

Town of Georgetown, Indiana

Ordinance G-09-01

**AN ORDINANCE ADOPTING
THE OVERVIEW OF ROLES, RESPONSIBILITIES
AND RULES FOR ELECTED AND OTHER TOWN OFFICIALS**

**BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF GEORGETOWN, INDIANA, THAT:**

WHEREAS, pursuant to Indiana Code 36-1-3-5, the Town Council for the Town of Georgetown, Indiana, exercises both the legislative and executive functions of town government; and,

WHEREAS, pursuant to Indiana Code 36-1-3-6, the Town Council must adopt an ordinance for prescribing the method for exercising its powers; and,

WHEREAS, the Town Council desires Georgetown to be operated in a responsible and efficient manner; and,

WHEREAS, the Town Council desires that future town councils have the benefit of a written policy for the roles, responsibilities and rules for elected and other town officials.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1: The Town Council shall adopt a written policy for the overview of roles, responsibilities and rules for elected and other town officials.

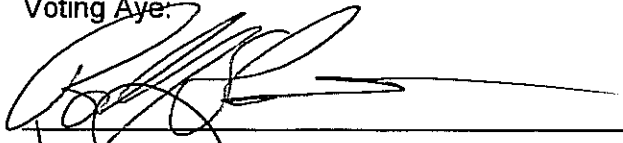
SECTION 2: The article attached to this ordinance shall be known as the "Overview of Roles, Responsibilities and Rules for Elected and Other Town Officials".

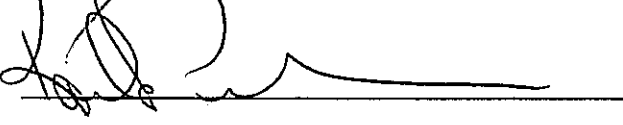
SECTION 3: The Clerk/Treasure shall give a copy of the "Overview of Roles, Responsibilities and Rules for Elected and Other Town Officials" to all persons who qualify as a candidate for town government during an election year.


SECTION 4: SEVERABILITY. Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.

ADOPTED by the Town Council of the town of Georgetown, Indiana, this 6 day of JANU, 2009.


Voting Aye:







Voting Nay:



Handwritten signature

Attested by:

Douglas Cook

Douglas Cook, Georgetown Clerk/Treasurer
Town of Georgetown
Georgetown, Indiana

Overview of Roles, Responsibilities and Rules For Elected & Other Town Officials

ELECTED OFFICIALS

The Town Council, also known as the Council, governs the town and exercises both the legislative and executive functions of government. The Council may exercise any power it has to the extent that the power is not expressly denied by the Indiana Constitution or by statute, and is not expressly granted to another entity, per IC 36-1-3-5. In order to exercise its power, the Council must adopt an ordinance or resolution, per IC 36-1-3-6.

The Town Council shall appoint the Town Marshall, other employees and counsel, as the Council deemed necessary at its first meeting of the year. Any time during the year, the Council may appoint any other persons as necessary.

The Clerk/Treasurer serves as town clerk and chief fiscal officer, per IC 36-5-6. The Clerk/Treasurer is responsible for maintaining the books for the town's utilities and is authorized to appoint deputies and employees subject to authorization by the Town Council. Such employees serve at the pleasure of the Clerk/Treasurer, per IC 36-5-6-7.

The Town Council shall provide office space to the Clerk/Treasurer for his/her staff and for the town's records, per IC 36-5-6-5.1. The Council shall set the hours of operation of the Town Hall.

There are no limitations to the number of terms an elected town official may serve. All elected officials must reside in the town and the district in which they are selected. If any elected official moves out of their district or the town itself, he will forfeit his office.

