

TITLE III: ADMINISTRATION

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Statutory reference:

Removal from office, see IC 35-50-5-1.1

§ 30.01 ELECTIVE OFFICERS.

(A) The elective officers of the city shall be:

- (1) The Mayor;
- (2) The Clerk-Treasurer;
- (3) The members of Common Council;
- (4) All others provided for by state law.

(B) Such officers shall be elected in accordance with the provisions of the state election laws. ('67 Code, § 20.01; Am. Ord. 1978-47, passed 12-19-78)

Statutory reference:

Mayor, see IC 36-4-5-2
Clerk-Treasurer, see IC 36-4-10-2
Legislative body, see IC 36-4-6-2

§ 30.02 WORKMEN'S COMPENSATION COVERAGE.

Pursuant to IC 22-3-2-1 et seq., the city elects to purchase and procure Workmen's Compensation Insurance in order to insure the employees of the city, including members of the Fire Department and Police Department of the city who are also members of the Firemen's Pension Fund and the Policemen's Pension Fund. ('67 Code, § 20.03)

§ 30.03 SALARIES.

Salaries of elected officers and appointed officials and employees of the city shall be established as set forth by IC 36-4-7-2 and 36-4-7-3. ('67 Code, § 20.04)

CHAPTER 32: LEGISLATIVE AUTHORITY

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§ 32.01 LEGISLATIVE AUTHORITY VESTED IN COMMON COUNCIL.

The legislative authority of the city shall be vested in Common Council. (IC 36-4-4-4) ('67 Code, § 21.03)

Statutory reference:

City legislative body, see IC 36-4-6-1 et seq.

§ 32.02 COUNCILMANIC DISTRICTS.

(A) The term "PRECINCTS" as used herein shall mean and refer to the precincts in the city as they are comprised by ordinance of the Board of County Commissioners.

(B) The Council Districts of the city are hereby established as follows pursuant to the election by the City of Decatur of provisions of I.C. 36-4-6-5 as follows:

1. The First Council District shall consist of all that territory south of a line along Nuttman Avenue running east from the intersection of Nuttman Avenue and Eleventh Street to the intersection of Nuttman Avenue and Fifth Street, thence south along Fifth Street to the intersection of Fifth Street and Jackson Street; thence east along Jackson Street to the intersection of Jackson Street and the St. Mary's River; thence east to the intersection of Belmont Road and Monroe Street; thence east along Monroe Street to the corporate limits of the City of Decatur. The said territory bounded on the west and south by a line running south along Eleventh Street commencing at the intersection of Eleventh Street and Nuttman Avenue to the intersection of Eleventh Street and Adams Street; thence east running along Adams Street to the intersection of Adams and First Street; thence southeasterly along First Street to the intersection of First Street and Rugg Street; thence east along Rugg Street to the intersection of Rugg Street and Fornax Street; thence southeasterly along Fornax Street to the intersection of Fornax Street and Oak Street; thence east along Oak Street to the St. Mary's River; thence southeasterly along the St. Mary's River to the corporate limits of the City of Decatur all in the City of Decatur, Indiana.
2. The Second Council District shall consist of all that territory lying south of a line commencing at the intersection of Eleventh Street and Adams Street;

thence east along Adams Street to the intersection of Adams Street and First Street; thence southeasterly along First Street to the intersection of First Street and Rugg Street; thence northeasterly along Rugg Street to the intersection of Rugg Street and Fornax Street; thence southeasterly along Fornax Street to the intersection of Fornax Street and Oak Street; thence east along Oak Street to the St. Mary's River; the St. Mary's River being the east boundary of the Second Council District. Said territory bounded on the west by Eleventh Street south along Eleventh Street to Bollman Street; thence continuing south along Village Green Drive commencing at the intersection of Village Green Drive and Bollman Street south along Village Green Drive to the intersection of Village Green Drive and Winchester Street; all in the City of Decatur, Indiana.

