

ORDINANCE 79-97

To Repeal Chapter 1.04 of the Bloomington Municipal Code, Entitled "Ordinances" and to Repeal and Re-Enact Chapter 2.04, entitled "Common Council"

BE IT HEREBY ORDAINED THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 1.04 of the Bloomington Municipal Code, entitled "Ordinances" shall be repealed.

SECTION II. Chapter 2.04 of the Bloomington Municipal Code, entitled "Common Council" shall be repealed and re-enacted to read as follows:

Chapter 2.04  
COMMON COUNCIL

Sections:

OFFICERS AND EMPLOYEES

- 2.04.010 Election of officers.
- 2.04.020 Duties of presiding officer.
- 2.04.030 Duties of sergeant-at-arms.
- 2.04.040 Duties of city clerk.

MEETINGS AND RULES OF PROCEDURE

- 2.04.050 Regular meetings.
- 2.04.060 Special meetings - Emergency meetings.
- 2.04.070 Budget meetings.
- 2.04.080 Parliamentary authority.
- 2.04.090 Amendment and suspension of rules.
- 2.04.100 Convening meeting - Quorum.
- 2.04.110 Seating of members.
- 2.04.120 Limits on debate.
- 2.04.130 Absence from meeting - Leaving meeting in session.
- 2.04.140 Orderliness of members.
- 2.04.150 Conflict of interest.
- 2.04.160 Expressing dissent.
- 2.04.170 Violation of rules.
- 2.04.180 Address on personal privilege.
- 2.04.190 Expulsion of member.
- 2.04.200 Investigatory powers - Removal of officers.

COMMITTEES

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- 2.04.220 Standing committees - Meetings.
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- 2.04.240 Special committees.
- 2.04.250 Committee of the whole.

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- 2.04.290 Ordinances and resolutions - Fiscal impact statement required.
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- 2.04.310 Ordinances and resolutions - Vote required.
- 2.04.320 Ordinances and resolutions - Public inspection and publication.
- 2.04.330 Ordinances and resolutions - Amendment.
- 2.04.340 Ordinances - Repeal or modification.
- 2.04.350 Veto procedure.

PROCEEDINGS AND MOTIONS

- 2.04.360 Voting procedure.
- 2.04.370 Appointments to boards and commissions.
- 2.04.380 Order of business
- 2.04.390 Motions generally.
- 2.04.400 Motions when question is under debate.
- 2.04.410 Motion for the previous question.
- 2.04.420 Motion to adjourn or recess.
- 2.04.430 Division of question.
- 2.04.440 Motion to table.
- 2.04.450 Motion to postpone indefinitely.
- 2.04.460 Motion to reconsider.

OFFICERS AND EMPLOYEES

2.04.010 Election of officers. The council shall at its first regular meeting at the beginning of each year choose from its members a presiding officer, a presiding officer pro tempore and a parliamentarian, all of whom shall serve until the first Monday in January of the next succeeding year, when their successors shall be chosen to serve for one year in like manner.

2.04.020 Duties of presiding officer. The presiding officer shall have general direction of the council chambers and shall preserve order and decorum. The presiding officer shall rule on all points of order subject to an appeal to the council by any two members, shall state all questions properly proposed, shall put all questions which come to a vote, and shall declare the results of each vote. After any ordinance, resolution, address or order is adopted by the council, the presiding officer shall certify such action and certification shall be attested by the city clerk. In the absence of the presiding officer, the presiding officer pro tempore shall preside.

2.04.030 Duties of sergeant-at-arms. The chief of police or his designee shall act as sergeant-at-arms. It shall be the duty of the sergeant-at-arms to preserve order in the council chambers under the direction of the presiding officer, to request any person in attendance at a council meeting to surrender firearms and dangerous weapons during attendance at the meeting, to act as messenger of the council under the direction of the city clerk by serving notices of special meetings upon council members, and to procure the attendance of absent members when a quorum is not present.

