

TOWN OF WHITESTOWN

BOARDS, COMMISSIONS AND COMMITTEES

HANDBOOK

WHITESTOWN



INDIANA

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ACRONYMS OF NOTE

BCC	Board, Commission and Committee, both singular and plural, as applicable Board, Commission or Committee, both singular and plural, as applicable
IC	Indiana Code
IAC	Indiana Administrative Code
ODL	Indiana Open Door Law
WMC	Whitestown Municipal Code

WHITESTOWN WELCOMES YOU

As the member of a Board, Commission or Committee (sometimes referred to herein as “BCC”) in the Town of Whitestown, we thank you for your willingness to serve. You are a member of a select group. Your participation personifies citizen involvement in the governing process. By serving on a board, commission, or committee you should represent the citizens of Whitestown. Thought process and opinions among members may vary, but as you discuss, learn and advise, your actions should always keep at the forefront the best interests of the Town.

You represent the Town Manager and Council and must abide by policies and procedures which govern public bodies. Primary among these are the Indiana Open Door Law, the Town Municipal Code, Resolutions or Ordinances which set forth the assignments of your board, commission, or committee, and the Rules contained in this Handbook. Members should expect that all deliberations and recommendations will be reviewed and scrutinized not only by the Town Council, but also by the public, media, and other interested parties.

Act as if what you do makes a difference. It does.

William James – American Philosopher

TOWN OVERVIEW

As the fastest growing area in Indiana for the past six years, the Town of Whitestown has become a premiere destination for new residents and businesses. With a population of only 470 in 2000 and 2,800 in 2010, more than 8,000 residents now call Whitestown home – and the growth shows no sign of slowing down.

The Town is a unique ag-urban area which blends farms, homes and small-town history with the conveniences of modern living, offering numerous restaurants, shopping destinations, hotels, and businesses. Redevelopment of our “Legacy Core” in the center of town will pay homage to Whitestown’s origins relative to railroad transportation.

With a well-planned infrastructure, Whitestown welcomes residential, retail and commercial development while offering superior services and safety forces. With plans for three new parks and recreation areas, Whitestown residents will soon have even more to enjoy. Numerous and diverse community events draw young and old alike to enjoy their free time and experience something new.

Whitestown’s prime location on I-65 offers easy access to Indianapolis and Chicago, the 15th and 3rd largest cities in the United States. With many other large metropolitan areas only hours away, Whitestown is a much sought-after destination for new and expanding businesses. The Town has a diversified employment corridor running along the Whitestown Parkway and I-65, which includes home-based and privately-owned businesses, national retail, hotel and restaurant chains, and distribution centers.

It’s easy to see why the Town of Whitestown is the place-to-be, as we break new ground on the visualization and realization of what a town can be.

We are #WhitestownProud.

FORM OF GOVERNMENT

The Town of Whitestown operates under the Council-Manager form of government. Under this form, the elected governing body is generally responsible for the legislative function of the municipality, such as establishing policy, passing local ordinances, adopting a budget, appropriating money, and developing an overall vision for the community. Day-to-day operations are generally the responsibility of the Town Manager.

The government consists of; the Executive, Legislative, Fiscal, Judicial and Statutory Boards and Commissions. WMC 1.10.010.

Town Council

The Town Council is comprised of five members, all of whom are elected from legislative districts. WMC 1.10.030(G)(1). The Town of Whitestown is divided into five electoral districts for the purpose of electing town council members. WMC 1.10.030(G)(2). The Council has the exclusive authority to adopt ordinances and appropriate tax monies received by the Town and perform other necessary and desirable legislative functions. The clerk-treasurer is the clerk of the town council and performs the duties prescribed under Indiana law and Whitestown Code. See, e.g., WMC 1.10.030. Each Council Member serves a four-year term of office, and may be re-elected.

Appointed Officials

Officials appointed by the Council generally serve at the pleasure of the Town Council.

