

# **Town of Avon, Indiana**

## **Rules and Procedures Manual For Council Members**

**A review of Avon Town Council procedures  
which specify additional local guidelines to the  
Indiana Association of Cities and Towns Handbook for New Council Members.**

**Amended March, 2003**

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## **Chapter One**

### **Introduction & Overview**

As a Town Council member, you not only establish important and often critical policies for the community, but you are also a board member, and responsible for the fiscal health, of a public corporation having an annual budget of over \$2 million. The scope of services and issues addressed by the town organization go well beyond those frequently reported in the newspaper or discussed at Town Council meetings.

#### Indiana Elected Municipal Officials' Handbook

Enclosed with this manual is the Indiana Elected Municipal Officials' Handbook published by the Indiana Association of Cities and Towns. The document provides a wealth of general information on the role and responsibilities of Town Council members. The handbook also provides much information on the specific requirements and laws that govern Council actions. The Handbook should be reviewed and considered an integral part of procedures utilized within the Town of Avon.

#### Purpose of Avon Procedures Manual

The Town of Avon has prepared its own procedures manual to assist the Town Council by documenting accepted practices and clarifying expectations. Through agreement of the Town Council and staff to be bound by these practices, administration of Town Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council members in their actions. This procedure manual will aid Council in taking bold/responsible action, when necessary; to keep Avon on the growing edge of well run, well managed innovative Towns.

#### Overview of Basic Town Documents

This procedures manual provides a summary of important aspects of Town Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of a town council. Many other laws, plans and documents exist which bind the Town Council to certain courses of action and practices. A summary of some of the most notable documents, which establish Town Council direction, is provided below.

*Avon Municipal Code:* The town code contains local laws and regulations adopted by ordinances. The administrative chapter of the code addresses the role of the Town Council, Council President and Council Vice President. It also describes the organization of Town Council meetings and responsibilities as well as the appointment of certain town staff positions and advisory commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, smoking restrictions, traffic/speed regulations, and local tax standards.

*Indiana State Code:* The state government code contains many requirements for the operation of town government and administration of meetings of town councils throughout the state. Many of these requirements, such as open meeting laws, are also replicated within the municipal code to ensure there is broad awareness of such requirements.

Also described within the government code is the role of the Town Manager in the Council-Manager form of government, which is practiced in Avon. Basically, this form of government prescribes that a town council's role is to establish policies and priorities, while the role of the town manager is to administer the affairs of the town government.

*Annual Budget:* The town's annual budget provides a description of town services and the resources used to provide services. The document contains a broad overview of the budget as well as a list of policy options that have been considered during the budget process.

*Comprehensive Plan:* The Town has adopted a Comprehensive Plan that establishes land use goals for the Town.

*Thoroughfare Plan:* The Town has adopted a Thoroughfare Plan that establishes goals for road improvements.

*Zoning Code and Subdivision Control Ordinance:* Provides development standards and allowable uses.

### Orientation of New Members

It is important that members of the Council gain an understanding of the full range of services and programs provided by the organization. As new members join the Town Council, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

## **Chapter Two**

### **Avon Town Council: General Powers and Responsibilities**

#### Town Council Generally

The powers of a town council in Indiana to establish policy are quite broad. Essentially, councils may undertake any action related to town affairs other than those forbidden or preempted by state or federal law.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Council President and Vice President have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

Council members are encouraged to participate and provide leadership in regional, state and national programs and meetings. Council members are strongly encouraged to report to the council on matters discussed at subcommittees and other regional, state, and national board/agency/group activities in which they have been involved.

#### Organization of Town Council

The Town Council shall organize itself by the election of President and Vice President at the first meeting held during each calendar year. In the event that the President and/or Vice President are not elected at the first meeting of the calendar year, the President and/or Vice President will continue to serve until an election is held.

In a new year where Council Members remain the same, the Council may elect the President and Vice President at their last meeting of the previous year. The result will be noted in the first meeting of the New Year, with the minutes reflecting the election results.

