



**RULES OF PROCEDURE FOR THE COMMON COUNCIL OF  
THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

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**I. COMPOSITION OF THE COMMON COUNCIL, ELECTION, & ELIGIBILITY**

- A. **Legislative Body.** The City of Fishers (the “City”) Council (the “Council”) elected under Ind. Code § 3-10-6 *et seq.* is the city legislative body. Pursuant to Ind. Code §36-4-4-4, as amended, all powers and duties that are legislative in nature shall be exercised or performed by the Council. The Council may not elect or appoint a person to any office or employment, except as provided by statute. (Ord. 091514A)
- B. **Council Districts.** Pursuant to Ind. Code § 36-4-1.5-3, the councilmanic districts are established as set forth in Ordinance 100713A, passed November 4, 2013 (Ord. 091514A).
- C. **Council Members:** The Council shall be composed of nine (9) members of which six (6) shall be elected from districts and three (3) elected at-large, pursuant to Ind. Code § 36-4-6-3. (Ord. 091514A).
- D. **Term of Office.** The term of office of a member of the Council is four (4) years, beginning at noon on January 1 after the election and continuing until the successor is elected and qualified. (Ord. 091514A).
- E. **Eligibility.** A person is eligible to be a member of the Council only if the person meets the qualifications prescribed by Ind. Code § 3-8-1-27. Residency in territory that is annexed by the City before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of Ind. Code § 36-4-6-2(b), even if the annexation takes effect less than one (1) year before the election. A member of the Council must reside within: (a) the City as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and (b) the district from which the member was elected, if applicable. A member of the Council who is elected by the voters of a district forfeits office if the member ceases to be a resident of the district from which he is elected. An at-large member of the Council forfeits office if the member ceases to be a resident of the City. (Ord. 091514A)
- F. **President and Vice President of the Council.** Pursuant to Ind. Code §36-4-6-8(a), at its first regular meeting of the year, and each succeeding January, the Council shall choose from its members a President and a Vice President. The Council President is the presiding officer. When the President is absent, the Vice-President shall preside for that meeting. (Ord. 091514A)

## II. AGENDAS & GENERAL MEETING PROCEDURES

- A. Agendas.** Although Indiana's Open Door Law does not require the use of an agenda, the Council typically utilizes an agenda at every meeting. The City Clerk shall prepare the agenda and ensure that the agenda is posted at the entrance of City Hall prior to the meeting and ensure that copies of the agenda are made available to people who attend the meeting. Additionally, agendas shall be made available on the City's website. The City Clerk shall strive to make the agenda available on the Thursday before the regularly scheduled Council meeting.
1. **City Staff.** The Mayor's Office shall set and approve all items to be placed on the Council agenda. The Mayor's Office shall work with the City Clerk to ensure timely submission of all agenda items.
  2. **Council Submission.** At the discretion of the Council President, and having the support of at least one other council member, any council member may place an item on the regular Council agenda. The Council President shall communicate the requested item to the City Attorney at least two weeks prior to the regularly scheduled Council meeting. At the discretion of the Council President, and having the support of at least one other council member, any council member may place an item on the Work Session Agenda. The Council President shall communicate the requested item to the City Attorney at least one week prior to the regularly scheduled Council meeting.
- B. Quorum.** Pursuant to Ind. Code § 36-4-6-10, a majority of all the elected members of the Council constitutes a quorum. (Ord. 091514A).
- C. Work Sessions.** In general, the Council may meet in a Work Session prior to the commencement of a regular or special meeting. Work Sessions are open to the public, and typically include, but are not limited to informal presentations and discussion among Council members and City staff. The Council shall not take official action in Work Session.
- D. Executive Sessions.** An Executive Session is a meeting from which the public is excluded, except that the Council may admit those persons necessary to carry out its purpose. In general, the Council may hold an Executive Session prior to the commencement of a regular or special meeting, or from time to time in the discretion of the Council by providing at least 48 hours notice. The Council may conduct executive sessions consistent with and pursuant to Ind. Code § 5-14-1.5-6.1. The City Attorney shall certify a statement in the memoranda and minutes of the Council that no subject matter was discussed in the Executive Session other than the subject matter specified in the public notice in accordance with Indiana law.
- E. Special Meetings.** A special meeting of Council shall be held when called by the Mayor or Council President, by providing at least 48 hours notice.
- F. Regular Meetings.** Regular meetings shall be held monthly and are generally held on the third Monday of each month. The City will designate the standard meeting dates and times for the calendar year. Regular meetings may be postponed, rescheduled or held offsite. Unless

otherwise specified, regular Council meetings shall be held at 7:00 p.m. at City Hall, One Municipal Drive, Fishers, Indiana 46038.

