

# **RULES OF THE DELAWARE COUNTY COUNCIL**

## **SECTION 1. ORGANIZATION.**

- 1.01 The Delaware County Council is the seven-member elected fiscal body of Delaware County, Indiana.
- 1.02 The Council shall meet annually during the first week of January for the purpose of organization. At the organizational meeting the Council shall elect a President and a President Pro Tempore. The Delaware County Auditor shall preside over the organization meeting until a President is elected.
- 1.03 The President shall preside at all meetings of the Council and shall perform such other duties as may be provided by law or these rules. In the absence of the President, the President Pro Tempore shall preside.
- 1.04 The Delaware County Auditor shall serve as the clerk of the Council and shall perform such duties as may be provided by law.
- 1.05 The President with the approval of a majority of the Council shall annually engage an attorney or law firm to represent and advise the Council. The attorney for the Council shall attend all meetings of the Council unless excused by the President.

## **SECTION 2. MEETINGS.**

- 2.01 Meetings of the Delaware County Council are for the purpose of conducting business in a public meeting and are not to be considered an open public forum.
- 2.02 The Council shall hold a regular monthly meeting on the fourth Tuesday of each month at 9:00 a.m. local time in Room 309A of the Delaware County Building, 100 West Main Street, Muncie, Indiana, except in December when the meeting shall be on the second Tuesday of the month. The Council shall adopt a schedule of meetings for the next calendar year annually by the end of the prior calendar year.
- 2.03 Any regularly scheduled meeting of the Council may be cancelled or rescheduled by the President with due notice as required by law. If in the judgment of the President the subject of a meeting is likely generate greater than usual public interest, the President may schedule the meeting to begin in the early evening and/or to be held in a public location which will better accommodate interested members of the public with due notice as required by law.
- 2.04 Special meetings of the Council may be called by the President, the County Auditor or a majority of the members of the Council with due notice as required by law.
- 2.05 The annual public hearing on the budget shall be held on the Wednesday following Labor Day in September, followed by review of budget requests submitted to the Council as required by law. The Council may recess the budget review meetings from day to day until the adoption of the final budget. The Council may hold one or

more informal public meetings regarding the budget prior to the annual public hearing once budget requests have been submitted.

- 2.06 Procedure in meetings of the Council shall be guided by Robert's Rules of Order, Newly Revised. The attorney for the Council shall advise the President on parliamentary matters.
- 2.07 Members of the public who wish to speak to the Council at a meeting will be asked to sign in and will be called upon in the order in which their names appear. Others who did not sign up will be called upon after all who have signed in have been given the opportunity to speak. Public comments may also be submitted electronically or in writing. It is the expectation that all public comments will be cogent, concise and respectful. If multiple individuals have asked to make public comments, the President may limit the time for each individual to speak to three (3) minutes.
- 2.08 The County Sheriff or a County Deputy Sheriff shall attend meetings of the Council, if requested to do so, and shall execute the orders of the Council.
- 2.09 Members of the Council shall attend in person whenever possible, but may participate by electronic means under and subject to the requirements of Delaware County Council Resolution 2021-016 as may be amended from time to time.

### **SECTION 3. AGENDA.**

- 3.01 The format for the agenda for regular meetings of the Council shall be as follows:
  - I. Call to Order
  - II. Pledge of Allegiance
  - III. Roll Call
  - IV. Approval of the Agenda
  - V. Approval of Minutes
  - VI. Consideration of Transfer Requests
  - VII. Consideration of Additional Appropriation Requests
  - VIII. Appointments and Committee Reports
  - IX. Consideration of Ordinances and Resolutions
  - X. Old Business
  - XI. New Business
  - XII. Comments by Office Holders and Department Heads
  - XIII. Public Comments

**XIV. Comments by Council Members**

**XV. Adjournment**

The President may vary the order of the agenda for efficiency or to accommodate participants in the meeting.

- 3.02 The President shall cause the agenda for each meeting to be sent to Council members and posted as required by law not less than forty-eight hours prior to a meeting. The Council may amend an agenda by vote of a majority of the members present at a meeting.