In the event that the President or Vice President resigns or dies, the Town Council shall elect a successor among remaining Council Members to complete such officer's term of office.

#### Role of the Council President and Vice President

*Council President:* As reflected in the municipal code, the Council President is to preside at all meetings of the Town Council and perform such other duties consistent with the office as may be imposed by the Council. The Council President does not possess any power of veto. As presiding officer of the Council, the Council President is to faithfully communicate the will of the Council majority in matters of policy. The Council President is also recognized as the official head of the town for all ceremonial purposes. The Town Council elects the Council President annually.

Traditionally, the Council President has also been assigned by the Town Council to consult and coordinate with the Town Manager in the development of agendas for meetings of the Town Council as outlined in Chapter 8. The scope of such review focuses on the timing of business items and the volume of business which can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full Town Council

*Council Vice President:* The Council Vice President shall perform the duties of the Council President during the Council President's absence or disability. The Vice President shall be elected annually by the Town Council.

#### Appointment of Town Manager, Town Attorney

The Town Council appoints two positions within the town organization: town manager and town attorney. Both positions serve at the will of the Town Council. The Town Manager is an employee of the town and has an employment agreement, which specifies some terms of employment including an annual evaluation by the Town Council. The Town Manager is responsible for all other personnel appointments within the town except the police department and Town Court and Clerk Treasurer's Office.

#### Appointment of Advisory Bodies and Standing Committees

The Town Council has two standing committees: Finance and Personnel. Each Committee shall consist of not more than two (2) members of the Town Council who shall serve as co-chairs of the Committee. Such Committees may conduct investigations or hold such hearings as they deem necessary regarding any matter before them related to their Committee purpose and shall report their recommendations, if any, to the Town Council.

Standing Committees will be appointed by the Town Council President at the first meeting in January of each year. Any documents that have been given to any Committee, related to Town business, shall be given to the Town Manager or Clerk-Treasurer, as a matter of record keeping, within twenty four (24) hours.

No one shall enter in to any negotiations, agreements or fact finding, on behalf of the Town of Avon with out documented approval from the Town Council or Town Manager.

The Town has several standing commissions whose appointments are established by State Statute and Town Code. In addition, extensive special- purpose citizens committees and task forces are encouraged and are often appointed by the Town Council to address issues of interest. The following procedures reflect the policy of the Town Council regarding the appointment of volunteer citizens to the various advisory bodies of the town.

The establishment of these procedures insures that well-qualified, responsible and willing citizens are given the opportunity to serve the town and participate in the governing of their community. These procedures apply to all appointments and reappointments to standing advisory bodies.

Qualifications: A member must be knowledgeable of and experienced in the areas of interest of the board/commission on which he/she wishes to serve. Residency requirements are outlined in State Statute and Town Code. Names to be considered for appointment will be submitted to the Town Council. While seated commission members may request that the Council seek certain qualifications from new appointees, only the Council shall review applications and make appointments to commissions.

### Council Values

The Council should maintain the following values:

- High energy, open minded, achievement oriented
- Have respect and care for each other
- Be straightforward, no hidden agendas
- Maintain humor
- Traditions are respected, but not binding.

## **Chapter 3**

### **Support Provided to Town Council**

#### Staff/Clerical Support

General staff and administrative support to members of the Town Council is provided through the Town Manager's Office. Secretarial services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. Sensitivity to the workload of support staff members in the Town Manager's Office is appreciated. Please note that individuals may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the Town Manager is requested.

Be aware that e-mails sent by Council members on a Town owned computer is probably a public record. Even though it does not create paper, sending an e-mail is more similar to mailing a letter than placing a telephone call. The information in the e-mail is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, e-mails can become records of the town maintained in the course of business, and thus available for public disclosure

See CHAPTER 4 for a detailed discussion on the prohibition against using town property and funds for personal or political purposes.