3. The Third Council District shall consist of all that territory lying west of a line commencing at the intersection of the St. Mary's River and Thirteenth Street; thence south along Thirteenth Street to the intersection of Thirteenth Street and Nuttman Avenue; thence east along Nuttman Avenue to the intersection of Nuttman Avenue and Eleventh Street; thence south along Eleventh Street to the intersection of Eleventh Street and Bollman Street; thence continuing south along Village Green Drive commencing at the intersection of Village Green Drive and Bollman Street south along Village Green Drive to the intersection of Village Green Drive and Winchester Street, all in the City of Decatur, Indiana.
4. The Fourth Council District shall consist of all that territory lying north of a line commencing at the intersection of Thirteenth Street and Nuttman Avenue; thence east along Nuttman Avenue to the intersection of Nuttman Avenue and Fifth Street; thence south along Fifth Street to the intersection of Fifth Street and Jackson Street; thence east along Jackson Street to the intersection of Jackson Street and the St. Mary's River; thence east to the intersection of Belmont Road and Monroe Street; thence east along Monroe Street to the corporate limits of the City of Decatur. Said territory bounded on the west by a line commencing at the intersection of Thirteenth Street and Nuttman Avenue; thence north along Thirteenth Street to the intersection of Thirteenth Street and the St. Mary's River, all in the City of Decatur, Indiana.

(C) The above Council Districts shall be used in all City elections.

(D) The City Clerk shall file a copy of this ordinance with the circuit court clerk. (Ord. 2002-7)

§ 32.03 RULES AND REGULATIONS OF COUNCIL.

(A) Meetings. The regular meetings of the common council shall be held on the first and third Tuesday of each month at 8 p.m. at the city hall in the city council chamber, 227 West Monroe Street, provided, that the regular meetings may be held at a different time and/or place as designated by the Mayor or any 3 members of the common council; and provided further that each

member of the common council be notified of the changes in the same manner as hereinafter required for special meetings; provided, further, that the first regular meeting in January following councilmanic elections shall be held in the council chamber at 7:30 p.m. on the first Monday of January following the elections in lieu of the first Tuesday of the month of January. At the hour fixed, the clerk-treasurer shall call the roll of members, noting those present and those absent. If the Mayor is absent at the time of first roll call, the presiding officer pro tem shall act as presiding officer at such meetings until the arrival of the one entitled to preside. Special meetings of the council may be held upon call made as follows: By the Mayor or by any 3 members of the common council. In case of a call for a special meeting, in whatever manner made, it shall be the duty of the persons authorizing the same to notify the clerk-treasurer thereof and it shall be the duty of that officer to cause notice of such meetings to be served upon each member.

(B) Presiding officer. The presiding officer shall preserve order and decorum. He shall decide all questions of order subject to an appeal to the council. He shall appoint all standing committees as well as special committees that may be ordered by the council. All standing committees shall be appointed at the commencement of term of the council. Provided that the standing committees shall survive only during the term of the presiding officer appointing same. He shall also fill all vacancies that may occur in any of said committees.

(C) Clerk-treasurer. It shall be the duty of the clerk treasurer to keep an accurate journal of the proceedings of the common council. He shall keep a proper file of all papers and documents of every kind or character and hold them subject to the orders of the common council. He shall arrange a roll call in alphabetical order. It shall be his duty to have all necessary papers delivered to chairmen of committees within 3 days after the adjournment of any meeting of the council, which shall have been referred to the committees.

(D) Chief of police. The chief of police-or officer designated by him shall preserve order in the council room and lobby and shall prohibit smoking and loud talking. He shall act as messenger for the council while in session. In case of a call for a special meeting, in whatever manner made, it shall be the duty of the persons authorizing the same to notify the clerk-treasurer thereof and it shall be the duty of that officer to cause notice of such meetings to be served upon each member, either by personal service or by leaving copy at his residence.

(E) Officers and employees. It shall be the duty of all officers and employees of the city to be present at any stated meeting, upon the request of the presiding officer.

(F) Rules of order.

(1) Robert's Parliamentary Rules shall be authority on all questions of parliamentary law and procedure not specifically covered by these rules.

(2) A quorum shall consist of a majority of all members elected, but no ordinance or resolution shall be passed, or ordinance engrossed, which shall not have received the votes of a majority of all members constituting the council.

(3) Upon objection of any member of the common council, no one not a member thereof shall be permitted to address the council except on a majority vote of the members present.

(4) The presiding officer shall decide whether any question is carried by affirmative or

negative vote. In cases of a rising Vote those voting in the affirmative shall first arise and be counted and afterwards those voting in the negative.