All Town Council Members and the Clerk/Treasurer must:

- perform all duties and responsibilities allowed under Indiana's Home Rule, per IC 36-1-3-5 and the town's ordinances,
- keep informed of all town ordinances,
- keep informed of the town's Personnel Policies Manual,
- fully participate in Council meetings and other public forums while demonstrating respect, consideration, and courtesy to others,
- prepare in advance of Council meetings and be familiar with issues on the agenda,
- stay focused and act efficiently during public meetings,
- participate in scheduled activities to increase team effectiveness and review Council procedures,
- participate in the town's yearly budget review,
- follow the proper "chain of command" in regards to management of town employees,
- refrain from disrupting or interfering with the individual actions of town employees, except the Clerk/Treasurer may exercise management over employees in the Clerk Treasurer's office,
- not solicit political support from town employees or engage in conduct that violates IC 35-44,
- demonstrate honesty and integrity in every action and statement,
- inspire public confidence in Georgetown's government,
- serve as a model of leadership and civility to the community,
- represent the town at ceremonial functions at the request of the Town Council President, and
- attend a "Newly Elected Officials" training seminar, sponsored by the Indiana Association of Cities & Towns (IACT) or similar training conducted by the town officials, at least once per elected term.

The Town Council President:

- shall be elected by the Town Council to serve a one year term beginning January 1st and ending at the first Council meeting the following January, with no limit upon the number of times a council member can be elected President of the Council, per IC 36-5-2-7, and upon resignation, the Town Council shall elect a president at its next Council meeting,

- is the town's Chief Executive Officer, per IC 36-5-2-2,
- may revoke or suspend any license issued by the town if the person holding the license has violated the terms or conditions of the license or of the law under which it was issued, per IC 36-5-4-11,
- appoints members to the Planning & Zoning and the Board of Zoning Appeals, per IC 36-7-4-207 through 216 and IC 36-7-4-902,
- appoints a member to the River Hills Economic Development District with the Town Council approval,
- appoints a safety representative per OSHA rules and regulations,
- reviews and revises the town yearly budget estimate, per IC 36-5-3-3,
- signs documents on behalf of the town,
- chairs Council meetings,
- approves the agenda for the Council meetings,
- serves as the highest elected official during declared state-of-emergencies,
- serves as the liaison between the Council and the Clerk/Treasurer, Public Works Director, Town Marshall, Town Attorney and other town officials in regards to employee relations,
- serves as Chairperson of the Human Resources Committee,
- serves as official delegate of the town,
- recommends subcommittees as appropriate for Council approval,
- acts as spokesperson for the town,
- acts as the official head of the town for all ceremonial purposes,
- selects substitutes for town representation when President cannot attend, and
- leads the Council into an effective, cohesive working team.

The Town Council President will chair official meetings of the Town Council, unless the Vice-President or another Council Member is designated as Chair of a specific meeting, per IC 36-5-2-7. Duties of the Chair include:

- maintaining order, decorum and the fair and equitable treatment of all speakers,
- keeps discussion and questions focused on specific agenda item under consideration,
- makes parliamentary rulings with advice, if requested, from the Town Attorney who acts as an advisory parliamentarian, which rulings may be overturned by a majority of the Council.

The Town Council Vice-President:

- shall be elected by the Town Council to serve a one year term beginning January 1st and ending at the first Council meeting the following January, with no limit upon the number of times he can be elected Vice-President of the Council,
- performs the duties of the President if the President is absent or disabled,
- represents the town at ceremonial functions at the request of the President,
- chairs Council meetings at the request of the President, and
- serves as Vice-Chairperson of the Human Resources Committee.

The Rules of Procedure for the Town Council are as follows:

Meetings

- The Town Council is required to hold its first regular meeting in January after the town election, per IC 36-4-6-7.
- The Council shall establish the time and day of its regular monthly meetings during the first meeting of the year.
- Special Council meetings may be called by the Town Council President when necessary; or by a vote of three or more members of the Council.
- Public notice of meetings must be given at least 48 hours before the meeting starts, per IC 5-14-1.5-5.
- All meetings shall adhere to and are subject to Indiana's Open Door Law, IC 5-14-1.5.

