction in personnel;
- (3) Initiate a referendum;
- (4) Impose or increase a fee;
- (5) Impose or increase a penalty;
- (6) Exercise the Council's power of eminent domain; or
- (7) Establish, impose, raise or renew a tax.

(F) (1) If an emergency is declared by:

- (a) The Governor under IC 10-14-3-12; or
- (b) The Mayor under IC 10-14-3-29;

members are not required to be physically present for a meeting until the emergency is terminated.

(2) Members may participate in a meeting by any means of communication provided that:

- (a) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
  - (b) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
  - (c) The minutes or memoranda of the meeting must comply with division (D) of this section.
- (3) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

(Res. 2023-1C, passed 1-3-23)

## CHAPTER 30: COMMON COUNCIL

### Section

- 30.01 Definitions
- 30.02 Governing Authority
- ~~30.01~~30.013 — Meetings
- ~~30.02~~30.024 — Quorum
- ~~30.03~~30.035 — Ordinances
- ~~30.04~~30.046 — Order of business
- ~~30.05~~30.057 — Rules for procedure
- ~~30.06~~30.068 — Privileges of citizens
- 30.079 — Councilmanic districts
- ~~30.08~~30.0810 — Standing Committees
- 30.11 Select Committees
- 30.12 Expulsion of a Member / Vacation of Seat
- ~~30.09~~30.0913 — Meeting participation by electronic means of communication

### Cross-reference:

Code of ethics, see Ch. 36Ch. 36

### § 30.01 DEFINITIONS.

"Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the issuing body exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency. (IC 5-1-5-1(7))

"Presiding Officer" means the person responsible for calling to order, moderating, and otherwise running the meetings of the Council.

"Resolution" an instrument by which the Council may take formal action on matters which do not require an ordinance; including, but not limited to the transferring of funds, adoption of operating policies, recognition of people/places/events, etc.

### § 30.02 GOVERNING AUTHORITY

The authority, powers, structure, and rules of the Common Council in this chapter are derived from IC 36-4-6 and other applicable sections of Indiana Code. As such, nothing in this chapter shall be construed to supersede IC 36-4-6 or other currently applicable Indiana Code, and in the event of any conflict between this chapter and Indiana Code,

Indiana Code shall prevail. Further, the Common Council may exercise other powers not enumerated in this chapter which have been granted under IC 36-4-6 or other currently applicable Indiana Code as long as such exercise is in accordance with state law.

#### **§ 30.034 MEETINGS.**

—(A) The Common Council shall hold its first regular meeting in January after its election. In subsequent months, the Common Council shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

—(B) A special meeting of the Common Council shall be held when called by the Mayor or when called under the rules of the Common Council.

(IC 36-4-6-7)

#### **§ 30.042 QUORUM.**

—A majority of all the elected members of the Common Council constitutes a quorum.

(IC 36-4-6-10)

#### **§ 30.053 ORDINANCES.**

—(A) All ordinances, until passed, shall be designated as bills, and all bills shall be introduced and signed ~~introduced and signed~~ sponsored by at least one member of the Common Council.

—(B) Every bill shall receive three at least two readings in Council previous prior to passage; provided, the first reading shall be by title and summary unless a full reading is requested by a member of the Council, the ~~third-second~~ reading may be by title only, and, that no bill shall receive its second reading and third reading, or be passed, at the same meeting at which it was introduced, except by a suspension of the rules as hereinafter provided.

—(1) The first reading of the bill shall be in order to commit, to amend, to lay upon the table, to postpone, to reject, or to pass to its second reading; after commitment and report, and at any time before its final passage a bill may be re-committed for information, and if opposition be made to it, the question shall be only, "Shall the bill be rejected?" If no opposition be made, or if ~~the any~~ motion(s) to reject, table, postpone, or commit be are negatived, the bill shall go to its second reading without question, but if ~~the a~~ motion to reject prevails, the bill shall not be in order for one month thereafter.

(a) All action taken upon a bill at first reading shall be by an affirmative "aye" ("yes") and "nay" ("no") vote of a majority of members of the Council present and voting.

—(2) Upon the second reading of a bill it shall be in order to commit, to amend, to lay upon the table, to postpone, or to pass into law, or to pass to its a third reading, and, after commitment and report, and at any time before its final passage a bill may be re-committed.