#### Meeting Rooms

The Administrative conference room is available for shared use by members of the Town Council. This space is also used by the Town Manager as a meeting room. Larger meeting space can also be reserved for use of Town Council members by Town Manager's Office staff.

#### Mail, Deliveries

Members of the Town Council receive a large volume of mail and other materials from the public, private interests and staff. The Secretary to the Town Manager maintains a mailbox for each member. In addition, the town courier will often deliver materials to the homes of Council members when materials are time sensitive. Meeting agenda materials are delivered on Friday afternoons. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling. Other courier deliveries are scheduled as needed.

## **Chapter 4**

### **Financial Matters**

#### Council Compensation

State law and the town municipal code provide for modest compensation to members of the Town Council. Salaries are established by Town Ordinance

#### Clerk Treasurer

The Clerk-Treasurer is the financial officer for the Town. He/she is responsible for receiving and disbursing payments.

#### Expenditure Requests

A. Expenditure Requests shall conform to the following lines of approval:

Up to \$500: Department Heads May Approve

Up to \$5000: Town Manager May Approve

Up to \$15,000: Town Manager and Town Council President may approve in emergency situations.

B. The Clerk Treasurer shall have the authority to establish an expenditure request process for expenses that do not require Council approval.

C. All expenditure requests to be brought in front of the Town Council shall be in the form developed by the Clerk-Treasurer and filed in the office of the Town Manager not later than the close of business on the 7th day prior to the Town Council meeting, unless by urgent circumstances.

D. The Town Manager shall be notified of any urgent expenditure requests 24 hours prior to the meeting of the Town Council.

E. Any expenditure request not made pursuant to above procedures shall be acted upon only by the suspension of rules.

## Chapter 5

### Communications

#### Overview

Perhaps the most fundamental role of a Council member is communication-communication with the public to assess community opinions and needs-communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the Town Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

#### Correspondence from Council Members

Members of the Town Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Council President will be charged with transmitting the town's position on policy matters to outside agencies on behalf of the Town Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information. Town Council letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate within letters that they are not speaking for the Town Council as a whole, but for themselves as one member of Council. Town letterhead and office support may be utilized in these circumstances.

After the Town Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues, town letterhead, and staff support should not be utilized. In addition, town letterhead and staff support cannot be utilized for personal or political purposes.

Council members are often asked to prepare letters of recommendation for students and others seeking employment or appointment. It is appropriate for individual Council members to utilize town letterhead and their Council titles for such letters. No review by the full Council is required.

#### Speaking for "the town"

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a member may clarify their vote on a matter by stating, "While I voted against X, the Town Council voted in support of it." When representing the town at meetings or other venues, it is important that those in attendance gain an understanding of the Town Council's position rather than that of an individual member.

### Role of Commission Liaison

Each member of the Council is assigned to serve in a liaison capacity with one or more town commissions. The purpose of the liaison assignment is to facilitate communication between the Town Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the Town Council and commission. In interacting with commissions, Council members are to reflect the views of the Council as a body.

Typically, assignments to commission liaison positions are made at the beginning of a Council term. The Council President will request liaison assignments, which are desired by each member and will submit recommendations to the full Council of the various committees, boards, and commissions, which Town Council members will represent as a liaison. The Council President appoints the Commission liaisons for one-year terms.

Another role for the liaison to Boards and Commissions and Certain Subjects (Annexation, Rules and Procedures) is to determine if an issue related to the Board, Commission or Certain Subjects has a stated Council policy position. If so, then liaison is responsible for working with Town Staff to implement Council Policy.

If an issue does not have a stated Council policy position, the liaison shall work with Town Staff to formulate recommendations through review and analysis to be presented to the Town Council for consideration.

### State Legislation, Propositions

The Town Council is frequently requested to take action on pending state legislation. The Council has adopted a practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation's purpose and a listing of those entities both in support of and against the proposed legislation.