2.04.040 Duties of city clerk. In addition to any other duties imposed by state law or local ordinance, the clerk shall perform the following duties with respect to the proceedings of the council:

- (1) serve as secretary of the council and keep an accurate record of all proceedings;
- (2) cause all notices of regular and special meetings of the council and its committees to be served according to law and the directions of the presiding officer of the council;
- (3) publish all notices of public hearings and ordinances and post upcoming legislation as required by law;
- (4) serve as the legal custodian of all records of the council;
- (5) maintain complete and orderly files containing all papers and documents pertaining to the business of the council and make them available to the council and the public;
- (6) take roll call, record motions, and perform other statutory functions at council meetings; and
- (7) obtain necessary signatures and attest to legislation immediately after its passage, and provide copies of signed legislation to all interested persons.

MEETINGS AND RULES OF PROCEDURE

2.04.050 Regular meetings. The council shall meet in regular session on the first and third Thursday of each month at 7:30 p.m. local time. The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting, but the council shall meet at least once each month.

2.04.060 Special meetings - Emergency meetings. (a) Special meetings of the council may be held on call of the mayor, the presiding officer, or any three members of the council. It shall be the duty of the presiding officer or the members calling the special session to notify the city clerk of the meeting, its date, hour, and agenda. The city clerk shall at least forty-eight hours before the time set for the meeting notify each member of the council, either in person, by telephone, or by notice left at the member's place of residence. Notice shall also be given at least forty-eight hours in advance of the meeting to news media which have required notice of meetings.

(b) Emergency meetings may be held provided there is compliance with the notice requirements of state law.

2.04.070 Budget meetings. Each year on or before the last Monday in August the council shall meet at 7:30 p.m. local time to fix the budget, tax rate, and tax levy for the civil city for the ensuing budget year. Should a quorum of the council not be present at the convening of the annual budget meeting, the members present shall recess until a quorum is present.

2.04.080 Parliamentary authority. All meetings of the council and its committees shall be conducted in accordance with the procedures set forth in "Robert's Rules of Order" except where a different procedure is required by state law, this chapter, or other ordinances of the city. A majority of the members of the council shall decide all matters of procedure not covered by the authorities stated in this section.

2.04.090 Amendment and suspension of rules. These rules may be amended only by adopting an amending ordinance. These rules may be suspended by a two-thirds vote of the members of the council. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule. The power to suspend these rules shall not apply to rules which are required by state or federal statutory or constitutional law.

2.04.100 Convening meeting - Quorum. (a) The presiding officer shall take the chair at the hour designated for convening and shall call the members to order. The roll shall then be called by the city clerk who shall enter in the minutes of the meeting the names of the members present.

(b) A majority of the members of the council shall constitute a quorum. If the roll call establishes that a quorum is present, the presiding officer shall proceed in the manner and order prescribed by this chapter. In the absence of a quorum the members present may, by a majority vote of those present, adjourn, set a time at which to adjourn, take a recess, or direct the sergeant-at-arms to procure the attendance of the absent members.

2.04.110 Seating of members. Members shall occupy the seats assigned them by the presiding officer, but any two or more members may exchange seats by joining in a written memorandum to that effect.

2.05.120 Limits on debate. No member shall speak more than once upon a question until every other member has had the opportunity to speak. The council may, before debate begins, decide by a two-thirds vote of all members to set time limits on debate upon a particular pending question, but time spent in answering questions shall not be counted against the speaker.

2.04.130 Absence from meeting - Leaving meeting in session. No member shall be absent from a properly convened meeting of the council without notifying the city clerk. Any member desiring to be excused while the council is in session shall notify the presiding officer.

2.04.140 Orderliness of members. Members shall confine their remarks to the question under consideration and avoid personalities.

2.04.150 Conflict of interest. In the event a council member would be required to take any action that would directly affect a financial interest of the member other than an interest of a minimal nature or an interest that is not distinct from that of the general public, the member shall either explain the potential conflict and ask that he be excused from voting, deliberating, or taking action on the matter, or shall explain the potential conflict and state why he is able to participate fairly, objectively, and in the public interest despite the potential conflict.