~~—(a) All action taken upon a bill at second reading shall be by an affirmative "aye" ("yes") and "nay" ("no") vote of a majority of members of the Council present and voting, except for final passage which shall require a majority vote of elected members by roll call.~~

~~(IC 36-4-6-12)~~

~~—(3) On the third reading of a bill no amendment shall be in order except by unanimous consent of the Council present and voting. Final passage shall require a majority vote of elected members by roll call.~~

~~(IC 36-4-6-12)~~

~~—(C) When a bill is passed it shall be recorded by the Clerk in the book of ordinances, and signed by the Mayor and Council President Pro Tempore, or the bill's sponsor if the President Pro Tempore is absent, and attested by the Clerk of the date of passage by the Council. When a bill is vetoed by the Mayor, the message of veto, together with the bill, shall be reported and read to the Council by the Clerk after which the President presiding officer shall put the question thus, "Shall the bill be passed over the Mayor's veto?" ask the Council whether the bill shall be passed over the Mayor's veto and the vote thereon shall be taken by calling the roll, and if two-thirds, or more, of all members of the Council vote "aye" ("yes") when their names are called, the bill shall be deemed passed; otherwise it shall be deemed rejected.~~

~~(IC 36-4-6-14, IC 36-4-6-15, IC 36-4-6-16, IC 36-4-6-17)~~

~~(D) Suspension of the rules to allow passage of an ordinance at its first reading shall only occur with the unanimous consent of the members present to consider the ordinance and with a two-thirds majority vote. This requirement does not apply to zoning ordinances or amendments to zoning ordinances adopted under IC 36-7.~~

~~(1) Zoning ordinances adopted under IC 36-7 shall only require majority consent of those members present and voting.~~

~~(IC 36-4-6-13)~~

~~('66 Code, § 30.01(22)~~

#### ~~§ 30.0654 ORDER OF BUSINESS.~~

~~—The following order of business shall be observed by the Common Council at each meeting thereof:~~

~~—(A) —Opening the meeting~~

~~—(AB) —Calling the roll and noting absentees.~~

~~—(CB) —Reading, approving, correcting, approving, or otherwise disposing of, the journal minutes of the preceding meeting.~~

~~—(C) Presentation of excuses for previous absence.~~

**Commented [JS1]:** Should there be a requirement stricter than majority consent of those present and majority vote of elected members for passing zoning changes on the same day as 1<sup>st</sup> reading?

**Commented [BC2R1]:** The statute specifically excludes this from the higher 2/3 standard.

- (D) —Presentation of petitions, memorials, remonstrances, and introduction of motions, resolutions, or bills.
- (E) —Reports, recommendations, and other business from the standing committees of the Common Council.
- (F) —Reports of select committees.
- (G) —Communications and reports from city officers.
- (H) —Bills on third reading.
- (I) —Bills on second reading.
- (J) —Unfinished business.
- (K) —Miscellaneous.
- (L) —[Public comment](#)
- (M) —[Mayor and Council comments](#)
- (N) —[Adjournment](#)

('66 Code, § 30.02)

#### **§ 30.0765 RULES FOR PROCEDURE.**

—The following rules are adopted and enacted for the government of the Common Council of the city, its officers and committees:

- (A) Preparations for meetings.
  - (1) The Mayor's assistant is to receive all proposed resolutions prior to the close of business on the ~~sixth~~ fifth day preceding the Council meeting.
    - (a) Resolutions are to be placed on the agenda with their title and sponsoring Council member(s);
    - (b) Resolutions should be presented to Council members, in their printed form, on the ~~fifth~~ fourth day prior to the Council meeting; and
    - (c) A resolution may be proposed at any time following the cut-off date if it is ~~deemed appropriate and voted on at a City Council meeting in the affirmative by a majority vote~~ approved by the Council President Pro Tempore and/or the Mayor.
  - (2) The Mayor's assistant is to receive all proposed bills prior to the close of business on the fifth day preceding the next Council meeting.
    - (a) Proposed bills are to be placed on the agenda with their title and sponsoring Council member, and
    - (b) Proposed bills should be presented to Council members, in their printed form, on the fourth day prior to the Council meeting.