### Proclamations

Ceremonial proclamations are often requested of the town in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the town can make special recognition of an event (e.g., Recycling Week). As part of his/her ceremonial responsibilities, the Council President is charged with administration of proclamations. Individual Council members do not issue proclamations.

## **Chapter 6**

### **Conflicts & Liability**

#### **Conflict of Interest**

State laws are in place, which attempt to eliminate any action by a Council member, which may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

At any time a member believes a potential for conflict of interest exists, he/she is encouraged to consult with the Town Attorney or private legal counsel for advice. Staff may also request an opinion from the Town Attorney regarding a member's potential conflict.

## **Chapter 7**

### **Interaction with Town Staff/Officials**

#### Overview

Town Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. The Town of Avon has a tradition of positive relationships between members of the Town Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

#### Council-Manager Form of Government

Avon has adopted a Council- Manager form of government. Basically, this structure reflects that it is the Town Council's role to establish town policy and priorities. The Council hires a Town Manager to implement this policy and undertake the administration of the organization. The Town Council is to work through the Town Manager in dealing with town staff except the Police Department and other Town elected officials. Council Members may bring police issues to the Town Manager or the Police Chief. The Police Chief does not report to the Town Manager. The Chief reports to the Board of Police Commissioners but works closely with the Town Manager to resolve Council issues or concerns.

The Council-Manager form of government became popular nationally at the turn of the 20th century as part of a government reform movement. The model has matured in that town management is now considered a profession with many managers having graduate degrees in public administration and devoting careers to work with cities and towns.

The Council is similar to a board of directors while the Town Manager acts as the CAO and runs the organization on the Council's behalf.

The Town Manager is hired by the Town Council to enforce its laws, to direct the daily operations of town government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the Town Council. The Town Manager is responsible to the Town Council rather than to individual Council members, and directs and coordinates the various departments except the Police Department and other elected Town officials.

#### Council/Manager Relationship

The employment relationship between the Town Council and Town Manager honors the fact that the Town Manager is the chief administrative officer of the town. Council and the Town Manager are a participatory team and the Town Council should avoid situations that can result in town staff being directed, intentionally or unintentionally, by one or more members of the Town Council. Regular communication between the Town Council and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the authority of the Town Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Town Manager.

The Town Council is to evaluate the Town Manager on a regular basis to ensure that both the Town Council and Town Manager are in agreement about performance and goals based on mutual trust and common objectives. Avon Town Councils have utilized the following areas of performance when evaluating the Town Manager: leadership, judgment and problem solving, communications, interpersonal/community relations, and ability to accomplish goals and objectives.

As in any professional relationship, it is important that the Town Manager keep the Town Council informed. The Town Manager respects and is sensitive to the political responsibility of the Town Council and acknowledges that the final responsibility for establishing the policy direction of the town is held by the Town Council. The Town Manager communicates with Town Council in various ways. In addition to the formal Council meetings, there is a formalized approach by holding monthly briefing meetings with individual Council members (so-called "1x1" meetings) and through "Town Updates" typically distributed on Fridays. Communication must be undertaken in such a way that all Council members are treated similarly and kept equally informed. It is equally important that the council provide ongoing feedback, information and perceptions to the town manager including some response to written communication requesting feedback.

#### Town Manager Code of Ethics

The Town Manager is subject to a professional code of ethics from his/her professional association. It should be noted that this code binds the Town Manager to certain practices, which are designed to ensure actions are in support of the town's best interests. Violations of such standards can result in censure by the professional association. This code is posted in the Town Manager's office and lobby area.

#### Town Council/Town Attorney Relationship

The Town Attorney is the legal advisor for the Council, Town Manager and department heads. The general legal responsibilities of the Town Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the Town's interest, as determined by the Town Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) to keep Town Council and staff apprised of court rulings and legislation affecting the legal interest of the town. It is important to note that the Town Attorney does not represent individual members of Council, but the Town Council as a whole.

