

**RULES AND REGULATIONS
COMMON COUNCIL
TERRE HAUTE, INDIANA
1990
Revised 2006, 2010, 2012, 2016, 2018**

Robert's Rules of Order, Revised, shall be followed on all questions of parliamentary procedure not specifically covered by these rules.

SECTION I. The Body of the Council

A. The members of the Common Council shall hold their reorganization meeting according to State Statute. At this meeting the members of the Council shall elect, by a majority of the Council, from its members a President and a Vice President to serve for one year. At the last regular meeting of each year, the members of the Common Council shall set the date and time of its regular meetings for the following year. Regular meetings shall be held twice a month. All regular meetings shall be held in the Courtroom located in City Hall.

The Council thereafter shall meet at least once a month on the dates and at such times set at the first meeting and at such other times as the business of the Council may require.

Special meetings may be called by the Mayor, the President of the Council, or five (5) members of the Council.

B. A quorum shall consist of the majority of all members elected to the Common Council.

C. During the first thirty (30) minutes of each regular meeting of the Common Council any person shall be permitted to address the Council only on matters not included in the agenda on proper recognition by the President. Any persons who address the Council must state their names and addresses for the record. The statement of such persons or group representative shall be limited to three (3) minutes, except in such cases in which the presiding officer shall grant additional time. All persons addressing the Council shall use a microphone. Written materials submitted by such persons may be distributed to members of the Council and to the City Clerk to supplement remarks.

D. Ample microphones shall be placed among the members of the Council so as to relay the words of the member to the public in attendance, and there shall be one microphone placed for the use of the President, one for the Clerk or his/her deputy, and one so placed for the use of persons other than members of the Common Council who may address said Council.

E. There shall be four (4) standing committees of the Common Council, consisting of five (5) members each, appointed by the President of the Council. The President of the Council shall be an ex-officio but non-voting member of each standing committee. No councilperson shall be

chairperson of more than one (1) committee. In cases where a special committee is desired, it shall be the duty of the President of the Council to determine the appropriate appointments. The standing committees shall be titled as follows:

- Committee on Finance, Contracts and Franchises
- Committee on Parks, Public Property and Governmental Affairs
- Committee on Planning, Zoning and Improvements
- Committee on Traffic, Safety, and Special Health and Welfare

F. It shall be the duty of the Committee on Finance to report ordinances making the annual tax levies and those making the annual appropriations to meet the several items of expense that are appropriately chargeable against the City.

G. The Council shall have the power to expel any of its own members for violation of official duty and to declare the seat of any member vacant, by reason of his or her disability to perform the duties of his or her office, by a two-thirds (2/3) vote of the elected members of Council. In case of a vacancy in the membership of the Council for any reason heretofore mentioned or by resignation or death, the committee members of the political party having elected said members shall elect his or her successor. In the case of a district seat the committee members of the respective party with precincts being within the district will participate in said election. In case of council-at-large all committee members with precincts within the City will participate. The chairperson of the County Central Committee of the respective political party, within ten (10) days of the occurrence of a vacancy, shall call a caucus of said precinct committeemen to be held within thirty (30) days of the occurrence of the vacancy. A plurality vote shall elect. (see I.C. 3-13-8 and I.C. 3-13-11.)

H. The City Clerk shall notify the media of all meetings of the Common Council and its designated committees.

I. The City Clerk shall notify the media and any individual requesting notification of all meetings of the Common Council and its designated committees. Individuals must submit a request for notification to the City Clerk in writing.

SECTION II. Appointments

A. All appointments of persons which by law or ordinance are required to be made by the City Council to any board, commission, committee, or public agency shall be made by the President subject to the approval of the City Council.

B. The President may appoint, upon sufficient appropriation approved by the Council, an attorney licensed to practice law in Indiana to provide such legal counsel to the Council as may be deemed appropriate.

SECTION III. Ordinances

A. For a resolution or an ordinance to be passed, it must receive the votes of the majority of all members constituting the Common Council unless otherwise indicated by statute.

B. Ordinances shall be of three (3) classes:

1. APPROPRIATION ORDINANCE relating to financial matters
2. SPECIAL ORDINANCE relating to special matters
3. GENERAL ORDINANCE relating to CITY government

The Clerk shall keep each class of ordinances in distinct files and shall give each ordinance of each class a distinct number in the order of its introduction.