- A majority of all the elected members of the Council constitutes a quorum for conducting business, per IC 36-5-2-9.2.
- When the quorum of the Council is only four members, the Clerk-Treasurer is an ex officio member of the Council solely for the purpose of casting the deciding vote to break a tie, per IC 36-5-2-8.
- An agenda shall be used for all regular Council meetings. Such agenda must be posted outside the meeting room and made available to the public, per IC 5-14-1.5-4.
- An agenda does not have to be used for special Council meetings, per IC 5-14-1.5-4.
- During meetings, the Chair may only add additional business to the agenda upon the approval of a simple majority of the Council Members.
- The most recent edition of "Robert's Rule of Order" shall be the authority on all questions of parliamentary law and procedure not specifically covered by this article.
- All matters of a general and ongoing nature, which establish fees, which regulate conduct, which prescribe penalties, or which are required by statute to be addressed by ordinance, shall be submitted in the form of an ordinance.
- Declarations of position by the Council and items of a special and nonrecurring, which are not required by statute to be addressed by ordinance, shall be submitted in the form of a resolution.
- Matters not otherwise addressed by ordinance or resolution may be considered by motion.
- When introducing ordinances and resolutions, its entire text must be read during the public meeting, unless, copies of the ordinances and resolutions are made available to the public. If so, then only the caption is required to be read. A rule, regulation, ordinance, or other final action adopted by reference to agenda number or item alone is void per IC 5-14-1.5-4.
- All ordinances and resolutions shall be presented in written form only.
- Motions may be requested to be in written form, as instead of orally, by members of the Council.
- Ordinances, with the exception of a zoning ordinance or amendment to a zoning ordinance, require two readings and votes on two different days and meetings, with the second reading and vote to be binding with a majority yes vote; unless 2/3 vote of all the elected members (four members), after unanimous consent of the members present to consider the ordinance or resolution, vote yes, then the ordinance or resolution can be passed on the same day and same meeting at which it is introduced, per IC 36-5-2-9. Unanimous consent is always presumed, unless a Council Member makes an objection to consideration.
- A zoning ordinance or amendment to a zoning ordinance must comply with IC 36-7-4-602.
- To amend or repeal an ordinance or resolution, it requires the same procedure as to pass an ordinance or resolution.
- All motions shall be restated by the Chair, before asking for a second, and allowing debate.
- All motions shall be restated by the Chair, before a vote is taken.
- Council Members shall abstain from a vote of a motion, ordinance, or resolution if there exists a substantial conflict with the Member's personal or pecuniary interests and the subject matter under consideration. The Council Member must fully disclose the nature of the conflict of interest to the Chair. The Chair shall rule if a conflict of interest exists and if no conflict exists the Chair may compel the Member to vote yes or no.
- A "Call to Question" motion shall be proper when each Member has had the opportunity to address the issue under debate. "Call to Question" motion doesn't require a "second" and upon said motion, all debate ceases and a vote of the motion are taken.
- There will be time allotted at the beginning and ending of the meeting for public comments
- The Chair, upon recognizing a member of the public, shall limit the time allowed to address the Council to no more than 5 minutes, unless a majority of the Council Members present vote to extend such time period.
- No member of the public may speak twice on the same subject unless every one had an opportunity to speak and then a 3-minute time limit is imposed. A majority of the Council Members present may vote to extend the allotted time.
- A member of the public may request to be put on the agenda for the following meeting should any comments or questions require extra consideration.