**SECTION 4. COMMITTEES.**

- 4.01 In addition to boards and commissions to which the Council may by law or ordinance have one or more appointments, the Council shall have two standing advisory committees: Finance and Tax Abatement. Neither committee shall have any authority to take official action on behalf of the Council or render any final decision or binding opinion.
- 4.02 The Finance Committee shall consist of three members of the Council designated by the President. Membership may vary from month to month. The Committee shall meet monthly in advance of the regular meeting of the Council to conduct a preliminary review of requests for transfers and additional appropriations.
- 4.03 The Tax Abatement Committee shall consist of three members appointed by the Council for a term of one year beginning January 1. The committee shall meet on an on call basis to conduct a preliminary review of all applications for tax abatement on real or personal property under Indiana Code 6-1.1-12.1 prior to consideration of such applications by the Council.
- 4.04 The President, with the consent of the Council, may appoint such other committees from time to time as may be necessary or desirable to aid in the conduct of the business of the Council.
- 4.05 The President, with the consent of the Council, may appoint individual members of the Council to serve as liaisons to various County offices, departments, boards or commissions to facilitate communications with the Council.

**SECTION 5. APPOINTMENTS.**

- 5.01 Unless otherwise provided by law or ordinance, appointments to boards and commissions shall be made by vote of a majority of the members of the Council.
- 5.02 Not later than the regular October meeting of the Council, the County Auditor shall compile a listing of all positions on such boards and commissions which are

scheduled to become vacant as of January 1 of the year following. The listing shall include the name of the incumbent holder of the position, whether the incumbent is eligible and has expressed a desire to be reappointed, the qualifications for the position including required residency, political affiliation or other matters, the schedule of meetings of the board or commission and the length of term of the appointee.

- 5.03 The Council shall see that the listing of open positions is publicized and establish a deadline for persons to submit their own names or the names of others who may have an interest in serving. The Council may adopt and distribute an application form.
- 5.04 Information regarding applicants or nominees shall be distributed to all Council members no later than December 1. Appointments shall be made at the regular December meeting of the Council, unless a majority of the Council determines that an appointment should be deferred to a later date.
- 5.05 Appointments to positions that have a different starting date shall be made in the same manner with the dates for publicizing the opening, submitting applications and making the appointments adjusted accordingly.

## **SECTION 6. RESOLUTIONS AND ORDINANCES**

- 6.01 All ordinances and resolutions shall be filed with the County Auditor and reviewed as to form by the Council attorney.
- 6.02 Ordinances and resolutions in substantially final form shall be distributed to Council members not less than forty-eight before the meeting at which they are scheduled to be heard. The Council may waive this requirement by unanimous vote.
- 6.03 Resolutions are eligible for passage in one reading. Ordinances require introduction and adoption in two readings at successive meetings of the Council unless adopted by unanimous vote of the Council at the meeting at which the ordinance was introduced.
- 6.04 Ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

## **SECTION 7. TRANSFERS AND ADDITIONAL APPROPRIATIONS.**

- 7.01 All requests for transfers and additional appropriations shall be filed with the County Auditor. The Auditor shall establish deadlines for filing in order to accommodate any required publication of notice or other legal requirements. Office holders and department heads are encouraged to consult with the County Auditor prior to submitting a request.

- 7.02 All requests for transfers and additional appropriations shall be reviewed by the Finance Committee. The office holder or department head or his or her designee shall attend the Finance Committee meeting either in person or, by prior arrangement, electronically.
- 7.03 The Council shall hear all requests for transfers and additional appropriations at a regular meeting or a special meeting called for that purpose. The office holder or department head or his or her designee shall attend the Council meeting in person unless excused by the President or a majority of the Council.

#### **SECTION 8. AMENDMENTS; SUSPENSION OF RULES.**

- 8.01 These Rules shall be in full force and effect upon approval by affirmative vote of not less than five members of the Council.
- 8.02 The Rules may thereafter be amended, replaced or repealed upon thirty days' prior written notice by affirmative vote of not less than five members of the Council.
- 8.03 The operation of any Rule may be suspended by unanimous vote of the members of the Council, unless to do so would be in conflict with another law or ordinance.