## **Roles and Information Flow**

***Objectives:*** It is the intent of staff to ensure Council members free access to information from the town and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council members must avoid intrusion into those areas, which are the responsibility of staff. Individual Council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Town Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.

***Council roles:*** The full Town Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, work loads and schedules, departmental priorities, and the performance of town business.

Individual members of the Town Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Non-police staff excluding Clerk Treasurer and Town Court staff are supervised by the Town Manager. The Town Manager determines work priorities based on a variety of factors including Council policies, daily priorities and efficient operation of local government.

Should a Council member become dissatisfied about a department, he/she should always talk it over with the town manager or his/her designee, not the department head. Concerns about the department head must be taken to the town manager only. Individuals are responsible to initiate resolution of problems as soon as possible and not let them fester.

***Access to Information:*** Individual Council members as well as the Council as a whole are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. Critical information will be passed to all Town Council members by appropriate personnel. The Town Manager or appropriate staff will always inform council when a critical or unusual event occurs about which the public would be concerned.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress,) are under review and not available for release until complete and after review by town management. In addition, there are legal restrictions on the town's ability to release certain personnel information even to members of the Town Council. Certain aspects of police department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council. Confidential personnel information also has restrictions on its ability to be released.

Town Council members have a responsibility to this information flow as well. It is critical that they make extensive use of staff and commission reports and commission minutes. Council members should come to meetings prepared - having read planning item documents as well as any additional information or memoranda that includes an update on major projects or evolving issues. Additional information may be requested from staff, if necessary.

***Staff roles:*** The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

Town staff will make every effort to respond in a timely and professional manner to all requests made by individual Council members for information or assistance, provided that, in the judgment of the Town Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full Town Council.

Staff is also responsible for providing monthly reports including Board/Commission updates, financial statements and department updates to the Town Council.

### **Dissemination of Information**

In cases where a staff response to an individual Council member request involves written materials, which may be of interest to other Council members, the Town Manager will provide copies of the material to all other Council members.

### **Magnitude of Information Request**

Any information, service-related needs, or policy positions perceived as necessary by individual Council members which cannot be fulfilled based on the above guidelines should be raised by the individual Council member under the Council Comment portion of a regularly scheduled Town Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

### **Staff Relationship with Advisory Bodies**

Staff support and assistance is provided to commissions and task forces, but advisory bodies do not have supervisory authority over town employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the Town Manager and Town Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with the policies established by the Board or Commission.

Staff support may include preparation of a summary agenda after approval by the chairperson, and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

It is important that advisory bodies wishing to communicate recommendations to the Town Council do so through adopted or approved Council agenda procedures. In addition, when a commission wishes to correspond with an outside agency regarding information not expressly defined as Town policy or information that is in conflict with established Town Policy, correspondence should be reviewed and approved by the Town Council. Town Policy is established in the Town Code, Comprehensive Land Use Plan, Thoroughfare Plan, Capital Improvement Plan, Ordinances, Resolutions, Parks Master Plan, Council Rules and Procedures. Individual Board/Commission members cannot make policy. Individuals who would like a commission to review a particular issue must also gain approval for such a request from the full Town Council. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

### **Council Relationship with Advisory Bodies**

The Town Council has determined that Council members should not lobby commissioners for particular votes. However, Council members may request that commissioners consider certain issues during their deliberations.

### **Restrictions on Political Involvement by Staff**

Local government administrations are non-partisan entities. Reflected within the Council-Manager form of government is a principal of professional staff, which formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the town, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No town resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities while in a town uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Town Council in these matters is requested. A Council member asking staff to sign petitions or similar items can create an awkward situation.

For management staff, the town manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement erodes the tenet that staff is to provide an equal level of service to all members of the Town Council.