- Except during the public comments period, the Chair has the prerogative to allow or not allow public input during meetings and reserves the right to limit any and all public input, unless the meeting is a hearing where public input is required.
- The Sergeant-of-arms shall be the Police Chief or in his/her absence, a member of the town's police department.
- The Clerk-Treasurer shall attend all meetings and make and keep accurate minutes, or in his/her absence, one of the Clerk-Treasurer's staff, per IC 36-4-6-9.
- Regular town council meetings shall conduct its order of business as follows:
 - Call to Order
 - Pledge of Allegiance
 - Roll Call
 - Approval of Minutes
 - Public Petitions and Comments/Questions of Agenda Items Only
 - Department and Committee Reports
 - Unfinished Business
 - New Business
 - Approval of Claim Docket and Signing of Purchase Orders
 - Miscellaneous Business
 - Public Comments of Any Concerns
 - Individual Council Member Comments
 - Announcements
 - Adjournment
- The Chair may modify the Council Meetings in order to make the meetings run smoothly.

Public Hearings

- Council Members will not express opinions during the public hearing of the meeting except to ask pertinent questions of the speaker or staff.
- Council Members shall refrain from argument or debate with the public during a public hearing.
- The Chair will determine the length of time allowed for presentations.
- Members of the public shall have three minutes to speak.
- The applicant or appellant shall have the right to speak first and to make closing comments.
- The Chair may modify the public hearing in order to make the meeting run smoothly.

Executive Sessions

An executive session is a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose, per IC 5-14-1.5-2(f).

- All executive sessions shall adhere to IC 5-14-1.5-2(f).
- An executive session cannot be conducted during a meeting, and a meeting cannot be recessed in order to meet in executive session and then be reconvened, per IC 5-14-1.5-6.1.
- Public notice must be given in the same manner of a regular meeting, with reference to the statute authorizing the executive session.
- Minutes of the executive meetings must contain a certification by the Town Council that no subject matter was discussed other than the subject matter specified in the public notice.

Gatherings and Serial Meetings

A serial meeting is a series of small meetings held by a governing body in an attempt to avoid the requirement of the Open Door Law. By definition the serial meeting law can only be violated by governing bodies of six or more members, per IC 5-14-1.5-3.1. As the Town Council has only five members, it cannot violate the serial meeting law. However, meetings of a majority of the Council, three members or more, without public notice would violate open door laws. Any council member may call or meet with any other council member, as long as there are not more than two members present at such meetings. Although not subject to the serial meeting law, IC 5-14-1.5-3.1 recognizes that telephonic participation or texting, but not email, may be sufficient to constitute participation at a meeting. The intent of the open door laws is to be liberally construed to assure that action is taken openly. Accordingly, the Council members should always avoid discussion of town matters with three or more Council Members.

Allowable Meetings, per IC 5-14-1.5-3.1, consist of the following:

- any social or chance gathering not intended to avoid the law,
- any on-site inspection of any project or program, or facilities of applicants for incentives or assistance from the town council,
- traveling to and attending meetings related to better government,
- a caucus of political party members as defined under IC 5-14-1.5-3.1,
- a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources,
- an orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action,
- a gathering for the sole purpose of administering an oath of office to an individual, and
- a gathering between less than a majority of the members of the governing body intended solely for members to receive information and deliberate on whether a member or members may be inclined to support a member's proposal or a particular piece of legislation and at which no other official action will occur.

Chain of Command

Although the town may not engage in unconstitutional restraints upon speech, it is in the best interests of council members to avoid excessive interaction with the operations of the town, which is conducted by employees. The following chain of command is, therefore, recommended for communication between Council members and town employees:

- All employee issues should be referred to the employee's respective department heads.
- Any allegation of wrongdoing or substandard performance should be addressed with great care to avoid repetition of slanderous or libelous statements about persons affected. Information concerning alleged misconduct may be received in executive session, and employee job performance may be discussed in executive session.
- The Town Council President shall mediate any grievances between town officials
- All non-elected town officials shall report to the Town Council President who in turn reports to the Town Council.
- The Town Council President is the Chief Executive Officer of the town, and with the exception of the Clerk/Treasurer, has the authority to compel all town employees and appointed officials to perform their lawful duties, with the exception of directing law enforcement in executing arrest powers.