**G. Order of Business.** The order of business at Regular Council Meetings shall be as follows:

1. The President shall call the meeting to order with the Pledge of Allegiance
2. Announcements
3. Proclamations
4. Presentations
5. Committee Reports
6. Consent Agenda
7. Ordinances/ Resolutions
  - a. Financial/Budgetary Ordinances & Resolutions
  - b. Economic Development/Redevelopment Ordinances & Resolutions
  - c. Miscellaneous Ordinances & Resolutions
  - d. Planning & Zoning Ordinances & Resolutions
8. Old Business
9. New Business
10. Community Engagement Listening Session
11. Meeting Adjournment

### III. GENERAL RULES OF CONDUCT AT COUNCIL MEETINGS

#### A. Motions

1. General. A motion is a verbal proposal made in a meeting that the members take a certain action or view. To be considered, all motions (except Motions to have First Reading, *see* Section III(A)(2)) must be supported by a second Council member (“Seconded”). To pass, a Seconded motion must receive a majority vote of all elected Council members. The City Clerk shall place all motions in the minutes of the meeting.
2. Single Motion to Have First Reading. A single member of the City Council may move to have first reading on any item presented on the agenda.
3. Common Motions.
  - a. *Main Motion* – A motion that brings business before a meeting. Substantive Main Motions (i.e., Motion to Adopt, Motion to Defeat, Motion to Table, Motion to Reconsider, Motion to Amend a Previous Action) are subject to full debate.
  - b. *Subsidiary Motion* - A secondary motion that directly affects the main motion’s form or consideration (i.e., Motion to Amend). A Motion to Amend must be germane to the preceding Main Motion. A Subsidiary Motion that is moved and Seconded will be considered and voted upon prior to the consideration and vote on the Primary Main Motion.

- c. *Incidental Motion*- A secondary motion that relates to the procedure under which other business is considered (i.e., Motion to Suspend the Rules – see Section III(C)(2) for additional information concerning Motions to Suspend the Rules).
4. Consent Agenda – In general, items placed on the Consent Agenda are resolutions that may be voted upon and approved at a single council meeting. All items placed on the Consent Agenda may be approved by a Motion to Adopt, which is Seconded and approved by a majority vote. A single Councilmember has a right to remove any item from the Consent Agenda by making a unilateral Motion to remove said item from the Consent Agenda. If an item is removed from the Consent Agenda, it shall be transferred to the Regular Agenda to be considered and voted upon separately.
5. Unfinished/ New Business – In general, items of New Business are Resolutions/Ordinances that were not included on the agenda when it was published but as of the date of the Council meeting require consideration. The consideration of any New Business item shall be Seconded and followed by a majority vote. If the Council votes in the affirmative to consider the item, staff may present the item for consideration.
6. Adjournment – A Motion to Adjourn may be presented by any Council member after considering all items on the agenda.

## **B. Public Hearings/Public Comment and Community Engagement**

1. General Rules of Conduct. The Council will occasionally conduct duly noticed public hearings in accordance with Indiana law, at which time citizens shall be provided an opportunity to address the Council on the particular agenda item requiring the public hearing. Additionally, at the discretion of the Council President, the Council may occasionally allow citizens to address the Council on specific agenda items. Whether public comment is required by law or allowed in the discretion of the Council President, the following rules shall apply:
  - i. Public testimony/comment is intended to afford citizens an opportunity to express opinions and to bring important matters to the attention of the Council. Neither the Mayor nor Council shall be required to answer questions or engage in debate during public comment.
  - ii. All remarks shall be addressed to the Council as a body and not to any member. Speakers shall observe proper decorum at all times.
  - iii. Speakers shall state their name and address for the record.
  - iv. Speakers shall be limited to three (3) minutes and shall refrain from making comments that have already been made by other speakers.
  - v. If an individual desires to submit written information, he or she may deliver it to the City Clerk either prior to or during the meeting.

- vi. Persons in the audience shall refrain from behavior that disrupts the public meetings.

2. **Community Engagement Listening Session.** In general, the Council will conduct a Community Engagement Listening Session during each regularly scheduled meeting. The session is intended to allow members of the public to speak on any matter of City business. Members of the public shall not utilize this session to speak about matters where a public hearing is being held later in the meeting. The session shall not exceed thirty (30) minutes and the General Rules of Conduct, Section III(B)(1) shall apply. Members of the public wishing to speak during the session shall sign up prior to the start of the council meeting as provided by the City. The first ten (10) members to sign up for the session will be called to the podium by the Council President.

