

Montgomery County Board of Commissioners

Ordinance 2025-9

Amending Rules of Procedure

WHEREAS, the Montgomery County Code of Ordinances and Board of Commissioners Rules of Procedure govern how the Board of Commissioners conducts its meetings; and

WHEREAS, the location of the Board of Commissioners meetings should be amended to the Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row, Crawfordsville, Indiana; and

WHEREAS, the Order of Business at a regular meeting Article V. Order of Business, Section 1. Regular Meetings Item 3, should be amended to Consent Agenda.

IT IS, THEREFORE, ORDAINED that the Board of Commissioners hereby amends Title III, Chapter 31, Article III. Meetings, Section 1. Regular Meetings, which shall be amended Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row, Crawfordsville, Indiana.

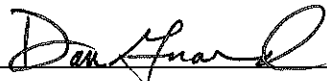
IT IS FURTHER ORDAINED that the Order of Business at a regular meeting hereby amends Title III, Chapter 31, Article V. Order of Business. Section 1. Regular Meetings, Item 3. shall be amended to Consent Agenda.

IT IS FURTHER ORDAINED that this Ordinance shall become effective upon adoption and that all other provisions of the Montgomery County Code of

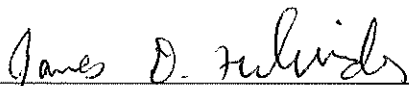
Ordinances and the Board of Commissioners Rules of Procedure not specifically amended by this Ordinance shall remain in full force and effect.

Adopted this 10 day of March, 2025.

**MONTGOMERY COUNTY BOARD
OF COMMISSIONERS:**



Dan Guard, President



James D. Fulwider, Vice President



Jake Bohlander, Member

Attest:



Mindy Byers, Auditor

RULES OF PROCEDURE

of the

BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, INDIANA

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Article I. Authority and Duties

The Board of Commissioners of Montgomery County, Indiana (“the Commissioners” or “the Board”) serves as the executive and legislative body of Montgomery County. The Board will perform the duties as required by state law and other responsibilities as may be required by county ordinance.

Article II. Members and Officers

Section 1. Members

The Board consists of three (3) members elected under Indiana Code § 3-10-2-13 and in accordance with Indiana law. Two of the members of the Board are elected in the general election in 2016 and every four years thereafter, and one member of the Board is elected in the general election in 2018 and every four years thereafter. The term of office is four (4) years, beginning January 1 after the general election and continuing until a successor is elected and qualified.

Section 2. Officers

At its first regularly scheduled meeting each year, the Board will select from its membership a President and a Vice President, each of whom will serve the balance of the calendar year.

The President will preside over meetings and hearings, decide questions of order or procedure unless otherwise directed by a majority of the members, and preserve decorum during meetings.

The Vice President may act as President in the absence or disability of the President.

Article III. Meetings

Section 1. Regular Meetings

The Board will hold regular meetings on the second and fourth Mondays at 8 o'clock a.m. and at other times as needed to conduct all necessary business. The dates of regular meetings will be established by resolution at or before the first meeting in February of each year. The meetings will be held in the **Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row,** ~~Commissioner's room on the first floor of the Montgomery County Courthouse, Room 103, 100 East Main Street,~~ Crawfordsville, Indiana, unless a different location is designated and proper notice is given. If a regular meeting date falls on a legal holiday or other date on which the County offices are closed, or if a meeting cannot be held at that time or place, the meeting will be rescheduled.

Section 2. Special Meetings

As provided in Indiana Code § 36-2-2-8, special meetings may be called by any Commissioner or by the County Auditor, the County Clerk if the office of auditor is vacant, or the County Recorder if the offices of Auditor and Clerk are both vacant. An officer calling a special meeting will give at least six (6) days' notice of the meeting unless the meeting is called to deal with an emergency under Indiana Code § 5-14-1.5-5. The notice must include a specific statement of the purpose of the meeting and the Board may not conduct any unrelated business at the meeting.

Section 3. Agenda

The Board will utilize an agenda for its meetings, unless unusual circumstances preclude the preparation of an agenda. The President will prepare the agenda and provide it to the County Auditor and the Commissioners' Executive Assistant for dissemination and posting. The agenda will identify all items for the Board's consideration at the meeting. The agenda will be provided to the Board

members and shall be available for public inspection at least two (2) business days before a regular meeting. The Board may by a majority of its members present, modify the order of the agenda items. Requests to add items to the agenda should be made to the President. If the President refuses to add the item to the agenda, a majority of the Board members may vote to suspend this rule and add the item for discussion purposes only. The Board may take action on an item at the same meeting at which the item is added to the agenda only if all Board members unanimously vote to allow action to be taken. The Board may use a consent agenda for items which usually do not require substantial deliberation, and the items for consideration on the consent agenda will be listed separately on the agenda. All items in the consent agenda may be approved with a single vote of the Board. The consent agenda will be placed on the agenda immediately after the calling of roll of the members. Any member of the Board has the right to request that an item be removed from the consent agenda. Items removed from the consent agenda will be placed on the agenda as the final item(s) of new business. Public comment may be allowed, at the discretion of the Board President, during discussion of an agenda item. Public Comment will be limited to three (3) minutes per speaker. The President may, in his discretion, place additional limits on the number of persons making public comment and/or the time allowed for each speaker as circumstances require.