—(3) If a department head has a written report, they should make every effort to present it to the Mayor's assistant five days prior to the Council meeting.

—(4) City Council member packets and the supporting documents should be presented to Council members no later than four days prior to a meeting.

—(B) The Mayor shall preside over all meetings of the Common Council. In case of the absence of the Mayor during any meeting, or in the event that ~~he~~ they should be disqualified to preside by the application of any law of the state or ordinance of the city at any meeting thereof, then the President Pro Tempore, who shall be elected at the first regular meeting of the Council held after their election as such Council, shall preside.

Commented [JS3]: What about the Deputy Mayor?

(IC 36-4-6-8)

~~—(C) The presiding officer of the Common Council shall be designated and addressed as President.~~

—(CD) The presiding officer President of the Common Council shall call the members to order promptly at the date and hour appointed for the meeting thereof. During the session ~~he~~ the presiding officer shall preserve order and decorum, and shall decide all questions of order. An appeal from any decision rendered by the presiding officer President may be taken by any member, ~~and when so taken he shall put the question of such appeal to the Council in the form following: "Shall the decision of the chair stand as decision of the Council?"~~ whereupon the Clerk-Treasurer shall call the roll of members, and those who favor sustaining the decision of the President-presiding officer shall vote "aye," ("yes"), and those who oppose sustaining such decision shall vote "~~n~~ay," ("no") and if a majority of the members present vote "naye," the decision of the President shall be deemed overruled. Otherwise, it shall be deemed sustained.

—(ED) The presiding officer President shall state all questions distinctly in the form following: "As many as are of the opinion that (as the question may be) and ask that all who are in favor say "aye," ("yes"), and after the affirmative voice is expressed, "As many as are of the contrary opinion ask all who are opposed say "nay" ("no)," and then ~~he~~ shall decide whether the question is carried by affirmative or negative vote. However, if a decision is called for by any member, the Clerk-Treasurer shall call the roll, and each member, when ~~his~~ their name is called, shall respond "aye," ("yes"), if he desires to vote for the affirmative of such question, and "nay" ("no"), if he desires to vote for the negative thereof. The result of the vote as thus cast shall be announced by the Clerk-Treasurer to the President who shall then decide whether such question has been passed by a majority vote of all the other members present and voting.

—(FE) All questions relating to the priority of business shall be decided without debate.

~~—(G) Whenever any member desires to make or second a motion, offer a resolution, or ordinance, arise to a point of order, or questions of privilege, address remarks, or bring any other matter to the attention of the Common Council at any meeting thereof, he shall arise from his seat and address the President as "Mr. President." He shall not proceed further until the President shall recognize him by saying "The gentleman from the \_\_\_ District, Mr. \_\_\_\_\_," after which the member may proceed. He shall confine~~

himself to the question before the Council, or the matter which he brings up, if there is no question before the Council. He shall avoid all personalities, and in no case impeach the motives, vote, or remarks of any other member.

—(~~FF~~) If any member transgresses the rules of the Common Council, or commits any other breach of order or decorum, the presiding officer President shall call him them to order, either on his their own motion, or at the instance of any member who shall call attention to the same by rising to voicing a point of order. In such a case the member so called to order shall take his seat refrain from further comment immediately unless permitted by the President presiding officer to explain his their remarks or action, in which event, if the explanation is satisfactory to the President, he shall take his seat immediately. If the transgression of the rules or other breach of order or decorum is serious enough in the judgment of the Council, the member so offending may be censured or fined by vote of the Council. On all points of order the member affected shall have the right to appeal from the decision of the President of the Council presiding officer.

—(~~GG~~) When two or more members arise speak at once the presiding officer President shall decide which shall proceed, and the member recognized member by him shall have the privilege of the floor.

—(~~JH~~) No member shall speak more than twice on the same question, except by the unanimous consent of the Common Council.

(~~KH~~) When the presiding officer President is putting a question to vote, when any member is speaking, when the vote is being taken, or any other business requiring the attention of the Common Council is being transacted, no member shall engage in private discourse, walk out of or across the room, or in any other manner create confusion or disturb the proceedings.

—(~~LJ~~) When any motion is made and seconded it shall be stated by the presiding officer President before debate, and every motion shall be presented in writing, if demanded by the presiding officer President or any member.