The Whitestown Town Manager is hired by the Town Council. The Manager is responsible for drafting a balanced budget for Council consideration and executing the Council approved budget. In addition to supervising daily operations of the Town, the Town Manager works with elected officials, business leaders, and citizens to anticipate and plan for the future development and needs of the community. The Manager defines and carries out the vision of the Council by setting goals and establishing strategies for achieving these goals. The Town Manager is also responsible for assuring that the Council and all Boards, Commissions and Committees (“BCC”) of the Town comply with provisions of the Indiana Open Door Law and Access to Public Records Act.

The Whitestown Metropolitan Police Chief is hired by the Town Council, who takes under consideration the recommendations of the Board of Metropolitan Police Commissioners.

The Whitestown Fire Chief is hired by the Town Council, who takes under consideration the recommendations of the Fire Board.

RELATIONSHIPS

With Council

A good relationship between the Town Council and the Boards, Commissions and Committees (“BCC”) is essential. One responsibility of BCC is providing additional avenues of communication between the Town Council and the public. Commission and committee members should keep in mind that only the Town Council can ultimately establish Town policy. It is the Town Council’s role to receive the recommendations made by BCC and to consider them as part of their decision-making process.

Official communication with the Town Council should be written and from the entire appointed body. Communications will be forwarded through the Town Manager or Staff Liaison. Remember, the role of the Liaison is to *communicate* the position of the board, commission, or committee – not *advocate* on behalf of the board, commission, or committee. Whenever a board, commission, or committee has an item before the Town Council, the chair or a representative of that appointed body is encouraged to attend the Council meeting to speak to the topic or answer questions.

When an appointed member addresses the Town Council at a public meeting, it should be made clear whether he/she is speaking on behalf of the board, commission or committee, or as an individual. If the member is speaking on behalf of a BCC, only the majority position of the body should be presented. If the member is expressing his/her own personal viewpoint on a subject, it should be stated as such.

With Staff

Each BCC has a Staff Liaison assigned by the Town Manager. The role of the Staff Liaison is principally to coordinate the preparation of the agenda for each meeting, to prepare minutes in accordance with the Open Meeting Law, and to work with the board or commission chair to assure the work of the BCC is completed in a timely and effective manner.

Any action by the BCC must be consistent with the powers and duties of the BCC outlined in the ordinance or resolution that created the BCC. This means that no BCC may on its own, or through Town Staff, enter into contracts, authorize the expenditure of funds, bind the Town to act, or act outside the powers granted by the Town Council.

In general, the Staff Liaison will do the following:

- Establish and maintain a positive working relationship with the members;
- Assist with the creation of operating procedures;

- Work with the body to ensure the body acts consistent with its established powers and duties, and complies with this handbook;
- Offer advice and recommendations to members as appropriate and when requested;
- Report the boards', commissions' and committees' concerns to the Town Manager, who, in turn, will notify Council;
- Provide advice regarding the most effective way of presenting recommendations to Town Council, as appropriate;
- Facilitate interaction between BCC as appropriate;
- Make meeting arrangements and prepare and distribute agenda packets to BCC members on a timely basis;
- Provide members with the background information necessary for making an informed decision;
- Take notes during the meeting and prepare meeting minutes in a timely manner for approval by the BCC;
- Provide or otherwise arrange for orientation and training for new members; and
- Assure agenda packets are complete, including any attachments, when posted.

With Fellow Members

Cooperation among fellow BCC members is essential to success. Building consensus around common goals and objectives, members should first show a willingness to impartially define the issues at hand and then work to reconcile opposing viewpoints. When BCC members interact positively, the group is more effective. Important points to keep in mind in working with others:

- Respect an individual's viewpoint, even though it may be different from your own.
- Allow other members adequate time to present their views before making comments.
- Be open and honest.
- Welcome new members and help them become acquainted with their BCC.
- Accept responsibility, voice opinions, and be fair and factual.

