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CITY CLERK

SPECIAL ORDINANCE NO. 4, 2016

AN ORDINANCE TO AMEND THE RULES AND REGULATIONS FOR THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE.

WHEREAS, pursuant to Section VII of the Common Council of the City of Terre Haute Rules and Regulations, the Council may amend its Rules and Regulations from time to time with a two-thirds (2/3) vote of all members of the Council; and

WHEREAS, the Common Council wishes to amend its Rules and Regulations;

THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute that the Rules and Regulations of the Terre Haute Common Council adopted in 1990, as most recently revised in 2006, 2010, and 2012 be amended by inserting the underlined text as follows or deletion of stricken text:

SECTION I. The Body of the Council.

H. A meeting (also known as the "Sunshine Session") will be conducted at least one (1) week preceding the Council's regular business meeting, ~~or at times designated by the Council~~, to discuss, but not vote on, any ordinances or ~~designated~~ resolutions to be acted upon at its next regular meeting. No other matters may be brought up or discussed at this meeting except for ordinances or ~~designated~~ resolutions to be considered at the next regular meeting as specified on the Sunshine Meeting's agenda. ~~All resolutions, except resolutions transferring monies within departmental accounts, shall be listed on the Sunshine Meeting agenda. All resolutions requesting a transfer from a non-property tax fund (including, but not limited to EDIT, CAGIT, Wheel Tax, special non-reverting funds, and other non-property tax funds that may be created in the future) shall be listed on the agenda at the Sunshine Meeting. (Res. 2, 2012, 2-9-12)~~

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. ~~If, because of abstention or absence of the Councilmen, the resolution or ordinance does not receive five votes to pass or defeat, the resolution or ordinance will be considered tabled until the next meeting at which time a clear majority can pass or defeat.~~

D. Except for ordinances to be introduced at a special call meeting, all proposed ordinances that are intended for introduction at a regular meeting, shall be filed with the Clerk by 3:00 p.m. the Friday prior to a regular meeting immediately following the sunshine meeting. If said Friday is not a regular business day, proposed ordinances shall be due the preceding regular business day. All ordinances shall be signed by at least one (1) member of the Common Council.

SECTION V. Order of Business

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

10. Ordinances and resolutions on second reading

BE IT FURTHER ORDAINED that this amendment shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication if required by law.

Introduced by: Don Morris Don Morris, Councilman

Passed in open Council this 11th day of February, 2016.

[Signature], President

ATTEST: [Signature] Charles P. Hanley, City Clerk

Presented by me to the Mayor this 12th day of February, 2016.

[Signature] Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 12th day of FEBRUARY, 2016.

[Signature] Duke A. Bennett, Mayor

ATTEST: [Signature] Charles P. Hanley, City Clerk

TO: City Councilmembers
FROM: Michelle Edwards

RE: Special Ordinance 4, 2016

January 14, 2016

I thought I would like the proposed amendments to the City Council rules and the thoughts behind the changes.

Change #1. This is in Section 1, Subsection H. The current rules state:

A meeting (also known as the "Sunshine Session") will be conducted one (1) week preceding the Council's regular business meeting, or at times designated by the Council, to discuss, but not vote on, any ordinances or designated resolutions to be acted upon at its next regular meeting. No other matters may be brought up or discussed at this meeting except for ordinances or designated resolutions to be considered at the next regular meeting as specified on the Sunshine Meeting's agenda. All resolutions, except resolutions transferring monies within departmental accounts, shall be listed on the Sunshine Meeting agenda. All resolutions requesting a transfer from a non-property tax fund (including, but not limited to EDIT, CAGIT, Wheel Tax, special non-reverting funds, and other non-property tax funds that may be created in the future) shall be listed on the agenda at the Sunshine Meeting. (Res. 2, 2012, 2-9-12)

The Council Rules are not clear on the ability to hold a Sunshine Meeting at times other than one week prior to the Regular Meeting. The following is being added (underlined> or deleted (strike-through) to the rules:

A meeting (also known as the "Sunshine Session") will be conducted at least one (1) week preceding the Council's regular business meeting, ~~or at times designated by the Council~~, to discuss, but not vote on, any ordinances or ~~designated~~ resolutions to be acted upon at its next regular meeting.

Additionally, some resolutions are required to be on both the Sunshine Meeting agenda and the Regular Meeting agenda, some are not. This is very confusing to both the Department Heads and to the public. The following is being deleted (strike-through) to the rules:

No other matters may be brought up or discussed at this meeting except for ordinances or ~~designated~~ resolutions to be considered at the next regular meeting as specified on the Sunshine Meeting's agenda. All resolutions, ~~except resolutions transferring monies within departmental accounts~~, shall be listed on the Sunshine Meeting agenda. ~~All resolutions requesting a transfer from a non-property tax fund (including, but not limited to EDIT, CAGIT, Wheel Tax, special non-reverting funds, and other non-property tax funds that may be created in the future) shall be listed on the agenda at the Sunshine Meeting~~

Change #2. This is in Section III Ordinances. The current rules state:

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. If, because of abstention or absence of the Councilmen, the resolution or ordinance does not receive five votes to pass or defeat, the resolution or ordinance will be considered tabled until the next meeting at which time a clear majority can pass or defeat.

The Council Rules in the subsection above conflicts with the subsection as shown below.

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.

So the amendment is to remove the statement from Subsection A as shown below with the strike-through:

- 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. ~~If, because of abstention or absence of the Councilmen, the resolution or ordinance does not receive five votes to pass or defeat, the resolution or ordinance will be considered tabled until the next meeting at which time a clear majority can pass or defeat.~~

Change #3. The Council Rules have filing dates listed in them. In Section III, Subsection D, the following is the current rule:

- D. Except for ordinances to be introduced at a special call meeting, all ordinances shall be filed with the Clerk by 3:00 p.m. the Friday prior to a regular meeting. All ordinances shall be signed by at least one (1) member of the Common Council.

With the previous amendment listed in "change #1", this subsection is invalid. We are also taking the time to clarify the language (underlined text) so the following is amendment is being proposed by the strike-through:

- D. Except for ordinances to be introduced at a special call meeting, all proposed ordinances that are intended for introduction at a regular meeting shall be filed with the Clerk by 3:00 p.m. the Friday prior to a regular meeting immediately following the sunshine meeting. If said Friday is not a regular business day, proposed ordinances shall be due the proceeding regular business day. All ordinances shall be signed by at least one (1) member of the Common Council.

Change #4. The Council Rules list the "order of business" and because of the other proposed amendments, this is a clean-up. The current order is:

- A. The following order of business shall be observed by the Common Council 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 agenda
 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 select committees
 10. Ordinances on second reading
 11. Other unfinished business
 12. Resolutions

The change would occur in #10 with the insertion of the following (underlined text):

10. Ordinances and resolutions on second reading