ORDINANCE 1552

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.04 AND 2.20, OF THE CODE OF ORDINANCES OF THE CITY OF BLUFFTON, INDIANA

WHEREAS, the Common Council ("**Council**") of the City of Bluffton, Indiana ("**City**") has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens;

WHEREAS, the Council has discussed changing the meeting dates for the Council to schedule regular meetings on the first and third Tuesdays of each month, to commence at 6:00 p.m., as well as other provisions of Title 2, Chapter 2.04 and 2.20 of the City's Municipal Code in order to bring the Code up to date;

WHEREAS, the Council now finds that the interests of the citizens of the City would be best served by amending Title 2, Chapter 2.04 and 2.20 of the City's Municipal Code, to, among other items therein addressed, schedule regular meetings of the Council on the first and third Tuesdays of each month to begin at 6:00 p.m.

WHEREAS, Exhibit A attached to this Ordinance depicts the amendments and changes to be made to Title 2, Chapter 2.04 and Exhibit B attached to this Ordinance depicts the amendments and changes to be made to Title 2, Chapter 2.20.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA, AS FOLLOWS:

Section 1: Title 2, Chapter 2.04 of the City's Municipal Code of Ordinances is hereby amended and replaced in its entirety with Exhibit A attached to this Ordinance.

Section 2: Title 2, Chapter 2.20 of the City's Municipal Code of Ordinances is hereby amended and replaced in its entirety with Exhibit B attached to this Ordinance.

Section 3: All prior Ordinances which conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall take effect immediately upon adoption by the Common Council, approved by the Mayor and publication as required by law.

Adopted by the Common Council of the City of Bluffton, Indiana, ~~23rd~~ 21st day of December 2021, by the following vote:

AYES ___, to-wit:	NAYS ___, to-wit:	ABSENT ___, to-wit:

Mayor John S. Whicker, Presiding Officer

ATTEST:

~~Tamara D. Runyon, IAMC, MMC, CPFA~~
City Clerk-Treasurer, Deputy.

Presented by me to the Mayor of the City of Bluffton, Indiana, at 7:00 o'clock p.m. ~~23rd~~ 21st day of December, 2021.

~~Tamara D. Runyon, IAMC, MMC, CPFA~~
City Clerk-Treasurer, Deputy

Approved by me ~~23rd~~ 21st day of December, 2021.

Mayor John S. Whicker

EXHIBIT A

To Ordinance No. 1552

CHAPTER 2.04 ADMINISTRATIVE ORGANIZATION OF CITY

2.04.010 ORGANIZATION

The Government of the City of Bluffton shall consist of five (5) branches, as follows:

A. Executive Branch, I.C. § 36-4-5;
B. Legislative Branch, I.C. § 36-4-6;
C. Fiscal Branch, I.C. § 36-4-10;
D. Judicial Branch, I.C. § 33-10.1-1.3; and
E. Statutory Boards and Commissions.

2.04.020 EXECUTIVE BRANCH

The City Executive Branch is hereby established and shall consist of the Mayor, the Board of Public Works and Safety, the Department of Law, and any other boards or commissions established by ordinance or resolution, each with the appropriate powers and duties as designated in this Code or the enabling ordinance or resolution.

2.04.021 MAYOR

The Mayor is the City executive and the head of the Executive Branch. He or she shall faithfully perform the duties and responsibilities as set out in I.C. § 36-4-5 as well as all other applicable statutes of the State of Indiana.

2.04.022 BOARD OF PUBLIC WORKS AND SAFETY

There is hereby established a Board of Public Works and Safety within the Executive Branch. Said Board shall be the chief administrative body of the City and shall have control of the day-to-day operations of the following executive departments, which are hereby established:

A. Police Department,
B. Fire Department,
C. Utilities Department (consisting of the acquisition of electrical power and the maintenance of a distribution system, sewage collection and disposal system, the waterworks system, and storm water maintenance and control),
D. Street Department, and
E. Building Department.

2.04.023 DEPARTMENT OF LAW

There is hereby established a Department of Law pursuant to I.C. § 36-4-9-11 and 12, consisting of the City Attorney. The City Attorney shall represent all departments, boards and commissions operating on behalf of the City and he or she shall be a licensed, practicing attorney, admitted to and in good standing with the Indiana Bar, and a resident of Wells County. Deputy attorneys shall be employed as needed.