## Chapter 8

### Town Council Meetings

#### Meeting Schedule

Regular meetings are held in the Town Hall Council Chambers at 6570 E US 36. The Town Council establishes meeting times and dates annually. The meetings begin at 7:00 p.m. Regular meetings at a different time and/or date may be called by the Council President or by two members of the Town Council. Notice must be given to the Town Council and posted notice 48 hours prior to a special meeting.

No Council meeting will be held in the event that a regular meeting of the Council falls on a legal holiday. Council members should inform the town manager's secretary as soon as possible if they intend to be out of town on a set meeting date.

#### Special Meetings

Special meetings may be called by the Council President or by two members of the Town Council. Notice must be given to the Town Council and posted notice 48 hours prior to a special meeting. Generally, no business other than that announced should be discussed.

At all regular meetings, public comments will be permitted in accordance with Town Code. Public comment is appropriate on any matter within the jurisdiction of the Town Council.

Notice requirements shall follow state statute; minutes of the meeting shall be taken by the Town Clerk or designee and shall be available for public inspection.

#### Placing Items on Agenda

***Town Manager:*** The Town Manager, in consultation with the Council President, prepares the Agenda and Council Packet.

***Town Council:*** A Council member may request an item be considered on a future agenda and, upon consensus of a majority of Council, the agenda item will be placed on future agenda. Generally, staff will prepare a staff report if formal Council action is required. Council members may make this request during the "Council Comment" portion of a meeting.

***Ordinances:*** Ordinances are introduced by Title and Subject Matter. Ordinances are introduced at one Council Meeting and have a Final Reading at a subsequent Council Meeting unless there is unanimous consent to suspend the rules and have Final Reading at the same meeting as the Introduction. Introduction of an Ordinance does not require a vote. Approval of an Ordinance during Final Reading requires a statutory majority vote of the Town Council.

***Other Business Items: Items to be voted on*** that are not on the Agenda may be added to the Agenda only if 4 of the 5 Council Members agree. If less than four members are present, the item may only be added if there is unanimous consent. ***Three (3) members may vote to add an item for discussion purposes only to the agenda.***

***Staff Requests:*** Items identified as needing Council action, in a written staff report as part of the Council Packet, may be considered as items on the meeting agenda.

## **Order of Business**

The Town Council establishes the general order of meetings through the Town Code. This section summarizes each Town Council meeting component.

1. ***Approval/Correction of Minutes:*** Minutes shall be submitted to the Council for approval and/or correction in draft form at a subsequent regular meeting. It is the policy of the Town Council that only members of the Council and the Town Clerk have the authority to make revisions to the minutes subject to a majority vote of the Town Council. Council members having only typographical corrections to minutes are encouraged to provide such corrections to the Town Clerk directly and need not wait to submit such corrections at a meeting. As a time saving measure, even full correction items could be written ahead and passed to the town clerk before the meeting.

2. ***Council Comment:*** Provides members of the Council an opportunity to introduce discussion on matters not currently before the Council including brief announcements, questions of staff and requests for items to be placed on the agenda at a future meeting. The purpose is to allow staff and Council to provide an update or share information regarding a particular matter. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from individuals or from the public, requests to agenda future items, or announcements of interest to the public

3. ***Public Comment:*** Each regular Council meeting has time set aside for comments from the public. Individuals desiring to speak are to address the Council from the speaker podium after giving their name. Comments should focus on a specific matter within the Council's jurisdiction with reasons for the position taken. Written comments are encouraged during the public comments section or during public hearings. When materials are presented during public hearings, they should be submitted before the public hearing is closed on the item. Comments may be limited so that all have an opportunity to address the Council.

As a general rule the Town Council will not accept video testimony. Videos may accompany in-person testimony but are subject to speaking time limits. To show videos, prior approval must be received and review undertaken by the Town Manager's Office.

Groups or applicant representatives desiring to speak shall address the Council from the speaker podium after giving the name of the group, its purpose, if necessary, and the representative's name.

4. ***Reports:*** At the first meeting of each month, departments and Board and Commissions present monthly reports to the Council.

