**ORDINANCE G-2016-21 AMENDED**

**INTRODUCING:** **Mosby, Weaver & McGinn**

**COMMITTEE:** **A.S.D.**

# AN ORDINANCE AMENDING CHAPTER 2.10 (COMMON COUNCIL) OF THE CODE OF ORDINANCES

WHEREAS, the Common Council recognizes that the current order of business and committee structure can hinder transparency and confuse members of the public; and

WHEREAS, other provisions of Chapter 2.10 of the Code no longer accurately reflect the processes and procedures of the Common Council; and

WHEREAS, the Common Council finds it necessary to amend Chapter 2.10 of the Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Amendment of Section 2.10.010 of the Code. Section 2.10.010 of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"**2.10.010 General provisions.**

(A) The Common Council of the City shall meet at least twice per month on Monday evening. The regular meetings shall begin at ~~6:30 p.m.~~5:30 p.m., or at a time established by the Common Council at its first regular meeting in January of each year.

(B) Meetings of the Common Council of the City of Evansville shall be held in compliance with the Indiana Open Door Law found at IC 5-14-1.5-1.

(1) Emergency meetings and executive sessions may be held pursuant to Indiana law.

(2) An agenda shall be posted at the entrance of the location of the meeting prior to the meeting.

(3) Notice of the time, date, and place of regularly scheduled meetings may be given by the City Clerk once each year to media representatives requesting such on or before January 1st.

(4) A meeting may be recessed and reconvened at a later time, date, and place, if such is announced at the original meeting, and if the agenda remains the same, without the necessity of further notice being given.

(C) Special meetings of the Common Council may be called by the Mayor, the Council President, or any three Council members. It shall be the duty of the person or persons calling the special meeting to notify the City Clerk of the meeting, allowing the Clerk reasonable time to prepare and serve notice. It shall be the duty of the Clerk to duly notify all Council members and to serve notice of the time, date, and place of said special

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meeting in writing 48 hours (excluding Saturdays, Sundays, and legal holidays) prior to said meeting by posting notice in a public place and mailing, emailing, or faxing notice to media representatives who requested such notice on or before January 1st. No action may be taken on any subject at a special meeting unless that subject was stated in the call for the special meeting.

(D) A quorum of the Council shall be a majority of all elected Council members. A quorum shall be necessary for the transaction of Council business unless otherwise required by statute or this code. No ordinance or resolution shall be passed which shall not have received the votes of a majority of all members of Council.

(E) For purposes of this chapter, "ordinance" means a local law that (i) regulates persons or property and relates to a matter of a general and permanent nature, or (ii) regulates persons or property and imposes a fine for violations. No ordinance shall be passed on the same day or at the same meeting that it is introduced, except by a unanimous consent of the Council, and then only if at least two-thirds of the Council members are present and voting. An ordinance is required to amend or repeal an existing ordinance.

(F) For purposes of this chapter, "resolution" means a stated position or policy of the Common Council or the City. A resolution may be passed on the same day or at the same meeting as it is introduced~~,~~ unless ~~it requires affirmative action on behalf of the City, if~~ it is otherwise required by law, or if it is requested by a majority of the members of Council that it be treated with the formalities of an ordinance. A resolution passed under this section requires a majority vote of the Council members. A resolution may be passed by a voice vote rather than a roll-call vote, unless a roll-call vote is requested by any member of Council or unless the resolution requires affirmative action on behalf of the City as required by law or it has been requested by a majority of the members of Council that it be treated with the formality of an ordinance.

(G) The Clerk may read an ordinance or resolution by number and title only, unless the Presiding Officer and two Council members request the item be read in its entirety. No rule, regulation, ordinance, or other final action shall be adopted by reference to agenda or item number alone.

(H) A motion to repeal, amend, or suspend a Council rule, other than subsection (D), (E), (F), (G) or (H) of this section, shall be in order at any time, except after a vote has been ordered. The motion requires the affirmative vote of two-thirds of the Council members present and voting. Subsection (D), (E), (F), (G) or (H) of this section shall not be repealed, amended, or suspended except by an ordinance duly enacted in accordance with this section.

(I) A reading in full of the minutes of the previous meeting shall not be necessary unless upon motion duly made and passed by a majority of the members of Council.