2.04.024 POWERS AND DUTIES
Subject to the appropriation power of the Common Council, the above and foregoing departments shall have the ability to hire such employees, and purchase or contract for such materials or services, as the Board of Public Works and Safety or other governing board or commission deems necessary to perform their public functions.

2.04.025 APPOINTMENT TO BOARD OF PUBLIC WORKS AND SAFETY OR DEPARTMENT HEAD
The members of the Board of Public Works and Safety are the Mayor and two persons who shall be chosen by the Mayor in accordance with the law of Indiana and who shall serve at his or her pleasure. The Chiefs of Police and Fire Departments, and the heads of the Department of Law, Utilities, Building Department, Street Department are appointed by the Mayor and serve at his or her pleasure.

2.04.030 LEGISLATIVE BRANCH
The Legislative Branch of the City of Bluffton is the Common Council. The Common Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the City and to perform other necessary and desirable legislative functions.

2.04.031 CLERK OF THE COUNCIL
The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by I.C. § 36-4-6-9 and such other duties as the Council may direct, and shall prepare the memorandum of the Council meeting pursuant to the requirements of IC 5-14-1.5-4.

2.04.032 REGULAR MEETING DATE, TIME AND PLACE; SPECIAL MEETINGS
The Common Council shall hold its first meeting of the year on the first Tuesday in January. Thereafter, the regular meeting date, time and place for the Common Council shall be at 6:00 o'clock P.M. on the first and third Tuesday of each month in the Common Council Chambers in the City Building, unless proper notice of a regular meeting provides for a different time and/or location. Special meetings of the Common Council shall be held when called by the Mayor or as provided by the rules of the Common Council.

2.04.033 PRESIDING OFFICER OF THE COUNCIL
The Mayor or, in the absence of the Mayor, the president *pro tempore* of the Council shall be the presiding officer of the Council pursuant to I.C. § 36-4-6-8 and meetings shall be conducted pursuant to the applicable statutes: I.C. §§ 36-4-6-10 through 36-4-6-17, and in accordance with the following rules:

A. Order of Business: The order of business to be followed at the meeting of the Common Council shall be as follows:

1. Call to order and roll call,
2. Invocation,
3. Reading, if not previously circulated among the Council members, and approval of minutes of the previous meeting,
4. Unfinished business,

5. New business, including introduction of ordinances and resolutions,
6. Comments from Council members or citizens, and
7. Adjournment.

B. Contempt and Disorder in Council Room: No person shall use violent or contemptuous language, behave in a disorderly manner or otherwise refuse to obey the orders of the Mayor or presiding officer in the Council room while the Council is in session. The Mayor or presiding officer may order the removal from the Council room anyone who disturbs the decorum of a Council meeting.

C. Introduction and Adoption of Ordinances and Resolutions:

1. All proposed ordinances shall be delivered to Council members, together with a copy of the agenda for the meeting at which the ordinance is to be introduced at least seventy- two (72) hours prior to the meeting, except in situations in which an emergency exists or other circumstances prevent delivery prior to the meeting.
2. A majority of all elected Council members constitutes a quorum. All ordinances must be introduced at a meeting of the Council and, if not presented to the Council members at least seventy- two (72) hours prior to the meeting, shall be read not less than one time before being considered for final passage. A majority vote of the Council members present at a meeting at which a quorum exists is required to pass an ordinance, unless a greater vote is required by Indiana law. No ordinance shall be passed on the same day in which it is introduced, except in accordance with the procedure provided in I.C. § 36-4-6-13, which passage requires a two-thirds ($^2/_3$) vote of all elected Council members, after unanimous consent of the Council members present to consider the ordinance at the meeting at which the ordinance was introduced.
3. Resolutions shall be subject to the same rule in the method of introduction as ordinances, but may be adopted at the meeting at which the resolution was introduced upon receiving the approval of a majority of the Council members present at a meeting at which a quorum of Council members are present.
4. On final passage of any ordinance, the ayes and nays shall be entered in the record, and the ordinance shall be processed in accordance with I.C. §§ 36-4-6-14 through 36- 4-6-17.
5. This shall be the procedure for adoption of ordinances and resolutions by the Council unless Indiana law requires a different procedure.

D. Questions of Order: The Mayor or presiding officer shall decide all questions of order pursuant to the rules set forth in this ordinance, or where this ordinance does not provide for said question of order, according to Robert Rules of Order.