5. ***Old Business:*** Items continued from previous meeting.

6. ***New Business:*** New items for consideration. Includes Ordinances, Resolutions and Contracts.

7. ***Claims:*** Clerk-Treasurer submits payment requests.

8. **Public Comment:** Council provides a second opportunity for public comment at the end of each regular Council meeting.

**A NOTE ON PUBLIC HEARINGS:** Public Hearings shall be opened, followed by staff's brief presentation of staff report and any appropriate applicant comments. Council may question staff or consultant after their presentation. Council will then hear public comment, following which the public hearing is closed.

After public hearings are closed, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer.

### **General Procedures**

The Town Council utilizes the most recent edition of Roberts Rules of Order to conduct Council Meetings when the Rules and Procedures Manual does not provide guidance.

**Presiding Officer:** The Council President is the Presiding Officer and acts as Chair at Council meetings. In the absence or incapacity of the Council President, the Vice President serves as presiding officer.

**Seating arrangement of the Council:** The Council Vice President is seated immediately next to the Council President. The Council President, with the approval of individual Council members, shall establish other seating arrangements for regular Council meetings.

**Signing of Town Documents:** The Town Council shall sign all ordinances and resolutions. Contracts and other documents which have been adopted by the Town Council and require an official signature may be signed by the Council President or Town Manager. In the event the Council President is unavailable, the Council Vice President's signature may be used.

**Quorum:** Three-fifths of the Council members constitute a quorum for the transaction of business.

### **Discussion Rules**

To assist the Town Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of Council meetings.

1. ***Obtaining the floor:*** A member of the Town Council or staff shall first address the Council President and gain recognition. Comments and questions should be limited to the issue before the Council. Cross-exchange between Council members and public should be avoided.

2. ***Questions to staff:*** A Council member shall, after recognition by the Council President, address questions to the department head or designated staff member. If a Council member has questions on an agenda item, that member should contact staff prior to the meeting in order to allow staff time to research a response/answer for the meeting.

3. ***Interruptions:***

a. Once recognized, a Council member is considered to have the floor, and another Council member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council member holding the floor shall cease speaking until the point of order or privilege is resolved.

b. Upon being recognized by the Council President, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Council President.

4. ***Discussion limit:*** A Council member should not speak more than once on a particular subject until every other Council member has had the opportunity to speak. Council members are encouraged to discuss items during the decision-making process, and may ask staff to respond when appropriate. The Council President should allow other members to speak first and then give his/her views and summarize.

5. ***Tabling procedure:*** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain.

6. ***Right of protest:*** A Council member is never required to state reasons for a dissenting vote.

7. ***Calling for the question:*** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council member may move to "call for the question" on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable, and the Town Council must vote on it.

## **Other Protocol**

Other guidelines have also been adopted to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council members and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Council President when departing from a meeting.
4. Limit disruptive behavior. Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Council President. If such conduct continues, the Council President may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has adopted a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the Town Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff tables.
6. Limit breaks of the Town Council to 5-10 minutes. The Council has authorized the Council President to resume the meeting if a quorum exists and other members have not returned from break within this time period.
7. Impose time limits on speakers. While the Town Council encourages and embraces the need for, and right of, public participation, it acknowledges that public comments must, at times, be limited. Therefore, the Town Council authorizes the Council President, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and impose time limits of up to three minutes per speaker when necessary due to the volume of business. After the time limit, Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

***Enforcement of Order:*** The Police Chief or his designee acts as the Sergeant-At-Arms. Any Council member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

***Values of Respect:*** The Town Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the

consideration of policy and avoids personalization of comments. Some general guidelines utilized by the Town Council include:

Discussion should focus on policy matters

Personal criticism of members is inappropriate

Proper decorum should be displayed as other members express their views

Treat members of the public equally

Individual council members should not pack the audience for their specific agenda items.

Public criticism of staff is inappropriate and discouraged.

### **Voting Procedures**

When present, all Council members are to vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote.