C. Appropriation ordinances shall specify by item the amount thereof, the department for which the appropriation is to be made, and the line number for the specific amount.

D. Except for ordinances to be introduced at a special call meeting and zoning related ordinances, all proposed ordinances that are intended for introduction at a regular meeting, shall be filed with the Clerk by 12:00 p.m. the third Friday immediately preceding the next regular meeting. If said Friday is not a regular business day, proposed ordinances shall be due the proceeding regular business day. All ordinances prepared by individuals or attorneys other than city administration shall be signed by at least one (1) member of the Common Council prior to filing with the City Clerk's Office. All ordinances for zoning related matters shall be filed with the Clerk by 12:00 p.m. on the first Wednesday of the month preceding the month in which action is to be taken on the matter.

E. Except for resolutions to be introduced at a special call meeting, all resolutions shall be filed with the Clerk's Office before 12:00 p.m. on the third Friday immediately preceding the next regular meeting at which the resolution will be acted on. All resolutions prepared by individuals or attorneys other than city administration shall be signed by at least one (1) member of the Common Council prior to filing with the City Clerk's Office.

F. The first reading of a proposed ordinance of any class shall be by title only. The ordinance shall be referred to the proper committee by the President unless the Common Council shall vote to take up consideration of the ordinance during the said meeting.

G. When a matter is referred to a committee and when the member introducing the same is not a member of that committee, he or she may be considered as a member of that committee during its deliberation thereon, but shall not have the right to vote. He or she shall be notified by the chairperson of the times and places of the meetings of the committee.

After an ordinance or resolution is referred to committee by the President it shall be at the discretion of the chairperson of said committee whether or not the committee will meet and the

time such meeting shall take place.

If committees meet, all reports from committees shall be made in writing, giving both the title and number of the ordinance or the resolution and the opinion of the committee if any, and shall be signed by a majority of the members present if a recommendation is made. If a recommendation is to be made, the report shall also include the number of ayes and nays relevant to the recommendation.

H. The second reading of a proposed ordinance shall be by digest only by the Clerk unless otherwise voted by a majority of elected members of the council. Any councilperson may request information or clarification from any person in the audience. Any person in the audience may be allowed to discuss the subject at the discretion of the presiding officer. After such discussion, all ordinances may be passed by the Council. It shall be in a motion for passage, in which case the proper form of such motion shall be as follows: "I move that _____ Ordinance/Resolution No. __ be passed".

I. All ordinances shall be open to amendment after the second reading unless a motion and a second have been made to allow the ordinance to be acted on at the same meeting. Any amendment to an ordinance may be referred, postponed, or otherwise disposed of without delay or prejudice to the ordinance itself.

J. A two-third (2/3) vote of all the elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance of the legislative body on the same day or at the same meeting at which it is introduced. (As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1982, P.L.33, SEC.24)

K. Any ordinance may be withdrawn from the files at the first reading by two-third (2/3) vote of all the elected members or by a majority vote of all the elected members after the ordinance shall have passed the second reading. Any ordinance or resolution failing to receive a majority of votes shall be considered defeated unless the vote is reconsidered in the time and manner authorized (Section IV Paragraph K.), or is tabled in accord with Rule III.A.

L. The Common Council, at anytime, may order that ordinances, resolutions, petitions, memorials, or other papers be duplicated for distribution among the members or other persons.

M. Upon the call of the roll on any questions, after any one member shall have voted, it shall not be in order for any member to offer remarks except in explanation of vote; no explanation shall be in order under the operation of the "previous question".

N. Committee of the Whole Council.

1. Upon adoption of the motion to go into a Committee of the Whole Council, the presiding officer, before leaving the chair, shall appoint a chairman to preside.

2. The ordinance so committed shall be read in its entirety by the Clerk on the request of a majority of the elected Council. The body of the ordinance shall not be defaced or interlineated, but all amendments recommended for passage, noting the line and page, shall be duly entered by the Clerk upon a separate paper and so reported to Council. Amendments thus recommended for passage shall be subject to debate and further amendment before the vote on the question.