E. Suspension of Rules: The Presiding Officer may change the order of business from that as required in 2.04.033 A. The rules for the adoption of ordinances and resolutions can only be suspended by a unanimous vote of the Council at a meeting at which not less than two-thirds ($^2/_3$) of all elected Council members are in attendance.

F. Abstentions: Abstentions from voting, except in situations where the abstention results from a Council member's determination, made and announced prior to the vote, that he

or she will not vote on the question due to a conflict of interest, will be recorded as such, and will not be counted in the tallying of the vote unless it is necessary to break a tie, in which case an abstention will be considered a nay vote. Abstentions resulting from conflicts of interest will not be considered in determining the vote. Abstentions will not affect the determination of a quorum.

2.04.034 COMMON COUNCIL

The Common Council shall be comprised of five (5) members, four (4) of whom are elected from distinct districts and one (1) of whom is elected by the voters of the City at large. Redistricting of council districts shall be done in 1982 and every ten (10) years thereafter in accordance with I.C. §§ 36-4-6-4 and 36-4-6-5. Commencing with the election to be held in 2023 for a Common Council to be seated January 1, 2024, the Common Council shall be comprised of seven (7) members, five (5) of whom are to be elected from distinct districts and two (2) of whom are to be elected by the voters of the City at large.

2.04.050 FISCAL BRANCH

The Clerk-Treasurer is the fiscal officer of the City and the head of the fiscal branch. He or she shall perform the duties assigned by I.C. § 36-4-10 and such other duties as the Common Council may, by ordinance, require.

2.04.051 APPOINTMENT OF CITY CLERK EMPLOYEES

The Clerk-Treasurer is hereby authorized, pursuant to I.C. § 36-4-11-4, to appoint deputies and employees as authorized by the Common Council. Such deputies or employees shall work under the exclusive direction of the Clerk-Treasurer and serve at the pleasure of the Clerk-Treasurer.

2.04.052 WORKING RELATIONSHIPS – CITY CLERK

The Clerk-Treasurer shall furnish space within his or her office for the financial, administration and other records of the City. The various deputy clerks other employees of the Clerk-Treasurer needed to manage the bookkeeping and administrative requirements of the Clerk-Treasurer's office as authorized by the Council shall be appointed by the Clerk-Treasurer. The deputy clerks serve at the pleasure of the Clerk-Treasurer.

2.04.053 WORKING RELATIONSHIPS – CITY UTILILTIES

The Utility Superintendent shall furnish space within his or her office for the administration and records of the City's utility departments. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities department shall be appointed and compensated by the Board of Public Works and Safety. The utility clerks serve at the pleasure of the Board of Public Works and Safety.

2.04.060 JUDICIAL BRANCH

There is hereby established effective January 1, 1984, a City Court of Bluffton to be headed and operated by a City Judge elected and seated pursuant to I.C. § 33-10.1-1-3.

EXHIBIT B

To Ordinance No. 1552

CHAPTER 2.20 STATUTORY BOARDS AND COMMISSIONS

2.20.010 PARKS AND RECREATION BOARD

There is hereby established a Park and Recreation Board established pursuant to I.C. § 36-10-3 and having the power, duties and responsibilities as set forth therein.

2.20.020 DEPARTMENT OF ECONOMIC DEVELOPMENT

There is hereby established a Department of Economic Development consisting of the Economic Development Commission organized under I.C. § 36-7-12 and having the powers, duties and responsibilities as set forth therein.

2.20.030 THE DEPARTMENT OF REDEVELOPMENT

The Department of Redevelopment, as established by Ordinance No. 1248, passed August 22, 2006, is hereby confirmed. The Department of Redevelopment shall consist of a Redevelopment Commission to be organized under and shall possess the powers enumerated in I.C. § 36-7-14 and 25.

2.20.040 POLICE PENSION BOARD OF TRUSTEES

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by I.C. § 36-8-6 (1925 Fund) and I.C. § 36-8-8 (1977 Fund) concerning the statutory pensions of city police.

2.20.050 FIREFIGHTERS PENSION BOARD OF TRUSTEES

There shall be a Firefighters' Pension Board of Trustees to perform certain duties prescribed by I.C. § 36-5-7 (1925 Fund) and I.C. § 36-8-5 (1977 Fund) concerning the statutory pensions of city firefighters.