2.04.160 Expressing dissent. Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons entered into the record. Such dissent or protest shall be in respectful language and may be filed in writing and presented to the council not later than the next regular meeting following the date of passage of the ordinance or resolution.

2.04.170 Violation of rules. If any member, in speaking or otherwise, transgresses the rules of the council or the limits of debate, the presiding officer or any other member may call the member to order and that member shall immediately surrender the floor. The council shall, if there is an appeal by the member called to order, decide the question without debate. Only if the decision is in favor of the member called to order shall the member be at liberty to proceed.

2.04.180 Address on personal privilege. The right of a member to address the council on a question of personal privilege shall be limited to cases in which integrity, character, or motives are assailed, questioned, or impugned.

2.04.190 Exclusion of member. The council shall have the power to expel any of its members for violation of official duty, including gross neglect, and it may declare the seat of any member vacant by reason of disability to perform official duties. The council shall in such cases first, by resolution, direct the city attorney to draw up a bill of impeachment setting forth the charges and alleged conditions of disability, after which the council shall in special session try the charges, following in such trial the rules of courts of law as closely as possible. A vote of two-thirds of the members of the council shall be required to expel a member or vacate a member's seat.

2.04.200 Investigatory powers - Removal of officers. The council shall have the power to supervise and investigate all departments, officers, and employees of the government of the city and to remove any officer or employee against whom charges are sustained. Investigations shall be conducted in accordance with the rules and procedures set forth in state law. A vote of two-thirds of the members of the council shall be required to impeach or remove an officer or employee.

#### COMMITTEES

2.04.210 Standing committees - Establishment. To facilitate the transaction of business, the council may by resolution establish standing committees and define the duties and responsibilities of each committee. If such committees are established, the presiding officer shall appoint at least three council members to each committee, observing the preference of each member as closely as possible, and shall appoint a chairperson for each committee. Legislation and questions before the council may be referred for investigation and report to the standing committees and the committees may investigate other areas within their jurisdiction. All council members may attend the meetings of any standing committee, but only those members who have been appointed to the committee shall be permitted to vote on questions before the committee. The council may create or abolish standing committees by adoption of subsequent resolutions.

2.04.220 Standing committees - Meetings. A committee shall meet on call of its chairperson or any two of its members. Notice shall be communicated by the city clerk, who shall keep a record of such notices. A majority of the membership of a committee shall constitute a quorum, which shall be necessary

to conduct the business of the committee. The chairperson may act as secretary of the committee or the committee may appoint a secretary, who shall keep a memorandum of the proceedings and the recommendations made at the committee meeting. In committee meetings the rules of debate shall be relaxed in order to encourage discussion but general procedural decorum shall prevail.

2.04.230 Standing committees - Reports. (a) The reports of standing committees shall be in writing and signed by a majority of the committee. Documents referred to the committee shall be returned with the report.

(b) Matters or questions referred to standing committees shall normally be reported back to the council not later than the second regular session after being referred to the committee, but the council may extend the time for reporting. When a committee to which a matter or question has been referred with instructions to report at a specific time is not ready to report at that time, the matter referred shall, unless further time is granted, be considered as though reported back without recommendation.

(c) The council may agree by majority vote to discharge any committee from further consideration of any matter referred to it. The matter referred shall be brought back before the council and take its proper place in the order of business.

(d) When an ordinance or resolution is reported back from a committee with recommendations, the recommendation of the committee shall have no force unless adopted by the council at a properly convened session.

(e) Any member of a committee may file a minority report and may move that the minority report be substituted for the recommendations of the majority.

2.04.240 Special committees. Any three council members or the presiding officer may form a special committee for any specific purpose proper for council consideration. The committee shall cease to function when it has completed its duties and made a report or recommendation to the council.

2.04.250 Committee of the whole. (a) The council may by majority vote resolve itself into a committee of the whole to consider ordinances, resolutions, or other matters with the freedom of committee procedures.