(J) The Sergeant-at-Arms shall be the Chief of Police or his duly appointed designee, who must be a member of the City Police Department. The Sergeant-at-Arms shall preserve order in the lobby outside of the Council chambers and assist the President of Council in doing so within Council chambers. ~~The Sergeant-at-Arms shall act as the messenger of the Common Council while in session. He shall deliver all notices to each member of the Common Council and all papers to the chairmen of the committees that may be placed in his hands by the City Clerk within 24 hours after receiving same.~~"

Section 2. Amendment of Section 2.10.020(G) of the Code. Section 2.10.020(G) of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"(G) The City Clerk shall prepare an ~~weekly~~ agenda for the meetings of the Common Council at the direction of the Council President."

Section 3. Amendment of Section 2.10.040(A) of the Code. Section 2.10.040(A) of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"(A) At its first regular meeting after a City election, which meeting shall be held at ~~6:30 p.m.~~ 5:30 p.m. on the ~~first~~ second Monday in January, and on the ~~first~~ second Monday of each succeeding January, the Council shall elect from its membership a President and a Vice-President. The President shall preside at all meetings, call the meetings to order, preserve order and decorum, decide all questions of order subject to appeal to the Council, and perform all other duties required of the President. He shall appoint all standing and special committees and their chairmen and shall fill vacancies on those committees. The President shall sign all ordinances and resolutions passed by the Council before their presentation to the Mayor, as well as the minutes of the Council meetings. The President shall vote on all issues before the Council, voting last."

Section 4. Amendment of Section 2.10.050 of the Code. Section 2.10.050 of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"**2.10.050 Order of business.**

The following order of business shall be observed by the Common Council at its meetings. This order of business may be suspended at any time with the vote of the majority of the Council members present.

(A) Call to order.

(B) Roll call.

(C) ~~Invocation and p~~Pledge of allegiance.

(D) Reading, amending, and approving minutes of previous meetings.

~~(E) Special orders of the day.~~

(~~F~~E) Written reports ~~from City officials~~ and other communications from members of the public, including petitions and remonstrances.

(F) Special orders of the day.

~~(G) Consent agenda—first reading of ordinances and resolutions.~~

(H) ~~Regular agenda—f~~First reading of ordinances and resolutions.

~~(I) Consent agenda—second reading of ordinances and resolutions with report of standing committee.~~

~~(J) Regular agenda—second reading of ordinances and resolutions with report of standing committee.~~

(~~K~~I) ~~Regular agenda—Third~~ Report of standing committees (if any) and second reading of ordinances and resolutions.

(~~L~~J) Resolution docket.

(~~M~~K) Miscellaneous business and other communications from members of the public, including petitions and remonstrances.

(~~N~~L) Committee reports.

~~(O) Approval of claims.~~

(~~P~~M) Adjournment."

Section 5. Amendment of Section 2.10.080 of the Code. Section 2.10.080 of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"(E) No member shall refuse to vote or absent himself or herself to avoid voting on any question; provided, however, that should any member or the spouse or dependant of the member have a direct economic interest in the subject matter to be voted upon, such member may abstain from voting on such matter, if such member shall submit in writing to the Council President, ~~at any time prior to~~ within five (5) days of the vote being taken, a letter detailing the circumstances of the economic conflict of interest. The ~~written~~ explanation shall be recorded in the minutes of the meeting at which the member abstained."

Section 6. Amendment of Section 2.10.090 of the Code. Section 2.10.090 of the Evansville Municipal Code is amended by the addition of Subsection (F) and Subsection (G), underlined below, to be added to read as follows:

"(F) No person other than a member or officer of Council shall be permitted to address Council during its meetings except as provided in this rule as follows:

(1) The Presiding Officer may recognize a period of time for guest speakers to provide a report. Prior to any comments from the public, the Presiding Officer may set a time limit allowed for each individual.

(2) When giving a report, guests shall state their name and address for the record. All reports shall be made from the podium; speakers may not approach the Council dais without permission from the Presiding Officer. Guest speakers are not permitted to donate time to other speakers.

(3) Guests from the public shall refrain from:

(a) profanity, vulgar language or gestures, or language which would incite an immediate breach of the peace;

(b) undue repetition, extended discussion of irrelevancies, obscenity, and personal attacks against private individuals unrelated to the operation of the City;

(c) campaigning for public office; and

(d) interrupting other guests or speakers or engaging in behavior that disrupts the meeting.

(4) Any city or county officer or employee may address the Council in response to a question or request for information by a member of the Council.

(5) Any member of Council desiring that someone be heard that is denied the floor by these rules or the Presiding Officer, may move to allow such person to address

the Council. The motion shall state the person to be heard, the subject to which the discussion will be limited, and the time to be granted the speaker. The motion shall require a second; it shall be privileged and immediately put to vote. The motion shall be carried only if receiving a vote of a majority of the members of the Council. If the motion is carried, the person shall be permitted to address the Council in accordance with the motion.