3. There shall be no limit to the length of debate by each member, but no member may speak more than twice on any question until every member choosing to speak shall have spoken the second time.

4. The motions, in order, in a Committee of the Whole Council shall be: recommendation to amend, recommendation to adopt and to rise and report, that is to resolve itself into a regular meeting.

O. Any ordinance or resolution introduced and subsequently defeated may not be re-entered for a period of one (1) year after such defeat. However, ordinances and/or resolutions pertaining to the annual budget and salaries are exempt from this rule.

P. Every Council member, including the President, shall be required to vote when a question is put, unless for good cause shown by announcing for the record the intent to abstain and the conflict of interest supporting the abstention.

Q. A roll call division of the assembly may be requested by any member of the Council and does not require a second or a vote. Any roll call vote shall be made in by the City Councilperson's last name with the presiding officer voting last. Roll call votes that take place during odd numbered months (January, March, May, July, September, and November) shall be made in alphabetical order by the City Councilperson's last name. Roll call votes that take place during even numbered months (February, April, June, August, October, and December) shall be made in reverse alphabetical order by the City Councilperson's last name.

A ballot vote division of the assembly may be requested by any member of the Council and does not require a second or a vote. Any vote by ballot shall be made on the paper ballot provided by the City Clerk. Each ballot shall indicate the City Councilperson's first and last name, ordinance or resolution number and year with a space provided to indicate a vote "In Favor," "Opposed," or "Abstain." Each member of the Council shall vote if a vote by ballot is required and shall indicate any reasons for abstention prior to the distribution of the ballots. After a reasonable period has elapsed from the distribution of ballots, the City Clerk or Deputy Clerk shall collect all ballots and read each Councilperson's name, along with his or her vote, aloud onto the record.

R. Any member of the Council may introduce a resolution or an ordinance relating to revenues, appropriations and compensation, or other matters which may lawfully come before the Council. All resolutions and ordinances shall be prepared by the City Attorney's Office and

approved by the City Attorney as to form. When signed by the Council member and filed with the City Clerk, the ordinance/resolution is considered officially introduced.

S. The City Executive shall:

1. Within ten (10) days after an ordinance, order, or resolution is presented to him or her:

a. Approve the ordinance, order or resolution, by entering his or her approval on it, signing it, and sending the legislative body a message announcing his or her approval, or

b. Veto the ordinance, order or resolution, by returning it to the legislative body with a message announcing his or her veto and stating his or her reasons for the veto.

2. The executive may approve or veto separate items of an ordinance appropriating money or levying a tax.

3. If the executive fails to perform his or her duty under subsection (a), the ordinance, order, or resolution is considered vetoed.

4. Whenever an ordinance, order or resolution is vetoed by the city executive, it is considered defeated unless the legislative body, at its first regular or special meeting after the ten (10) day period prescribed by subsection (a), passes the ordinance, order or resolution over his or her veto by a two-thirds (2/3) vote. (As added by Acts 1980, P.L.212, SEC.3).

5. Whenever an ordinance, order, or resolution is vetoed by the City Executive, the City Clerk is immediately to notify each member of the Common Council in writing of the veto at their mailing address.

SECTION IV. Motions

A. When a motion is made and seconded, it shall be stated by the presiding officer, or being in writing, it shall be handed to the City Clerk or deputy and read aloud before debate and shall be entered upon the journal with the name of the member making it, unless it is withdrawn at the same meeting.

B. Main motions and amendments to ordinances shall be reduced to writing and any motion not presented in writing shall, on the objection of one member, be declared out of order.

C. The presiding officer shall decide whether any question is carried by affirmative or negative votes, but if he or she is in doubt or if a division of the assembly is called for by one member, the City Clerk or deputy shall call the roll or distribute ballots for voting.