(b) When the council resolves itself into a committee of the whole, the presiding officer shall leave the chair and designate another member to preside until the committee rises. If the committee of the whole becomes disorderly the regular presiding officer shall resume the chair and the committee shall be dissolved.

(c) When the council resolves itself into the committee of the whole, the rules of the council shall govern except that:

- (1) The committee of the whole may consider only matters and questions referred to it, and the only motions in order shall be to amend or adopt, or that the committee rise and report;
- (2) No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;
- (3) Interested citizens may be heard on the question under consideration if they address the chair and ask permission to speak;
- (4) The previous question may not be moved;
- (5) The ayes and noes shall not be recorded; and
- (6) The clerk shall keep a memorandum of proceedings and recommendations, but shall enter into the minutes of the meeting only the recommendations agreed to by the committee of the whole.

(d) When the committee of the whole rises the presiding officer of the council shall resume the chair and the chairperson of the committee shall report its recommendations to the council. The question shall then be on agreeing to the recommendations of the committee and adopting the action or measures recommended.

#### ORDINANCES AND RESOLUTIONS

2.04.260 Ordinances - Title and enacting clause. Each ordinance to be submitted to the council shall have a title indicating the nature of the subject matter and an enacting clause in substantially the following style: "Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:".

2.04.270 Ordinances and resolutions - Filing and copies. Each ordinance or resolution submitted to the council shall be typewritten, accompanied by any relevant documents, and filed with the city clerk at least two weeks before the meeting at which the legislation is to be introduced. The clerk shall prepare agendas and distribute copies of the agendas and legislation to the council members, the mayor, and the city attorney.

2.04.280 Ordinances and resolutions - Synopsis required. (a) Each ordinance and resolution submitted to the council shall be accompanied by a short, nontechnical synopsis of the legislation which is comprehensible to the average citizen and suitable for publication. The council staff may edit the synopsis to clarify information or standardize format.

(b) The edited synopsis shall be read whenever the legislation it accompanies is introduced at a council meeting for first or second reading and it shall become a part of the official record, but shall not have the legal effect of being part of the legislation.

2.04.290 Ordinances and resolutions - Fiscal impact statement required. (a) Any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement. The statement shall describe the effect of the legislation on the financial condition of the city government and shall become a part of the official record of the legislation.

(b) The fiscal impact statement shall be submitted on a form provided by the council staff and shall set forth in as much detail as possible all fiscal data relevant to the legislation, including the effect on the costs and revenues of city government, the funds affected, and factors which could lead to significant additional expenditures in the future.

(c) The fiscal impact statement shall be prepared by the city agency submitting the legislation and shall carry the signature of the responsible city official. If the legislation directly affects city funds, the controller shall complete that part of the statement dealing with information on the funds affected by the legislation. The council staff may edit the statement to clarify information and ensure accuracy and completeness.

(d) The city agency submitting the legislation shall be responsible for determining whether the legislation will have a major impact on the city's financial condition. If the agency determines that the legislation will not have a major fiscal impact, the agency shall submit a fiscal impact statement stating its conclusion and the basis for it.

(e) In the event that a fiscal impact statement is not submitted or the statement states that there is no major fiscal impact, the council staff or any member of the council may request a statement before a final vote is taken by the council. The council shall then either decide, by a two-thirds vote of the members, to accept the statement as submitted or postpone the legislation until the statement is prepared.

(f) The council may adopt rules and regulations to effectuate the purposes of this section.

2.04.300 Ordinances and resolutions - Readings required. (a) Every ordinance shall be given two readings before a vote may be taken on its passage and no ordinance shall be passed on the same day or at the same meeting as it is introduced except by unanimous consent of the members present, at least two-thirds of the members being present and voting. An ordinance may not be debated or amended at its first reading or introduction unless state or federal requirements provide otherwise.

(b) At each reading of an ordinance the synopsis shall be read and the clerk shall read the ordinance by title only provided there is unanimous consent.

(c) Each resolution submitted to the council shall be read by title only provided there is unanimous consent.