(5) There shall be 8 standing committees, which shall consist of 3 -members each, and shall be appointed as herein provided, by the presiding officer, to wit: finance committee, street and sewer committee, electric light committee, water works committee, purchasing committee, public improvement committee, and judiciary committee. The duties of standing committees shall be the same as in legislative bodies, except as herein modified or changed. It shall be the duty of the finance committee to report ordinances making the annual tax levy and the annual appropriation. All other matters relating to finances of the city shall be referred to the committee.

(G) Ordinances.

(1) Ordinances shall be of 3 distinct classes:

(a) Appropriation ordinances;

(b) Special ordinances relating to special matters;

(c) General ordinances relating to the government of the city. All ordinances shall be read at least once by the clerk-treasurer and no ordinance shall be passed on the same day, or at the same meeting, that it is introduced, except by unanimous consent, and then only in case there are present and voting at least 2/3 of all the members-elect of the council.

(2) Ordinances upon introduction shall be read by title, which title shall clearly set forth the subject matter of the ordinance. After being read the second time, the ordinance is then open for amendments or for referring to proper committee. After the second reading all ordinances shall be ordered engrossed by the common council and placed upon passage, but it shall be proper to include an order for engrossment in a motion for passage, in which case the proper form of motion shall be as follows: to "I move _____ ordinance be ordered engrossed and placed upon its passage."

(3) No amendment except to strike out shall be in order after an ordinance has been ordered engrossed, unless by unanimous consent. Any ordinance failing to receive a majority of the votes upon order for engrossment shall be considered as still upon its second reading and awaiting engrossment, unless stricken from the files or otherwise disposed of by the common council. All votes upon the passage of ordinances and resolutions and motions to reconsider shall be by roll call.

(4) Any ordinance may be stricken from the files at any time by a vote of 2/3 of all members elected or by a majority vote after the ordinance shall have passed a second reading.

(5) Any 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 not be reconsidered within the time and manner authorized by rule under Section 32.03 (I).

(6) Any amendment to an ordinance may be referred, delayed, or otherwise disposed of without delay or prejudice to the ordinance itself.

(7) Ordinances reported back to the council by committees or officers will take their

proper place in first, second, or third reading.

(8) Ordinances, resolutions, and reports may be committed and recommitted at the pleasure of the council.

(9) All reports from committees shall be made in writing and shall be signed by the majority of the members thereof and all committees shall make reports on all matters referred to them not later than the second regular meeting night after the same is introduced; provided that the council may at its discretion extend the time for making such reports.

(10) Upon call of the roll on any question after any one member shall have voted, it shall not be in order for any member to offer 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."

(H) Motions.

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

(2) Every motion shall be reduced to writing except to adjourn; to adjourn to a day certain; to reconsider the previous question or the seconding thereof; to lay on the table; to postpone to a certain day, to postpone indefinitely; to commit; to amend; to suspend the rules or to concur; and every other motion not so reduced to writing shall upon the objection of any one member, be considered out of order.

(3) When any question is under debate no motion shall be received but to lay on the table, for the previous question, to postpone or commit, which motions shall have preference in the order in which they are herein arranged.

(4) A motion to lay on the table or for the previous question shall not be in order if prefaced by any speech or remarks.

(5) Any motion or resolution which in effect contemplates a violation of law or is in conflict with any ordinance shall be ruled out of order.

(6) A motion to adjourn cannot be repeated unless other business has intervened between the motions.

(7) A motion to adjourn cannot be reconsidered.

(8) Any matter laid upon the table may be taken up by a vote of the council at any time; provided a motion to reconsider, once laid upon the table cannot be again taken up.

(9) A motion to "reconsider" is a privileged question and is debatable.

(I) Reconsideration of questions. When any question has been once decided in the

affirmative or negative, any member voting with the majority may move to reconsideration thereof on the same or next regular meeting. A resolution once adopted may be rescinded by subsequent resolution and ordinances.

(J) Previous question. The “previous question” shall be put in this form, “Shall the main question now be put?” It shall be admitted only when decided by a majority of the members present and, until decided, shall preclude all motions or amendments, except the motion to adjourn. If the motion be sustained, the chair shall at once put the question, first upon the pending amendments in their order and then upon the main question.

(K) Order of business.

