

Best Practices for County Council Members

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You've Been Elected.

Now What?

Term of Office

- Term of office is four years.
- Term begins January 1 after election and continues until a successor is elected and qualified.
- The time of day is not specified.
- 12:01 AM

Oath of Office

Article 15, Section 4

- Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and
- An oath of office.

Oath of Office

IC 5-4-1-1

- Every officer and every deputy, before entering on the officer's or deputy's official duties, shall take an oath:
 - to support the Constitution of the United States and the Constitution of the State of Indiana, and
 - that the officer or deputy will faithfully discharge the duties of such office.

Oath of Office

- The oath may be administered by:
 - County auditor;
 - Judges of Indiana courts;
 - Circuit court clerk;
 - Any member of the General Assembly;
and
 - Mayors in their respective cities.

Oath of Office

IC 5-4-1-2

- The oath of office must be endorsed on or attached to the certificate of election.
- The oath of office must be signed by:
 - the person taking the oath; and
 - the official administering the oath.
- Copy of the oath must be filed with the circuit court clerk.

Best Practices

- Take the oath BEFORE 12:01 AM on January 1.
- Confirm that you have signed the oath.
- Confirm that the official who administered the oath also signed the oath.
- Confirm that the oath is affixed to your certificate of election.
- Confirm that a copy of the oath is filed with the circuit court clerk.
- DO NOT assume that all of this has been done.

Official Bond

IC 5-4-1-18

- County council members are not required by state statute to obtain a surety bond.
- Best practice – find out if your county has such a requirement.

Council Meetings (IC 36-2-3-7(b))

- Two regular meetings each year.
 - Organizational meeting in January after election; and
 - Annual meeting to adopt the county's budget and tax rate.
- Special meetings may be called by.
 - county auditor or council president; or
 - majority of council members.

Council Meetings in Lake and St. Joseph Counties

- Councils in Lake and St. Joseph counties hold meetings at a regularly scheduled time each month that do not conflict with the meetings of the commissioners.

Notice of Council Meetings

- January organizational meeting – Open Door notice is sufficient.
- Annual meeting to adopt county budget and tax rate – notice is given on Gateway at least 10 days prior to meeting.
- Special meetings - notice must be published in the newspapers used to publish county notices at least 24 hours before meeting AND delivered to each council member at least 48 hours before the meeting.

Conducting Council Meeting

- At the organizational meeting, the council will elect its officers, organize itself, and establish rules for the conduct of business that are not covered by statute.
- May want to adopt Robert's Rules of Order, but not required.
- May adopt own rules of order.
- After organizational proceedings are done, the presiding officer can call the meeting to order.

Conduct of Meeting

- Call to order
- Approval of minutes or memoranda
- Public comment
- Reports from county offices and departments
- Unfinished business
- Introduction of new ordinances and resolutions
- Miscellaneous business
- Adjournment

Conducting Business

- A member of the council:
 - addresses the presiding officer;
 - waits for recognition; and
 - makes the motion (“I move that ...”).
- A second member of the council seconds the motion. •

Conducting Business

- The presiding officer:
 - restates the motion;
 - calls for discussion among the members of the council;
 - calls the question;
 - takes the vote; and
 - states the results.
- No secret ballot votes.

Legislative Procedures

- Majority vote means a vote of a majority of all the elected members
- Two-thirds vote means 2/3 vote of all the elected members
- Quorum mean a majority of all the elected members
 - Council may, by a 2/3 vote, adopt a rule that establishes a greater requirement for a quorum

Legislative Procedures

- An ordinance may not be adopted at the same meeting or on the same date at which it was introduced UNLESS
 - The members attending the meeting unanimously consent.
- A majority vote of all the elected members is required to adopt an ordinance.
 - No similar requirement for resolutions and motions.

Ordinances, Resolutions and Motions

IC 36-2-4

- County council required to act by ordinance, resolution or motion.
- No statutory requirement for the number of members required to adopt a resolution or motion.

Ordinances, Resolutions and Motions

- The Indiana Supreme Court has said that a majority of the quorum is all that is necessary for the adoption or passage of any act which the body is empowered to perform when the resolution or motion is of a temporary or mere ministerial nature.
- Where the ordinance or resolution is of a permanent character a majority vote of all the elected members of the body may be required.

Public Hearings

- Certain council actions require a public hearing before final consideration of an ordinance or resolution.
- Notice of public hearing is published in newspapers in which the county publishes notices, typically ten days prior to the hearing.
 - Some statutes require more than ten days' prior notice.
 - Some statutes require less than ten days' prior notice.

Required Public Hearings

- Public hearing on the budget, tax rate and levy
- Public hearing on additional appropriations
- Public hearing on establishment, re-establishment or amendment of cumulative fund

Questions?

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