2.04.310 Ordinances and resolutions - Vote required. A majority vote of the members of the council shall be necessary to adopt any resolution, order or ordinance other than an ordinance for additional appropriations, which shall require a two-thirds vote of the members of the council.

2.04.320 Ordinances and resolutions - Public inspection and publication. (a) The city clerk shall within twenty-four hours after first reading of an ordinance deposit for the purpose of public inspection copies of the ordinance at the municipal building, Monroe county public library, and Monroe county courthouse. Copies of resolutions shall be deposited in the same manner to allow public inspection prior to their being considered by the council.

(b) Copies of proposed legislation shall be made available to the public prior to and during meetings when the legislation is being considered.

(c) All ordinances and resolutions passed by the council shall be recorded by the clerk and due proof of publication of all ordinances requiring publication shall be obtained by the clerk and attached to the original ordinance. Ordinances and resolutions shall be made available for public inspection and copying at all times during regular business hours.

2.04.330 Ordinances and resolutions - Amendment. The following rules shall govern the council when considering proposals for amendment of ordinances and resolutions:

(1) All amendments to resolutions and ordinances must be reduced to writing before they may be considered to be properly before the council.

(2) An amendment must be germane to the proposition to which it is to apply.

(3) A primary amendment may be amended, but a secondary amendment (an amendment to an amendment) may not be amended.

(4) When adopted, an amendment merely modifies the proposition or question to which it applies and the question before the council is then the consideration of the proposition or question as amended.

(5) An amendment once rejected may not be moved again in the same form in the same meeting of the council without first reconsidering the vote by which the amendment was defeated.

2.04.340 Ordinances - Repeal or modification. Whenever an ordinance or a part of an ordinance is repealed or modified by a subsequent ordinance, a part of an ordinance thus repealed or modified shall continue in force until due publication of the ordinance when required, unless otherwise expressly provided. No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anyway be affected, released or discharged, but may be prosecuted, enjoyed, and recovered as fully as if such ordinance had continued in force unless it shall be otherwise expressly provided.

2.04.350 Veto procedure. In the event the mayor disapproves any ordinance, order, or resolution requiring mayoral approval, such ordinance, order, or

resolution shall not become law unless at the next properly convened meeting after receiving the veto message from the mayor, the council again passes the ordinance, order, or resolution by a two-thirds vote of all members of the council.

#### PROCEEDINGS AND MOTIONS

2.04.360 Voting procedure. (a) All votes upon the passage of ordinances and resolutions, upon motions to suspend the rules, and upon motions to reconsider shall be by roll call vote. Any two members may demand a roll call vote upon any question to be voted upon by the council and when such demand is made the clerk shall call the roll.

(b) The council may by a majority vote of the members present adopt any method for tabulating the vote, including a random or alphabetical order of calling the roll.

(c) During a roll call vote on any question, it shall be out of order for any member to offer remarks as the member is voting other than a short and concise explanation of his vote. After a roll call vote, it shall be out of order for any member to offer any remarks on the question that had been voted upon.

(d) Members shall vote on all questions before the council except in situations where there is a conflict of interest or for other good cause. If a member fails to vote upon any matter, any other member may raise the question and insist that the member either vote or state the reason for not voting and be excused.

(e) Any member may change a vote before the result is announced, and afterwards by leave of the council provided that the change will not affect the result. In no case shall a member absent when the question is put be allowed to vote after the result is announced.

2.04.370 Appointments to boards and commissions. Vacancies on boards and commissions to be filled by the council shall be filled by a majority vote of the members in a properly convened session of the council.

2.04.380 Order of business. (a) The council shall transact its business in the following order, but it may by majority vote amend the normal order of business:

- (1) Roll call;
- (2) Messages from council members;
- (3) Messages from the mayor;
- (4) Reports from city bodies;
- (5) Petitions and communications from the public;
- (6) Second readings of legislation in the following order:
  - a. Committee report on proposed legislation with synopsis and fiscal impact statement;
  - b. Statement by sponsor of legislation;
  - c. Opening comments by council members;
  - d. Statement by person or group directly affected by legislation;
  - e. Comments from the public;
  - f. Debate and vote by council members;
- (7) First readings of ordinances;
- (8) Approval of minutes;
- (9) Adjournment.