—(~~MKJ~~) After a motion is stated by the presiding officer President it shall be deemed to be in possession of the Common Council, but may be withdrawn by the mover, by consent of the second thereof, at any time before decision or amendment.

—(~~NK~~) When any question is pending, or under debate, no motions shall be in order but the following; to adjourn, to lay on the table for the previous question, to postpone, to commit, or to amend, which several motions shall have precedence in the order in which they are here arranged.

—(~~OML~~) When any question has been once decided, any member voting in the majority may move for a reconsideration thereof at the same, or the next, regular meeting of the Common Council, and resolutions adopted may be rescinded by subsequent resolutions. Ordinances may be repealed by subsequent ordinances, and ordinances may be suspended for a time definitely stated by subsequent ordinances. Reports and all other papers and documents properly before the Council may be committed and recommitted at the pleasure of the Council. When the reading of any

paper is called for, if objections are made, it shall be decided by the Council, and no paper shall be read, if objected to, without the consent of the Council.

—(~~PMM~~) Motions to adjourn shall always be in order, except that when one motion to adjourn has been decided in the negative, it shall not be in order to entertain another motion to adjourn until some other business has intervened. All motions to adjourn, to lay on the table, and for the previous question, shall be decided without debate.

—(~~QQN~~) When any matter is indefinitely postponed by the Common Council, such action shall be taken to mean that such matter shall be regarded as postponed for the time being, and shall be brought to the attention of some member, which motion shall be seconded by some other member, and which may be made at any subsequent meeting of the Council.

—(~~RPO~~) The votes on the final passage of any ordinance or resolution shall be by calling the roll and recording the "~~ayes~~" ("~~yesses~~") and "~~nays~~" ("~~noes~~"). Any member may demand the "~~ayes~~" ("~~yesses~~") and "~~nays~~" ("~~noes~~") to be taken on any motion or question, and when so demanded the questions shall be so put and recorded.

—(~~SQP~~) In all votes taken where there is a tie, the ~~President of the Common Council presiding at the time~~presiding officer, shall give the vote in order to break the tie.

—(~~TRQ~~) The Mayor, when presiding over the Common Council as the President presiding officer thereof, shall have the right to speak on any question before the Council. ~~To enable him to do so, he shall call to the chair the President Pro Tempore or in his absence any other member,~~ and while so addressing the Council, ~~he shall~~ be subject to all rules governing the Council.

—(~~USR~~) No one who is not a member of the Common Council shall be permitted to address the same except by petition, unless by the unanimous consent of the Council; however, any city officer may, when called upon, make a verbal report.

—(~~VTS~~) No rule of the Common Council shall be suspended except upon motion, and an affirmative "~~aye~~" ("~~yes~~") and "~~nay~~" ("~~no~~") vote of two-thirds of all the members of the Council. The rule shall not be suspended for the second ~~and or~~ third reading of a bill, or the passage thereof, except upon an affirmative "~~aye~~" ("~~yes~~") and "~~naye~~" ("~~no~~") vote of all the members of the Council present and voting.

—(~~WUT~~) The Mayor shall appoint all standing and select committees of the Common Council.

—(~~XVU~~) The Chief of Police, or designee, shall preserve order and decorum in the Council chamber during the meetings of the Common Council; ~~he they~~ shall act as the sergeant-at-arms for the Council, and as such shall obey the orders of the presiding officer ~~President; and he shall act as messenger for the President's Council.~~

(XW) The passage of resolutions shall require a majority "aye" ("yes") and "nay" ("no") vote by a majority of elected members.

('66 Code, § 30.01(l) - (19), (23) - (26)) (Ord. passed 4-25-05; Am. Ord. 2015-13, passed 12-22-15)

**§ 30.0876 PRIVILEGES OF CITIZENS.**

—When the call is made for that purpose, citizens present in the Council chambers shall have the privilege of presenting petitions, memorials, remonstrances, and the like, either written or verbal, and such matter shall be referred to the proper committee/~~department/board~~ or otherwise disposed of before any further business is transacted. After such action, the order of business shall proceed as set forth in § 30.04.

(A) The presiding officer shall have the option to require speakers to sign-in, in advance, if they intend to speak during public commentthe use of a sign-up sheet for speakers and/or impose a 4 minute time limit for any speaker. Either the presiding officer or the majority of present and voting Council members may waive the 4 minute time limit.