With Fellow Boards, Commissions and Committees

The Town Council has authorized the use of "joint" meetings and occasionally has "joint" meetings of more than one BCC. When this occurs, each body should focus on its respective advisory responsibilities. The same considerations should be made during "joint" meetings as are followed for relationships with fellow members of the same body.

With the Public

A good relationship with the public is vital for all Town BCC. In many cases each body serves as a link between the Town Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain Town programs and policies. Appointed members should welcome citizen input at meetings and be considerate of all interests, viewpoints, and expressions of opinion. Each body provides a channel for citizen expression by listening to comments, opinions, and concerns from the public. Therefore, it is important to be responsive and in tune with the community.

ELIGIBILITY AND APPLICATION

Residency

Most board, commission, and committee members must be residents of the Town of Whitestown. There are, however, a few exceptions.

Term

Upon formation of a BCC, members are typically for a term of years. Generally there are not term limits. Where possible, terms of the members may be staggered so as to avoid the entire board being up for reappointment at any one time. This may not be true of all BCC's. You should be notified of the length of your term, as well as the other terms of those on your BCC. If you have questions, please work with your BCC's staff liaison on concerns about term.

Member Selection

If someone is interested in being a member of a BCC he or she may complete an application. Applications are available on the Town of Whitestown website, www.whitestown.in.gov, and can be submitted at any time, with your resume, to the Town Manager at townmanager@whitestown.in.gov. They will generally be kept on file for up to one year.

Applications for eligible individuals are forwarded to the Town Council, who may review the applications and interview applicants where appropriate. After deciding on the new member(s) the applicants are generally appointed by the Town Council President or by a majority vote of the Town Council.

Vacancies

If a vacancy in a BCC is created because of a member's resignation, death, or removal, a new member is generally appointed to serve for the unexpired portion of the term. If a vacancy in a BCC is created because a term has expired, a new member is appointed for a full term (generally four years). In any event, the same selection process is used.

Removal

If permitted under Indiana law, members may be removed by the appointing authority with or without cause. At the time of such removal, the appointing authority may establish a period during which the removed member is ineligible for future appointment.

BOARD, COMMISSION, AND COMMITTEE ROLES

The Town Council recognizes the value BCC members bring to the community. Boards, commissions, and committees are created by the Council and may be changed, or abolished, at any time.

Boards, commissions and committees are given powers and tasks to perform by Council. A summary of these powers, duties, and tasks for each BCC is contained in the BCC specific handouts available through the Staff Liaison. This information is also available at any time on our website, www.whitestown.in.gov. Go to *Government*, click on *Boards, Commissions and Committees*, and then click on the specific group you are interested in from the drop-down menu. Whitestown Municipal Code can be accessed by clicking on *Government* and *Municipal Code* from the drop-down menu. To find Town ordinances and resolutions click on *Government* and *Ordinances & Resolutions* from the drop-down menu.

Classification of Boards, Commissions and Committees

Boards, Commissions and Committees advise the Town Council by making recommendations on public policy. In Whitestown, BCC are created by an ordinance, resolution, code, or act.. Examples of commissions include the Economic Development, Historic Preservation, and Plan Commissions. An example of a committee is the Town's Veterans Committee.

Commissions and Committees

Commissions and Committees are often asked to make recommendations based on their own expertise, what they hear from other community members, and based on the information and analysis of specific issues. Although most commission and committee actions and

recommendations are subject to the approval by Town Council, the Council appoints citizens to these positions because Council trusts that members will exercise sound, independent judgement and do their best to form advice for the Town Council. The Town Council will consider recommendations within the parameters of Council's own deliberations. As a result, the Town Council can generally do the following:

- Follow the recommendations of the board, commission or committee;
- Request further study;
- Decide to take a different action than what has been recommended;
- Decide not to act at all.