(6) If an item of business before the Council is one for which a notice of public hearing has been given and public hearing is required by law, the Presiding Officer shall inquire before calling for a vote whether members of the public desire to be heard on that item. If any person indicates a desire to be heard, the Presiding Officer shall recognize such person. The Council may, by majority vote, impose reasonable limits upon the time and number of persons to be allowed to speak.

(G) In order to prevent obstructed views, distractions, and safety hazards, no person shall be permitted to bring signs, placards, or posters of any design in council chambers during the course of Council meetings; provided, however, that approved presentation materials for scheduled presenters may be permitted by Council. Council chambers attendance shall be limited to the posted seating capacity as determined by the State Fire Marshal.

(H) Any member of the public having been properly granted the privilege of the Council floor for purposes of offering comment or testimony on a particular proposal or issue before the Council must speak to that issue. Any member of the Council, having been recognized by the Presiding Officer, may question the relevancy of comment or testimony being given by members of the public by asking the Presiding Officer to rule on the germaneness of such comment or testimony. The Presiding Officer may also rule on germaneness without request. All such decisions of the Presiding Officer may be challenged and sustained or overruled by a majority vote."

Section 7. Amendment of Section 2.10.100(E) of the Code. Section 2.10.100(E) of the Evansville Municipal Code is hereby amended by deleting the stricken works and inserting the words underlined as follows:

"(E) Every proposed ordinance or resolution introduced may, ~~upon~~ after its introduction, be referred by ~~the Presiding Officer~~any council member to a committee to consider and report thereon. When a subject is referred to a standing committee or to a study committee, the member introducing the same shall be a member of such committee during its deliberation thereof, but as such, shall have no right to vote, except if he or she is already a member of such committee. He or she shall be notified by the chairman of the time and place of meeting of such committee."

Section 8. Amendment of Section 2.10.100(G) of the Code. Section 2.10.100(G) of the Evansville Municipal Code is hereby amended by deleting the stricken works and inserting the words underlined as follows:

"(G) Committees may hold meetings at any time following proper notice. Notice of the time and place of committee meetings may be given by the committee chairman during a duly convened Council meeting. If this is not done, the committee chairman

calling the meeting shall notify the City Clerk who shall promptly notify each Council member."

Section 9. Amendment of Section 2.10.120(A) of the Code. Section 2.10.120(A) of the Evansville Municipal Code is hereby amended by inserting the words underlined as follows:

(A) All ordinances and resolutions introduced before the Common Council shall be in writing and filed with the Clerk of the Council. Ordinances and resolutions shall be filed in sufficient numbers to allow one copy for each member of the Common Council, one copy for the Council Attorney, and five additional copies to be filed with the Clerk, unless a specific provision of law requires otherwise. Any ordinance or resolution requiring publication which is introduced at the special request and for the special benefit of any person and groups of persons, firm or corporation, must be accompanied with a certified check or money order sufficient to cover the cost of legal publication. An ordinance shall indicate on its face which Council person is introducing the ordinance ~~and which committee the ordinance will be referred to~~. No proposed ordinance or resolution shall be considered by Council unless introduced by a member of Council.

Section 10. Amendment of Section 2.10.140 of the Code. Section 2.10.140 of the Evansville Municipal Code is hereby amended by deleting the stricken words and inserting the words underlined as follows:

"**2.10.140 Amendments.**

These rules provided in this Chapter 2 may be amended by ordinance by a majority vote of all members of the Common Council~~. All proposed amendments to the rules shall be referred to committee without debate~~; provided, however, that no final vote on any amendment ~~or resolution to amend~~ shall be taken until at least two weeks' notice shall be given to Council of such intended action. Both the old rule and the proposed rule amendment shall be set out in writing at the time of the two weeks' notice."

Section 11. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 12. Effective Date. This ordinance shall be in full force and effect ~~from and after its passage by the Common Council~~on August 1, 2016.

PASSED BY the Common Council of the City of Evansville, Indiana, on the ___ day of _____, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

_____
Missy Mosby
President of the Common Council

_____
Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the ____ day of _____, 2016, at _____ o'clock __.m. for his consideration and action thereon.

_____
Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this _____ day of _____, 2016, at _____o'clock __.m.

_____
Lloyd Winnecke, Mayor
City of Evansville, Indiana