('66 Code, § 30.05) (Ord. passed 4-25-05)

**§ 30.0987 COUNCILMANIC DISTRICTS.**

—The city shall be divided into five Councilmanic districts designated and defined as follows:

—(A) First District.

<i>Tract</i>	<i>Block</i>
966400	4005
966400	4016
966400	4017
966400	4018
966400	4019
966400	4020
966400	4021
966400	4022
966400	4023
966400	4024
966400	4025
966400	4044
966400	4049
966500	1002
966500	1093
966500	1094
966500	1095
966500	1096
966500	4006

966500	4007
966500	4008
966500	4009
966500	4010
966500	4011
966500	4012
966500	4013
966500	4014
966500	4015
966500	4019
966500	4020
966500	4021
966500	4022
966500	4023
966500	4024
966500	4025
966500	4026
966500	4027
966500	4028
966600	1000
966600	1001
966600	1002
966600	1003
966600	1004
966600	1005
966600	1006
966600	1007
966600	1008
966600	1009
966600	1010
966600	1011
966600	1012
966600	1013
966600	1014
966600	1015
966600	1016
966600	1017
966600	1018

966600	1019
966600	1020
966600	1021
966600	1022
966600	1023
966600	1024
966600	1025
966600	1026
966600	1027
966600	1028
966600	1029
966600	1030
966600	1031
966600	1032
966600	1033
966600	1034
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966600	1036
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966600	1038
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966600	1074
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966600	1078
966600	1079
966600	1080
966600	1081
966600	1082
966600	1083
966600	1084
966600	1085
966600	1086
966600	1087
966600	1088
966600	1089
966600	1090
966600	2000
966600	2001
966600	2002
966600	2003

966600	2006
966600	2010
966600	2019
966600	2020
966600	2021
966600	2022
966600	2023
966600	2024
966600	2025
966600	2026
966600	2029

|(B) Second District.

<i>Tract</i>	<i>Block</i>
<i>Tract</i>	<i>Block</i>
966400	4000
966400	4001
966400	4002
966400	4003
966400	4004
966400	4006
966400	4007
966400	4008
966400	4009
966400	4010
966400	4011
966400	4012
966400	4013
966400	4014
966400	4026
966400	4027
966400	4028
966400	4029
966400	4030
966400	4031
966400	4032
966400	4033



966400	4034
966400	4035
966400	4036
966400	4037
966400	4038
966400	4039
966400	4040
966400	4041
966400	4042
966400	4043
966400	4045
966400	4050
966500	1092
966500	2014
966500	2025
966500	3000
966500	3001
966500	3009
966500	3010
966500	3011
966500	3012
966500	3013
966500	3014
966500	3015
966500	3016
966500	3017
966500	3020
966500	3022
966500	3023
966500	3024
966500	3025
966500	3026
966600	2004
966600	2017

—(C) Third District.

**Tract**

**Block**

<b>Tract</b>	<b>Block</b>
966400	2006
966400	2007
966400	2008
966400	2009
966400	2010
966400	2011
966400	2012
966400	2013
966400	2014
966400	2015
966400	2016
966400	2017
966400	2018
966400	2019
966400	2020
966400	2021
966400	2022
966400	2023
966400	3064
966400	3065
966400	3066
966400	3067
966400	3068
966400	3082
966400	3083
966400	3084
966400	3085
966400	3086
966400	3087
966400	3088
966400	3089
966400	3090
966400	3091
966400	3093
966400	3094
966400	3095
966400	3096

966400	3097
966400	3098
966400	3099
966400	3100
966400	3101
966400	3102
966400	3103
966400	3104
966400	3105
966400	3106
966400	3107
966400	3108
966400	3109
966400	3110
966400	3111
966400	3112
966400	3113
966400	3114
966400	3115
966400	3116
966400	3117
966400	3118
966400	3119
966400	3120
966400	3121
966400	3122
966400	3123
966400	3124
966400	3125
966400	3126
966400	3127
966400	3130
966400	3131
966400	3132
966400	3133
966400	3134
966400	3151
966400	3152

966400	3153
966400	3154
966400	3155
966400	3156
966400	3162
966400	3163
966400	4015
966400	4046
966400	4047
966400	4048
966500	1097
966500	1098
966500	1099
966500	2021
966500	2022
966500	2023
966500	2024
966500	3002
966500	3003
966500	3004
966500	3005
966500	3006
966500	3007
966500	3008
966500	3018
966500	3019
966500	3021
966600	2005
966600	2007
966600	2008
966600	2009
966600	2011
966600	2012
966600	2013
966600	2014
966600	2015
966600	2016
966600	2018

966600	2027
966600	2028

—(D) Fourth District.