Boards

Some Boards have some decision-making powers within their range of authority. Examples include the Bicycle/Pedestrian Board, Fire Safety Board, Board of Metropolitan Police Commissioners, and Board of Zoning Appeals. This does not mean that all decisions of a Board is final, and some decisions are still subject to Town Council action.

Council Expectations

The Town Council has the following expectations of its appointed BCC:

- Provide citizen's perspectives on issues;
- Prioritize options for Council and refine recommendations;
- Enable citizens to contribute their expertise to the community;
- Advise Council on policy matters;
- Act in full accordance with all the powers and duties established in Whitestown Municipal Code, Resolution, Act, or Ordinance, or Indiana Code; and
- Comply with the Indiana Open Door Law, laws governing public bodies and the Town policies and procedures, where applicable.

Election of Officers

Every BCC should select a member to serve as the chair/president and a member to serve as the vice chair/vice president. This selection should be done as provided by law, at the first meeting of the calendar year, or any time there is a chair or vice chair vacancy. If, for any reason, both the chair or vice chair are absent from a meeting, the members who are in attendance should select a member to serve as the chair for that meeting.

Role of Chair/President and Vice chair/Vice president

The chair, or vice chair when the chair is absent, presides over meetings, decides all point of order and procedure, and performs any duties required by law. The chair, or vice chair in the absence of the chair, has the right to make a motion, second any motion, and vote on any matter under consideration of the BCC.

RULES OF CONDUCT AND DEMEANOR

As volunteers, BCC members represent the Town of Whitestown. Therefore, they should conduct themselves in an appropriate manner at all times.

While every board, commission, or committee tends to have its own “personality” and methods for working together to form recommendations, some of the characteristics that successful BCC members have in common include:

- Interest in Town issues and a willingness to learn about them;
- Preparing for each meeting by reviewing the agenda packet, knowing the issues to be discussed, and being informed enough to discuss, ask questions, and/or vote;
- Consistent attendance and being on time for meetings;
- A sense of open-mindedness, patience, respect, and fairness;
- An ability to envision and consider the long-term effects of a proposed project/issue and to balance those effects with short-term consideration;
- The ability to reach a conclusion, making an informed recommendation;
- Excellent people skills; i.e., respect for one another, respect for differing opinions, reasoning and communicating in a concise and clear manner.
- Ability to work well with staff and community members.

Boards, commissions, and committees are extensions of the Town Council. As such, members should adhere to ethical standards that eliminate conflicts of interest, unfairness, or illegality.

It is the policy of the Town of Whitestown to uphold, promote, and demand the highest standards of ethics from all its officials, whether elected or appointed. Accordingly, all members of each BCC will maintain the following standards:

Rule 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members should work for the common good of the Town of Whitestown and not for any private or personal interest. Members should also assure all persons, claims, and transactions that come before the BCC are treated fairly and equitably.

Rule 2. Comply with the Law

Members will comply with the laws of the Nation, the State of Indiana and the Town of Whitestown in the performance of their public duties. These laws include, but are not limited to, the Federal and State constitutions, laws pertaining to conflict of interest, election campaigns, financial disclosures, anti-discrimination, confidentiality/non-disclosure laws, open meeting, Town of Whitestown Municipal Code, Ordinances, Resolutions, and Town and Town Council policies.

Rule 3. Professional Conduct

The professional and personal conduct of members should be above reproach and devoid of the appearance of impropriety. Members should refrain from abusive conduct, harassment, personal charges or verbal attacks upon the character or motives of members of Council, boards, commissions, committees, Town staff, or members of the public.

Rule 4. Respect for Process

Members should perform their duties in accordance with the processes and rules of order established by the BCC or the Town Council governing the board or commission.

Rule 5. Conduct of Public Meetings

Members should prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. Members should refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

Rule 6. Decisions Based on Merit

Members should base all decisions on the merits and substance of the matter at hand.

Rule 7. Transparent Governance

Members should publicly share substantive information that is relevant to a matter under consideration by the BCC, which the member may have received from sources outside the public decision-making process.

