

**ORDINANCE NO. 26-1986**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE RICHMOND CITY CODE DEALING WITH RULES OF COMMON COUNCIL

**WHEREAS,** The Common Council of the city of Richmond has determined that the rules governing the conduct of the proceedings of the Common Council are in need of revision and updating;

**NOW, THEREFORE, BE IT ORDAINED** THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND ARE HEREBY AMENDED AS FOLLOWS:

**SECTION 30.02 MEETINGS**

- (A) The regular meetings of the Common Council shall be held on the first and third Mondays of each month, at 7:30 p.m., or at the hour set by Council except when such Monday is a City Holiday, in which case such regular meeting shall be held on the Tuesday following, at the same hour. Members shall be seated in the following order:
- (1) Councilman, first district;
  - (2) Councilman, second district;
  - (3) Councilman, third district;
  - (4) Councilman, fourth district;
  - (5) Councilman, fifth district;
  - (6) Councilman, sixth district;
  - (7) Councilmen at large, as determined by the Council President.
- (B) Special meetings of the Council may be held on call by the Mayor, the President, or the Vice-President, or by a five members of Council. In case of a call for a special meeting, it shall be the duty of the person or persons authorizing it to notify the City Clerk. It shall be the duty of the City Clerk to notify each member personally or to leave a notice at this place of residence. The notice must be served at least 24 hours prior to the time set for the meeting.
- (C) At any special meeting of Council, only such ordinances or resolutions shall be considered or acted upon, or such communications received, as are expressly stated in the call for the special meeting. However, consideration and action may be taken on other matters by consent of two-thirds of the members of the Council.

**SECTION 30.03 OFFICERS**

- (A) The President, or the Vice-President in the absence of the President, shall be the presiding officer of the Council. However, in the absence of both the President and the Vice-President at any meeting of the Council, the Council shall, on motion, appoint one of its members as presiding officer, who shall hold the position for and during the meeting. He or she shall have all the authority and power vested in the duly elected President or Vice-President.

- (B) The President shall appoint all Special or Select Committees of Council unless Council shall, by a resolution or ordinance, prescribe another method of appointment.
- (C) The presiding officer shall be designated and addressed as "President"

#### **30.04 CITY CLERK'S DUTIES**

- (A) It shall be the duty of the City Clerk to keep an accurate journal of the proceedings of Council. He or she shall arrange a roll call of the members in the following form:
  - (1) Councilmember, first district
  - (2) Councilmember, second district
  - (3) Councilmember, third district
  - (4) Councilmember, fourth district
  - (5) Councilmember, fifth district
  - (6) Councilmember, sixth district
  - (7) Councilmember at large, called as determined by the Council President.

- (B) He or she shall be responsible for the sending of an agenda and all necessary papers to Council members at least two days preceding a Council meeting.

**30.05 SERGEANT-AT-ARMS.**

Thee Sergeant-at-Arms, who shall be a member of the City Police Department, shall preserve order, and shall act pursuant to the directions of the presiding officer. It shall be his or her duty to prohibit smoking in the Council Chamber while Council is in session.

**SECTION 30.06 RULE I - GENERAL RULES OF ORDER; QUORUM; COMMITTEES**

- (A) The general rules of parliamentary law, according to Robert's Rules of Order, so far as applicable, are to be considered the rules of Council, unless they conflict with any of the rules herein prescribed. The City Attorney shall be deemed the parliamentarian of the Council.
- (B) A quorum shall consist of a majority of all members but no ordinance, order or resolution shall be passed or ordinance engrossed which shall not have received the votes of a majority of all members constituting the Council.
- (C) No person, other than a duly elected member of Council, shall be permitted to address the Council unless recognize by the presiding officer, excepting however, when authorization is given by a two-thirds consent of the members present. Any person addressing the Council shall rise, state his name and address to the Clerk, and shall confine his remarks to the subject matter under discussion.
- (D) No smoking shall be allowed, or beverage of food consumed, in the Council Chamber during the Council session.
- (E) The presiding officer shall designate whether any question is carried by an affirmative or negative note, but, if in doubt as to the result, he or she shall have the right to have the vote taken again by a roll call vote. Any member of Council may call for a division. AS soon as a division is called for, the presiding officer shall then proceed to take the vote by a roll call vote. In the case of a roll call vote, the Clerk shall call the roll, and shall announce to the presiding officer the number voting in the affirmative and the number voting in the negative.
- (F) (1) The Standing Committees of the Council shall be appointed by the President and shall consist of the following committees:
- (a) Transportation Committee.
  - (b) Parks and Recreation Committee
  - (c) Public Safety Committee.
  - (d) Community Development and Community Service Committee.
  - (e) Public Works and Sanitation Committee.
  - (f) Finance Committee.
- (2) The President shall appoint a member from Council to the following organizations:
- (a) Reid Memorial Hospital Board of Trustees.
  - (b) Richmond Board of Parks and Recreation.
  - (c) Wayne County Arts Consortium.
  - (d) Animal Welfare Leage
  - (e) Board of Aviation Commisioners
  - (f) Urban Enterprise Association (Enterprise Zone Board)
  - (g) Community Services Council.
- (3) A member of Council shall be elected by Council to the City Plan Commission.
- (G) The duties of the Standing Committees shall be the same as in legislative bodies, except as herein modified or changed. the Standing Committees shall make studies and recommendations concerning ordinances having to do with matters in their general area.