TOWN CLERK/TREASURER

The powers and duties of the Clerk/Treasurer include the following:

- receive and care for all town money and pay the money out only on order of the Town Council,
- keep accounts showing when and from what sources the Clerk/Treasurer has received town money and when and to whom the Clerk/Treasurer has paid out town money,
- prescribe payroll and account forms for all town offices,
- prescribe the manner in which creditors, officers, and employees shall be paid,
- manage the finances and accounts of the town and make investments of town money,
- prepare for the legislative body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate,
- maintain custody of the town seal and the records of the legislative body,
- issue all licenses authorized by statute and collect the fees fixed by ordinance,
- serve as clerk of the Town Council by attending its meetings and recording its proceedings,
- administer oaths, take depositions, and take acknowledgment of instruments that are required by statute to be acknowledged, without charging a fee,
- may hire or contract with competent attorneys or legal research assistants on terms the Clerk/Treasurer considers appropriate Appropriations for the salaries of attorneys and legal research assistants employed shall be approved in the annual budget and must be allocated to the Clerk/Treasurer for the payment of attorneys' and legal research assistants' salaries

- may solemnize marriages, per IC 31-11-6-1,
- ex officio member of the Town Council solely for the purpose of casting the deciding vote to break a tie, per IC 36-5-2-8,
- perform all other duties prescribed by statute.

PUBLIC WORKS DIRECTOR

The Public Works Director acts as the liaison between the general public and the offices of the Town Council by responding to the needs of the citizens and taking independent actions based on personal judgment in the delivery of services.

The essential duties and responsibilities of the Public Works Director, unless a written order of the Town Council provides otherwise, are as follows:

- responsible for the administrative duties of the Council,
- attend meetings of the Council and recommend actions that are considered advisable,
- hire Public Works Department employees according to the pay schedules and standards fixed by the Council and/or other statute with the approval of the Council,
- suspend, discharge, remove or transfer such Public Works Department employees as deemed necessary for the welfare of the town with the approval of the Council,
- administer and enforce all administrative ordinances, lawful orders and resolutions of the Council,
- see that administrative statues and/or other regulatory issues required to be administered by the Council or a town officer subject to the control of the Council are faithfully administered,
- assist with budget estimates and submit them to the Council when required,
- works with the Clerk/Treasurer to develop and manage the financial operations of the Public Works Department,
- execute contracts on behalf of the town for materials, supplies, services, or improvements as approved by the Town Council,
- review and project town responsibilities and recommend methods to achieve and/or maintain same,
- establish, enforce and maintain personnel policies and performance standards relevant to the orderly functioning of the operations of the town's municipal utilities, street department and other municipal divisions with the exception of the police department and the Clerk/Treasurer's office,
- perform as special projects officer as directed by the Council,
- perform managerial duties for all municipal utilities, street department and other municipal divisions, with the exception of the police department and the Clerk/Treasurer's office, to include maintenance of buildings and grounds as directed by the Town Council,
- perform supervisory responsibilities: coordinating, assigning, and scheduling work tasks, setting performance standards, evaluating achievements of such standards, insuring training and certifications as required, proving job related counseling and developmental guidance,
- demonstrate honesty and integrity in every action and statement,
- inspire public confidence in Georgetown's government,
- Shall not solicit political support from town employees or engage in conduct that violates IC 35-44,
- perform or delegate the performance of the duties of the town's Water Operator,
- perform all other lawful duties as directed by the Town Council President.

TOWN MARSHAL

The Town Council at its first meeting of the year shall appoint the Town Marshal, also known as the Chief of the Police. The Town Marshal is appointed to term of one to four years with no limits to the times he/she may be appointed to serve with the exception that the Town Marshal term can't exceed the term of office of the Council.

- demonstrate honesty and integrity in every action and statement,
- inspire public confidence in Georgetown's government,
- serve as a model of leadership and civility to the community, and
- not solicit political support from town employees.