Rule 8. Positive Workplace Environment

BCC members should support and maintain a positive and constructive work place environment for Town employees, residents, and businesses dealing with the Town. Members should recognize the special role of Town Council appointed BCC members in dealings with Town employees and refrain from creating the perception of inappropriate direction to staff.

Rule 9. Conflict of Interest

Members should be constantly on guard against conflicts of interest, whether real or perceived. A member should know his or her obligations under Indiana law regarding conflicts of interest, and is individually responsible for following such obligations including, but not limited to, those found in Indiana Code § 35-44.1-1-4.

If a BCC member believes that a conflict of interest (or even a possible conflict) exists, the member should disclose the fact as soon as possible on the record. Members should declare possible conflicts to avoid any appearance of impropriety.

Rule 10. Accepting Gifts, Favors or Benefits

A member should not receiving anything of value or any compensation for any service rendered in connection with that person's duties with the Town, or, using or attempting to use the member's position to secure anything of value or benefit.

MEETINGS

Quorum

The word "quorum" generally means a majority of the members of a board, commission or committee holding office, unless otherwise specifically provided in Indiana or Whitestown's code. See, e.g., WMC 1.05.020.

A quorum is the number of members needed for there to be a proper meeting of the BCC. If a quorum is not present, the meeting may still be conducted, but no official actions can be conducted unless a quorum is present.

Frequency, Location and Time

Each BCC should meet at least one time per year, though more meetings may be required. Boards and commissions may have two types of meetings; "Regular" meetings, those meetings scheduled as part of an annual calendar of meetings, and "Special" meetings; those meetings called by the chair or Staff Liaison that were not included in the annual calendar of meetings.

BCC that meet regularly should adopt an annual meeting schedule. Meetings on the schedule are referred to as "Regular" meetings and, unless the adopted calendar states otherwise, Regular meetings should be held on the same day of each month, at the same time and same location. For example, the Board of Zoning Appeals meets on the first Thursday of each month

at 6:30PM in the Public Hall, which is located at the Whitestown Municipal Complex, unless publicly noticed otherwise.

The chair of each BCC, a majority of the members of each BCC, or the Staff Liaison as authorized by the Town Manager, may call a “Special” meeting. Typically, “Special” meetings will only be used when the use of a “Regular” meeting is not practical, or when the BCC decides that there is a specific need for the “Special” meeting. Except in certain emergency circumstances a “Special” meeting may not be called less than 48 hours prior to the start of the meeting. When a Special meeting is called, the staff liaison shall ensure any necessary notices are provided.

In any event, meetings should be held at a time and place designed to maximize public engagement in the business of the body.

Attendance

Attendance is very important and must be in person. Calling in (by phone, Skype, FaceTime, or otherwise) is not permitted except in extreme circumstances.

If any member is absent for two consecutive meetings, or three meetings in any six-month period, or if a member fails to respond to contact from the Staff Liaison, the Staff Liaison may refer the matter to the Town Council for consideration and action including potential removal of the member.

Preparation

Adequate preparation is another characteristic for effective membership of a board, commission or committee. The Staff Liaison will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request additional information needed to make thoughtful and appropriate decisions.

Agenda

The agenda, and any supportive materials, are created in cooperation with the Staff Liaison, following the format outlined in WMC 1.10.030(A). The agenda, if available, should be posted no later than 48 hours prior to the meeting. Note that the order of business may be changed or suspended by the presiding officer with the consent of the majority of the members of the BCC present.

Minutes

Memoranda/Minutes of each meeting will be prepared by the Staff Liaison and should include attendance, record any vote, and otherwise comply with the Indiana Open Door Law. The Town Manager, Staff Liaison, or Public Relations Department may post the minutes of each BCC

meeting. Some board and commission meetings may be videotaped and made available for viewing on the Town website and on YouTube.