- (H) Ordinances making the annual budget and tax levy and those making annual appropriations to meet the several items of expense that are appropriately chargeable against the city, shall be considered by the Committee of the Whole. All other matters relating to the raising of revenues or claims may also be reported to the Council acting as the Committee of the Whole.

#### **SECTION 30.07 RULE II - ORDINANCES**

(A) Classes of ordin

- (1) Ordinances shall be of three distinct classes:

- (a) First, appropriation ordinances.
- (b) Second, special ordinances, pertaining to special matters
- (c) Third, general ordinances, relating to the government of the city.

- (2) The Clerk shall keep each class of ordinances in distinct files, according to the number of their reading, and shall give each ordinance of each class a distinct number in the order of its introductions, and shall place the files on the Clerk's desk at the opening of each meeting. However, no ordinance or resolution shall be presented to Council unless the ordinance or resolution has been placed in the hands of the City Clerk not later than 12:00 noon on the Thursday preceding Council meeting.

- (B) No ordinance shall be permitted to be introduced to the Council unless it is presented to Council by a member of Council. All ordinances which require action by Council by existing law or in exercising the Administrative function of government are considered to be sponsored by the President of Council.

- (C) The City Clerk shall, on receipt of a proposed ordinance, send a copy of the proposed ordinance to each member of Council for inspection at least two days before the next Council meeting.

- (D) The vote on an ordinance or resolution on suspension of the rules, and motions to reconsider, must be by roll call vote. Any two members may call for the ayes and nays on any question or motion. Any member may call for a division of a question when the sense will admit of it.

- (E) Each ordinance shall be read through by title and the sections on introduction and the ordinance shall then be referred by the President to the proper committee or to the Committee of the Whole. However, with the unanimous consent of the members of Council in attendance, any ordinance may be read on first reading by title only.

- (F) After introduction of an ordinance, the ordinance shall not be considered for a second reading until the next scheduled meeting, or at a special meeting called pursuant to Rules of Council, unless this rule be suspended by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members of the Council.

- (G) Each ordinance shall be read by title only on second reading, at which time it shall be open for amendments. The next question will be on ordering it engrossed. No amendment, except to strike out, shall be in order after the engrossment of an ordinance, unless by unanimous consent.
- (H) After second reading, an ordinance shall not be considered for a third reading until the next regularly scheduled meeting or at a special meeting called pursuant to Rules of Council, unless this rule be suspended by unanimous consent, then only in case there are present and voting at least two-thirds of the members-elect of Council.
- (I) Each ordinance shall be read through by title and sections on third reading. However, with the unanimous consent of the members of Council in attendance, any ordinance may be read on final reading by title only.

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the main question.

