

County Council Meetings

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Disclaimer

These materials are intended for general information purposes only and do not constitute legal advice. The materials should not be used or relied upon as a substitute for a review of applicable statutes, regulations, rulings and court decisions.

The reader should consult legal counsel to determine how laws apply to specific situations. These materials were prepared in April 2016, and, consequently, will not reflect changes in law subsequent to that date.

Notice Requirements Under the Open Door Law (IC 5-14-1.5)

What Kind of Notice is Required

- 48 business hours in advance
- Date, time and place where Governing Body will meet
- Generally, no requirements to publish in newspaper
- Annual notices are permitted
- Emergency meetings are exception to 48 hour notice requirement
- Must post at principal place of business or meeting
- Location
- Prohibition on serial meetings

What Kind of Notice is Required

- ➔ For an executive session, the notice must also state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under IC 5-14-1.5-6.1(b).

Notice Requirements Under County Council
Statute (IC 36-2-3-7)

What Kind of Notice is Required

- ➔ For meetings other than the annual meeting in January after election and annual meeting to adopt budget, tax rates and tax levies
- ➔ At least 48 hours prior to the meeting:
 - ➔ County auditor;
 - ➔ Presiding officer of county council; or
 - ➔ A majority of the members of the county council:
- ➔ Must give written notice of meeting to each member of the county council; and

What Kind of Notice is Required

- ➔ At least one day before the meeting, notice of the meeting must be published in the newspaper or newspapers in which the county publishes notices in accordance with IC 5-3-1-4.

Notice Requirements for Public Hearings

What Kind of Notice is Required

- ➔ Generally speaking, statutes that require a public hearing, require a notice of the hearing to be published in accordance with IC 5-3-1
- ➔ Additional appropriations – IC 6-1.1-18-5
- ➔ Establishment of cumulative fund – IC 6-1.1-41-3
- ➔ Notice of a public hearing must be published one time, at least ten days prior to the hearing in the newspaper or newspapers in which the county publishes notices.

Who Is in Charge of the Meeting?

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- ➔ At regular meeting in January after election, council shall elect a president and a president pro tempore from among its members
- ➔ President will generally preside; in absence of president; pro tem should preside

Setting the Agenda

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- ➔ While there is no statutory requirement, president should confer with county auditor regarding:
 - ➔ Additional appropriations for which public hearing is required;
 - ➔ Any changes in compensation of appointed county officers or employees;
 - ➔ Any reports from the county commissioners; and
 - ➔ Any requests to speak from community groups or members of the public.

Conducting the Meeting

Conducting the Meeting

- ➔ Determine any statutory requirements – IC 36-2-4
 - ➔ Quorum – majority of all the elected members; unless, by 2/3 vote, council has adopted a rule requiring a greater number of members
 - ➔ Majority vote – majority vote of all the elected members
 - ➔ 2/3 vote – vote of 2/3 of all the elected members
 - ➔ Majority vote required to pass an ordinance, unless greater number required by statute

Conducting the Meeting

- ➔ Unanimous consent of all the members present is required to pass an ordinance on the same day or at the same meeting at which it is introduced.
- ➔ Does not apply to an ordinance approving an additional appropriation.

Conducting the Meeting

- ➔ Determine whether the Council has adopted any rules of procedure
 - ➔ Robert's Rules of Order
 - ➔ Jefferson's Manual of Parliamentary Practice
 - ➔ Local Rules

Order of the Meeting

Sample Order of the Meeting

- ➔ Call to Order
- ➔ Roll call – establish quorum
- ➔ Approval of minutes
- ➔ Petitions or comments from public – time limits
- ➔ Required public hearings, if any
- ➔ Old business
- ➔ New business
- ➔ Miscellaneous business
- ➔ Adjournment

Determining Who Gets to Speak and Other Policies

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- ➔ Establish written policies for public comments
 - ➔ Require persons interested in speaking to register a number of days in advance
 - ➔ Name and address
 - ➔ Group affiliation if any
 - ➔ Topic
 - ➔ Establish a period for public comments at meetings
 - ➔ Establish a maximum time limit for individual comments (3-5 minutes)
 - ➔ Prior to speaking, require each participant to provide name and address for the record

Determining Who Gets to Speak and Other Policies

- ➔ Public participation should be permitted only as indicated on the order of business and at the discretion of the presiding officer
- ➔ Comments should be addressed to the presiding officer; no person may address or question the council or other persons in attendance
- ➔ Presiding officer may interrupt, warn, or terminate a person's comments when they are too lengthy, personally directed, abusive, obscene, irrelevant or repetitive

Determining Who Gets to Speak and Other Policies

- ➔ Presiding officer may request an individual to leave the meeting if the individual fails to observe reasonable decorum
- ➔ Presiding officer may request assistance of law enforcement officers to remove disorderly persons when conduct interferes with orderly progress of meeting
- ➔ Presiding officer may call for a recess or adjournment to another time when the lack of decorum interferes with the orderly conduct of the meeting as to require such action

Determining Who Gets to Speak and Other Policies

- ➔ Requirements for Public Hearing
 - ➔ Contents of published notice may state “any taxpayer” or “all interested persons” will have the opportunity to be heard
 - ➔ Presiding officer may require speakers to sign in, state name and address for the record
 - ➔ Presiding officer may establish a maximum time limit for each speaker, may ask speakers to avoid repetition