(b) Whenever possible, brief comments or questions concerning a statement made by a council member or any other person shall be made and addressed before further discussion proceeds, but more extensive discussion may occur later when the member raising the objection or question has been recognized to speak.

2.04.390 Motions generally. (a) When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated. The name of the member making the motion or offering any business shall be entered into the minutes.



(b) A motion may be withdrawn by the maker but if there is any objection to the withdrawal, it may not be withdrawn until a motion to that effect has been passed.

(c) Every motion except procedural motions shall be reduced to writing upon request of any members.

2.04.400 Motions when question is under debate. When a question is under debate no motion other than pertinent incidental motions shall be entertained except to adjourn or recess, to lay on the table, for the previous question, to postpone for a definite time, to refer to committee, to amend, or to postpone indefinitely, which motions shall have precedence in the order above named and only the motions to postpone for a definite time, to refer to committee, to amend, and to postpone indefinitely shall be debatable.

2.04.410 Motion for the previous question. The motion for the previous question shall only be admitted when demanded by a two-thirds vote, and until it is decided, shall preclude all further amendments and debate of the main question. The effect of the previous question shall be to bring the council to a vote on the immediate question under discussion.

2.04.420 Motion to adjourn or recess. (a) A motion to adjourn or recess shall be decided without debate and shall be in order at any time, except when it is repeated without intervening business or discussion, when a member is speaking, when the previous question has been ordered, or during roll call. A motion to recess shall take precedence over a motion to adjourn.

(b) No legislation may be introduced for council action after 10:30 p.m. local time without a two-thirds vote of the members of the council.

2.04.430 Division of question. Any member may move that a question under consideration covering two or more distinct propositions be divided. If the motion is adopted by a majority of the members present, the question shall be divided.

2.04.440 Motion to table. A motion to lay a question under consideration on the table shall take precedence over all amendments or debate of the question. Any matter laid on the table may be taken up by a vote of the council at any meeting after the meeting at which it is tabled. The motion to table may not be debated.


2.04.450 Motion to postpone indefinitely. If a motion to postpone indefinitely is adopted or a motion to reconsider a negative vote has been laid on the table, the main question shall be declared defeated and removed from before the council for that session.

2.04.460 Motion to reconsider. When any question has been decided in the affirmative or negative, any member voting with the majority may move a reconsideration of the vote before adjournment. Concurrence of a majority of the members present shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is defeated, it shall not again be entertained.

SECTION III. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after January 1, 1980.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of December, 1979.

  
Tomilea Allison, President  
Bloomington Common Council

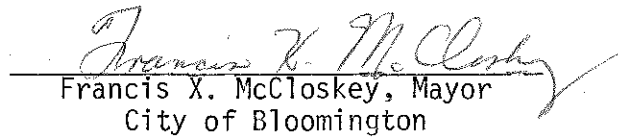
ATTEST:

  
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Nora M. Connors, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 11th day of December, 1979, at the hour of 2 o'clock, p.m.

  
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Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 12<sup>th</sup> day of December, 1979, at the hour of 1:00 o'clock, p.m.

  
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Francis X. McCloskey, Mayor  
City of Bloomington

SYNOPSIS

This ordinance would repeal all Council rules in the Code and enact a comprehensive, but simplified, set of rules to govern Common Council business. It is sponsored by Councilmembers Allison and Towell, and will become effective January 1, 1980.

I HEREBY MOVE THAT  ORDINANCE  APPROPRIATION

ORDINANCE # 79-97, ENTITLED To Repeal  
and Re-Enact Chapter 1.04 of the BUC  
entitled "Common Council"

BE INTRODUCED AND READ FOR FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD ON 11/15/79

John A. Robinson

(Signature)