Subcommittees and Working Groups

A subcommittee is a “subgroup” of two or more board, committee, or commission members who meet to discuss and to make recommendations on matters that will come to the full body for action.

A working group is a “subgroup” of two or more board, committee, or commission members tasked by the public body to gather information, study and evaluate matters that will be considered by the public body, and report findings back to the public body. Working groups may be formed by a majority vote of the public body.

Conducting Business

In summary, effective members:

- Attend all meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the body should, where appropriate, operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the body.
- Examine all available evidence before making a judgement.
- Communicate well and participate in group discussions.
- Exhibit a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary to reach consensus.

OPEN DOOR LAW

The Indiana Open Door Law (ODL) was enacted in 1977 to promote accountability of public officials, to encourage public participation, and to build trust between local government and its citizenry. The ODL only applies to governing bodies of public agencies; it does not apply to all public officials or public entities. Full text of the ODL can be found at IC 5-14-1.5-1 *et seq.*

The core provision of the Indiana Open Door Law states:

"All meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them." IC 5-14-1.5-3(a).

Q & A

Who is a “public official”?

A person (1) who is the member of a governing body of a public agency; or (2) whose tenure and compensation are fixed by law and who executes an oath. IC 5-14-1.5-6.1(a).

If you serve as a member of a board, commission, or committee, you may be considered a “public official.”

What constitutes a meeting?

A meeting is “a gathering of a majority of the governing body for the purpose of taking official action upon public business”. IC 5-14-1.5-2(c). A meeting generally occurs any time a majority of public officials from the same public body (be it a Council, board, commission or committee) communicate about an item within the jurisdiction of the public body.

Notice Requirements

The ODL requires public notice of date, time, and location of any open meetings, rescheduled or reconvened meetings, and executive sessions at least 48 hours prior to the meeting, not including Saturdays, Sundays, and legal holidays. IC 5-14-1.5-5. An unplanned “executive session after the regular meeting” is not sufficient notice of a meeting time.

What is included in the Agenda?

The ODL does not require an agency to utilize an agenda, however, if the governing body utilizes an agenda, the agenda must be posted outside the meeting before the meeting begins. The ODL does not provide a time by when the agenda must be posted.

Whitestown generally follows the format set forth in WMC 1.10.030 (A). The agenda may include a description of the items being discussed that will provide reasonable notice to the public of the items being discussed or decided.

Who prepares and posts the agenda?

If an agenda is to be used, the Staff Liaison will generally prepare a meeting agenda, making sure the item/s being discussed are within the scope of the BCC. The Staff Liaison will post any agenda.

Who takes the minutes for board, commission, and committee meetings?

The Indiana ODL does not require minutes, but memoranda must be kept as the meeting progresses and must contain, per IC 5-14-1.5-4, the following information:

- The date, time and place of the meeting;
- Identify the members present or absent;
- A general description of all matters, proposed, discussed or decided; and
- A record of all votes taken, by individual members if there is a roll call.

The Staff Liaison will generally take memoranda and post them on our website at www.whitetsown.in.gov. The memoranda/minutes are to be available within a reasonable period of time after meeting. The minutes, if any, are to be open for inspection and copying.

In what way may the public participate in a meeting?

The public has the right to attend, listen and even record the meeting (video or audio). Council generally expects every public body to provide an opportunity for public input, during sessions of “Public Comments”. The public never has the right to disrupt the meeting, however.

A right of the public to record meetings, found at IC 5-14-1.5-3(a), *includes* the right to record the meeting. A governing body may place reasonable restrictions on the use of such equipment but may not ban the use of audio or video recorders.

What is an official action?

- To receive information;
- Deliberate;
- Make recommendations;
- Establish Policy;
- Make Decisions; or
- Take final action (i.e. voting). IC 5-14-1.5-2(d)1-6

What is a final action?

A vote by the governing body on any motion, proposal, resolution, regulation, ordinance, or order. IC 5-14-1.5-2(g)

What is an executive session?

A meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose. The governing body may also admit an individual who has been elected to the governing body but has not yet been sworn in as a member of the governing body. IC 5-14-1.5-2(f). The governing body may not take final action in an executive session. IC 5-14-1.5-6.1.

Reasons for an executive session might include:

- “Discussion of strategy with respect to initiation or litigation that is pending or has been threatened in writing.” IC 5-14-1.5-6.1(b)(2)(B);
- “To receive information about and interview prospective employees.” IC 5-14-1.5-6.1(b)(5); or
- “To discuss a job performance evaluation.” IC 5-14-1.5-6.1(b)(9).
- To find the complete list of instances when an executive session can be held, go to IC 5-14-1.5-6.1(b).
- The BCC should consult with the Town’s attorney prior to calling any executive session.

Can a board, commission or committee meet in executive session?

Yes, if the item is properly noticed. The agenda and the memoranda/minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The minutes must certify that no other matter was discussed.

PROCEDURAL GUIDELINES

Town of Whitestown protocol provides that meetings are generally guided by Robert’s Rules of Order. In furtherance of such guidance, the procedural guidelines outlined below can guide all meetings of boards, commissions and committees, keeping the following principles:

- The members act as a body.
- The body should proceed in the most efficient manner possible.
- The body acts by at least a majority.
- Every member should have an opportunity to participate in decision making.
- The most important function of the body is to act as a body for the purpose for which it exists. To that end, the body’s actions should be the result of a decision on the merits and not a manipulation of the procedural guidelines.
- The guidelines should be seen as guidelines to assist the body. These guidelines are not, therefore, binding rules of procedure. The guidelines do not create any rights, and failure to follow any guideline (or Robert’s rules of Order) is not a reason to invalidate any action of a body when the authority was otherwise proper under applicable Indiana law.

Guideline 1. Duties of the Chair

The Chair shall do the following:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c) To entertain and answer questions of procedure;
- d) To call a brief recess at any time;
- e) To adjourn in an emergency.

Guideline 2. Consent Agenda

The BCC may designate approval of minutes a part of a “consent agenda.”

Guideline 3. When the Chair is in Active Debate

If the Chair becomes actively engaged in extended debate on a particular proposal, the Chair may designate another member to preside over the debate. The Chair may resume presiding as soon as his or her debate on the matter is concluded.

Guideline 4. One Motion at a Time

A member should make only one substantive motion at a time, but may offer to amend or withdraw his/her motion.

Guideline 5. Substantive Motions

A substantive motion is a motion to take action on the principal item and should not be made while another substantive motion is pending. In other words, a substantive motion is any motion other than the procedural motions listed in Guideline 9. A substantive motion may deal with any subject within the BCC legal powers, duties, and responsibilities.

Comment: *This guideline sets forth the basic guideline of procedure that distinct issues should be considered and dealt with one at a time so as not to confuse the record or the debate, and a new proposal should not be put forth until action on the preceding one has been concluded. The*

term substantive motion is used here to underscore the distinction between this type of motion and the various procedural motions listed in Guideline 9.

Guideline 6. Debate

The Chair should state the motion and then open the floor to debate on it. The Chair should preside over the debate with assistance from the following guidelines:

- a) The maker of the motion may speak first;
- b) A member who has not spoken on the issue should be recognized before someone who has already spoken;
- c) Whether a member is opposed to or in support of a motion he or she should be granted opportunity to speak on the matter.

Guideline 7. Ratification of Actions

To the extent permitted by law, the BCC may ratify actions taken on its behalf but without its prior approval. A motion to ratify may be treated as a substantive motion.

Guideline 8. Withdrawal of a Motion

A motion may be withdrawn by the maker before the motion is voted upon.

Guideline 9. Procedural Motions

(a) Motions Allowed.

In addition to substantive proposals, procedural motions may also be offered. This section provides examples of procedural motions.