<b>Tract</b>	<b>Block</b>
<b>Tract</b>	<b>Block</b>
966000	2051
966000	2052
966000	2053
966000	2058
966500	1008
966500	1009
966500	1010
966500	1011
966500	1012
966500	1013
966500	1014
966500	1015
966500	1016
966500	1017
966500	1018
966500	1019
966500	1020
966500	1024
966500	1025
966500	1043
966500	1044
966500	1045
966500	1046
966500	1047
966500	1048
966500	1049
966500	1050
966500	1052
966500	1053
966500	1054
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966500	1070
966500	1071
966500	1072
966500	1073
966500	1074
966500	1075
966500	1089
966500	2011
966500	2012
966500	2013
966500	2015
966500	2016
966500	2017
966500	2026

|(E) Fifth District.

<i>Tract</i>	<i>Block</i>
<i>Tract</i>	<i>Block</i>
966100	1221
966100	1222
966100	1223
966400	1002
966400	1003

966400	1005
966400	1010
966400	1011
966400	1012
966400	1013
966400	1014
966400	1015
966400	1016
966400	1017
966400	1018
966400	1019
966400	1020
966400	1021
966400	1022
966400	1023
966400	1024
966400	1025
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966400	1030
966400	1031
966400	1032
966400	1033
966400	1034
966400	1035
966400	2000
966400	2001
966400	2002
966400	2003
966400	2004
966400	2005
966400	3000
966400	3001
966400	3002
966400	3003
966400	3004
966400	3005

966400	3006
966400	3007
966400	3008
966400	3010
966400	3011
966400	3012
966400	3039
966400	3040
966400	3041
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966500	1038
966500	1039
966500	1040
966500	1041
966500	1042
966500	1051
966500	1079
966500	1080
966500	1081
966500	1082
966500	1083



966500	1084
966500	1085
966500	1086
966500	1100
966500	1101
966500	2000
966500	2001
966500	2002
966500	2003
966500	2004
966500	2005
966500	2006
966500	2007
966500	2008
966500	2009
966500	2010
966500	2018
966500	2019
966500	2020

(Ord. 1995-1, passed 1-17-95; Am. Ord. 2002-14, passed 10-22-02; Am. Ord. 2012-22, passed 12-18-12; Am. Ord. 2022-20, passed 10-20-22)

**§ 30.08910 STANDING COMMITTEES.**

—(A) The Standing Committees of the Common Council shall consist of three members each, to be appointed at the first regular meeting held by the Council or thereafter, and such Committees shall not be changed, except by the death, resignation, or removal from office of the members composing them, during the term for which such Council is elected. The Standing Committees as follows:

- (1) Fire and Health.
- (2) Harbor, Levees, and Parks.
- (3) Traffic.
- (4) Finance.
- (5) Schools.
- (6) New Projects.

('66 Code, § 30.03)

---(B) All references to Standing Committees may be made by the Common Council, upon motion, or by the presiding officer ~~President~~ without motion when no objections are made, and all questions so referred shall be reported to the Council by Committee at the next regular meeting of the Council, unless, upon request, the Council grants the Committee further time. ('66 Code, § 30.04)

#### § 30.110 SELECT COMMITTEES.

---(A) Select Committees may be convened by either the Mayor or the President Pro Tempore to deal with matters of limited duration or special circumstance and in accordance with state law. Select Committees shall consist of three members to be appointed by the convening officer at the time when the committee is convened and shall be disbanded upon conclusion of their business or revocation by the convening officer.

(B) All references to Select Committees may be made by the Common Council, upon motion, or by the presiding officer without motion when no objections are made, and all questions so referred shall be reported to the Council by Committee at the next regular meeting of the Council, unless, upon request, the Council grants the Committee further time.