- D. Any motion or resolution which in effect contemplates a violation of law, or is in conflict with any ordinance, shall be ruled out of order, or, if adopted, shall be declared null and void.
- E. No matter or proposition on a subject different from that under consideration shall be admitted under the color of an amendment.
- F. A motion "to lay on the table" or for "the previous question" shall not be in order if prefaced by any remarks.
- G. A matter under consideration can be tabled and may be sent to a committee with instructions to report at any given time.
- H. Any tabled ordinance or resolution will be considered withdrawn if no action has been taken on it during the twelve months following the filing date.
- I. The motion "the previous question" adopted by a two-thirds (2/3) vote will call for an end to debate and an immediate vote on the pending question. It shall be stated in this form: "Shall the main question be not put?"
- J. Business necessary to be transacted in a particular meeting, may be considered in an "adjourned meeting" upon adoption of the motion to "adjourn to meet at a day certain".
- K. When any question has once been disposed of, a member voting on the prevailing side, may move to "reconsider the vote" in the same meeting, or he or she may give notice of such reconsideration before the close of that meeting specifying the time of reconsideration. This motion is not open to debate and does not require a second or a vote.
- L. A resolution once adopted may be rescinded by a subsequent resolution and ordinances passed may be repealed by subsequent ordinances.
- M. A member may read a paper upon approval of the Council by a majority vote.
- N. Any member may demand "division of the question" when the question is capable of being divided.
- O. Resolutions or ordinances calling for declarations of policy by the Council on public controversies unrelated or not germane to the powers of the Council shall not be in order.
- P. A councilperson may change his or her vote until the result is announced by the presiding officer. After the result is announced, he or she may change his or her vote only through general consent or by a simple majority vote of the Council. There will be no questioning of his or her motives for changing his or her vote.

SECTION V. Order of Business

A. The following order of business shall be observed by the Common Council in the creation of its agendas at its meetings:

1. Moment of silence and Pledge of Allegiance to the Flag
2. Calling of the roll
3. Thirty (30) minutes of time for public to comment on items not on the agenda¹
4. Correcting the journal of the preceding meeting if needed
5. Communication from the Mayor
6. Reports from City officials
7. Reports from Board of Public Works and Safety
8. Reports from standing committees
9. Reports from non-standing committees
10. Items previously tabled
11. Tax abatements for confirmation
12. Items on second reading
 - a. Appropriations
 - b. General ordinances
 - c. Special ordinances
 - d. Resolutions
13. Items on first reading
 - a. Appropriations
 - b. General ordinances
 - c. Special ordinances
 - d. Resolutions

B. Reading of the journal will be suspended and ordinances and resolutions will be read by digest only, except by the order of the Council.

C. The order of the agenda may be moved at any time upon a motion, a second and a majority vote of the members of the Council or at any time upon motion of the President without further required action by the Council as a whole

SECTION VI. Decorum and Debate

A. When any member is about to speak or deliver any matter to Council, he or she shall respectfully address themselves to the presiding officer, and upon being recognized, may address the Council. He or she shall confine his or her remarks to the question in debate and avoid personalities. The presiding officer shall not recognize any member unless he or she shall be at his or her proper seat.

¹ Agenda items include new business as indicated on the agenda.

B. No member shall speak more than once on the same question until every member, choosing to speak, shall have spoken. He or she shall speak no more than twice on the same subject without leave of the presiding officer. Each speech shall be limited to five (5) minutes unless further time is granted by the presiding officer. The time consumed in answering questions shall not be considered as a part of the speaker's time.

C. When two (2) or more members address the chair at the same time, the presiding officer shall decide which shall speak first.

D. While the presiding officer is putting a question or addressing Council, or when any member is speaking, no member shall engage in any private conversation, or walk across or leave the room unnecessarily.

E. No member shall impugn the motive of another.

F. If any member in any way shall transgress the rules of Council, and the presiding officer fails to call him or her to order, any other member shall call him or her to order, in which case the alleged offender shall immediately take his or her seat unless permitted to explain. If the charge of disorder be decided against him or her, he or she shall be liable, if the case requires it, to the censure of the Council. If the decision be in his or her favor, he or she shall be at liberty to proceed.

G. No member shall be subject to the question of another without the member's consent to yield to such question and the leave of the presiding officer to pose the question.

H. The proponent of any ordinance or resolution shall have the opportunity to open and/or close the debate.

SECTION VII. Amendments to the Rules

These rules may be amended by ordinance with a two-thirds (2/3) vote of all members of the Council in accord with the Indiana Code.