(b) Order of Priority of Motions.

In order of priority (if applicable), examples of procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Chair.

A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of procedure may be appealed to the BCC. This appeal is in order immediately after such a decision is announced. The member making the motion need not be recognized by the Chair and the motion, if timely made, may not be ruled out of order.

Comment: *This motion allows the ruling of the Chair on certain procedural matters to be appealed to the whole board/commission/committee. This appeal must be made as soon as the Chair's decision is announced, so this motion is accorded the highest priority.*

Motion 2. To Adjourn.

This motion may be made at the conclusion of BCC consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn ends the current meeting to a time and place certain. This motion requires a majority vote. Notably, no motion to adjourn is required if the BCC is using an agenda and it has come to the end of the agenda. In such an instance, the Chair can adjourn the meeting if there is no objection.

Comment: *Since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies the motion is in order only when consideration of a pending matter has concluded. If the BCC wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the BCC use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.*

Motion 3. To Take a Brief Recess

This motion is made when a member wishes to take a short break during the meeting but does not want to end the meeting. The motion will not end the meeting.

Comment: *This motion allows the BCC to pause briefly in its proceedings and should not be confused with the motion to adjourn to a time and place certain, which is a form of the motion to adjourn under these rules. Motion 3 is a "motion to take a brief recess" rather than a "motion to recess" or "motion to adjourn." Since the number of BCC members is small, and procedures are available to limit debate, debate is allowed on this motion. A motion to take a*

brief recess is in order at any time except when a motion to appeal a procedural ruling of the Chair or a motion to adjourn is pending.

Motion 4. Call to Follow the Agenda

This motion is intended to direct the body's attention back to a written agenda, if one is being used. The intent of such a motion is to have the Chair take the items on any written agenda in the order in which the items are presented.

Comment: *This motion may be debated.*

Motion 5. To Suspend the Rules

Where permitted by law (and unless otherwise required by law) the BCC may, by two-thirds vote suspend any applicable procedural rule.

Motion 6. To Divide a Complex Motion and Consider It by Paragraph

The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 7. Motion for the Previous Question

This motion is intended to end debate on a particular topic, and should not be made unless all members have had at least one opportunity to speak on a matter if they so desire.

Comment: *With small boards, a minimum period of debate on every proposal that comes before it strikes a superior balance between efficiency and effective representation by all BCC members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.*

Motion 8. To Postpone to a Certain Time or Day

The purpose of this motion is to postpone discussion on a matter to a certain time or day.

Comment: *This motion allows the BCC consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy.*

Motion 9. To Refer a Matter to a Subcommittee

The BCC may vote to refer an item on the agenda to a subcommittee for study and recommendations. A sub-committee should generally be given a time within which the BCC expects the sub-committee to report back on a matter. If, after the expiration of such time, the sub-committee has not reported back, the BCC may extend the time for the sub-committee to decide the matter, or may act without a sub-committee recommendation. By vote of a majority of members, the matter may be removed from the sub-committee at any time.

Motion 10. To Amend

- (a) An amendment to a motion must be pertinent to the subject matter of the motion. Members should generally refrain from presenting a rejection of the original motion as an amendment (i.e. if a motion to approve is offered, members should generally refrain from amending the motion to state it is a motion to disapprove, etc.). Instead, members can express their desire to disapprove by voting against the main motion. A proposal to substitute completely different wording for a motion or an amendment will be treated as a motion to amend.
- (b) A motion may be amended, and that amendment may be amended.
- (c) Any amendment to a proposed written motion (resolution/ordinance) should generally be reduced to writing.

Comment:

Subpart (b) of the guidelines governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Some BCC may have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the BCC, it is up to the BCC to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she

is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the original maker of the motion is free under these guidelines to withdraw it). If a motion has been withdrawn, the BCC members are generally free to make their own separate motions on the same subject.

Motion 11. To Reconsider

The BCC may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "no" votes prevail).