**SECTION 30.11 RULE VI - ORDER OF BUSINESS**

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

- (J) (i) A two-thirds (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.
- (ii) Subsection (i) does not apply to the Zoning Ordinance or Amendment to the Zoning Ordinance that is adopted under Indiana Code I.C. 36-7.
- (K) An ordinance may be stricken from the files at any time by a vote of two-thirds of all members of Council, or by a majority vote after the ordinance shall have passed second reading.
- (L) Any ordinance failing to receive a majority vote upon engrossment will be considered as still in its second reading and awaiting engrossment, unless stricken from the files or otherwise disposed of by order or permission of the Council.
- (M) An ordinance failing to receive a sufficient number of votes on final passage will be considered as lost and stricken from the files, provided that the vote is not reconsidered within the time limit and manner authorized by Section 30.09.
- (N) An amendment to an ordinance may be referred, delayed, or otherwise disposed of, without delay or prejudice to the ordinance itself.
- (O) Ordinances reported back to the Council by Committees or officers will take their proper place on first, second or third readings.
- (P) Ordinances, resolutions, and reports may be committed and recommitted at the pleasure of the Council.
- (Q) When any subject is referred to a Standing Committee or Special Committee, the member introducing it shall be a member of the committee during its deliberations thereon, but shall have no power to vote. He shall be notified by the Chairman of the committee of the time and place of meeting of the committee.
- (R) All reports from committee shall be made in writing and must be signed by a majority of the members thereof. All committees, including the Committee of the Whole, shall report on it to the Council not later than the second regular meeting after the ordinance is introduced and referred, provided, that the Council may, at its discretion, extend the time for making the report.
- (S) When an ordinance is passed, it shall be recorded by Clerk in a book of ordinances, and signed by the President of Council and attested by the Clerk, who shall also append the date of the passage by Council.
- (T) After the call of ayes and nays has been answered to by any member, it shall not be in order for any member to offer any remarks except in explanation of his vote, and no explanation shall be in order under the operation of the previous question, or motion to lay on the table.
- (U) No ordinance which has failed to receive a sufficient number of votes on final passage or which has been stricken from the files shall be permitted to be reintroduced nor shall it be considered again by this body for a period of at least one year after the ordinance has been so stricken from the files. However, any ordinance may be reintroduced or reconsidered at any time by a two-thirds vote of the members of Council.

#### **SECTION 38.08 RULE III - MOTIONS**

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

- (B) Every motion shall be reduced to writing, except to adjourn, to adjourn on a certain day, to lay on the table, to postpone to a certain day, to postpone indefinitely, to commit, to amend, to suspend the rules, to concur. Every other motion not so reduced to writing shall, upon the objection of any member, be considered out of order.
- (C) A motion to lay on the table or for the previous question shall not be in order if prefaced by any speech or remarks.
- (D) Any motion or resolution which in effect contemplates a violation of law, or is in conflict with any ordinance, will be ruled out of order.
- (E) A motion to adjourn which has been defeated, cannot be repeated unless other business has intervened between the motions.
- (F) A motion to adjourn cannot be reconsidered.
- (G) Any matter laid on the table may be taken up by a vote of the Council at any time. However, a motion to reconsider once laid on the table cannot be again taken up.
- (H) A motion to reconsider, and a motion that when the Council adjourns, it adjourns to meet on a certain day, are privileged questions, and are not debatable.
- (I) A business, which by law or necessity, must, or should be, transacted within or by a certain time, will be considered a privileged questions.
- (J) A motion to suspend the rules is a privileged questions, not debatable, and cannot be amended, except by acceptance of the mover.

#### **30.09 RULE IV - RECONSIDERATION**

- (A) When a question has once been decided in the affirmative or negative, any member voting with the majority may move a reconsideration thereof on the same or the next regular meeting. However, no such resolution shall be introduced at the next or subsequent meeting, unless the same member intending to make it shall have given written notice of this intention at the meeting at which the vote he desires to have reconsidered was taken.
- (B) A resolution, once adopted, may be rescinded by subsequent resolution, and ordinances passed may be repealed by subsequent ordinances.

#### **SECTION 30.10 RULE V - PREVIOUS QUESTION**

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when decided by a two-thirds majority of the members present, and until decided, shall preclude all other motions or amendments, except the motion to put the questions, first on the pending amendments, in their order, and then on the main question.

#### **SECTION 30.11 RULE VI - ORDER OF BUSINESS**

- (A) The following order of business shall be observed by the Common Council at its meetings:
  - (1) Call the meeting to order;
  - (2) Devotions;
  - (3) Call of the roll and note absentees;
  - (4) Reading and correction of the journal of the previous meeting;
  - (5) Time for presenting of petitions, memorials, or remonstrances, and introductions, motions, resolutions, and so forth. These must be in writing;

- (6) Communication from the Mayor;
  - (7) Report of the Board of Public Works and Safety;
  - (8) Special reports from City Departments if requested and placed upon the agenda;
  - (9) Reports from Standing Committees;
  - (10) Reports from special committees;
  - (11) Introduction of miscellaneous business;
  - (12) Introduction of ordinances on first reading;
  - (13) Ordinances on second reading, and engrossment;
  - (14) Ordinances on third reading;
  - (15) Unfinished business;
  - (16) Call for adjournment
- (B) The reading of the journal may be dispensed with at any time by a majority vote of Council.
- (C) Special orders may be taken up immediately after Reports from Special Committees, if so ordered by Council.
- (D) The Council may return to any order of business after the call of the regular order of the business, by a majority vote of Council or at the discretion of the President.