#### § 30.120 EXPULSION OF A MEMBER / VACATION OF SEAT.

The Common Council may, with a two-thirds majority vote of elected members by roll call, expel any member for violation of an official duty; or declare the seat of any member vacant if the member is unable to perform the duties of the member's office.

(IC 36-4-6-6)

#### **§ 30.09 134 MEETING PARTICIPATION BY ELECTRONIC MEANS OF COMMUNICATION.**

---(A) \_\_\_\_\_ (1) The provisions of IC 5-14-1.5-1 et seq. ("the Act"), including definitions, apply to this section.

---(2) This section shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council, Board of Public Works and Safety, Historic District Board of Review, Redevelopment Commission, Board of Zoning Appeals, Board of Park Commissioners, PACE Program Review Board and Plan Commission.

---(B) \_\_\_\_\_ (1) Subject to divisions (C) and (E) below, any member may participate in a meeting by any electronic means of communication that:

---(a) Allows all participating members of the governing body to simultaneously communicate with each other; and

---(b) Other than a meeting that is an executive session, allows the public to-simultaneously attend and observe the meeting.

---(2) A member who participates by an electronic means of communication:

~~\_\_\_\_\_~~(a) Shall be considered present for purposes of establishing a quorum; and

~~\_\_\_\_\_~~(b) May participate in action only if the member can be seen and heard.

~~\_\_\_\_\_~~(3) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

~~—(C)—\_\_\_\_\_~~(1) At least 50% of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than 50% of the members may participate by an electronic means of communication at that same meeting.

~~\_\_\_\_\_~~(2) A member may not attend more than 25% of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

~~\_\_\_\_\_~~(a) Military service;

~~\_\_\_\_\_~~(b) Illness or other medical condition;

~~\_\_\_\_\_~~(c) Death of a relative; or

~~\_\_\_\_\_~~(d) An emergency involving actual or threatened injury to persons or property.

~~\_\_\_\_\_~~(3) A member may attend two consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

~~\_\_\_\_\_~~(a) Military service;

~~\_\_\_\_\_~~(b) Illness or other medical condition;

~~\_\_\_\_\_~~(c) Death of a relative; or

~~\_\_\_\_\_~~(d) An emergency involving actual or threatened injury to persons or property.

~~\_\_\_\_\_~~(4) A member may not attend a meeting by electronic means if the member lacks the technological wherewithal to accomplish this.

~~—(D)~~ The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

~~\_\_\_\_\_~~(1) Identify each member who:

~~\_\_\_\_\_~~(a) Was physically present at the meeting;

~~\_\_\_\_\_~~(b) Participated in the meeting by electronic means of communication; and

- ~~\_\_\_\_\_~~(c) Was absent; and
  - ~~\_\_\_\_\_~~(2) Identify the electronic means of communication by which:
    - ~~\_\_\_\_\_~~(a) Members participated in the meeting; and
    - ~~\_\_\_\_\_~~(b) Members of the public attended and observed the meeting if the meeting was not an executive session.
- ~~—~~(E) No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:
  - ~~—~~\_\_ (1) Adopt a budget;
  - ~~—~~\_\_ (2) Make a reduction in personnel;
  - ~~—~~\_\_ (3) Initiate a referendum;
  - ~~—~~\_\_ (4) Impose or increase a fee;
  - ~~—~~\_\_ (5) Impose or increase a penalty;
  - ~~—~~\_\_ (6) Exercise the Council's power of eminent domain; or
  - ~~—~~\_\_ (7) Establish, impose, raise or renew a tax.
- ~~—~~(F)—(1) If an emergency is declared by:
  - ~~\_\_\_\_\_~~(a) The Governor under IC 10-14-3-12; or
  - ~~\_\_\_\_\_~~(b) The Mayor under IC 10-14-3-29;members are not required to be physically present for a meeting until the emergency is terminated.
- ~~\_\_\_\_\_~~(2) Members may participate in a meeting by any means of communication provided that:
  - ~~\_\_\_\_\_~~(a) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
  - ~~\_\_\_\_\_~~(b) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
  - ~~\_\_\_\_\_~~(c) The minutes or memoranda of the meeting must comply with division (D) of this section.
- ~~\_\_\_\_\_~~(3) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

(Res. 2023-1C, passed 1-3-23)