A Council Members shall declare a conflict of interest whenever appropriate and in compliance with state law.

General consensus may be declared at the discretion of the presiding officer if there are no negative votes or objections by Council members.

Upon the request of any Council member, a roll call vote will be taken and recorded.

***Abstentions:*** A Council Member must declare his/her intention to abstain from a vote prior to the presiding officer beginning the roll call for a vote.

***Tie vote:*** In the event of a tie, the Clerk-Treasurer has the tie-breaking vote.

***Majority vote:*** A statutory majority (3 of 5 members voting in favor) is required for ordinances, resolutions and contracts. All other items may be approved by a majority of the members present unless one member calls for a statutory majority vote.

***Motions:*** There are a number of types of motions, each of which must meet certain requirements before a vote can be taken.

***Reconsideration:*** Reconsideration of an item shall be allowed in accordance with the following Council guidelines. Resubmittal of issues previously acted upon is discouraged; however, requests will be considered by a majority vote of the Council. A member of the

prevailing majority, when the previous vote was taken, must make a motion for reconsideration. The Avon Town Council has determined that any motion for reconsideration should be made within two meetings of the previous action. No motion for reconsideration will be entertained after this deadline unless the Town Council determines significant new information has arisen which warrants such action. If a member is absent from a meeting(s), a motion for reconsideration may be entertained on the first meeting of his/her return.

### **Notification and Advertising**

The town attempts to publicize matters of significant neighborhood or community public interest, which appear on a Town Council or Planning Commission agenda, as well as all matters where advertising is required by law. Advertisements may include location maps, project descriptions and, in some instances posting of property, if required, written in plain English in order to fully inform all interested individuals.

### **Development of Agenda**

Staff is required to submit reports for a Thursday Council meeting to the Town Manager by 4:30 p.m. on Thursday the week preceding the meeting. A copy of the draft agenda is transmitted to the Council President for review on the Thursday prior to the meeting. The Agenda is prepared by the Town Manager with the approval of the Council President. The Town Manager reviews reports, and prepares a summary of agenda items Friday Morning. All agenda packets are delivered on Friday.

## **Chapter 9**

### **Additional Training & Resource Materials**

#### **Indiana Association of Cities and Towns (IACT)**

IACT is an association of all cities and towns in Indiana. It provides many levels of service including the production of educational conferences for local officials, publication of various newsletters and a monthly magazine called ACTIONLINES. IACT also has lobbyists on staff that represent the interest of cities before the state legislature and federal government. IACT has an internet web site at [www.citiesandtowns.org](http://www.citiesandtowns.org). IACT has various committees consisting of local elected officials. IACT also host regional roundtables of local elected officials to discuss important issues and network with other officials. IACT also has an annual conference held in the fall.

#### **International City Management Association (ICMA)**

ICMA is a professional association of local government chief executives. The association has an extensive list of publications to assist local officials. The Association's Elected Officials Handbook series can be of great value to Council members. Publications have also been developed on every basic town service.

#### **Other Reference Material on File**

Other reference material, which may be of interest, is on file with the Town Clerk. Materials include:

Elected Officials Handbooks:

- Setting Goals for Action: An Overview of Policy Development
- Building a Policy-Making Team
- Setting Policies for Service Delivery
- Pursuing Personal Effectiveness

Town of Avon Municipal Code

Indiana State Code Books

The Open Door Law and Access to Public Records Act

Serving your Community: The Role of the Council (IACT)

Working Together: A Guide for Elected and Appointed Officials (ICMA)

Building Citizen Involvement: Strategies for Local Government (ICMA)

Council Effectiveness Packet (Town of Avon)

Town Budget

## **Chapter 10**

### **Leaving Office**

#### **Return of Materials and Keys**

During their service on the Town Council, members may have borrowed Town materials such as books or other documents. These items, along with keys to the Town Hall, are to be returned to the town at the conclusion of a member's term.

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