### C. Ordinances & Resolutions

1. **Purpose of Ordinances and Resolutions.** The Council may pass ordinances, orders, resolutions, and motions related to the government of the City, in some instances, the control of the city's property and finances, and the appropriation of money.
2. **Consideration of Ordinance.** In general, an ordinance (except for a zoning ordinance) requires at least two (2) meetings before passage. However, in some situations, the Council may “Suspend the Rules” to consider an ordinance at the same meeting in which the ordinance is introduced. A two-thirds ( $\frac{2}{3}$ ) 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 Council on the same day or at the same meeting at which it is introduced. (Ord. 091514A).
3. **Consideration of Zoning Ordinances.** In accordance with Ind. Code § 36-7-4-600 *et. seq.* (the “600 Series”), all proposals to (i) adopt an initial zoning ordinance, (ii) amend or partially repeal the text of the zoning ordinance, or (iii) change the zone maps incorporated by reference into the zoning ordinance shall be considered by the Common Council prior to the initiation of such proposal..
  - a. *Introductory Reading.* The Common Council shall review all proposals to (i) adopt an initial zoning ordinance, (ii) amend or partially repeal the text of the zoning ordinance, or (iii) change the zone maps incorporated by reference into the zoning ordinance prior to the initiation of the proposal and prior to the public hearing described in subsection (b).
  - b. *Plan Commission Item.* After the Introductory Reading, the Common Council, in its discretion, shall initiate the proposal and submit the proposal to the City of Fishers Advisory Plan Commission (“Plan Commission”) to conduct a public hearing and certify the proposed ordinance in accordance with the 600 Series, or, in the case of an initial zoning ordinance (or the adoption of a replacement zoning ordinance after repeal of the entire zoning ordinance) or a change in the zone maps

incorporated by reference into the zoning ordinance, after Introductory Reading, the Common Council, in its discretion, shall submit the proposal to the Plan Commission to initiate such proposal, in its discretion, and then conduct a public hearing and certify the proposed ordinance in accordance with the 600 series.

- c. *Final Council Consideration.* Upon the Plan Commission's completion of the public hearing and certification of any such proposal, the Council shall consider the ordinance and may adopt, reject or amend the ordinance in accordance with the 600 Series.
4. Classes of Ordinances & Resolutions. Ordinances and Resolutions shall be of the following classes:
    - a. Financial/Budgetary Ordinances & Resolutions
    - b. Economic Development/Redevelopment Ordinances & Resolutions
    - c. Miscellaneous/ Ordinances & Resolutions
    - d. Planning & Zoning Ordinances & Resolutions
  5. Majority Vote to Pass Ordinance. A majority vote of the Council is required to pass an ordinance or resolution, unless a greater vote is required by Indiana law. A requirement that an ordinance, resolution, or other action of the Council be passed by a majority vote means at least a majority vote of all the elected members (i.e., at least five (5) members). (Ord. 091514A).
  6. Ordinance Adoption. An ordinance, order, or resolution passed by the Council is considered adopted when it is: (1) signed by the presiding officer; and (2) either approved by the Mayor or passed over the Mayor's veto by the Council as further described herein. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect. (Ord. 091514A).
  7. Presentation to the Mayor. After an ordinance, order, or resolution passed by the Council is signed by the presiding officer, the City Clerk shall present it to the Mayor and record the time of the presentation. (Ord. 091514A).
  8. Power of Mayor to Approve or Veto. Within ten (10) days after an ordinance, order, or resolution is presented to the Mayor, the Mayor shall: (1) approve the ordinance, order, or resolution, by entering the executive's approval on it, signing it, and sending the legislative body a message announcing the executive's approval; or (2) veto the ordinance, order, or resolution, by returning it to the legislative body with a message announcing the Mayor's veto and stating the reasons for the veto. The Mayor may approve or veto separate items of an ordinance appropriating money or levying a tax. If the Mayor fails to approve or veto an ordinance, order, or resolution within the time period provided herein, the ordinance, order, or resolution is considered vetoed. (Ord. 091514A).



9. Overriding Mayor's Veto. Whenever an ordinance, order, or resolution is vetoed by the Mayor, it is considered defeated unless the Council at its first regular or special meeting after the ten (10) day period prescribed above, passes the ordinance, order, or resolution over the Mayor's veto by a two-thirds ( $\frac{2}{3}$ ) vote. (Ord. 091514A).
  
10. Creating a Record After Ordinance is Adopted. Within a reasonable time after an ordinance of the Council is adopted, the City Clerk shall record it in a book kept for that purpose. The record must include: (1) the signature of the presiding officer; (2) the attestation of the City Clerk; (3) the Mayor's approval or veto of the ordinance; (4) if applicable, a memorandum of the passage of the ordinance over the veto; and (5) the date of each recorded item. The record or a certified copy of it constitutes presumptive evidence of the adoption of the ordinance.