Section 4. Cancellation

Any Board meeting may be cancelled by the President if there is no business scheduled which requires action or if a quorum cannot be assembled for the meeting.

Section 5. Minutes

The Commissioners' Executive Assistant will attend all meetings and prepare the draft minutes of meetings for consideration by the Board. The Commissioners' Executive Assistant will provide the draft minutes to the Commissioners and the Auditor at least two (2) business days prior to the next meeting of the Board. After approval of the minutes, with or without amendment, the County Auditor will maintain the minutes as part of the record of the Board. The minutes will include a record of the Commissioners present at the meeting, a short summary of the Board's action on each matter considered, each member's vote on each question presented, and if a member did not vote because of absence or disqualification. When approved, the minutes will be signed by the President and attested by the Auditor. The minutes and all Board records are public records, unless state law provides otherwise concerning any specific records.

Article IV. Official Action, Voting

Section 1. Quorum

A majority of the elected members constitutes a quorum. The Board may take action only by the vote of a majority of its members. A requirement that an ordinance, resolution, or other action be passed by a majority vote means at least a majority vote of all elected members. A requirement that an ordinance, resolution, or other action be passed by a two-thirds vote means at least a two-thirds vote of all elected members. A majority vote is required to pass an ordinance, unless a greater vote is required by statute. The unanimous consent of the members present is required to pass an ordinance on the same day or at the same meeting at which it is introduced. If only two (2) members are present at a meeting and they disagree on a question presented, the questions shall be continued to the Board's next meeting.

Section 2. Voting

The Board may vote by roll call vote, by show of hands or simultaneous voice vote. Each member present will vote on every matter unless he/she declares a conflict of interest and abstains.

Section 3. Reconsideration

Any Commissioner who voted with the majority on any matter may call for a reconsideration of the vote at the same Board meeting at which the matter passed and, if approved by a majority of the Board, the reconsideration will be ordered and the matter may be reopened for further discussion and a new vote.

Section 4. Electronic Participation

If a member of the Board of Commissioners cannot be physically present at a meeting, the member may participate by telephone or other electronic means under the following conditions and limitations:

(A) Declaration of Emergency. If the Governor of Indiana or the Montgomery County Board of Commissioners declare an emergency, as defined by House Enrolled Act 1437, then members of the Board members may participate in a meeting so long as a quorum of the elected members is either present in person or participating by electronic means and so long as members of the public are allowed to attend and observe in person and by electronic means. If any of the members participate electronically, all votes must be by roll call.

(B) No Emergency. If there is no declared emergency as provided for in subsection (A), then members may participate electronically so long as at least a quorum of the elected members is present in person at the meeting, members are able to communicate with each other, and members of the public are able to simultaneously observe and attend the meeting. Members participating electronically may vote if they can be seen and heard. Provided, however, members may not participate electronically in more than fifty percent (50%) of the Board's meetings during a calendar

year nor participate electronically in more than two (2) consecutive meetings, unless their absence is due to (1) military service, (2) illness or medical condition, (3) death of a relative, or (4) an emergency involving actual or threatened injury to persons or property. In addition, members may not participate electronically if the Board is taking final action to (1) adopt a budget, (2) make a reduction in personnel, (3) initiate a referendum, (4) establish or increase a fee, (5) establish or increase a penalty, (6) use eminent domain, or (7) establish, raise or renew a tax. All votes taken if a Board member is participating electronically must be by roll call. The minutes of the meeting must articulate which members are physically present, present electronically or absent and indicate the means of electronic participation used.

Article V. Order of Business

Section 1. Regular Meetings

The order of business at a regular meeting will be:

1. Call to Order;
2. Pledge of Allegiance & Prayer;
3. ~~Consent Agenda~~ Approval of Minutes;
4. Staff Reports;
5. Old Business;
6. New Business;
7. Other Business;
8. Adjournment.

Section 2. Special Meetings

The order of business for special meetings will be:

1. Call to Order;
2. The Business for Which the Special Meeting Was Called; and
3. Adjournment.

Article VI. Public Hearings

The Board will hold public hearings on any matter as required by state statute or county ordinance.

The Board may hold additional public hearings at such times and places upon such notices as it deems necessary. Notice of public hearings will be provided as required by state statute and county ordinance.

The person bringing the matter before the Commission is responsible for completing all required notices, will bear the costs, and will provide proof of providing the required notices.

Article VII. Tabling

A matter or motion may be tabled upon a motion made by any Commissioner, a second to the motion to table, and by a majority vote of the Board. A motion to table has priority over the pending matter and any related motions and should be acted upon before further action is taken on the matter. If a motion to table fails, the Board may continue with the matter at hand. If a motion to table passes, the matter will be tabled until the Board's next regular meeting, unless another date is stated.

Article VIII. Suspension and Amendments of Rules

The Board may suspend any of these Rules, so long as doing so would not result in any action contrary to statute or county ordinance, by a majority vote. The Board may amend these Rules by a majority vote.

Article IX. Conflict with Statute or Ordinance

If any term, provision, requirement, or procedure contained in these Rules is determined to conflict with any state statute or county ordinance, then the statute or ordinance will control.

Article X. Effective Date

The Montgomery County Board of Commissioners hereby adopts these Rules this 1st day of April, 2015. These Rules will take effect immediately and all rules of procedure previously adopted by the Board are hereby repealed. The Board may amend these rules at any time.

Adopted 4-1-15. Amended 8-27-18. Amended 9-____-21.