(1) The following order of business shall be observed by the common council at its meetings:

- (a) Calling of roll.
- (b) Reading the correcting journal of preceding meetings.
- (c) Communications from the Mayor.
- (d) Miscellaneous business.
- (e) Reports from standing committees.
- (f) Reports from select committees.
- (g) Introduction of ordinances.
- (h) Ordinances on second reading.
- (i) Ordinances on third reading.
- (j) Unfinished business.

(2) The reading of the journal may be dispensed with at any time by order of the presiding officer.

(3) The council may order a return to any order of business after the call of the regular order of business.

(4) The chairman of each standing committee, or in his absence some delegated member of the committee, shall have the privilege of asking for action upon all matters reported by his committee before reports of other committees are considered, unless a majority of the members present decide to the contrary.

(L) Decorum.

(1) When any member is about to speak or deliver any matter to the council, he shall rise from his seat and respectfully address himself to the presiding officer, and on being

recognized may address the council and shall confine himself to the question in debate and avoid personality.

(2) No member shall speak more than twice on the same question without leave of the council and not more than once until every member choosing to speak shall have spoken. Provided that speeches shall be limited to 5 minutes unless further time be granted by the council. Time consumed in answering questions shall not be considered as part of the speaker's time.

(3) When 2 or more members rise at the same time the presiding officer shall decide who shall speak first.

(4) While the presiding officer is putting a question or addressing the council or when any member is speaking no member shall engage in any private discourse, or walk across or leave the room unnecessarily.

(5) No member shall impugn the motives of any other.

(6) Any member may change his vote before the announcement of the result by the chair. Every member must vote upon every question unless excused from voting by a majority of the members present.

(7) If any member in any wise transgresses the rules of the council any other member may call him to order, in which case the alleged offender shall immediately take his seat unless permitted to explain. If the question of order be decided against him he shall be liable, if the case requires it, to the censure of the council. If the decision be in his favor, he shall be at liberty to proceed.

(M) Communications. When the reading of any paper is called for, if objection be made, the council shall decide whether the paper shall be read; and no paper shall be read, if objected to, without the consent of the council.

(N) Amendments. No matter or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

(O) Postponed matters. When any matter is postponed indefinitely it shall not again be voted upon during that or the next 2 succeeding meetings. Any member may demand the "ayes and nays" upon any question to be voted upon by the council, and when such demand is made the clerk-treasurer shall call the roll. Any member may demand a division of the question when the question is capable of division.

(P) Amending rules. These rules may be amended or annulled by a majority vote of all members of the common council. All proposed amendments of the rules shall be referred to the judiciary 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. ('67 Code, § 22.03) (Am. Ord. 1983-4, passed 2-1-83)

Statutory reference:

Meetings, see IC 36-4-6-7

Presiding officer, see IC 36-4-6-8

Quorum, see IC 36-4-6-10

Majority vote required to pass ordinance, see IC 36-4-6-12

Passage of ordinance on day of introduction, see IC 36-4-6-13

§ 32.04 ADOPTION OF FORM OF CITY GOVERNMENT.

(A) This section applies only to third-class cities having a population of less than 10,000. The Common Council of such a city may, by ordinance adopted before September 1, 1982, decide to be governed by this section instead of IC 36-4-6-4. If this section is later repealed, then IC 36-4-6-4 again applies to the city. The Clerk of the Common Council shall send a certified copy of any ordinance adopted under this division (A) to the Secretary of the County Election Board.

(B) The Common Council shall divide the city into four districts that:

- (1) Are composed of contiguous territory;
- (2) Are reasonably compact; and
- (3) Contain, as nearly as is possible, equal population.

This division shall be made in 1982, in 1992, and in 2002, and then every ten years after 2002.

(C) The Common Council is composed of four members elected from the districts established under division (B) and one at-large member.

(D) Each voter of a city having a population of 5,000 or more may vote for one candidate for at-large membership and one candidate from the district in which he resides. The at-large candidate receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(E) Each voter of a city having a population of less than 5,000 may vote for one candidate for at-large membership and one candidate from each of the districts established under division (B). The at-large candidate and the candidate from each district receiving the most votes from the whole city are elected to the Common Council. IC 36-4-6-5) (Ord. 1982-8, passed 8-17-82)