#### **SECTION 30.12 RULE VII - COMMITTEE OF THE WHOLE**

- (A) In forming a Committee of the Whole Council, the presiding officer, if leaving the Chair, shall appoint a chairman to preside.
- (B) When an ordinance is committed to the Committee of the Whole Council, the ordinance shall be read by the Chairman or the Clerk, and debated by sections or clauses. The body of the ordinance shall not be defaced or interlined, but all amendments, noting the line and page, shall be duly entered by the Chairman or Clerk on a separate paper as it shall be agreed on by the Committee, and so reported to Council. After report, the ordinance shall again be subject to debate and amended by clauses before a question to engross it is taken.
- (C) The rules of procedure in Council shall be observed, as well as parliamentary law, in a Committee of the Whole Council, as far as they may be applicable, except the rule limiting the time of speaking, but no member shall speak more than twice on any question until every member choosing to speak has spoken.

#### **30.13 RULE VIII - DECORUM AND DEBATE.**

- (A) When any member is about to speak or deliver any matter to the Council, he or she shall request recognition by the Chair and shall confine himself or herself to the question in debate, avoiding personalities. The Chair shall not recognize any member as in order unless he or she shall be in his or her assigned place.
- (B) No member may speak more than twice on the same question without leave of the Council, no more than once until every member choosing to speak has spoken. All speeches shall be limited to five minutes unless further time is granted by Council. Answering questions is not to be considered as part of the speaker's time.
- (C) When two or more members request recognition at once, the presiding officer shall decide which shall speak first.
- (D) When the presiding officer is putting the question or addressing speaking, no member shall engage in private discourse, or walk across or leave the room unnecessarily.
- (E) No member shall impugn the motive of another member of the Council.
- (F) Any member may change his vote before the announcement of the result by the Chair. Every member must vote on every question unless excused from voting by a majority of the members present.



- (G) If any member in any way transgresses the rules of Council, he or she shall be subject to a point of order request by any other member, in which case the alleged offender shall immediately take his or her seat unless permitted to explain. If the question of order is 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.

**SECTION 30.14 RULE IX - MISCELLANEOUS RULES**

- (A) When the reading of any paper is called for, if objections are made, it shall be decided by Council, and no paper shall be read if objected to without the consent of the Council.
- (B) No matter or proposition on a subject different from that under consideration shall be admitted under color of an amendment.
- (C) When any matter is postponed indefinitely, it shall not again be voted on during that or the next two succeeding meetings.
- (D) When the roll of members is called for the purpose, the members shall have the privilege of presenting petitions, memorials, communications, or remonstrances, or of offering motions or resolutions. After the call has been made it shall not be in order for any member to present any petition, memorial, communication, or remonstrance or offer any motion or resolution during the evening until the call of unfinished business is reached. However, nothing herein contained shall be construed to prohibit any member from offering any motion on any pending matter at any time, if it is declared by the chair to be in order.
- (E) When any matter is left upon the table for more than sixty days, it shall be considered at the first meeting following for action.

**SECTION 30.15 RULE X - AMENDING THE RULES**

These rules may be amended or annuled by a majority vote of all the members of the Common Council. All proposed amendments to the rules shall be referred to the Ordinance Committee without debate, and the Committee shall have the right to report at any time, and may at any time report any change in the rules, provided that no vote on any amendment or resolution to annul shall be taken until at least two weeks notice shall be given of the intended action.

PASSED AND ADOPTED by the Common Council of the City of Richmond, Wayne County, Indiana, this 21<sup>st</sup> day of April, 1986.

Richard W. Bodiker  
President of Common Council

ATTEST: Mary Merchanthouse  
City Clerk

PRESENTED by me to the Mayor of the City of Richmond, Indiana this 23<sup>rd</sup> day of April, 1986.

Mary Merchanthouse  
City Clerk

APPROVED by me, Frank H. Waltermann, Mayor of the City of Richmond, Indiana this 23<sup>rd</sup> day of April, 1986.

Frank H. Waltermann  
Mayor

ATTEST: Mary Merchanthouse  
City Clerk